



AN COIMISIÚN UM CHEARTA DUINE
IRISH HUMAN RIGHTS COMMISSION

Annual Report 2009 Launch

24 August 2010

Dr Maurice Manning, President

I would like to welcome you all to the launch of the Irish Human Rights Commission's 2009 Annual Report. I would particularly like to welcome Minister White, who will officially launch our Report today.

2009 was a mixed year for us in the Commission. It was the year in which we felt the hard impact of budget cuts, but also a year in which – as this Report shows – we achieved a great amount. I will return to last year in a moment but I want firstly today to look ahead.

2011 has the potential to be of enormous significance both for Ireland and for its national human rights institution.

Why does next year hold out such a prospect?

Ireland's human rights record will come under intense scrutiny in October 2011 when it undergoes the United Nation's Human Rights Council's Universal Periodic Review (UPR) process. The UPR process, when the jargon is stripped away, is in fact an innovative mechanism under which countries are held to account by their fellow member states of the United Nations every four years on their complete performance across the full range of civil, political, economic and social rights.

As never before Ireland's record will be placed under the spotlight in a political and global context. It will be a major challenge for Ireland. The process involves the state under review making a report. Other inputs to the review include so-called "shadow reports" by national human rights institutions. Both state and shadow reports will be taken into account by the UN membership in examining the State's record.

This review is a key opportunity for the Government to reconfirm its commitment to human rights both nationally and internationally. The Commission is willing to work closely with Government in the lead-up to the review, including advising on the Government's report in an appropriate manner.

In particular we will be proposing a number of voluntary commitments which the Government could undertake before it is examined by its peers. To name but a few these commitments might include – apart from a pledge to properly fund the Commission - the following;

- A pledge to introduce a national plan for human rights – in cooperation with the IHRC and with broad consultation – by the end of 2012.
- A promise to ratify the UN Convention on the Human Rights of Persons with Disabilities by the end of 2011 at the latest and to have Ireland's national monitoring mechanism under the Convention in place by next year. . This issue is very important to us. Over recent years the Commission has been asked by the global group of national human rights institutions to lead in promoting awareness of this vital new treaty across the world and over the period 2006-2008 in particular Commissioner Gerard Quinn and others have lead the way on this matter sharing their expertise, particularly in developing countries.
- The Government should also commit to ratify the Optional Protocol to the United Nations Convention against Torture (which allows amongst other things for the establishment of visiting mechanisms in all places of detention) by the end of 2011 and to begin the process of designating the bodies required under this law immediately.
- A promise to work with the Irish Human Rights Commission on our new programme of training on human rights for the civil and public service - on which programme I will say more shortly - and a commitment to ensuring all members of the civil and public service receive information on human rights within a specific timeframe.
- On prisons, a commitment to ending the process of slopping out and the elimination of overcrowding in prisons by the end of 2012.
- The introduction of a comprehensive system for the monitoring of racist incidents.
- A pledge to poverty-proof the budget to ensure that Ireland meets its commitment to reduce the number of those experiencing consistent poverty to between 2% and 4% by 2012, and eliminate consistent poverty by 2016.

The Commission will also work with other stakeholders in relation to this important review, including civil society organisations and other statutory bodies.

But we intend to go beyond this – in writing our own shadow report we will invite via our website the views of individuals and groups on what they feel should feature in our “shadow report” i.e. we will directly seek the views of members of the public on where the gaps are in rights protection in Ireland. Information on this consultation will be placed on our website in early September.

To return briefly to our 2009 Annual Report it is important to highlight that the report demonstrates the breadth and diversity of the work which the Commission undertakes. The values which underpin the Commission as Ireland's National Human Rights Institution, namely independence, objectivity and a broad human rights mandate, deriving from the United Nations 'Paris Principles', have supported, guided and strengthened this work.

The economic downturn which has so greatly impacted across Irish society, has prompted some to contend that institutions such as the Commission are a luxury

which the country can ill afford. However, it is clear from the work we have undertaken in 2009, that the recession has had a disproportionate impact upon the human rights of the most vulnerable in society, and has also placed more people than ever in vulnerable situations, and that there must be an independent overseer in place that can operate from within the support of a legislative basis.

Civil Society Organisations, NGOs and community and voluntary organisations do fantastic work to support communities and protect vulnerable people and their role is vital to a healthy democracy. However, they cannot be a substitute for a statutorily based, independent and impartial institution with a mandate to promote and protect human rights. Surely the lesson of this country's recent history is that effective independent oversight across a range of contexts is crucial to the functioning of a healthy democratic society?

The Commission is in a unique position to promote and protect human rights in Ireland. The manner in which we carry out our work has been carefully and deliberately chosen as the way in which we consider we can have the greatest impact, in light of this unique position which we hold. In dealing with human rights issues, our approach will always be to carry out a detailed and careful examination of relevant constitutional and international principles. Our calling card is the professionalism and objectivity we bring to our work. Indeed, the quality and objectivity of our work has been praised by the Oireachtas and in the Courts.

One aspect of our mandate which we have to date not exploited to the degree that we would have wished is the requirement to educate and raise awareness on human rights. That is about to change. Next month, thanks to philanthropic support, we will publish a guide on human rights aimed at civil and public servants.

Using this guide we will offer training to parts of the civil and public service which request this. The training on offer will emphasise the positive benefits to the civil and public service of human rights-awareness, including in terms of avoiding certain legal risks. This is an area where the Commission can add value through offering this important training gratis to the civil and public service.

As Ireland's National Human Rights Institution, the Commission has also gained an international reputation for its work in promoting human rights and the development of independent national human rights institutions around the world. In 2009, our international influence and profile continued to be enhanced through our position as Chair of the European Group of National Human Rights Institutions. We were particularly delighted to welcome the UN High Commissioner for Human Rights to speak at our annual conference with the Incorporated Law Society, on her first visit to Ireland. We continued to maintain close relations not only with the offices of the United Nations, but also with the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE), the EU Fundamental Rights Agency and other relevant agencies regionally and internationally.

This not only feeds directly into our statutory mandate to advise Government on best policy and practice, but also plays a role in strengthening Ireland's image internationally as a human rights-based democracy. While not wishing to overstate our importance, given the current crisis this country is facing the existence of strong independent statutory bodies which contribute to the picture

of an Irish state which is amenable to close scrutiny of its actions can only be positive.

The extent of the work which we undertook in 2009, is testament to the hard work and commitment of the Commission's staff and Commissioners. However, it is essential that the Commission has sufficient resources to carry out its mandate. We responded as best we could to the 32% budget cut we experienced in 2009. In particular, through the pursuit of three specific measures; the sourcing of philanthropic support which as I mentioned will allow us to significantly increase our education and training capacity, the establishment of a *pro bono* internship and professional placement scheme, and the attraction of *pro bono* assistance from members of the Bar, without which we would not have been able to continue to perform our legal functions.

I would like to take this opportunity to thank all of those who have assisted us under these initiatives. They have been invaluable in allowing us to continue functioning over this period. However, these approaches cannot be a substitute for support from central exchequer funding.

The international community has called on Ireland to support the Commission with adequate funding, as is required under the *Paris Principles*. Ireland should be a model for how it supports its national human rights institution and I welcome Minister White's presence here today again in this regard.

The Commission's mandate covers work carried out across Government Departments. Because of this, we have repeatedly called for the Commission to be made directly accountable to the Oireachtas. There is currently much talk of parliamentary reform. A key reform – which I would urge all parties to commit to – is the introduction of an Oireachtas human rights committee to which the Commission would be accountable in terms of its reports, including its annual report. In effect the Irish Human Rights Commission - with its specialised knowledge – should become the human rights adviser to the Oireachtas.

However, while direct accountability to Parliament is recognised internationally as the most appropriate structure for a national human rights institution, I would take this opportunity to welcome the recent switch in the Commission's administrative accountability to the new Department of Community, Equality and Gaeltacht Affairs. This is an important step in the right direction and the level of engagement we have received from the new Department – evidenced by Minister White's presence here today - is most welcome.

Finally, I would like to sincerely thank all my fellow Commissioners, our Chief Executive and staff for their excellent work throughout the year in less than easy circumstances.