



AN COIMISIÚN UM CHEARTA AN DUINE
IRISH HUMAN RIGHTS COMMISSION

Annual Report 2010 Launch

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Address by Éamonn Mac Aodha

Chief Executive of the Irish Human Rights Commission

Minister, members of the diplomatic corps, Ladies and Gentlemen, I would like to reiterate the President's welcome to you all, and particularly to once again thank Minister Shatter for his presence here today.

In his remarks the President of the Commission has highlighted the Commission's overall record and flagged some key issues for the future.

In these short remarks I will deal primarily with the achievements and challenges of 2010 as outlined in the annual report but I wanted to begin by highlighting one other change which we are proposing that would greatly benefit the Commission – and which has the potential to ensure an improved whole-of-government engagement with human rights.

As in previous years, we have made many recommendations to Government in 2010 where changes need to be made. The impact of those recommendations could be enhanced were the Government to further demonstrate its commitment to the work of the Commission, by putting in place a mechanism to ensure that all our recommendations are fully considered.

The Commission is therefore urging the Minister to introduce a cabinet memorandum requiring all IHRC recommendations to be considered and responded to by the relevant Department or agency. Such a move would firmly demonstrate the State's commitment to human rights and the work of the Commission.

Turning to specific achievements of 2010 these included the launch of a Human Rights Education and Training Project (HRETP) – undertaken with philanthropic support. Like the proposal I have just referred to for a cabinet memorandum the aim of the HRETP is to promote a policy shift towards better integration of human rights standards in law, policy and practice, and lead to a culture of human rights across the civil and public service.

One of the first concrete actions of the Human Rights Education and Training Project was to publish a 'Human Rights Guide for the Civil and Public Service', 4,000 copies of which have been distributed to Government Departments and the wider public sector, including to every Garda station in the country. We have also provided tailored face-to-face training to over 400 civil and public servants.

Civil and public servants are pivotal to the delivery of human rights protection in Ireland and we look forward to working with them on this exciting project as it unfolds. The next 2 year phase of the project, for which we have just secured further ring-fenced philanthropic funding, will focus on providing education and training to the justice sector.

In other activities in 2010, the Commission reported to the UN Committee on the Elimination of Racial Discrimination on Ireland's record on non-discrimination. The report, published on Human Rights Day 2010, outlined gaps in human rights protection for a range of groups. The impact of our report, and subsequent briefing to the Committee is reflected in its Concluding Observations on Ireland. This kind of engagement with international treaty bodies has the potential to have a direct influence on human rights in Ireland.

Also with philanthropic support, we engaged actively in 2010 with the United Nations Universal Periodic Review (UPR) process. In October, this process will examine Ireland's

entire human rights record for the first time. To inform our own report to the UN, we consulted with the community and voluntary sector and other stakeholders and promoted greater involvement by civil society with the review process. As Ireland's National Human Rights Institution, the UN recognises the specific and important role of the Commission in this process.

In our report under UPR we highlighted major gaps in human rights protection in Ireland and made 35 recommendations for change. In addition to this report, we have also called on the Government to avail of the opportunity to make *voluntary* commitments to improving human rights in Ireland and have suggested 15 steps which the President referred to earlier.

Dealing with individual human rights concerns is a fundamental aspect of the work of the Commission. Under our legal powers, the Commission received 464 communications from organisations and members of the public on a range of human rights issues in 2010. We have particularly seen that there has been an increase in communications concerning economic and social rights. These issues relate to areas including public housing, health, and social welfare.

In March 2010, using our enquiry powers, we published our third major enquiry report. This in-depth report, following an approach by a parents group, reviewed services for people with a severe to profound intellectual disability in a residential, day care and respite centre in Co Galway. The situation in this and many residential centres around the country is critical. At the launch of our Enquiry Report, the charity which runs the centre and the HSE committed themselves to moving forward with the Commission's recommendations.

While several of our recommendations were implemented, as we advised the Oireachtas Committee on Health and Children earlier this year a number of the systemic issues that we identified had yet to be addressed. Chief among these is the re-framing of the service

agreements between the State and the private charities which run such centres to ensure that services and funding are bottom-up rather than top-down.

We also highlighted the lack of independent inspections by the Health Information and Quality Authority (HIQA) and in this regard we welcome the Government's recent commitment to activate the relevant part of the Health Act 2007 to allow HIQA monitor such services.

We have been heartened by the positive engagement we received from those concerned, and will continue to work to ensure that our recommendations are implemented so that the lives of people living in this and other care homes, and their families, are improved.

We have also seen real progress made following our work last year on the Magdalene laundries. In November, following a request from the Justice for Magdalenes (JFM) group, the Commission carried out an assessment of the human rights issues for women and girls in Magdalene laundries. In June this year the UN Committee Against Torture made similar findings to those of the IHRC, and went even further in calling for prosecutions. We welcomed the new Government's announcement that it would address some of the relevant issues through the establishment in the first instance of an Inter-Departmental committee to be chaired by Senator Martin McAleese. We will continue to monitor these developments and we are available to provide input to Senator McAleese's work.

Also in November we co-hosted, with the School of Law, Trinity College Dublin, a major conference on religion and education. This initiative was on the basis of increased complaints to the Commission from parents of children from a minority faith/no faith in relation to the teaching of religion in schools. Since then, following a consultation period, we launched our report *Religion and Education: a human rights perspective* in May this year. This report is being considered by the Government and by the Forum on Patronage and Pluralism in the Primary Sector, chaired by Professor John Coolahan, which is to report to Government later this year.

During the year the Commission continued to engage actively before the Superior Courts as *amicus curiae* or friend of the Court. Two of these cases are of note in this regard: *E.D. v Director Public Prosecutions*, which dealt with a particular requirement for foreign nationals to produce identity documents under our immigration law and *J.B. v Mental Health (Review Board) & Others*, where the operation of the Mental Health (Criminal Law) Review Board was at issue. Both cases have led to positive changes in the relevant law.

While we consider that these are particular achievements in a busy year, these highlights represent only some of the Commission's work in 2010.

Following well known reductions in our income, totalling over 40% in recent years, we had a budget of only €1.5million to work with in 2010. We have made every effort to achieve maximum savings across all areas, and have operated for almost three years now on a skeleton budget. The impact of the public service recruitment embargo is also becoming a major concern for the Commission.

I think however, that despite these enormous challenges, that the work of the Commission in 2010 contributed to actual and potential improvements in the lives of people.

Finally, having now completed nearly four years as Chief Executive, I would like to again express my thanks to the President for his ongoing support and encouragement, and to Commissioners, staff, and especially those that have given of their time voluntarily for their energy and commitment, most particularly in these testing times. The breadth of activity across all of the Commission's strategic objectives, as set out in this report, bears clear testimony to their hard work and dedication.

Thank You.