



IHRC Annual Report 2011 Launch
Address by Dr Maurice Manning, IHRC President

25 June 2012

Check Against Delivery

Minister, Members of the Oireachtas, Members of the Judiciary, representatives of the Diplomatic Corps, Distinguished Guests, Ladies and Gentlemen. I am delighted to welcome you to the launch of our Annual Report for 2011. I am delighted the Minister will launch the report today and am particularly delighted to welcome Judge Donal Barrington, the first President of the Commission whose independence and commitment set the tone for the work of the IHRC.

This is a particularly poignant event for us as it is likely to be the last Annual Report launched by the Irish Human Rights Commission. As you will all no doubt be aware, it has been proposed by the Government that the

Commission be merged with the Equality Authority, and this will likely take place early next year.

It is in the context of the merger, the end of the Commission as we know it and the end of my term as President that I speak to you today, both to highlight some of the achievements of the Commission, and some of the concerns I have for the future merged institution. We have taken the opportunity of this launch to also provide an overview of some of the highlights of the Commission's work over the past 12 years, and I invite you all to take a copy with you today.

In ten years as President of the Commission, I have seen very many changes in the human rights situation in Ireland. Much of it has been positive. But as can be seen from the section of our Annual Report on Human Rights in Ireland in 2011, many people are still denied their rights to live freely as full members of society and the financial crisis and economic recession has exacerbated the situation for many.

The primary duty to uphold human rights lies with the State. The primary duty of a National Human Rights Institution such as the Irish Human Rights

Commission is to hold the State to account in relation to human rights. This is not an easy task but one which I see as a fundamental duty for an independent National Human Rights Institution. Indeed, National Human Rights Institutions exist to ensure that the State is fulfilling its duties, to challenge it when it is not, and to promote human rights in general in the State.

There is clearly still a need for a robust independent statutory institution that promotes and protects human rights in Ireland. There can be no doubt that one of the key lessons of recent years in this country is that independent scrutiny of the State is not only healthy, but is essential for Ireland's future wellbeing. The Commission's record in this regard is clear and we are well placed to continue vigorous impartial oversight of the State's activities on human rights in the years ahead. This however will depend on the strength and independence of the merged body. It will also depend on the resources it receives. A National Human Rights Institution cannot be expected to function without adequate resources as we have been for several years now. If this situation continues with the new body, it risks undermining the Government's stated commitments to human rights in Ireland and risks creating an institution that cannot fulfill its statutory mandate.

Among its values, the IHRC has always seen two as of particular importance. The first is the quality and authority of its work. From the outset, the IHRC was determined that its work, whether in legislative scrutiny, enquiries, litigation, awareness or education, would be founded on national and international human rights law and that its integrity would be capable of withstanding the most intense legal scrutiny. We have aimed not to duplicate but rather work in full co-operation with a wide range of statutory bodies and civil society organisations. I am delighted that so many of you are here today.

May I at this point say a word about staffing. I have never worked with better staff than I have at the IHRC, from our CEOs to our wonderful, talented and enthusiastic interns. Two qualities in particular characterise the work of our staff. The first is their expertise, authority and personal competence. Their work allows the Commission speak with authority. The second characteristic is their passion for human rights. Everybody who works here, and all those who have worked here in the past have done so because of their belief in human rights; because this is where they want to be, because this is what they want to do. For them their work is truly vocational.

But this would not be possible if the Commission was not in a position to independently hire its own staff at all levels. That absolutely must continue to be the case, both from a functioning and from a credibility perspective. There must never be a situation where staff are moved in or out of the new Commission as part of a wider governmental or departmental staffing strategy. I say this not in any precious or self serving way but because it is fundamental to the Paris Principles as well as to the effective functioning of the new body.

But let me at this stage make a few personal and valedictory reflections.

Over the past ten years I have come to the view that our original legislation - the Human Rights Commission Act 2000 - was a very good piece of legislation. This view is shared by the UN which sees it as a model for new emerging commissions and is on record in so saying. The Act reflects great credit on its drafters in the Department of Justice and on the Minister who introduced it, John O' Donoghue T.D. It is a matter of concern to me that the definition and scope of human rights in the new proposed legislation is

narrower and more restrictive for our legal powers than in the 2000 Act. Minister, perhaps you could reassure us on that score.

May I next turn to the question of Commissioners. We have been very fortunate in the quality and commitment of our Commissioners over these past years. They have been truly outstanding in a variety of ways - and the variety of membership was an essential element in this. That variety ensured both breadth and depth, that there was academic expertise and civil society insight and experience. But most of all there was a sense of integrity and independence, indeed solidarity and common purpose.

The Minister is putting in place a selection process for the new body which I believe can be open and transparent with the right Oireachtas involvement and which I welcome. I will say only one thing to that committee when it starts its work and that word is balance. The new Commission will need heavy hitting legal expertise as well as coal face experience; it must be capable of standing above sectional interests and ensuring the primacy of human rights and equality principles on all the issues it has to deal with. But on this question it will not be the Minister's fault and I have confidence in the proposed process.

The fourth and final observation I want to make concerns the role of the Oireachtas. I very early on came to the view, which has hardened over the years, that the Commission should have an organic link, not with a Government Department but with the national Parliament - the Oireachtas. Human rights, and even more so human rights and equality issues permeate very many aspects of the work of Parliament. A strong Commission should be in a position to feed into the everyday detailed work of Parliament, to be its expert, independent, public adviser on human rights issues, to provide guidance where appropriate-and ultimately itself to be accountable to a strong all-party human rights committee. The Minister is going some way in that direction. I hope his colleagues in both Houses push him even further.

But I think there is a stronger and more imaginative role open to the Oireachtas in the current process. I believe a human rights and equality Commission directly accountable to Parliament but also involved in a meaningful positive way in the work of that Parliament carries an enhanced sense of authority. And almost as important it adds significant value to the work of that Parliament.

The Minister has said - and I believe him - that the new Bill will be subject to full parliamentary scrutiny. I very much welcome this because I believe such scrutiny combined with full debate will mean a better Act. It is important to remind people - some people at least - that a Bill does not leave a Department in a full and perfect state. And herein often lies a real danger - those most involved in the drafting and preparation of a Bill become very attached to it and may resent criticism. That is not what parliamentary democracy should be about.

And for two reasons in particular I believe the Oireachtas will take its role seriously.

I believe there is a big difference between the Oireachtas of 1999 and the current Oireachtas in this area. Then there was little real knowledge of what a Human Rights Commission might look like and what it might do. The debate - and I was there - reflected this. Today there is a wider knowledge of human rights and equality issues and that a full debate will produce a better body and one over which the Oireachtas can feel a sense of genuine ownership.

The second reason I am hopeful of this is you, Minister. We have known each other a long time and I actually think you are a genuinely reforming Minister. You have played a straight bat with us in this process. Your working group did an honest and public spirited job, even if I strongly disagree with some of its recommendations. But what makes you different Minister from many other ministers (speaking historically, of course) is your respect for parliament and the parliamentary process. You were a backbencher; you were in opposition. You saw and you resented bills being guillotined and rubber stamped. You have a unique record in guiding private members bills onto the statute book and you have shown your willingness as a Minister to take the views of members seriously.

The new Bill gives you a great opportunity to do just that. If you do so - and I know it will be your instinct - we can have no complaints and whatever emerges at the end will have the stamp of genuine parliamentary approval, not the rubber stamp.

We can ask no more than that. But ask that we do.

Finally may I say once again my thanks for the privilege of being President of the Irish Human Rights Commission. It has been a wonderful experience and as I step down at the end of July I can assure my successor, whoever she or he may be I will do exactly what my predecessor Judge Donal Barrington did. I should say Donal is somebody I have long admired, somebody who spoke the language and lived it of human rights, equality and reconciliation at a time when it was not fashionable. When he retired as President he invited me to lunch, gave me good advice, a few tips about Commissioners and their ways - and a good lunch. I always knew that if I needed advice he was ready to help - but only if I asked. I can assure the new Chief Commissioner that that is the example I shall follow.