



**Statement to the  
Joint Committee on Justice, Defence and Equality on  
the Heads of Irish Human Rights & Equality Commission Bill 2012  
Wednesday, 4 July 2012**

Chair, members of the Committee, it is my great pleasure today to address the Joint Committee on the Commission's views on the Heads of Irish Human Rights and Equality Commission Bill 2012. Shortly after the Commission submitted its Observations to the Minister for Justice and Equality on the Heads of Bill, I asked that our Observations be also provided to your Committee as I feel that the close involvement of the Oireachtas in the drafting process can strengthen the provisions of the Heads of Bill and can lead to what I would regard as a successful conclusion: a viable, independent and adequately resourced National Human Rights Institution and one which will have no difficulty in re-attaining our "A" Status accreditation early next year. I am joined today by the Commission's Acting Chief Executive Mr Hogan and am happy to take questions from the Committee after this short statement.

I was pleased that the Minister agreed to launch our Annual Report for 2011 last week and I am pleased that the start of discussions between his officials and mine on the Heads of Bill have taken place. As yet I have not received confirmation that our recommendations have been taken on board and if not that will be a matter for Parliamentary scrutiny including the important work of your Committee, Chair. Indeed, I believe that scrutiny has begun insofar as a number of members of the Committee attended our Annual Report launch and would have witnessed the positive and less positive exchanges between the Minister and I.

At our Annual Report launch I prefaced my remarks by stating that whereas the primary duty to uphold human rights lies with the State, the primary duty of a National Human Rights Institution (NHRI) such as the 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 NHRI. Indeed, NHRIs 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.

I pointed out that 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. I said and I believe that 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 then went on to set out 5 areas where the legislation and indeed the landscape needs to be improved if we are to be successfully re-accredited without difficulty. These are:

1. The Commission's legal powers must not be diminished in scope.
2. The Commission must have adequate resources as set out above. It must also have no legacy debts.
3. The Commission must be fully independent and be accountable to the Oireachtas rather than a Government Department, not least a Government Department with which we will often clash and where we suffered disproportionate cuts in the past.
4. The Commission must be in a position to independently hire its own staff at all levels and that this absolutely must continue to be the case, both from a functioning and from a credibility perspective.
5. The appointment of independent Commissioners must be by way of an open and transparent process with the right Oireachtas involvement, and in this regard I welcomed the fact that the Minister has been engaging with this Committee. Further, there must be no Government involvement in or on the Board.

I want to conclude by returning to my main recommendations to the Minister in that speech on the involvement of the Oireachtas. First, 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. 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 you, his colleagues in both Houses push him even further.

Second, a stronger and more imaginative role is open to the Oireachtas in the current process and that is because a human rights and equality Commission directly accountable to Parliament but also involved in a meaningful positive way in the work of that Parliament will carry an enhanced sense of authority. And almost as important it adds significant value to the work of that Parliament. I have welcomed the laying of Annual Report and Strategic Plans before the Oireachtas. Of course we will continue to appear before Oireachtas committees

– this is our second appearance this week – but I think we can be more relevant to the work of the Oireachtas through being directly accountable to it.

Third I have welcomed very much the Minister's statement that the new Bill will be subject to full parliamentary scrutiny because I believe such scrutiny combined with full debate will mean a better Act. Sometimes officials drafting a Bill do not fully appreciate that it does not leave a Department in a full and perfect state. It is natural that those most involved in the drafting and preparation of a Bill become very attached to it and may resent criticism. But as I stated last week, that is not what parliamentary democracy should be about.

I ended my speech by stating that I believe there is a big difference between the Oireachtas of 1999 and the current Oireachtas as today there is a wider knowledge of human rights and equality issues and a full debate will thus produce a better body and one over which the Oireachtas can feel a sense of genuine ownership. Chair, I trust that that debate and discussion will continue beyond your hearings today. I also stated that I believe that the Minister is a genuinely reforming Minister. He set up his working group which did an honest and public spirited job, even if I strongly disagree with some of its recommendations. But this Minister has a record of respect for parliament and the parliamentary process. In a way, I have challenged the Minister to demonstrate how his commitment to a robust Parliamentary process can be grounded in the discussion on the present Bill.

Finally Chair may I say that as President of the Commission, this will be one of my last appearances before you. I have greatly appreciated my ten years with the Commission. I am determined that it will not be pulled back into the Department but that it will retain its independence which Commissioners have worked so hard to protect over those years. This Commission is seen as a model overseas and a model it must be in the future.

Thank you.

Maurice Manning

President