

2007

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By

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The Irish Human Rights Commission (IHRC) was established under statute in 2001, to promote and protect human rights in Ireland. The human rights that the IHRC is mandated to promote and protect are the rights, liberties and freedoms guaranteed under the Irish Constitution and under international agreements, treaties and conventions to which Ireland is a party.

To promote
& sustain the
realisation,
protection &
awareness of
human rights,
equally, for
all, in law, in
policy & in
practice

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Creating
a culture
& ethos
of respect
for human
rights
throughout
Irish
society



The year 2007 marked the first year of the Irish Human Rights Commission's (IHRC) second strategic plan (2007-2011), *Promoting and Protecting Human Rights in Ireland*. A central theme running through the plan is the importance of creating a culture and ethos of respect for human rights throughout Irish society, especially as we embrace growing diversity.

Promoting the centrality of human rights in legislation, in policy and in justice featured prominently in the IHRC's work in 2007, as did the drive to create more awareness and understanding of human rights. This Report is intended to give a clear sense of the broad range of activities undertaken by the Commission in 2007. It also highlights the spectrum of issues where human rights standards need to be applied.

The changing nature of modern Ireland, especially in respect of demography, globalisation and technology, makes the application of human rights standards at the same time both more complex and more necessary. These changes raise a wide variety of issues, some of which we are dealing with for the first time in Ireland. This year alone the Commission engaged on issues as wide-ranging as trafficking, criminal justice, forensic science and military law.

In 2007, as in previous years, we have sought to underpin our work with two key principles – independence and objectivity. In this context we continued to address issues we felt had a strong human rights dimension meriting close scrutiny, even where this may have caused discomfort for some. Similarly our approach on the issues we pursued was based on a close and careful examination of relevant constitutional and international human rights principles. This is fully in keeping with our statutory mandate and will continue to be a hallmark of our engagement in the coming period.

The Commission is still a relatively young organisation. However, it is clear that we are making our mark across a wide spectrum of Irish society. There is increasing awareness in the Oireachtas of what we do through our legislative scrutiny function. The IHRC has a central role to play in ensuring that all legislation is human rights compliant and we greatly welcome the opportunities we have been afforded to appear before Oireachtas Committees to present our views to the people's elected representatives.

The Commission's role is also becoming better known in the Courts as we more systematically roll out the exercise of our legal statutory functions. We will continue to use our powers in this regard carefully and with an eye to achieving value for money, by intervening in cases with a potential 'ripple effect'.

Throughout the year we consulted and engaged with human rights bodies, both non-governmental and statutory, in promoting and protecting human rights. We are now clearly widely known to community and voluntary groups – and we will continue our engagement with these organisations in the coming years.

The challenge of becoming better known to the general public is an issue we will continue to face, and a variety of measures have been implemented this year under our communications strategy to create a broader recognition of who we are and what we do. In all of this we know that to be effective and to make a real difference we have to be focused; we must not duplicate work being done by others.

Our international influence and profile has been enhanced by our involvement in the development and drafting of the United Nations International Convention on the Rights of Persons with Disabilities. The IHRC also continued in 2007 in its role as Chair of the European Group of National Human Rights Institutions (a group of 24 human rights institutions from around Europe). In this regard our contact with the United Nations, the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE), the EU Fundamental Rights Agency and other relevant agencies feeds directly into our statutory mandate to advise on best policy and practice.

There are two other matters which it is worth underlining at this time. Firstly, we continued to highlight, throughout the year, the importance of consolidating the independence of the IHRC by making it directly accountable to the Oireachtas. This is because the overarching and universal nature of human rights means that our mandate covers work done across many Government Departments. It is highly desirable that progress on this issue can be made in 2008. Secondly, it is also critical that the IHRC has the resources to fulfil its mandate effectively. We continue to face severe difficulties in this regard which have the potential to seriously hamper our effectiveness.

Dr Alpha Connelly left the IHRC in 2007. With extensive knowledge and experience in the human rights field, as its first Chief Executive, Dr Connelly played a crucial role in the IHRC's establishment and development in its first phase, for which I would like to express my thanks.

I would like to welcome Éamonn Mac Aodha, who took up the position of Chief Executive in December 2007. Mr Mac Aodha, formerly a senior diplomat with the Irish Department of Foreign Affairs, including as its Director of Human Rights between 2004 and 2007, brings a breadth of experience which I am confident will be of great value to the Commission.

Finally, my thanks to my fellow Commissioners and to our excellent staff for their work throughout the year.



Dr Maurice Manning
President

Promoting a society that values inclusiveness & diversity



The year 2007 saw the Irish Human Rights Commission (IHRC) publish its second strategic plan (2007-2011), *Promoting and Protecting Human Rights in Ireland*. The plan sets out our strategic goals for the next five years. It focuses on promoting a culture of respect for human rights in Irish society, embedding human rights in law, public policy and justice, addressing new and emerging challenges, as well as promoting a society that values inclusiveness and diversity and increasing the organisation's overall capacity to deliver on its mandate. As the plan was published in June 2007, these goals, together with those of our first strategic plan, informed the IHRC's work during the year.

The effective communication of what the Commission does and the related task of promoting awareness and understanding of human rights in Ireland is a vital starting point in accomplishing the Commission's mission. This will continue to be a key strategic priority for the Commission. In 2007, more investment in communicating the IHRC's concerns to the wider public through launches, events and publications resulted in the most extensive media coverage of the IHRC to date.

Greater effort was also made to further develop relations with the statutory, community, and voluntary sectors, resulting in a number of valuable consultations which have both informed the work of the IHRC and opened up opportunities for further collaboration. In the area of human rights education, the IHRC continued its support for the Cross-Border LIFT OFF Initiative delivering human rights education within primary education settings, as well as inputting to third-level courses and other training initiatives. It is the Commission's intention to build on these activities in the coming years.

One important development in the legal work of the IHRC was the publication of its First Enquiry Report in April 2007, pursuant to sections 8(f) and (g) of the Human Rights Commission Act 2000. The report, entitled *The Self-Employed and the Old Age Contributory Pension*, enquired into the impact of certain provisions of social welfare legislation on the self-employed. The Enquiry concluded that international human rights standards had not been entirely respected in relation to the granting of the old age contributory pension. The Enquiry made recommendations for changes to the social welfare code. The IHRC is currently working on two other enquiries.

A central objective of the IHRC during 2007 was also to focus on influencing the legislative process at the earliest possible point. To this end, during 2007 the IHRC engaged with Government Departments at the drafting stage of various legislative proposals and is committed to enhancing its engagement in the period ahead. In particular, 2007 saw the IHRC give its views to the Minister for Justice, Equality and Law Reform on the human rights implications of draft legislation on criminal justice, on trafficking in human persons and sexual offences, and on forensic sampling and evidence. In its previous Annual Reports, the IHRC has expressed concern that the only Minister of the Government to refer legislative proposals to the Commission had been the Minister for Justice, Equality and Law Reform. This concern was raised by the President of the IHRC at a meeting with the Minister for Justice, Equality and Law Reform in 2005, and the Minister in turn raised the matter at Cabinet. The IHRC is pleased to report that, in 2007, it received referrals from other Government Departments.

In order to properly exercise its statutory functions under section 8(b) of the Human Rights Commission Act 2000 (the power to examine legislative proposals) the IHRC requires adequate time. The Commission has expressed concern that it has not always been afforded sufficient time to consider legislative proposals in detail and looks forward to an improvement in this aspect of its work in 2008.

Since the enactment of the European Convention on Human Rights Act 2003, the number of cases in which the IHRC has been granted liberty to appear has increased, and this trend is likely to continue. The Commission appeared in seven cases in the superior courts (High Court and Supreme Court) in 2007. These cases addressed a wide variety of human rights concerns including legal aid, residency rights of non-national parents of Irish-born children, accommodation of Traveller families, criminal trespass legislation, data protection and local authority housing.

The Good Friday Agreement mandated the IHRC and Northern Ireland Human Rights Commission (NIHRC) to meet in a Joint Committee to discuss matters of mutual interest. This Joint Committee met on a number of occasions throughout 2007 to exchange information and examine a variety of topics including racism, migration, human trafficking, and progress on the Charter of Rights. Both Commissions agreed to co-fund a joint contractor to service the work of the Joint Committee from 2008.

The IHRC also continued to chair the European group of national human rights institutions (NHRIs) and promoted the role of NHRIs in assisting the work of the UN human rights treaty monitoring bodies. In addition, the Commission has strong relations with the Council of Europe, and in this context met formally with Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, to inform his review of Ireland's human rights obligations when he visited Ireland in November 2007. Commissioner Hammarberg also gave the IHRC's second human rights lecture, in which the Commissioner outlined the current challenges to implementing human rights in Europe, many of which have a clear resonance in Ireland. Finally, on the international front the IHRC has also opened up a strong dialogue with the newly established EU Fundamental Rights Agency and continued its engagement with the Organisation for Security and Co-operation in Europe (OSCE).

In respect of corporate affairs the Commission is pleased that 2007 saw further progress in planning for the future development of the IHRC. In this regard, the IHRC was successful in obtaining sanction for six new staff positions, including two new senior posts. The new positions should enable the organisation to carry out more in-house research and develop its human rights education and legal work. Regrettably, the sanction of additional human resources was not accompanied by any corresponding increase in budget for 2008. It will be essential to remedy this situation as soon as possible in order to ensure the effective continued functioning of the IHRC into the future as Ireland's National Human Rights Institution (NHRI).

Finally, as incoming Chief Executive in December 2007, I would like to pay tribute to my predecessor, Dr Alpha Connelly, the IHRC's first Chief Executive, for her tireless work and dedication to the Commission since its inception. I also wish to thank both Commissioners and staff for their ongoing energy and commitment. At the end of the first year of the IHRC's Second Strategic Plan, the breadth of activity across all the Commission's current strategic objectives is quite remarkable and bears testimony to their hard work and dedication.



Éamonn Mac Aodha
Chief Executive

**The IHRC
has a statutory
remit to ensure
that the human
rights of all
people in Ireland
are promoted &
protected in law,
policy & practice**

The IHRC is an independent statutory body working for the protection and promotion of human rights in Ireland. Established pursuant to the Good Friday Agreement, the composition, functions and powers of the IHRC are set out in the Human Rights Commission Acts 2000 and 2001. Under these Acts, the IHRC has a statutory remit to ensure that the human rights of all people in Ireland, which derive from the Constitution and the international treaties to which Ireland is a party, are promoted and protected in law, policy and practice.

The key functions of the IHRC are: providing recommendations and observations on the human rights implications of key legislative and policy questions, monitoring compliance with international and Constitutional human rights standards, promoting awareness of human rights issues and education and training in human rights, conducting enquiries into human rights issues, and acting as *amicus curiae* (or 'friend of the court') before the courts in individual cases.

The specific functions of the IHRC as set out in the Human Rights Commission Act 2000 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 a 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 referred to in paragraph 10 of the section entitled 'Rights, Safeguards and Equality of Opportunity' of the Agreement Reached in the Multi-Party Talks
- 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.

The role and functions of the IHRC derive from international standards for national institutions for the promotion and protection of human rights. The IHRC is Ireland's National Human Rights Institution (NHRI), which means that its powers and functions fully comply with the United Nations *Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights* ('Paris Principles'). The Paris Principles, which set out the role, composition, status and functions of NHRIs, were endorsed by the UN General Assembly in December 1993. Thus, as Ireland's NHRI, the IHRC has an international mandate and standing, representing Ireland's strong commitment to human rights internationally. NHRIs currently exist in over 60 countries throughout the world, with more being established every year. Since September 2006, the IHRC has been Chair of the European Group of National Human Rights Institutions.

The Commission

The Commission consists of a President and 14 other members, all of whom are appointed by the Government. The legislation establishing the IHRC requires that not less than seven Commissioners shall be women and not less than seven shall be men. The President of the Commission, Dr Maurice Manning, was reappointed in August 2007 for a second five-year term. The members of the Commission are as follows (left to right):

Dr Maurice Manning
(President)
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 Commissioners are provided in Appendix 1.



The Commission meets in plenary session approximately once a month. In 2007, the Commission met 11 times in plenary session.

Commissioners also meet from time to time in committees to give input to the development of the work of the Commission in specific areas. Committees report to plenary.

In 2007, the Committees were:

- Finance, Audit and General Purposes Committee
- Gender & Equality, Economic, Social & Cultural Rights and Disability Committee
- Racism, Trafficking & Migration Committee
- Administration of Justice Committee
- Casework Committee
- Ad Hoc Committee on the Strategic Plan.

The membership and terms of reference of each of the Committees are provided in Appendix 2.

2007 was the
first year of the
IHRC's second
Strategic Plan

2007-2011

*Promoting
& Protecting
Human Rights
in Ireland*

2007 was the first year of the IHRC's second Strategic Plan 2007-2011, *Promoting and Protecting Human Rights in Ireland*. Underpinning the delivery of the Strategic Plan is the IHRC's mandate to ensure that the human rights of all people in Ireland are promoted and protected in law, policy and practice, including the human rights guaranteed in the Irish Constitution and the international treaties and conventions to which Ireland is a party.

The IHRC's strategic goals for 2007-2011 are:

- To promote a culture and ethos of respect for human rights in Irish society
- To promote the centrality of human rights in the formulation and administration of law, public policy and justice
- To work jointly with the Northern Ireland Human Rights Commission to promote human rights on the island of Ireland
- To promote a society that values diversity through respect for human rights
- To assess and anticipate emerging challenges to human rights
- To strengthen the organisational capacity of the IHRC to carry out its mandate.

The Strategic Plan was published in June 2007, and these goals and the goals set out in the IHRC's first strategic plan informed the work of the Commission in 2007.

In 2007
the IHRC
conducted
enquires
provided legal
assistance and
appeared as an
amicus curiae

The Enquiry and Legal Services functions of the IHRC are set out in sections 8 to 11 of the Human Rights Commission Act 2000.

These functions are:

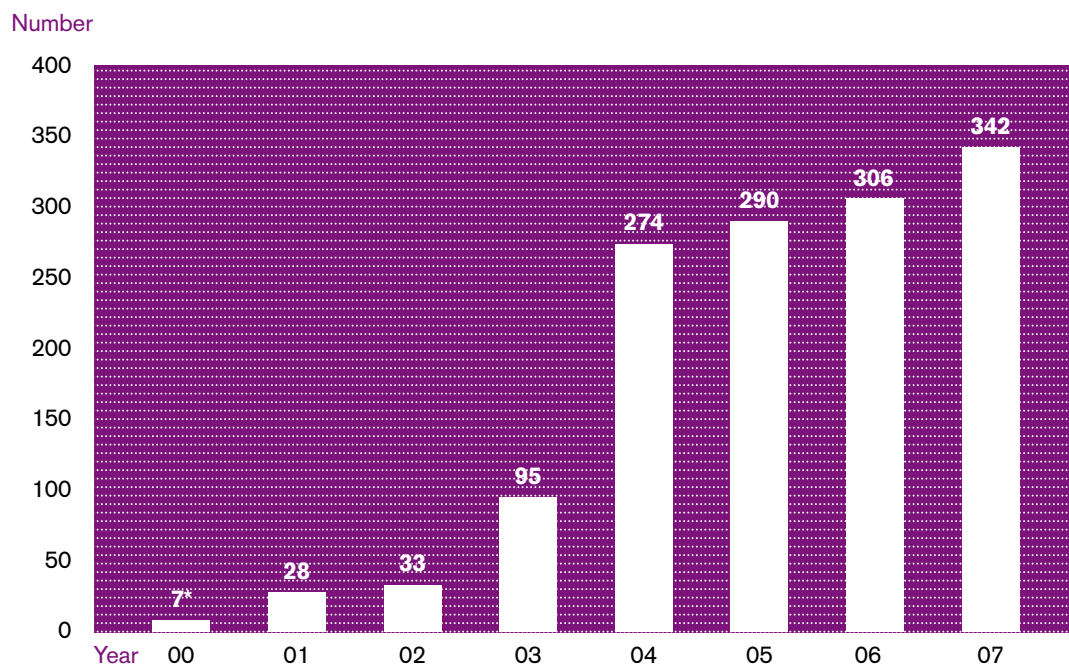
- To consider requests for an enquiry into a relevant human rights matter or to initiate enquiries at its own volition
- To consider applications for assistance in connection with legal proceedings involving human rights law or practice
- To offer its expertise in human rights law to the superior courts,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

In performing these functions in 2007, the IHRC reviewed requests for enquiries and legal assistance, conducted enquiries, provided legal assistance and appeared on a number of occasions as an *amicus curiae*.

Communications

During 2007, the IHRC received 342 individual communications from persons or organisations. The number of communications to the IHRC has continued to increase annually, with a 12 per cent increase in 2007 over 2006. This trend is illustrated in Figure 1.

Figure 1: Number of Enquiry & Legal Services communications received by year



*The seven communications received predate the formal establishment of the Commission in July 2001

In 2007, a total of 300 communications were received from members of the public on human rights issues, 182 of which were received from men, while 118 were received from women. Forty-two communications were received in respect of legal proceedings notifications or *amicus curiae* requests, therefore rendering problematic any precise gender classification.

Figure 2: Breakdown of communications received in 2007 by gender

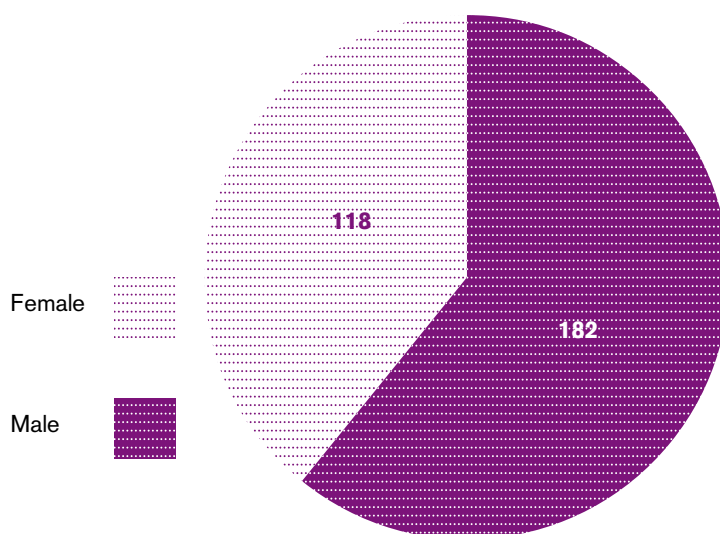
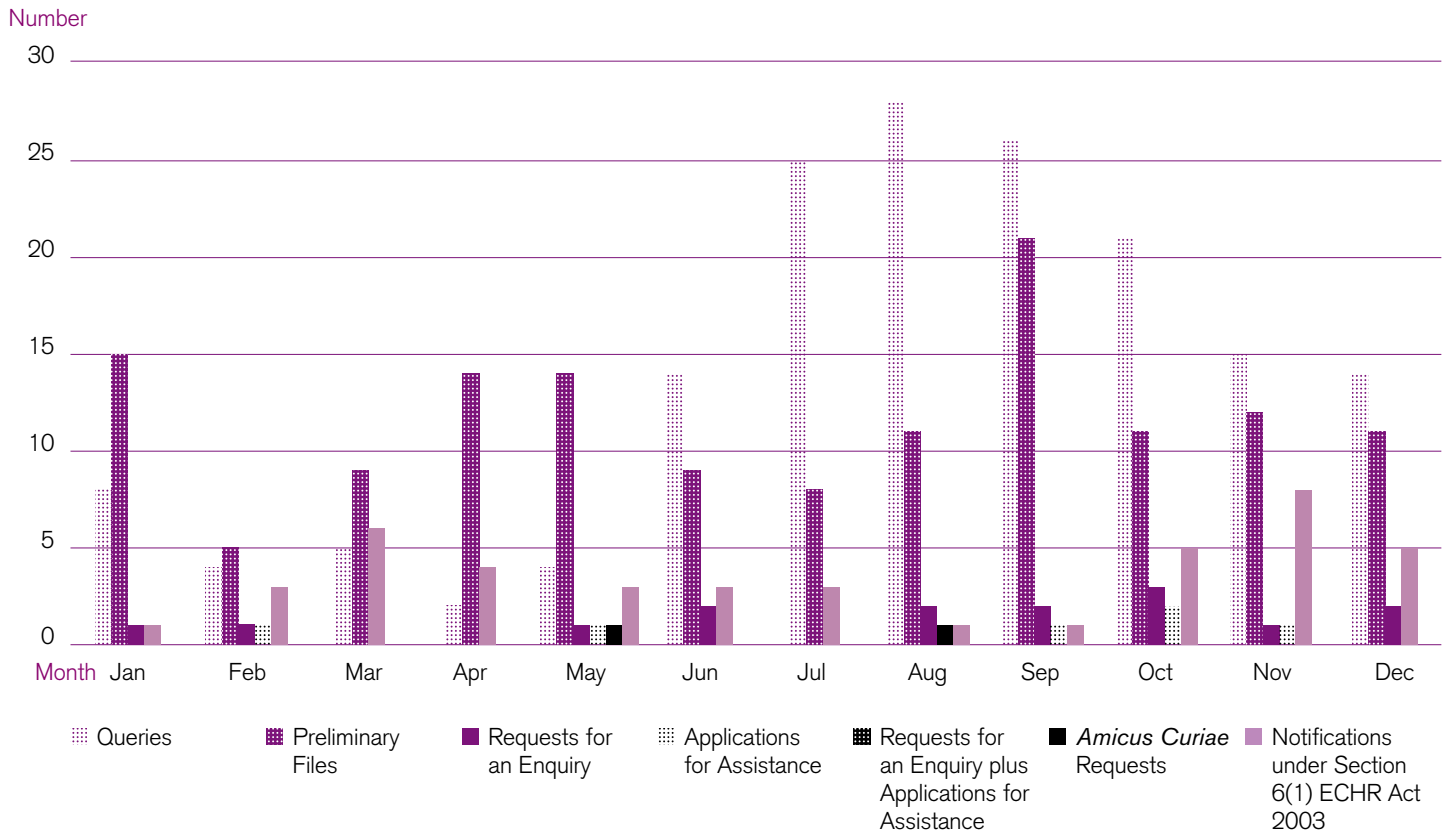


Figure 3 provides a breakdown of the communications to the IHRC's Enquiry and Legal Services section received in 2007 by category and by month. As in previous years, in 2007 the most common method by which people chose to contact the IHRC, in terms of its Enquiry and Legal Services functions, was by way of a telephone query.

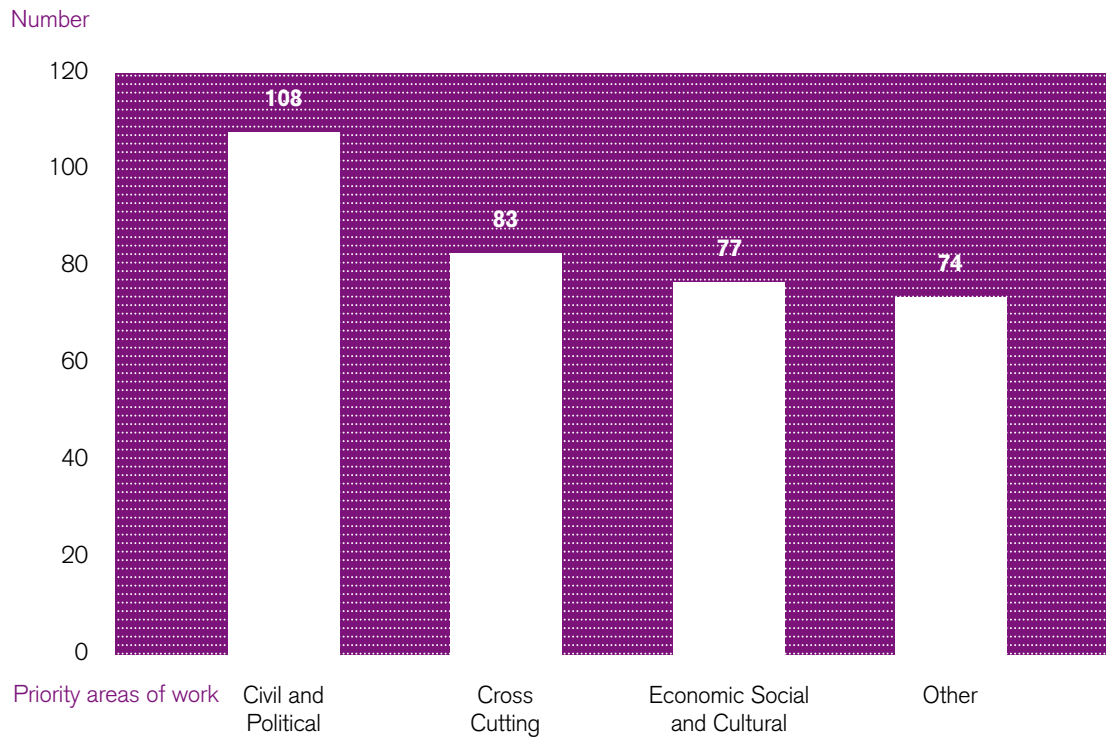
Figure 3: Enquiry and Legal Services communications received in 2007 by category



Similarly, as in previous years, communications received by the IHRC concerned issues from across the spectrum of civil and political and economic, social and cultural rights, with some communications concerning 'cross-cutting' issues covering both civil and political and economic, social and cultural rights.

The most common type of communication received during the course of 2007 concerned issues relating to civil and political rights (32 per cent), with the number of communications in relation to cross-cutting issues (24 per cent) and economic, social and cultural right issues (22 per cent) being similar. Communications categorised under the 'other' heading (22 per cent) refer to matters that did not clearly raise human rights issues, such as disputes between individuals. Figure 4 illustrates the division of communications based upon the above-mentioned key areas.

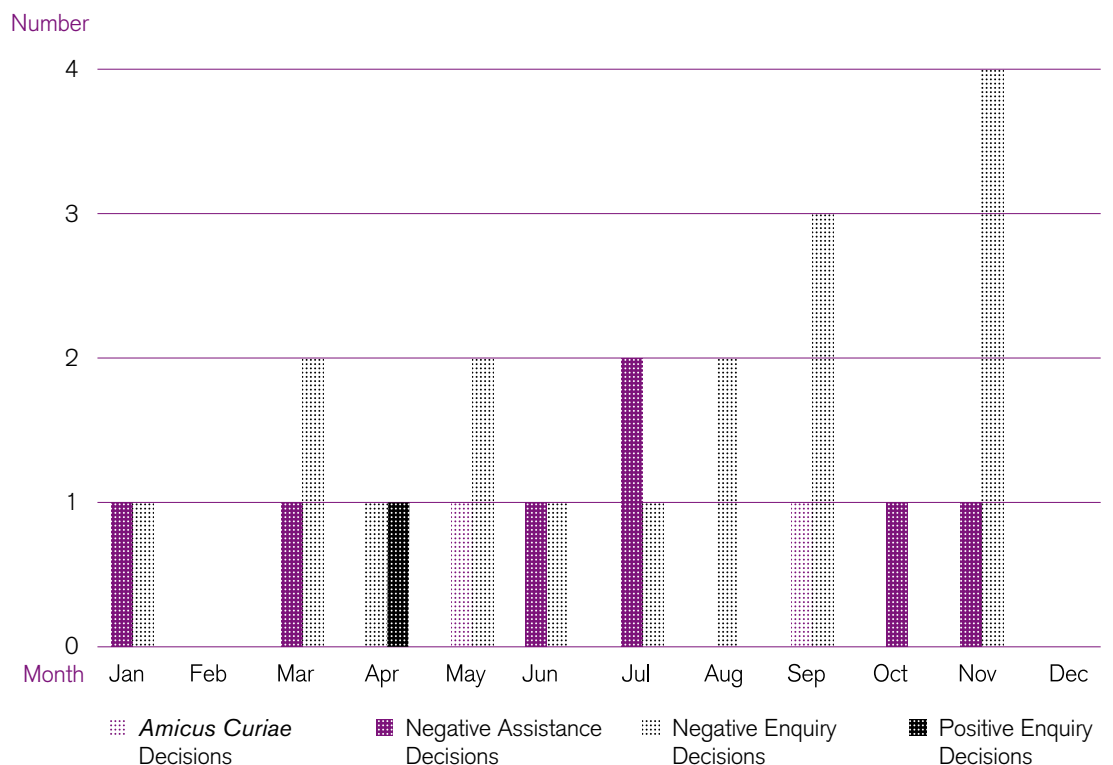
Figure 4: Priority areas of work and communications received by the Commission in 2007



Enquiry Requests and Assistance Applications

During the course of the year, the IHRC considered and decided 17 formal enquiry requests and 8 formal assistance applications which had been made to it. IHRC decisions on enquiry requests and/or assistance applications in addition to its decisions on *amicus curiae* requests and proposals are set out in Figure 5.

Figure 5: Enquiry and Legal Services decisions taken by the Commission in 2007





Contact with Statutory Bodies

The IHRC relies on the co-operation of statutory bodies in order to discharge its statutory functions. In assessing an enquiry request or an assistance application to it, the IHRC may seek formal clarification of certain matters or request specific information or documentation from other statutory bodies. This is in addition to routine informal referrals to other statutory bodies. Where the IHRC decides to conduct an enquiry into a relevant matter, it will invariably seek information and documentation from the relevant statutory bodies. In 2007, the IHRC formally corresponded with two statutory bodies, An Garda Síochána and the Department of Health and Children, in the course of assessing enquiry requests. It sought information and documentation within a specified timeframe. The IHRC received a timely response from the Department of Health and Children.

Enquiries

In April 2007, the IHRC published its first Enquiry Report. The Report, entitled *The Self-Employed and the Old Age Contributory Pension*, enquired into the impact of certain provisions of social welfare legislation on the self-employed. It was conducted at the request of a retired self-employed couple who claimed they were obliged to make social insurance payments for a contributory old age pension they could not obtain when they retired. The IHRC decided that the Enquiry was to be conducted in private, with the results to be made public.

The Enquiry concluded that international human rights standards had not been entirely respected in relation to the granting of the old age contributory pension under three human rights standards: first, the provision under the European Code of Social Security for a reduced benefit to be paid in appropriate circumstances; secondly, the protection of private property under the European Convention on Human Rights and Fundamental Freedoms (ECHR); and thirdly, the prohibition of discrimination based on age as provided for under the ECHR and the International Covenant on Civil and Political Rights. The Enquiry made recommendations for changes to the Social Welfare code. In accordance with the normal IHRC procedure, the governmental response to the recommendations made in the Enquiry will be monitored by the IHRC in the future and pursued with the Department of Social and Family Affairs.

The IHRC'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 IHRC decided that the Enquiry was to be conducted in private, with the results to be made public. The Enquiry continued at year's end.

In 2007, the IHRC also decided to conduct a Third Enquiry into the extent to which the human rights of certain persons with intellectual disabilities were being met. Substantive work on this enquiry was scheduled to begin in 2008.

Legal Assistance

In February 2007, the Judgment of the High Court was delivered in the case of *J.H. v. Vincent Russell, Clinical Director of Cavan General Hospital* in relation to the rights of an individual detained pursuant to the Mental Health Acts.

The Commission represented the Applicant in the case, the first time it granted legal representation to a person under section 10 of its legislation. The IHRC 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 ECHR.

The case concerned the Applicant's involuntary committal since March 2003 under the Mental Treatment Act 1945 and more recently under the Mental Health Act 2001. The Applicant was being detained in a psychiatric hospital and the application brought by the IHRC on his behalf challenged the lawfulness of his detention under Article 40.4.2° (habeas corpus provision) of the Constitution. The Health Service Executive and Mental Health Commission were Notice Parties to the proceedings, which were heard over two days before the High Court in December 2006.

The proceedings were successful and the individual's detention was declared unlawful.

Section 6(1) of the European Convention on Human Rights Act 2003 (ECHR Act)

As in previous years, the IHRC continued to receive case notifications under the ECHR Act. Section 6 of the ECHR Act requires that both the Attorney General and the IHRC be notified of the proceedings prior to a Court making 'a declaration of incompatibility' under section 5 of the ECHR Act. Subsequent rules of court require the party having carriage of the case to forward the pleadings to both the Attorney General and the IHRC and these bodies are updated as the case progresses.

A 'declaration of incompatibility' under section 5 of the ECHR Act refers to the situation where a court finds that legislation or a rule of law is incompatible with the State's obligations under the ECHR. Where a court makes such a declaration, the Taoiseach must cause a copy of the court order to be laid before each House of the Oireachtas within 21 sitting days. However, the making of a declaration of incompatibility does not affect the continuing enforcement or operation of the law in question which continues to have effect until such time as it is either amended in legislation or struck down as being unconstitutional by the Superior Courts.

In 2007, the number of case notifications received under the ECHR Act or otherwise (complementary copies of proceedings involving human rights issues or cases stated to the Superior Courts) was 42.

Amicus Curiae Appearances

Since the enactment of the ECHR Act, the number of cases in which the IHRC has been granted liberty to appear as *amicus curiae* has increased and this trend is likely to continue. The IHRC appeared in seven cases in the superior courts (High Court and Supreme Court) in 2007. These cases addressed a wide variety of human rights concerns including legal aid, residency rights of non-national parents of Irish born children, accommodation of Traveller families, criminal trespass legislation, data protection and local authority housing.

Legal Aid Board v. District Judge Patrick Brady, the Northern Area Health Board & Others

In 2007, a settlement was reached in the case of *Legal Aid Board v. District Judge Patrick Brady, the Northern Area Health Board & Others* to which the IHRC, at the invitation of the High Court, had been invited to join as *amicus curiae* in April 2006. The case concerned a mother whose child was the subject of child-care proceedings. The Commission filed submissions with the Court concerning the right of an adult lacking full decision-making capacity to have the assistance of a Guardian *ad Litem* in court proceedings. The IHRC also made submissions that the costs of such a Guardian *ad Litem* be discharged by the State and also in its submissions considered the functions of a Guardian *ad Litem* for such an adult.

In its submissions, the IHRC drew the Court's attention to a number of international standards, including those under the UN Convention on the Rights of the Child and the recently adopted UN International Convention on the Rights of Persons with Disabilities.

Before the case was heard in March 2007, a settlement was reached which was based, in essence, upon the establishment of a Legal Aid Board scheme to apply in child-care proceedings and in which a parent instructing the Legal Aid Board has impaired capacity rather than full incapacity.

The IHRC relayed to the court its satisfaction that the needs of the mother had been met and also expressed the view that the proposed scheme represented a significant advance on the current situation. The IHRC noted to the Court that as one of its statutory functions is to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights, it would expressly reserve its position at the conclusion of the proceedings as to the adequacy of the Legal Aid Board scheme as an effective device for the protection and vindication of the human rights at issue.

D.B. & Others v. The Minister for Justice, Equality and Law Reform

The IHRC appeared in May 2007 before the Supreme Court as an *amicus curiae* in the proceedings in *D.B. & Others v. The Minister for Justice, Equality and Law Reform*. The appearance was made at the discretion of the Supreme Court concerning an appeal, by the State, of High Court judgments delivered in November 2006.

The November 2006 judgments concerned eight separate cases brought in relation to applications for residency made by non-national parents of Irish born citizen children under an administrative scheme introduced following the referendum on citizenship in 2004. In each case at least one if not both non-national parents of Irish citizen children were refused permission to remain in the State. These applicants formed part of a larger cohort of around 1,100 persons refused permission to remain in the State following their application to the Minister for Equality and Law Reform under the administrative scheme.

The High Court ruling had found that the human rights of the individuals concerned had been infringed under both the Irish Constitution and the ECHR. Specifically, the court considered that the best interest or welfare of the child was not taken into account.

The IHRC's appearance in the proceedings before the Supreme Court was directed towards drawing both constitutional and international human rights principles to the attention of the Court including:

- the relevant principles relating to the protection of private and family life in an immigration context
- the relevant principles relating to the protection of children in an immigration context
- the principles relating to the requirement for an effective remedy
- the impact of the caselaw of the European Court of Justice.



The Judgment was delivered on 20 December 2007. The Supreme Court held that, as the administrative scheme (the Irish Born Child '05 Scheme) was adopted by the Minister as a measure of generosity on the part of the State outside the established statutory framework, no rights under the Constitution or the ECHR were engaged and failure to include a person in the scheme was not a legal determination amenable to judicial review. The Court further held that there was no legislative basis permitting non-national parents of Irish born children to make an application to the Minister to remain in the State under Irish law.

Lawrence & Others v. Ballina Town Council & Others

In 2007, the IHRC was involved as *amicus curiae* in the case of *Lawrence & Others v. Ballina Town Council & Others*. These proceedings 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 (see *IHRC Annual Report 2005*). In January 2006, the Equality Authority was also joined as *amicus curiae* in the case. The case was scheduled to be heard by the High Court in November. However, the trial was postponed and a hearing date was still pending at the end of 2007.

Carmody v. The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General

The IHRC's appearance in the case of *Carmody v. The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General* was at the discretion of the Supreme Court in an appeal by the Plaintiff of a High Court Judgment in January 2005. The Judgment concerned an examination of the extent to which the criminal legal aid scheme under the Criminal Justice (Legal Aid) Act 1962 should provide an accused person with the same level of representation as is available to the prosecution in the case. It also considered the question as to the sequence in which arguments under both the Constitution and the ECHR Act should be considered by the Superior Courts.

The High Court ruling had found that on the evidence before it, the human rights of the Plaintiff had not been infringed. The IHRC's appearance as *amicus curiae*, permitted by the Supreme Court in late 2005, was aimed at directing the Court's attention to those aspects of constitutional and international human rights principles which were not being addressed by the parties to the case, with particular attention to the extent to which the ECHR jurisprudence under Article 6 informs the application of the Constitutional right to equality of arms. A hearing date was still pending at the end of 2007.

Digital Rights Ireland Limited v. The Minister for Communications, Marine and Natural Resources, The Minister for Justice, Equality and Law Reform, The Commissioner of An Garda Síochána, Ireland and the Attorney General

In December 2007, the IHRC made an application to the High Court for liberty to appear as *amicus curiae* in the case of *Digital Rights Ireland Limited v. The Minister for Communications, Marine and Natural Resources, The Minister for Justice, Equality and Law Reform, The Commissioner of An Garda Síochána, Ireland and the Attorney General*. That application was still pending at the end of 2007.

The case involves the retention of telecommunications data by service providers for access and use by State authorities for a period of up to three years and also significantly includes challenges to both European Union law and domestic law data retention mechanisms (including the Criminal Justice (Terrorist Offences) Act 2005). The core human rights principles at issue are the right to respect for private life and correspondence under Article 8 of the ECHR and freedom of expression under Article 10. The case also involves a request for a reference to the European Court of Justice under Article 234 of the Treaty establishing the European Community.

Pullen & Others v. Dublin City Council

In December 2007, the IHRC was invited by the High Court to appear as *amicus curiae* in *Pullen & Others v. Dublin City Council*. The case involved the issue of section 62 of the Housing Act 1966 (as amended) which permits local authorities to adopt a summary procedure for evicting local authority tenants without a requirement to justify that decision before the District Court. The case concerned whether that procedure falls foul of the ECHR Act 2003 and as a preliminary matter the remedies available to a High Court Judge on application for injunctive relief, where a warrant for possession has been granted to the local authority.

The relief sought included a declaration that the relevant legislation was incompatible with the State's obligations under the following provisions of the ECHR: the right to fair hearing (Article 6), the right to respect for private and family life (Article 8), the right to non-discrimination in the enjoyment of Convention rights (Article 14) and the right to private property (Article 1 of Protocol 1). The IHRC and the Attorney General were invited to assist the Court in relation to this preliminary matter. The case was ongoing at the end of 2007.

Health Services Executive v. SS (A Minor)

In April 2007, the IHRC received an inquiry from the High Court as to whether it wished to become involved in proceedings concerning the jurisdiction of the Court to make long-term detention orders in relation to minors with behavioural difficulties. The IHRC decided to monitor the proceedings by way of maintaining a 'watching brief' on the proceedings and engaged counsel to attend and report on the two-day hearing on 9 and 10 May 2007, so as to inform possible future work of the IHRC in the area.

Enquiries and Legal Services Outreach

In September 2007, the Enquiry and Legal Services Section held a Roundtable with a number of representative groups from the community and voluntary sector. The purpose of the meeting was to inform those organisations about the functions and work of the IHRC, and to explore how the IHRC can engage with those organisations on an ongoing basis to address the human rights issues affecting the constituencies they represent. A broad range of issues were discussed and a number of possible issues were identified by the IHRC to consider further in the context of implementing its Second Strategic Plan.

In 2007, the
IHRC continued
its work to review
relevant legislation
& policy so as
to ensure that
human rights
are promoted
& protected in
Ireland

The research, policy and legislative review functions of the IHRC are set out in section 8 of the Human Rights Commission Act 2000. These 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 a 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 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 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.



In 2007, the IHRC continued its work to review relevant legislation and policy so as to ensure that human rights are promoted and protected in Ireland. This work included providing substantive recommendations on four important bills: the Defence (Amendment) (No. 2) Bill 2006, the Criminal Justice Bill 2007, the Criminal Justice (Trafficking in Persons and Sexual Offences) Bill 2007 and the Criminal Justice (Forensic Sampling and Evidence) Bill 2007. The IHRC also engaged with international treaty monitoring bodies in monitoring Ireland's compliance with its international human rights obligations. In addition, the IHRC produced a substantive report on the issue of so-called 'Extraordinary Rendition' and oversaw work on four major outsourced research projects. As well as providing substantive observations and recommendations, the Research and Policy section worked on outreach, meetings and events – these are addressed in the Awareness section, below.

Defence (Amendment) (No. 2) Bill 2006

In February 2007, the IHRC launched its Observations on the Defence (Amendment) (No. 2) Bill, which had been referred to the IHRC in 2006 for examination in order for the IHRC to report on its implications in relation to prevailing human rights standards. The primary focus of the Bill was to overhaul the procedures for the administration of military law in the light of Irish case-law and relevant provisions of the ECHR. In the process of preparing its Observations, the IHRC particularly welcomed the opportunity to engage with officials of the Department of Defence to discuss aspects of the Bill.

In launching its Observations, the IHRC welcomed the Defence (Amendment) (No. 2) Bill as a significant contribution towards bringing Irish law into line with human rights standards. The Bill was enacted into law in April 2007.

Criminal Justice Bill 2007

In February 2007, the General Scheme of the Criminal Justice Bill 2007 was referred to the IHRC for examination and to report on its implications in relation to prevailing human rights norms. The Bill itself was published on 15 March 2007. The Criminal Justice Bill 2007 sought to make changes to criminal law and procedure and laws of evidence and sentencing as they operate within the criminal justice system in Ireland at present.

The IHRC identified four key areas as giving rise to human rights concerns: the right to silence, increased periods of detention on suspicion of certain offences, mandatory minimum sentences for certain offences and new procedures in bail law. Of particular concern to the IHRC was the hurried enactment of the Bill, as well as the amount of time given to the IHRC to review its provisions.

The IHRC launched its Observations on the Criminal Justice Bill 2007 in March 2007. These Observations received extensive coverage and generated debate on the implications of the legislation. The Criminal Justice Bill 2007 was enacted into law in May 2007.

Criminal Justice (Trafficking in Persons and Sexual Offences) Bill 2007

The General Scheme of the Criminal Justice (Trafficking in Persons and Sexual Offences) Bill 2007 was referred to the IHRC in February 2007.

In publishing its Observations in June 2007, the IHRC welcomed the publication of the Bill, which aimed to make trafficking in people for sexual or labour exploitation a criminal offence. In particular, the IHRC welcomed the Bill as moving Ireland towards greater compliance with international human rights standards, in particular the ratification of two important international treaties: the Council of Europe Convention on Trafficking and the Optional Protocol to the United Nations Convention on the Rights of the Child. However, the IHRC expressed concern about the lack of provisions in place for protection of victims and called for the inclusion of stronger protections and access to services such as healthcare, legal aid, and material and other support. The IHRC Observations contributed to a media debate on the issue on radio and television and in the newspapers.

Criminal Justice (Forensic Sampling and Evidence) Bill 2007

In February 2007, the General Scheme of the Criminal Justice (Forensic Sampling and Evidence) Bill 2007 was referred to the IHRC. In preparing its Observations, the IHRC consulted with a number of expert bodies including the Data Protection Commissioner who offered particular expertise and insight into the retention of personal information.

In launching its Observations in August 2007, the IHRC highlighted that the guarantee of a person's right to privacy is fundamentally affected by the retention and storage of the person's DNA sample on a database. The IHRC recommended that rigorous safeguards must underpin the legal framework governing the taking, retention or sharing of DNA samples and the operation of a DNA database.

The IHRC called for a widespread inclusive debate to ensure that the general public fully understand the implications of this new technology before a DNA database is established. In addition, in order to develop awareness of the issues raised by the Bill, the IHRC conducted interviews on its Observations in a wide range of media.

'Extraordinary Rendition' A Review of Ireland's Human Rights Obligations

In 2007, the IHRC conducted a review of Ireland's human rights obligations on the question of 'extraordinary rendition', in response to growing concern over the issue. The IHRC's Report, entitled *'Extraordinary Rendition' A Review of Ireland's Human Rights Obligations*, was published in December 2007.

The Report's key findings were that the diplomatic assurances sought and received by the State from the United States authorities, that no 'extraordinary rendition' flights passed through Ireland, were insufficient for Ireland to meet its human rights obligations. The IHRC recommended that a reliable and independently verifiable system of inspection be established as a matter of urgency. In the absence of such a system of inspection, the Report concluded that it was impossible for any ordinary citizen to gain evidence regarding such activity or to ascertain with any level of confidence whether such illegal activity is taking place in the State.

The Report was raised in the Dáil and Seanad and the IHRC was invited to brief the Oireachtas Joint Committee on Foreign Affairs on its findings. The Report also received extensive media coverage and was widely distributed to national and international bodies concerned with the protection of human rights.

Work on the National Action Plan Against Racism

Early in 2007, the IHRC met with the Director of the National Consultative Committee on Racism and Interculturalism (NCCRI), to discuss the National Action Plan Against Racism (NAPAR). The IHRC was also active on the Strategic Monitoring Group charged with overseeing implementation of the National Action Plan into 2008.

Roundtable on the Habitual Residence Condition

In November 2007, the IHRC organised a roundtable on the Habitual Residence Condition. The event highlighted the effect of the Habitual Residence Condition on access to and benefit from social welfare entitlements. It considered the human rights implications arising from the Habitual Residence Condition, as well as ways of alleviating any hardships involved. The meeting provided useful information for the IHRC as it considers next steps on this issue.

Garda Síochána Strategic Human Rights Advisory Committee

The IHRC was represented on the Strategic Human Rights Advisory Committee (SHRAC), appointed by the Garda Commissioner. The composition of this Committee includes relevant personnel from senior Garda management as well as outside experts. The function of SHRAC is to advise the Garda Commissioner and Senior Management of An Garda Síochána on how to:

- a progress implementation of human rights initiatives to bring about cultural change across the organisation
- b promote human rights policies and procedures internally and externally
- c ensure that best human rights practice is at the core of the Irish police service.

In 2007, SHRAC worked on developing recommendations for standards and structures in a number of key areas such as learning and development, policy-making and policy-proofing.

Garda Síochána Ombudsman Commission Consultative Working Group

In 2007, the IHRC also participated in the Consultative Working Group convened by An Garda Síochána Ombudsman Commission (GSOC). The purpose of the Consultative Group is to enable the GSOC and An Garda Síochána to explore issues of common interest while also seeking guidance from several interested expert bodies. The work of the Group in 2007 is set out in the GSOC Annual Report for 2007.

Report of the Council of Europe's Committee for the Prevention of Torture

In October 2007, the Council of Europe's Committee for the Prevention of Torture issued its Report on Ireland. The IHRC had engaged with the Committee during its investigations and had made several detailed submissions to it, including observations in 2004 on the implementation of the recommendations of its Third Report in 2002. On publication of the Report, the IHRC expressed its concern at the issues raised by the Committee, particularly in relation to the physical conditions in Irish prisons. The IHRC will continue to monitor the State's progress in meeting the Report's recommendations.



Ireland's Third Periodic Report under the International Covenant on Civil and Political Rights

In August 2007, the IHRC submitted a 'list of issues' to the UN Human Rights Committee in relation to the examination of Ireland's Third Report under Article 40 of the International Covenant on Civil and Political Rights. The submission identified a number of issues or key concerns which the IHRC suggested the Committee might consider when drawing up its 'list of issues' in preparation for Ireland's examination by the Committee in July 2008.

Ireland's First Periodic Report to the Committee on the Rights of the Child on the Optional Protocol on the Involvement of Children in Armed Conflict

In October 2007, the IHRC made an oral presentation to the UN Committee on the Rights of the Child on Ireland's First Periodic Report on the Optional Protocol on the Involvement of Children in Armed Conflict. The IHRC recommended that the Irish Government consider introducing a constitutional amendment that would clearly prohibit participation of children in the Defence Forces. The IHRC also suggested the need for more data on the number of former child soldiers in the asylum process and amongst separated children, as well as the need for each separated child to have a Guardian *ad litem* appointed and a protection system in place that meets international best practice.



International Convention on the Rights of Persons with Disabilities

In 2007, the IHRC continued its work towards establishing national human rights institutions as key players in promoting and protecting the rights of persons with disabilities, as reflected in Article 33.2 of the International Convention on the Rights of Persons with Disabilities. Ireland was one of the first countries to sign the Convention when it opened for signature in March 2007.

In February 2007, the IHRC, jointly with Harvard Law School, organised a seminar for NHRIs on the implementation of the Convention. The discussion in Harvard focused on knowledge-sharing and culminated in a proposal to establish a 'Disability Rights Database' for NHRIs. This database would compile the diverse activities and initiatives of NHRIs in addressing disability rights, allowing for the easy sharing of knowledge and best practice in the area.

In March 2007, the International Coordinating Committee of National Human Rights Institutions (ICC) approved this proposal, along with a set of suggestions from the IHRC regarding the immediate steps that national institutions can take at national level.

In April 2007, the IHRC organised a briefing session with the National Disability Authority and the Equality Authority on the Convention.

Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

In September 2007, the IHRC took part in a seminar organised by the Irish Council for Civil Liberties (ICCL) concerning the ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which establishes a mechanism for inspections of places of detention. At the seminar, the IHRC stated that with ratification of OPCAT, Ireland could move to the forefront of preventing ill-treatment internationally. The IHRC urged the Government to prioritise the establishment of the preventive mechanisms needed to allow ratification of the Protocol.

In 2007
the IHRC
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of human rights
protection in
Ireland

In addition to promoting human rights through its legal and enquiries and policy and legislative functions, the Human Rights Commission Act 2000 provides specific functions for the IHRC in promoting awareness and education on human rights under section 8(e) and (g):

- To promote understanding and awareness of the importance of human rights in the State and, for those purposes, to undertake, sponsor or commission, or provide financial or other assistance for, research and educational activities
- 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.



These functions involve promotion of the work done by the IHRC, engaging in outreach and developing the IHRC's work in the area of human rights education.

In 2007, building greater awareness of the role of the IHRC in promoting and protecting human rights resulted in the development of a new corporate design for the IHRC's publications. Throughout the year, the IHRC published material both in print and for the web including its First Enquiry Report, Annual Report, Strategic Plan, and its Report on 'Extraordinary Rendition' as well as other submissions and observations.

Building Awareness

In 2007, the IHRC engaged with diverse sections of Irish society directly, including the general public, public representatives, civil and public servants, An Garda Síochána, statutory bodies, educators, students, the legal professions, the judiciary, human rights groups, community and voluntary organisations and international organisations. A concerted effort was also made to increase awareness and understanding of human rights issues and the work of the IHRC through the media, as well as through events, working groups and publications.

In 2007, the IHRC increased its efforts to build awareness and understanding of the importance of human rights protection in Ireland and the role of the IHRC through the media by developing a media strategy and plan outlining key communications objectives and messages. Implementation of this plan in the second half of 2007 resulted in broad coverage on a wide range of human rights issues and concerns. The issues highlighted in the media included the UN International Convention on the Rights of Persons with Disabilities, the IHRC Enquiry Report on Pensions, the IHRC Strategic Plan and Annual Report, legislative observations on criminal justice, human trafficking and the introduction of a DNA database, 'extraordinary rendition' and the role of the Council of Europe in promoting and protecting human rights.

Joint IHRC and Law Society Conference *Human Rights and Criminal Justice*

The fifth joint-conference organised by the IHRC and the Law Society of Ireland, which took place in October 2007, focused on *Human Rights and Criminal Justice*. The context for this theme was the signing into law of the Criminal Justice Act 2007. The Conference addressed different aspects of the criminal justice system including policy, legislation and practice from a human rights perspective. It also considered the rights of victims, prisoners and ex-offenders and the function of prison in society.

A panel of distinguished speakers from Ireland and abroad addressed the Conference. Speaking at the event were Sir Geoffrey Bindman, Chairperson of the British Institute of Human Rights; Michael O'Higgins SC; Barra McRory QC, Solicitor Advocate; Conor Hanly, NUI Galway; Professor Tapio Lappi-Seppälä, National Research Institute of Legal Affairs, Finland; Claire Hamilton, Irish Penal Reform Trust; and Paul Bailey, BOND (Blanchardstown Offenders for New Directions). The Conference was well attended with over 150 participants including members of the judiciary, barristers, solicitors, human rights groups, community and voluntary organisations and law students.

Joint Roundtable *Creating a Human Rights Culture for Policing in Ireland*

In March 2007, the IHRC co-hosted, with the Irish Council for Civil Liberties (ICCL), a roundtable on the topic *Creating a Human Rights Culture for Policing in Ireland*. The roundtable was addressed by: Kathleen O'Toole, Chief Inspector, Garda Síochána Inspectorate; Chief Superintendent Paddy Leahy, Garda Professional Standards Unit; Conor Brady, Commissioner, Garda Síochána Ombudsman Commission; Professor Dermot Walsh, University of Limerick; Dr Mary O'Rawe, University of Ulster; Paul A. McDermott, Barrister-at-Law; Mark Kelly, Director, ICCL; and Lia O'Hegarty, IHRC Commissioner. The roundtable was well attended by a number of key stakeholders.

Conference *European Slave Trade: Character, Causes and Challenges*

The IHRC had a further opportunity to highlight the issue of trafficking in Ireland at the *European Slave Trade: Character, Causes and Challenges* conference in July 2007. This was a three-day conference organised by the Irish School of Ecumenics and Ireland-en-Route in association with the IHRC, to highlight human trafficking as a form of slavery in the twenty-first century.



IHRC Second Annual Human Rights Lecture

In November 2007, the IHRC held its Second Annual Human Rights Lecture, entitled *Current Challenges in Implementing Human Rights in Europe*, which was delivered by Thomas Hammarberg, Council of Europe Commissioner for Human Rights. Commissioner Hammarberg emphasised that Europe still has much to do to protect the rights of terrorism suspects and prisoners, as well as Roma and Travellers. He called for the ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and an acceptance by States of the human rights of illegal immigrants and their children.

On the issue of 'extraordinary rendition' Commissioner Hammarberg stated that governments had an obligation to investigate if prisoners were being carried on planes passing through their territory. The Commissioner concluded by highlighting the need for a national action plan on human rights. Approximately 200 people attended the lecture.

Roundtable on First Year of the United Nations Human Rights Council

In November 2007, the IHRC and the Mexican Embassy jointly hosted a roundtable on the theme 'The First Year of the United Nations Human Rights Council'. It was addressed by the former President of the UN Human Rights Council, H.E. Ambassador Luis Alfonso de Alba. The address gave a rich insight into the workings of the Human Rights Council and the challenges and opportunities it faces. The discussion was well received by the audience present.

Outreach

In November 2007, the IHRC held a consultative meeting in order to initiate and strengthen links with diverse groups. The session was attended by more than 50 organisations, representing a wide range of community, voluntary and statutory groups. At the meeting, key human rights concerns of these different organisations were discussed. The discussions at the session will inform the future work of the IHRC.



Human Rights Education

In 2007, the IHRC developed its work in the area of human rights education. This work concentrated on engagement with the formal education sector at a policy level and in promoting human rights education initiatives and addressing educational and training courses.

Submission on Education for Sustainable Development

In its August 2007 submission to the Department of Education and Science and the Department of the Environment, Heritage and Local Government on the development of a National Strategy on Education for Sustainable Development, the IHRC stressed that human rights must be integral to the development of education strategies. The importance of such a strategy being human rights-based and informed by the UN World Programme on Human Rights Education was stressed in both the submission and subsequent consultation process.

LIFT OFF Initiative – Third Annual Conference

In 2007, the IHRC supported the Third Annual Conference of *LIFT OFF*, a cross-border primary schools human rights education initiative by Amnesty International in association with the Irish National Teachers Organisation and the Ulster Teachers Union. The Conference, which was held in December 2007 in Dublin Castle, heard calls for greater leadership from the Irish Government and the Northern Ireland Executive in supporting human rights education in schools.

Speakers emphasised the need to adequately resource efforts to mainstream human rights through the education system, pointing to research illustrating that human rights education had tangible benefits for the behaviour and academic achievement of pupils. It was highlighted that both jurisdictions have an obligation to promote human rights in education and support the development of a culture of human rights in school settings on an increasingly diverse island of Ireland. At the Conference, the IHRC called on the Government to mainstream human rights education across the primary curriculum and in all school settings.

Education and Training in Human Rights

In October 2007, the IHRC provided two presentations to the Degree Programme in Social Justice at the Milltown Institute, on the subjects of 'Ireland and Human Rights Law' and 'Human Rights and Administrative Practice: Case study on the IHRC's Enquiry Report into pension provision for the self-employed'.

The IHRC also gave presentations at three Amnesty International Training Events in February, May and November on Human Rights-Based Approaches on the themes of 'Human Rights and the Irish Constitution', 'Ireland and its international human rights obligations', and the 'Role of the IHRC'. It is hoped that these presentations will be a standing feature of the week-long training programme in coming years.

In 2007,
the IHRC
developed
its role as
Ireland's
National
Human
Rights
Institution

In addition to its work in monitoring the State's compliance with international treaties to which Ireland is a party, discussed above, the IHRC engages with international bodies for the promotion and protection of human rights. The basis for the IHRC's international work can be found in section 8 of the Human Rights Commission Act 2000, which provides that one of the functions of the IHRC shall be:

To consult with such national and international bodies or agencies having knowledge or expertise in the field of human rights as it sees fit.



IHRC as Chair of the European Group of National Human Rights Institutions

In 2007, the IHRC developed its role as Ireland's National Human Rights Institution (NHRI), in particular through its position as Chair of the European Group of NHRIs. The European Group consists of 17 'A' status and seven 'B' status NHRIs from across Europe. As Chair, the IHRC is responsible for organising meetings of the Group, disseminating information and representing the Group at conferences and events. Also as Chair, the IHRC is a member of the bureau of the International Coordinating Committee of National Human Rights Institutions (ICC). The ICC consists of representatives of over 60 NHRIs from around the world. Through its engagement with other NHRIs, the IHRC was able to keep abreast of key developments in international human rights during the year, engaging in regular dialogue with other national institutions.

In September 2007, the IHRC hosted a meeting of the board of the European Group of NHRIs, the European Co-ordinating Committee. Representatives of the Office of the High Commissioner for Human Rights and the Office of the Council of Europe Commissioner for Human Rights attended this meeting as observers. The meeting was also attended by a representative of the EU Fundamental Rights Agency.

As Chair of the European Group, and sitting as a representative of the European Group on the ICC, the IHRC was involved in the process of streamlining and developing the ICC as an organisation. Among the developments planned for 2008 is the establishment of a permanent post of NHRI representative to represent the ICC in Geneva. The end results of the streamlining and development process will become known in 2008.

Developing and Strengthening National Human Rights Institutions

Engagement in Training of NHRIs in Armenia and Azerbaijan with the OSCE

In 2007, the IHRC had the opportunity to engage with the Office for Democratic Institutions and Human Rights at the OSCE to discuss training for NHRIs in Eastern Europe. This resulted in two workshops. The first took place in Armenia in October 2007, involving the Human Rights Defender of Armenia, the Armenian Government, NGOs and civil society representatives. This workshop was aimed at strengthening links between the Human Rights Defender and the government as well as between the Human Rights Defender and NGOs/ civil society. The training was assisted by the Swedish Ombudsman against Ethnic Discrimination and the UK Parliamentary Ombudsman. A similar training workshop took place in Azerbaijan in December 2007.

National Human Rights Institutions Communications Group

The IHRC participated in a meeting of communications staff of NHRIs hosted by the Northern Ireland Human Rights Commission in Belfast in October 2007. This meeting was an initiative of the NHRI Communications Group, assisted by the IHRC in its role as Chair of the European Group. The purpose of the meeting was to bring together staff involved in communications from a large number of NHRIs and academic human rights institutes in order to develop a set of practical recommendations on the use of communications and communications strategies in their work, focusing on the importance of developing and implementing a communications strategy, strengthening the capacity of institutions to use communications strategies and techniques more effectively, and future developments and recommendations on good practice.

European National Human Rights Institutions Network of Experts on Migration and Asylum

In 2007, the European Group of NHRIs established a network of experts on migration and asylum issues, with the goal of having an impact on EU legislation and policies in that area. In total, 12 institutions, including the IHRC, nominated experts who would work within the network. In preparation for their first meeting in January 2008, questionnaires were sent out to these experts and the programme for the first meeting was drafted.



Engagement with the Council of Europe Commissioner for Human Rights

In November 2007, the IHRC met with Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, during his five-day high-level official visit to Ireland to assess a broad range of human rights issues. During that meeting the IHRC raised concerns in relation to detention, due process rights, and the rights of women, children, Travellers, immigrants and asylum seekers as well as the importance of human rights education. The Commissioner's visit received good publicity and the report on his country visit is due to be published in spring 2008.

Developing National Human Rights Institutions' Engagement with United Nations Treaty Bodies

In June 2007, the ICC participated in the Sixth Inter-Committee Meeting of the human rights treaty bodies. The focus of discussion was the outcome document of the roundtable organised by the German Institute for Human Rights in Berlin, on 23 and 24 November 2006, which proposed a draft harmonised approach to NHRI engagement with treaty body processes, proposing that NHRIs be involved in the process of State reporting and the follow-up to treaty body recommendations.

In November 2007, the Office of the High Commissioner for Human Rights organised the National Institutions and Treaty Bodies Workshop in Geneva, in order to review lessons learned and best practices in terms of NHRI interaction with treaty bodies, at which the IHRC was represented. The United Nations Secretary-General welcomed the outcomes of the Berlin and Geneva events, and emphasised the importance of the involvement of NHRIs in the treaty monitoring process.

Arab-European National Human Rights Institutions Dialogue

In April 2007, a High Level Dialogue meeting took place between European and Arab NHRIs in Amman, Jordan. Organised by the Jordanian National Human Rights Centre and the Danish Institute for Human Rights, the meeting brought together representatives from 14 NHRIs, of which six were members of the European Group, including the IHRC. The Office of the High Commissioner for Human Rights was represented by high-ranking Regional Representatives as well as the head of the National Institutions Unit. Both the European Union and the United Nations Development Programme (UNDP) participated as observers. Issues addressed over the two-day conference focused on the human rights implications of counter-terrorism measures.

Engagement with the European Union Fundamental Rights Agency

In 2007, the IHRC as Chair of the European Group engaged with the newly established EU Fundamental Rights Agency (FRA), which provides assistance and expertise relating to fundamental rights, in line with Community law, to the EU, its institutions and its Member States. The FRA is also specifically mandated to engage with NHRIs.

In September 2007, the IHRC hosted a meeting with the FRA Head of External Relations in Dublin. Subsequently, the IHRC attended and presented at a second meeting between National Liaison Officers and the FRA in October 2007. Discussions with the FRA continued throughout the end of 2007, as the Agency prepared to launch and begin its work.

The terms of the Belfast/Good Friday Agreement provided for the establishment of both the IHRC & the Northern Ireland Human Rights Commission



The terms of the Belfast/ Good Friday Agreement provided for the establishment of both the IHRC and the Northern Ireland Human Rights Commission (NIHRC), and the respective legislations under which the two Commissions were established provided for both to meet jointly on a number of occasions each year as a 'Joint Committee'. For the IHRC, this function is set out in section 10 of the Human Rights Commission Act 2000:

- To take whatever action is necessary to establish and participate in the joint committee of representatives referred to in paragraph 10 of the section entitled 'Rights, Safeguards and Equality of Opportunity' of the Agreement Reached in the Multi-Party Talks.



In 2007, the IHRC continued its work as part of the Joint Committee which acts as a forum for considering human rights issues on the island of Ireland and also provides an opportunity for both Commissions to cooperate in pursuit of commonly agreed objectives.

The Joint Committee met three times in 2007. In addition to the full Committee, there are two Sub-Committees, the Sub-Committee on Racism and Migration and the Sub-Committee on the Charter of Rights. The Sub-Committees meet prior to the Joint Committee meeting to consider in detail matters relating to Racism and Migration and the Charter of Rights and report to the full Committee.

Meeting with the Omagh Support and Self-Help Group

In January 2007, the IHRC and NIHRC met with the Omagh Support and Self-Help Group to convey the Commissions' joint response to their call for support for a cross-border inquiry into the Omagh bombing on 15 August 1998. The Commissions' recommendation that a serving or retired judge of international standing should be appointed to examine all available material to determine whether it is appropriate to institute an inquiry, was well received by the group.

Racism and Migration

In the area of racism and migration both Commissions are carrying out research into Ireland and the United Kingdom's compliance with the International Convention on the Protection of the Rights of All Migrant Workers and their Families as well as sharing information on the issue of immigrant detention, particularly at border areas. Work in this area will continue in 2008.

The two Commissions were active in sharing information on their activities in relation to trafficking of human beings.

Charter of Rights for the Island of Ireland

Discussions were held on progress on the Bill of Rights in Northern Ireland and the potential for an all-island discussion on the Charter of Rights. Work on this area will continue in 2008.

**2007 saw
several
changes
in key
personnel
within the
IHRC**

Human Resources

The IHRC has consistently highlighted insufficient human resources as an issue in its previous Annual Reports. The IHRC developed a business case for appointing key senior-level personnel into permanent positions and sought necessary approval for additional positions. In 2007, discussions with the Department of Justice, Equality and Law Reform (DJELR) led to the sanctioning of six new staff positions in 2007. These positions were the first new positions to be sanctioned since the original positions were sanctioned in 2002. The six positions included two new permanent Director positions. In addition to the two Director positions, four Fellow positions were also sanctioned to provide support to areas of existing work. Three Human Rights Policy Fellows were appointed to work between the Enquiry and Legal Services section and the Research and Policy section, and the fourth Fellow was appointed as a Human Rights Education Fellow.

Regrettably, no resources were allocated in the Government's 2008 Budget to finance the new positions, which will have very serious implications for the operation of the organisation in 2008.

Changes in Personnel

2007 saw several changes in key personnel within the IHRC.

Dr Alpha Connelly, the first Chief Executive, left the IHRC in June 2007. Dr Connelly took up the position of Chief Executive of the IHRC in June 2002. Prior to taking up the position of Chief Executive, Dr Connelly had been Legal Advisor to the Department of Foreign Affairs. With extensive knowledge and experience in the human rights field, as its first Chief Executive Dr Connelly played a crucial role in the IHRC's establishment and development in its first phase.

Des Hogan, Senior Caseworker, took over responsibilities as Acting Chief Executive from June 2007 to December 2007.

On 3 December 2007, Éamonn Mac Aodha was appointed as the new Chief Executive of the IHRC. Mr Mac Aodha was Director of Human Rights for the Irish Department of Foreign Affairs from 2004 and previously served as human rights officer at the Permanent Mission of Ireland to the United Nations in Geneva. In his role as Director of Human Rights he was responsible for reporting by Ireland to the United Nations on its human rights record and for driving human rights aspects of Irish foreign policy. Called to the bar in 1990, he has since worked on political, aid, trade and Anglo-Irish issues with the Department of Foreign Affairs and has served diplomatic postings at the Irish Embassies to the Holy See, South Africa and Israel.

Teuta Bytyqi-Forde and Niall Doherty, Clerical Officers, left the IHRC in January 2007.

Liam Herrick, Senior Legislation and Policy Review Officer, left the Commission in October 2007 to take up the position of Executive Director of the Irish Penal Reform Trust.

Catherine-Ellen O'Keeffe replaced Róisín Hennessy as Legislation and Policy Review Officer while Ms Hennessy was granted a one-year career break in 2007.

Clair Wallace joined the IHRC as General Administrator in April 2007.

Fidelma Joyce took up the position of Senior Human Rights Awareness Officer in April 2007.

Aideen Damery joined the IHRC in May 2007 as a Clerical Officer.

Jennifer Pierce joined as Desk Officer in September 2007.

Sinéad Fitzpatrick joined the IHRC as Project Caseworker in August 2007 and was subsequently appointed Human Rights Policy Fellow in December 2007.

Danielle Kennan was appointed as Human Rights Policy Fellow in December 2007.

Winnie Donoghue was appointed as Human Rights Education Fellow in December 2007.

Órla Ní Chuilleanáin was appointed as Human Rights Policy Fellow in December 2007.

Des Hogan was appointed as Director of Enquiry and Legal Services in October 2007. Mr Hogan was previously Senior Caseworker with the Commission since April 2003. Prior to joining the Commission, Mr Hogan worked for the Australian Human Rights and Equal Opportunity Commission and for Amnesty International in a number of countries.

Kirsten Roberts was appointed as Director of Research and Policy in December 2007. Prior to joining the IHRC, Ms Roberts was a legal officer with the United Nations International Criminal Tribunal for the former Yugoslavia, in The Hague. Ms Roberts is a graduate of UCD (BCL) and Trinity College Dublin (MLitt). Her previous experience has included the Permanent Representation of Ireland to the Council of Europe, European Court of Human Rights, European Court of Justice, and Amnesty International.

Activities by Personnel on a Fixed-Term or Temporary Contract Basis

The relatively small number of core staff employed by the IHRC has meant that a number of essential activities have been provided either through the engagement of independent contract staff or through close working relationships with external service providers.

The IHRC has been fortunate to have had some very high quality and committed contractors working in key positions. Betsy Keys Farrell continued to provide essential support and expertise to the Enquiry and Legal Services Section as Project Solicitor throughout 2007. Shane Moffat, in his role as support person to the European Group of NHRIs, provided a high level of professionalism in assisting the representation of the IHRC and the European Group in the international arena. Emilie Jost left the Commission as Librarian and Mary O'Farrell commenced the running of the Commission library in December 2007.

Outsourced Services

In addition to commissioning the writing of a number of pieces of research throughout 2007, the IHRC also formed close working relationships with third-party service providers.

The IHRC worked with Q4PR on the development and implementation of a media strategy from May 2007. The IHRC also worked with Red Dog Design to develop its identity through printing and publications. In 2007, PricewaterhouseCoopers were engaged to work on a number of projects including Executive Recruitment and a review of Internal Financial Controls.

The creation of six new positions, which were advertised in the second half of the year, provided the IHRC with the opportunity of conducting more in-house research and of further developing its legal and enquiry work, enabling it to reduce its reliance on outsourced research.

Appendix 1

The IHRC Commissioners

The IHRC consists of 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 and was reappointed in August 2007. The following is a biographical note on the President and 14 Commissioners:

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 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 advisor 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. He is also 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 was a consultant to the late Mr Justice Dermot Kinlen, former 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 ten 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.

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 has 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 Chairman 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 of 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 qualified 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 ECHR 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.

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 Chairperson 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.

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 Advisor to the Houses of the Oireachtas. Latterly she has set up her own consultancy in legislation and public affairs. In 2007, she was appointed to the Criminal Law Codification Advisory Committee, established pursuant to the Criminal Justice Act 2006.

O'HIGGINS, Tom

Tom O'Higgins was first appointed a Commissioner in 2001 and re-appointed in 2006. Mr O'Higgins is a graduate in Economics and History from University College Dublin and in Human Resource Management from Sheffield Hallam University. A Fellow of the Institute of Chartered Accountants in Ireland, he was President of the Institute in 1991/92. He is an Associate of the Irish Taxation Institute and a Member of the Chartered Institute of Personnel and Development. He was a partner at PricewaterhouseCoopers from 1969 to 2000 where he was a senior audit partner and national human resources partner from 1978 to 1994. He continues to assist organisations in recruitment and human resource issues and has served as a member of selection boards for many organisations.

A director of Concern Worldwide and of its subsidiaries, Mr O'Higgins completed a four-year term as non-executive Chairman in 2003. He is chairman of AMK, Concern's Cambodian micro-finance institution. He is a trustee of the Holocaust Educational Trust of Ireland and is Chairman of the Older and Bolder Campaign. A specialist lecturer and consultant in corporate governance issues, he has advised the boards of many organisations on corporate governance and board performance matters. He is chairman and a member of the audit committees of a number of state and semi-state bodies. He is member of the Praesta Partners Ireland, an executive coaching and mentoring organisation, and is Chairman of the Boardroom Centre. He was Chairman of the Board of the Coombe Women's and Infants' University Hospital from 2003 to 2007. He is a director of a number of private companies.

O'NEILL, Helen

Helen O'Neill was appointed a Commissioner in 2006. Professor O'Neill is Professor Emeritus in the Centre for Development Studies in UCD where she was its founding-Director. 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) and DG Development, Brussels. 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 is currently visiting professor in Vidzeme University in Latvia and in the Institute of Public Administration in Dublin. 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. She currently acts as a consultant 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 (*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 (age, race, disability, etc).

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 the International Convention 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 2007

IHRC Committees as of 31 December 2007

- Finance, Audit and General Purposes Committee
- Gender & Equality, Economic, Social & Cultural Rights and Disability Committee
- Racism, Trafficking & Migration Committee
- Administration of Justice Committee
- Casework Committee
- Ad Hoc Committee on the Strategic Plan

Finance, Audit & General Purposes Committee

Members

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

Terms of Reference

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

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

Members

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

Terms of Reference

- To ensure a rights-based perspective in the implementation of Government commitments to eliminate discrimination against women
- To make proposals to the Commission for research related to, and for developments of its policies on gender, equality and human difference
- To consider and make proposals to the Commission in respect of the promotion and protection of economic, social and cultural rights
- To consider and make proposals to the Commission in respect of the promotion and protection of the rights of persons with disabilities

Racism, Trafficking & Migration Committee

Members

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

Terms of Reference

- To carry out IHRC 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
- To make proposals to the Commission for developing its policy on racism and interculturalism
- To 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

- To 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)
- To 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
- To act as the Commission's representatives or 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

Administration of Justice Committee

Members

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

Terms of Reference

- To further the Irish Human Rights Commission's objectives in the key area of the administration of justice, including the issue of emergency laws
- 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
- To examine how the Commission should engage with the issue of the Offences Against the State Acts 1939–1989

Casework Committee

Members

Maurice Manning (Convenor), Roger Sweetman, Mervyn Taylor

Terms of Reference

- 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
- 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
- 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

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

Ad Hoc Committee on the Strategic Plan (2 November 2006 to May 2007)

Members

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

Terms of Reference

- To agree the methodology and timeframe for same

Appendix 3

Financial Statements for the Year ended 31 December 2007

Statement of the Responsibilities of the Irish Human Rights Commission

The Commission 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 Human Rights 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 judgements 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 Human Rights Commission is responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Human Rights 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.

On behalf of the Commission,



Dr Maurice Manning
President



Éamonn Mac Aodha
Chief Executive



Date

Statement on Internal Financial Control

Responsibility for the Systems of Internal Financial Controls:

On behalf of the Human Rights Commission, I acknowledge our responsibility for reviewing and ensuring the effectiveness of the organisation's system of internal financial controls.

The Commission 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, transactions 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 which have been put in place by the Commission designed to provide effective internal financial control.

- (i.) 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.
- (ii.) The strength of the internal financial control systems is dependent on the quality and integrity of both management and staff.
- (iii.) 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.
- (iv.) 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.
- (v.) The procedures for monitoring the effectiveness of the internal financial control system include
 - A Finance and Audit Committee that meets regularly and reviews financial performance.
 - The Commission's Financial Management System contains inbuilt authorisation controls to ensure that only authorised staff can carry out specific processes.

The Commission'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:

We wish to advise that in the year ended 31 December 2007, PWC were engaged to carry out a full formal review of the internal financial controls of the Commission. PWC, in their report, were unable to provide reasonable assurances about the overall effectiveness of the systems of Internal Financial Control. The Commission has since undertaken a review of its control systems to provide reasonable assurances.

On behalf of the Commission

 29.5.08

Dr Maurice Manning
President

Date

HUMAN RIGHTS COMMISSION

Report of the Comptroller and Auditor General for presentation to the Houses of the Oireachtas

I have audited the financial statements of the Human Rights Commission for the year ended 31 December 2007 under Section 16(2) of the Human Rights Commission Act, 2000.

The financial statements, which have been prepared under the accounting policies set out therein, comprise the Statement of Accounting Policies and Principles, the Income and Expenditure Account, the Balance Sheet and the related notes.

Respective Responsibilities of the Members of the Commission and the Comptroller and Auditor General

The Commission is responsible for preparing the financial statements, and for ensuring the regularity of transactions. The Commission prepares the financial statements in accordance with Generally Accepted Accounting Practice in Ireland. The accounting responsibilities of the Members of the Commission are set out in the Statement of Responsibilities of the Commission.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report my opinion as to whether the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland. I also report whether in my opinion proper books of account have been kept. In addition, I state whether the financial statements are in agreement with the books of account.

I report any material instance where moneys have not been applied for the purposes intended or where the transactions do not conform to the authorities governing them.

I also report if I have not obtained all the information and explanations necessary for the purposes of my audit.

I review whether the Statement on Internal Financial Control reflects the Commission's compliance with the Code of Practice for the Governance of State Bodies and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements. I am not required to consider whether the Statement on Internal Financial Control covers all financial risks and controls, or to form an opinion on the effectiveness of the risk and control procedures.

I read other information contained in the Annual Report, and consider whether it is consistent with the audited financial statements. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

Basis of Audit Opinion

In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures and regularity of the financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgments made in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Commission's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations that I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion, the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland, of the state of the Commission's affairs at 31 December 2007 and of its income and expenditure for the year then ended.

In my opinion, proper books of account have been kept by the Human Rights Commission. The financial statements are in agreement with the books of account.

Emphasis of Matter

Without qualifying my opinion, I draw attention to the Statement on Internal Financial Control which refers to the outcome of a formal review of the system of internal financial control.



John Buckley
Comptroller and Auditor General

30 June 2008

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 2007 to 31 December 2007.

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 generally accepted accounting 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 unamortized 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 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 DJELR.

Income & Expenditure Account for the year ended 31 December 2007

	Notes	2007 €	2006 €
INCOME			
Oireachtas Grant Received		2,033,000	1,959,000
Transfer to Capital Account		(397,098)	(134,011)
Amortisation of Grants in year		55,560	(98,714)
Net Deferred Funding for Pension	7 (b)	(324,800)	109,300
Refunded Employee Contributions to the Dept. of Finance		(25,700)	(30,500)
Bank Interest Receivable		14,783	875
Total Income for year		<u>1,355,745</u>	<u>1,939,961</u>
EXPENDITURE			
Staff Salaries	1	781,472	861,344
Commissioner Fees	2	245,000	198,853
Recruitment Fees		185,772	
Support for the European Group		37,135	3,179
Staff Training		2,290	2,898
Pension Costs	7 (c)	(350,500)	78,800
Research		54,972	31,849
Conferences		23,359	24,925
Consultancy		152,493	
Heat and Light		8,632	11,710
Office Requirements		59,137	30,757
Cleaning		7,361	6,198
Premises	3	308,519	269,703
Printing and Publishing		108,321	55,968
IT & Support		27,789	12,187
Library		11,627	20,433
Telephone		13,639	13,419
Post and Packing		8,483	6,118
Bank Charges		561	773
Insurance		17,590	17,549
General Expenses		411	564
Training		9,421	4,192
Subsistence		90,965	68,889
Advertising		67,425	70,999
Legal Fees	9	240,485	61,042
Audit Fee		8,350	7,900
Accountant's and Actuarial Fees		12,186	6,328
Depreciation Charge		55,559	35,297
Total Expenditure		<u>2,188,454</u>	<u>1,901,874</u>
Surplus/(Deficit) for the year		(832,709)	38,087
Balance brought forward from previous year		851,125	813,038
Balance carried forward at the end of the year		<u>18,416</u>	<u>851,125</u>
Statement of Total Recognised Gains and Losses			
(Deficit)/Surplus for the year		(832,709)	38,087
Actuarial Loss/(Gain) on Pension Liabilities		66,300	54,600
Adjustment to Deferred Pension Funding		(66,300)	(54,600)
Total Recognised (Loss)/Gain for the year		<u>(832,709)</u>	<u>38,087</u>

The Statement of Accounting policies and principles and notes 1 to 9 form part of these accounts.

Signed:  Dr Maurice Manning
President




 Éamonn Mac Aodha
Chief Executive

Date: 29 May 2008

Balance Sheet as at 31 December 2007

		2007	2006
		€	€
Fixed Assets	4	754,943	413,405
Current Assets			
Cash at Bank and on Hand		390,983	1,010,089
Debtors	5	<u>2,244</u>	<u>9,069</u>
		393,227	1,019,158
Current Liabilities			
Creditors & Accruals	6	<u>(374,811)</u>	<u>(168,032)</u>
Net Current Assets		<u>18,416</u>	<u>851,126</u>
Net Assets Before Pensions		<u>773,359</u>	<u>1,264,530</u>
Deferred Funding Asset for Pensions	7(d)	273,500	638,900
Pension Liabilities	7(f)	<u>(273,500)</u>	<u>(638,900)</u>
Net Assets		<u>773,359</u>	<u>1,264,530</u>
Represented by			
Capital Account	8	754,943	413,405
Income & Expenditure Surplus/(Deficit)		<u>18,416</u>	<u>851,125</u>
		773,359	1,264,530

The statement of accounting policies and principles and notes 1 to 9 form part of these accounts.

			
Signed:	Dr Maurice Manning President	Éamonn Mac Aodha Chief Executive	Date

Notes to the Financial Statements for the Year Ended 31 December 2007

1 Salaries

Under section 18 of the Human Rights Commission Act 2000 the Commission in determining 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 Government.

11 staff members were recruited to administrative and policy positions throughout 2003 and 2004 and Éamonn Mac Aodha was appointed as Chief Executive to the Commission on the 3rd of December 2007.

6 new positions were approved and filled in 2007.

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

	Buildings SL Over 25 Yrs	Furniture 20% RB	Fixtures 20% RB	Total
Cost				
Balance 1st January	377,228	91,439	88,916	557,583
Additions	344,473	16,845	35,780	397,098
Disposals	-	-	-	-
Balance 31 December	721,701	108,284	124,696	954,681
Accumulated Depreciation				
Balance 1st January	44,654	49,308	50,216	144,178
Charge for the year	28,868	11,796	14,896	5,560
As at 31 December	73,522	61,104	65,112	199,738
Net Book Value				
Balance 31 December 2007	648,179	47,180	59,584	754,943
Balance 31 December 2006	332,574	42,131	38,700	413,405

5 Debtors

	2007	2006
	€	€
Debtors	0	0
Prepayments	2,244	9,069
	<u>2,244</u>	<u>9,069</u>

6 Creditors & Accruals within 1 year

	2007	2006
	€	€
Trade Creditors - (Purchases due at year end)	121,242	30,077
PAYE/PRSI	64,819	50,633
Fees owing to Commission Members	36,138	36,138
Professional Withholding Tax payable	5,516	4,001
Accruals	147,097	47,184
	<u>374,811</u>	<u>168,032</u>

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 11 active members and 5 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 2007 based on final projected salaries is given in the table below.

	2007	2006
The main financial assumptions used were:		
Discount rate	5.50%	4.60%
Rate of increases in salaries	5.00%	4.00%
Inflation	2.25%	2.25%

Valuation Method

Projected Unit Method as prescribed under FRS17.

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

	2007 €	2006 €
Funding recoverable in respect of current year pension costs	(324,800)	109,300
	<u>(324,800)</u>	<u>109,300</u>

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

	2007 €	2006 €
Current service cost	58,300	87,200
Interest on pension scheme liabilities	29,400	22,100
Settlement	(412,500)	
Employee contribution	(25,700)	(30,500)
Total operating charge	<u>(350,500)</u>	<u>78,800</u>

(d) Deferred Funding Asset for Pensions

The Irish Human Rights Commission recognises these amounts as an asset corresponding to the unfunded deferred liability for 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 2007 amounted to €273,500
(2006: €638,900)

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

	2007 €	2006 €
Experience losses/(gains) arising on scheme liabilities	7,100	(31,400)
Changes in assumptions	59,200	86,000
Actuarial loss/(gain) recognised in STRGL	<u>66,300</u>	<u>54,600</u>

(f) Movement in surplus during the year

	2007	2006
	€	€
Surplus/(Deficit) in Scheme liability at 1 January	(638,900)	(553,700)
Current service cost	(58,300)	(87,200)
Settlement	412,500	
Interest cost	(29,400)	(22,100)
Actuarial loss/(gain) recognised in STRGL	66,300	54,600
Employee contributions	(25,700)	(30,500)
Net Pension Surplus at 31 December	<u>(273,500)</u>	<u>(638,900)</u>

(g) History of experience gains and losses

experience losses/(gains) on scheme liabilities	2007	2006
Amount (€)	7,100	(31,400)
Percentage of the present value of the scheme liabilities	2.6%	(4.9%)
Total amount recognised in STRGL	2007	2006
Amount (€)	66,300	54,600
Percentage of the present value of the scheme liabilities	24.2%	8.5%

8 Capital Account

	2007	2006
	€	€
Opening Balance	413,405	314,691
Transfer from/(to) Income and Expenditure		
Portion of grant awarded used for capital purposes	397,098	134,011
Amortised in the year in line with asset depreciation	(55,560)	(35,297)
Net movement in year	<u>341,538</u>	<u>98,714</u>
Closing balance	<u>754,943</u>	<u>413,405</u>

(b) Capital Commitments

At 31 December 2007 the Human Rights Commission had capital commitments as follows:




Contracted for but not provided for in the financial statements €9,814

9 Legal Fees

	2007	2006
	€	€
Enquiries	14,706	3,267
<i>Amicus Curiae</i>	51,673	31,194
Legal Assistance	146,796	13,417
Legal Fees General	27,310	13,164
Total	<u>240,485</u>	<u>61,042</u>

10 Approval

The financial statements were approved by the Commission on 29 May 2008 and signed on its behalf by:

			
Signed:	Dr Maurice Manning <i>President</i>	Éamonn Mac Aodha <i>Chief Executive</i>	Date

Appendix 4

External Meetings and Engagements by the President

- 18 January Meeting with Omagh Support Self Help Group, with Professor Monica McWilliams, Chief Commissioner of the Northern Ireland Human Rights Commission
- 1 February Lecture: 'National Human Rights Commissions' University College Cork organised by UCC FLAC Society
- 5 February Launch of European Year of Equal Opportunities for All
- 15 February Chair: Objects and Expected Outcomes of the meeting at the Closed Session on the United Nations Convention on the rights of Persons with Disabilities. Harvard/National Human Rights Institution Convention on the Rights of Persons with Disabilities
- 19 February Report of the Family Law Reporting Service, *Family Law Matters*
- 21 February International Policing Conference, *Embedding a Human Rights Ethos*, Belfast
- 22 February Speech: Association of European Journalists, 'National Human Rights Commissions'
- 25 February Speech: Institute of Public Administration
- 27 February Joint Committee Meeting, Belfast
- 2/3 March Speech: Caring for Carers Conference, Castlebar
- 6 March Speech: Law School University College Dublin
- 16 March Special Olympics Ireland Council of Patrons' Meeting
- 20–23 March Geneva Conference, *Nineteenth session of the Annual Meeting of the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)*
- 26 March Joint IHRC/ICCL Roundtable Creating a Human Rights Culture for Policing in Ireland
- 27 March Opening Speech: National Travellers Conference, 'The Traveller Community – Reflections and Challenges in Public Service Delivery'

- 30 March Institute for British-Irish Studies, *Dictionary of Irish Biography*
- 11 April Launch of IHRC *First Enquiry Report*
- 19 April Chair: Briefing on the International Convention on the Protection of the Rights and Dignity of Persons with Disabilities
- 20–24 April Visit to Lesotho (with Commissioner O’Neill): Meetings to assist with the establishment of a National Human Rights Institution
- 30 April Speech: Law School, Limerick University, ‘The Role of Human Rights Commissions’
- 1 May Frontline Human Rights Defenders Awards
- 1 May Press Council Appointments Committee
- 2 May Speech: Book Launch, *The resting place of the moon*, human rights story in Palestine
- 9 May Speech: Launch of *Immigration and Social Change in the Republic of Ireland*
- 15 May Meeting with Ombudsman for the Defence Forces
- 15 May Richard Fallon Lecture, ‘Reflections on the Morality and Legality of Coercive Interrogation by the US’, at the Harvard Law School Association of Ireland
- 17 May Caring for Carers Meeting, Galway
- 21 May Meeting with Iraqi Parliamentary Delegation, NIHRC offices, Belfast
- 24 May Speech: COPE Conference, Cork
- 31 May–3 June National Human Rights Institutions Workshop, Human Rights Program, Harvard Law School
- 14 June European Coordinating Committee Meeting, Berlin
- 15 June Speech: Human Rights Lawyers Association, Seminar *Britain’s New Commission on Equality and Human Rights*, London
- 25 June Launch: Irish Human Rights Commission Strategic Plan *Promoting and Protecting Human Rights in Ireland 2007–2011*
- 3 July Meeting with delegation from Turkey on the establishment of a Turkish NHRI
- 5 July European Slavery Conference, Trinity College Dublin
- 12 July OSCE Conference, Vienna, Austria
- 25 July The Whitaker Commission report 20 years on, Buswells Hotel, Dublin
- 21 August 11th Annual African Workshop on constitutional Government, Trinity College Dublin

- 7 September ICCL Seminar on OPCAT, Law Society, Dublin
- 11 September IHRC Annual Report Launch, Royal Irish Academy, Dublin
- 12 September Joint Committee Meeting, Belfast
- 14 September Speech: People with Disabilities in Ireland International Conference
- 18 September European Fundamental Rights Agency Meeting with Irish Statutory Bodies, Jervis House
- 24 September Speech: George Mitchell Scholarship, Westbury Hotel, Dublin
- 25 September Forum of Chairpersons of state-sponsored bodies, Shelburne Road, Dublin
- 8 October Meeting with Office of the Swedish Ombudsman against Discrimination on Grounds of Sexual Orientation, Jervis House
- 13 October Speech to the IHRC and Law Society of Ireland's Fifth Annual Conference entitled *Human Rights and Criminal Justice: 'Applying a Human Rights Perspective to Criminal Justice Policy and Legislation in Ireland'*, Dublin
- 17–19 October Visit to Bulgaria. Speech: 'The Role of National Human Rights Commissions – the Irish Experience', Diplomatic Institute of the Ministry of Foreign Affairs, Sofia, Bulgaria
- 22 October Visit of the Minister of Justice of Lesotho, Jervis House
- 23 October Lecture: 'Human Rights and the Law', Boston College, Dublin
- 6 November Joint Committee Meeting
- 13 November Meeting with the President of Finland on the occasion of an official state visit, Jervis House
- 16 November Speech: Judicial Studies Institute, 'Direct Application of the Human Rights Convention; Implication for the Court'
- 26 November Launch of Women's Health Council publication *Violence Against Women and Health*
- 27 November Embassy of Mexico and IHRC Roundtable discussion *The First Year of the United Nations Human Rights Council*
- 2 December Chair: Meeting of the European Coordinating Committee of National Human Rights Institutions, Copenhagen
- 9–10 December Speech: Launch of report by the OSCE's Office for Democratic Institutions and Human Rights on patterns of human rights violations against human rights defenders, Vienna
- 12–14 December Meeting of the Executive Body of the International Coordinating Committee of National Human Rights Institutions, Geneva

Appendix 5

External Meetings of the Chief Executive/Acting Chief Executive

Chief Executive Engagements (January–June 2007)

- 27 February Meeting of the Joint Committee
- 20-23 March Geneva Conference, *Nineteenth session of the Annual Meeting of the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)*
- 27 March Keynote Speech: 'Ethnicity, Travellers and the Law', National Conference on *The Traveller Community – Reflections and Challenges in Public Service Delivery*, Dublin
- 11 April Launch of Commission's First Enquiry Report: *The Self-Employed And The Old Age Contributory Pension: Report On An Enquiry Into The Impact Of Certain Provisions Of Social Welfare Legislation On The Self-Employed*, Dublin
- 8 June 'The Constitution and Accommodation of Difference', presentation to conference at Trinity College, Dublin, *The Constitution at 70*

Acting Chief Executive engagements (June–November 2007)

- 25 June Launch of the Irish Human Rights Commission Strategic Plan *Promoting and Protecting Human Rights in Ireland 2007–2011*
- 2-13 July European Union Fundamental Rights Agency Meeting with Civil Society Organisations and National Human Rights Institutions, Vienna
- 11 September Launch of IHRC *Annual Report 2006*, Royal Irish Academy, Dublin
- 12 September Meeting of the Joint Committee, Belfast
- 17 September Meeting of the European Coordinating Committee of the European Group of National Human Rights Institutions, Jervis House
- 18 September Exchange between European Fundamental Rights Agency Meeting and Irish Statutory Bodies, Jervis House

- 25 September Roundtable with key NGO stakeholders on emerging legal issues, Jervis House
- 1 October Meeting with the Humanist Association of Ireland, Jervis House
- 6 October Presentation to Conference on *Equality and the Constitution*, National University of Galway, 'Equality before the law and non-discrimination in the enjoyment of rights under international human rights law'
- 8 October Meeting with the Swedish Ombudsman against Discrimination on Grounds of Sexual Orientation, Jervis House
- 9 October Meeting with Office of the Council of Europe Commissioner for Human Rights, Jervis House
- 11 October Meeting with the UNHCR Representative to Ireland, Jervis House
- 13 October Speech to the IHRC and Law Society of Ireland's Fifth Annual Conference entitled *Human Rights and Criminal Justice: 'Applying a Human Rights Perspective to Criminal Justice Policy and Legislation in Ireland'*, Dublin
- 15 October Presentation 'National Human Rights Institutions and the Fundamental Rights Agency', at meeting between the Fundamental Rights Agency and state representatives from the European Council, Vienna
- 6 November Joint Committee Meeting
- 21 November Consultation on IHRC Strategic Plan with key stakeholders, Dublin
- 26 November Meeting with Thomas Hammarberg, Commissioner for Human Rights, Council of Europe, at Jervis House
- 27 November Roundtable co-hosted with the Embassy of Mexico on 'The First Year of the United Nations Human Rights Council'

Appendix 6

IHRC Staff in 2007

Éamonn Mac Aodha	Chief Executive (from December 2007)
Alpha Connelly	Chief Executive (to June 2007)
Teuta Bytyqi-Forde	Desk Officer (to January 2007)
David Carolan	Administrator (Finance and Human Resources)
Aideen Damery	Clerical Officer (from May 2007)
Niall Doherty	Clerical Officer (to January 2007)
Winnie Donoghue	Human Rights Education Fellow (appointed December 2007)
Gerry Finn	Enquiry and Legal Officer
Sinéad Fitzpatrick	Project Caseworker (from August 2007) Human Rights Policy Fellow (appointed December 2007)
Róisín Hennessy	On Leave of Absence (from February 2007)
Liam Herrick	Senior Legislation and Policy Review Officer (to October 2007)
Des Hogan	Director of Enquiry and Legal Services (appointed October 2007)
Fidelma Joyce	Senior Human Rights Awareness Officer (from April 2007)
Danielle Kennan	Human Rights Policy Fellow (appointed December 2007)
Patricia Murphy	Clerical Officer
Órla Ní Chuilleanáin	Human Rights Policy Fellow (appointed December 2007)
Catherine-Ellen O'Keeffe	Assistant Legislation and Policy Review Officer (from February 2007)
Jennifer Pierce	Desk Officer (from September 2007)
Kirsten Roberts	Director of Research and Policy (appointed December 2007)

IHRC

IRISH HUMAN RIGHTS COMMISSION
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