



Human Rights Challenges for 21st Century Ireland

IHRC and Law Society 11th Annual Human Rights Conference

Address by Sunniva McDonagh SC

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Law Society of Ireland

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Good morning.

I am delighted to be here to address the 11th Annual Human Rights Conference of the Irish Human Rights Commission (IHRC) and the Law Society of Ireland and would like to thank the Law Society once again for their close partnership with the IHRC in making today a reality. I am also very pleased that we have such a diverse audience here today of people who work to promote and protect human rights and equality in different capacities. The insights we hope to gain from the work you do is certain to make today's event that much richer for all of us.

I am here today as Acting Chairperson of the Irish Human Rights and Equality Commission Designate; a new body that will bring together the existing Irish Human Rights Commission and the Equality Authority with the purpose of strengthening efforts to promote and protect human rights and equality in Ireland. While we expect the legislation to formally establish the body to be published shortly, we also still await the appointment of a Chief Commissioner designate. Pending this, we have agreed amongst ourselves to nominate an acting Chair on a rotating basis. However, the recruitment of a Chief Commissioner designate is now overdue and needs to be prioritised.

My colleagues and I acknowledge both the legacy and continuing work of both the Equality Authority and the IHRC which will continue up to establishment date of the new body. We are acutely aware that we are putting in place the building blocks which will ensure a robust legacy into the future for the new organisation, one that will build on the long traditions in Irish society of supporting those whose rights are in jeopardy and in this regard much of our current focus is on organisational issues. We know though that we are but one cog in this machinery and that the members of the legal profession and other groups represented here today are a vital cog in the endeavour of promoting and protecting everyone's right to equality and human rights. It is thus our common aim. More specifically I know that this conference is traditionally an important occasion for those of us in the legal professions to take stock of the human rights implications of some of the issues that we deal with.

Aims of the Conference

Human Rights Challenges for 21st Century Ireland is the overall theme of our conference this year. It is an ambitious title. The aim of our conference today is not to address the many human rights challenges that Ireland faces but to deal with four contemporary issues that test the scope of the protections afforded by human rights standards, in which I include constitutional standards.

At first glance the issues of reproductive rights and surrogacy, end of life, austerity and hate speech may seem to have little in common. However, they are reflective of the human rights and equality issues that impact on people along the continuum of the life cycle and of emerging issues in human rights where the law may be struggling to catch up with societal change. Under the 1948 Universal Declaration of Human Rights we are 'all born equal in dignity and in rights' and the human rights standards that have evolved through international conventions seek to give expression to the Declaration and allow everyone to live their lives in dignity to the fullest extent possible.

Today our eminent speakers will seek to address the human rights challenges for 21st Century Ireland in this light. I am delighted that Mr Justice Gerard Hogan, eminent jurist, senior counsel and now High Court Judge, whose ability to deliver weighty judgments and to open up new jurisprudential lines (including that of the enumerated right to the person), will set the scene with his considered opinion on these challenges. Judge Hogan will be followed by Professor Michael O'Flaherty who again will need no introduction. Former member of the UN Human Rights Committee, Chief Commissioner of our sister institution in Northern Ireland, Professor of Human Rights Law and Director of the Irish Centre for Human Rights, NUI Galway, Michael's address is one we all eagerly await.

Themes

To enable us to then have an informed discussion on austerity, reproductive rights surrogacy, end of life and hate speech, we will, in the four working groups which will follow the plenary session, hear from the experts in the area, who will bring different perspectives to the table. To gather the threads of what will be detailed discussions on such different themes and to chart a way forward requires a specific talent and Professor Donncha O'Connell, NUI Galway is perfect for the job and will close our conference today.

Turning to the conference themes; the theme of reproductive rights and surrogacy as an increasing societal issue brings attention to whether the law is keeping pace with human behaviour and scientific advances. The theme of end of life touches on similar issues concerning the role of law and of medical ethics and practice and includes related questions of capacity, autonomy and right to life issues. The theme of hate speech brings us back to the Universal Declaration of Human Rights and its promise that everyone is entitled to the rights and freedoms in the Declaration without distinction of any kind based on grounds such as race, colour, or national origin. Hatred towards others manifests itself in many ways including graffiti, so called jokes and racist behaviour. This session will consider social media and online publications as potential vehicles for hate speech while recognising the right to freedom of expression. We consider here the role of the State in the universe of the internet and the responsibilities of business.

Finally on austerity measures and their impact on human rights, increasingly UN committees, special procedures and the Council of Europe Commissioner for Human Rights have called for responses to fiscal crises to be measured and to take account of their impact on people in poverty.

This is again a pivotal time for Ireland as we await the announcement of the budget next week and here I would reiterate the statement the Commission designate made to the Oireachtas Joint Committee on Justice, Defence and Equality Committee in May this year following our appointment. The current financial and economic crisis and the austerity measures in response to it have created significant hardship for many people and raise pressing questions of human rights, equality and justice. I also reiterate previous calls by the IHRC to government that in its budget next week, it take particular care that budgetary measures do not disproportionately impact on the most vulnerable in our society. The session on austerity impacts will consider how international and domestic standards on economic, social and cultural rights can mediate the negative effects of blanket budgetary measures.

As you will see, today promises to be a most instructive conference and with my colleagues I look forward to listening careful to the debates as they will inform our own work in the new Commission. I wish you every success today.

Thank you.

Sunniva McDonagh SC

Acting Chair

Irish Human Rights and Equality Commission (designate)

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