

IHRC

IRISH HUMAN RIGHTS COMMISSION
AN COMMISSION UMHUREACTA 2000



Irish Human Rights Commission
Annual Report 2006



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“Our mission is to promote and sustain the realisation, protection and awareness of human rights, equally, for all, in law, in policy and in practice”

Foreword

The year 2006 marked the final year of the Irish Human Rights Commission's (IHRC) first strategic plan, *Promoting and Protecting Human Rights in Irish Society – 2003–2006*. It is encouraging to note that most of the objectives set out in that plan were achieved and that almost all of the functions assigned to the Commission in our founding legislation are now being rolled out.

National human rights institutions are a relatively new phenomenon. A decade ago there were less than twenty worldwide. Today there are 60 'A' accredited national institutions and as many again aspiring to that accreditation. In its short time in existence, the IHRC has not just achieved 'A' status but has emerged as an international leader, elected to the Presidency of the European Group of National Human Rights institutions in the year under review and recognised by the UN, the Council of Europe and the OSCE as an increasingly effective performer, both nationally and internationally. This is in no small part a tribute to Commissioners and staff but also an acknowledgement of the quality of the legislation – the Human Rights Commission Act 2000, which established and defined the IHRC and which is increasingly recognised internationally as a model for new national institutions.

The IHRC has been particularly active in its scrutiny of legislation, and its observations have featured increasingly in Oireachtas debates and in Oireachtas committees. The Commission is confident that it has a valuable part to play in ensuring that all legislation is human rights compliant, something that at present is not always facilitated by Oireachtas procedures – a subject on which we look forward to dialogue with a view to change. In particular the IHRC would hope to see greater engagement with policy-makers in government departments and with members of the Oireachtas at the early stages of legislation.

The IHRC continued over the past year to engage in major policy areas where human rights issues arose, publishing observations or papers on such issues as 'Extra-ordinary Rendition', child protection, de facto couples, indeterminate sentencing, migrant workers, Travellers and immigration. It was particularly gratifying during the year that the IHRC played a lead role among national human rights institutions in the work leading up to the adoption of the new UN Convention on the Rights of Persons with Disabilities.


The year just passed saw the appearance of the IHRC before the Superior Courts as *amicus curiae* (friend of the court) where human rights issues were involved and its undertaking of the first series of enquiries into issues arising from our casework function. The Commission continued to engage productively with a range of international monitoring bodies and sought in a variety of ways to raise the levels of human rights awareness in Irish society generally.

We are still a relatively new body, with modest resources. We know that to be effective and to make a real difference, we have to be focused in all that we do; that we must not duplicate work being done by others, but work in full co-operation with other human rights bodies, be they non-governmental or statutory, in promoting and protecting human rights. We know that our special contribution lies in putting our expertise, our authority and our independence at the disposal of these bodies and associations, and indeed the wider public, to ensure not only that policy and practice conform to internationally agreed norms but that our country becomes a model of best human rights practice.

The year under review marked the completion of the life of the first Commission. I would like to warmly thank all Commissioners who served on that founding Commission for their dedication and commitment but in particular those whose

terms ended or who resigned during that period – Judge Donal Barrington, Judge Maureen Harding Clark, Martin Collins, Nuala Kelly, Jane Liddy, Clodach McGrory, and Professor Fionnuala Ní Aoláin.

Finally, my thanks to all Commissioners, to our excellent and utterly professional staff and to our Chief Executive, Dr Alpha Connelly.

A handwritten signature in black ink, appearing to read 'Maurice Manning', with a stylized flourish at the end.

Dr Maurice Manning
President

Introduction

The year 2006 saw the Irish Human Rights Commission (IHRC) take further steps in its development. For the first time, the Commission provided legal representation for an individual in proceedings before the High Court involving human rights issues. It participated as *amicus curiae* in an increasing number of cases before the superior courts. It completed its first enquiry (into a pensions matter) and drew up a report on the enquiry.

Also for the first time, the Commission received a legislative referral from the Minister for Foreign Affairs and gave its views to the Minister on the human rights implications of the proposed legislation. It furthermore met with officials of the Department of Defence to ensure that legislation on military matters complied fully with the provisions of the European Convention on Human Rights. Together with other bodies, the Commission mounted a training course on economic, social and cultural rights. It assumed the chair of the European Group of national human rights institutions. It collaborated closely with another statutory body, the Ombudsman for Children, in making submissions to the International Committee on the Rights of the Child; and it made a substantial contribution to the negotiations at the United Nations on an international convention on the rights of persons with disabilities.

The Commission met with the UN High Commissioner for Human Rights, Louise Arbour, and with representatives of the European Committee on the Prevention of Torture and of Inhuman and Degrading Treatment. A Human Rights Consultation Forum of the Chief Executives and their equivalents in independent statutory bodies in the human rights field was instituted for the discussion of matters of common interest and the improvement of co-operation and co-ordination among them. In December, the

Commission held an inaugural human rights lecture to mark *International Human Rights Day*.

Along with these developments, more routine activities continued within the four basic work units of the Commission: Casework, Education and Human Rights Awareness, Legislation and Policy, and Administration.

Requests from individuals that the Commission conduct enquiries into a wide range of human rights matters were processed. Decisions were taken on requests for assistance in connection with legal proceedings involving human rights issues. Notifications under the European Convention on Human Rights Act were considered.

Legislative proposals referred to the Commission by the Minister for Justice, Equality and Law Reform again accounted for a sizeable proportion of the Commission's research activities. Some research was also outsourced, notably on indeterminate sentencing and on the rights of unmarried couples (both opposite and same sex couples).

Conferences and seminars were organised on a variety of human rights themes, and the Commission continued to participate in a North/South project regarding human rights education in primary schools.

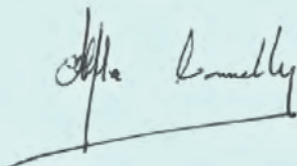
The Commission also participated in the Joint Committee with the Northern Ireland Human Rights Commission, and attended meetings of the International-Coordinating Committee and of the European Group of national human rights institutions.

The Commission has taken an incremental approach to its development. In the autumn of 2005, proposals were put to and approved by the Commission in respect of the second stage of its development. These included the establishment

of a number of new staff positions in order to enable the Commission to handle the increasing volume of work it faced, to strengthen its organisational structure and to improve career opportunities for staff. During 2006, the opportunity was taken to acquire additional premises in the same building as the Commission's offices to allow for expansion, and the Minister for Justice, Equality and Law Reform was approached with a view to gaining Government approval for the new positions.

In 2006, the Commission's first Strategic Plan covering the years 2003 to 2006 came to an end. Quite remarkably for a body with a small number of staff, it has for the most part delivered on the Plan and gone even further. The record bears testimony to the ability, commitment and energy of both Commissioners and staff.

A 'new' Commission took office in October 2006 and soon began considering the structure and content of the Commission's second Strategic Plan. It is appropriate that, at this juncture, the Commission's modest proposals for additional staff meet with a favourable response. It is moreover important that the Commission not be put in a position where individual positions are approved at the discretion of the relevant Ministers. Rather the proposals should be considered and approved as a package, as they were intended to be, thereby enabling the Commission to proceed securely on the second stage of its development and to build on its already impressive record.



Alpha Connelly
Chief Executive

THE COMMISSION



Members of the Commission

The Irish Human Rights Commission in 2006 comprised of the following members (from top, left to right):

Dr. Maurice Manning (President)
 Professor William Binchy **
 Ms Olive Braiden **
 Dr Rosemary Byrne ***
 Mr Martin Collins *
 Professor Robert Daly **
 Ms Suzanne Egan **
 Mr Michael Farrell **
 Judge Maureen Harding Clark *
 Ms Nuala Kelly *

Ms Alice Leahy ***
 Ms Clodach McGrory *
 Professor Fionnuala Ní Aoláin *
 Ms Lia Hegarty ***
 Mr Tom O'Higgins **
 Professor Helen O'Neill ***
 Professor Gerard Quinn **
 Mr Roger Sweetman ***
 Mr Mervyn Taylor **
 Dr Katherine Zappone **

* Commissioners who completed their term in 2006

** Commissioners who were reappointed for a second term

*** Commissioners who were appointed for the first time in 2006



The Commission

The Irish Human Rights Commission (IHRC) is a statutory body deriving its composition, functions and powers from the Human Rights Commission Acts 2000 and 2001.

Role and Functions

The role of the IHRC is to promote and protect the human rights of all persons in the State. To this end a wide range of functions has been conferred on it. These functions are:

- to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights
- if requested by a Minister of the Government, to examine any legislative proposal and report its views on any implications of such proposal for human rights
- to consult with such national and international bodies or agencies having knowledge or expertise in the field of human rights as it sees fit
- either of its own volition or on being requested to do so by the Government, to make such recommendations to the Government as it deems appropriate in relation to the measures which the Commission considers should be taken to strengthen, protect and uphold human rights in the State
- to promote understanding and awareness of the importance of human rights in the State and, for these purposes, to undertake, sponsor or commission, or provide financial or other assistance for, research and educational activities
- to conduct enquiries

- to prepare and publish, in such manner as it thinks fit, reports on any research undertaken, sponsored, commissioned or assisted by it or in relation to enquiries
- to apply to the High Court or the Supreme Court for liberty to appear before the High Court or the Supreme Court, as the case may be, as *amicus curiae* in proceedings before that court that involve or are concerned with the human rights of any person and to appear as such an *amicus curiae* on foot of such liberty being granted
- to take whatever action is necessary to establish and participate in the joint committee of representatives of the Commission and of the Northern Ireland Human Rights Commission
- to provide assistance to persons in connection with legal proceedings involving law or practice relating to the protection of human rights
- to institute legal proceedings to vindicate the human rights of a person or a class of persons.

Human Rights

The human rights that the IHRC has been set up to protect are those guaranteed to persons by the Constitution and by those international agreements to which the State is a party.

Membership

The Commission consists of a President and 14 other members, all of whom are appointed by the Government. The legislation establishing the Commission requires that not less than seven members shall be women and not less than seven members shall be men.

The term of office of all members of the Commission except for the President expired on 24 July 2006. Until this date, the members of the Commission were:

- Dr Maurice Manning (President)
- Professor William Binchy
- Ms Olive Braiden
- Mr Martin Collins
- Professor Robert Daly
- Ms Suzanne Egan
- Mr Michael Farrell
- Judge Maureen Harding Clark
- Ms Nuala Kelly
- Ms Clodach McGrory
- Professor Fionnuala Ní Aoláin
- Mr Tom O'Higgins
- Professor Gerard Quinn
- Mr Mervyn Taylor
- Dr Katherine Zappone

In June 2006, the Minister for Justice, Equality and Law Reform wrote to the outgoing Commissioners asking that they let him know whether they were interested in being reappointed. In the event, nine were reappointed.

Expressions of interest in being appointed to the Commission were also sought by way of advertisement from members of the public; and the Minister set up an independent Committee of four persons to consider any expressions of interest received and to make recommendations to him in this regard. As a result of this process, five new members were appointed by the Government.

There was a hiatus of a little over two months before the commencement of the term of office of the 'new' Commissioners. During this time the President, Dr Maurice Manning, was the sole member of the Commission.

The 14 members of the 'new' Commission who assumed office on 2 October 2006 are:

- Professor William Binchy
- Ms Olive Braiden
- Dr Rosemary Byrne
- Professor Robert Daly
- Ms Suzanne Egan
- Mr Michael Farrell
- Ms Alice Leahy
- Ms Lia O'Hegarty
- Mr Tom O'Higgins
- Professor Helen O'Neill
- Professor Gerard Quinn
- Mr Roger Sweetman
- Mr Mervyn Taylor
- Dr Katherine Zappone

Short biographies of the members of the Commission during the first half of the year, as well as of the new members appointed in the autumn, are given at Appendix 1.

Plenary and Committees

The Commission meets in plenary session approximately once a month. Commissioners also meet from time to time according to their membership of particular committees of the Commission. Committees report to plenary.

The Commission met nine times in plenary session in 2006. Owing to the hiatus in the appointment of the 'new' Commission, there was no meeting in July, August or September. A plenary meeting was held in each of the other months.

At the start of the year, the Commission had eleven Committees. They were:

- *Ad Hoc* Committee on 'Extraordinary Rendition'
- Casework Committee
- Committee on the Administration of Justice

- Committee on Economic, Social and Cultural Rights
- Committee on Gender and Equality
- Committee on Governance and Management
- Disability Committee
- Finance and Audit Committee
- Racism Committee
- Remuneration Committee
- Research Committee

With the appointment of the ‘new’ Commission, the opportunity was taken to rationalise and reduce the number of Committees.

At the end of the year, the Commission had five Committees and two *Ad hoc* Committees. These were:

- Finance, Audit and General Purposes Committee
- Gender & Equality, Economic, Social & Cultural Rights & Disability Committee
- Racism, Trafficking & Migration Committee
- Administration of Justice Committee
- Casework Committee
- *Ad Hoc* Committee on the Commission’s Next Strategic Plan
- *Ad Hoc* Committee on ‘Extraordinary Rendition’

The membership and terms of reference of each Committee are given at Appendix 2.

CASEWORK



Casework

The Commission has four relevant functions which fall into the category of casework and these are set out in sections 8 to 11 of the Human Rights Commission Act 2000 ('the Act'). These functions are:

- To consider requests for an enquiry into a relevant human rights matter or to initiate enquiries at its own volition
- To consider applications for assistance in connection with legal proceedings involving human rights law or practice
- To offer its expertise in human rights law to the superior courts, in suitable cases involving human rights issues, as *amicus curiae* or 'friend of the court'
- To institute proceedings to vindicate the human rights of persons in the State.

Overview

The year 2006 was a year in which the Commission continued to consolidate its casework functions, within the constraints of its human resources. The conduct of the Commission's first and second enquiries continued. The Commission provided legal assistance to a person in connection with *habeas corpus* proceedings in the High Court and also appeared before the Superior Courts as an *amicus curiae* or 'friend of the court'.

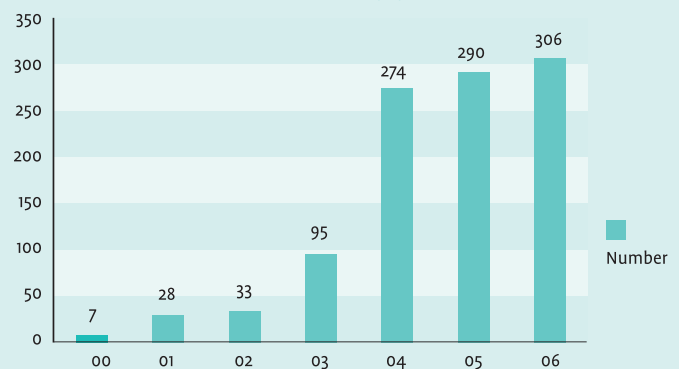
Communications Received by the Commission

The number of persons approaching the Commission continued to increase, as illustrated in Figure 1. During 2006, the Commission received individual communications from 306 persons or organisations.

In 2006, a total of 242 communications were received from members of the public; 137 (57%) of

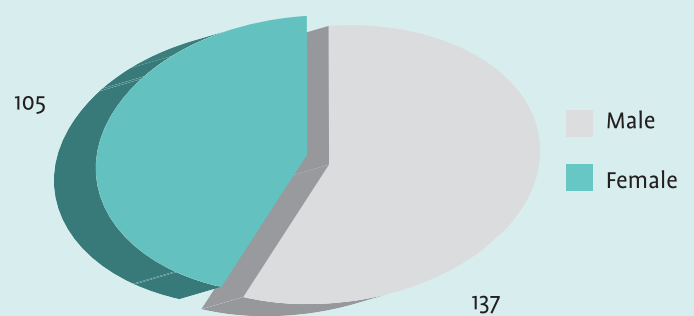
which were received from men, while 105 (43%) were received from women. This is set out in figure 2. The remaining 64 communications were received either from organisations or in respect of legal proceedings notifications or *amicus curiae* requests, therefore rendering problematic any precise gender classification.

Figure 1: Number of casework communications received by year



■ The seven communications received in 2000 predate the formal establishment of the Commission in July 2001.

Figure 2: Breakdown of communications received in 2006 by gender



As in previous years, in 2006, the most common method by which persons chose to contact the Commission, in terms of the Commission's casework functions, was by way of a telephone query. This is illustrated in Figure 3, which provides a breakdown of casework communications received in 2006 by category and by month.

Enquiry Requests and Assistance Applications

At the beginning of 2006, there was a backlog of 25 formal enquiry requests and/or assistance applications to the Commission. During the course of the year, the Commission considered and decided seven formal enquiry requests to it and five formal assistance applications to it. Commission decisions on enquiry requests and/or assistance applications to it, in addition to its decisions on *amicus curiae* requests, are set out in Figure 4.

In assessing an enquiry request or an assistance application to it, the Commission may seek clarification of certain matters or request specific information or documentation from other statutory bodies. This is in addition to routine informal case referrals with other statutory

bodies. Where the Commission decides to conduct an enquiry into a relevant matter, the Commission will invariably seek information and documentation from the relevant statutory bodies. The Commission relies on the co-operation of statutory bodies in order to discharge its statutory functions.

In 2006, the Commission wrote to six statutory bodies either in the course of assessing an enquiry request or assistance application or in the course of conducting an enquiry. It sought information and documentation within a specified timeframe. For the most part responses were received within the timeframe suggested or shortly thereafter. Figure 5 sets out the relevant statutory bodies from which information or documentation was sought and the extent of timely responses received.

Figure 3: Category of casework communications received by the Commission in 2006

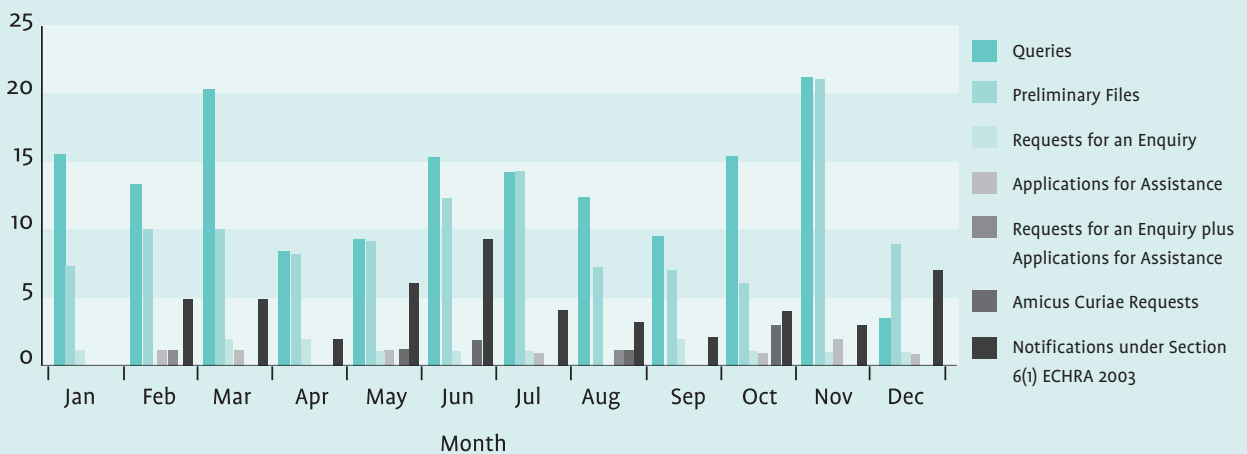


Figure 4: Casework decisions taken by the Commission in 2006

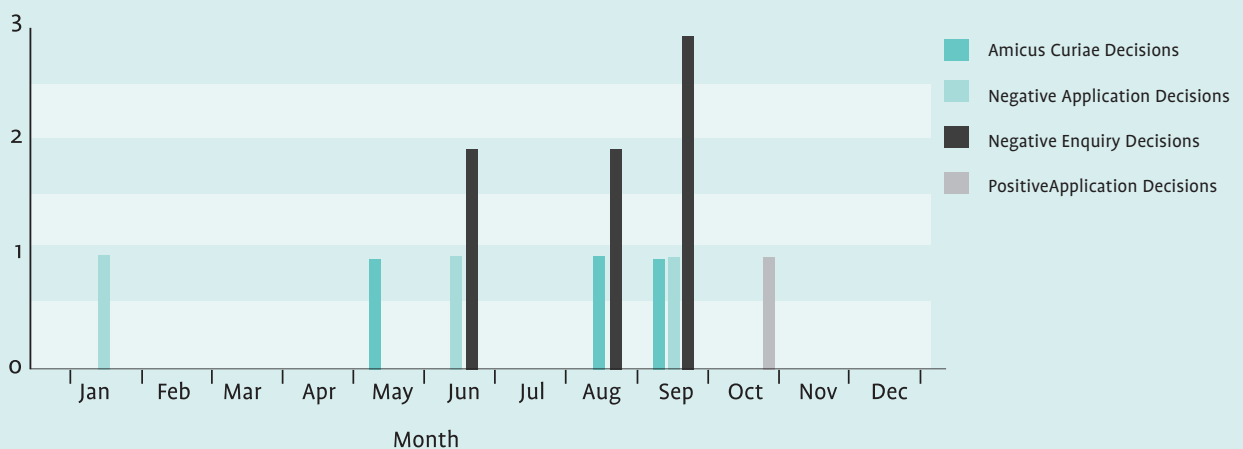


Figure 5: Communications with Statutory Bodies

	Dept of Education and Science	Dept of Health and Children	Dept of Social and Family Affairs	Office of the Director of Public Prosecutions	Health Service Executive	An Garda Síochána
Response received on time	✓	✓	✓	✓	✓	
Late or no response *			✓			✓

* Late response refers to a response received four weeks over the stipulated period.

Ongoing Enquiries

Further to the decisions of the Commission in 2005 to conduct its first and second enquiries, the conduct of these enquiries continued throughout 2006.

The Commission’s first enquiry was at the request of a retired self-employed couple who claimed they were obliged to contribute to a contributory old age pension from which they could not benefit when they retired. The Commission had decided that the enquiry was to be conducted in private, with the results of the enquiry to be made public. During the year the Commission continued to communicate with the Department of Social and Family Affairs and other relevant organisations and individuals on the enquiry. A draft of the enquiry report was sent to the parties mid-year, with final observations/comments received in late 2006. The enquiry was completed but not yet made public at year’s end.

The Commission’s second enquiry was at the request of a foreign national who claimed that he had been mistreated when he arrived at Dublin Airport in January 2003. As with the first enquiry, the Commission had decided that the enquiry was to be conducted in private, with the results of the

enquiry to be made public. The enquiry continued at year’s end.

Assistance Granted

In October 2006, the Commission granted legal representation assistance to a person detained in a psychiatric hospital to challenge the lawfulness of his detention by way of an Application under Article 40.4.2° (*habeas corpus* provision) of the Constitution. The case, **J.H. v Vincent Russell, Clinical Director of Cavan General Hospital**, to which the Health Service Executive and Mental Health Commission were Notice Parties, involved the person’s involuntary committal since March 2003 under the Mental Treatment Act 1945, and more latterly under the Mental Health Act 2001.

The Commission granted assistance on the basis that the case raised a matter of principle; namely the extent to which a person can be detained on a long-term basis in light of the human rights standards under both the Constitution and the European Convention on Human Rights. The case was heard over two days before the High Court in December 2006, with the Court indicating that it would deliver judgment in the matter in early 2007. This was the first time the Commission

granted legal representation to a person before the High Court under section 10 of its legislation.

Amicus Curiae Appearances

European Convention on Human Rights Act

As in previous years, the Commission continued to receive case notifications under the European Convention on Human Rights Act 2003 (‘the ECHRA’). In 2006, the number of case notifications received under the ECHRA or otherwise (such as complementary copies of proceedings involving human rights issues or cases stated to the Superior Courts) was 43.

Case notifications are connected to the Commission’s *amicus curiae* (or ‘friend of the Court’) function. At the start of 2006 the Commission was still involved in two *amicus curiae* appearances in the proceedings **Lawrence & Others v Ballina Town Council & others (High Court)** and **Carmody v The Minister for Justice, Equality and Law Reform, Ireland and The Attorney General (Supreme Court)**.

Lawrence & Others v Ballina Town Council

Lawrence involved a challenge to the Housing (Miscellaneous) Provisions Act 2002 (the criminal trespass legislation) and other related matters including consideration of the extent to which local authorities may be obliged to provide appropriate accommodation to Traveller families. In January 2006 the Equality Authority was also joined as an *amicus curiae* in the case. The case had not been heard by year’s end.

Carmody v The Minister for Justice, Equality and Law Reform

Carmody involved an examination of the extent to which the criminal legal aid scheme should provide an accused person with the same level of

representation as is available to the prosecution in a criminal trial. The case had not been heard by year’s end.

Legal Aid Board v District Judge Patrick Brady

In April 2006, the Commission was invited by the High Court to participate in the proceedings **Legal Aid Board v District Judge Patrick Brady, the Northern Area Health Board & Others**. The case concerned whether a mother with an intellectual disability had a right to the assistance of a Guardian *ad Litem* in child care proceedings concerning her infant child and if so, whether the Legal Aid Board should meet the costs of such a person where legal aid had already been granted in the proceedings. In May, the Commission acceded to the Court’s request and thereafter appeared as *amicus curiae* in the case. In June, the Commission was requested by the Court to submit interim outline submissions to assist the Court in deciding whether to consider the procedural and substantive arguments in the case together or separately. The case had not been heard by year’s end.

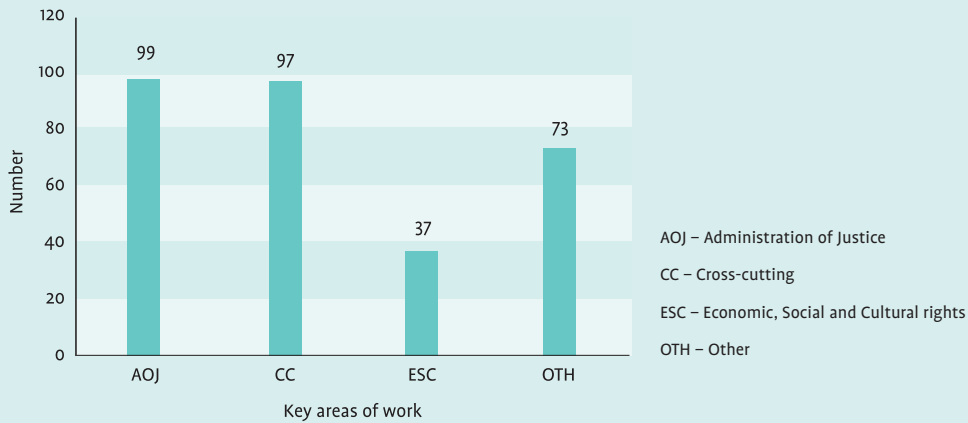
The Commission decided not to accede to one *amicus curiae* request during the year, when considered in light of its *amicus curiae* Guidelines.

Types of ‘Communications’ Received

As in previous years, communications received by the Commission have raised issues from across the spectrum of human rights. In terms of the Commission’s priority areas of work, as outlined in its Plan for 2003–2006, these areas have been:

- civil and political rights (administration of justice)
- economic, social and cultural rights
- cross-cutting issues (including racism, immigration, disability, gender, equality and human difference, children and older people).

Figure 6: Key areas of work and communications received by the Commission in 2006



As revealed in Figure 6, when assessed according to the Commission’s key areas of work, communications received during the course of 2006 display a numerical parity between the number of those raising issues relating to the administration of justice (AOJ) (32.3%) and cross-cutting (CC) (31.7%) priority areas. As with previous years, communications received relating to economic, social and cultural rights (ESC) account for a small proportion of all communications (12%). Those communications received in 2006 in which the issue raised fell outside the Commission’s key areas of work are shown in Figure 6 under the ‘Other’ (Oth) heading and include matters relating to property/ land disputes, family law disputes, taxation and industrial relations.

LEGISLATION AND POLICY REVIEW



Legislation

In relation to legislation, two of the Commission's functions are engaged:

- that under section 8(b) of the Human Rights Commission Act 2000, whereby any Minister of the Government can refer legislative proposals to the Commission for its views on the human rights implications of the proposals
- that under section 8(d) of the Act, whereby the Commission can make recommendations to Government of its own initiative in relation to legislation or a legislative proposal.

In performing these functions, the Commission identifies the relevant international and constitutional human rights standards in a particular area of law and recommends to Ministers and to Government how these standards can be reflected in Irish legislation. The Commission's work in this area allows it to influence the legislative drafting process, to influence parliamentary scrutiny of proposed legislation, and also to promote awareness and public debate around human rights issues as part of the legislative process.

One of the key operational goals of the Commission during 2006 was to focus on influencing the legislative process at the earliest possible point. To this end during 2006 the Commission engaged successfully with Departments of Government at the drafting stage of various legislative proposals and is committed to developing further close relationships with Departments in this way.

It may be noted that section 8(b) of the Human Rights Commission Act does not provide for any discretion on the part of the Commission in examining legislative proposals referred to it by Ministers of the Government. Therefore, the Commission's workload in this area can vary considerably from year to year. An indication of

this can be seen by the fact that five separate legislative proposals were referred to the Commission in the period June–July 2006.

In its previous Annual Reports, the Commission expressed concern that the only Minister of the Government to refer legislative proposals to it had been the Minister for Justice, Equality and Law Reform. This concern was raised by the President of the Commission with the Minister for Justice, Equality and Law Reform in 2005, and the Minister in turn raised the matter at Cabinet. The Commission is happy to report that, in September 2006, the General Scheme of a Passports Bill was referred to the Commission by the Minister for Foreign Affairs. Also, in December, the Department of Defence sought observations, at official level, on the Defence (Amendment) (No.2) Bill.

These developments are to be welcomed and suggest that Departments in general are beginning to have a greater appreciation of the relevance of human rights standards to their work and to factor these standards into their handling of matters within their respective areas. It also indicates a greater awareness of the work of the Commission and of its value. In short, the message is gradually getting through that human rights are not merely a justice issue.

Criminal Justice Act 2006

During 2005, the Minister for Justice, Equality and Law Reform referred two sets of proposed amendments to the original Criminal Justice Bill 2004 to the Commission for its views on the human rights implications of the amendments. The Commission submitted its observations to the Minister in relation to both of these sets of amendments in March 2006.

The observations on the first set of proposed amendments addressed a wide range of issues including drug offences, organised crime, firearms offences and the introduction of a system of anti-

social behaviour orders. The observations on the second set of amendments dealt with a number of juvenile justice issues. These proposals were designed to amend significantly the Children Act 2001 in areas such as the age of criminal responsibility and the detention of children, as well as to introduce a special system of anti-social behaviour orders for children.

It is worth noting that this Criminal Justice Bill had a lengthy history. The original General Scheme of the Bill was referred to the Commission by the Minister for Justice, Equality and Law Reform in August 2003. The Minister then referred additional Heads of Bill to the Commission in April 2004 and published the Criminal Justice Bill 2004 before the Commission had submitted its observations, on these additional Heads of Bill in July 2004. Against this background, in its observations, the Commission highlighted a general concern about the way in which criminal justice legislation providing for additional police powers was being introduced:

[T]he Commission believes that all legislative proposals to increase the powers of the Garda Síochána should be subject to careful scrutiny in order to ensure that the correct balance is struck between, on the one hand, the rights of everyone in society to have a police service capable of effectively detecting and prosecuting crime and, on the other hand, the rights of the individual to the enjoyment of the full range of his or her human rights and freedoms.

The Criminal Justice Act 2006 was enacted in July 2006.

Coroners Bill

Heads of the Coroners Bill 2005 were referred to the Commission by the Minister for Justice, Equality and Law Reform in January 2006. This Bill raised questions of the positive obligations of the State under the right to life provisions of Article 2

of the European Convention on Human Rights, an area of human rights law which the Commission had already earmarked for cross-functional work in 2006. The Commission engaged in close consultation with the Department and published its observations on the Bill in September. These observations were considered by the Department in the drafting of the subsequent Coroners Bill. The Bill has been published, but has yet to be enacted.

Defamation Bill

The Defamation Bill 2006 was referred to the Commission by the Minister for Justice, Equality and Law Reform in July 2006. The Bill proposes important reforms in an area of law with significant human rights dimensions related to the rights to free speech and the right to respect for privacy, family life and reputation. In its observations on the Bill, the Commission welcomed in particular the manner in which this legislation has been developed and brought forward, building as it does on the Report of the Legal Advisory Group on Defamation. The Commission's observations were published in December 2006. The Bill has yet to be enacted.

General Scheme of the Immigration, Residency and Protection Bill

This General Scheme covers a very wide range of policy areas relating to migration and the rights of migrants, asylum seekers, and the regulation of residency in the State. Migration and asylum have been identified as key areas of work for the Commission since its establishment and the Commission published detailed observations on the General Scheme in December 2006. These observations make far-reaching proposals for a code of law in this area that would address the many shortcomings, gaps and inconsistencies in existing law. The corresponding Bill has yet to be published.

Passports Bill

In September the Minister of Foreign Affairs referred the General Scheme of a proposed Passports Bill to the Commission for its views thereon. Although the courts have for some time recognised the right of Irish citizens to a passport, derived from the right to travel, heretofore there has been no legislative basis for the Irish passport system.

The Bill seeks to provide a statutory basis for the system of allocating and regulating passports and raises a number of important human rights issues, including provisions allowing transgender persons to change their name and gender on their passports and provisions allowing the Minister to intervene to issue a passport to a child when the child's best interests require such intervention. The Commission had detailed discussion with officials in the Department of Foreign Affairs around the provisions of the Scheme and published its observations on the Scheme of the Bill in December 2006. In its observations, the Commission welcomed the Scheme as a progressive proposal that would improve the protection of important rights for vulnerable groups, as well as clarifying and strengthening the rights of all those who request passports.

Other Legislative Proposals

In December, officials of the Department of Defence consulted with the Commission on the human rights aspects of the Defence (Amendment) (No.2) Bill. The primary focus of the Bill was to radically overhaul the procedures for the administration of military law in the light of Irish caselaw and relevant provisions of the European Convention on Human Rights. A meeting was held with the relevant officials of the Department of Defence dealing with the matter, and the vast majority of the recommendations made by the Commission were accepted by the Department. The Commission

warmly welcomes the opportunity afforded to it to engage with the Department of Defence for the first time and welcomed the Bill as a significant contribution towards bringing Irish law into line with human rights standards. The Bill was enacted into law in April 2007.

The Commission also began work in 2006 on a number of other legislative proposals referred to it by the Minister for Justice, Equality and Law Reform, specifically the Privacy Bill 2006 and the Criminal Justice (Trafficking in Persons and Sexual Offences) Bill 2006.

Policy Review

The policy review function of the Commission has a broad range and is aimed at deepening the policy base of the Commission around its key areas of work, and contributing to raising awareness and making recommendations to Government on areas of Irish law and practice where the Commission believes the promotion and protection of human rights can be strengthened. In 2006, the Commission carried out research, published reports and made recommendations to Government across all of the key areas of work set out in the Strategic Plan.

'Extra-ordinary Rendition'

In December 2005, the Commission issued a resolution on the issue of 'extra-ordinary rendition', that is, the practice whereby persons are transported to secret locations in another country, where they are interrogated and may be subject to torture and other cruel, inhuman or degrading treatment or punishment. In the resolution, the Commission expressed concern about reports that US aircraft landing at Shannon airport may be involved in the practice, set out Ireland's human rights obligations in this regard, and called on the Government to seek agreement from the US authorities to inspect the aircraft in question.

In 2006, the Commission continued to monitor the situation. In June, the Commission wrote to the Minister for Foreign Affairs in response to earlier correspondence from the Minister on behalf of the Irish Government on the issues; and in November the Commission made a submission to the European Parliament's Temporary Committee on Transportation and Illegal Detention of Prisoners.

Child Protection

In September, the Commission made a submission to the Joint Oireachtas Committee on Child Protection, in response to an invitation from the Committee for submissions to it on a number of legal issues relating to two cases involving the age of consent of sexual activity and the related criminal law. In its submission, the Commission set out the relevant human right standards relating to the rights of accused persons in criminal proceedings, the rights of children and the relevant principles of equality.

Indeterminate Sentencing

In November, the Commission published research that it had commissioned from Professor Paul McCutcheon and Dr Gerard Coffey of the University of Limerick on the Determination of Life Sentences. The Commission had identified this issue as raising important queries about the compatibility of Irish law and practice with international human rights standards. The Commission also issued a policy statement broadly endorsing the authors' analysis of the issue and calling on the Government to overhaul the existing regime for the determination of life sentences.

De Facto Couples

In May, the Commission published research which it had commissioned from Judy Walsh of University College Dublin and Fergus Ryan of the

Dublin Institute of Technology on the rights of *de facto* couples. The research traced the legal protection of the rights of unmarried couples under domestic law, EU law and international human rights law. The Commission intends this research to make an important contribution to the ongoing national debate about how best to provide appropriate legal protection for unmarried couples.

Economic, Social and Cultural Rights

Following on from the Commission's international conference and the publication of its Discussion Document on economic, social and cultural rights in December 2005, the Commission invited submissions from interested parties. A number of these submissions were received in 2006 and they will inform the drawing up of a strategic programme of work in this area over the period of the Commission's next Strategic Plan.

PROMOTION OF HUMAN RIGHTS AWARENESS



Promotion of Human Rights Awareness

Promoting awareness of human rights is a key function of the IHRC. In 2006, the IHRC aimed to achieve greater knowledge and understanding among its key audiences through coverage in the media, and through discussions and debates at conferences and seminars. The Commission's human rights education work centred on supporting human rights non-governmental organisations and community and voluntary organisations working on human rights awareness and education issues.

Media

Increasing awareness of the IHRC and an understanding of its role has been assisted by its growing profile in national and regional media. The Commission received extensive coverage throughout the year on a range of national and international issues such as children's rights, the rights of *de facto* couples, family courts, detention conditions, life sentencing, 'extra-ordinary rendition', and the Commission's role as *amicus curiae* or 'friend of the court'.

Conferences

Realising Children's Rights – Annual Conference with the Law Society

Achieving rights-based child law was the theme of the Commission and the Law Society's joint conference, held in association with the Ombudsman for Children, on 14 October 2006 in Blackhall Place. The focus on the rights of the child was timely as significant legislative changes were under discussion including new administrative changes in the Health Service Executive (HSE), the new Youth Justice Unit and the Probation Service. The theme was also very relevant because of the very substantial recommendations made by the UN Committee on

the Rights of the Child one month earlier.

A distinguished panel of speakers from Ireland and abroad addressed the conference. Speaking at the event were Emily Logan, the Ombudsman for Children; Mr Justice John McMenamin of the High Court; the Hon. Mr Justice John Gillen, Head of Family Law, Northern Ireland; Professor Sheila Greene, Director of the Children's Research Centre; Michelle Shannon, National Director of the Youth Justice Unit; Michael Donnellan, Director of the Probation Service; and Ursula Kilkelly, Senior lecturer, University College Cork. This was the fourth such conference and it was attended by over 200 participants.

Seminars

Convention on Prevention of Torture

The IHRC organised an information seminar on the Council of Europe's Convention on the Prevention of Torture on 4 July 2006. The aim of the seminar was to raise awareness of the role and work of the Council of Europe's Committee on the Prevention of Torture (CPT), and to review issues raised in the third report of the CPT to Ireland in February 2002. The event was an opportunity to see how bodies such as the IHRC could intervene and provide information to the CPT. Valuable inputs were provided by Commissioner Nuala Kelly, former co-ordinator of the Irish Commission for Prisoners Overseas, and by Mark Kelly, Director of the Irish Council for Civil Liberties (ICCL) and former Head of Unit in the Secretariat of the CPT.

International Human Rights Day Lecture, 11 December 2006

The IHRC's inaugural lecture to mark International Human Rights Day was given by Professor William P. Alford, Harvard Law School. 'Who Speaks for Whom? – China, Disability and Rights' was the theme of Professor Alford's address. He spoke

about the case of the forced sterilisation of two young women, each with an intellectual disability, and the subsequent media and public reaction that led to the use of China's criminal law, as the only legal means, to express social disapproval of involuntary sterilisation of young women. These young women's human rights were violated, and their situation highlighted the impact of States not having sufficient human rights standards in place and the importance of promoting a culture that protects human rights.

Launches

Determination of Life Sentences

This research report into 'Determination of Life Sentences' was launched in November 2006. The report evaluated the determination of life sentences in light of the European Convention on Human Rights and the associated jurisprudence of the European Court of Human Rights. The principal conclusion of the report was that current Irish law does not comply with European human rights law. The Commission endorsed the recommendation in the report to put the Parole Board on a statutory footing. The report received extensive coverage in the media.

The Rights of *De Facto* Couples

The purpose of this report was to provide a comprehensive account of the international human rights standards applicable to *de facto* couples, and to assess the adequacy of Irish law in light of that international legal framework. The report was presented to Michael McDowell TD, Tánaiste and Minister for Justice, Equality and Law Reform at its launch in May 2006. The report specified areas of domestic law which require legislative amendment. A compelling case was made for the State to provide some formal level of legal recognition to same-sex partners.

Human Rights Education

Lift-Off Project – Human Rights Education in Primary Schools

The IHRC continued to be involved in the cross-border primary schools human rights education project, *Lift Off*. The project partners are Amnesty International (Irish section), Amnesty International (UK section), the Irish National Teachers Organisation and the Ulster Teachers Union. The other bodies involved in the Advisory Group of the Project are the Northern Ireland Human Rights Commission, the Departments of Education in the Republic of Ireland and Northern Ireland, curricular bodies and the project partners. The Advisory Group met several times in 2006, with additional meetings of the conference sub-committee on which the Commission was also represented. The organisation of the Human Rights Education Conference in 2006, a follow-up to the first conference held in 2005, constituted a major piece of work for the project.

Training Programme on Women's Economic, Social and Cultural Rights

The IHRC collaborated in a week-long training course on 'Women and Economic, Social and Cultural Rights' organised by the Women's Human Rights Alliance with the assistance of Dignity International, Banúlacht, and Combat Poverty Agency. The course took place in Galway from 26–29 June 2006 and was attended by 23 women involved in policy work in their organisations, and who were experienced in working with women and women's issues. They represented a wide variety of national and regional networks, locally-based project groups and national organisations. Interests represented included lone parents, children, marginalised communities, Traveller women, disability and mental health.

The training course was very much a participatory process, starting with the experience of participants, complemented by both creative and theoretical inputs on human rights. The course culminated with a session where the participants put their learning into practice by presenting a case study applying a human rights framework to a concrete issue. The course was very positively evaluated and there was a strong commitment and confidence among participants to advocate for change using a human rights approach in the future.

INTERNATIONAL WORK



International Work

Working with the Northern Ireland Human Rights Commission (NIHRC), through a Joint Committee, and consulting with international human rights bodies or agencies, is part of the mandate of the IHRC. In 2006, our international work took on a new dimension with the IHRC's appointment as Chair of the European Group of National Human Rights Institutions (NHRIs).

The Joint Committee

The mandate of the IHRC includes participation in the Joint Committee of representatives of the Commission and the NIHRC as provided for in the Good Friday Agreement.

The Joint Committee met three times in 2006. The issues discussed throughout the year included work on the Charter of Rights, and on racism. The IHRC and the NIHRC progressed the goal of acquiring specific resources to support the work of the Joint Committee.

The Joint Equality and Human Rights Forum

The IHRC is a member of the Joint Equality and Human Rights Forum, which brings together many of the statutory equality and human rights bodies in Ireland and the United Kingdom. The other members are the Equality Authority, the NIHRC, the Equality Commission of Northern Ireland, the Commission for Racial Equality, the Disability Rights Commission, and the Equal Opportunities Commission in Great Britain.

The IHRC was represented at a number of meetings of the Forum throughout the year, providing a useful opportunity to exchange information and learning.

The European Group and the European Co-ordinating Committee

The IHRC is a full member of the European Group of National Human Rights Institutions (NHRIs).¹ There are four regional groupings of NHRIs: Africa, the Americas, Asia-Pacific and Europe. In November 2004, the IHRC was elected by the European Group as a member of the European Co-ordinating Committee (ECC). The ECC is composed of four institutions from within the European Group. Currently, the IHRC, the Greek Human Rights Commission, the Danish Human Rights Institute and the German Human Rights Institute form the ECC. The role of the ECC is to prepare regional meetings, promote co-operation between NHRIs, promote the dissemination of information related to NHRIs, and encourage the development of NHRIs.

At the Sixth European Group meeting, in Athens, in September 2006, the IHRC was elected to chair the European Group. The role of the chairing institution is to convene the meetings of the ECC and European Group, to act as a centre for the collection and dissemination of information relevant to NHRIs, and to facilitate initiatives of the European Group's membership.

Athens Round Table

The Fourth Round Table of National Human Rights Institutions, in Athens, in September 2006, was the latest of a series of biennial conferences jointly convened by the Council of Europe Commissioner for Human Rights and the National Human Rights Institutions (NHRIs) of Council of Europe member States. The Round Table was co-organised by the Office of the Council of Europe Commissioner for Human Rights and the Greek National Commission for Human Rights. The President and Chief Executive represented the

¹ According to the ICC Rules of Procedure, NHRIs are assigned A, B or C status. The Irish Commission's A status means that it is in full compliance with the United Nations' *Paris Principles* on ensuring an independent and effective NHRI. The European Group of NHRIs is composed of 16 A accredited NHRIs stretching from Spain to Armenia, as well as a number of B and C accredited national institutions.

IHRC at the meeting.

The Round Table included members of NHRIs and their Secretariats, a representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the co-ordinator of the European Union Network of Independent Experts in Fundamental Rights, an expert of the European Commission (EC), representatives of Non-Governmental Organisations (NGOs), individual experts, as well as a member of the Group of Wise Persons set up by the Council of Europe (COE) to make recommendations on how to ensure the long-term effectiveness of the European Court of Human Rights. The Round Table discussions focused on the following themes:

- New institutional opportunities for NHRIs at European level
- A potential follow-up role for NHRIs on the question of 'extra-ordinary rendition' flights raised in the Council of Europe
- The role of NHRIs concerning modern forms of violations of the right to privacy
- Possible contributions of NHRIs to avoiding emergency legislation becoming permanent
- Possibilities for NHRIs to intervene in the process of adopting legislation.

Berlin Round Table

At the Round Table in Berlin in November 2006, participants from NHRIs, treaty bodies and civil society met to discuss the interaction between NHRIs and United Nations Human Rights Treaty Bodies. The IHRC was represented by its Chief Executive. Participants adopted a draft harmonised approach for treaty body engagement with NHRIs to be submitted for the consideration of the next Inter-Committee meeting of Treaty Bodies.

International Co-ordinating Committee of National Human Rights Institutions

The International Co-ordinating Committee (ICC) brings together the four regional groupings (Asia-Pacific, Europe, Africa and the Americas) of National Human Rights Institutions (NHRIs). The IHRC was represented by its President, Chief Executive and Commissioners Egan and O'Higgins at the annual meeting of the ICC in Geneva from 12 to 13 April 2006.

The Eighth International Conference of NHRIs was hosted by the Defensoría del Pueblo de Bolivia and held in Santa Cruz, Bolivia, from 24 to 26 October 2006. The theme of the conference was '*Migration: The Role of National Institutions*'. The IHRC was represented by its President. At the conference, a call was made for a human rights approach to migration and respect for the human rights of all migrants regardless of their migration status. Concern was expressed that very few countries have ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and that so far, no country among the developed nations has ratified the Convention. The NHRIs committed themselves to prioritising work on the rights of migrants and the development of a set of principles to guide this work.

UN Convention on the Rights of Persons with Disabilities

Continuing negotiations at the United Nations (UN) on the text of the proposed international convention on the protection and promotion of the rights of persons with disabilities remained a major commitment for the IHRC during 2006. The IHRC had the responsibility within the European regional groups of National Human Rights Institutions for co-ordinating the input of the other European Institutions into the negotiating process and agreeing positions, where possible, on the various articles of the text being

negotiated. The IHRC was also represented at meetings of the UN *Ad Hoc* Committee preparing the convention. The UN Convention on the Rights of Persons with Disabilities was adopted by the UN General Assembly on 13 December 2006.

International Human Rights Monitoring Bodies

The IHRC produces reports on the Irish State's progress on meeting its international human rights obligations. These reports are published and promoted independently of the State's own reports. The IHRC continued its engagement with international human rights monitoring bodies on its reports.

The UN Committee on the Convention on the Rights of the Child

In September 2006, the UN Committee on the Rights of the Child examined Ireland's second report under the UN Convention on the Rights of the Child. The IHRC met with members of the UN Committee during their visit to Ireland in March and made a detailed written submission to the Committee in May, setting out a number of areas of concern in relation to the protection of children's rights in Ireland.

In June 2006, the UN Committee on the Rights of the Child held a pre-sessional meeting in relation to its examination of Ireland's second report under the Convention. The Examination took place in September 2006. The Commission was represented at the pre-sessional hearing, as was the Ombudsman for Children and the Children's Rights Alliance (CRA), with whom the Commission worked closely throughout, in line with its operating principle of ensuring that it adds value to the work of other statutory bodies. The IHRC has had a particularly healthy and productive relationship with the Ombudsman for Children and her office since her appointment.

During the examination, the IHRC addressed questions from the Committee relating to the functions of the Commission and its administrative and financial independence. The IHRC also intervened to clarify a number of other factual issues relating to racism, immigration and the position of Travellers in Irish society. In addition to the formal presentation and interventions, the IHRC made informal contact with Committee members and the Committee Secretariat *en marge* of the meeting and clarified points of interest to Committee members. The Concluding Observations of the Committee largely reflected the issues raised by the IHRC during the examination process and strong relationships were established with the Committee and its Secretariat. The success of the process has also helped advance the IHRC's wider objective of ensuring special recognition of the role of National Human Rights Institutions in the UN treaty monitoring process.

Meeting with the UN High Commissioner for Human Rights

In April, the IHRC met with the UN High Commissioner for Human Rights, Louise Arbour, in Dublin to discuss a range of human rights issues, including treaty reform at the United Nations, the role of national institutions in inter-governmental fora, the UN Convention on the Rights of Persons with Disabilities, the position of migrants in Ireland, and the issue of 'extra-ordinary-rendition'.

CORPORATE SERVICES



Corporate Services

Human Resources

The IHRC has a Chief Executive and ten members of staff.

During the year, two new staff members joined the Commission: Niall Doherty joined in June 2006 and Patricia Murphy joined in October 2006.

Performance Management and Development System (PMDS)

A Performance Management and Development System was introduced in early 2004, in which all staff members participated throughout the year. This has continued into 2005 and 2006 and has been found to be beneficial by all staff.

Staff Training

The IHRC is committed to the further development of its staff. In furtherance of this commitment, during 2006, members of staff attended a number of courses, including:

- Data Protection Act (Dublin)
- Freedom of Information Act Training (Dublin)
- First Aid Training (Dublin)
- Advanced Advocacy Course (Dublin)
- Team-Building Skills (Wicklow)
- Prevention of Torture, Office of the High Commissioner for Human Rights (Distance Learning)

Staff Policies

During the year, the following new policies relating to staff were introduced:

- Policy on Bullying and Harassment
- Policy on Unpaid Leave for a Career Break

During the year, the following policies relating to staff were revised and updated:

- Policy on the Use of the Computer Network, E-mail and the Internet
- Housekeeping Policy
- Equality Policy
- Health and Safety Policy

Information Technology

The IHRC is committed to maintaining a high quality and modern IT infrastructure, with support provided by a firm of external consultants.

In 2006, the Commission switched to ROS (Revenue On-Line Service) to enable it to make tax returns to the Collector General.

Website

The IHRC's website (www.ihrc.ie) was launched in December 2003 and is continually updated. The website has Level Double-A Conformance to Web Content Accessibility Guidelines 1.0. The effect of this is to improve accessibility of information for people with disabilities.

Visitors to the website can register for regular updates on the work of the Commission. During 2006, the total number of visits to the IHRC website was 109,117, compared with 102,833 in the previous year. The following Figure shows a monthly breakdown of visits to the website in 2006.

Figure 7: IHRC Website visits during 2006



General

Data Protection Acts 1988 and 2003

The IHRC has put procedures in place to ensure conformity with the Data Protection Acts 1988 and 2003.

The Freedom of Information Act 1997 to 2003

The IHRC has put procedures in place to ensure conformity with the legislation.

Prompt Payments Act 1997

The IHRC incurred no interest payments in 2006 under the Prompt Payments Act 1997.

Ethics in Public Office Acts, 1995 to 2001

At its plenary meeting in January 2004, the IHRC approved a Register of Commissioners' Interests. The President and Commissioners are subject to the requirements of the Ethics in Public Office Acts, and the newly appointed Commissioners were asked to complete appropriate statements of interest in 2006. All relevant staff holding prescribed positions have been made aware of their obligations under the ethics in public office legislation.

Official Languages Act 2003

The IHRC has procedures in place to ensure compliance with the legislation insofar as it applies to date to the Commission.

Library

The IHRC established a small library in 2004, and the services of a librarian were retained on a part-time consultancy basis to categorise and classify library purchases and to maintain the library.

Finance

The financial statements as they appear in this annual report are in pre-audited draft form. The IHRC's accounts are presented for audit to the Comptroller and Auditor General's office as per Section 16 of the Human Rights Commission Act 2000.

Statement of the Responsibilities of the Irish Human Rights Commission

The IHRC is required to prepare financial statements for each financial year which give a true and fair view of the state of the affairs of the Commission and of the income and expenditure for that period.

In preparing those statements, the Commission is required to:

- select suitable accounting policies and apply them consistently
- make judgments and estimates that are reasonable and prudent
- disclose and explain any material departures from applicable accounting standards
- prepare financial statements on a going concern basis unless it is inappropriate to presume that the Human Rights Commission will continue in existence.

The IHRC is responsible for keeping proper accounting records, which disclose, with reasonable accuracy at any time, the financial position of the Commission, and which enable it to ensure that the financial statements comply with the Order.

It is also responsible for safeguarding the assets of the Human Rights Commission and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Statement on Internal Financial Control Responsibility for the Systems of Internal Financial Controls

The IHRC acknowledges its responsibility for reviewing and ensuring the effectiveness of the organisation's system of internal financial controls. The IHRC through the Chief Executive is responsible for monitoring the systems of internal control and providing assurances to the Commission. A system of internal control is designed to reduce rather than eliminate risk and such a system can provide only a reasonable and not absolute assurance that assets are safeguarded, that transactions are authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner.

Key Control Procedures

The following is a description of the key procedures that have been put in place by the IHRC designed to provide effective internal financial control:

- The Commission has an established organisational structure with clearly defined lines of responsibility and reporting. Formal procedures for reporting significant control failures and ensuring corrective action are in place.
- The strength of the internal financial control systems is dependent on the quality and integrity of both management and staff.
- The Commission operates a comprehensive Financial Management and Reporting process. A breakdown of expenditure is submitted to the Department of Justice, Equality and Law Reform in advance of the quarterly grant-in-aid drawdown.
- The Commission has defined authorisation procedures in respect of procurement and payment of creditors. These authorisation limits form part of the Commission's statement on internal financial control.
- Procedures for monitoring the effectiveness of the internal financial control system are in place:

- A Finance and Audit Committee that meets regularly and reviews financial performance
- The Commission's Financial Management System, which contains in-built authorisation controls to ensure that only authorised staff can carry out specific processes.

The IHRC's monitoring and review of the effectiveness of the system of internal control is informed by the work of the members of the Board, the Finance and Audit Committee, and the comments made by the Comptroller and Auditor General in his management letter or other reports.

Annual Review of Controls

The Commission wish to advise that in the year ended 31 December 2006 it did not carry out a formal review of the internal financial controls of the Commission.

Statement of Accounting Policies and Principles

General

These accounts have been prepared in accordance with Section 16 of the Human Rights Commission Act 2000.

The Financial Statements cover the year from 1 January 2006 to 31 December 2006.

Basis of Accounting

The Financial Statements have been prepared on an accruals basis under the historical cost convention in the format approved by the Minister for Justice, Equality and Law Reform and in accordance with general accepted accountancy practice.

Oireachtas Grants

Grant-in-aid from the Department of Justice, Equality and Law Reform is shown on a cash receipts basis.

Tangible Fixed Assets

Tangible fixed assets are stated at cost less accumulated depreciation. Depreciation is calculated in order to write off the cost of

tangible fixed assets over their estimated useful lives as follows:

Buildings: 4%

Office Furniture: 20%

Fixtures & Fittings: 20%

Capital Account

The Capital Account represents the unamortised value of income used to purchase fixed assets.

Pensions

The Commission operates a defined benefit pension scheme, which is funded annually on a pay-as-you-go basis from monies provided by the Department of Justice, Equality and Law Reform (DJELR).

Pension costs reflect pension benefits earned by employees in the period and are shown net of staff pension contributions, which are refunded to the Department of Finance in accordance with agency financing arrangements. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable, and offset by grants received in the year to discharge pension payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the Statement of Recognised Gains and Losses and a corresponding adjustment is recognised in the amount recoverable from the DJELR. Pension liabilities represent the present value of future pension payments earned by staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the DJELR.

Draft Income & Expenditure Account for the year ended 31 December 2006

			€	€
	Note		2006	2005
INCOME				
Oireachtas Grant Received			1,959,000	1,894,000
Transfer to Capital Account		(134,011)		(8,849)
Amortisation of Grants in year		35,259	(98,714)	25,476
Net Deferred Funding for Pension	7(b)		109,300	102,000
Refunded Employee Contributions to the Dept. of Finance			(30,500)	(27,767)
Bank Interest Receivable			875.05	780
Total Income for year			1,936,961	1,994,489
EXPENDITURE				
Staff Salaries	1		861,344	784,003
Commissioner Fees	2		198,853	177,854
Support for the European Group			3,179	
Staff Training			2,898	1,722
Pension Costs	7(c)		78,800	74,233
Research			31,849	27,830
Conferences			24,925	35,159
Heat and Light			11,710	9,823
Office Requirements			30,757	42,367
Cleaning			6,198	7,512
Premises	3		269,703	264,509
Printing and Publishing			55,968	63,989
IT & Support			12,187	8,271
Library			20,433	10,775
Telephone			13,419	13,664
Post and Packing			6,118	6,240
Bank Charges			773	536
Insurance			17,549	18,972
General Expenses			564	
Training			4,192	4,759
Subsistence			68,889	83,502
Advertising			70,999	
Legal Fees			61,042	13,582
Audit Fee			7,900	7,200
Accountant's Fees			6,328	3,388
Depreciation Charge			35,297	34,325
Total Expenditure			1,901,874	1,694,215
Surplus / (Deficit) for the year			38,087	300,274
Balance brought forward from prior year			813,038	512,764
Balance carried forward at the end of the year			851,125	813,038

Statement of Total Recognised Gains and Losses

	€	€
(Deficit) / Surplus for the year	38,087	300,274
Actuarial Loss / (gain) on Pension Liabilities	54,600	(79,800)
Adjustment to Deferred Pension Funding	(54,600)	79,800
Total Recognised (Loss) / Gain for the year	38,087	300,274

The Statement of Accounting policies and principles and notes 1 to 8 form part of these accounts.

Draft Balance Sheet as at 31 December 2006

	Note		€	€
			2006	2005
Fixed Assets	4		413,405	314,691
Current Assets				
Cash at Bank and on Hand		1,010,089	881,822	
Debtors	5	9,069	10,488	
		1,019,158	892,310	
Current Liabilities				
Creditors & Accruals	6	(168,032)	(79,272)	
Net Current Assets			851,126	813,038
Net Assets Before Pensions			1,264,530	1,127,729
Deferred Funding Asset for Pensions	7(d)		638,900	553,700
Pension Liabilities	7(f)		(638,900)	(553,700)
Net Assets			1,264,530	1,127,729
Represented by				
Capital Account	8		413,405	314,691
Income & Expenditure Surplus/(Deficit)			851,125	813,038
			1,264,530	1,127,729

The statement of accounting policies and principles and notes, 1 to 8 form part of these accounts.

Notes to the Financial Statements for the Year Ended 31 December 2006

1 Salaries

Under Section 18 of the Human Rights Commission Act 2000, the Commission in determining the remuneration or other allowances shall have regard to Government or nationally-agreed guidelines. The Commission shall comply with any directives with regard to such remuneration, allowances, terms or conditions, which the Minister may give to the Commission with the consent of the Minister for Finance. The salaries figure includes an annual payment, equivalent to that of a Judge of the High Court, to the President, as approved by the Government. Dr Alpha Connelly was appointed as Chief Executive to the Commission on 10 June 2002 and 10 staff members were recruited to administrative and policy positions throughout 2003 and 2004.

2 Commissioners' Fees

Fees of €17,500 are payable to each of the 14 Commissioners.

3 Operating Lease

The Commission holds a 25-year lease from 17 November 2003, in respect of office accommodation in Jervis House. The annual costs of the lease is €301,383 with a five-year rent review.

4 Fixed Assets

	Building SL Over 25 Yrs	Equipment 20% RB	Fixtures 20% RB	Total
Cost	€	€	€	€
Balance 1 January	246,375	88,281	88,916	423,572
Additions	130,853	3,158	0	134,011
Disposals	0	0	0	0
Balance 31 December	377,228	91,439	88,916	557,583
Accumulated Depreciation				
Balance 1 January	29,565	38,775	40,541	108,881
Charge for the year	15,089	10,553	9,675	35,297
As at 31 December	44,654	49,308	50,216	144,178
Net Book Value				
Balance 31 December 2006	332,574	42,131	38,700	413,405
Balance 31 December 2005	216,810	49,506	48,375	314,691

5 Debtors

	€	€
	2006	2005
Debtors		400
Pre-payments	9,069	10,088
	9,069	10,488

6 Creditors & Accruals within 1 year

	€	€
	2006	2005
Trade Creditors (Purchases due at year end)	30,077	11,609
PAYE/PRSI	50,633	18,574
Fees owing to Commission Members	36,138	25,776
Professional Withholding Tax payable	4,001	0
Accruals	47,184	23,313
	168,032	79,272

7 Superannuation**(a) Pension Scheme Assets**

The Irish Human Rights Commission operates its pension scheme as a 'Pay as You Go' pension arrangement and therefore holds no assets.

Pension Scheme Liabilities

The membership as at the balance sheet date consisted of 8 active members and 3 deferred members. Membership and pensionable salary details have been provided by the Scheme administrators. The past service liability for the Scheme as at 31 December 2006 based on final projected salaries is given in the table below.

The main financial assumptions used were:

	2006	2005
Discount rate	4.60%	4.00%
Rate of increases in salaries	4.00%	4.00%
Inflation	2.25%	2.25%

Valuation Method

Projected Unit Method as prescribed under FRS 17.

Note that the current service cost will rise under this method if the average age of the active members rises.

(b) Net Deferred Funding for Pensions in Year

	€	€
	2006	2005
Funding recoverable in respect of current year pension costs	109,300	102,000
	109,300	102,000

(c) Analysis of the amount charged to operating profit under FRS 17

	€	€
	2006	2005
Current service cost	87,200	85,300
Interest on pension scheme liabilities	22,100	16,700
Employee contribution	(30,500)	(27,767)
Total operating charge	78,800	74,233

(d) Deferred Funding Asset for Pensions

The IHRC recognises these amounts as an asset corresponding to the unfunded deferred liability on pensions on the basis of the set of assumptions described above and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service pensions, including contributions by employees and the annual estimates process. While there is no formal agreement regarding these specific amounts with the Department of Finance, the Irish Human Rights Commission has no evidence that this funding policy will not continue to meet such sums in accordance with current practice. The deferred funding asset for pensions as at 31 December 2006 amounted to €638,900 (2005: €553,700).

(e) Analysis of amount recognised in the statement of total recognised gains and losses (STRGL)

	€	€
	2006	2005
Experience losses/(gains) arising on scheme liabilities	(31,400)	(16,800)
Changes in assumptions	86,000	(63,000)
Actuarial loss/(gain) recognised in STRGL	54,600	(79,800)

(f) Movement in surplus during the year

	€	€
	2006	2005
Surplus/(Deficit) in Scheme liability at 1 January	(553,700)	(371,900)
Current service cost	(87,200)	(85,300)
Interest cost	(22,100)	(16,700)
Actuarial loss/(gain) recognised in STRGL	54,600	(79,800)
Employee contributions	(30,500)	0
Net Pension Surplus at 31 December	(638,900)	(553,700)

(g) History of experience gains and losses

experience losses/(gains) on scheme liabilities	2006	2005
Amount (€)	(31,400)	(16,800)
Percentage of the present value of the scheme liabilities	(4.9%)	(3%)
Total amount recognised in STRGL	2006	2005
Amount (€)	54,600	(79,800)
Percentage of the present value of the scheme liabilities	8.5%	(14.4%)

8 Capital Account

	€	€
	2006	2005
Opening Balance	314,691	340,167
Transfer from/(to) Income and Expenditure		
Portion of grant awarded used for capital purposes	134,011	8,849
Amortised in the year in line with asset depreciation	(35,297)	(34,325)
Net movement in year	98,714	(25,476)
Closing balance	413,405	314,691

APPENDIX 1

IHRC Commissioners

The Irish Human Rights Commission has 15 members, appointed by the Government for a period of five years. The first Commission served from July 2001 to June 2006. A new Commission was appointed on 31 August 2006 and its term commenced on 2 October 2006. The current President, Dr Maurice Manning, assumed office on 1 August 2002.

In accordance with the Human Rights Commission Acts 2000 and 2001, not less than seven of the members of the Commission are female and not less than seven are male. A biographical note on the President and all Commissioners who served in 2006 follows:

MANNING, Maurice (President)

An academic by background, Dr Manning previously lectured in politics in University College Dublin and has been visiting professor at the University of Paris (Vincennes) and the University of West Florida. He is a member of the Senate of the National University of Ireland and of the Governing Authority of University College Dublin; and has been a member of the Governing Authority of the European University Institute at Florence.

Dr Manning has written several books on modern Irish politics. He was a member of the Oireachtas for twenty-one years, serving in both the Dáil and the Seanad. He has been a member of the New Ireland Forum and the British-Irish Inter Parliamentary Body. He has served as both Leader of the Seanad and Leader of the Opposition in that House.

BINCHY, William

William Binchy was first appointed a Commissioner in 2001 and re-appointed in 2006. Professor Binchy is Regius Professor of Laws at Trinity College Dublin. He has been a special legal

adviser on family law reform to the Department of Justice, preparing legislation on family maintenance, protection of the family home, and domestic violence. As Research Counsellor to the Law Reform Commission, he advised on reform of law relating to the status of children. He has represented Ireland at the Hague Conference on Private International Law in the areas of marriage and inter-country adoption. He has actively contributed to public discussion of human rights issues, including those relating to Travellers, asylum seekers, divorce and abortion.

Professor Binchy is organiser of a programme on constitutionalism for the Tanzanian judiciary held in Dar es Salaam, is co-organiser of a training programme for the magistracy of Botswana, and is organiser of the annual African workshop on constitutionalism for the Chief Justices and senior judiciary of African states, held in Trinity College, Dublin, which has been running since 1995. He was a Visiting Fellow at Corpus Christi College Cambridge for the Michaelmas term of 2002 and was a member of the Hederman Committee to Review the Offences Against the State Acts. He has been a consultant to the late Mr Justice Dermot Kinlen, Inspector of Prisons and Places of Detention, and has acted as a consultant to the Irish Department of Justice, Equality and Law Reform on the justice system of Timor-Leste.

BRAIDEN, Olive

Olive Braiden was first appointed a Commissioner in 2001 and re-appointed in 2006. Ms Braiden has worked in the voluntary and community sectors for over 20 years. She was Director of the Rape Crisis Centre for 10 years. She has been involved in campaigns for legislative reforms in areas of women's rights. She commissioned research on the law of rape in the European Union and commissioned the SAVI Report, the first national research on child sexual abuse. She secured State funding to establish training programmes for community workers in the former Yugoslavia and Kosovo.

In August 2003, Ms Braiden was appointed Chair of the Arts Council. She is a board member of the Courts Services and the Judicial Appointments Advisory Board. She is also the Chair of the Crisis Pregnancy Agency. She has served on many Government Working Parties and Steering Committees. In 2006, she was appointed by the Minister for Finance to the Public Service Benchmarking Body; and by the Minister for Arts, Sport and Tourism to the London 2012 Olympics Task Force. Over a period of 15 years, she has lived in Spain, France, Belgium, UK, Bahamas and Thailand. She completed an MPhil in Gender Studies in Trinity College, Dublin in 2003.

BYRNE, Rosemary

Rosemary Byrne was appointed a Commissioner in 2006. Dr Byrne is a Senior Lecturer in international and human rights law at Trinity College Dublin and a Research Fellow at the Institute for International Integration Studies. Throughout her professional career, she has engaged in research and advocacy in the areas of migration, refugee and asylum law, and has spoken on human rights in over 15 countries. She has worked with a range of international and Irish non-governmental organisations and conducted human rights training for the Council of Europe and the Helsinki Committee.

Dr Byrne has been a Government of Ireland Research Fellow and a Visiting Fellow at the Human Rights Program, Harvard Law School. Since 2000, she has also worked in the area of post-conflict justice, establishing the International Process and Justice project that monitors the trials underway at the International Criminal Tribunal for Rwanda. She holds a Bachelor of Arts degree in Political Science from Columbia University and a Juris Doctorate from Harvard Law School.

COLLINS, Martin

Martin Collins was appointed as a Commissioner in 2001 and completed his term in 2006. Mr

Collins is Assistant Director of Pavee Point Travellers Centre. He has extensive experience of community work with Travellers over 17 years. He has represented the interest and concerns of his own community at national, European and global level with various Council of Europe and United Nations bodies. He is a former member of the Government Task Force on the Traveller Community, which is generally regarded as a milestone in terms of offering a new analysis and framework for action on the problems experienced by Travellers. He then went on to become a member of the Monitoring Committee set up to monitor the implementation of the 1995 Task Force Report.

Mr Collins is a founding member of the Irish Traveller Movement which has a membership of over 80 Traveller groups. Through his work at Pavee Point, he is involved in providing anti-racism training to a wide range of professions including the Gardaí, teachers and social workers. He was also actively involved in the campaign for the introduction of anti-discrimination legislation, namely the Equal Status Act and the Employment Equality Act, which for the first time offered redress to Travellers who experienced unlawful discrimination.

DALY, Robert

Robert Daly was first appointed a Commissioner in 2001 and re-appointed in 2006. Professor Daly is an expert on Post-Traumatic Stress Disorder, on the psychiatric effects of interrogation and torture, and on the medical aspects of human rights in general. In the past he represented the Irish Government in the torture case against the UK at the European Commission on Human Rights, was a member of Amnesty International's Medical Advisory Board awarded the European Peace Prize, advised the American Civil Liberties Union, and worked for victims of abuse in Latin American States and the Balkan Wars. He has evaluated programmes of the European Commission and the Council of Europe in many

parts of the world. He has also been a trainer for the Committee for the Prevention of Torture and for human rights workers in the Kosovo conflict. He has served as an expert witness in numerous human rights-related cases on both sides of the border and in the UK.

Professor Daly served on the World Psychiatric Association's Committee dealing with allegations of abuse and, when Chair of the Irish Division of the Royal College of Psychiatrists, advised the Minister for Health on changes in mental health law. He was formerly Dean of Medicine and Head of the Psychiatry Department at University College Cork, Clinical Director in the Southern Health Board, and a member of the Medical Research Council.

EGAN, Suzanne

Suzanne Egan was first appointed a Commissioner in 2001 and re-appointed in 2006. Ms Egan has been a lecturer in International and European Human Rights Law at the Faculty of Law in University College Dublin since 1992. She is a barrister and holds a Master of Laws Degree from Osgoode Hall Law School in Toronto. Prior to lecturing at UCD, she was the Legal Supervisor of an independent research centre on refugee law and policy in Canada (1989–1991) and a Research Assistant at the Law Reform Commission in Ireland (1991–1992). She is a former member of the Executive Committee of the Irish Refugee Council.

Ms Egan has published widely in the area of human rights, particularly with regard to refugee law and policy, and has engaged in human rights training for various non-governmental organisations, the Council of Europe, and members of the legal profession.

FARRELL, Michael

Michael Farrell was first appointed a Commissioner in 2001 and re-appointed in 2006. Mr Farrell was prominently involved in the Civil Rights movement in Northern Ireland in the 1960s

and 1970s and has campaigned on many civil rights and human rights issues over the past 30 years. He was involved in campaigns for the Birmingham Six and other victims of miscarriages of justice in the 1980s, and in the campaign against political censorship under Section 31 of the Broadcasting Act. He was vice-chair and then co-chair of the Irish Council for Civil Liberties for most of the 1990s, and was involved in campaigns for gay rights, divorce, equality laws, refugee rights, against racism, and for the incorporation of the European Convention on Human Rights into Irish law.

Mr Farrell has an MSc degree in Politics and was formerly a journalist and author. He is now a solicitor working for Free Legal Advice Centres Ltd (FLAC) and is Vice-Chairperson of the Law Society's Human Rights Committee. He has taken cases to the European Court of Human Rights and other international bodies. Born and brought up in Co. Derry, he lived for 20 years in Belfast before moving to Dublin, where he now lives.

HARDING CLARK, Maureen

Maureen Harding Clark was appointed as a Commissioner in 2004 and completed her term in 2006. Ms Harding Clark was called to the Bar in 1975 following university education at Lyons, UCD, Trinity and Kings Inns. She practised first on the South Eastern Circuit and then as Senior Counsel in Dublin from 1991. She has had a comprehensive legal practice establishing expertise in Criminal Law and Medical Negligence. She has acted for the families of the bereaved in many inquests and has represented the Government in a large number of children's special needs cases. While a Senior Counsel, she served on the Bar Council. She was one of the first Judges *ad Litem* at the International Criminal Tribunal for the Former Yugoslavia (ICTY) at The Hague. While serving as a Judge at the ICTY, she was elected as a Judge of the International Criminal Court and was sworn in on March 11 2003.

Since then Ms Harding Clark has engaged extensively in outreach programmes for the Court. She has travelled to Chile, the US, South Korea, UK and several European capitals to address ICC issues with the judiciary, politicians and academics. She has chaired the Lourdes Hospital Enquiry for the Department of Health and Children. She resigned from the International Criminal Court and from the Commission to take up a position in the High Court in Ireland in late 2006.

KELLY, Nuala

Nuala Kelly was appointed a Commissioner in 2001 and completed her term in 2006. Ms Kelly has worked at national and international level to ensure respect and enforcement of the human rights of Irish emigrants and prisoners abroad. As former Co-ordinator of the Irish Commission for Prisoners Overseas, she helped co-ordinate campaigns to vindicate the rights of the Birmingham Six, the Guildford Four, the Maguire family and other victims of injustice, and built a case service for all prisoners abroad. She has worked with prisoner-related projects such as Expac and the Educational Trust, a cross-border body that allocates grants for education and training to ex-prisoners. She has also undertaken consultancy and research work with a focus on prison, migration and social policy issues.

Ms Kelly participated in the Forum for Peace and Reconciliation and was a member of the Consultative Forum of the EU Peace Programme. She was also a member of the Human Rights Working Group of the Irish Commission for Justice and Peace. She currently works for the Local Development Social Inclusion Programme with Pobal, which supports participation of disadvantaged individuals, communities and groups in the work of Area Partnership to promote equality and social change.

LEAHY, Alice

Alice Leahy was appointed a Commissioner in 2006. Ms Leahy is Director of TRUST, which she

co-founded in 1975. TRUST is an organisation based in Dublin that offers health and related services to people who are homeless. She is a former Chair of the Sentence Review Group.

Ms Leahy is also a writer, commentator, broadcaster and lecturer, promoting understanding of the needs of the outsider in our society and seeking practical ways to help combat social exclusion. She lectures widely and has directly contributed to public policy as a member of various policy bodies, such as the Lord Mayor's Commission on Crime chaired by Justice Michael Moriarty; the Working Party set up by the Minister for Health to look at the care of the disturbed mentally ill; and the National Crime Forum. Her most recent book, *'With Trust in Place – Writing from the Outside'*, on the theme of the outsider, was published by Townhouse Publications in 2003. In recognition of the work of TRUST, she has received a number of awards including an honorary doctorate from UCD and Tipperary Person of the Year Award for 2004.

McGRORY, Clodach

Clodach McGrory was appointed a Commissioner in 2001 and completed her term in 2006. Ms McGrory was awarded a BA in Irish by Trinity College in 1986 and subsequently was awarded a certificate in professional legal studies and an LLM degree in Human Rights and Emergency Law by Queen's University, Belfast. She has practised as a barrister in Northern Ireland and later worked at the Northern Ireland Law Centre. She was an active member of the Belfast-based NGO, the Committee for the Administration of Justice. In 1997, she was appointed to the Standing Advisory Committee on Human Rights in Northern Ireland.

Following the Good Friday Agreement in 1998, Ms McGrory was appointed as a Sentence Review Commissioner. In this capacity, she had responsibility for the release of prisoners convicted under emergency legislation in Northern Ireland. Since May 2002, she has held a part-time judicial

appointment as Chairperson of the Social Security Appeals Tribunal. In July 2002 she was appointed to the Life Sentence Review Commission, an independent body that makes decisions on the release of life sentence prisoners convicted under emergency legislation in Northern Ireland.

NÍ AOLÁIN, Fionnuala

Fionnuala Ní Aoláin was appointed a Commissioner in 2001 and completed her term in 2006. Dr Ní Aoláin is a Professor of Law at the University of Ulster's Transitional Justice Institute in Belfast, Northern Ireland, and concurrently the Dorsey and Whitney Chair in Law at the University of Minnesota Law School. She is co-founder and Associate Director of the Institute. She received her LLB and PhD in law at the Queen's University Law Faculty in Belfast. She also holds an LL.M. degree from Columbia Law School. She is the recipient of numerous academic awards and honours, including a Fulbright scholarship, the Alon Prize, the Robert Schumann Scholarship, a European Commission award, and the Lawlor fellowship.

Professor Ní Aoláin was a representative of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia at domestic war crimes trials in Bosnia (1996–97). In 2003, she was appointed by the Secretary-General of the United Nations as Special Expert on promoting gender equality in times of conflict and peace-making. In 2004, she was nominated by the Irish government to the European Court of Human Rights, the first woman and the first academic lawyer to be thus nominated. She was appointed by the Minister of Justice, Equality and Law Reform to the Irish Human Rights Commission in 2001, and is a member of the Joint Committee of the Northern Ireland Human Rights Commission and the Irish Human Rights Commission created by the Good Friday peace agreement. She is an elected member of the Executive Committee for the Belfast-based Committee on the Administration of Justice, and is also a member of the Irish Council for Civil Liberties.

O'HEGARTY, Lia

Lia O'Hegarty was appointed a Commissioner in 2006. Ms O'Hegarty is a graduate of UCC (BCL), the University of Michigan (LLM) and Harvard University (LLM). She was called to the Bar in 1996. She worked as a researcher in the Law Reform Commission for a number of years. She also lectured on an occasional basis at Trinity College Dublin and University College Cork.

In 2000, Ms O'Hegarty was appointed Parliamentary Legal Adviser to the Houses of the Oireachtas. Latterly she has set up her own consultancy in legislation and public affairs.

O'HIGGINS, Tom

Tom O'Higgins was first appointed a Commissioner in 2001 and re-appointed in 2006. Mr O'Higgins is a chartered accountant, and is a graduate in Economics and History from University College Dublin, and in Human Resource Management from Sheffield Business School. He is a former president of the Institute of Chartered Accountants, a member of the Institute of Personnel and Development and a member of the Institute of Taxation.

Mr O'Higgins was a partner at PricewaterhouseCoopers from 1969 to 2000, where he was a senior audit partner and Head of Human Resources. He continues to assist organisations in recruitment and human resource issues and serves as a member of selection boards for the Public Appointments Commission and other bodies. He is Chair of the Coombe Women's Hospital, and is recent Chair and a member of the Board of Concern Worldwide. He is a director of the Holocaust Educational Trust of Ireland and of a number of private companies. A specialist in corporate governance, he is Chair and a member of the audit committees of a number of state and semi-state bodies. He is also a member of the Praesta Partners Ireland, an executive coaching and mentoring organisation.

O'NEILL, Helen

Helen O'Neill was appointed a Commissioner in 2006. Professor O'Neill is Professor Emeritus and founding Director of the Centre for Development Studies in UCD. She obtained her BComm degree at UCD and her Masters and PhD degrees in Economics at McGill University, Montreal, Canada. She was President of the European Association of Development Research and Training Institutes from 1993 to 1999, President of the Association of Canadian Studies in Ireland from 2000 to 2002, and has chaired the Irish government's Advisory Committee on Development Cooperation and the Irish Commission for Justice and Peace.

Professor O'Neill is a member of a number of international committees including the policy committee on developing countries of the International Council of Science (ICSU). She has been a visiting professor in a number of institutions including the University of Zambia, the World Bank Institute, and Corvinus University, Budapest. She has carried out assignments for international organisations (including the World Bank and UNIDO) in over a dozen African countries and the trans-Caucasus region. She has acted as expert to the Economic and Social Committee in Brussels on a wide range of issues in international relations and regional development, and has acted as a consultant to DG Development and to Irish Aid. She has published widely on topics in development and international relations and given guest lectures in universities in all five continents of the world. She was honoured in 2006 with a festschrift (for *Trade, Aid and Development*, published by UCD Press).

QUINN, Gerard

Gerard Quinn was first appointed a Commissioner in 2001 and re-appointed in 2006. Professor Quinn is a professor of law at NUI, Galway. Called to the Irish Bar in 1983, he holds a Harvard Doctorate in Juridical Science (SJD). He is a former Director of Research at the Law Reform Commission and led the legal research team of the Commission on the

Status of Persons with Disabilities. He has worked with the European Commission on general human rights issues, as well as on the preparation of EU policy instruments in the field of disability rights. He was Director of an EU Network of Disability Discrimination Lawyers and now co-directs a larger EU Network on Discrimination law across all grounds, including age, race and disability.

Professor Quinn is a former First Vice-President of the European Committee of Social Rights (Council of Europe). He is a member of the research advisory boards of Land Mine Survivors Network (Washington DC) and Soros Foundation EU Monitoring Programme on Accession Countries on Disability (Budapest). He was a member of the United Nations Working Group convened to draft a treaty on the rights of persons with disabilities. He has published widely on economic, social and cultural rights, on the rights of persons with disabilities and on the EU and human rights.

SWEETMAN, Roger

Roger Sweetman was appointed a Commissioner in 2006. Until 1981, Mr Sweetman was a solicitor who practised (and later became Partner) in Herman, Good & Co. He then enrolled in the Kings' Inns. From 1979 to 1989 he was a tutor/consultant in Advocacy and Criminal Law to the Law School of the Incorporated Law Society. In 1983, he was conferred with the degree of Barrister-at-Law and was called to the Bar. For the next 19 years, he practised at the Bar both in Dublin and on the Eastern Circuit. Having been appointed to the Director of Public Prosecution's Dublin Prosecution Panel, his practice thereafter was mostly involved in crime, both prosecution and defence.

In 2002, Mr Sweetman was admitted to the Inner Bar, where he has acted as leading Counsel, principally for the defence, in serious criminal cases. He has also been involved in the areas of *habeas corpus* and judicial review. As a criminal law practitioner, he has been involved in

enunciating and vindicating the human rights of accused persons in a range of areas.

TAYLOR, Mervyn

Mervyn Taylor was first appointed a Commissioner in 2001 and re-appointed in 2006. Mr Taylor is a former Minister for Equality and Law Reform and was a Dáil Deputy for over 16 years. He served as Assistant Government Chief Whip from 1982 to 1987. While in opposition, he held various spokesperson positions, including Education, Justice, Finance and Public Service, Industry and Commerce, and Employment Equality and Law Reform.

Mr Taylor is a practising solicitor for 40 years, apart from the period in which he held Ministerial Office. He is a former member of the European Monitoring Committee on Racism and Xenophobia.

ZAPPONE, Katherine

Katherine Zappone was first appointed a Commissioner in 2001 and re-appointed in 2006. Dr Zappone is a philosopher, educator and independent public policy research consultant. As former Chief Executive of the National Women's Council in Ireland, she participated in a number of committees and working groups at national, European and international level to advocate women's social and economic rights and gender equality. She is a former member of the National Economic and Social Council of Ireland and has conducted a number of national research projects in public policy and gender equality, and equality in children's education. She is co-founder and Chair of An Cosán, a large community-based organisation in West Tallaght, Dublin, committed to eradicating poverty through education. Dr Zappone lectured for a decade in Trinity College Dublin on ethics and human rights, and has lectured in Canada, Australia, Europe, the USA and throughout Ireland. Widely published in feminism, ethics, equality issues and education, she conducts research, consults and teaches. Her

work includes: *Charting the Equality Agenda: A Coherent Framework for Equality Strategies in Ireland North and South* (2001) and *Re-Thinking Identity: The Challenge of Diversity* (2003). She holds a PhD in Education and Religion from Boston College.

APPENDIX 2

IHRC Committees as of 31 December 2006

At Plenary on 2 November 2006, it was agreed that a new committee structure be set up, which would result in reducing the number of committees from 10 to 5, and to amalgamate and/or redraft the terms of reference of the pre-existing committees.

The new structure would be comprised as follows:

1. Finance, Audit and General Purposes Committee
2. Gender & Equality, Economic, Social & Cultural Rights & Disability Committee
3. Racism, Trafficking & Migration Committee
4. Administration of Justice Committee
5. Casework Committee

Committee on the Administration of Justice

1 January to 2 November 2006

Members

Maurice Manning (Convenor), Michael Farrell, Fionnuala Ní Aoláin, William Binchy, Maureen Harding Clark, Nuala Kelly, Clodagh McGrory.

Terms of Reference

1. To further the Irish Human Rights Commission's objectives in the key area of the Administration of Justice, including the issue of emergency laws
2. To identify priorities and to develop strategy in relation to the key area of the Administration

of Justice, as set out in the Strategic Plan 2003–2006

3. To examine how the Commission should engage with the issue of the Offences Against the State Acts 1939–1989

Research Committee

1 January to 2 November 2006

Fionnuala Ní Aoláin (Convenor), Maurice Manning, William Binchy, Suzanne Egan

Terms of Reference:

To develop, subject to the discretion of the Commission, the Commission's policy and strategy with respect to research and to oversee and coordinate the Commission's research activities

Administration of Justice Committee:

2 November to 31 December 2006

The **Committee on the Administration of Justice** and **Research Committee** were amalgamated and renamed as:

Administration of Justice Committee:

Members

William Binchy (Convenor), Roger Sweetman, Lia O'Hegarty, Gerard Quinn, Robert Daly, Michael Farrell, Suzanne Egan, Maurice Manning

Terms of Reference

Proposed Terms of Reference would be submitted to the Commission's plenary meeting in January 2007.

Casework Committee

1 January to 2 November 2006

Members

Maurice Manning (Convenor), Robert Daly,
Mervyn Taylor.

Terms of Reference

1. To establish procedures for the performance of the functions of the Commission under sections 8(f) (in relation to section 9 (1) (a)), 8(h) and (k) of the Irish Human Rights Commission Act 2000 (the Act), subject to approval by plenary
2. To consider proposals by the Chief Executive in relation to the performance of the functions of the Commission under sections 8(f) (in relation to section 9(1)(a)), 8(h) and (k) of the Act, and to report to the Commission sitting in plenary thereon
3. To consider matters referred to it by the Chief Executive under sections 9(1)(b) or 10 of the Act and either make any recommendations thereon to the Chief Executive, or refer the matter to plenary for its views
4. To develop, subject to the direction of the Commission and subject to the delegation of any function to the Chief Executive, the Commission's policy and strategy with respect to casework and make recommendations to the Commission sitting in plenary thereon
5. To consider requests by individuals or proposals by the Chief Executive, further to the Commission's *Amicus Curiae Guidelines*, that the Commission apply, further to section 9(h) of the Act, to the High Court or the Supreme Court for liberty to appear before the relevant court as *amicus curiae* in proceedings before the relevant court that involve or are concerned with the human rights of any person and to

make recommendations to the Commission sitting in plenary thereon

6. To consider requests by individuals or proposals by the Chief Executive that the Commission institute court proceedings seeking relief in respect of human rights matter, further to sections 8(k) and 11 of the Act and to make recommendations to the Commission sitting in plenary thereon

Casework Committee:

2 November to 31 December 2006:

Members

Maurice Manning (Convenor), Mervyn Taylor,
Roger Sweetman

Terms of Reference:

As above

Disability Committee

1 January to 2 November 2006:

Members

Gerard Quinn (Convenor), Maurice Manning,
Katherine Zappone, William Binchy, Olive
Braidon

Terms of Reference

To consider and make proposals to plenary in respect of the promotion and protection of the rights of persons with disabilities

Committee on Economic, Social and Cultural Rights

1 January to 2 November 2006

Members

Maurice Manning (Convenor), Katherine Zappone, Suzanne Egan, Martin Collins, William Binchy, Nuala Kelly, Gerard Quinn

Terms of Reference:

1. To carry out the Commission's policy on protection and progressive realisation of economic, social and cultural rights as set out in the Commission's Strategic Plan, and to work wherever possible in cooperation with other statutory and non-statutory bodies in the field
2. To make proposals for the development of policy to the Commission, and proposals for research to the Commission's Research Committee
3. To play a role in advancing awareness and understanding of the nature of economic, social and cultural rights, and to focus on appropriate means of giving them practical effect
4. To keep under review those aspects of domestic law, policy and practice that impact on issues of poverty and poverty-reduction

Committee on Gender & Equality

1 January to 2 November 2006

Members

Maurice Manning (Convenor), Katherine Zappone, Suzanne Egan, Olive Braiden

Terms of Reference

1. To ensure a rights-based perspective in the implementation of Government commitments to eliminate discrimination against women
2. To carry out the Commission's policy on opposition to discrimination against women and the promotion of women's equality, working wherever possible with women's groups
3. To oversee and contribute to the Commission's shadow report of Government's progress to UN Committee on the Convention on the Elimination of Discrimination Against Women. In this regard to:
4. Identify the scope of the Commission's submission
5. Identify primary areas of the Commission's intervention
6. Identify areas of research and evidence-gathering to provide the basis for comments on the Government report
7. Establish relationships with the women's human rights alliance (project co-ordinating NGO shadow report)
8. Consider inviting external experts to work with the Commission
9. Meet with UN Committee on the Commission's submission
10. To make proposals to the Commission for research related to, and for developments of, its policy on gender and women's rights

Gender & Equality, Economic, Social & Cultural Rights & Disability Committee

On 2 November the following Committees amalgamated

The Disability Committee, the Committee on Economic, Social & Cultural Rights, the Committee on Gender & Equality and was renamed thus:

Gender & Equality, Economic, Social & Cultural Rights & Disability Committee

Members

Katherine Zappone (Convenor), Gerard Quinn, Helen O'Neill, Alice Leahy, Olive Braiden, William Binchy, Lia O'Hegarty

The Committee agreed terms of reference to be adopted at their next meeting in 2007.

Finance and Audit Committee

1 January to 2 November 2006

Members

Tom O'Higgins (Convenor), Maurice Manning, Mervyn Taylor, Alpha Connelly

Terms of Reference

To advise the Commission and the Chief Executive on all questions relating to the expenditure and the budget of the Commission and the keeping and auditing of the Commission's accounts

Committee on Governance and Management

1 January to 2 November 2006:

Members

Tom O'Higgins (Convenor), Katherine Zappone, Robert Daly, Olive Braiden

Terms of Reference

To listen fully to the concerns of the President and Chief Executive with a view to developing protocols relating to working arrangements and respective roles, and to clarifying operations and governance matters relating to future work, which are acceptable to the parties and to the Commission

Finance, Audit & General Purposes Committee

On 2 November the following Committees amalgamated

Finance and Audit Committee, Remuneration Committee and Committee on Governance and Management and was renamed thus:

Finance, Audit & General Purposes Committee

Members

Tom O'Higgins (Convenor), Olive Braiden, Robert Daly, Katherine Zappone, Maurice Manning, Mervyn Taylor

Terms of Reference

Proposed Terms of Reference would be submitted to the Commission's plenary meeting in January 2007.

Committee on Racism

1 January to 2 November 2006

Members

Michael Farrell (Convenor), Nuala Kelly, Martin Collins, Maurice Manning, Fionnuala Ní Aoláin, Tom O'Higgins

Terms of Reference

1. Will carry out HRC policy on opposition to racism and support for interculturalism as set out in the Commission's Strategic Plan and submission to the Steering Group on a National Plan Against Racism (NAPAR), working wherever possible in cooperation with other statutory bodies in the field and bodies representing minority ethnic groups
2. Will make proposals to the Commission for developing its policy on racism and interculturalism
3. Will continue to work with statutory and non-statutory bodies towards the development and implementation of the NAPAR. The basis of the Committee's work in this area will be the Commission's submission to the Steering Group on NAPAR
4. Will keep under review those aspects of immigration and asylum law and practice that impact on the issues of racism and interculturalism (the Committee could begin this work but because of the amount of legislation and agencies involved it might require a separate working group to research this area and formulate proposals)
5. Will play a role in publicising and promoting international human rights standards relevant to issues concerning racism and methods of monitoring and enforcing the application of those standards, with particular reference to Travellers, asylum seekers, migrant workers,

refugees and generally Irish people of diverse ethnic backgrounds

6. Will act as the Commission's representatives or will delegate some of its members to act as the Commission's representatives on the Sub-Committee on Racism of the Joint Committee of the Commission and the NIHRC

Racism, Trafficking & Migration Committee

On 2 November the Committee on Racism was subsumed and renamed thus:

Racism, Trafficking & Migration Committee

Members

Michael Farrell (Convenor), Suzanne Egan, Rosemary Byrne, Helen O'Neill, Tom O'Higgins, Alice Leahy

Terms of Reference

As above

Ad Hoc Committee on 'Extraordinary Rendition'

1 January to 2 November 2006

Ad Hoc Committee on 'Extraordinary Rendition': (Estab at 53rd plenary 15 Dec 2005)

Members

Michael Farrell, Suzanne Egan, Gerard Quinn, Maureen Harding Clark

Terms of Reference

To produce a Commission document on the issue for the President to sign off and send to Government

Ad Hoc Committee on the Strategic Plan

2 November to 31 December 2006:

Members

Katherine Zappone (Convenor), Maurice Manning, Alpha Connelly, William Binchy, Tom O'Higgins, Lia O'Hegarty

Terms of Reference

To agree the methodology and timeframe for same

APPENDIX 3

Attendance by the President at Official Events in 2006

24 February

FLAC – the launch of *Public Interest Law in Ireland – the Reality and the Potential*

1 March

Irish Catholic book reviews – Eoin O’Duffy: *A Self-Made Hero* by Fearghal McGarry, and Seán MacBride: *That Day’s Struggle, A Memoir 1904–1921*

9 March

NWCI – the launch by the National Women’s Council of Ireland of the campaign to Say no to Sexual Exploitation of Women during the World Cup 2006

13 March

ISE (Speech on Human rights)

21 March

South Africa Human Rights Day Celebration – Speaking Note

22 March

UL Law School at the University of Limerick, Law School on Human Rights Institutions

4 – 10 April

Lesotho and Zambia

12 May

De Facto Couples – Speaking note of the commissioned research *The Rights of De Facto Couples*

22 May

BIOA – British and Irish Ombudsman Association *A Perspective from the Island of Ireland*

2 June

Paul Rusesabagina – citation
Honorary conferring of Doctor of Laws

10 June

New Ireland Group Speech at the New Ireland Group, Crescent Hotel, Belfast

15 June

NDA – Opening Remarks at *Capacity and the Convention* National Disability Authority Seminar on the Draft UN Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

26 June

SPIRASI – Speaking Note at Tall Ships Against Torture

9 September

British Irish Association

14 September

Book review

23 September

Irish Deaf Society – *Reclaiming our Language*, National Seminar of the Irish Deaf Society

26 – 30 September

4th Roundtable in NHRIs, Athens

2 October

Age Action Conference – The Rights and Entitlements of Older People *The Role of the Irish Human Rights Commission*

10 October

AHEAD – UCD

12–16 October

Taiwan – *Establishing a New National Human Rights Institution The Irish Experience 2000–2006* speech to the International Conference on National Human Rights Institutions

18 October

Institute of Public Health in Ireland Conference, Carlingford

21 October**Amnesty Annual Conference**

Establishing a New Human *National Human Rights Institution – The Irish Experience 2000–2006* speech
Annual Conference Amnesty International
Kilkenny

20 October

Lift Off, Human Rights Education Conference, Belfast

23 – 28 October

Bolivia – 8th International Conference of National Human Rights Institutions for the Protection and Promotion of Human Rights, ‘*Migration, Human Rights and Development*’

1 November

Heritage Book Carlow

8 November

Human Rights and One Parent families – Launch of Booklet

14 November

UCD – Hon. Doc. of Law – Denis O’Brien Citation

15 November

Brian Walsh Lecture

16 November

Curragh Army Lecture

28 November

European Parliament – Brussels Submission to the European Parliament’s *Temporary Committee on Rendition*

4 – 6 December

Workshop on the Establishment of a National Human Rights Institution in Italy

11 December

Annual Human Rights Day – Introduction to Professor W Alford, ‘*Who speaks for Whom? – China, Disability and Rights*’

14 December

Joint Committee on European Affairs – Speaking Note

15 December

European Movement Newspaper – Article for publication

APPENDIX 4

Speeches and Presentations by the Chief Executive in 2006

13 April 2006

Oral report on the last session of the *Ad Hoc* Committee on the International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities at the annual meeting of the International Co-ordinating Committee in Geneva, Switzerland

14 Oct 2006

Introductory speech at the Annual Joint Conference on *Achieving Rights Based Child Labour*, organised jointly by the Law Society, IHRC and Ombudsman for Children

11 Dec 2006

Response to the International Human Rights Day Lecture given by Professor Alford, Vice-Dean of Harvard University – ‘*Who Speaks for Whom? – China, Disability and Rights*’

Presentations:

25 Jan 2006

The Incorporation of the European Convention on Human Rights into Irish Law, lecture to students at the Incorporated Law Society of Ireland

15 Feb 2006

The IHRC and the CERD Committee, Staff Seminar, Law Faculty, National University of Ireland, Galway

The Impact of the IHRC’s Observations on Legislative Proposals, presentation to LLM students of the Law Faculty, NUIG and the Irish Centre for Human Rights

29 May 2006

Using Human Rights Standards as a Basis for Increased Participation, keynote address to the 1st

national conference of New Communities Partnership

26 June 2006

Introduction to the UN Human Rights System, at a week-long residential course on Economic, Social & Cultural Rights – Focusing on Women, organised jointly by the IHRC and Women’s Human Rights Alliance, Galway, 26–30 June

9–10 Aug 2006

Two presentations to a UN/IPA Workshop Relating to a National Human Rights Commission in Iraq for the Human Rights Committee of the Iraqi Parliament, Geneva, Switzerland:

Examples of legislative provisions on the establishment, mandate, composition and structure of a national human rights institute ; and

Advisory and promotional roles of national human rights institutions, with particular reference to the Irish Human Rights Commission

27–29 Sept 2006

Working Session I: The role of NHRIs in monitoring the execution of judgments of the European Court of Human Rights. *What NHRIs do*, at the 4th Round Table of European National Institutions for the Promotion and Protection of Human Rights and 6th regional meeting of the European group of national institutions, Athens, Greece

23–24 Nov 2006

NIs and the Reporting Process during the Treaty Body Session at the Round Table on the Role of National Human Rights Institutions in the Treaty Body Process, organised jointly by the German Institute of Human Rights, The Danish Institute of Human Rights and UN Office of the High Commissioner for Human Rights, Berlin, Germany

Publications:

January 2006

'IHRC Research on *Economic, Social and Cultural Rights*'. January edition of *Just News – Human Rights in Northern Ireland*. Bulletin of the Committee on the Administration of Justice

APPENDIX 5

**Irish Human Rights Commission
Staff Reporting Structure**

