

Annual Report 2009

IHRC
AN COIMISIÚN UM CHEARTA DUINE

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By

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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

The United Nations 'Paris Principles' have guided the establishment of more than 70 national human rights institutions across the globe, including the Irish Human Rights Commission (IHRC), over recent decades. In presenting this year's annual report it is worth recalling these principles – and they are annexed to this report – because they indicate a value system which should steer, underpin and bolster the work of such institutions. Key such principles – especially independence, objectivity and a broad mandate to look at all human rights issues – are all the more important given the present economic backdrop.

It would be easy to argue – and indeed some have contended – that institutions such as the Commission are a luxury that the country can ill afford given the pressures on the public purse. It is clear from our caseload and policy work over 2009 – and since then – both that the recession has had a major impact on many vulnerable individuals and that there is a corresponding greater need than ever for an independent watchdog to ensure Government policies and practices are human rights proofed. Issues we covered in 2009, such as imprisonment for debt or criminal legal aid, and indeed more generally our work on economic and social rights, have a direct resonance in this context.

In dealing with these matters our approach continues to be 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 the hallmark of our engagement in the coming period. In the courts, before Oireachtas Committees, with non-Governmental organisations, in the media and with the wider public our calling card is the professionalism and objectivity we bring to our work.

Our international influence and profile continue to be enhanced in our role as Chair of the European Group of National Human Rights Institutions (which is a group of 34 human rights institutions from around Europe). In this regard, as I have previously pointed out, 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. In 2009 we also had important opportunities to provide technical assistance to national human rights institutions in other parts of the world.

It is essential that the Commission should have the resources necessary to fulfil its mandate effectively. We responded as best we could to the 32% budget cut we experienced in 2009. Three specific measures were implemented which have allowed us to maintain a service through this period; sourcing of philanthropic support (which should permit the Commission to increase our education and training work in the years ahead), the establishment of a pro bono internship and professional placement scheme, and the attraction of pro bono assistance from members of the Bar, without which we would not have been able to continue to perform our legal functions.

I want to acknowledge all those who have assisted us on foot of these initiatives, all of which were launched by management in 2009 in the face of the pressing crisis faced by the Commission. These initiatives have been invaluable in allowing us to survive this

immediate period, but in the long term there is no substitute for support from central exchequer funding.

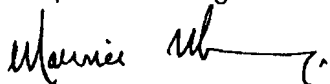
The Commission is fully cognisant of the extent of the current economic crisis. However, the level of cuts experienced in 2009, coupled with the public service embargo, had the potential to fatally damage us. Commissioners and staff have admirably stood up to the challenges of that period and it is time to move on. We have survived, and will continue to survive. We look forward to more positive engagement in the coming years.

The legislation which established and defines the Human Rights Commission – the Human Rights Commission Act 2000 – is regarded internationally as a template for others to follow. This exceptional legal framework must be matched by adequate funding. Ireland can, and should, be a model in terms of how it supports its national human rights institution.

The overarching and universal nature of human rights means that our mandate covers work carried out by many Government Departments. We have previously called for the Commission to be made directly accountable to the Oireachtas and I again reiterate that call. However, it is right that in introducing our 2009 report that I warmly welcome the more recent switch in Commission administrative accountability from the old Department of Justice, Equality and Law Reform to the new Department of Community, Equality and Gaeltacht Affairs as an important step in the right direction. The previous arrangement under which the Commission received funding from a Department whose work it was statutorily obliged to examine closely was never ideal and had aroused both domestic and international disquiet.

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.

I am pleased to again commend the Irish Human Rights Commission's annual report.

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

Across the public service, 2009 presented a difficult operating environment. It is easy to dwell on these challenges, and indeed they need to be highlighted, but this annual report also celebrates the considerable achievements of the Irish Human Rights Commission in that period.

The report provides an opportunity to catalogue progress made across a broad range of human rights work in accordance with the Commission's statutory mandate. This progress was enabled and driven by the Commission's hard-working staff and Commissioners and it is fitting that this report should salute them in the first instance. Despite the pressures of the current economic climate they have remained focussed on producing high quality work which is both credible and enduring, and which is guided by the Commission's current Strategic Plan.

Key highlights in 2009 in terms of the Commission's research, policy and promotion functions include the production of a major policy statement on policing and human rights, comprehensive analysis of three pieces of draft legislation with human rights implications, co-hosting (with the Incorporated Law Society) of a significant conference on economic, social and cultural rights which was addressed by the United Nations High Commissioner for Human Rights Navanethem Pillay and the holding of our 2009 annual lecture which was so memorably addressed by Seamus Heaney. The Commission also discussed its work on specific issues through a substantial number of media interviews and through appearances at conferences, seminars and relevant Oireachtas Committees. 2009 was also a year of achievement both in relation to the Joint Committee (with the Northern Ireland Human Rights Commission) and on the broader international front.

In terms of the Commission's legal powers the Commission received a similarly high number of communications from organisations and members of the public as in 2008. Concerns related to issues from across the spectrum of civil, political, economic, social and cultural rights. 2009 also saw the completion of the Commission's second major enquiry report which involved a consideration of aspects of Ireland's immigration law and practice. The 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. Work continued on a third substantial enquiry report to be focussed on services for persons with intellectual disabilities.

Engagement with the Supreme Court and High Court was also up again 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 Commission appeared in six cases in 2009. These cases addressed a wide variety of human rights concerns including criminal legal aid, data protection, imprisonment for civil debt, the criminal law on insanity and criminal charges for immigration offences.

These highlights represent only some keynote aspects of the Commission's work during the year. That this much was accomplished despite the fact that the Commission had nearly a third less funding available to it in 2009 owes much to the innovative and creative skills of Commissioners, managers and staff.

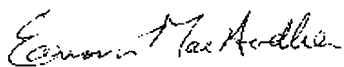
The 2009 budget cut compounded historical difficulties relating to the sanction of additional staff in late 2007 without a corresponding increase in budget in 2008. Overall the 32 per cent reduction in resources in 2009 (down to €1,596,000) left the Commission with no alternative other than to discontinue the services of some temporary contract staff and support services.

During 2009, the Department of Justice, Equality and Law Reform negotiated a deferral of rental obligations with the Landlord to the IHRC premises. This allowed the Commission to make minimum rental contributions during the year and remain a going concern. However, the financial situation of the Commission remained bleak during all of 2009. Many of its statutory functions could not be properly supported due to a lack of funds and it remains the case that the Commission, which has sought to tailor its operations to the economic realities of Ireland today, is in urgent need of some restoration of core funding.

The impact of the current public service recruitment embargo is another area of major concern for the Commission. The embargo – which means vacancies cannot be filled – has the potential to impact disproportionately on smaller public service bodies such as the Commission. Four staff moved on in 2009 and could not be replaced as a result of the embargo. The effect of further departures in the coming period would be potentially devastating for the Commission.

Finally, having completed a second year as Chief Executive, I would like to again pay tribute to the President, Commissioners and Staff for their ongoing energy and commitment, most particularly in this testing period.

The breadth of activity across all of the IHRC's strategic objectives, as set out in this report, bears clear testimony to their hard work and dedication in these difficult times.



Éamonn Mac Aodha
Chief Executive

2. Role and Functions

The Irish Human Rights Commission (IHRC) is an independent statutory body established to promote and protect human rights in Ireland. Set-up 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, education and training on 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 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
- 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
- Dr Katherine Zappone

Short biographies of the Commissioners are provided in Appendix 1.

The Commission meets in plenary session approximately once a month. In 2009, 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 2009, the Committees were;

1. Finance, Audit, Risk and General Purposes Committee;
2. Gender & Equality, Economic, Social & Cultural Rights and Disability Committee (dissolved 18.03.2009);
3. Racism, Trafficking & Migration Committee;
4. Administration of Justice Committee (name changed to 'Justice Committee' 16.03.2009);
5. Casework Committee;
6. Awareness and Education Committee (established 26.02.2009).

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

a. IHRC Second Strategic Plan 2007-2011

2009 was the third 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 2009.

b. Executive Structure of the IHRC

The IHRC executive is structured 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' to international treaty bodies, 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, legislative review, 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 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 2009, 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 the Spent Convictions Bill 2007; the Criminal Justice (Surveillance) Bill 2009; the Scheme of the Criminal Justice (Amendment) Bill 2009 and the Criminal Justice (Amendment) Bill 2009.

The IHRC also continued its engagement with international treaty bodies in monitoring Ireland's compliance with its international human rights obligations. In particular, the IHRC made a further submission to the UN Human Rights Committee which monitors the International Covenant on Civil and Political Rights (ICCPR) as a follow-up to the Concluding Observations issued by that Committee in respect of Ireland in 2008.

In relation to research, the IHRC published a major Policy Statement on the Human Rights Compliance of the Garda Síochána which was significantly informed by research commissioned from Professor Dermot Walsh, University College Limerick by the IHRC and published by Clarus Press entitled, *Human Rights and Policing in Ireland: Law, Policy and Practice*. The IHRC also published online an Interdisciplinary Report on Prostitution in Ireland which it had commissioned independently. In addition, the IHRC made a submission to the Garda Síochána Consultation on a Strategy for Older People.

The IHRC continued its engagement with the Garda Síochána Strategic Human Rights Advisory Group and its involvement with the Consultative Group of the Garda Síochána Ombudsman Commission. In relation to policy outreach, in conjunction with the Immigrant Council of Ireland and the Centre for Post-Conflict Studies at Trinity College Dublin the IHRC organised a seminar on *Sex Trafficking and Prostitution – The Dilemma of Demand*.

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 2009, the IHRC provided observations to Government on four Bills or Schemes of Bills:

Spent Convictions Bill 2007

In April, the IHRC published its Observations on the Spent Convictions Bill 2007 (2007 Bill) following a referral of the 2007 Bill by the Minister for Justice, Equality and Law Reform. The IHRC strongly welcomed the 2007 Bill which sought to establish a mechanism by which people convicted of minor offences can have a possibility of non-disclosure of convictions for those offences following a rehabilitation period. The IHRC recommended that the Bill's provisions should be broadened to benefit a wider category of people, while maintaining legitimate and necessary safeguards designed to protect the broader societal interest of public safety and the prevention of crime.

In particular, the IHRC recommended that the proposed rehabilitation periods of seven years following a custodial sentence of six months or less, and five years following a non-custodial sentence, should be shortened to maximise the potential of the Spent Conviction proposals. The IHRC recommended that the sentencing threshold, which excludes people given custodial sentences of over six months from the proposals, should be lengthened so that the Scheme can benefit more people. The IHRC further recommended re-defining excluded categories of employment so that such categories are excluded from the scheme for legitimate reasons; and extending the Employment Equality Act 1998 to include discrimination on the basis of a criminal conviction.

Criminal Justice (Surveillance) Bill 2009

In May, the IHRC published its Observations on the Criminal Justice (Surveillance) Bill 2009 following a referral of the Scheme of the Bill by the Minister for Justice, Equality and Law Reform. Overall, the IHRC welcomed many provisions of the 2009 Bill which provided for the necessary legal framework for surveillance activities by the Garda Síochána and other agencies. In particular, the IHRC welcomed some important safeguards that were included in the legislation that would protect the right to private and family life. However, the IHRC recommended that further safeguards were required to ensure that the 2009 Bill fully complied with the relevant human rights standards. In particular, the IHRC recommended that the definition of surveillance under the 2009 Bill should be extended to include the targeted, ongoing and repeated photographing of people so that this type of activity by the relevant agencies is subject to safeguards similar to other forms of surveillance. In relation to the use of tracking devices to monitor

the movements of people, vehicles or things, the IHRC recommended that the relevant authorities should be required to request the permission of a judge for the use of tracking devices so that this type of surveillance activity is subject to the same safeguards as other forms of surveillance.

The IHRC noted that the Garda Síochána Ombudsman Commission (GSOC) would not be granted surveillance powers under the 2009 Bill. The IHRC recommended that GSOC should not be excluded from surveillance powers under the 2009 Bill and that this was out of line with good practice in other jurisdictions including Northern Ireland, England and Wales. Finally, the IHRC recommended that detailed and accessible human rights based codes of practice about the operation of surveillance powers under the 2009 Bill is an important aspect of ensuring that surveillance is carried out where appropriate and accompanied by adequate and effective safeguards.

Scheme of the Criminal Justice (Amendment) Bill 2009

In June, the IHRC published its Observations on the General Scheme of the Criminal Justice (Amendment) Bill 2009 following a referral of the Scheme of the Bill by the Minister for Justice, Equality and Law Reform. The IHRC welcomed the opportunity to comment on the provisions of the General Scheme of the 2009 Bill as it considered that a number of specific proposals had implications for the protection of human rights. The 2009 Scheme proposed a number of reforms to various criminal justice statutes including the Offences Against the State Act 1939 (1939 Act) and Criminal Justice Act 2006 (2006 Act). In particular, the Scheme of the Bill proposed to extend the definition of “scheduled offences” and to allow inferences to be drawn from an accused’s failure to answer questions in proceedings against a person under Part 7 of the 2006 Act.

The IHRC recommended that the proposal to extend the definition of “scheduled offences” should be removed and that consideration should be given to alternative methods to protect jury members against intimidation. Furthermore, the IHRC recommended that the category “scheduled offences” should be removed from Irish legislation. Finally, the IHRC recommended in line with the Committee to Review the Offences Against the State Acts 1939-1998 (Hederman Committee) that the 1939 Act should be revised to require the Director of Public Prosecutions in each individual case to advance reasonable and objective grounds to demonstrate that the ordinary courts are inadequate to deal with the administration of justice in the particular case under consideration. The IHRC recommended this power should be limited to cases involving offences against the State and organised crime and should be subject to a positive review procedure. In pursuance of its statutory functions, the IHRC communicated its Observations on the Scheme of the Bill to the Minister for Justice on 29 June.

Criminal Justice (Amendment) Bill 2009

On 30 June, the Minister for Justice, Equality and Law Reform published the Criminal Justice (Amendment) Bill 2009 (2009 Bill). In light of the human rights implications of the 2009 Bill the IHRC recommended that sufficient time should be granted for full consideration of the legislative proposal both by the IHRC, to enable it to carry out its statutory functions more effectively, and by the Oireachtas, to ensure the legitimacy of the legislative process is not undermined. In response to the 2009 Bill, the IHRC immediately published its Observations on the Criminal Justice (Amendment) Bill. The IHRC stated that it was cognisant organised crime is a problem in Ireland and that it has

the potential to cause great harm in Irish society. However, the IHRC considered that the exigencies of the situation in Ireland did not justify certain proposals of the 2009 Bill. In particular the IHRC expressed concern about the proposal to extend the definition of “scheduled offences” to certain offences under Part 7 of the 2006 Act and thereby extend the remit of the Special Criminal Court; the proposal to allow for inferences to be drawn from a person’s failure to answer in proceedings against a person and elements of the proposal to create the offence of directing a criminal organisation under section 5 of the 2009 Bill.

In response to the proposal to extend the definition of scheduled offences and the use of the non-jury Special Criminal Court, the IHRC suggested that consideration should be given to alternative methods to protect jury members against intimidation including, providing for anonymous juries, screening the jury from public view, the protection of the jury during the trial or locating the jury in a different place from where the trial is being held with communication by video link. Furthermore, in line with the Committee to Review the Offences Against the State Acts 1939-1998 (“Hederman Committee”) the IHRC recommended that the category “scheduled offences” should be removed from Irish legislation and that the Director of Public Prosecution should be required in each individual case to advance reasonable and objective grounds to demonstrate that the ordinary courts are inadequate to deal with the administration of justice in the particular case under consideration. This power should be limited to cases involving offences against the State and organised crime. Finally, in tandem with the above recommendation, it was also noted that the 1939 Act should be amended to make the decision by the DPP to certify that the ordinary courts are inadequate to secure the effective administration of justice and to refer a case to the Special Criminal Court subject to a positive review procedure.

Monitoring Ireland’s International Human Rights Obligations

International Covenant on Civil and Political Rights

In September, the IHRC made a submission to the United Nations Human Rights Committee on Ireland’s one year follow-up report to its Third Periodic Report under the International Covenant on Civil and Political Rights (ICCPR). In its Concluding Observations on Ireland’s Third Periodic Report in July 2008, the Human Rights Committee had called on the Irish Government to provide, within one year, relevant information on its implementation of the Committee’s recommendations made in paragraphs 11 (counter terrorism and rendition), 15 (conditions of detention) and 22 (religion and education). In order to further inform the one year review process, the IHRC prepared a brief submission which provides additional information relating to the issues identified by the Committee. In addition, the IHRC took the opportunity to highlight to the UN Human Rights Committee some emerging issues that had occurred since the Committee’s examination of Ireland in July 2008 which impacted upon the protection of human rights in Ireland.

In line with the focus of the one year follow-up procedure, the IHRC examined prison conditions, focussing in particular on overcrowding, in-cell sanitation and separation of remand prisoners, mental health care, inter-prisoner violence, alternatives to custody and developments with respect to the new prison complex. The IHRC brought the

Committee's attention to the most recent reports by the Inspector of Prisons relating to conditions of detention in Irish prisons. These indicate that overcrowding remains acute, the practice of "slopping out" remains and is regarded by the Inspector as inhuman and degrading, and inter-prisoner violence is ongoing and is increased by factors such as overcrowding and poor and inhuman conditions. Despite overcrowding the Inspector of Prisons has noted a "steady and worrying increase" in the Irish prison population with a lack of alternative non-custodial sentences. Amongst other recommendations the IHRC observed that the direction of the Government's penal policy should focus increased attention and resources on the development of alternative non-custodial sanctions in line with best international practice.

The IHRC also highlighted issues that have emerged that impact upon the protection of human rights under the ICCPR since the Human Rights Committee examined Ireland in July 2008. These include the reduction in the budget allocation of the IHRC, the enactment of the Criminal Justice (Amendment) Act 2009 which extends the jurisdiction of the Special Criminal Court to a wider category of offences and developments with respect to the case of *McCann v. The Judge of the Monaghan District Court and others* in which the current system for enforcement of civil debt was found to be unconstitutional.

Research

Interdisciplinary Independent Research on Prostitution

In April, the IHRC published on its website research entitled *Interdisciplinary Report on Prostitution in Ireland* which was commissioned by the IHRC with the aim of examining the problem of prostitution and trafficking for the purposes of sexual exploitation in Ireland from a human rights perspective. The IHRC commissioned an interdisciplinary team of researchers from the Research Unit of the Centre for Gender and Women's Studies in Trinity College Dublin to undertake the research. The authors of the research provide an interdisciplinary, integrated report on prostitution and trafficking for purposes of sexual exploitation in Ireland, including an analysis of the relevant international, regional and national human rights law and standards. The primary research, the analysis and the recommendations in the report were conducted independently of the IHRC. Several questions which arise in the context of the report are issues on which the IHRC has yet to offer a public view. The report is an important independent contribution both to its own internal deliberations and to the wider public debate on these matters.

Policy Statements

Human Rights Compliance of An Garda Síochána

In April, the IHRC published *Human Rights Compliance of An Garda Síochána*, a policy statement outlining its recommendations to An Garda Síochána and the Department of Justice, Equality and Law Reform on the pressing reforms needed to ensure a more human rights compliant police service. While welcoming a number of positive initiatives under way, the IHRC was concerned at the slow pace of progress in some key areas of policing. The policy statement was significantly informed by research commissioned from Professor Dermot Walsh, Faculty of Law, University College Limerick by the IHRC,

published by Clarus Press entitled, *Human Rights and Policing in Ireland: Law, Policy and Practice*.

The policy statement made 36 recommendations in the following areas: mainstreaming human rights in Garda policies and practices; human rights in training and development; accountability; serving the community and rights of Gardaí. In relation to the mainstreaming of human rights in Garda policies and practices, the IHRC commended An Garda Síochána for the positive human rights based reform process it was embarking upon and for the many positive initiatives undertaken so far. However, the IHRC was cognisant that at an operational level An Garda Síochána has wide discretionary powers and the IHRC was concerned that the exercise of these Garda powers is not regulated by transparent and human rights based Garda policies and codes of practice. The reluctance to publish internal Garda operational policies and procedures runs counter to developing an open and transparent police service and falls short of best practice. In addition, as the policies are inaccessible the IHRC was not able to determine if they are human rights compliant.

In relation to accountability and oversight, the IHRC considered that the establishment of the Garda Síochána Ombudsman Commission (GSOC) was an important step in mainstreaming human rights in Irish policing. The IHRC considered that to be most effective GSOC's powers, functions and resources should be expanded. In addition, the IHRC also endorsed the model of a national committee, as recommended by the Morris Tribunal, to formulate and recommend policy to Garda management on investigative interviewing. In relation to serving the community, the IHRC welcomed initiatives by the Gardaí to develop community policing, in particular the Joint Policing Committees in local authority areas. However, the IHRC outlined its concern that An Garda Síochána has insufficient measures in place to combat racism and discrimination, to promote respect for diversity and create a police service that reflects the composition of Irish society in terms of gender, ethnicity and religious belief.

Copies of the Policy Statement were disseminated widely to the Department of Justice, GSOC, the opposition spokespersons on justice and the Oireachtas Committee on Justice, Equality, Defence and Women's Rights, as well as key NGOs.

Policy Submissions

Submission to An Garda Síochána's Consultation on a Strategy for Older People

The IHRC made a submission to An Garda Síochána in relation to An Garda Síochána's *Consultation on a Strategy for Older People*. In its submission the IHRC drew attention to human rights standards that are of relevance to many older persons, including for example, the right to be treated equally before the law, the right not to be discriminated against on the basis of one's age and the need to support older people to live and participate in the community in order to remain full members of society for as long as possible. In addition the IHRC considered that the Strategy on Older People should specifically address the role of the Garda Síochána in relation to the protection of older persons from elder abuse.

Policy Outreach

Garda Síochána Ombudsman Commission Consultative Working Group

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. Further information relating to the activities of the GSOC Consultative Group are available in the Fourth Annual Report of GSOC of 2009.

Seminar on Sex Trafficking and Prostitution – The Dilemma of Demand

In June, in conjunction with the Immigrant Council of Ireland and Centre for Post-Conflict Justice at Trinity College Dublin, the IHRC hosted a seminar entitled *Sex Trafficking and Prostitution - The Dilemma of Demand*. The IHRC made a presentation examining international human rights law and State practice in relation to prostitution and trafficking. The Immigrant Council of Ireland also presented some legislative and policy options for Ireland and examined developments within the European Union in relation to these issues.

Garda Síochána Strategic Human Rights Advisory Committee

In 2009, the IHRC was represented on the Strategic Human Rights Advisory Committee (SHRAC), which continued to meet throughout the year to provide advice to the Garda Commissioner on human rights aspects of policing.

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 and training.

Introduction

In 2009, 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 & voluntary organisations. The IHRC raised awareness and understanding of human rights issues and the work of the IHRC through media and public affairs outreach, as well as through events and

publications. Work undertaken in raising awareness is therefore contained throughout this Annual Report.

Issues highlighted in the media included the IHRC's legislative observations, policy statements and research as well as various IHRC events throughout the year. Particular highlights were the IHRC Annual Lecture delivered by Seamus Heaney, Nobel Laureate and the Annual Human Rights Conference with the Law Society which was addressed by Navanthen Pillay, UN High Commissioner for Human Rights.

In the area of human rights education, the IHRC made submissions on the draft syllabus for the new Senior Cycle subject *Politics and Society*, and on the 2nd Phase of the UN World Programme on Human Rights Education and initiated plans for a Human Rights Education and Training Project.

Awareness Raising

Communications & Public Affairs

Creating awareness of the importance of promoting and protecting human rights is a key concern of the IHRC. Through the IHRC's media work it creates awareness among the general public of the Government's human rights obligations in legislation, policy and practice. Issues which were successfully highlighted in the media included the IHRC's concerns on draft legislation including: the Spent Convictions Bill, the Criminal Justice (Surveillance) Bill. The IHRC initiated a strong debate on the Criminal Justice (Amendment) Bill in particular the extension of the powers of the Special Criminal Court which received considerable media coverage in July. There was also extensive coverage of the IHRC's proposals to increase human rights compliance of An Garda Síochána.

UDHR @60 Exhibition

In 2009, the IHRC saw its UDHR 60 poster exhibition receive ongoing coverage. In February, the exhibition was featured in a 2-page spread in the Irish Independent Intuition Supplement, which is circulated to schools in Ireland. The exhibition was shown in a number of Dublin City and County Libraries in the first half of the year, including in the City Library in the Ilac Centre, Rathmines, Dundrum, and Kevin Street Libraries.

IHRC Website

The IHRC website is an important tool to provide information about human rights in Ireland and about the work of the IHRC. As the site had been in place for more than six years, the IHRC began the process for upgrading the website in late 2009, with completion envisaged in mid-2010.

Events

7th Annual Human Rights Conference *Economic, Social & Cultural Rights: Making States Accountable*

On 26 November, over 250 people attended the 7th Annual Human Rights Conference jointly organised by the IHRC and the Law Society of Ireland. This conference entitled 'Economic, Social and Cultural Rights: Making States Accountable' highlighted the international and national protection of economic, social and cultural rights. Specifically, it

examined the international and national human rights mechanisms put in place to enforce the protection of these rights. The plenary sessions offered overviews while the parallel sessions explored in more depth the extent to which these mechanisms hold the State to account and how they can be further strengthened in that regard.

The conference was opened by the President of the IHRC, Dr Maurice Manning and John Costello, Senior Vice-President of the Law Society of Ireland. The IHRC was delighted that the Chief Justice, the Hon. Mr. Justice John L. Murray, provided an opening address and was particularly honoured to hear a keynote address from Navanthen Pillay, UN High Commissioner for Human Rights. The opening plenary concluded with a challenge posed by IHRC Commissioner Professor William Binchy for greater protection of economic, social and cultural rights in the Irish legal system.

The parallel sessions included contributions from 15 Irish and international practitioners and academics. The areas explored in these sessions included international and national protection of employment, social welfare, health, education and housing rights. At the closing plenary, Inez McCormack and Nicola Brown of the Participation & Practice of Rights Project demonstrated the importance of making rights real, of empowering people in social disadvantage situations to claim their economic, social and cultural rights. Professor Alan Miller, Chair of the Scottish Human Rights Commission captured the key messages emanating from the day in a thought-provoking conclusion.

All the papers from the conference are available on the IHRC (www.ihrc.ie) and the Law Society's websites (www.lawsociety.ie)

IHRC 4th Annual Human Rights Lecture

On 9 December, Seamus Heaney, Nobel Laureate delivered the IHRC's 4th Annual Human Rights Lecture at the National Gallery of Ireland to a capacity audience of more than 300.

The theme Seamus Heaney chose was the relevance of poetry in times of societal upheaval and unrest. He particularly highlighted the differences between the sedentary w-r-i-t-e-r-s and the pro-active r-i-g-h-t-e-r-s, the former whose job it is to reflect and the latter whose role it is to take action. Using examples of the work of prominent poets, he illustrated that writers can both inspire righters, and are righters themselves. Seamus Heaney's lecture, given on the eve of Human Rights Day 2009, makes a unique contribution to the canon of literature on human rights. It is available on the IHRC website.

Human Rights Education

Human Rights Education Study

In 2009, work continued 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 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.

Roundtable with Education Stakeholders

In October, the IHRC invited a range of stakeholders to a roundtable on the Human Rights Education study. The aim of the meeting was to get feedback from formal education stakeholders on the draft chapter on human rights education and the formal primary and secondary education sectors. The discussion was also informed by inputs from Dr. Fionnuala Waldron, Head of Education, St Patrick's College of Education, Drumcondra and from Dr. Gerry Jeffers, Lecturer, Education Department, NUI Maynooth. The IHRC also presented an outline of its chapter on human rights education in the non-formal or community & voluntary sector. The discussion on this chapter was informed by a presentation by Ann Molloy, Human Rights Education Manager, Amnesty International. All contributions from participants at the meeting proved to be valuable and insightful.

Submission on *Politics and Society* – a new subject for the Leaving Certificate

Politics and Society is a proposed new two-year non-compulsory Leaving Certificate subject. It will be one of a range of subject choices and will be offered at Higher (Honours) and Ordinary (Pass) levels.

The National Council for Curriculum and Assessment published a draft syllabus for the subject in 2009 and invited submissions from interested parties. The IHRC made a detailed submission welcoming the new subject as an important contribution to widening the curriculum to address issues such as human rights, equality, social justice and sustainable development. The IHRC also welcomed the emphasis on critical thinking and practical skills. The IHRC's submission emphasised the importance of human rights education citing Ireland's obligations to promote a curriculum and educational approach that strengthens the protection of human rights.

Specifically, the IHRC called for a separate topic in the syllabus on 'Promoting and Protecting Human Rights'. The IHRC considered that such an emphasis on human rights was required to give real substance to the syllabus' learning objective on human rights. The IHRC also considered that a human rights perspective should be explicitly integrated in each topic, in effect making clear the cross-cutting nature of human rights. The IHRC further emphasised that human rights should be integrated across the school curriculum and the whole-school approach.

UN World Programme on Human Rights Education

The UN World Programme on Human Rights Education (WPHRE) followed on from the UN Decade on Human Rights Education (1995-2004). Its first Phase promoted human rights education in primary and secondary school settings (2005-2009). The IHRC contributed to an evaluation of this phase, highlighting progress on human rights education in Ireland and the challenges still remaining.

In 2009, the UN invited submissions from stakeholders including National Human Rights Institutions (NHRIs) to determine the focus for the second phase of the World Programme. In its submission, the IHRC welcomed advances in relation to human rights education in school settings. However, challenges remained and the IHRC considered that five years was too short to successfully embed human rights education at this level. The IHRC proposed that the first Phase of the WPHRE should be further extended, and the findings from its activities to date analysed at a regional and global level, so as to have a clearer sense of the impact of the programme to date. The IHRC also highlighted the need for further emphasis on teacher training.

The IHRC made the case that extending the first phase did not mean that initial work on a second phase could not begin, particularly if different actors were being targeted. The IHRC proposed for the second Phase of the WPHRE that training on the norms and principles of human rights should be a mainstream component of all pre- and in-service training for State officials – teachers, the police service, prison staff, health professionals, public service providers, civil servants – and for state bodies to which government delegates responsibilities. Such training should be mandatory for all public officials, while those engaged in law, policy, or decision-making, and service provision should be provided with specific training on human rights tailored to their individual needs. A period of at least ten years was proposed as an optimum length of time to achieve the desired outcome of any programme of HRE in the second Phase.

In December, the UN Human Rights Council recommended that the focus of the 2nd Phase of the WPHRE should be targeted at teachers and educators, higher education, civil servants, law enforcement officers and military personnel.

Human Rights Education and Training Project

Embedding human rights in legislation, public policy and practice is a key role of the IHRC. This requires human rights to be a core aspect of learning and development programmes targeted at civil and public servants. Human rights must be a part of the culture of the civil and public service. Informed by research carried out in the context of the Human Rights Education study, the IHRC identified that there was a low level of information on human rights within the programmes targeted at civil and public servants.

The IHRC successfully applied to Atlantic Philanthropies for support, and received funding for the Project over a 16 month period from March 2010. The aim of the Project is to create greater awareness among civil and public service workers of human rights and the obligations of all organs of the State to ensure that those rights are promoted and protected. The Project will launch a Human Rights Guide in 2010 to support the Civil and Public Service, along with additional learning materials sourced at the IHRC website and will deliver and develop training according to specific needs.

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 2009, the IHRC further 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, consisting of the IHRC (as Chair), German Institute for Human Rights, Luxembourg Consultative Commission for Human Rights and Croatian Ombudsman met 3 times in 2009. The Committee oversees the work of the European Group.

In March, the IHRC proposed its 2-year strategic plan for the European Group, following consultations with the members of the Group. The purpose of the strategic plan is to set out clearly identified goals and strategies for the work of the Group in 2009-2010, and identify methods for their implementation by the European Group Chair, European Coordinating Committee and the European Group as a whole.

The aim of the strategic plan is to further the purpose of the European Group through the development of a more cohesive Group which will be an active player with key regional and international partners. Such development will strengthen NHRIs in Europe and will allow NHRIs, as a group, to have greater impact on European policy making in the area of human rights.

Goals for 2009-2010

1. To increase European Group engagement within the Group and with the International Coordinating Committee of NHRIs;
2. To build capacity and share information among the European Group;

3. To increase awareness of NHRIs in Europe; including in the Council of Europe and with EU bodies (such as the Fundamental Rights Agency);
4. To provide support for NHRIs under threat, to assist them in carrying out their roles and functions under the Paris Principles;
5. To focus international and regional engagement of European Group on agreed priority thematic areas; namely, Disability Convention national monitoring mechanism, Migration, Privacy/Data Protection; Human Rights Education/Training (including awareness raising); OPCAT National Preventative Mechanism; Rule of Law/Counter-terrorism.

European Group of NHRIs *Amicus Curiae* Procedure

Following on from the European Group submission by way of *amicus curiae* procedure to the European Court of Human Rights in the case of *DD v Lithuania* in April 2008, the Group decided, at its meeting in September 2008, to introduce a procedure for monitoring cases before the European Court of Human Rights on which the Group might make a submission. ECtHR cases involving “priority” areas of concern are tracked and reviewed by the IHRC on a monthly 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.

During 2009, the IHRC continued to track recently communicated cases, from the European Court, in line with the procedure agreed by the Group. It also avails of and communicates with the Directorate General of Human Rights and Legal Affairs (DG-HL) of the Council of Europe regarding its selection of recently communicated ECtHR cases (which is not based on a choice of priority themes) in the issue of the Regular Selective Information Flow (RSIF) that they prepare jointly with the Office of the Commissioner for Human Rights and disseminate on a fortnightly basis. It may be noted that during 2009, a number of European NHRIs submitted *amicus curiae* intervention submissions before the ECtHR in cases brought against their State.

The IHRC also followed human rights developments at the Council of Europe and in particular in relation to the reform of the European Court of Human Rights through its support of the French Commission for Human Rights as European Group representative on the Council of Europe Steering Committee on Human Rights (CDDH).

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

In June, the Scottish Human Rights Commission hosted the first meeting of the NHRIs of the ‘4 Jurisdictions’ that is, Ireland, Northern Ireland, Scotland and England & Wales. The meeting took place in Edinburgh with the objective of building staff relations between Commissions, sharing experience and best practice on various functional areas, and identifying and developing areas of common interest and possible joint action. The meeting discussed the Disability Convention (the scope of the Convention and role of independent bodies) in plenary session, as well as Human Rights Based Approaches, policy priorities of each Commission, and comparative experience of use of inquiry and other legal powers, and legislative review powers in break-out sessions.

Interaction with the EU Fundamental Rights Agency

In 2009, the IHRC continued to develop its relationship with the EU Fundamental Rights Agency (FRA) based in Vienna. The FRA is specifically mandated to work with National Human Rights Institutions and engages directly with NHRIs on a range of issues and initiatives. From 29-30 June, the 2nd Annual Meeting between EU NHRIs and the EU Fundamental Rights Agency was held in Vienna. This meeting provided a valuable opportunity to exchange information and updates on work carried out both by the FRA and the EU NHRIs since the 1st FRA-NHRI meeting held in June 2008. The FRA provided information on key elements of its External Relations and Networking Strategy and Annual Work Programme 2010-11, and the IHRC as Chair of the European Group presented the key elements of the Group's Strategic Plan. The meeting also provided the opportunity to discuss upcoming FRA projects and activities and discuss common priority areas of cooperation, including on Migration Policy, Disability, Privacy/Data Protection and Human Rights Education/Training/Awareness raising.

In November, the IHRC participated in a meeting on Access to Justice, and in December, the IHRC attended the second EU Fundamental Rights Agency conference on the topic of 'Making Rights a Reality for All' in Stockholm.

Arab-European NHRI Dialogue

In March, the IHRC was invited to attend the 4th Arab-European Dialogue Meeting of National Human Rights Institutions from the two regions. The 4th meeting, held in The Hague, Netherlands discussed the topic of Migration.

OHCHR Meeting on Enhancing Regional Human Rights Mechanisms

In December, the IHRC, as Chair of the European Group, partnered with the Office of the High Commissioner for Human Rights (OHCHR) on a Human Rights Council initiative to promote cooperation between regional human rights mechanisms. The other partners to the event were the European Court of Human Rights, the Council of Europe; the Commissioner for Human Rights; the EU Fundamental Rights Agency and the Office for Democratic Institutions and Human Rights. The event was attended by key representatives of these institutions as well as of NHRIs from across Europe and from Civil Society Organisations.

The meeting took place over two days with the objective of enhancing cooperation between the various components of the regional human rights mechanisms in Europe and the UN system while increasing understanding of their working methods and cooperation between them and national actors in the region, especially NHRIs and NGOs at the regional level.

Council of Europe Peer-to-Peer Training

The IHRC attended two Council of Europe funded training sessions for staff of National Human Rights Institutions. The first session took place in Padua in June on the topic of *counter terrorist measures* and the second took place in Budapest in September on the topic of *protecting the rights of the elderly*. The IHRC also attended a Council of Europe funded training session on the European Social Charter and the Collective Complaints Procedure for persons involved in legal assistance to Roma or members of the Travelling Community in February.

Interaction with the Human Rights Council

The IHRC, as an 'A' Status NHRI is entitled to make oral and written statements to the UN Human Rights Council. Individually, and as Chair of the European Group, in 2009 the IHRC made statements before the Council on the issues of Human Rights Education, Disability and in support of NHRIs under threat.

Commission on the Status of Women

The IHRC, as European Group Chair, actively supported the efforts of the International Coordinating Committee of National Human Rights Institutions in seeking the formalisation of the role of NHRIs within the work of the Commission on the Status of Women. The Chair of the ICC attended the CSW session in December and work on this continues at the ICC level.

Visits from other NHRIs

Scottish Human Rights Commission

In February, the IHRC hosted a 2-day visit by staff of the newly established Scottish Human Rights Commission to exchange information and expertise with them on the functions and powers of both commissions, as well as, the working methods, procedures and experience gained as NHRIs.

Capacity Building and Experience Sharing Visit with the Ethiopian Human Rights Commission

In May, the IHRC received a delegation of 5 members of staff from the Ethiopian Human Rights Commission (EHRC) for a capacity building and experience sharing visit for a period of 4 days. At the request of the EHRC, IHRC senior staff provided detailed presentations on the IHRC's mandate, powers and functions. Staff also provided presentations on their day to day work, including information on approaches to different types of projects and examples of good practices. The presentations were carried out in a discursive style to allow maximum time for relevant questions, discussion and engagement. During their visit, the EHRC delegation highlighted the lack of experienced human rights personnel and technical capacity as key challenges facing their institution. The EHRC requested that the IHRC engages with them over an extended period, through the provision of further training and technical assistance.

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 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 2009, 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 2009. 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 which meet prior to the Joint Committee.

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. The Joint Committee agreed to carry out a consultation in both jurisdictions on the Convention with a view to gathering research and evidence to build a stronger case for the ratification of the Convention by both Governments. The consultation paper was finalised at the end of 2009 with a view to launching the Consultation itself in spring 2010. The two Commissions were also active in sharing information on their activities in relation to trafficking of human being as well as sharing information on the issue of immigrant detention, particularly at border areas.

Charter of Rights for the Island of Ireland

In Northern Ireland, the consultation process surrounding a Bill of Rights for Northern Ireland ended and the Northern Ireland Human Rights Commission (NIHRC) presented its advice relating to a Bill of Rights to the Secretary of State. In light of the progress in this area, both the IHRC and the NIHRC considered that it was an opportune time to open a wide-ranging debate on the potential for establishing a Charter of rights for the Island of Ireland.

Joint Conference on Charter of Rights for the Island of Ireland

A Conference on the Charter of Rights for the Island of Ireland, co-organised by the IHRC, NIHRC and UCD School of Law took place in November. The conference, which was addressed at the outset by the heads of both commissions, provided a forum to explore outputs from the research carried out to date on this issue and to hear other voices, including from academia and civil society, on the topic. The results of the valuable inputs and discussions which followed informed the Joint Committee's role in relation to a possible Charter under the Good Friday/Belfast Agreement.

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:

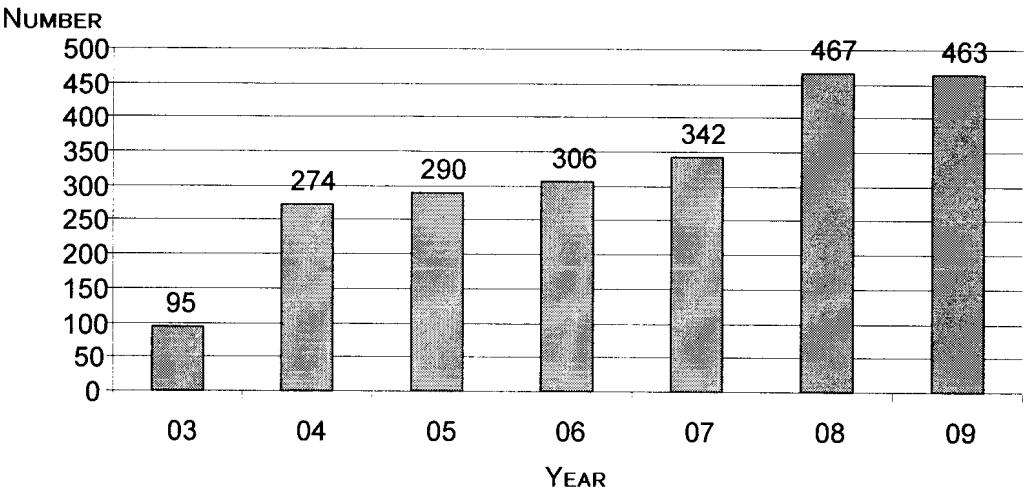
- To consider requests for an enquiry into a relevant human rights matter or to initiate enquiries at its own volition;
- To consider applications for assistance in connection with legal proceedings involving human rights law or practice;
- To offer its expertise in human rights law to the Superior Courts, 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 2009, the IHRC received 463 individual communications from persons or organisations. This was roughly on a par with 2008 figures. Communications received in recent years is illustrated in Figure 1.

FIGURE 1: ENQUIRY & LEGAL SERVICES
COMMUNICATIONS RECEIVED BY YEAR



In 2009, a total of 463 communications were received from members of the public on human rights issues. As set out in Figure 2, below, 214 of which were received from men, while 161 were received from women. All other communications were received in respect of either legal proceedings notifications and *amicus curiae* requests or from organisations or multiple parties, therefore rendering problematic any precise gender classification.

Figure 2: Communications received in 2009 by Gender

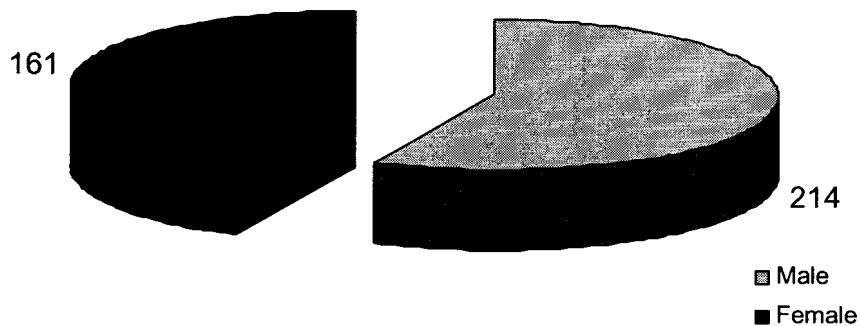
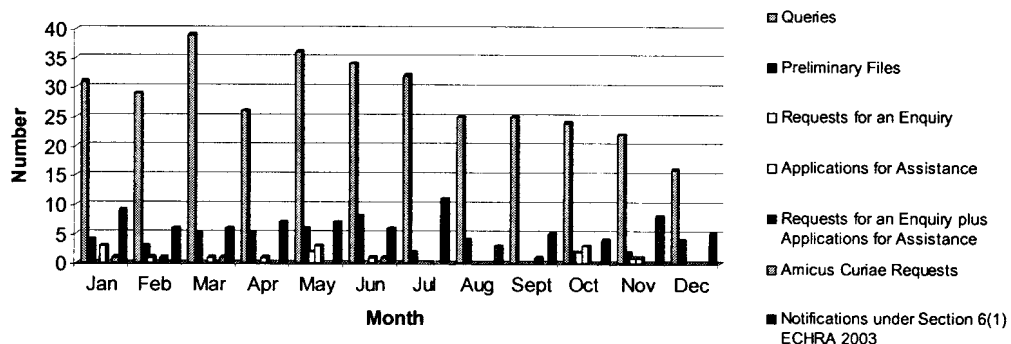


Figure 3, below, provides a breakdown of the communications to the IHRC's Enquiry and Legal Services section received in 2009 by category and by month. As in previous years, in 2009 the most common method by which people chose to contact the IHRC, in terms of its Enquiry and Legal Services functions, was by telephone query.

Figure 3: Enquiry and Legal Services communications received in 2009 by category

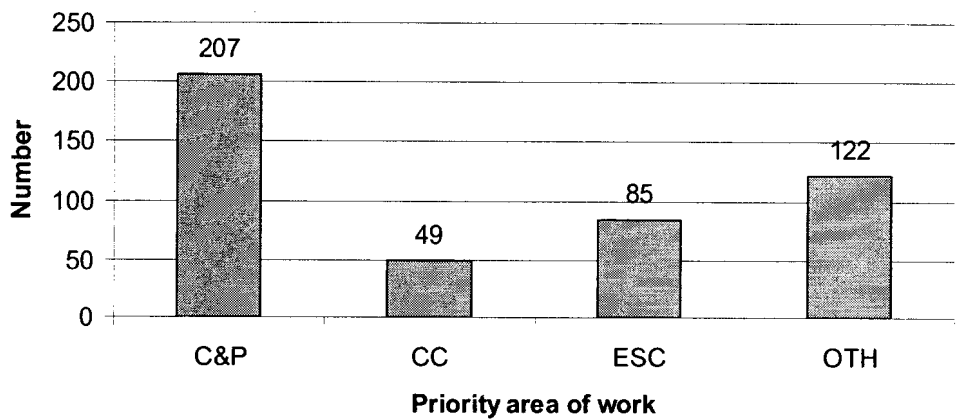


Similarly, as in previous years, communications received by the IHRC concerned issues from across the spectrum of civil and political and economic, social and cultural rights, with some communications concerning "cross-cutting" issues covering both civil and political and economic, social and cultural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

As seen in 2008, the most common priority area of the IHRC's work engaged by communications received during the course of 2009 concerned issues relating to civil and political rights (45%). The level of communications received in relation to cross-

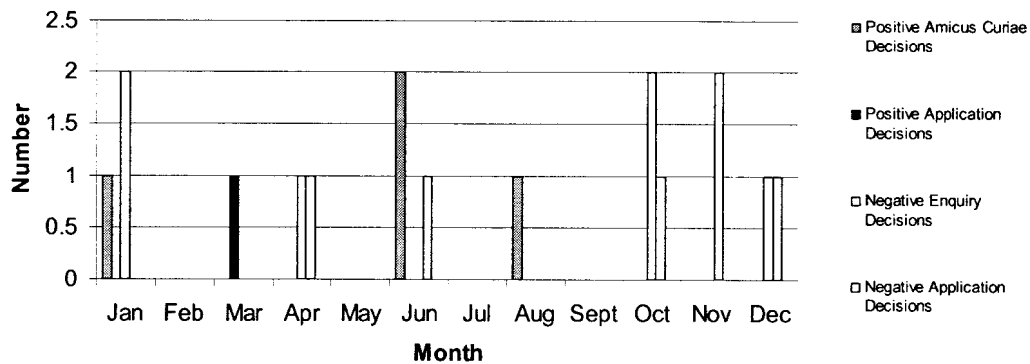
cutting issues (11%) and economic, social and cultural right issues (18%) being of a significantly lesser order and also reflected the previous year's experience. Communications categorised under the "other" heading (26%) refer to matters which did not clearly raise human rights issues, such as disputes between individuals. Figure 4 illustrates the division of communications based upon the above-mentioned key areas.

**Figure 4: Priority Areas of Work
and communications received in 2009**



During the course of the year, the IHRC considered and decided 6 formal enquiry requests and 7 formal assistance applications which had been made to it. IHRC decisions on enquiry requests and assistance applications in addition to its decisions on *amicus curiae* requests and proposals, are set out in Figure 5.

**Figure 5: Enquiry & Legal Services
decisions by the IHRC in 2009**



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 2009, 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.

Figure 6: Table of Communications with Statutory Bodies

	<i>Response received on time</i>	<i>Late or no response*</i>
Dept of Education & Science	✓✓	✓
Dept of Health & Children	✓	
Fingal County Council	✓✓	
Health Information & Quality Authority	✓	
Health Service Executive	✓✓✓	✓
Irish Prison Service		✓
Mountjoy Prison	✓	

*A late response is one received 4 weeks over the stipulated period.

In addition, the IHRC required information from some private bodies, particularly in circumstances where the body was exercising State functions. Thus in its enquiry into intellectual disability, the IHRC required information from a charity on 5 occasions during the year; which information was promptly provided on each occasion. In another case, the IHRC sought information from a School Board of Management, which information was also provided promptly.

Enquiries

The IHRC's second Enquiry was published in January. 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 stakeholders to this enquiry were the complainant, the Department of Justice, Equality and Law Reform, the Department of Foreign Affairs, An Garda Síochána, the Irish Prison Service and the Governor of Mountjoy. All statutory bodies cooperated with the IHRC in the enquiry which was carried out in private.

The enquiry found that international human rights standards had not been wholly respected by the State in the manner in which it dealt with a Pakistani visitor, in

possession of a valid visitor visa, refused leave to land at Dublin Airport. In its report the IHRC expressed concern in relation to the State's compliance with the European Convention on Human Rights (ECHR), the European Convention on the Prevention of Torture (CPT) and the International Covenant on Civil and Political Rights (ICCPR).

The Immigration Officer, who refused the complainant leave to land at Dublin Airport, had made his decision without access to the information provided by the complainant in applying for the visitor visa in his home country and so based his decision only on a brief interview in Dublin Airport. This gap in information before the Immigration Officer meant that on the basis of the same answers provided by the complainant, he received a visitor's visa from the Irish authorities in Pakistan, but was later refused leave to land by the Irish authorities at Dublin airport.

The complainant was imprisoned overnight in Mountjoy Prison along with four other foreign nationals in a cell in poor conditions of hygiene and privacy and in the absence of a number of basic procedural rights in relation to the detention. Before being forcibly removed from the State, the complainant had his passport marked by immigration officials which appears to have led to his detention in three other countries including in his home country of Pakistan. His family in Pakistan suffered anxiety with no information on his situation. The round trip consequent on his refusal of leave to land was a total of five days. Since then, he has felt unable to travel abroad.

The enquiry report's recommendations were that:

- Immigration law and practice including the Immigration, Protection and Residence Bill 2008 should be reviewed against the recommendations in the enquiry report;
- Clearer grounds for decisions should be introduced including: removing vague criteria on which Immigration Officers base their decisions to refuse persons leave to land in the State from the statute books and ceasing the practice of "marking" passports where leave to land is refused;
- A system of review and independent oversight of immigration decisions should be introduced with an independent body having the authority to investigate complaints or to undertake own-motion investigations into all immigration-related practices
- Safeguards against arbitrary detention should be improved such as the criteria upon which decisions to detain are based to be sufficiently precise and accessible; that the reasons for decisions be provided in an appropriate language and that all immigration detentions be automatically reviewed within three days by a Court and periodically thereafter.
- Procedural rights should ensure immigration detainees are always treated with humanity and respect, with persons refused leave to land in the State not being detained in prisons;
- Relevant data on visa decisions and immigration detentions to be collected, disaggregated and stored in accordance with relevant human rights and data protection standards;
- Effective remedies should be ensured where the human rights of individuals are not respected. In particular, compensation and reparation should be available in cases where the human rights of immigration detainees have been breached.

The IHRC's third Enquiry into intellectual disability services at a residential and day care centre, which had commenced in 2008, continued through the year. In November, a draft enquiry report was forwarded to the stakeholders for their comment.

The stakeholders to this enquiry were the Parent Group, the Brothers of Charity, the Health Service Executive, the Department of Health and Children, the Department of Education and Science, the Health Information and Quality Authority.

The enquiry continued at year's end.

Legal

Legal Assistance

In February, the IHRC decided to grant legal representation assistance to an applicant under Section 10 of the Human Rights Commission Act in relation to the person's threatened eviction from her local authority housing. Subsequently the proceedings *R.T. v Fingal County Council, Ireland and the Attorney General* were instituted which challenged aspects of Section 62 of the Housing Act 1966 which permits local authorities to summarily evict tenants from their homes without an independent hearing before a court or competent body as to the veracity of any claims made against the tenant. In October, a firm of solicitors took over carriage of the case from the IHRC.

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.

During the year, the IHRC engaged in correspondence with the Attorney General's Office on the question of possible proceedings concerning the rights of Wards of Court detained in psychiatric institutions. Following assurances received from the Attorney General's Office, the IHRC decided to postpone instituting proceedings on the basis that the Government was amenable to address the matter through legislative amendment. The matter remained under review at year's end.

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

2009 saw the IHRC receive the largest number of 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 2009, 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 76. The IHRC continued to track these and previous cases as they progressed through the Courts.

Declarations of Incompatibility

In 2008, the High Court made the first declaration of incompatibility under the ECHR Act in the case of *Foy v. An tArd-Chláraitheoir & Others*. The declaration of incompatibility concerned the lack of legal recognition for transgender people under Irish law. Following this, the IHRC had 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. Its conclusions included its view that, despite the fact that the State had appealed the Declaration of Incompatibility to the Supreme Court, there was nothing preventing the Government from legislating on the matter. In 2009, the IHRC reviewed further High Court Declarations of Incompatibility pertaining to the operation of section 62 of the Housing Act 1966 (as amended) (see below).

***Amicus Curiae* Appearances**

Since the enactment of the ECHR Act, the IHRC has been granted liberty to appear as *amicus curiae* (or “friend of the Court”) in an increasing number of cases. It continued to appear in a number of cases heard before the Superior Courts (High Court and Supreme Court) in 2009 and decided to seek liberty to appear in additional cases. These cases addressed a wide variety of human rights concerns including criminal legal aid, data protection, imprisonment for civil debt, the criminal law on insanity and criminal charges for immigration offences.

McCann v The Judge of the Monaghan District Court & Others

In January, the IHRC applied to the High Court to appear as *amicus curiae* in this case and was granted leave. The case concerned a single parent with two children dependent on social welfare, who faced imprisonment for inability to pay a contractual debt in circumstances where she was not present or represented when the District Court ordered her arrest and imprisonment. The Plaintiff sought to strike down the provision dealing with the enforcement of civil debt (section 6 of the Enforcement of Court Orders Acts 1926 and 1940), on the basis that it was unconstitutional and further that it was not compatible with the State's obligations under the European Convention on Human Rights. The case was heard over 3 days in May 2009.

The IHRC's submissions (written and oral) were directed at two main issues: the right to a fair trial and fair procedures (including the characterisation of the relevant proceedings as civil or criminal) where the liberty of the individual is at stake and second, the international principle of the prohibition of imprisonment merely on the ground of inability to fulfil a contractual obligation. As such, IHRC submissions cited both the ECHR and the International Covenant on Civil and Political Rights (ICCPR), in addition to comparative law. The IHRC argued that these conventions should inform the

Constitutional interpretation which it also set out. Among other things, the IHRC written and oral submissions to the Court drew attention to the Concluding Observations of the Human Rights Committee on the State's Third Periodic Report under the ICCPR in 2008.

In June, Ms Justice Laffoy delivered a significant Judgment, finding that the current system for enforcement of civil debt (section 6 of the Enforcement of Court Orders Acts 1926 and 1940) was unconstitutional as it did not secure fundamental rights under the Constitution: the right to fair administration of justice (Article 34); the guarantee of fair procedures (Article 40.1.3); and, the right to personal liberty (Article 40.4.1).

The Court found that a person facing imprisonment for non payment of a civil debt should be treated in a similar manner to a person facing a criminal charge in terms of some of the safeguards that should apply to the judicial process. In this regard the Court stated that there are three fundamental constitutional rights that must be secured:

- (i) the person (the debtor) should be in court to represent themselves unless he or she consciously decides to absent themselves;
- (ii) the Judge should apprise the debtor of his or her entitlement to legal representation, and the debtor should be provided with legal aid if they cannot afford legal representation otherwise, and
- (iii) the Court, in applying fair procedures, should not make an order for arrest and imprisonment unless satisfied that failure to pay the debt is due to wilful refusal or culpable neglect of the debtor (the burden of proof not being on the debtor to show this absence of wilful refusal or culpable neglect).

It was found however that the current system for enforcement of civil debt does not secure these fundamental rights. In relation to the right to liberty, the Court found that the legislation in question was a disproportionate interference with this right in that it was not rationally connected to the objective to be achieved (payment of the debt), it did not impair the right to liberty as little as possible (such as by providing a mechanism to attach earnings where the debtor has some resources) or for the creditor to go through certain procedures. The Court expressed the view that the provision was largely futile in securing any remedy for the creditor, and costly for the State insofar as it would bear the cost of the court proceedings and the imprisonment of the debtor.

As the Court found that the legislation in question (section 6) was unconstitutional, and therefore of no further effect, the Court did not view it as necessary to go on to consider whether it was incompatible with the ECHR. Nonetheless the Court did give consideration to the case law of the European Court of Human Rights in relation to Article 6 (right to a fair trial), Article 5 (the right to liberty), Article 1 of Protocol 4 (non-imprisonment merely on grounds of inability to pay a contractual debt) together with jurisprudence from the South African and Zimbabwean Constitutional Courts in relation to imprisonment for civil debt, to inform its final decision. It also took note of the recent exchange between the State and the UN Human Rights Committee on Article 11 of the ICCPR and the Concluding Observations of the Committee on the State's obligation not to permit imprisonment merely for failure to fulfil a contractual obligation, to which the IHRC had drawn the Court's attention.

The State Defendants decided not to appeal the case but to enact emergency legislation to seek to remedy the situation while deeper structural reform of the debt recovery system was proposed in the form of further legislation.

Accordingly the Enforcement Of Court Orders (Amendment) Act 2009 was enacted in July 2009 which remedied the specific gaps in the law identified in the Court's Judgment.

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

This 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 should be considered by the Superior Courts.

The High Court ruling (January 2005) 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 in January 2008 (see 2008 Annual Report) and again in April 2009.

Judgment was handed down in October by the Chief Justice on behalf of the Court. The Court did not strike down Section 2(1) of the Criminal Justice (Legal Aid) Act 1962 as argued by the Plaintiff. Rather, it determined that "a defendant in criminal proceedings before the District Court has a constitutional right to apply for legal aid to include counsel". It found that "the absence of a right to apply for such legal aid" stemmed not from the 1962 Act "but from the failure of the Oireachtas to confer at any time on the District Court or any other body, jurisdiction to consider an application for legal aid to include solicitor and counsel in the exceptional circumstances" of such a case as the present. As such the Court indicated it could "fashion its own remedies" even if not pleaded by the parties.

The Court went on to grant a prohibitory order against the Plaintiff's prosecution until such time as he could apply for counsel. It did not indicate that he was entitled to counsel, stating that this was a matter for the Court or other body to consider.

In relation to the ECHR Act, also pleaded by the Plaintiff, the Court agreed with the arguments of the State and the IHRC that a Declaration under Section 5 could not be said to be a remedy which would resolve the issues between the parties. On this basis, the Court also indicated that the issue of constitutionality should be considered before any consideration under Section 5 of the ECHR Act.

The IHRC's submissions were referred to in the Court's judgment.

Pullen & Others v Dublin City Council

In December 2007, the IHRC was invited by the High Court to appear as *amicus curiae* in *Pullen & Others v. Dublin City Council*. The 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(1) of the ECHR Act 2003 in seeking to evict the Plaintiffs from their home without affording them certain procedural rights.

In October 2009, the Court handed down a second Judgment on the question of what remedies (if any) were available to the Plaintiffs (i.e. whether an injunction to prevent their eviction or merely damages). The Court awarded €20,000 to each of the Plaintiffs for the distress, anxiety, loss of reputation and damage suffered. However, it found that it did not have the power to order an injunction under section 3(2) of the ECHR Act.

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 McKechnie.

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.

E.D. v Director Public Prosecutions

In July, the IHRC applied to the High Court to appear in this case as *amicus curiae* and Mr Justice O'Neill subsequently acceded to the application.

The case concerns a challenge to Section 12 of the Immigration Act 2004, which requires foreign nationals to produce a passport or equivalent identity document on a demand being made for same by the Gardaí, or to provide an adequate explanation for not doing so. A conviction under the section can lead to a prison term up to one year and/or a fine of €3,000.

A date for hearing was awaited at year's end.

J.B. v Mental Health (Review Board) & Others

In October, the IHRC applied to the Supreme Court for liberty to appear in this case and the application was granted. The case concerns the ongoing detention of the Appellant (who has been found not guilty of murder by reason of insanity) in the Central Mental Hospital, in circumstances where the Mental Health (Criminal Law) Review Board (which is obliged to review such detentions) has determined that the person should be released subject to certain conditions, but where the conditions cannot be legally enforced.

The IHRC's submissions were filed with the Court in November. A date for hearing was awaited at year's end.

Policy initiatives emanating from casework

During 2009, the IHRC continued to make policy submissions to Government arising from its enquiry and legal services work.

Submission to Government on local authority housing rights

In light of recent European Court of Human Rights jurisprudence and High Court Judgments which made Declarations of Incompatibility under Section 5 of the ECHR Act 2003, finding the State to be in breach of Articles 6 and/ or 8 of the ECHR, but under appeal to the Supreme Court, the IHRC reviewed the case law of the European Court of Human Rights in relation to the rights of public authority tenants facing eviction under section 62 of the Housing Act 1966. The IHRC submission made recommendations to Government on possible reform of the law to bring Ireland into line with its international human rights obligations and reduce the large number of cases being brought before the Courts on this matter. However, an opportunity to reform the law in the context of the Housing (Miscellaneous Provisions) Bill's passage through the Oireachtas, was not availed of.

b. Administration

Corporate Services

Human Resources

2009 was a busy year in human resource terms. In January, Liam Thornton left the position of Research and Policy Officer and the IHRC's financial predicament meant that this position together with the already vacant General Administrator position could not be filled. Danielle Kennan, who worked as a Human Rights Policy Fellow in the Research, Policy and Promotion Division, left in March and Sinead Fitzpatrick who worked as a Human Rights Policy Fellow in the Enquiries and Legal Services Division left in December.

No new staff joined the IHRC in 2009.

Professional Placements and Internship Programmes

2009 saw the launch of two very significant programmes by the IHRC which are likely to continue for a number of years to help support the work of the IHRC.

The IHRC commenced offering two types of voluntary placement opportunities: Internships and Professional Placements. The IHRC internship programme was intended to provide work-placements for individuals who have completed studies to postgraduate level and who wished to work in the field of human rights.

The IHRC professional placement programme was targeted at volunteer opportunities for legal professionals in supporting some of the legal functions of the IHRC.

The response to both programmes was very high and the IHRC was fortunate to benefit from the dedicated hard work and professionalism of the following placements in 2009:

Enquiries and Legal Services Division

Ann Campbell BL
Gerardine Connolly SC
Siobhán Cumiskey Solicitor
Sonya Donnelly BL
Sarah Farrelly Intern
Caroline O'Connor BL
Rachel Power Solicitor

Research, Policy and Promotion Division

Fiona Devlin Intern
Jo Kenny Intern
Clodagh Moore Solicitor
Almha O'Keefe Intern

Outsourced Services

The IHRC continued to work with Byrne and McCall, Chartered Accountants in 2009 to ensure compliance with best practice in financial controls, financial record keeping and financial statement production. The IHRC also continued its relationship with Infinite

Technology to provide full IT Technical support and disaster recovery services to the IHRC.

Among the new policy documents introduced were the following:

- Retention of Staff with Acquired Disability
- Parental Leave Policy
- Cycle to work scheme
- Travel Policy
- Customer Service Charter

The policy documents that were revised and updated in 2009 include:

- Commissioners Code of Conduct
- Commissioners Register of Interests
- System of Internal Financial Control
- Asset Disposal Policy
- IT, Internet and Mobile Phone Usage Policy.

Financial Situation

The increased cost of six positions sanctioned in 2007 (2 Principal Officers and 4 Administrative Officers) was not reflected in the 2008 grant figure which was €2,092,000. In addition to the increased staff costs the rental obligations of the IHRC increased significantly at the end of 2007, with the taking of additional space in Jervis House.

Following extensive meetings and considerable correspondence between the Department of Justice, Equality and Law Reform and the IHRC at a variety of levels, an additional €250,000 was provided by way of a supplemental payment in December 2008.

However, in 2009, the grant-in-aid was reduced by 24% (32% when the additional December 2008 payment is taken into account) to €1,596,000. During 2009 the Department of Justice, Equality and Law Reform negotiated a deferral of rental obligations with the Landlord to the IHRC premises. This allowed the IHRC make minimum rental contributions during the year and remain a going concern.

On account of its budgetary grant, the financial situation of the IHRC remained bleak during 2009. Many of its statutory functions could not be properly supported due to a lack of funds, while the IHRC continued to rely on the pro bono generosity of volunteers and counsel in order to discharge some of its statutory functions.

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:

Maurice Manning (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.

William Binchy

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.

Conleth Bradley

Conleth Bradley SC is a barrister, appointed as a Commissioner on 3 September 2008. His areas of practice include judicial review and human rights law.

Olive Braiden

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.

Ms Braiden was Chair of the Arts Council from 2003 to 2009. She is a board member of the Judicial Appointments Advisory Board. She was the establishing Chair of the Crisis Pregnancy Agency. She has served on many Government Working Parties and Steering Committees. In 2006, Ms Braiden 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 holds an M.Phil. in Gender Studies from Trinity College, Dublin and was awarded a Doctorate of Laws in 2008 by UCD.

Rosemary Byrne

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.

Robert Daly

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.

Suzanne Egan

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.

Michael Farrell

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.

Alice Leahy

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, Tipperary Person of the Year Award 2004 and was the first 'Overall Winner' of the Crystal Clear MSD Health Literacy Award in April 2009 for her life's work in combating social exclusion and providing medical related services for people who are homeless.

Lia O'Hegarty

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.

Tom O'Higgins

Tom O'Higgins was first appointed a Commissioner in 2001 and re-appointed in 2006. A Fellow of the Institute of Chartered Accountants in Ireland, he was President of the Institute in 1991/92. Mr O'Higgins was a partner at PricewaterhouseCoopers (PwC) from 1969 to 2000 where he was a senior audit partner and national human resources partner. He is a graduate in Economics and History from University College Dublin, in Human Resource Management (M.Sc.HRM) from Sheffield Hallam Business School and is a Master Coach from Middlesex University. He is a member of the Chartered Institute of Personnel and Development and of the Irish Taxation Institute.

A director of Concern Worldwide and of its subsidiaries, Mr O'Higgins completed a four-year term as non-executive Chairman in 2003. He is chairman of AMK, Concern's Cambodian micro-finance institution. He is a member of the Praesta Partners Ireland, an executive coaching firm.

Mr O'Higgins is a trustee of the Holocaust Educational Trust of Ireland and is Chairman of the Older and Bolder Campaign and a director of a number of private companies. He was Chairman of the Board of the Coombe Women's and Infants University Hospital from 2003 to 2007 and is a former Chairman of the Boardroom Centre.

A specialist in corporate governance, he is an occasional lecturer at the Centre for Corporate Governance at University College Dublin. He chairs the Audit Committees at the Offices of the Attorney General and the Chief State Solicitor, the Office of the Director of Public Prosecutions, Concern Worldwide and at the Courts Service, and is a member of the Audit Committee of DIT. He chaired the Audit Committees at the Houses of the Oireachtas and the Department of Education and Science from 2004 to 2009.

Helen O'Neill

Helen O'Neill was appointed a Commissioner in 2006. She 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 has been 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 Vidzema University, Latvia. She has carried out assignments for international organisations (including the World Bank and UN Industrial Development Organisation) 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 EU Directorate General of Development.

Professor O'Neill has represented the IHRC as advisor on human rights issues in a number of developing countries. She is currently a consultant to Irish Aid. She has published widely on topics in development, human rights 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).

Gerard Quinn

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.

Roger Sweetman

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.

Katherine Zappone

Katherine Zappone was first appointed a Commissioner in 2001 and re-appointed in 2006. Dr Zappone is Director of 'The Centre for Progressive Change' offering services to individuals, groups and organisations who are building a new social order in Ireland, based on the principles of social justice, equality and human rights. 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 transformative 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. Her most recent publication is authored with her spouse, Anne Louise Gilligan: *Our Lives Out Loud: In Pursuit of Justice and Equality*. She holds a PhD in Education and Religion from Boston College.

Appendix 2 - IHRC Committees as of 31 December 2009

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

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

1. 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;
2. 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:
 - a. to consider and approve budgets;
 - b. 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;
 - c. to review controls and procedures in place and to recommend any changes and improvements that can be made thereon as appropriate;
3. To report to the Commission on any pertinent financial or corporate governance matters throughout the year;
4. To review the IHRC obligations in relation to matters of Risk Management and brief the Commission on risk compliance.

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.

Following a review of Committee structures, this Committee was dissolved on 18 March 2009. The issues which had been the subject of its work were mainstreamed into the work of other Committees.

3 Racism, Trafficking & Migration Committee**Members:**

Michael Farrell (Convenor), Rosemary Byrne, 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 (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.

Note: The Committee was renamed the *Justice Committee* on 16 March 2009.

5 Casework Committee:

Members:

Maurice Manning (Convenor), Conleth Bradley, Roger Sweetman.

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.

6 Awareness and Education Committee

Members:

Katherine Zappone (Convenor), Olive Braiden (co-Convenor), Suzanne Egan, Tom O'Higgins, Helen O'Neill.

Terms of Reference:

- To guide education work and to advise on strategy and policy to increase the IHRC's public presence.

Appendix 3 - IHRC Staff in 2009

Éamonn Mac Aodha	Chief Executive
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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 (until December 2009)
David Carolan	Administrator (Finance and Human Resources)
Karine Petrasuc	Desk Officer
Aideen Damery	Clerical Officer
Sharon Brooker	Clerical Officer

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 (until January 2009)
Winnie Donoghue	Human Rights Education Fellow
Danielle Kennan	Human Rights Policy Fellow (until March 2009)
Órla Ní Chuilleanáin	Human Rights Policy Fellow

Appendix 4 - Dr Maurice Manning, President of the IHRC - Engagements in 2009

20 January	Meeting with Secretary General, Dept of Foreign Affairs, Dublin
21 January	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Belfast
25 January	Attendee: National Holocaust Memorial Day, Mansion House, Dublin
2 February	Meeting with RUHAMA, Jervis House, Dublin
3 February	Meeting with President & Chief Executive, Irish Association of Social Workers, Jervis House, Dublin
4 February	Meeting with Irish Hospice Foundation, Dublin
6 February	Attendee: Lecture by Mrs Mary Robinson, Trinity College, Dublin
9 -10 February	Meeting with Scottish Human Rights Commission, Jervis House, Dublin
11 February	Chair: European Co-ordinating Committee Meeting, Berlin
2 March	Meeting with Irish Hospice Foundation, Dublin
3 March	Guest Lecture: <i>Law, Politics and Human Rights</i> , Law Faculty, University College Dublin, Dublin
6 March	Dinner for Commissioners and Chief Executives of the Northern Ireland Human Rights Commission and the Irish Human Rights Commission hosted by President McAleese, Áras an Uachtaráin, Dublin
11 March	Speech: Launch of the Forum on End of Life in Ireland, Irish Hospice Foundation, Royal Hospital Kilmainham, Dublin
12 March	Speech: <i>Irish Politics, Economy and Society, 1958-2008</i> Conference to honour the contribution of Professor Tom Garvin to the study of politics in Ireland, University College Dublin, Dublin
18 March	Meeting with Kathleen O'Toole, Inspector of Policing, Dublin
22–26 March	International Coordinating Committee of National Human Rights Institutions Meeting and Chair, European Group Meeting, Geneva

30 March	Human Rights Students Visit from University College Dublin, Jervis House, Dublin
31 March	Meeting with the Garda Ombudsman, Dublin
3 April	Launch of the Centre for Disability Law & Policy, National University of Ireland, Galway
	Law Society of Ireland Annual Dinner, Dublin
7 April	Meeting with Judge Elizabeth Palm, Member, UN Human Rights Committee, Dublin
20 April	Speech: Launch of IHRC Policy Statement on Human Rights Compliance of An Garda Síochána, Jervis House, Dublin
21 April	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Jervis House, Dublin
24 April	Speech: Irish Association of Social Workers Annual Conference, Dublin
29 April	Attendee: Launch of " <i>Edward Phelan and the ILO The Life and Views of an International Social Actor</i> ", Mansion House, Dublin
5 May	Ethiopian Commission for Human Rights, Visit to the IHRC, Jervis House, Dublin
8 May	Attendee: Front Line Award for Human Rights Defenders at Risk, City Hall, Dublin
	Opening of School Education Premises, University College Dublin, Dublin
12 May	Meeting with the Garda Síochána Ombudsman Commission Consultative Group, Dublin
25 – 26 May	Speech: International Conference on the 5th anniversary of establishment of the Human Rights Defender's Institution in Armenia, Yerevan
22 June	Meeting with Kenyan Ambassador, Dublin
23 – 24 June	Four Jurisdictions Conference, Scottish Human Rights Commission, Edinburgh
28 – 30 June	Chair: Fundamental Rights Agency, European Group Meeting (Vienna)
2 July	Meeting with UCD School of Law, UCD Clinton Auditorium, Belfield, Dublin

7 July	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Belfast
9 July	Speech: Launch of IHRC Annual Report, Jervis House, Dublin
13 July	Meeting with An Taoiseach, Dublin
17 July	Meeting with Irish Penal Reform Trust, Dublin
23 July	Meeting with Melanie Verwoerd, Executive Director of UNICEF, Dublin
27 July	Meeting with Director and interns, Refugee Information Service, Dublin
28 July	Attendee: Launch of Consultation Paper ' <i>Legal Aspects of Carers</i> ', Law Reform Commission, Dublin
29 July	Attendee: Launch of Consultation Paper ' <i>Limitations of Actions</i> ', Law Reform Commission, Dublin
29 Aug	Speech: McCluskey Civil Rights Summer School, " <i>Is There a North-South Dimension to the Protection of Rights?</i> " Holy Trinity Church, Carlingford
31 Aug	Meeting with Lesotho Ambassador, Dublin
3 September	Welcome Reception for the Political Officer Todd Huizinga, and Public Affairs Officer, Karyn Posner-Mullen at the American Ambassador's Residence, Phoenix Park, Dublin
10 September	Attendee: Presentation of the publication <i>United Nations Convention on the Rights of Persons with Disabilities</i> to President Mary McAleese by Professor Gerard Quinn, Áras an Uachtaráin, Dublin
15 September	Visit of the Netherlands National Human Rights Institution to the IHRC, Jervis House, Dublin
23 – 26 September	Speech: Ante Čičin-Šain Lecture, Zagreb
29 September	Speech: Human Rights Lecture, Irish Centre for Human Rights, National University of Galway, Galway
30 September	Lecture: Law School, University of College, Dublin
6 October	Attendee: Launch of ' <i>Political Woman</i> ', by Nuala Fennell, St Stephen's Green Hibernian Club, Dublin

7 October	Speech on ' <i>The Human Rights Agenda in a Time of Recession</i> ' to Listowel Rotary Club, Listowel
8 October	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Dublin
12 October	Speech: Launch of <i>Satow's Diplomatic Practice</i> Edited by Sir Ivor Roberts, National University of Ireland, Dublin
13 October	Meeting with British Ambassador, Jervis House, Dublin
15 October	Speech: 'Insight Debate Series', National College of Ireland, Dublin
16 October	Lecture: ' <i>Development and Human Rights</i> ', Development Aid Students, University College Dublin, Dublin
19 October	Speech: 39 th Plenary Session of the British Irish Parliamentary Assembly; <i>The role of the Joint Committee of the Irish Human Rights Commission and the Northern Ireland Human Rights Commission</i> , Swansea Marriott Hotel, Swansea
20 October	Attendee: Launch of ' <i>Inspector Mallon</i> ' by Donal McCracken by Conor Brady, Commissioner, Garda Síochána Ombudsman Commission, National University of Ireland, Dublin
24 October	Attendee: St Luke's Day Admission Ceremony, Reception and Dinner, Royal College of Physicians of Ireland, Dublin
1 – 2 November	Chair: Finance Committee, International Coordinating Committee of National Human Rights Institutions, Rabat
5 November	Attendee: UCD Dinner for Participants at the UCD Law School Joint Conference with the Irish Human Rights Commission and the Northern Ireland Human Rights Commission on the theme 'Charter of Rights for the Island of Ireland', Dublin
6 November	Chair: UCD Law School Joint Conference with the Irish Human Rights Commission and the Northern Ireland Human Rights Commission on the theme 'Charter of Rights for the Island of Ireland', Newman House, Dublin
7 November	Speech: ' <i>Education and Social Recovery</i> ', ASTI Education Conference, O'Reilly Hall, University College Dublin, Dublin
9 November	Presentation: Civic Reception Ceremony, Carlow County Council, Carlow
10 November	Meeting with Imran Ahmed, Foreign Affairs & Press Desk,

	Ahmadiyya Muslim Association, Dublin
11 November	FETAC Certificates Presentation, St Basils Training and Education Centre, Stillorgan, Dublin
12 November	Attendee: Inn of Court, Belfast
13 November	Lunch meeting with Association of European Journalists, Dublin
16 November	Chair: Bulgarian Seminar, University College Dublin
17 November	Farewell Dinner for Danish Ambassador, Dublin
18 November	Meeting with Angela Hegarty, ICCL Evaluator, Dublin
	Attendee: Dictionary of Irish Biography, Launch, Dublin Castle, Dublin
20 November	Attendee: J Maurice Kelly Lecture, University College Dublin, Dublin
	Dinner with United Nations High Commissioner for Human Rights, Law Society of Ireland, Dublin
21 November	Chair: ' <i>Economic, Social and Cultural Rights: Making States Accountable</i> ', Joint IHRC and Law Society of Ireland Annual Human Rights Conference, Blackhall Place, Dublin
23 November	Meeting with Nigerian Ambassador, Dublin
3 December	Speech: " <i>Fundamental Rights in the European Union: New Challenges and Old Issues for the Union and Member States</i> " European Union Fundamental Rights Agency Irish Roundtable, National University of Ireland, Maynooth, Maynooth
4 December	Breakfast meeting with Fundamental Rights Agency, Dublin
8 December	'Tribute to Human Rights Defenders', Royal Embassy of the Netherlands, Dublin
9 December	Speech: Annual Human Rights Seamus Heaney Lecture, National Gallery of Ireland, Dublin
10 December	Speech: ' <i>Human Rights and Equality in the Recession: Challenges and Opportunities</i> ', Irish National Teachers Organisation, Dublin
14 – 16 December	Speech: OHCHR Regional Human Rights Mechanisms Meeting, Strasbourg, Dublin

Appendix 5 - Mr Éamonn Mac Aodha, Chief Executive of IHRC – Engagements in 2009

21 January	Joint Committee Meeting with the Northern Ireland Human Rights Commission, NIHRC, Belfast
2 February	BelonG To Youth Service and Glen: Launch of Study: <i>Supporting LGBT Lives: A Study of Mental Health and Well-Being of Lesbian, Gay, Bisexual and Transgender People</i> , Royal College of Physicians, Dublin
5 March	Address to Law students, Trinity College, Dublin
6 March	Dinner for Commissioners and Chief Executives of the Northern Ireland Human Rights Commission and the Irish Human Rights Commission hosted by President McAleese, Áras an Uachtaráin, Dublin
2 April	Children's Rights Alliance Biennial Symposium, Dublin Castle, Dublin
6 April	ICCPR follow-up Conference, Radisson Hotel, Dublin
8 April	Launch of <i>FIND YOUR WAY</i> , Citizen's Information Board, Dublin
20 April	Speech: Launch of IHRC Policy Statement on Human Rights Compliance of An Garda Síochána, Jervis House, Dublin
21 April	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Dublin
25 April	Free Legal Aid Centres 40 th Anniversary Celebrations, Mansion House, Dublin
5 May	Ethiopian Commission for Human Rights, Visit to the IHRC, Jervis House, Dublin
8 May	Attendee: Front Line Award for Human Rights Defenders at Risk, City Hall, Dublin Opening of School Education Premises, University College Dublin, Dublin
15 June	Launch of Amnesty International's Mental Health Campaign, Dublin
23 June	Association of Chief Executives of State Agencies - Breakfast Briefing by Ombudsman Emily O'Reilly on <i>Freedom of Information and its implications in 2009</i> , Westbury Hotel, Dublin
23 June	Seminar hosted by IHRC, Immigrant Council of Ireland and Centre for Post-conflict Justice on <i>Sex Trafficking and Prostitution: The Dilemma of Demand</i> , Trinity College, Dublin

24 June	Four Jurisdictions Conference, Scottish Human Rights Commission, Edinburgh
7 July	Joint Committee Meeting with the Northern Ireland Human Rights Commission, Belfast
7 July	Launch of Combat Poverty Annual Report, Dublin
20 July	Conference on Transforming Public Service, Dublin Castle, Dublin
1 September	UCD School of Law Annual Dinner, Hilton Hotel, Dublin
9 September	Law Reform Commission Consultation Launch, Dublin
15 September	Visit of the Netherlands National Human Rights Institution to the IHRC, Jervis House, Dublin
22 September	Launch of Universities of Ireland Scholars at Risk Section, Trinity College, Dublin
7 October	Address to Garda Síochána Ombudsman Commission, GSOC, Dublin
19 October	39 th Plenary Conference of the British-Irish Parliamentary Assembly, Swansea
3 November	Seminar on Geneva Conventions hosted by Irish Red Cross, Dublin
5 November	Lecture by Professor Brendan O'Leary, UCD, Dublin Attendee: UCD Dinner for Participants at the UCD Law School Joint Conference with the Irish Human Rights Commission and the Northern Ireland Human Rights Commission on the theme 'Charter of Rights for the Island of Ireland', Dublin
6 November	Chair: UCD Law School Joint Conference with the Irish Human Rights Commission and the Northern Ireland Human Rights Commission on the theme 'Charter of Rights for the Island of Ireland', Newman House, Dublin
11 November	Launch of National Centre for the Protection of Older People, Dublin
12 November	Launch by Institute of Public Administration of <i>Chairperson's Guide to Good Governance</i> , IPA, Dublin
21 November	Department of Foreign Affairs NGO Forum on Human Rights, Royal Hospital Kilmainham, Dublin

Chair: '*Economic, Social and Cultural Rights: Making States Accountable*', Joint IHRC and Law Society of Ireland Annual Human Rights Conference, Blackhall Place, Dublin

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| 2 December | Conferring of NUI Honorary Degrees, RHK, Dublin |
| 3 December | European Union Fundamental Rights Agency, Irish Roundtable, NUI Maynooth, Maynooth |
| 7 December | Launch of <i>Research Rape & Justice in Ireland: A national study of survivor, prosecutor and court responses to rape</i> , Royal College of Nursing in Ireland, Dublin |
| 9 December | Speech: Annual Human Rights Seamus Heaney Lecture, National Gallery of Ireland, Dublin |
| 22 December | Launch of Law Reform Commission <i>Consultation Paper on Children and the Law</i> by Minister for Children, Barry Andrews TD, Dublin |

Appendix 6 - The Paris Principles

Principles relating to the Status of National Institutions (The Paris Principles)

Adopted by General Assembly resolution 48/134 of 20 December 1993

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those

instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;
- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- (d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

Appendix 7 – Draft Financial Statements for Year ended 31 December 2009

The accounts presented in this Annual Report appear in a draft pre-audited form. The financial statements have been prepared in accordance with Section 16 of the Human Rights Commission Act 2000 and submitted to the Office of the Comptroller and Auditor General for audit. At the time of publication, the draft statements had yet to be cleared.

Statement of the Responsibilities of the Human Rights Commission

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

In preparing those statements, the Commission is required to:

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

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

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

On behalf of the Commission,

Dr. Maurice Manning
President

Date

Éamonn Mac Aodha
Chief Executive

Date

Statement on Internal Financial Control

Responsibility for the Systems of Internal Financial Controls

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

The 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.

(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, Audit, Risk and General Purposes 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, Audit, Risk and General Purposes Committee and the comments made by the Comptroller and Auditor General in his management letter or other reports.

Annual Review of Controls:

The Human Rights Commission conducted a review of the effectiveness of the system of internal financial controls during 2009.

On behalf of the Human Rights Commission,

Dr. Maurice Manning
President

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 2009 to 31 December 2009.

Basis of Accounting

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

Oireachtas Grants

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

Tangible Fixed Assets

Tangible fixed assets are stated at cost less accumulated depreciation. Depreciation is calculated in order to write off the cost of tangible fixed assets over their estimated useful lives as follows.

Buildings:	4%
Office Furniture:	20%
Fixtures & Fittings	20%

Capital Account

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

Pensions

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

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Income & Expenditure Account for the year ended 31 December 2009

	Notes	2009 €	2008 €
INCOME			
Oireachtas Grant Received		1,596,000	2,342,000
Transfer to Capital Account	(9,814)	(25,497)	
Amortisation of Grants in year	49,817	40,003	29,017
Net Deferred Funding for Pension	8 (d)	75,100	57,000
Refunded E'ee Contributions to the Dept. of Finance		(36,800)	(35,800)
Rent Received		21,200	7,067
Contribution		0	31,292
Bank Interest Receivable		242	4,312
Total Income for year		1,695,745	2,434,888
=====			
EXPENDITURE			
Staff Salaries	1	1,124,986	1,193,551
Commissioner Fees	2	221,563	236,148
Support for the European Group		0	30,749
Joint Committee		1,102	12,486
Pension Costs	8 (a)	38,300	21,200
Research		0	69,195
Conferences		2,712	45,370
Media & Consultancy		0	42,698
Heat and Light		11,068	16,680
Office Requirements		16,421	33,938
Cleaning		4,624	7,213
Premises	3	213,612	343,325
Printing and Publishing		6,083	27,578
IT & Support		28,517	15,748
Library		0	16,125
Telephone		11,161	13,041
Post and Packing		2,147	5,875
Bank Charges		623	576
Insurance		20,289	5,283
General Expenses		4,439	1,786
Training		3,491	7,185
Subsistence		11,161	15,642
Advertising		0	14,072
Legal Fees	10	(11,171)	148,638
Audit Fee		7,849	8,350
Accountant's Fees		10,564	14,981
Depreciation Charge		49,817	54,514
Total Expenditure		1,779,357	2,401,947
Surplus / (Deficit) for the year		(83,613)	32,941

Balance brought forward from prior year	51,357	18,416
Balance carried forward at the end of the year	<u>(32,256)</u>	<u>51,357</u>

Statement of Total Recognised Gains and Losses

(Deficit) / Surplus for the year	(83,613)	32,941
Actuarial Loss/(gain)on Pension Liabilities	41,900	18,100
Adjustment to Deferred Pension Funding	(41,900)	(18,100)
Total Recognised (Loss) / Gain for the year	<u>(83,613)</u>	<u>32,941</u>

The Statement of Accounting policies and principles and notes 1 to 11 form part of these accounts.

Signed:

Dr. Maurice Manning
President

Éamonn Mac Aodha
Chief Executive

Date: ____/____/2010

Balance Sheet as at 31 December 2009

		2009	2008
		€	€
Fixed Assets	4	685,923	725,926
Current Assets			
Cash at Bank and on Hand		411,799	339,564
Debtors	5	1,767	0
		<u>413,566</u>	<u>339,564</u>
Current Liabilities			
Creditors & Accruals	6	(445,821)	(288,207)
Net Current Assets		<u>(32,256)</u>	<u>51,357</u>
Net Assets Before Pensions		<u>653,667</u>	<u>777,283</u>
Deferred Funding Asset for	8 (c)	502,000	348,200

Pensions			
Pension Liabilities	8 (b)	(502,000)	(348,200)
Net Assets		<u>653,667</u>	<u>777,283</u>
Represented by			
Capital Account	9	685,923	725,926
Income & Expenditure Surplus/(Deficit)		(32,256)	51,357
		<u>653,667</u>	<u>777,283</u>

The statement of accounting policies and principles and notes 1 to 11 form part of these accounts.

Signed:

Dr. Maurice Manning
President

Éamonn Mac Aodha
Chief Executive

Date: ____/____/2010

Notes to the Financial Statements for the Year Ended 31 December 2009

1 Salaries

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

The salaries figure includes an annual payment, equivalent to that of a Judge of the High Court, to the President as approved by 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.

A number of Commissioners undertook a voluntary reduction in fees during the year.

3 Operating Lease

The Human Rights Commission holds a 25 year lease from 8 October 2003, in respect of office accommodation in Jervis House. The annual cost of the lease is €301,383.

Following a substantial reduction in the grant-in-aid available to the Commission in 2009, officials from the Department of Justice, Equality and Law Reform met with the landlord and negotiated a deferral of payments to 2012 on an interest free basis. After this meeting the Department made

a contribution of circa 142K towards Commission rent and agreed that 25% of the rent for the years 2009, 2010 and 2011 be deferred until 2012 on an interest free basis.

The 2009 deferred amount is included in the accruals figure.

4	Fixed Assets	Buildings SL Over 25 Yrs	Equipment 20% RB	Fixtures 20% RB	Total
	<u>Cost</u>	€	€	€	€
	Balance 1st January	726,741	114,848	138,589	980,178
	Additions	9,814	0	0	9,814
	Disposals	-	-	-	-
	Balance 31 December	736,555	114,848	138,589	989,992
	<u>Accumulated Depreciation</u>				
	Balance 1st January	102,592	71,853	79,807	254,252
	Charge for the year	29,462	8,599	11,756	49,817
	As at 31 December	132,054	80,452	91,563	304,069
	<u>Net Book Value</u>				
	Balance 31 December 2009	604,501	34,396	47,026	685,923
	Balance 31 December 2008	624,149	42,995	58,782	725,926
5	Debtors	2009	2008		
		€	€		
	Debtors	0	0		
	Prepayments	1,767	0		
		<u>1,767</u>	<u>0</u>		
6	Creditors & Accruals within one year	2009	2008		
		€	€		
	Trade Creditors - (Purchases due at year end)	3,440	81,952		
	IHRC HR Education Project	164,369	0		
	PAYE/PRSI	57,343	52,770		
	Pension Levy	323	0		
	Fees owing to Commissioners	31,712	33,229		
	PSWT payable	-	2,104		
	Accruals	188,634	118,151		
		<u>445,821</u>	<u>288,207</u>		
7	IHRC Education Project	2009	2008		
		€	€		

Funds Received	175,000	-
Expenses		
-Advertising	(10,631)	-
Balance	<u>164,369</u>	<u>-</u>

The IHRC Human Rights Education project is an IHRC project which Atlantic Philanthropy has agreed to support. €250,000 has been designated by Atlantic Philanthropy for the completion of this project which is due to run until mid 2011.

8 Superannuation

(a) Analysis of total pension costs charged to Expenditure

	<u>2009</u>	<u>2008</u>
	€	€
Current service cost	56,000	41,900
Interest on pension scheme liabilities	19,100	15,100
Settlement	-	-
Employee contribution	(36,800)	(35,800)
Total operating charge	<u>38,300</u>	<u>21,200</u>

(b) Movement in net pension liability during the financial year

	<u>2009</u>	<u>2008</u>
	€	€
Surplus / (Deficit) in Scheme liability at 1 January	(348,200)	(273,500)
Current service cost	(56,000)	(41,900)
Settlement	-	-
Interest cost	(19,100)	(15,100)
Actuarial loss / (gain) recognised in STRGL	(41,900)	18,100
Employee contributions	(36,800)	(35,800)
Net Pension Surplus at 31 December	<u>(502,000)</u>	<u>(348,200)</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 2009 amounted to €502,000 (2008: €348,200).

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

	<u>2009</u>	<u>2008</u>
	€	€
Funding recoverable in respect of current year pension costs	75,100	57,000

75,100

57,000

(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 2009 based on final projected salaries is given in the table below.

The main financial assumptions used were:	<u>2009</u>	<u>2008</u>
Discount rate	5.10%	5.50%
Rate of increases in salaries	4.00%	4.00%
Inflation	2.25%	2.00%
Mortality Table	62% of PNML00	62% of PNML00
	70% of PNFL00	70% of PNFL00
Improvements	0.39% pa	0.39% pa
Life expectancy Male age 65	21.50	21.50
Life expectancy Female age 65	23.20	23.10

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 2009 under an amendment to FRS 17.

2	Capital Account	<u>2009</u>	<u>2008</u>
		€	€
	Opening Balance	725,926	754,943
	Transfer from/(to) Income and Expenditure		
	Portion of grant awarded used for capital purposes	9,814	25,497
	Amortised in the year in line with asset depreciation	<u>(49,817)</u>	<u>(54,514)</u>
	Net movement in year	<u>(40,003)</u>	<u>(29,017)</u>
	Closing balance	<u>685,923</u>	<u>725,926</u>
10	Legal Fees	<u>2009</u>	<u>2008</u>

Enquires	0	10,000
Amicus Curiae	132	95,186
Legal Assistance	(16,191)	109,805
Legal Fees General	4,888	11,589
Legal Fees Refunded	0	(77,942)
	<u>(11,171)</u>	<u>148,638</u>

11 Approval

The financial statements were approved by the Commission on _____ and signed on its behalf by:

Signed:

Dr. Maurice Manning
President

Eamonn Mac Aodha
Chief Executive