

Annual Report 2008

IHRC

AN COIMISIÚN UM CHEARTA DUINE
IRISH HUMAN RIGHTS COMMISSION

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By

Irish Human Rights Commission

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The Irish Human Rights Commission (IHRC) was established under statute in 2000, 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.

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o. Foreword by the President

2008 marked the anniversary of several important human rights milestones. In particular it was 60 years since the Universal Declaration of Human Rights, considered the cornerstone of international human rights law, was elaborated. The IHRC contributed to the celebrations by organising, in conjunction with the Law Society of Ireland, a wonderful exhibition of posters by secondary school students vividly depicting their human rights concerns.

2008 also marked the 15th anniversary of the creation of the United Nation's 'Paris Principles'. These principles have guided the establishment of more than 70 national human rights institutions across the globe, including the IHRC. *Strengthening National Human Rights Institutions* was the apt title and aim of a European roundtable organised jointly by the IHRC and the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg in the autumn.

The IHRC and the Northern Ireland Human Rights Commission (NIHRC) owe their very existence to the Good Friday/Belfast Agreement signed in 1998, ten years ago. Both Commissions meet regularly and co-operate in a number of areas. Our important role was acknowledged by the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement when it met both Commissions during the year.

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 subjects we felt had a strong human rights dimension meriting close scrutiny. Our approach was based on a detailed and careful examination of relevant constitutional and international human rights principles. This is fully in keeping with our statutory mandate. It will continue to be a hallmark of our engagement in the coming period.

It is now clear that we are making our mark across a wide spectrum of Irish society. The number of human rights queries which the IHRC received from individuals and groups increased by one third in 2008. This is a very significant development.

There is increasing awareness in the Oireachtas of what we do through our legislative scrutiny function. We greatly welcome the opportunities we have been afforded to appear before Oireachtas Committees to present our views to the people's elected representatives. On such occasions we highlighted the importance of consolidating the independence of the IHRC by making it directly accountable to the Oireachtas. The overarching and universal nature of human rights means that our mandate covers work carried out by many Government Departments. It is highly desirable that progress on this issue can be made in 2009.

The IHRC's role is also becoming better known in the Courts as we more systematically roll out the exercise of our legal statutory functions. Again we will continue to use our powers in this regard carefully.

Throughout the year we consulted and engaged with human rights bodies, both statutory and non-governmental, on pertinent issues such as human trafficking and the habitual residence condition. We will continue our engagement with these organisations in the coming years to promote a human rights-based approach to tackling issues that concern them.

We broke fresh ground and developed new relations with a wide range of education and training actors as we scoped out the extent of human rights education in Ireland. Relations have been developed on which we can build concrete projects in the future. We also reinforced our support for existing human rights education programmes by calling for the mainstreaming of human rights education, as delivered through the LIFT OFF Initiative, in all primary schools.

Our international influence and profile has been enhanced in our role as Chair of the European Group of National Human Rights Institutions (which is 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 Government on best policy and practice.

All of this important work was carried out by the IHRC in 2008 under very straitened circumstances. As the economic recession unfolded, we anticipated some cut to our already modest budget. The 32 per cent cut imposed challenged the ability of the organisation to carry out its functions. Commissioners and staff have admirably stood up to that challenge.

For the future it is critical that the IHRC has the resources necessary to fulfil its mandate effectively. We are grateful for the support we have received in this regard. The United Nations and the Council of Europe have both commented that to effectively promote and protect human rights in Ireland, the IHRC must have sufficient resources to do its work.

I wish to express my deep gratitude to Commissioner Mervyn Taylor, who retired from the Commission this year, for his dedication and commitment since he was first appointed in 2001. I warmly welcome Commissioner Conleth Bradley who was appointed to the Commission in September 2008.

In conclusion, I would like to sincerely thank all my fellow Commissioners, our Chief Executive and staff for their excellent work throughout the year in less than easy circumstances.

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

Dr Maurice Manning
President

1. Introduction by the Chief Executive

Despite very difficult operational circumstances in 2008 the IHRC continued to generate a breadth of high quality work. Highlights in 2008 included: initial work on the development of a human rights education strategy, an increase in IHRC appearances before the High Court and Supreme Court and ongoing work on two enquiries. In addition more observations on legislation were produced than in any other year in the Commission's history, while on the international stage the IHRC strengthened the work of the European Group of National Human Rights Institutions, which it currently chairs, on this continent and beyond.

To commemorate the 60th Anniversary of the Universal Declaration of Human Rights the IHRC, together with the Incorporated Law Society of Ireland, invited students studying Civic, Social and Political Education (CSPE) to visualise their human rights concerns in a poster format. A wonderful array of posters were received and exhibited at the Law Society. This initiative enabled the IHRC to build relations with teachers and students, particularly as we had just initiated work on a study to map the extent of human rights education in Ireland. Valuable insights have been gained and relationships built with a wide range of actors in the formal education, non-formal education, and continuing professional training sectors during the course of the research. A fruitful collaboration with the Centre for Human Rights and Citizenship Education in St Patrick's College of Education has started and future work with the civil and public service training organisations has also been identified as a priority.

On the legislative front a key focus of the IHRC was to influence the drafting of legislation at the earliest possible point. To this end, in 2008 the IHRC engaged with Government Departments on the human rights implications of eight Bills on charities, immigration, residence and protection, employment law compliance, health information, mental capacity, insanity and public order offences in relation to begging. A welcome trend is the referral of legislation at the scheme stage, thus facilitating the IHRC to make its comments in a timely way. The IHRC appreciates the fact that there have been additional referrals from other Government Departments while the Minister for Justice, Equality and Law Reform also continued to make referrals of legislation for human rights scrutiny by the Commission.

In monitoring the Irish State's compliance with the United Nation's International Covenant on Civil and Political Rights, the IHRC briefed the UN Human Rights Committee (tasked with reviewing Ireland's 3rd periodic report) on Irish policy and practice in relation to the promotion and protection of these rights. In this context the Commission raised concerns in relation to the use of the Special Criminal Court, prison conditions, access to legal aid and the rights of women, children, Travellers and immigrants. It was heartening to have the work of the IHRC so highly endorsed by the Human Rights Committee in its concluding observations. The Commission regards as particularly important the call by the UN Committee for the Commission's independence and capacity to be further enhanced.

As chair of the European Group of National Human Rights Institutions, the IHRC hosted, in conjunction with the Council of Europe Commissioner for Human Rights,

Thomas Hammarberg, a very successful two-day roundtable of human rights institutions across Europe on the theme of the importance of strong national human rights bodies to promote and protect human rights.

Dealing with queries from the general public or groups about their human rights concerns is a key role of the IHRC. The number of such communications has continued to rise annually, with a significant increase of more than one third in 2008, up to 467 from 342 the previous year. Concerns related to issues from across the spectrum of civil, political, economic, social and cultural rights.

Engagement with the Supreme Court and High Court was also up this year. 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 as *amicus curiae* or 'friend of the court' has increased steadily. The IHRC appeared in five cases in 2008. These cases addressed a wide variety of human rights concerns including criminal legal aid, accommodation of Traveller families and the criminal trespass legislation, data protection, refugee determination and local authority housing.

In 2008, the Good Friday Agreement celebrated its 10th anniversary. Under the provisions of the agreement the IHRC and the Northern Ireland Human Rights Commission (NIHRC) are mandated to meet in a Joint Committee to discuss matters of mutual interest. This Committee met four times in 2008 to exchange information and examine a range of human rights issues including racism, migration, human trafficking, and progress on the Charter of Rights.

In July 2008, the IHRC was invited to address the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement on the occasion of the 10th Anniversary. It was a useful opportunity for the IHRC to brief public representatives from both Houses of the Oireachtas and the Northern Ireland Assembly on the work of the IHRC and most especially our valuable collaboration with the NIHRC.

In respect of corporate affairs, it was however a tough year for the Commission. The sanction of additional staff in late 2007 without a corresponding increase in budget severely hampered our work in 2008. Overall the projected 32 per cent reduction in resources going into 2009 left the Commission with no alternative than to discontinue the services of some temporary contract staff and support services. Further cuts would have severe implications for the continued execution of the Commission's core statutory functions.

Finally, having completed one year as Chief Executive, I would like to pay tribute to the President, Commissioners and Staff for their ongoing energy and commitment, most particularly in this difficult period. The breadth of activity across all of the IHRC's strategic objectives, as set out in this report, is quite remarkable and bears testimony to their hard work and dedication in straitened times.

Éamonn Mac Aodha
Chief Executive

2. Role and Functions

The Irish Human Rights Commission (IHRC) is an independent statutory body for the protection and promotion of human rights in Ireland. Established pursuant to the Belfast/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;¹
- 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 United Nations *Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights* (“Paris Principles”). The IHRC is Ireland’s National Human Rights Institution (NHRI), which means that its powers and functions fully comply with the Paris Principles. The Paris Principles, which set out the role, composition, status and functions of national human rights institutions, were endorsed by the United Nations (UN) General Assembly in December 1993. 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 70 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 and a member of the bureau of the International Coordinating Committee of National Human Rights Institutions (ICC).

¹ The 1998 Belfast/Good Friday Agreement.

3. 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 members of the Commission are as follows:

- Dr Maurice Manning (President)
- Professor William Binchy
- Ms Olive Braiden
- Mr Conleth Bradley (appointed September 2008)
- 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 (retired July 2008)
- Dr Katherine Zappone

Short biographies of the Commissioners are provided in Appendix 1.

The Commission meets in plenary session approximately once a month. In 2008, the Commission met eleven 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 2008, the Committees were;

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

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

a. IHRC Second Strategic Plan 2007-2011

2008 was the second 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:

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

The goals set out in the Strategic Plan informed the priorities and work of the Commission in 2008.

b. Executive Structure of the IHRC

2008 saw reform of the executive structure of the IHRC implemented by the Chief Executive following his appointment in December 2007. In order to maximise the efficiency of the IHRC's executive structure and to ensure the fullest coverage of its mandate the IHRC executive was restructured in 2008 into two divisions each headed by a Director. The two Divisions are the Research, Policy and Promotion Division and the Enquiries, Legal Services and Administration Division. The Research, Policy and Promotion Division has responsibility for the mandate of the IHRC in the areas of; legislative review, 'shadow reports', research, policy, human rights education, awareness, outreach, media and international work. The Enquiries, Legal Services and Administration Division has responsibility for dealing with individual complaints, conducting enquiries, providing legal assistance and instituting proceedings to vindicate the human rights of persons in the State and appearing before the Superior Courts in suitable cases involving human rights issues as *amicus curiae* (or 'friend of the court'). The Division also incorporates the IHRC's administration functions including finance, human resources and general administration.

4. Research, Policy and Promotion

a. Research and Policy

The research, policy and legislative review and awareness and education 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.

Introduction

In 2008, 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 recommendations on a proposed amendment to the Constitution and observations on eight Bills and Schemes of Bills with important human rights implications including: the Charities Bill 2007; the Immigration, Residence and Protection Bill 2008; the Employment Law Compliance Bill 2008; the Proposed Health Information Bill 2008; the Scheme of the Mental Capacity Bill 2008, the Scheme of the Criminal Law (Insanity) Act 2006 (Amendment) Bill 2008; and the Scheme of the Criminal Justice (Public Order) (Amendment) Bill 2008.

The IHRC also engaged with international treaty monitoring bodies in monitoring Ireland's compliance with its international human rights obligations. In particular, in 2008 the IHRC engaged with the UN Human Rights Committee which monitors the International Covenant on Civil and Political Rights (ICCPR). The IHRC also made submissions to the Government to inform the drafting of Ireland's periodic reports in relation to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

In relation to research, the IHRC oversaw work on 3 major outsourced research projects. These were; the Human Rights Compliance of An Garda Síochána, an Interdisciplinary Report on Prostitution in Ireland, and the International Convention on the Rights of All Migrant Workers and their Families. In addition, the IHRC collaborated with Pavee Point to produce a research report on the Right to Respect for Traveller Culture and Way of Life.

The IHRC also organised a number of roundtables with policy stakeholders to progress work in relation to such issues as Ireland's ratification of the Optional Protocol to the UN Convention Against Torture (OPCAT), human trafficking, and the impact of the Habitual Residence Condition.

The IHRC publicised and promoted its legislative and policy recommendations through the media and directly to stakeholders, including Oireachtas Joint Committees.

Observations on Human Rights Implications of Legislation

In 2008, the IHRC provided observations to Government on seven Bills or Schemes of Bills and one proposed Constitutional amendment.

Constitutional Amendment on Children

In January, the IHRC made a submission to the Oireachtas Joint Committee on the Constitutional Amendment on Children. As the Ombudsman for Children provided detailed submissions on the proposal, the IHRC confined itself to the following issues: express guarantee of children's rights; the UN Convention on the Rights of the Child (CRC) and best practice in international law; the right to participation; and the prohibition against discrimination.

The IHRC recommended that the proposed Article 42 (A)(1) be revised to include an express recognition that in all actions concerning children the best interests of the child shall be a primary consideration. It also considered that the language of the then proposed 28th amendment to the Constitution should be amended to expressly incorporate the principle set out in Article 12 of the CRC, to bring the amendment into line with Ireland's international obligations with regard to children's right to participate in decisions that impact upon them. Finally, the IHRC requested the Government to clarify the relationship between the proposed Article 42(A), and the current Articles 41 and 42 of the Constitution and requested the Joint Oireachtas Committee to give consideration to including an express guarantee of children's rights in the 28th amendment to the Constitution.

Charities Bill 2007

In January, the IHRC wrote to Mr Pat Carey TD, Minister of State at the Department of Community, Rural and Gaeltacht Affairs expressing a number of concerns in relation to the Charities Bill 2007.

The IHRC broadly welcomed the Charities Bill 2007 as a necessary reform in the area of charities regulation. However, the IHRC expressed its concern that the proposed legislation should be drafted in such a way as to reflect the reality of modern charitable organisations. In particular, the IHRC recommended that the promotion of human rights, which had been in an earlier version of the Bill, be reinstated in the definition of “charitable purpose” as this was a core function of many charitable organisations. It further recommended the removal of the term “political cause” from the definition of “excluded body” as the IHRC considered this could lead to the exclusion of organisations that advocate for social change and have no links to political parties.

Immigration, Residence and Protection Bill 2008

In March, the IHRC published extensive observations on the Immigration, Residence and Protection Bill 2008, covering 24 areas and making 59 key recommendations.

The IHRC considered that there were a range of areas in the 2008 Bill where the human rights of immigrants and protection applicants were not fully protected and upheld to the level required by international human rights standards. In its observations the IHRC made recommendations for amendments to the Immigration, Residence and Protection Bill 2008 to fully meet these standards.

The IHRC made extensive recommendations relating to a wide number of areas. In relation to the reforms to the protection system, the IHRC recommended that to fully comply with the prohibition against *refoulement* and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), a number of amendments to the 2008 Bill were required. For example, the IHRC recommended amendments to the definition of subsidiary protection and to the system for the designation of safe countries of origin and safe third countries. The IHRC recommended that the 2008 Bill should fully reflect international human rights standards relating to the protection of unaccompanied minors and separated children and expressed concern in relation to the failure to provide for family reunification by way of primary legislation. The IHRC welcomed the provisions for victims of trafficking and made a number of recommendations to ensure the reforms proposed fully reflect international human rights treaties that Ireland has signed and has made a commitment to ratify in the near future. These include the Optional Protocol to the United Nations Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Council of Europe Convention on Action Against Trafficking in Human Beings and the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The IHRC also recommended that the proposed restrictions on the right to marry for protection applicants and other non-renewable residence permit holders should be in compliance with Articles 12 and 14 of the ECHR.

In April, at the request of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, the IHRC presented its Observations on the Bill to the Committee. The Observations significantly informed the debate on proposed amendments to the Bill from both the Government and the Opposition.

In July, the IHRC made a further submission to the Department of Justice, Equality and Law Reform ("Department of Justice") in relation to the Immigration, Residence and Protection Bill 2008. This further submission focussed on the legislative proposals relating to the issue of safe countries of origin and safe third countries.

Employment Law Compliance Bill 2008

In July, the IHRC submitted its Observations on certain provisions of the Employment Law Compliance Bill 2008. The Bill was referred to the IHRC by the Minister for Enterprise, Trade and Employment. The IHRC broadly welcomed the Bill, which establishes the National Employment Rights Authority (NERA) on a statutory basis with the aim of promoting and ensuring compliance with employment legislation. However, the IHRC recommended a number of amendments to the provisions of the Bill relating to the acquisition, storage and sharing of personal information in order to ensure full compliance with the right to respect for private life under Article 8 of the ECHR and the right to privacy under the Constitution. These recommendations related to the definition of the categories of information that may be shared by NERA with other bodies, the categories of agencies or authorities to whom the information can be disclosed, access to information held by NERA and the protection of vulnerable groups of migrant workers under the Bill.

Proposed Health Information Bill 2008

In September, the IHRC submitted its observations in relation to a proposed Health Information Bill 2008 to the Department of Health and Children following an invitation from the Minister for Health and Children who had initiated a consultation process on this proposed legislation. The Department invited views on a Discussion Paper on the Proposed Health Information Bill which was accompanied by an Audit of Key International Instruments, National Law and Guidelines Relating to Health Information for Ireland and Selected Other Countries.

The IHRC welcomed the consultative approach adopted by the Department as well as its consideration of international human rights standards. In its Observations, the IHRC recommended that to ensure full compliance with the right to respect for private life under Article 8 of the ECHR the legislation should define with sufficient precision the purpose and function of the proposed health information system and that the legislation should contain adequate and effective safeguards to regulate the collection, use, sharing, storage and disclosure of personal health information. The IHRC also recommended that there should be stronger safeguards surrounding the consent of vulnerable people to the use and disclosure of their personal health information.

The IHRC recommended that the proposed Bill provided an opportunity to address the issues surrounding the health records of deceased persons. Finally, the IHRC recommended that a system with a Unique Health Identifier should incorporate rigorous safeguards to protect the personal health information of every individual and

to ensure that this identifier can only be used for legitimate purposes as set out in the legislation.

Scheme of the Mental Capacity Bill 2008

In November, the IHRC submitted its observations on the Scheme of the Mental Capacity Bill 2008, which was referred to the IHRC by the Minister for Justice, Equality and Law Reform. The main purpose of the 2008 Scheme is to reform the existing Wards of Court system, in so far as it applies to adults, and effectively replace it with a modern statutory framework governing decision making on behalf of people who lack capacity. The proposed Bill will replace the existing Lunacy Regulation (Ireland) Act 1871. Overall the IHRC welcomed the 2008 Scheme, which broadly reflects the recommendations of the Law Reform Commission in its 2006 Report on *Vulnerable Adults and the Law*.

The IHRC made a number of specific recommendations on the need to strengthen the procedural safeguards in the 2008 Scheme, including the right to legal representation, the right to a fair hearing and safeguards concerning the duration and review of decisions taken. The Observations also examined the need for adequate safeguards in relation to the committal of a person lacking capacity to a psychiatric institution including procedural safeguards to provide that Wards of Court be entitled to similar protections under the Mental Health Act 2001 as are afforded to other persons. The IHRC recommended safeguards relating to the permissible grounds for deprivation of liberty and for the regular review of such detention by an independent body.

Scheme of Criminal Law (Insanity) Act 2006 (Amendment) Bill 2008

In November, the IHRC submitted its Observations on the Scheme of the Criminal Law (Insanity) Act 2006 (Amendment) Bill 2008. Overall, the IHRC welcomed the improvements to the law governing this area. The IHRC considered that the 2008 Scheme was an important opportunity to further ensure the compliance of Irish law with the relevant international human rights standards, and was a further opportunity to implement some of the previous recommendations made by the IHRC in respect of the Criminal Law (Insanity) Bill 2002.

The IHRC made a number of key recommendations, including that: evidence of a consultant psychiatrist should be required before a person is detained in order to ascertain whether they are fit to plead; conditions attached to the discharge of an individual should be reasonable, proportionate and within the power of the person being discharged to fulfil; and the independence of the Review Board from the Executive under the 2006 Act should be enhanced.

Scheme of the Criminal Justice (Public Order) (Amendment) Bill 2008

In December, the IHRC submitted its observations on the Scheme of the Criminal Justice (Public Order) (Amendment) Bill 2008, which was referred to the IHRC by the Minister for Justice, Equality and Law Reform. The IHRC asserted that the draft legislation was seriously flawed as the proposals place the onus on the criminal justice system to address begging when health, social and homeless services should be at the forefront in tackling these problems. In its preface to the Observations the IHRC commented on the economic and social context in which begging takes place and emphasised that people who beg are often amongst the most vulnerable in Irish

society. The IHRC expressed the view that as currently worded the proposed legislation could potentially criminalise all people who beg and that this does not provide an appropriate, proportionate or humane response to begging. Rather than addressing the root causes of begging the IHRC observed the draft Bill may in fact compound the problems that people who beg face by criminalising them.

In its Observations, the IHRC observed that the proposed legislation should be a focused and proportionate response to address forms of begging that are accompanied by criminal behaviour, where existing public order offences do not sufficiently deal with such behaviour. The IHRC considered that the draft legislation would disproportionately impact on some of the most vulnerable people in our society.

The IHRC's key recommendations included: removal of the definition of "persistent" begging from the Scheme of the Bill or, if it is retained, linking the definition to begging that is accompanied by harassment, intimidation, threats or assault or other aggressive or abusive behaviour; removal of the excessive penalties for not having a fixed address proposed under the Scheme; and removal of the section dealing with Garda powers to require a person to desist from begging where refusal to desist will result in a criminal offence as this constitutes a disproportionate response to begging.

Monitoring Ireland's International Human Rights Obligations

Convention on the Elimination of All Forms of Discrimination against Women

In January, the IHRC made a submission to the Irish Government to inform the drafting of Ireland's sixth periodic report to the UN Committee which monitors Ireland's compliance with the human rights standards set out in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The IHRC recommended that the Government benchmark progress against the recommendations made by the UN CEDAW Committee in its Concluding Comments on Ireland's 4th and 5th Periodic Reports. Issues highlighted in the IHRC's submission included: the need for incorporation of CEDAW into domestic law; the need to raise awareness of CEDAW; the urgent need to hold a referendum relating to Article 41.2 of the Constitution in line with Articles 2 and 5 of CEDAW and previous concluding comments of the UN CEDAW Committee; the need to monitor progress on the realisation of equality for women through the effective implementation of the National Women's Strategy by means of specific targets and timeframes; the need to improve measures to combat violence against women and to gather comprehensive statistics on this issue; the need to put in place a comprehensive legislative framework to protect victims of trafficking and the need to enhance the representation of women in decision making and to carry out research on the barriers to women's participation.

Convention on the Elimination of All Forms of Racial Discrimination

In January, the IHRC made a submission to the Government to inform the drafting of Ireland's combined 3rd and 4th Periodic Reports to the UN Committee which monitors Ireland's compliance with the human rights standards set out in the Convention on the Elimination of all Forms of Racial Discrimination (CERD). The IHRC recommended that

the Government benchmark progress against the recommendations made by the UN CERD Committee in its Concluding Comments.

Issues highlighted in the IHRC's submission included: the need for awareness raising and training on the standards contained in CERD; the need for incorporation of CERD into domestic law; the need to adequately fund human rights institutions and non-governmental organisations working on issues of racial discrimination; the need to ensure that security checks at airports are carried out in a non-discriminatory manner; the low level of availability of non-denominational education; the negative impact of the direct provision system on asylum seekers and the need to ensure equal access for members of the Traveller Community to education, employment, health services and suitable accommodation.

In November, the IHRC attended a Department of Justice consultation roundtable on Ireland's forthcoming report on compliance with CERD. This roundtable was attended by a variety of statutory agencies including the Equality Authority and the NCCRI, along with a range of community and voluntary organisations.

International Covenant on Civil and Political Rights

In June, the IHRC published its report to the UN Human Rights Committee on the Examination of Ireland's 3rd Report on implementation of the International Covenant on Civil and Political Rights (ICCPR). The IHRC's report provided the UN Human Rights Committee with focused and critical information on the situation of civil and political rights in Ireland under the ICCPR since the State last reported in 1999. In making its submission, the IHRC assessed the State's performance against the recommendations made by the UN Human Rights Committee in 2000, following its examination of Ireland's 2nd State Report. The IHRC considered that not enough action has been taken by the Government to address a number of concerns including in the areas of detention, and due process rights, as well as, the rights of women, the Traveller Community, immigrants and same-sex couples.

In June, the IHRC also briefed the sub-Committee on Human Rights of the Joint Oireachtas Committee on Foreign Affairs on the role and powers of the IHRC. It specifically highlighted key concerns outlined in the IHRC's report to the UN Human Rights Committee on Ireland's compliance with the human rights standards outlined in the ICCPR. The IHRC also used the opportunity to call for the IHRC to be made accountable to the Oireachtas and for the establishment of an autonomous Oireachtas Committee on Human Rights.

In July, the IHRC attended the Hearing of Ireland's 3rd Periodic Report on the implementation of the standards set out in the ICCPR before the Human Rights Committee (HRC) at the Office of the High Commission for Human Rights in Geneva. As Ireland's National Human Rights Institution (NHRI), the IHRC had the opportunity to brief the UN Committee members in a private meeting on 14 July 2008. The IHRC shadow report and briefing were well received and many of its concerns reflected in the Concluding Observations of the Committee.

The HRC also recommended the Irish Government "should strengthen the independence and the capacity of the Irish Human Rights Commission to fulfil its

mandate effectively in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the *Paris Principles*, General Assembly Resolution 48/134), by endowing it with adequate and sufficient resources and linking it to the Oireachtas (Parliament)."

The IHRC also accepted invitations to present its recommendations on the ICCPR at the Young Greens Conference and to the University College Cork FLAC Society.

Research Reports

The Right to Respect for Traveller Culture and Way of Life

In November, the IHRC and Pavee Point published a research report entitled *Travellers Cultural Rights: The Right to Respect for Traveller Culture and Way of Life*. The report was written on the basis of research commissioned by the IHRC and Pavee Point on the right to enjoy cultural life under international human rights law. The report outlined the international human rights law and standards as they relate to the right to enjoy cultural life and the application of those standards to the situation of the Traveller Community in Ireland. The report includes a preliminary exploration of what is required in domestic law and policy to ensure that the right to enjoy cultural life for members of the Traveller Community is protected and promoted.

Policy Outreach

Garda Síochána Strategic Human Rights Advisory Committee

In 2008, the IHRC was represented on the Strategic Human Rights Advisory Committee (SHRAC), appointed by the Garda Commissioner. This Committee includes relevant senior Gardaí 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; and
- (c) Ensure that best human rights practice is at the core of the Irish police service.

In 2008, SHRAC finalised recommendations for standards and structures in three main areas: (1) developing a human rights framework for monitoring the practice and actions of An Garda Síochána; (2) progressing human rights compliance through training, learning and development; and (3) human rights proofing and auditing of policies, procedures and guidelines. These recommendations were submitted to the Garda Commissioner for consideration.

Garda Síochána Ombudsman Commission Consultative Working Group

In 2008, the IHRC 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 2008 is set out in the GSOC Annual Report for 2008.

Human Trafficking Research Advisory Committee

In 2008, the IHRC participated in a research advisory committee to oversee research commissioned by the Immigrant Council of Ireland entitled *Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*. The research advisory committee comprised representatives of a variety of sectors including the academic sector, An Garda Síochána, the Department of Justice, community and voluntary organisations and statutory bodies. The aims of the research were to produce a preliminary estimate of the numbers, profile and experiences of women who are identified as trafficked into and through Ireland; to examine the organisation and operation of the sex industry in Ireland; to document the various forms of movement, deception and coercion and impact on the health of women involved in prostitution and who have been trafficked; to highlight international practice in responding to prostitution and sex trafficking and to describe how frontline services define trafficking and respond to women who are trafficked.

Roundtable on OPCAT

In May, the IHRC hosted a multi-stakeholder roundtable to discuss the issue of the Irish Government's ratification of the Optional Protocol to the UN Convention against Torture and All Forms of Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the designation of a national preventive mechanism (NPM) under OPCAT. Prior to ratification, the State is obliged to put in place a NPM under OPCAT. The NPM's intended functions primarily relate to unannounced inspections of all places of detention in a similar manner to that currently exercised by the European Committee on the Prevention of Torture under the European Convention of that name. It is envisaged that National Human Rights Institutions, such as the IHRC, will have a key role in the NPM.

The roundtable comprised representatives from the Department of Justice, as well as key statutory bodies, non-governmental organisations with expertise in the area, including the Geneva-based Association for the Prevention of Torture and the UN Sub-Committee on the Prevention of Torture, which is the specialised UN body responsible for supervising the implementation of OPCAT. The purpose of the roundtable was to allow for confidential discussion, under 'Chatham House Rules', of the form the NPM might take once the State ratifies OPCAT. The IHRC is monitoring progress in this area in consultation with the Department of Justice.

Roundtable on the Habitual Residence Condition

In October, the IHRC hosted a follow-up roundtable on the habitual residence condition within Irish law. This roundtable was attended by representatives of the Department of Social and Family Affairs, the Department of the Environment, Heritage and Local Government and the Irish Naturalisation and Immigration Service. Community and voluntary organisations working on the issue also attended including the Free Legal Advice Centres (FLAC), the Migrant Rights Centre Ireland (MRCI), Immigrant Council of Ireland (ICI), the Roma Support Group of Pavee Point, Women's Aid, the NCCRI, and the Vincentian Refugee Centre. The roundtable provided a valuable opportunity to exchange information on the habitual residence condition and its impact on vulnerable people and identify possible changes to ameliorate its effects. It also informed the ongoing work of the IHRC in this area.

IHRC and Immigrant Council of Ireland Roundtable on Human Trafficking

In April, the IHRC and the Immigrant Council of Ireland (ICI) brought together a wide range of national and international expertise to discuss how to progress Ireland towards ratification of the Council of Europe Convention on Action against Trafficking of Human Beings. The keynote address was delivered by Marta Requena, Head of the Gender Equality and Anti-Trafficking Division at the Council of Europe, who outlined the human rights standards set out in the Council of Europe Convention on Action against Trafficking in Human Beings. The Immigration, Residence and Protection Bill 2008 was viewed by participants as an important opportunity for the Government to bring Irish legislation into line with the Council of Europe's minimum standards.

Women's Human Rights Alliance

In 2008, the IHRC attended a number of meetings of the Women's Human Rights Alliance (WHRA), which is a network of women's organisations and organisations with an interest in women's rights issues that is convened by the National Women's Council of Ireland. The network was set up to draft a shadow report on the Ireland's compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights from a gender perspective.

Persons with Disabilities Ireland (PWDI)

In December, the IHRC gave presentations at PWDI seminars held in Cork, Dublin, Leitrim and Mullingar respectively on the UN Convention on the Rights of Persons with Disabilities to mark the European Day for Persons with Disabilities. The IHRC highlighted the importance of the Convention and what its ratification will mean for Ireland.

b. Awareness and Education

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

- 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.

This function involves promotion of human rights and the work done by the IHRC, engaging in outreach and developing the IHRC's work in the area of human rights education.

Introduction

In 2008, the IHRC engaged directly with diverse sections of Irish society, including the general public, civil and public servants, An Garda Síochána, statutory bodies, educators, students, the legal professions, the judiciary and community and voluntary organisations. The IHRC raised awareness and understanding of human rights issues and the work of the IHRC through the media and public affairs outreach as well as through events and publications. Work undertaken in raising awareness is therefore contained throughout this Annual Report.

The issues highlighted in the media included the IHRC's legislative observations on the Immigration, Residence and Protection Bill 2008, the Criminal Justice (Public Order) (Amendment) Bill 2008 and the IHRC's role in monitoring Ireland's compliance with the International Covenant on Civil and Political Rights, as well as various IHRC events throughout the year.

2008 also saw the launch of the IHRC's monthly Human Rights E-Bulletin which resulted in the IHRC keeping a very wide range of stakeholders up to date on its work on a regular basis.

Particular highlights from 2008 in building awareness were the IHRC Annual Lecture delivered by Mrs Mary McAleese, President of Ireland, and a successful 2-day Roundtable co-hosted with the Council of Europe Commissioner for Human Rights, Mr Thomas Hammarberg.

In the area of human rights education, 2008 saw an increased engagement with stakeholders in education and training, as the IHRC undertook to map the current situation of human rights education in Ireland and pursued opportunities for collaborative education and awareness projects.

Awareness Raising

17 October, UN International Day for the Eradication of Poverty Commemorated

In October, Dr Maurice Manning spoke at the unveiling of the World Poverty Commemoration Stone at the Custom's House Quay to commemorate the International Day for the Eradication of Poverty. Dr Manning spoke of poverty as a violation of people's human rights and their dignity. He recalled the Government's commitment to eradicate consistent poverty by 2016, and that the IHRC would be monitoring its performance in that respect.

The commemorative stone was a collaborative effort undertaken by *The 17th October Group*, (a coalition of over 25 anti-poverty community groups and NGOs) and Dublin City Council and the Dublin Docklands Development Authority.

European Convention on Human Rights Act 2003—5 Years On

In November, over 300 people attended the 6th Annual Human Rights Conference jointly organised by the IHRC and the Law Society of Ireland. The conference examined the impact of the European Convention on Human Rights Act 2003 (ECHR Act) on Irish law through a series of plenary and parallel sessions on various aspects of the ECHR.

The conference was opened by the President of the IHRC, Dr Maurice Manning and the President of the Law Society, Mr John Shaw. The first plenary session of the conference benefited from the contributions of Mr Donncha O'Connell, Lecturer in Law, NUI Galway, Ms Justice Mary Finlay Geoghegan, Judge of the High Court and Ms Karen Quinlivan, Barrister-at-law (Northern Ireland) on the theme of the impact of the ECHR Act on Irish law including an assessment of the ECHR Act and its use in the Irish courts. A comparison with the use of the ECHR in Northern Ireland was also examined.

The parallel sessions included contributions from 18 of Ireland's most eminent practitioners and academics. The areas of human rights explored in these sessions included the impact of the ECHR Act on the right to a fair trial and an effective remedy, criminal law, family law and privacy and the role of *amicus curiae*.

At the closing plenary, participants heard inputs on the importance of giving the ECHR effect in national law from Michael Farrell, FLAC, Ceri Goddard, British Institute of Human Rights and Rosalind McKenna, Amnesty International.

This successful conference was closed by Mr Éamonn Mac Aodha, Chief Executive of the IHRC and Mr. Colin Daly, Chairperson of the Human Rights Committee of the Law Society.

IHRC Annual Human Rights Lecture by President of Ireland, Mary McAleese

In November 2008, President of Ireland, Mary McAleese delivered the IHRC's 3rd Annual Human Rights Lecture on the theme of the 60th Anniversary of the Universal Declaration of Human Rights to a packed audience of more than 250 people.

President McAleese spoke of the importance of strong human rights legislation and the role played by the IHRC in promoting and protecting human rights in Ireland. Speaking about the IHRC as part of the infrastructure created by the Good Friday Agreement, President McAleese said "such structures are important evidence of the mainstreaming of human rights consciousness at every level of political and civic society. They keep that consciousness at a high level of priority and ensure that the attitudes and mind-sets which harbour reluctance to acknowledge the rights of others are persistently challenged, critiqued and outed, whether by advocacy or litigation."

Human Rights Education

Human Rights Education Mapping Study

In 2008, work commenced on a study of human rights education in Ireland. The aim of the study is to assess the nature and extent of human rights education activities in Ireland in the framework of the United Nations World Programme for Human Rights Education. It will map the nature and extent of human rights education at all levels of formal (primary, secondary, third level, and adult) and non-formal (including youth and community) education, and in programs for continuing professional development (among teachers, the judiciary, the legal profession and civil and public servants), with a view to informing the IHRC's own policy and strategy on human rights education, and by making recommendations to Government on the development of a national strategy and plan of action for human rights education in Ireland.

Meetings were held with a variety of stakeholders in the formal education, non-formal education and continuing professional education and training sectors to inform the work of the IHRC and the development of the study. In addition to research and analysis, a focus group with, and a survey of, primary school teachers was also conducted in co-operation with St Patrick's College of Education, Drumcondra (see below).

Human Rights Survey of Primary Teachers

In 2008, the IHRC began work with the Centre for Human Rights and Citizenship Education (CHRCE) based in St Patrick's College of Education, Drumcondra on the development of a survey of Irish primary school teachers.

The aim of the research, which took the form of a questionnaire, is to investigate primary school teachers' ideas of, activities in and attitudes towards human rights and human rights education. The first of its kind, it is a baseline survey which will provide a snapshot of current views and practice, and which will be used as a yardstick for future research. Over 370 teachers from a representative sample of 188 schools around the country were invited to take part in the research. A good response rate was achieved with 60% of schools taking part in the survey. The findings of the research will inform

the larger IHRC mapping study on human rights education. Work is due to be completed in 2009.

Conference on Human Rights Education for a Sustainable Future

In September, the IHRC highlighted the role of human rights education in Ireland in meeting the challenges of a more diverse society at a conference organised by the Centre for Human Rights and Citizenship Education, St Patrick's College of Education, Drumcondra. The IHRC stressed the importance of human rights education in promoting respect for diversity and tackling inequality in all its guises, and recommended its inclusion as a mandatory subject in the curriculum.

Amnesty International LIFT OFF Conference

In November, Amnesty International's LIFT OFF Initiative held its fourth annual cross-border human rights education conference, in collaboration with the Irish National Teachers Organisation (INTO), the Ulster Teachers Union (UTU), the Northern Ireland Human Rights Commission (NIHRC), and the IHRC. The event was chaired by Mr Peter O'Neill, CEO of the NIHRC and Mr Éamonn MacAodha, CEO of the IHRC. Speakers included, Ms Catriona Ruane MLA, Minister for Education, Northern Ireland, Ms Jun Morohashi, UNESCO, Ms Gunilla Larsson, Director of Education at the National Agency for School Improvement in Sweden, Mr John Carr, General Secretary of the INTO, Ms Avril Hall-Callaghan, General Secretary of the Ulster Teachers' Union and Ms Noeleen Hartigan, Programme Director, Amnesty International – Irish Section.

The Conference discussed the shift taking place from a needs-based approach to a rights-based approach in education policy. Key topics which were discussed at the conference included that the Convention on the Rights of the Child and the UN World Programme for Human Rights Education should be used as a framework for mainstreaming human rights education into education. It was also suggested by speakers at the Conference that to achieve clear policy commitments with regard to human rights education Ireland should establish a policy development committee comprised of all key players in education and human rights and informed by a wide consultation process, and an analysis of the current provision of human rights education.

Feedback from the facilitated workshops highlighted that human rights education includes not only learning about human rights – it includes having the human rights of all people within the school respected, in particular meaningful student participation in decision making. A group of students involved in the LIFT OFF project presented a workshop on human rights initiatives in their school.

Human Rights – Framed by Young People: Celebrating the 60th Anniversary of the Universal Declaration of Human Rights

In December, Dr Maurice Manning, President of the IHRC and Mr John Shaw, President of the Law Society of Ireland opened *Human Rights – Framed by Young People*, a jointly organised exhibition of human rights posters by Civic, Social and Political Education (CSPE) students (12-16 years), to celebrate the 60th Anniversary of the Universal Declaration of Human Rights (UDHR). The exhibition showcased the artwork of 160 young people from all over Ireland which vividly captured a variety of human rights concerns.

The essence of the project was to get young people working together to think about human rights and to represent, in a visual way, their human rights concerns. Each poster raised issues about human rights in Ireland and internationally. The short human rights statements which accompanied each poster strongly reinforced the messages in the posters.

The opening was attended by 150 students, teachers and stakeholders, representatives of the Irish Secondary Student's Union, Dáil nÓg and the Youth Forum of the Office of the Minister for Children and Youth Affairs. At the opening the importance of young people taking action on human rights was stressed, and each participating school read a human rights message and received a certificate of participation. The opening included music by students from St Peter's College, Dunboyne, Co Meath who were participants in the Amnesty International *Voice Our Concern* Initiative, members of the National Youth Orchestra and a hip-hop routine by dancers from the reality TV show "Ballet Chancers".

The exhibition also provided space for a series of images entitled *Children and Human Rights* by St Michael's Estate Inchicore, O'Deavney Garden's and Dominic St. The week also facilitated workshops on Travellers' Rights delivered by Pavee Point, and on being a Lesbian, Gay, Bisexual or Transgender (LGBT) young person in school, and the wider issues around prejudice and bullying, delivered by BeLongTo, an organisation of LGBT young people. The exhibition will be on display in a number of Dublin public libraries in 2009.

c. International Work

In addition to its work in monitoring the State's compliance with international treaties to which Ireland is a party, set out above, the IHRC, as Ireland's National Human Rights Institution (NHRI) 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.

Chair of the European Group of National Human Rights Institutions

In 2008, the IHRC developed its role as Ireland's NHRI, in particular through its position as Chair of the European Group of NHRIs. The European Group consists of 34 NHRIs from across Europe and as Chair, the IHRC is responsible for organising meetings of the Group, disseminating information, and representing the Group at conferences and events. As Chair of the European Group, the IHRC is also a member of the bureau of the International Coordinating Committee of National Human Rights Institutions (ICC). The ICC consists of representatives of over 70 NHRIs from around the world. Through its engagement with other NHRIs, the IHRC kept abreast of key developments in international human rights during the year, engaging in regular dialogue with other NHRIs.

The Coordinating Committee of the European Group of National Human Rights Institutions, consisting of the IHRC (as Chair), Greek Commission for Human Rights, Danish Institute for Human Rights and German Institute for Human Rights met 3 times in 2008. The Committee oversees the work of the European Group.

In September 2008, the IHRC was reappointed as Chair of the European Group for a further 2-year term.

'Domestic Protection of Human Rights', 5th Biennial Roundtable of European National Human Rights Institutions and the Council of Europe Commissioner on Human Rights

In September, a 2-day round table entitled 'Domestic Protection of Human Rights – Strengthening National Structures' took place in O'Reilly Hall, University College Dublin. The round table was hosted jointly by the IHRC and by the Council of Europe Commissioner for Human Rights. The meeting was the 5th biennial meeting organised by the Council of Europe Commissioner for Human Rights and European National Human Rights Institutions.

The round table was well attended with approximately 70 participants from 40 human rights institutions across Europe, as well as representatives from the Council of Europe and other partner organisations such as the Office of the UN High Commissioner for Human Rights and the EU Fundamental Rights Agency.

Discussions focused on strengthening partnerships and sharing experience. Speakers from a range of European human rights institutions, including Georgia, Greece, Ireland,

Scotland, Slovenia and Denmark took part. At the event, representatives of the Council of Europe, the Office of the UN High Commissioner for Human Rights and the European Union Fundamental Rights Agency stressed the vital role of strong and independent national human rights institutions in protecting human rights at domestic level, and how they complemented the work of international human rights organisations. The round table also heard from Dr Kevin McNamara, former Westminster MP, who offered a Parliamentary viewpoint.

The keynote address was delivered by Professor Michael O'Flaherty, Irish Member of the UN Human Rights Committee and Professor of Law at the University of Nottingham, who spoke on the theme of 'With National Human Rights Institutions towards the Human Rights Horizon'.

Dublin Declaration of the European Group of NHRIs

Following on from the 2-day round table between the European Group and the Council of Europe Commissioner for Human Rights, the European Group elaborated the 'Dublin Declaration' setting out practical recommendations and conclusions of the Group on the key areas discussed at the round table, primarily;

1. cooperation of NHRIs with other human rights actors in a multilevel human rights protection system;
2. impact of NHRIs on legislation, including at the EU level;
3. the role of NHRIs in providing effective redress for victims of human rights violations;
4. possibilities for NHRIs to engage in human rights education and public awareness raising activities;
5. cooperation of NHRIs with the Council of Europe mechanisms.

European Group *amicus curiae* submission to the European Court of Human Rights

One of the major areas of engagement of the European Group in 2008 was its submission by way of *amicus curiae* procedure to the European Court of Human Rights in the case of *D.D. v Lithuania*, which was the first such application before an international court made by a regional grouping of national human rights institutions.

In February, the IHRC applied to the European Court of Human Rights for liberty to intervene as *amicus curiae* in *D.D. v Lithuania* on behalf of the regional group. The President of the Fourth Chamber of the Court granted the European Group leave to intervene in the case and accordingly the IHRC prepared and submitted its *amicus curiae* brief in April.

The case concerns the civil commitment to a psychiatric facility of the applicant, and the law and procedures that pertain to declaring incapable those with a mental illness and/or intellectual disability. As such, subject to issues of admissibility and findings of fact, the case concerned the nature and extent of the positive obligations of Contracting States to the ECHR to secure the rights of individuals who may suffer from an intellectual disability or mental illness and who may as a result be declared legally incapacitated, whether by operation of law or practice in Contracting States.

The purpose of the European Group's intervention was to draw to the Court's attention the provisions of the recently adopted UN Convention on the Rights of Persons with Disabilities, positive normative developments within the Council of Europe (including relevant jurisprudence of the Court) and law reform trends on the subject across Europe in various States. The intervention drew attention to a number of provisions of the Disability Convention, including Article 12 which is entitled Equal Recognition before the Law. This provision guarantees that States must recognise the legal capacity of persons with disabilities "on an equal basis with all others in all aspects of life".

European Group of NHRIs *Amicus Curiae* Procedure

Following on from the European Group submission in the *D.D.* case, the Group decided, at its meeting in September 2008, to introduce a procedure for monitoring cases before the European Court of Human Rights in which the Group or individual national institutions might seek leave to intervene. European Court cases involving "priority" areas of concern are tracked and reviewed on a periodic basis in an attempt to identify strategic cases suitable for an *amicus curiae* intervention. These priority areas are: 1) Disability rights; 2) Data protection; 3) Asylum/Immigration; 4) Rule of law/counter-terrorism. It was agreed that, as Chair of the European Group, the IHRC would track newly communicated cases and compile and disseminate a monthly register with a view to considering whether NHRIs or the European Group itself should seek to intervene before the Court as an *amicus curiae*.

9th Biennial International Conference of NHRIs, Nairobi, Kenya

In October, the 9th International Conference of National Institutions for the Promotion and Protection of Human Rights took place in Nairobi, Kenya. The meeting was organized by the United Nations Office of the High Commissioner for Human Rights (OHCHR) in cooperation with the Kenya National Commission on Human Rights and the International Coordinating Committee of National Human Rights Institutions (ICC). The Conference focused on the theme of "National Human Rights Institutions and the Administration of Justice". The IHRC was invited to speak on a panel concerning "The relationship between NHRIs and the Judiciary" and also to facilitate a working group on the same subject. The Biennial Conference culminated in the "Nairobi Declaration," which outlines concrete efforts which NHRIs and the OHCHR should take to promote and protect human rights with respect to traditional and conventional judicial systems, access to justice, legal aid, detention, and law enforcement.

The thematic section of the conference was preceded by an institutional meeting of the ICC which approved a new Statute for the International Coordinating Committee of NHRIs, marking an important step in the incorporation of an international global organisation for NHRIs.

Meeting of the National Human Rights Institutions of the “4 Jurisdictions”

In September, the IHRC convened a meeting of the National Human Rights Institutions of Great Britain, Scotland, Northern Ireland and this jurisdiction to discuss how ties could be strengthened between the four institutions. It was decided to hold annual meetings of the four institutions, with the Scottish Human Rights Commission convening the first inter-institutional meeting in 2009.

Interaction with the EU Fundamental Rights Agency

In 2008, the IHRC developed its relationship with the newly established EU Fundamental Rights Agency based in Vienna.

In May, the IHRC attended the EU Fundamental Rights Agency Meeting with National Human Rights Institutions to discuss, *inter alia*, the FRA work-plan for 2009 and FRA interaction with NHRIs. The meeting was the first annual meeting between the FRA and EU NHRIs.

In December, the IHRC attended the first EU Fundamental Rights Agency conference on the topic of Freedom of Expression in Paris, on the occasion of the 60th Anniversary of the UDHR. The event, entitled “*Freedom of expression, a cornerstone of democracy- listening and communicating in a diverse Europe*”, was co-organised with the French Ministry of Justice as part of the French EU Presidency. It examined the effectiveness of policies and actions related to freedom of expression, the impact and development of new media, access to information and the challenge of cultural diversity.

Arab-European Dialogue

In May, the IHRC was invited to attend the 3rd High-Level Arab-European Dialogue Meeting of National Human Rights Institutions from the two regions. The 3rd meeting held in Rabat, Morocco discussed the topic of Migration. The IHRC spoke on the topic of “The Implementation in Practice of Migrants’ Rights: Mapping Gaps, Opportunities and Challenges” from the Irish and European perspective.

EU Parliament Hearing December

In December, the IHRC appeared before the EU Parliament on foot of an invitation from it in relation to a session to debate a new proposed Equality Directive. The IHRC presented on work undertaken to date by the IHRC on the right to equality related to age and disability in the Irish context.

ICC Accreditation

The International Coordinating Committee of National Human Rights Institutions (ICC) undertakes a periodic review of the compliance of all NHRIs accredited to the ICC with the United Nations Paris Principles. There are three levels of compliance, with ‘A’ Status being the highest accreditation level which brings with it benefits such as speaking rights before the UN Human Rights Council. In 2008, the IHRC’s accreditation status was reviewed by the ICC and the IHRC retains its ‘A’ status and was re-accredited at that level.

Visits from other NHRIs

In 2008, the IHRC hosted visits from its counterparts in India and Azerbaijan; the Indian Human Rights Commission and Azerbaijan Ombudsman. These visits provided an opportunity to share experience and expertise and to discuss common human rights issues.

OHCHR Workshop on Regional Arrangements

In November 2008, the IHRC represented the European Group at the first Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in Geneva. This workshop provided for an exchange of views on good practices, added value and challenges for such regional arrangements and focused on good practices in the work of regional arrangements (mainly human rights commissions and courts), to strengthen cooperation between regional human rights mechanisms and to promote greater cooperation between regional mechanisms and the international human rights machinery. The workshop brought together representatives of existing regional mechanisms for the promotion and protection of human rights, including both human rights commissions and human rights courts, and interested UN Member States. Representatives of emerging regional mechanisms, representatives of national human rights institutions and non-governmental organisations working in the field of human rights were also invited. The meeting allowed for important substantive discussion of these issues.

Colloquy “Towards stronger implementation of the European Convention on Human Rights at national level”

The IHRC participated in a Colloquy entitled “Towards stronger implementation of the European Convention on Human Rights at national level” organised and funded under the Swedish Chairmanship of the Committee of Ministers of the Council of Europe on 9 and 10 June. This Colloquy explored the themes of improving domestic remedies and execution of judgments of the European Court of Human Rights, amplifying the effect of the European Court of Human Rights' case-law and assisting member States of the Council of Europe in implementing the ECHR. Mr. Jean-Paul Costa, President of the European Court of Human Rights, and Mr. Thomas Hammarberg, Council of Europe Commissioner for Human Rights led the speakers who addressed the Colloquy.

d. Joint Committee with 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 Irish Human Rights Commission (NIHRC), and the respective legislations under which both 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 2008, 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 2008. 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 who meet prior to the Joint Committee meeting to consider in detail matters relating to Racism and Migration and the Charter of Rights and who report to the full Committee.

i. Racism and Migration

In the area of racism and migration both Commissions continued to carry 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. The two Commissions were also active in sharing information on their activities in relation to trafficking of human beings.

ii. Charter of Rights for the Island of Ireland

Discussions continued between both Commissions in 2008 on practical mechanisms to advance the possibility of a Charter of Rights.

iii. Hearing before Oireachtas Joint Oireachtas Committee on the Implementation of the Good Friday Agreement

In July, the IHRC briefed the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement on the progress made in relation to human rights concerns on the occasion of the 10th Anniversary of the Good Friday Agreement, and specifically IHRC work with the Northern Ireland Human Rights Commission through the Joint Committee. Public representatives from both Houses of the Oireachtas and the Northern Ireland Assembly were present.

5. Enquiries, Legal Services and Administration

a. Enquiries and Legal Services

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

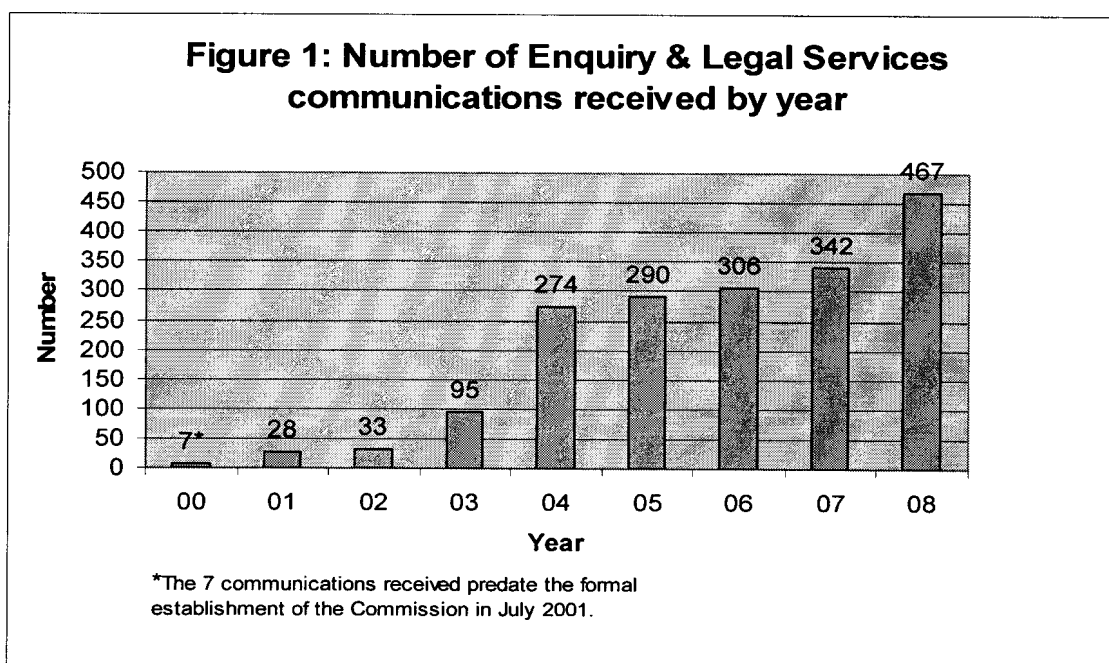
These functions are:

- 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 *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 2008, the IHRC considered requests for enquiries and legal assistance, conducted enquiries, provided legal assistance and appeared on a number of occasions as *amicus curiae*.

Communications

During 2008, the IHRC received 467 individual communications from persons or organisations. The number of communications to the IHRC has continued to increase annually, with a 36 percent increase in 2008 over 2007. This trend is illustrated in Figure 1.



In 2008, a total of 407 communications were received from members of the public on human rights issues, 274 of which were received from men, while 133 were received from women. All other communications were received in respect of legal proceedings notifications or *amicus curiae* requests, therefore rendering problematic any precise gender classification.

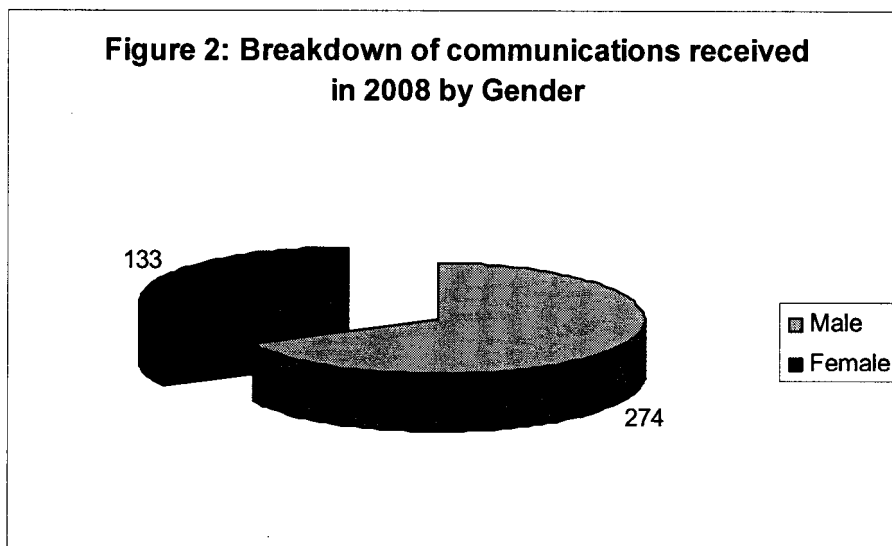
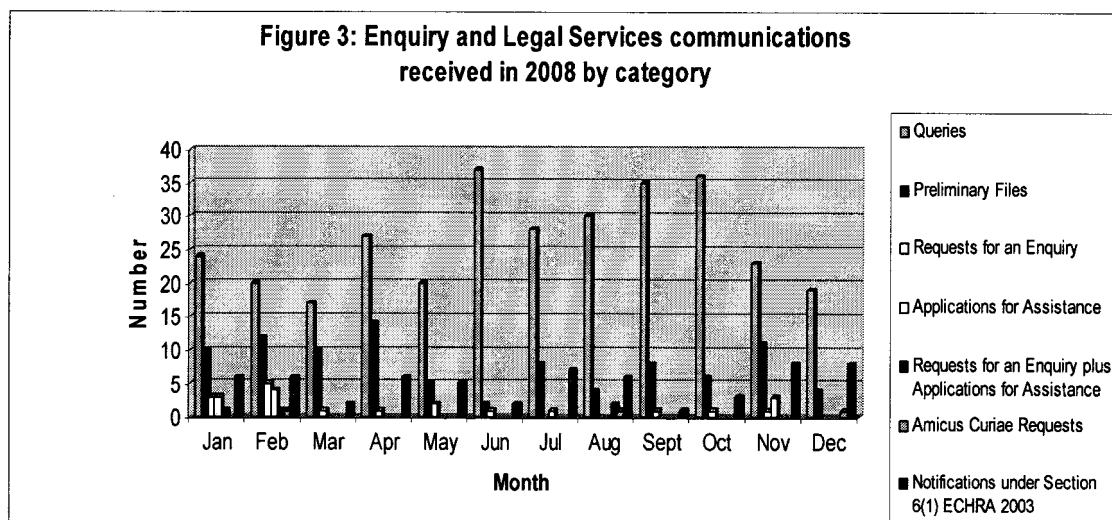
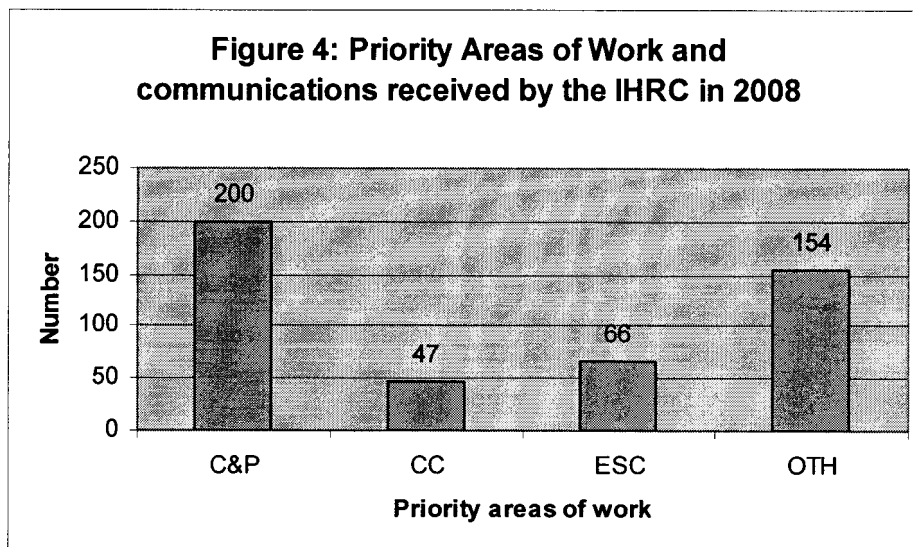


Figure 3, below, provides a breakdown of the communications to the IHRC's Enquiry and Legal Services section received in 2008 by category and by month. As in previous years, in 2008 the most common method by which people chose to contact the IHRC, in terms of its Enquiry and Legal Services functions, was by way of a telephone query.



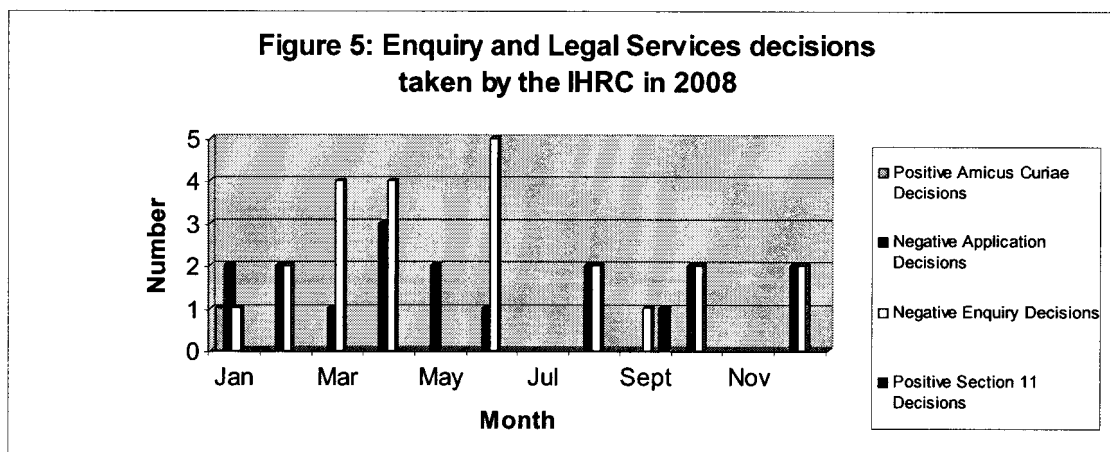
Similarly, as in previous years, communications received by the IHRC concerned issues from across the spectrum of civil and political and economic, social and cultural rights, with some communications concerning "cross-cutting" issues covering both civil and political and economic, social and cultural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

The most common type of communication received during the course of 2008 concerned issues relating to civil and political rights (43%), with the number of communications in relation to cross-cutting issues (10%) and economic, social and cultural right issues (14%) being similar. Communications categorised under the “other” heading (33%) refer to matters which 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.



Enquiry Requests and Assistance Applications

During the course of the year, the IHRC considered and decided 23 formal enquiry requests and 17 formal assistance applications which had been made to it. IHRC decisions on enquiry requests and/or assistance requests in addition to its decisions on *amicus curiae* requests and proposals are set out in Figure 5.



Contact with Statutory Bodies

The IHRC relies on the co-operation of statutory bodies in order to discharge its statutory functions. In considering its statutory functions and assessing enquiry requests or legal assistance applications 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 2008, the IHRC formally corresponded with 7 statutory bodies, in the course of conducting its third enquiry (see below) and in the course of its other statutory functions. It sought information and documentation within a specified timeframe.

Table of Communications with Statutory Bodies

	Dept of Education and Science	Dept of Health and Children	Health Service Executive	Health Information and Quality Authority	The Courts Service	Irish Prison Service	Mountjoy Prison
Response received on time	✓✓	✓✓	✓✓✓	✓	✓	✓	✓✓
Late or no response*		✓	✓			✓	✓

* Late response refers to a response received 4 weeks over the stipulated period.

Enquiries

The IHRC's second Enquiry continued throughout the year. This enquiry was at the request of a foreign national who claimed that he had been arbitrarily arrested and detained when he arrived at Dublin Airport in January 2003. The Department of Justice, the Department of Foreign Affairs, An Garda Síochána, the Irish Prison Service and the Governor of Mountjoy cooperated with the IHRC in the conduct of the enquiry during the year which was carried out in private. The Enquiry report was completed but not yet published at year's end.

In 2007, the IHRC 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 began in 2008. It was expected that public hearings would be held on the enquiry by mid-year, however they were postponed and the matter kept under review. In December, the IHRC decided that, in light of a number of factors, including its budgetary situation, there would be no public hearings but that the enquiry would continue in private, with the results of the enquiry to be published.

Section 11

Under Section 11 of the Act, the IHRC may institute proceedings in its own name concerning the human rights of a person or class of persons.

In September, the IHRC resolved to consider instituting proceedings concerning the rights of Wards of Court detained in psychiatric institutions, but further resolved to write to the Attorney General to ascertain whether the government was amenable to address the matter through legislative amendment. The matter was with the Attorney General at year's end.

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 taking the case to forward the pleadings to both the Attorney General and 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 ensure a copy of the court order is 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 2008, 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 60.

Foy v. An tArd-Chláraitheoir & Others [2007] IEHC 470

On 14 February 2008, the High Court made a declaration of incompatibility in the case of *Foy v. An tArd-Chláraitheoir & Others* Judgment 19 October 2007. The declaration of incompatibility concerned the lack of legal recognition for transgender people under Irish law. This was the first declaration of incompatibility made under the ECHR Act. Following the Judgment, the IHRC decided to review European and international standards on the subject in line with its statutory functions. Following this review, it made a Submission to Government on the protection of the rights of transgender people in September 2008 (see below).

The IHRC was also notified of two further declarations of incompatibility made by the High Court during 2008:

Donegan v Dublin City Council, Ireland and the Attorney General

In May, in the proceedings *Donegan v Dublin City Council, Ireland and the Attorney General*, the High Court found that section 62 of the Housing Act 1966 (which allows for the summary eviction of local authority tenants in the District Court), was incompatible with Article 8 (right to respect for private and family life and the home) and Article 6 (right to a fair hearing) of the ECHR.

Dublin City Council v Gallagher

In December, in the proceedings *Dublin City Council v Gallagher* (a consultative case stated from the District Court to the High Court), the High Court again found that section 62 of the Housing Act 1966 was incompatible with Articles 8 and 6 of the ECHR.

Amicus Curiae Appearances

Since the enactment of the ECHR Act, the IHRC has been granted liberty to appear as *amicus curiae* in an increasing number of cases. It appeared in five cases heard before the Superior Courts (High Court and Supreme Court) in 2008. These cases addressed a wide variety of human rights concerns including criminal legal aid, accommodation of Traveller families and the criminal trespass legislation, data protection, refugee determination and local authority housing.

In addition, the IHRC, in its capacity as Chair of the European Group of National Human Rights Institutions (see section 4) intervened before the European Court of Human Rights in April in a case concerning intellectual disability; the first such intervention by a regional grouping of national human rights institutions.

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 case 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 2003 should be considered by the Superior Courts.

The High Court ruling had found that on the evidence before it, the legislation was not unconstitutional and the human rights of the Plaintiff had not been infringed. The Plaintiff appealed this ruling. The IHRC's appearance as *amicus curiae*, permitted by the Supreme Court in late 2005, was aimed at directing the Court's attention to certain aspects of constitutional and international human rights principles, with particular attention to the extent to which the ECHR jurisprudence under Article 6 informs the application of Constitutional rights. The case was heard for one day on 22 January. The proceedings were mentioned before the Supreme Court again in December at which time further submissions were requested by the Court from each of the parties in

relation to the possibility of “severing” certain words from the impugned legislation if it were found by the Court to be unconstitutional. A further hearing of the case was to be scheduled to consider this point at year’s end.

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 also joined as *amicus curiae* in the case.

The IHRC submitted its written submissions in November 2007. The case was then adjourned and re-listed for trial in February 2008. Following two days of negotiations between the parties, the Plaintiffs reached a settlement with the State Defendants in relation to those parts of the claims that related to the criminal trespass legislation prosecution against one of the family’s members. As a result, the case was only heard against the County Council on matters relating to the housing claims of the Plaintiffs.

On the basis of the settlement, the State, IHRC and Equality Authority withdrew from the case on the basis that the Constitutional arguments would not arise.

Judgment was delivered in July 2008 by Mr Justice Murphy in which the Plaintiffs claim was dismissed. The Judge referred extensively to the *amicus curiae* submissions in his Judgment, and in particular, although the issue of the validity of the criminal trespass legislation did not arise, he stated that he accepted the IHRC’s submissions in relation to the human rights of Travellers under the European Convention on Human Rights.

Pullen & Others v Dublin City Council

In December 2007, the IHRC had been invited by the High Court to appear as *amicus curiae* in *Pullen & Others v. Dublin City Council*. The Attorney General was similarly invited to appear in the case which 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 or an independent tribunal.

The case was heard over six days in April 2008 at which time the IHRC made written and oral submissions in the case heard before Ms Justice Irvine. The following provisions of the ECHR were raised in addition to Constitutional rights: the right to a fair hearing (Article 6), the right to respect for private and family life and the home (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). In addition to addressing these human rights issues in its submissions, the IHRC also focused on issues pertaining to declarations of incompatibility under section 5 of the ECHR Act (see above).

In December, in a lengthy and significant decision, the Judge found that the State body had breached its statutory duty under section 3 of the ECHR Act 2003 in seeking to evict the Plaintiffs from their home without affording them certain procedural rights.

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 had 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 along with three motions was heard in July 2008 over five days by Mr Justice MacKechnie.

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.

In the event, the Court granted leave for the IHRC to appear in the case and the IHRC made submissions in relation to the motions before the Court, including the issue of the *locus standi* of the Plaintiffs, a non-governmental organisation whose mission is stated to be to defend personal liberties in relation to data protection. Judgment on the three motions was pending at year's end.

I v The Refugee Appeals Tribunal.

Judgment was also delivered in December by the High Court in the case *I v The Refugee Appeals Tribunal*. In January, the Court had invited the IHRC to appear before it in this case which considered the position of an asylum seeker and the duty of the Refugee Appeals Tribunal (RAT) to consider available evidence in the RAT's possession in relation to questions not raised in the Notice of Appeal. The hearing took place in June.

Judgment was delivered by Mr Justice Herbert on 5 December, with the Court's ruling reflecting the position put forward by the IHRC as *amicus curiae* (essentially, the Court held that the legal rule which would preclude a matter not raised in the Notice of Appeal being argued at hearing should not be applied when there are special circumstances, such that to apply the rule in those circumstances would work a serious injustice).

Enquiries and Legal Services Outreach

Throughout the year, the Enquiry and Legal Services Section continued to hold meetings with groups from the community and voluntary sector to explore, on an ongoing basis, methods to address the human rights issues affecting the

constituencies they represent. In November the IHRC held a meeting with these groups for the second year, against the backdrop of the deteriorating economic situation in the country and its impact on vulnerable and disadvantaged persons. The Enquiry and Legal Services Section also briefed organisations on the likely impact of reduced funding to the IHRC's work.

Policy initiatives emanating from casework

During 2008, the Enquiry and Legal Services Section made a number of policy submissions which arose out of its ongoing work:

Submission to the Health Information and Quality Authority (HIQA) on the Draft National Quality Standards on Residential Services for People with Disabilities

The IHRC reviewed the draft standards against the relevant human rights obligations of the State, in particular highlighting the requirements of the UN Convention on the Rights of Persons with Disabilities which Ireland is preparing to ratify. The submission addressed, amongst other matters; the right to choice of residence; the right to protection from discrimination; the right to attain maximum independence; the right to confidentiality and access to information, and also the human rights standards pertaining to informed decision making and consent.

Submission to the Mental Health Commission on the Draft Code of Practice: Guidance for Persons working in Mental Health Services with People with Intellectual Disabilities

The IHRC considered the draft code of practice against the human rights obligations of the State, including the European Convention on Human Rights (ECHR), and again emphasising the relevance of the UN Convention on the Rights of Persons with Disabilities. Amongst a number of other matters addressed in the submission, the importance of Article 8 of the ECHR, which protects the person's dignity and autonomy, was emphasised in relation to the person-centred approach and assessing the capacity of the person to make decisions. The safeguards under Article 5 of the ECHR and Article 40.1 of the Constitution which protect the right to liberty and the UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care ("MI Principles") were highlighted in relation to the use of restraint and seclusion.

Submission to Government concerning the protection of the rights of transgendered persons

The submission reviewed the relevant case law of the European Court of Human Rights in relation to the rights of transgendered persons, and contrasted this with the lack of protection afforded to such persons under Irish law. The submission made recommendations to Government suggesting the establishment of a Working Group on the rights of Transgendered Persons to consider the human rights issues arising, and also recommending that Government address the need for amending legislation to bring Ireland into line with its international human rights obligations.

b. Administration

Corporate Services

Human Resources

Negotiations with the Department of Justice led to the sanctioning of 6 new staff positions at the end of 2007. These positions, the first new positions to be sanctioned since the creation of the original staff positions, were filled in early 2008.

Changes in Personnel

Just as 2007 saw several key changes in personnel including the commencement of Éamonn Mac Aodha as Chief Executive of the IHRC in December, 2008 was another busy year in human resource terms.

Jennifer Pierce left the IHRC as Desk Officer in January, Clair Wallace left the position of General Administrator in April and Patricia Murphy left the position of Clerical Officer in July. Catherine-Ellen O'Keefe's contract as Research and Policy Officer, covering a career break, ended in January.

Kirsten Roberts joined the IHRC as Director of Research and Policy in January. Four 'Fellows' recruited at the end of 2007 commenced working with the IHRC in early 2008: Sinéad Fitzpatrick (moving from Project Caseworker position), Órla Ní Chuilleanáin and Danielle Kennan as Human Rights Policy Fellows, and Winnie Donoghue as Human Rights Education Fellow.

In March, Karine Petrasuc joined the IHRC as Desk Officer and Sinéad Lucey joined as Senior Enquiry and Legal Officer. Liam Thornton commenced as Research and Policy Officer in June followed by Sharon Brooker as Clerical Officer in October.

Róisín Hennessy was promoted from Research and Policy Officer to Senior Research and Policy Officer in late January.

Following the increase in staff numbers, a review of the organisational structure took place leading to the development of two new distinct divisions in March: the Research, Policy and Promotion Division and the Enquiries, Legal Services and Administration Division with Kirsten Roberts and Des Hogan as the respective Directors of each division.

Des Hogan was appointed Deputy Chief Executive in March.

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

The IHRC has always fostered the development of close working relationships with independent contract personnel and external service providers in the past to provide additional support in areas of work where either staff resources were not available or it was more appropriate to seek external services.

In 2008 significant pressure was placed on the operational budget of the organisation (see below). The Commission was left with no alternative but to relinquish services provided by 4 external contractors.

The IHRC is grateful to Betsy Keys Farrell for her work as project solicitor from September 2006 to December 2008 and to Mary O'Farrell, Librarian from December 2007 to December 2008. The IHRC is also grateful to Shane Moffatt, who provided support to the European Group of NHRIs from October 2006 to June 2008 and also to Eimear Farrell who continued in this role from June 2008 to December 2008. It is also grateful to Brian Gormally for his support of the Joint Committee from June to December 2008.

Outsourced Services

The IHRC continued to work with Byrne and McCall, Chartered Accountants in 2008 to ensure compliance with best practice in financial controls, financial record keeping and financial statement production. The IHRC also sought to improve the level of IT Support provided and after a tender process engaged the services of Infinite Technology to provide full support and disaster recovery services to the IHRC.

At the end of 2007, the IHRC engaged *PriceWaterhouseCoopers* to oversee a review of Internal Financial Controls and Corporate Governance Compliance. The implications of both reports were a feature of a number of improvements in financial control procedures and also influenced the introduction of a number of new policies as well as the revision of existing policies during 2008.

Among the new policy documents introduced were the following:

- Staff Code of Conduct
- Information Technology Strategy
- Business Continuity and Disaster Recovery Plan.

The policy documents that were revised and updated in 2008 include:

- Risk Register and Risk Management Policy
- Internal System of Financial Control
- Asset Register and Capitalisation Policy
- Staff Policy on Grievance and Disciplinary Issues
- IT and Internet Usage Policy.

Financial Situation

The IHRC's financial situation worsened through the year as sanction of an additional six staff in 2007 was not accompanied by any corresponding increase in the IHRC in its grant-in-aid budget for 2008.

In addition in October, Budget 2009 provided that the IHRC would face a 24 per cent cut to its 2009 grant.

Against this backdrop the IHRC was obliged to take severe cost-cutting measures, including the termination of temporary staff contracts.

In response to these developments in December, the Oireachtas voted for an additional grant of €250,000 to the IHRC to allow it address a projected deficit for the year. This enabled the Commission to avoid carrying a significant deficit into 2009 and was very welcome. However 2009 will be a very difficult year for the Commission with total grant-in-aid dropping from €2,342,000 in 2008 to €1,596,000.

6. Appendices

Appendix 1 - The IHRC Commissioners

The Irish Human Rights Commission 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 where he is currently Adjunct Professor in the School of Politics and International Relations. He is Chancellor of the National University of Ireland, and has been a member of the Governing Authority of the European University Institute at Florence.

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

BINCHY, William

William Binchy was first appointed a Commissioner in 2001 and re-appointed in 2006. Professor Binchy is Regius Professor of Laws at Trinity College Dublin. He has been a special legal adviser on family law reform to the Department of Justice, preparing legislation on family maintenance, protection of the family home and domestic violence. As Research Counsellor to the Law Reform Commission, he advised on reform of law relating to the status of children. He has represented Ireland at the Hague Conference on Private International Law in the areas of marriage and inter-country adoption. He has actively contributed to public discussion of human rights issues, including those relating to Travellers, asylum seekers, divorce and abortion.

Professor Binchy is organiser of a programme on constitutionalism for the Tanzanian judiciary held in Dar es Salaam. 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 Kinlan, 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.

BRADLEY, Conleth

Conleth Bradley SC was appointed as a Commissioner on 3 September 2008. Mr Bradley qualified as a barrister in 1994 and was admitted to the Inner Bar in 2005. His main area of practice is general administrative law. He is a member of the Education Appeals Board of the Honorable Society of King's Inns. He was formerly Chairperson of the Dormant Accounts Fund Disbursements Board from 2002 to 2006 and was formerly Chairperson of the Aquaculture Licences Appeals Board from 2003 to July 2008.

BRAIDEN, Olive

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

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

EGAN, Suzanne

Suzanne Egan was first appointed a Commissioner in 2001 and re-appointed in 2006. Ms Egan has been a lecturer in International and European Human Rights Law at the Faculty of Law in University College Dublin since 1992. She is a 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 European Convention on Human Rights into Irish law.

Mr Farrell has an MSc degree in Politics and was formerly a journalist and author. He is now a solicitor working for Free Legal Advice Centres Ltd (FLAC) and is Vice-Chairperson of the Law Society's Human Rights Committee. He has taken cases to the European Court of Human Rights and other international bodies. Born and brought

up in Co. Derry, he lived for 20 years in Belfast before moving to Dublin where he now lives.

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; a 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 books include *"Not Just a Bed for the Night"* (1995), *"With Trust in Place"* (2003) and *"Wasting Time with People?"* (2008). 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 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 Adviser 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 chartered accountant and is a graduate in Economics and History from University College Dublin and in Human Resource Management from Sheffield Business School. He is a former president of the Institute of Chartered Accountants, a member of the Institute of Personnel and Development and a member of the Institute of Taxation. He was a partner at PricewaterhouseCoopers from 1969 to 2000 where he was a senior audit partner and national human resources partner. He continues to assist organisations in recruitment and human resource issues and serves on selection boards for the Public Appointments Commission and other bodies.

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 currently chairman of AMK, Concern's Cambodian micro-finance institution. He is a director of the Holocaust Educational Trust of Ireland and is Chairman of the Older and Bolder Campaign. A specialist 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 also a member of the Praesta Partners Ireland, an executive coaching and mentoring organisation.

O'NEILL, Helen

Helen O'Neill was appointed a Commissioner in 2006. Professor O'Neill is Professor Emeritus 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). She has been a visiting professor in a number of institutions including the University of Zambia, the World Bank Institute, Corvinus University, Budapest and Vidzeme University, Latvia. 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 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 a treaty on the rights of persons with disabilities. He has published widely on economic, social and cultural rights, on the rights of persons with disabilities and on the EU and human rights.

SWEETMAN, Roger

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

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

Mr. Sweetman has twice been short-listed for appointment to the European Court of Human Rights. In 2008 he was appointed to the panel of independent Chairmen to preside over Garda Disciplinary enquiries.

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.

Mr Taylor retired from the Commission in July 2008.

ZAPPONE, Katherine

Katherine Zappone was first appointed a Commissioner in 2001 and re-appointed in 2006. Dr Zappone is Co-Founder and Director of The Centre for Progressive Change, Ltd, established to develop and provide resources for community and social change within Ireland and abroad. 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.

Dr Zappone 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. She is widely published in feminism, ethics, equality issues and education, including: *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 has recently published memoirs co-authored by her partner, Ann Louise Gilligan, *Our Lives Out Loud: In Pursuit of Justice and Equality* (Dublin: O'Brien Press). She holds a PhD in Education and Religion from Boston College.

Appendix 2 - IHRC Committees as of 31 December 2008

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

1 Finance, Audit & General Purposes Committee

Members

Tom O'Higgins (Convenor), Conleth Bradley, Olive Braiden, Robert Daly, Éamonn Mac Aodha, Maurice Manning, Katherine Zappone

Terms of Reference

(As approved at the 78th meeting of the Commission on 24 April 2008)

- In conjunction with the Chief Executive, to report regularly to the Commission on budget income and expenditure at such intervals as may be laid down from time to time;
- To advise and make recommendations to the Commission, subject to the functions of the Chief Executive, regarding the financial policy and management of the Commission, and in particular:
 - to consider and approve budgets;
 - to provide oversight in accordance with the financial and Governance recommendations in the PriceWaterhouseCooper internal audit report in addition to best practice in the area;
 - to review controls and procedures in place and to recommend any changes and improvements that can be made thereon as appropriate;
- To report to the Commission on any pertinent financial or corporate governance matters throughout the year.

2 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.

3 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.

4 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 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.

5 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.

Appendix 3 – IHRC Staff in 2008

Éamonn Mac Aodha Chief Executive

Enquiries, Legal Services and Administration Division

Des Hogan	Deputy CEO and Director of Enquiries, Legal Services & Administration
Sinéad Lucey	Senior Enquiry and Legal Officer
Gerry Finn	Enquiry and Legal Officer
Sinéad Fitzpatrick	Human Rights Policy Fellow
David Carolan	Administrator (Finance and Human Resources)
Clair Wallace	General Administrator (to April 2008)
Karine Petrasuc	Desk Officer (from March 2008)
Aideen Damery	Clerical Officer
Patricia Murphy	Clerical Officer (to July 2008)
Sharon Brooker	Clerical Officer (appointed October 2008)

Research, Policy and Promotion Division

Kirsten Roberts	Director of Research, Policy and Promotion
Fidelma Joyce	Senior Human Rights Awareness Officer
Róisín Hennessy	Senior Research and Policy Officer
Liam Thornton	Research and Policy Officer (from June 2008)
Catherine-Ellen O’Keeffe	Legislation and Policy Review Officer (to January 2008)
Winnie Donoghue	Human Rights Education Fellow
Danielle Kennan	Human Rights Policy Fellow
Órla Ní Chuilleanáin	Human Rights Policy Fellow

Appendix 4 - Dr. Maurice Manning, President of the IHRC - Engagements in 2008

15 January	Data Protection: "The work of the Commissioners and Ombudsmen at building bridges across jurisdictions in the area of information and human rights", Áras an Uachtaráin
24 January	Dinner hosted by President of the Law Society
25 January	Speech: Irish European Law Forum, " <i>Europeanisation and Domestication</i> ", Law School, University College, Dublin
27 January	National Holocaust Memorial Day Commemoration, (Holocaust Educational Trust of Ireland), Mansion House, Dublin
29 January	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Dublin
06 February	Meeting with An Taoiseach, Bertie Ahern, T.D., Government Buildings
07 February	Meeting with Inspector of Prisons
11 February	Meeting with Edita Ziobhiene, Lithuanian Human Rights Institution, Jervis House
12 February	Speech: " <i>The Role of the Human Rights Commission</i> ", University College Dublin
18 February	Irish Commission for Justice and Social Affairs Conference: <i>Pope Benedict XVI's Encyclical letter Deus Caritas Est</i>
19 February	Speech: Launch of " <i>Experiences and Perspectives of Ennis Travellers of the County Clare Traveller Accommodation Programme 2000-2004</i> ", Ennis
25 February	Speech: " <i>4th Annual Global Rights Awareness Week</i> ", co-hosted event by the Irish Centre for Human Rights and the Human Rights Society, National University of Ireland, Galway
10 March	100 th Anniversary of International Women's Day Celebratory lunch, Dublin
13 March	The John M Kelly Memorial Lecture, " <i>A slow Death? The Plight of International Human Rights in an Age of Counter-Terrorism</i> ", University College, Dublin
01 April	Meeting with Dept of Justice Equality and Law Reform, Anti Human Trafficking Unit, Jervis House

- 02 April Appearance before Oireachtas Committee on Justice, Equality, Defence and Women's Rights, Submission on Immigration Bill 2008.
- 03 April Chair: Institute for British-Irish Studies University College, Dublin Conference, "*From Conflict to Consensus: The Legacy of the Good Friday Agreement*"
- 04 April Speech: to International Students from the Milltown Institute, Jervis House
- 08 April Opening Address: '*International Roma Day 2008*', Pavee Point
- 11 April Meeting with Indian National Human Rights Commission Delegation, Jervis House,
- 11 April Meeting with Garda Ombudsman Commission
- 14 -18 April Meeting of the International Coordinating Committee of National Human Rights Institutions, Geneva
- 29 April Trust Ireland Book Launch "*Wasting Time with People?*", Dublin
- 01 May Fourth Annual Front Line Award for Human Rights Defenders at Risk, Dublin
- 07 May Chair: OPCAT Roundtable discussion on an appropriate National Preventive Mechanism under the Optional Protocol to the UN Convention Against Torture and All Forms of Cruel, Inhuman or Degrading Treatment or Punishment, Royal Irish Academy, Dublin
- 07 May People with Disabilities in Ireland, Annual General Meeting, Ennis
- 12 May Meeting with Interns, NUIG
- 14 May Joint Committee Meeting with the Northern Ireland Human Rights Commission, Belfast
- 15 May Launch of "*Divorce Law and Practice*", Royal Irish Academy, Dublin
- 03 June Meeting with the Ombudsman for the Defence Forces, Ms Paulyn Marrinan Quinn
- 05 June Speech: "*Disability and Development Week*", Dochas Disability and Development Group, Irish Aid Centre, Dublin
- 09 June Chair: Coordinating Committee of European Group of National Human Rights Institutions, Jervis House,

18 June	Unveiling of Plaque to Mary Manning and the Dunne's Stores South African Strike Protesters, Dublin
19 – 20 June	Meeting with Scottish Human Rights Commission, Irish Human Rights Commission, Equality & Human Rights Commission (UK) and the Northern Ireland Human Rights Commission, Scottish Human Rights Office, Glasgow
23 June	Chair: 4 th Annual North South Criminology Conference, DIT, Dublin
25 June	Appearance before the Joint Oireachtas Sub Committee on Human Rights. <i>"Promoting and protecting human rights in Ireland and in strengthening national human rights institutions globally in the context of the 60th Anniversary of the Universal Declaration of Human Rights (UDHR)"</i>
25 June	Meeting with GSOC Consultative Group
03 July	Appearance before the Joint Oireachtas Committee: 'Implementation of the Good Friday Agreement on the occasion of the 10th Anniversary of the Agreement'
11 July	Meeting with the Garda Ombudsman Commission
11 July	22 nd International Conference of the International Society for the Reform of Criminal Law, Dublin Castle
14 July	Launch of Shadow Report under the United Nations International covenant on Civil and Political Rights by FLAC, IPRT and ICCL
01 September	Law School Conference, University College, Dublin
03 September	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Dublin
11 September	Meeting with David Miliband, M.P., British Foreign Secretary
16 -17 September	Speech: 5 th Roundtable of National Human Rights Institutions and the Council of Europe Commissioner for Human Rights
06 October	Speech: Equality Tribunal Seminar, Farmleigh, Dublin
09 October	Launch of IHRC Annual Report 2007
13 October	Speech: Launch of Inclusive Development Exhibition, CBM Conference, <i>"Disability in the Developing World"</i>
16 October	Meeting with National Disability Authority

- 17 October Speech: *"UN International Day for Eradication of Poverty, Unveiling of World Poverty Commemoration Stone"*
- 19 - 22
October ICC Conference, *"National Human Rights Institutions and the Administration of Justice"*, Nairobi, Kenya
- 28 October Speech: Ugandan Judges visit to the IHRC
- 31 October UDHR 60th Anniversary and NHRIs Conference, Glasgow 2008
- 07 November Launch of publication *"Recognition, Equality and Democracy Theoretical Perspectives on Irish Politics"*
- 08 November Speech: Annual Human Rights Conference, *"European Convention on Human Rights Act 2003 – Five Years on"*, Law Society of Ireland, Dublin
- 20 November Speech: *'Human rights and Development: The Implications for Education'*, Development Education Advisory Committee, Dublin
- 25 November IHRC Third Annual Human Rights Lecture by Mrs. Mary McAleese, President of Ireland
- 01 December Opening Address: Launch of Traveller Focus Week, Dublin
- 16 December Opening Address: IHRC and Law Society of Ireland *Universal Declaration of Human Rights 60th Anniversary* Poster Exhibition, Law Society, Dublin

Appendix 5 - Mr Éamonn Mac Aodha, Chief Executive of IHRC – Engagements in 2008

17 – 19 January	Wilton Park Conference: <i>“Building on 60 years of the UDHR”</i> , UK
29 January	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Dublin
18 February	Irish Commission for Justice and Social Affairs Conference: <i>Pope Benedict XVI’s Encyclical letter Deus Caritas Est</i>
27 February	Association of Chief Executives of State Agencies (ACESA) Breakfast Briefing: <i>Current Research into State Agencies</i>
06 - 07 March	Irish Youth Justice Service Conference: <i>“Best Practice for Youth Justice, Best Practice for All”</i>
08 April	Presentation to DIT journalism students: <i>“The IHRC and Human Rights in Ireland”</i>
23 April	Lecture by guest speaker Arrianga Pillay: <i>“The UN Committee on Economic, Social and Cultural Rights: Some Personal Reflections”</i> – School of Law, Trinity College Dublin
14 May	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Belfast
13 June	Dinner hosted by President of the Law Society
17 June	Presentation: <i>UN Convention on the Rights of Persons with Disabilities</i> at the Irish Wheelchair Association’s AGM
20 June	Opening of the Scottish Human Rights Commission - Edinburgh
26 June	Association of Chief Executives of State Agencies (ACESA) Breakfast briefing on the Organisation for Economic Co-operation and Development (OECD)
03 September	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Dublin
04 September	Launch of Inclusion Ireland publication: <i>“Making Decisions about Money”</i>
11 September	Follow-up discussion on <i>Public awareness of integration in Ireland</i> , hosted by Office of the Minister for Integration
11-12 September	Association of Chief Executives of State Agencies Conference on OECD Report on the Irish Public Service

16 – 17 September	5 th Roundtable of National Human Rights Institutions and the Council of Europe Commissioner for Human Rights
01 October	Conference: National Consultative Committee on Racism and Interculturalism (NCCRI): <i>Intercultural Education</i>
06 October	International Service Ireland's launch of initiative: " <i>Putting the World to Rights</i> "
14 October	5 th Annual Conference of the Law Reform Commission
20 October	Speech: " <i>Human Rights in the 21st Century</i> " Conference, at the Royal Irish Academy
05 - 06 November	Chair: Lift-Off Conference (Belfast): <i>Mainstreaming of Human Rights Education in Primary Schools</i>
17 November	Joint Consortium on gender-based Violence Conference: " <i>Women, Peace and Conflict</i> "
27 November	AGM of the Association of Chief Executives of State Agencies
28 November	Equality Authority Conference: " <i>Annual update on Discrimination Case Law</i> "
08 December	Older & Bolder Conference: " <i>Nothing About Us Without Us - Consulting Older People</i> "
08 December	Frontline Defenders Exhibition: " <i>Defending Life with Life</i> "
10 December	Launch of Irish Council for Civil Liberties Human Rights Film School

Appendix 6 Financial Statements for Year ended 31 December 2008

Statement of the Responsibilities of the Human Rights Commission

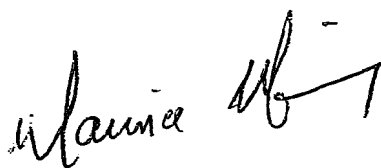
The Human Rights Commission is required to prepare financial statements for each financial year which give a true and fair view of the state of the affairs of the Human Rights Commission and of the income and expenditure for that period.

In preparing those statements, the Human Rights Commission is required to:

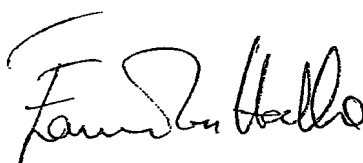
- select suitable accounting policies and apply them consistently
- make judgements and estimates that are reasonable and prudent
- disclose and explain any material departures from applicable accounting standards
- prepare financial statements on a going concern basis unless it is inappropriate to presume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



Dr. Maurice Manning
President



Éamonn Mac Aodha
Chief Executive

Date 28th May 2009

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 Human Rights 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 Human Rights Commission designed to provide effective internal financial control.

(i) The Human Rights 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 Human Rights 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 Human Rights Commission has defined authorisation procedures in respect of procurement and payment of creditors. These authorisation limits form part of the Human Rights 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 Human Rights Commission's Financial Management System contains inbuilt authorisation controls to ensure that only authorised staff can carry out specific processes.

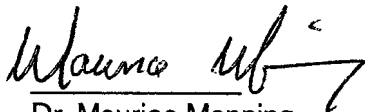
The Human Rights Commission's monitoring and review of the effectiveness of the system of internal control is informed by the work of the members of the Board, the Finance and Audit Committee and the comments made by the Comptroller and Auditor General in his management letter or other reports.

Annual Review of Controls:

We wish to advise that at the end of 2007 PWC were engaged to carry out a full formal review of the internal financial controls of the Human Rights Commission, there was a subsequent corporate governance review carried out and following on from these reviews, a number of recommendations were put in place throughout 2008 to help provide reasonable assurances about the overall effectiveness of the Human Rights Commission's financial controls.

The Human Rights Commission conducted a review of the effectiveness of the system of internal financial controls during 2008.

On behalf of the Human Rights Commission,



Dr. Maurice Manning
President

14. Sept. 2009
Date

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 2008 to 31 December 2008.

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 Human Rights 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 Scheme liabilities are measured on an actuarial basis using the projected unit method.

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

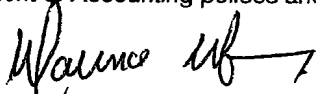
amount recoverable from DJELR. Pension liabilities represent the present value of future pension payments earned by staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from DJELR.


Income & Expenditure Account for the year ended 31 December 2008

	Notes	2008 €	2007 €
INCOME			
Oireachtas Grant Received		2,342,000	2,033,000
Transfer to Capital Account	(25,497)	(397,098)	
Amortisation of Grants in year	54,514	29,017	(341,538)
Net Deferred Funding for Pension	7(c)	57,000	(324,800)
Refunded Employee Contributions to the Dept. of Finance		(35,800)	(25,700)
Rent Received		7,067	
Contribution		31,292	
Bank Interest Receivable		4,312	14,783
Total Income for year		2,434,888	1,355,745
		=====	=====
EXPENDITURE			
Staff Salaries	1	1,193,551	781,472
Commissioner Fees	2	236,148	245,000
Recruitment Fees		0	185,772
Support for the European Group		30,749	37,135
Joint Committee		12,486	
Pension Costs	7(a)	21,200	(350,500)
Research		69,195	54,972
Conferences		45,370	23,359
Media & Consultancy		42,698	52,493
Heat and Light		16,680	8,632
Office Requirements		33,938	59,137
Cleaning		7,213	7,361
Premises	3	343,325	308,519
Printing and Publishing		27,578	108,321
IT & Support		15,748	27,789
Library		16,125	11,627
Telephone		13,041	13,639
Post and Packing		5,875	8,483
Bank Charges		576	561
Insurance		5,283	17,590
General Expenses		1,786	411
Training		7,185	9,421
Subsistence		15,642	93,255
Advertising		14,072	67,425
Legal Fees		148,638	240,485
Audit Fee		8,350	8,350
Accountant's Fees		14,981	12,186
Depreciation Charge		54,514	55,559
Total Expenditure		2,401,947	2,188,454

Surplus / (Deficit) for the year	32,941	(832,709)
Balance brought forward from prior year	18,416	851,125
Balance carried forward at the end of the year	<u>51,357</u>	<u>18,416</u>
Statement of Total Recognised Gains and Losses		
(Deficit) / Surplus for the year	32,941	(832,709)
Experience losses/(gains)on pension scheme liabilities	18,100	66,300
Adjustment to Deferred Pension Funding	(18,100)	(66,300)
Total Recognised (Loss) / Gain for the year	<u>32,941</u>	<u>(832,709)</u>

The Statement of Accounting policies and principles and notes 1 to 10 form part of these accounts.

Signed: 
Dr. Maurice Manning
President

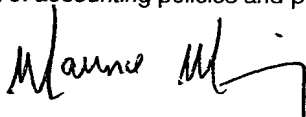

Éamonn Mac Aodha
Chief Executive

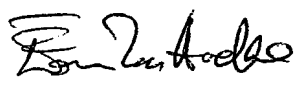
Date 28th July 2009

**Balance Sheet as at 31
December 2008**

		2008	2007
		€	€
		<u> </u>	<u> </u>
		-	-
Fixed Assets	4	725,926	754,943
Current Assets			
Cash at Bank and on Hand		339,564	390,983
Debtors	5	0	2,244
		<u>339,564</u>	<u>393,227</u>
Current Liabilities			
Creditors & Accruals	6	(288,207)	(374,811)
Net Current Assets		<u>51,357</u>	<u>18,416</u>
Net Assets Before Pensions		<u>777,283</u>	<u>773,359</u>
Deferred funding for pensions	7(c)	348,200	273,500
Pension Liabilities	7(b)	(348,200)	(273,500)
Net Assets		<u>777,283</u>	<u>773,359</u>
Represented by			
Capital Account	8	725,926	754,943
Income & Expenditure Surplus/(Deficit)		51,357	18,416
		<u>777,283</u>	<u>773,359</u>

The statement of accounting policies and principles and notes 1 to 10 form part of these accounts.

Signed: 
Dr. Maurice Manning
President


Éamonn Mac Aodha
Chief Executive

Date ^{Tu} 28 Dec 2009

Notes to the Financial Statements for the Year Ended 31 December 2008

1 Salaries

Under Section 18 of the Human Rights Commission Act 2000 the Human Rights Commission in determining the remuneration or other allowances shall have regard to Government or nationally agreed guidelines. The Human Rights Commission shall comply with any directives with regard to such remuneration, allowances, terms or conditions which the Minister may give to the Human Rights 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.

Éamonn Mac Aodha was appointed as Chief Executive in December 2007.

2 Commissioners Fees

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

Mervyn Taylor left the commission in July 2008 and was replaced in October 2008 by Conleth Bradley.

3 Operating Lease

The Human Rights 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	Equipment 20% RB	Fixtures 20% RB	Total
<u>Cost</u>				
	€	€	€	€
Balance 1st January	721,701	108,284	124,696	954,681
Additions	5,040	6,564	13,893	25,497
Disposals	-	-	-	-
Balance 31 December	726,741	114,848	138,589	980,178

Accumulated Depreciation

Balance 1st January	73,522	61,104	65,112	199,738
Charge for the year	29,070	10,749	14,695	54,514
As at 31 December	102,592	71,853	79,807	254,252

Net Book Value

Balance 31 December 2008	624,149	42,995	58,782	725,926
Balance 31 December 2007	648,179	47,180	59,584	754,943

5 Debtors	<u>2008</u>	<u>2007</u>
	€	€
Prepayments	0	2,244
	<u>0</u>	<u>2,244</u>
6 Creditors & Accruals within 1 year	<u>2008</u>	<u>2007</u>
	€	€
Trade Creditors - (Purchases due at year end)	81,952	121,242
PAYE/PRSI	52,770	64,819
Fees owing to Commission Members	33,229	36,137
Professional Withholding Tax payable	2,104	5,516
Accruals	118,152	147,096
	<u>288,207</u>	<u>374,811</u>
7 Superannuation.		
(a) Analysis of total pension costs charged to Expenditure	<u>2008</u>	<u>2007</u>
	€	€
Current service cost	41,900	58,300
Interest on pension scheme liabilities	15,100	29,400
Settlement		(412,500)
Employee contribution	(35,800)	(25,700)
	<u>21,200</u>	<u>(350,500)</u>
(b) Movement in net pension liability during the financial year	<u>2008</u>	<u>2007</u>
	€	€
Surplus / (Deficit) in Scheme liability at 1 January	(273,500)	(638,900)
Current service cost	(41,900)	(58,300)
Settlement		412,500
Interest cost	(15,100)	(29,400)
Actuarial loss / (gain) recognised in STRGL	18,100	66,300
Employee contributions	(35,800)	(25,700)
	<u>(348,200)</u>	<u>(273,500)</u>
(c) Deferred Funding for Pensions		

The 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 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 2008 amounted to €348,200 (2007: €273,500)

The Net Deferred funding for Pensions recognised in the Income and Expenditure Account was as follows:

	<u>2008</u>	<u>2007</u>
	€	€
Funding recoverable in respect of current year pension costs	57,000	(324,800)
	<hr/>	<hr/>
	57,000	(324,800)

(d) History of experience gains and losses.

experience losses / (gains) on scheme liabilities	<u>2008</u>	<u>2007</u>
Amount (€)	33,300	7,100
% of the present value of the scheme liabilities	9.5%	2.6%
Total amount recognised in STRGL	<u>2008</u>	<u>2007</u>
Amount (€)	18,100	66,300
% of the present value of the scheme liabilities	5.2%	24.2%

(e) General description of the scheme

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

The membership as at the balance sheet date consisted of 11 active members and 8 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 2008 based on final projected salaries is given in the table below.

	<u>2008</u>	<u>2007</u>
The main financial assumptions used were:		
Discount rate	5.50%	5.50%
Rate of increases in salaries	4.00%	5.00%
Inflation	2.00%	2.25%
Mortality Table	62% of PNML00 70% of PNFL00	PMA92/PFA92 (c=2025)
Improvements	0.39% pa	0.00% pa
Life expectancy Male age 65	21.50	20.20
Life expectancy Female age 65	23.10	23.20

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

(f) Revised FRS17 Disclosures

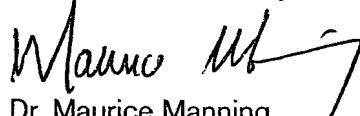
The information on pensions has been presented in line with new disclosure requirements required from 2008 under an amendment to FRS 17.

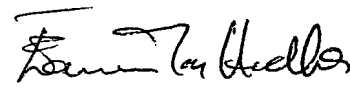
8 Capital Account	2008	2007
	€	€
Opening Balance	754,943	413,405
Transfer from/(to) Income and Expenditure		
Portion of grant awarded used for capital purposes	25,497	397,098
Amortised in the year in line with asset depreciation	(54,514)	(55,560)
Net movement in year	<u>(29,017)</u>	<u>341,538</u>
Closing balance	<u>725,926</u>	<u>754,943</u>

9 Legal Fees	2008	2007
Enquires	10,000	14,706
Amicus Curiae	95,186	51,673
Legal Assistance	109,805	146,796
Legal Fees General	11,589	27,310
Legal Fees Refunded	(77,942)	0
	<u>148,638</u>	<u>240,485</u>

10 Approval

The financial statements were approved by the Human Rights Commission on 28 May 2009 and signed on its behalf by:


 Dr. Maurice Manning
 President


 Éamonn Mac Aodha
 Chief Executive

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 2008 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 the Responsibilities of the Human Rights 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 2008 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.



Gerard Smyth
For and on behalf of the
Comptroller and Auditor General
16 September 2009

