

Presentation by the Chief Commissioner of the Irish Human Rights and Equality Commission (designate) Emily Logan to the Joint Committee on Justice, Defence and Equality

8th Oct. 2014

Chairman and members of the Committee, I am delighted to have been invited to address the Committee to discuss my nomination as Chief Commissioner of an enhanced Commission, which brings together the Irish Human Rights Commission and the Equality Authority. I will touch on how my experience and background as Ombudsman for Children, as well as the *manner* of my nomination for the position of Chief Commissioner, could provide positive models for public appointments and the independent operation of statutory agencies more generally. Finally, I will note some of the upcoming priorities and milestones for the Commission in the immediate and medium terms, which will be important to ensure the Commission's ability to operate independently in full compliance with the UN Paris Principles and to effectively operationalise its broad range of enhanced legislative functions.

Having in place an effective human rights and equality architecture in Ireland is an important requirement of the Good Friday/ Belfast Agreement. More fundamentally, the human rights and equality infrastructure comprises a crucial institutional element of the commitment by the State to uphold the "dignity and freedom" of every individual under our Constitution, as well as the diverse range of United Nations, European Union and Council of Europe human rights and equality treaties Ireland has agreed to be bound by. In undertaking their separate mandates, both the Equality Authority and the Irish Human Rights Commission have played important roles in the protection of the rights of some of the most vulnerable groups in Irish society. In recent years, however, the human rights and equality infrastructure has undoubtedly faced considerable difficulties. This has occurred at a time when the financial crisis and austerity measures have created hardship for people in a way that raises pressing questions of human rights, justice and equality. In what I believe is a departure from this challenging period and a fresh start for the new Commission, I am extremely pleased and honoured to have been nominated Chief Commissioner of a new Commission. Chair - if I may respectfully clarify the purpose of todays meeting – this is not a confirmation

hearing – the Commission is not a State board and this is **not** a Ministerial appointment. My nomination follows an open competition - a transparent, and rigorous process run by the public appointments service, which included a series of two separate interviews by a group of international experts in the area of human rights and equality. This process, coupled with the appointment of the existing members of the Commission by an independent selection panel, marks a significant change from previous practice for the appointment of the Commission.

The final stage of appointment of the Commission will follow a resolution by both Houses of the Oireachtas when President Higgins will formally appoint the fifteen member Commission.

Crucially, not least given the ways in which public appointments have dominated public and political debate in recent weeks, I believe the transparent and independent nature of this process is of critical importance to establishing the credibility of the new body with members of the public, and the diverse range of our various stakeholders, including statutory agencies and civil society.

I am eager that the legislative foundation of an independent appointment process will be mirrored by a constructive and positive relationship and engagement between the Commission and the Department of Justice and Equality. I am pleased to report I have had a very positive meeting with the Minister for Justice who has assured me of her full support for the Commission, and with whom the members of the full Commission will be meeting later this month.

As Ombudsman for Children for the last ten years, my relationship with the Department of Health and subsequently the Department of Children was generally positive as an independent Ombudsman with no interference whatsoever with the independence of my office. I fully expect a similar relationship with the Department of Justice in my role as Chief Commissioner of the Commission and am confident, having met with senior officials, that this can be achieved through investment in a respectful working relationship.

I wish to underline the importance of the independent functioning of the Commission, as the Minister and the Department consider their implementation of the recommendations of the Toland Report. While this report contains many important

recommendations for the improved functioning and transparency of the Department, I am concerned that the calls for enhanced oversight and governance of external organisations should take account of the enhanced independence provided for in the Irish Human Rights and Equality Commission Act 2014. The new Commission will have its own Oireachtas Vote in 2015, and will be accountable through our Director – the accounting Officer, to the Public Accounts Committee in addition to accountability for its statutory functions through its annual report to the Oireachtas; thereby making the Commission effectively accountable to the Oireachtas. This is a further significant and welcome departure from the previous legislative framework, and it is vital that the developments arising from the Toland report should not undermine these positive developments.

This leads me to the upcoming renewal of the accreditation of the Commission as Ireland's national human rights institution under the UN Paris Principles by the International Coordinating Committee, which determines access to UN Committees. I will work hard as Chief Commissioner to ensure that the new Commission will be accredited as an "A" status national human rights institution as a matter of priority under the UN Paris Principles and will remain a strong and active member of the European Network of National Human Rights Institutions. In a recent resolution on national human rights institutions in its September session it is noteworthy that the UN Human Rights Council recalled and I quote the "importance of financial and administrative independence and the stability of national human rights institutions" noting that national human rights institutions should not face any form of reprisal or intimidation, including political pressure or unjustifiable budgetary limitations as a result of performing their mandates. I am eager to ensure that the Commission is granted "A" accreditation status and to demonstrate that with the new legislative framework, including the independent appointment process of the Commission, the Irish Government is beginning a new chapter in its relationship with its national human rights institution which could potentially act as a model for what is required by the UN Paris Principles.

As Chief Commissioner, I am eager to develop the links between the Commission and the various Oireachtas Committees by ensuring that IHREC regularly meets with parliamentary committees as it undertakes its legislative functions. In particular,

IHREC has recommended in the context of its observations on the 2014 Act at Bill stage that, on the Parliamentary side, a dedicated committee be established to examine equality and human rights matters, with structural linkages to other committees. While this recommendation has not been taken up, I believe that such a Parliamentary Committee is key to further embedding a culture of human rights and equality within the political processes of law making within the State and the Commission would be very eager to collaborate and inform the work of such a Committee. Of particular interest to the Committee members, the relationship between national human rights and equality institutions and Parliaments has been elaborated upon in 2012 within the international “Belgrade Principles” which recommend amongst other measures that a designated Parliamentary Committee should meet regularly with the NHRI and maintain a constant dialogue in order to strengthen the interchange of information and identify areas of possible collaboration in the protection and promotion of human rights.

I thank the Committee for its attention. We very much welcome the opportunity to engage on a regular basis with this Committee and we also welcome the Committee’s commitment to, and interest in, the development of a strong robust national human rights institution. I am happy to take any questions the members may have.