

'THE HUMAN RIGHTS DISCOURSE: ITS IMPORTANCE AND ITS CHALLENGES'

**BY
PRESIDENT MICHAEL D. HIGGINS**

**THE HUMAN RIGHTS COMMISSION'S ANNUAL LECTURE
INTERNATIONAL HUMAN RIGHTS DAY**

MONDAY, 10TH DECEMBER 2012

Is mian liom mo bhuíochas a gabháil le Maurice Manning agus an Coimisiún um Chearta an Duine as ucht an chuireadh léacht blántúil an Coimisiún a thúirt. Is onóir dom í a thúirt. Ba mhaith liom i dtús báire an deis seo a thapú le toghadh na hÉireann ar Chomhairle na Náisiún Aontaithe um Chearta an Duine a thréaslú leis an Tánaiste agus Aire Gnóthaí Eachtracha, Éamon Gilmore. Mar a dhúirt an tAire é féin ag am an tofa, is tacú láidir é sin dár gcáil idirnáisiúnta. Is léiriú iontaoibhe é sin, ag na Náisiúin Aontaithe, as ár n-infrastruchtúr maidir le Cearta an Duine anseo sa bhaile agus as ár ról tathanta i gcearta an duine sa réimse idirnáisiúnta araon.

I firstly would like to take this opportunity to congratulate the Irish Government through the Minister for Foreign Affairs, Eamon Gilmore, on Ireland's election to the United Nations Human Rights Council. As the Minister himself said at the time of the election, this is a strong endorsement of Ireland's reputation internationally. It is a show of faith, by the UN, both in our Human Rights infrastructure here at home, and our role in the area of international human rights advocacy.

It is truly an honour to be with you all here tonight to celebrate International Human Rights Day and to deliver the Human Rights Commission's Annual Lecture.

Membership is both an honour and a responsibility which I am confident Ireland will embrace fully. It will allow Ireland to play an even more active role in the promotion and protection of human rights worldwide. Given our own complex history we bring uniqueness and a long tradition in the field of human rights protection. Last night I attended a presentation by Front Line Defenders of the lives of those who are human rights defenders and who must have our solidarity if we are to be authentic about the project of delivering human rights.

When Seamus Heaney gave this lecture in 2009 under the title 'Writer and Righter' he made reference to the power of language, the dignity of the individual and the powerful moral and philosophical thought and texts that lay behind the first principle of the United Nation's Universal Declaration of Human Rights. Of those who have taken the Universal Declaration as the guiding principles of their interventions as human rights workers he wrote:

“The great web that unites those local, national and international endeavours has thirty meshes and each of those meshes is woven into and woven out of the document which we celebrate the United Nation’s Universal Declaration of Human Rights. this promulgation made an immense difference to the work of each and every person and indeed nation striving for justice and equality, and each and every person and nation suffering injustice and inequality. In ratifying the principles articulated in the Declaration, the governments of the world gave epoch-making sanction to the human need for fairness and natural justice, and in doing so they strengthened the moral standing of international law. Even if the articles of the Declaration are not legally binding, there is immense potency in the cogent, simple language in which they are framed, as is evident in the all-encompassing first Article:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Referring to that first Article of the Convention, Seamus Heaney went on to illustrate the importance of its basis in the foundational texts of the European tradition.

..... And behind the primary words and sentiments of that first article, of course, you can hear the echoes of many of the great foundational texts of western civilization, from Sophocles’ paean to the wonders of man in the famous Chorus in his *Antigone*, through Christ’s Sermon on the Mount, right on up to the American Declaration of Independence and the French Declaration of the Rights of Man.”

Seamus Heaney has, of course, contributed himself to the discourse and reality of human rights, most memorably in his poem ‘From the Republic of Conscience’.

The human rights discourse is perhaps one of the most important discourses of our times. It is important at a national level and at a global level, but that discourse is itself a space of contestation with such questions as to how we are to source such rights, how universality might be achieved, the importance of the inclusivity and the indivisibility of human rights, the contradictions that arise if culture is to be taken into account but yet in such a way as not to concede such conditionalities as would strip human rights of their essential protections. Culture must never become a shield for the denial of fundamental human rights.

I share the view that Seamus Heaney and so many others hold as to the moral significance of the Universal Declaration of Human Rights. It references a strong philosophical tradition, and one that is not simply idealist, but empowering in its promise and emancipatory in its effect. In the minds of so many it is an achievable, and, we must all welcome the fact that it has been a real contribution to peace and reconciliation in post conflict societies, as we ourselves know.

I wish this evening to reflect on just one aspect of the human rights debate – the current state of the human rights discourse as to the possibility of achieving universality; in that regard to consider how the Declaration might be interpreted, what it has been taken to mean; and some of the sources it reflected at its foundation, and the global political assumptions that were made on its adoption in 1948.

I would like to consider what the possibilities are for a renewed discourse that might, on the one hand, critique the possibility of universality and inter-dependency, and on the other, offer a strategy for delivering the protections and vindications, in a variety of cultures and settings, that might have been expected to flow from the ratification of the Declaration.

Human Rights are, as we all know enshrined in the Universal Declaration on Human Rights 1948 and the International Covenants on Civil and Political Rights and on Economic and Social Rights in 1966 as well as the subsequent conventions covering specific rights issues namely – racial discrimination, discrimination against women, torture, the rights of the child and the rights of those with a disability.

Bhí ballraíocht an-éagsúil ar fad ag na Náisiúin Aontaithe a ghlac leis an Dearbhú níos mó ná seasca bliain ó shin seachas mar atá ag na Náisiúin Aontaithe sa lá atá inniu ann. De thoradh ar thaithí an díchoilínithe as féin, tháinig na dosaein ball nua chuig na Náisiúin Aontaithe, baill a raibh cuimhne acu ar an gcos ar bolg agus ar an streachailt agus a raibh dóchas agus ardmhianta acu. Arís, i ngan fhios dóibh féin, tugadh cuireadh dóibh nó b'éigean dóibh rogha a dhéanamh idir údair iomaíocha cumhachta domhanda, leaganacha nua den impiriúlachas gan seilbh fhisiciúil ach le hidé-eolaíocht thiarnasach, faoi spreagadh an mhíleatachais, in atmaisféar an Chogaidh Fhuair.

[The United Nations that adopted the Declaration more than sixty years ago had a very different membership than the United Nations of today. In succeeding decades the experience of decolonisation alone brought dozens of new members to the United Nations, members with memories of oppression and struggle, hopes and aspirations. In the years that followed such new members found themselves invited, or forced, to exercise a choice between competing sources of global power, new imperialisms, ones without physical occupation but ideologically authoritarian, and military inspired, in the atmosphere of the Cold War.]

The impact of the earlier powerful foundational apparatus of empire, its insatiable appetite, one that devoured the rich diversity of what was indigenous and different, was succeeded by a materialist philosophy of modernisation, built on the earlier, but surviving, myth of progress that fractured the world; that led to shallow, but ideologically driven definitions of

what was to be regarded as developed and modern on the one hand and, on the other what was to be seen as a backward and restricting tradition.

Of equal importance, to a fractured world, was the fact that a restricted scholarship was brought into existence. Ethics, philosophy in all its forms and disciplines, and political theory, were split away from what were perceived to be the new management crafts appropriate to a public world based on a globalised market; a public world best served by defining an economic space that could in some circumstances constitute, or replace, an accountable state. A competing, and fair alternative was a statism that suppressed personal freedom and curtailed civil society.

The non-quantifiable material of inherited and contemporary culture, and the life wisdom of minorities, and indigenous peoples were consigned to the margin. In what was regarded as developed society, culture came to be offered a peripheral existence as a tolerated form of recuperative recreation in the productive life of consumption.

In our contemporary condition the shattered mosaic of our common existence cannot be remade, nor perhaps should it be reconstituted from any single shard of what lies at our feet, or if it to be made anew in any dominant colour or be crafted from a single loom.

In making something new we need to draw on the ethics of human rights privilege such essentials as recognition of dignity, in the social milieu, as much as in the person, a dignity that goes beyond reciprocity, a dignity which illuminates as ethical example the observed life of others in an ethical relationship as much as it is important to be experienced for the self in engagement with others. Such a dignity as is appropriate for the human rights centered world which we wish to achieve, a world with the stamp of humanity on it.

Lenár linn féin, ní dhearnadh a dhóthain machnaimh i gcónaí ar an mballraíocht athraithe sin sna Náisiúin Aontaithe. Tá domhan nua á chruthú faoi láthair ina bhfeictear an cumhacht á bhogadh ar ais chucu sin ónar baineadh é ar an gcéad dul síos. Ina theannta sin, má léiríonn cuimhne lucht na cumhachta coilíniúcháin go bhfuiltear áiseach agus toilteanach maidir le díchuimhne ar a ngaolmhaireacht stairiúil leis an impiriúlachas agus a iarmhairtí, tá an fhianaise ann, ar an taobh eile, go bhfuil cuimhne shoiléir ag an dream a bhí coilínithe roimhe seo ar an taithí agus an stádas a bhí acu san am a caitheadh agus ar an difríocht idir é sin agus na féidearthachtaí nua atá rompu.

[In our own times the fact that the membership at the United Nations has radically changed seems not always to have been given sufficient thought. A new world is emerging at the present moment, a moment which is seeing a shift of power back towards those from whom ethical, social, cultural and productive capacity was originally taken. That contemporary shift, however, is to states and administrations rather than peoples and nations with all of the consequences and new problems that this creates when some states and administrations deny human rights in the name of security and are often supported from abroad.]

It is worth bearing in mind also a further caution – while the memory of the colonizing powers may demonstrate an accommodating willingness for amnesia as to their historical connections to empire and its consequences, the previously colonized have a clear memory

of their past experience, their past status and the difference between it and their potentialities now and into the future.

Securing an appropriate accommodation for each others' narratives in the contemporary world is not easy. The recognition of the diversity and the different historical experiences of our global community remains as a challenge, and is not sufficiently substituted by an appeal to the mutual benefits of shared economic interests in the future.

The human rights discourse has a particular history. It is worthwhile to reflect on the circumstances in which the Universal Declaration of Human Rights came to be drafted. Mark Goodale in his 'Surrendering to Utopia' points to the curious background to the crafting of what came to be the 1948 Universal Declaration of Human Rights.

“In 1947 the United Nations Commission on Human Rights, which was chaired by Eleanor Roosevelt, sought statements on the draft version of what would become the 1948 Universal Declaration of Human Rights. These statements were solicited in a variety of ways and through a variety of institutional channels, but perhaps the most important were the efforts of the United Nations Educational, Scientific, and Cultural Organisation (UNESCO). UNESCO solicited statements on a proposed declaration of universal human rights from different academic, cultural, and artistic institutions and individuals. Although the essentially colonialist milieu within which the United Nations emerged after World War II rendered any attempt to achieve universal consensus through its working bodies utopian at best, the outreach efforts by UNESCO prior to the adoption of the UDHR were intended to gauge the diversity of world opinion about what Johannes Morsink describes as the ‘aggressive’ push to forge an ‘international consensus about human rights’ (1999:12)”

What constituted the diversity of world opinion was defined at the time within a rather narrow frame, moral, political and cultural, but it also seems to have consciously ignored a source close to home, one that had specialized on threatened cultural systems and their survival. I refer to the work of the American Anthropological Association. It is not my suggestion that an anthropological approach alone should define human rights; simply that it was, and is; a valuable tool for understanding the context of the implementation of what might become a universal right.

Mark Goodale suggests that the conventional wisdom that this organisation was consulted is wrong.

“... According to documents in the US National Anthropological Archives, there is no record of UNESCO making a request to the AAA for an advisory opinion on a declaration of human rights. Instead, it appears that one anthropologist, Melville Herskovits, was approached by UNESCO in his capacity as chairman of the

Committee for International cooperation in Anthropology of the National Research Council (NRC), a post that he assumed in 1945.”

There were many reasons as to why culture as a concept and as a policy area was perceived as a malign force. The world was very close to the experience of culture having been abused within an authoritarian philosophy, one that had led to the concentration camps to which the world was now trying to respond. The survival of such a view, in part perhaps, explains the slowness in the European Union itself in the modern period to allow a prominent space to culture in treaty discussions. The consideration given to culture in the Universal Declaration itself is limited, and cultural rights had to wait decades before they entered the human rights discourse in a meaningful way.

One can see today in the early neglect of these issues the seeds of the problems that would confront the human rights discourse right into present times. The questions that remain with us as unsolved include – is it possible to have a single source for such a universalism as might prevail across all the members of the United Nations? Was it ever possible? Or must we accept that it is perhaps more fruitful to recognize and build on the slow emergence of a trans-national assemblage of impulses to universalism; to recognize, build and speak of that which might be gathered from different cultural sources and systems as essential contexts, not conditionalities, for the implementation of universal human rights. While doing so it is important not to lose such legal and social protections as have been gained.

There are even more fundamental questions that remain with us as unresolved, as challenges. Do human rights seek their origin in the gradual extension of rationalism? Can codes for their implementation be sourced, and even imposed, from within a rationalist tradition, one solely drawn from the normative work within the Western tradition?

Human Rights scholars are after all divided as to how we should advance. There are those such as Jack Donnelly who go so far as to say:

“... If people are uncomfortable with that [human rights], because they are afraid of seeming western-centered, neglectful of local and traditional modes of governance, or accusatory, then that is their problem.”

Others have sought to strike a middle position, one that is more nuanced. This is the position of Peter Uvin and is clear in the philosophical approach of John Rawls, Martha Nussbaum and Amartya Sen, the work of the latter stressing capacities, capabilities and choices.

There are those such as Abdullah Ahmed An-Na’Im who argue for the acceptance of cultural difference but who do not take an absolutist position.

A decade ago he wrote:

“The cross cultural approach, however, is not an all-or-nothing proposition. While total agreement on the standard and mechanisms for its implementation is unrealistic in some cases significant agreement can be achieved and ought to be pursued as much as possible Provided such

agreement is sought with sufficient sensitivity, the general status of human rights will be improved, and wider agreement can be achieved in relation to other human rights.”

If we are to recognize and seek the impulse for human rights in the full range of cultures that are available to us we must accept that some of our global citizens locate the source of their human rights in, for example, revealed systems of faith. That cannot be ignored. The dialogue we need for a global consideration of universalism is defined by how we answer these questions.

Going back to the founding moment of the Universal Declaration - the evidence of anthropology never had any real prospect of influencing the Drafting Commission of the Declaration chaired by Eleanor Roosevelt. Johannes Morsink's account as quoted by Prof. Goodale in the work to which I have already referred, describes the stages through which the drafting process of the Declaration went and includes a succinct pen picture of the six key drafters:

“The seventeen members of the Commission for Human Rights were exclusively member-nations; a drafting committee of eight members was then created from within this group of seventeen. Morsink divides the individuals who played a key role in actually drafting the document into two groups, which he calls the “inner core” and the “second tier drafters”. There were only six members of this first group: John P. Humphrey, a law professor from Canada and the UN Secretariat's first human rights director; René Cassin an international lawyer and diplomat from France, Peng-chun Chang, a Chinese scholar (with a PhD in Education from Columbia University); Charles Habib Malik, a philosophy professor at the American University in Beirut (with a PhD from Harvard); Hernán Santa Cruz, a military judge from Chile and a former professor of what could perhaps be called “military science”; Alexie P. Pavlov, a lawyer from the Soviet Union who was the USSR's ambassador to Belgium during the time the UDHR was being drafted; and finally, Eleanor Roosevelt, former first lady of the United States and chair of both the commission and the drafting committee. And among this small group, Humphrey was the person who produced the crucial first draft of the declaration.

If we look at the composition of this group the key drafters, therefore, we begin to understand a little more about how the eventual declaration of universal human rights took the shape it did: three jurists, professors of philosophy and education (both trained at US institutions), and a saintly daughter of an American dynasty. And given that Humphrey, the “primus inter pares” of this inner core of drafters, was the Gale Professor of Roman Law at McGill University at the time of his appointment to the UN, it is not surprising that the NRC/AAA Statement on Human Rights, ... which expresses an understanding of the world that is almost diametrically opposed to the

one reflected in the UDHR, is never mentioned among the sources that Humphrey (or anyone else) drew from (even if simply to negate its claims) during the drafting of the Universal Declaration of Human Rights.”

To suggest that some key issues such as that of the source of human rights, the problems that arise in locating human rights in differing cultural locations, the possibility or impossibility of universalism, were glossed over in the founding circumstances is not for a second to take from the individual and institutional contribution which the human rights discourse and those who draw on it have made in the decades that followed the Ratification of the Universal Declaration of Human Rights in 1948. It is simply a fact that the Declaration has served as both model and inspiration for peoples and practitioners, and we must never let go what has been achieved through the instruments of international law.

Again it is easily understood how, with the reality of war so close in memory, and particularly the horror of what might be called the bathos of human cruelty to which humanity had sunk which was revealed when the concentration camps were opened, that there was at the end of the 1940's, such a wave of ethical revulsion as swept away all differences of heritage and conflicts old and new. The nature of humanity itself became a matter for reflection and Western thought sought to save itself from ever again sinking to such a level. We must never take from that moment.

These concerns were authentic and the new language of the Universal Declaration was perceived as necessary and was welcomed. The endorsement of nations which followed constituted a moral moment for leaders from different continents. Minorities took hope and even if the great changes in consciousness, of education in thinking about human rights was yet to take place, a symbolic step of great significance had been taken.

Is é an dúshlán atá romhainne lenár linn, na dúshláin agus na fadhbanna atá roimh na hiarrachtaí reatha taobh istigh de dhioscúrsa na gceart daonna a mheas agus tacar prionsabal aontaithe a chur ar fáil, agus gluaiseacht i dtreo sraith cleachtas inmharthana i réimsí éagsúla ár n-eispéiris dhaonna, a d'fhéadfadh teorainneacha a thrasnú agus a bheith ina threoir ag cleachtóirí. Tá sé an-soiléir, freisin, má dhéantar dioscúrsa na gceart daonna a ghaibhniú taobh istigh de theorainneacha na teorice dlithiúla agus an chleachtais dhlithiúil, go bhféadfadh sin bac a chur ar an dioscúrsa is gá chun machnamh dearfach a dhéanamh ar chearta eacnamaíochta, sóisialta, cultúrtha agus mothaitheacha saoránaigh an domhain.

[The challenge in our own time is to produce a set of agreed principles, and to move towards a viable set of practices in the different areas of our human experience, such as might be able to traverse boundaries, include new areas, and serve as a guide to practitioners. It is very clear too that in taking up this challenge the limiting of the human rights discourse within the boundaries of legal theory and practice may well be a real impediment to achieving the discourse we need for the positive consideration of economic social, cultural and world affective rights of citizens.]

It goes without saying that it is important that the human rights discourse not be devalued as rhetoric at an international political level. Neither should principles be reduced to the pursuit of aspirations. Both of these challenges arise now as the period of the World Millennium Development Goals comes to a conclusion and there are calls for a succeeding set of commitments that may emerge as either aspirations or undelivered rights.

There is an opportunity for moving the human rights discourse to centre stage. May I suggest that it would be best if this were done in a spirit of appropriate humility and by giving attention to what were previously neglected difficulties, by freeing the discourse, not only from its founding constraints but from the succeeding power relations that prevail as legacy from the ruins of empire, free too from the hubris of any hegemonic model of economics that makes any unsubstantiated claim for the status of the science, or makes the moral claim to be a single source of inevitable progress.

Human rights practitioners should not be disheartened by a call for a critical discourse on the subject of human rights. Practitioners after all, on their part, can point to the rich harvest of their efforts in terms of protection of the most vulnerable, and in so many parts of our shared world and this is a task that continues, both within and outside national boundaries. Nevertheless if a global consciousness is to be created the policy issues have to be reconciled with practice at home and abroad. Otherwise practice becomes as variable as the humanitarian instinct may suggest. The human rights discourse atrophies and political spokespersons have recourse to using the human rights language as sticks to beat each other in periodic reports.

Within national boundaries, the coming into existence of National Human Rights Institutions was an important development in human rights practice and education. It served as a reminder that a vindication of human rights had to take place at home, as well as being a commitment solemnly announced from time to time, at international bodies and calling for actions from other governments.

In their valuable paper 'Equality and Human Rights Commissions in the UK and Ireland: Challenges and Opportunities Compared' Colin Harvey and Sarah Spencer address the role and remit of equality and human rights commissions, their duties and powers, how independence and accountability can be achieved, and indeed how issues of resourcing can affect all of the possibilities of achieving a sustainable contribution to minorities, and societies in general, in true conditions of independence. They describe the emergence of an international code of practice – the Paris Principles:

“Concerned that the authority of such bodies could be undermined if some were seen to lack independence from government or the powers to be effective, the UN General Assembly endorsed a baseline standard covering the competence, responsibilities, composition and independence of national human rights institutions, the Paris Principles, in 1993. The Principles allow states some latitude in deciding what kind of institution is appropriate but carry authority in requiring that a broad mandate and sphere of competence should be set down in the country's

Constitution or statute; and that the responsibilities of the institution should include the right, acting on its own initiative or by request ‘to freely consider any questions falling within its competence’, to submit proposals, reports and recommendations to Parliament, government and other competent authorities on any human rights issue, and to make public its views through the press including ‘expressing an opinion on the positions and reactions of the government’. It should be able to examine existing and proposed legislation for conformity to international human rights principles, to contribute to reports that states submit to the UN supervisory bodies; to recommend new legislation and to have the power to hear any person and obtain any information or documentation necessary for assessing situations within its competence.

The Paris Principles state that national human rights institutions may also be authorized to hear and resolve complaints and should be able to carry out research and contribute to teaching and to promoting awareness of human rights, including discrimination. They should be composed of people broadly representative of civil society (in which unions, lawyers, professionals, academics and NGOs are specifically mentioned); and have their own staff and premises in order to be independent of government. Nor should they be subject to financial controls which might affect that independence. There is much, nevertheless, that is not specified in the Principles, including key matters such as enforcement powers, the precise nature of the commission’s independence from government, or need for transparency in their operation.”

This is a very valuable summary of agreed principles and the issues raised are worthy of the widest public discussion.

In the same year, 1993, as the Paris Principles dealing with international practice by National Human Rights Commissions were announced, another important component of the human rights discourse was being addressed, the connection between human rights and development. It was at the World Conference on Human Rights in Vienna in June 1993 that human rights became linked to the task of development. As Michael Higgins has written in his consideration of the prospects for a human rights perspective being afforded an appropriate place in development theory and policy:

“In the declaration and program of action that emerged from the conference the principles of universality, indivisibility, interdependence and the interrelationship of all human rights were accepted. Article 8 of the declaration stated explicitly that ‘democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.’ Article 10 stated that “the World Conference on Human Rights reaffirms the

right to development, as established in the Declaration on the Right to Development, in 1986, as a universal and inalienable right and an integral part of fundamental human rights.”

Had we arrived then at a new departure point in the human rights discourse one might ask? Scholars differed, Michael Higgins tells us, in their estimates of the Vienna meeting. Peter Uvin is representative of those who were sceptical as to what had been achieved. As to the Declaration on the Right of Development he wrote:

“... From its inception onwards it was, politically very weak. It was politically engineered as bad law: vague, internally contradictory, duplicative of already clearly codified rights and devoid of identifiable parties bearing clear obligations. It has been devoid of any real impact, it was perhaps the very last product of the NIEO years, and suffered from the political weakness of its promoters. In 1986, as in 1993, it was so watered down as to become meaningless. Affirming that all people have the right to development, and that such development consists of, and is realized through the realisation of every existing category of human rights adds nothing to our knowledge, it adds only verbiage.”

Peter Uvin’s words and work is worthy of note. As a practitioner with an impressive experience in the field he was reacting to what he perceived to be the blindness of those practitioners in the field who, while being concerned with the practical tasks of development, refused to see the violence of the economic and social structures which contained the distress to which their efforts were turned.

By way of contrast the work of Varun Gauri takes a different view to Uvin. Gauri writes of what is achievable, for example, of the practical results that would flow from an advocacy that required States to publish and implement policies that worked within a language of Article 2 of the International Convention on Economic Social and Cultural Rights. Gauri believes that progress could be made in terms of concrete rights that could be specified and demanded in the short and medium term even while the requirement to have general health care remained as an abstract right even if not fully fulfilled.

In such a discussion as to what is aspirational, and what is justifiable, we should remind ourselves too of Amartya Sen’s distinction between a right not recognized and a right not being implemented. The recognition of the existence of a right, even if it is in the context of an aspiration, or a progressive realization is, in Sen’s view, important.

Ireland’s recent election to the United Nations Human Rights Council for the first time for a three year term, having secured 124 votes at the UN General Assembly is both a great honour for Ireland and a tribute to its foreign policy and its human rights component. It is also a significant opportunity to advance a meaningful discourse on human rights at international level, to return to some basic considerations of issues neglected and to put human rights in an indivisible way into the development debate. In the much overdue

reform of the multilateral institutions and the debate surrounding it Ireland has a mandate for the assertion of a human rights perspective.

Sa bhaile, is féidir leis an gCoimisiún um Cheart an Duine tabhairt le fios go bhfuil rudaí nithiúla bainte amach aige i rith an dá bhliain déag atá faoi thuairisc aige ina thuarascáil den bhliain 2012. Agus é bunaithe mar thoradh ar Chomhaontú Aoine an Chéasta/Bhéal Feirsde, tá obair fhíorluachmhar curtha i gcrích ag an gCoimisiún san iliomad réimsí. I dtuarascáil na bliana 2012 déanann Uachtarán an Choimisiúin tagairt do na hathruithe go léir atá tarlaithe ag leibhéal an Stáit i réimse na gceart. Tá obair luachmhar déanta ag Comhchoiste Coimisiún Thuaisceart Éireann um Chearta an Duine agus ag Coimisiún um Cheart an Duine in Éirinn, mar a fhoráiltear faoi Chomhaontú Aoine an Chéasta/Bhéal Feirsde agus a ndéantar tagairt dó sa tuarascáil, chun comhthéacs a chur ar fáil inar féidir an obair thógála ar thodhchaí shíochánta a bhunú.

[At home An Coimisiún um Chearta an Duine can point to real achievements over the twelve years upon which it has reported in its 2012 Report. Established as it was as a result of the Belfast/Good Friday Agreement An Coimisiún it has completed invaluable work in so many areas. In the 2012 report the President of the Commission refers to the many changes in the rights area, at the level of the State that have taken place. The work of the Joint Committee of the Northern Ireland Human Rights Commission and the Irish Human Rights Commission, which was provided for in the Belfast/Good Friday Agreement to which the Report refers has been of great value in delivering a context in which the work of building a peaceful future can be grounded.]

Beyond the issue of the resources needed for an effective and independent Human Rights Commission there are fruitful prospects for future discussion in a number of areas, and not only in the form of extension of human rights practice to new areas, but within some established areas. For example, in the area of mental health, there is already a room for debate on the distinction between the right to health as a human right, and a code of professional practice that accepts the obligation of a patient's human rights in treatment after diagnosis. One's right to health we must presume should take precedence over the more limited right.

A strong Human Rights and Equality Commission will always have much unfinished business with which to deal – including issues of equality of participation in the fullest sense both in terms of gender and in terms of minorities. The task of advocating for a human rights compliance not only with the implementation of legislation but also at the earliest stage with its drafting is an important democratic function. The human rights dimension in society is tested by the presence or absence of it as a perspective among decision shapers, and decision makers as much as it is by decisions ultimately taken within a parliament.

The search for, agreement on, and vindication of, basic rights that are never made conditional on gender, race, ethnicity, capacity or circumstances has to be accepted as part of our contemporary consciousness and our public decision making.

I do not underestimate the moral courage that is required to sustain an adequate discourse in human rights. It is also true that it is of the nature of the human rights discourse that those who serve on the Human Rights Commission may often, either through experience or through training, be in advance of popular opinion, or at times legislators. That is a necessary feature surely in the evolution of the human rights discourse. That is the nature of the challenge to give leadership on increasing consciousness, in education, and persuasion.

The concluding paragraph of the 2012 Report of the Irish Human Rights Commission states:

“During its twelve years, the IHRC’s work has touched on practically all aspects of the life of the nation. Although under-resourced for much of that time, we have tried to focus on the significant human rights issues facing Ireland. Few of the successes on promoting and protecting human rights are achieved alone but are the culmination of the endeavours of many people and organizations. Often the work may remain hidden; the prevention of a bad law being passed in the Oireachtas or of a questionable practice being struck down in one case before the courts can have significant implications for many of us. Human rights as a concept is an evolving one: it must be if it is to meet the challenges of a changing society. As the IHRC moves into a new phase with its planned merger with the Equality Authority, it looks forward to continuing to work for the protection and promotion of human rights and equality for all, acting independently of Government, and achieving recognition through the quality and authority of its work.”

Is ráiteas macánta atá anseo ar dhea-obair atá déanta agus tiomantas cróga ar fiú é a mholadh go hard. Mar Uachtarán na hÉireann, molaim iad sin go léir a d’oibrigh i réimse na gceart daonna agus ba mhaith liom críochnú trí gach rath a ghuí ar lucht déanta beartas agus cleachtóirí sa bhaile agus thar lear agus iad ag cuidiú le leagan dár n-Éireannachas a chruthú a bhféadfaimis a bheith bródúil as agus a bhfuil cearta an duine ina chroílár.

[This is an honest statement of good work done and a brave commitment worthy of the highest commendation. As President of Ireland I commend all those who have worked in the area of human rights and I conclude by wishing policy makers and practitioners every success at home and abroad in contributing to a version of our Irishness of which we might be proud and which has human rights at its centre.]

I want to end tonight by reminding us all of the words of Václav Havel in 1994:

“The idea of human rights and freedoms must be an integral part of any meaningful world order. Yet I think it must be anchored in a different place, and in a different way, than has been the case so far. If it is to be more than just a slogan mocked by half the world, it cannot be expressed in the language of a departing era, and it must not be mere froth floating on the subsiding waters of faith in a purely scientific relationship to the world.”

Nearly 20 years on these words still ring true. I thank you for your attention and company tonight.

Thank you.