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## **12 Years of the IHRC**

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**Promoting  
& Protecting  
Human Rights  
in Ireland**

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The Irish Human Rights Commission (IHRC) was established, under the Human Rights Commission Acts 2000-2001, to promote and protect human rights in Ireland. The human rights that the IHRC protects are the rights, liberties and freedoms guaranteed under the Irish Constitution and the international agreements, treaties and conventions to which Ireland is a party.

# Promoting & Protecting Human Rights in Ireland

**It has been my privilege to serve as President of the Irish Human Rights Commission (IHRC) since 2002, and I want to pay tribute at the outset to Judge Donal Barrington who was its founding President and to all my fellow Commissioners for their service with the Commission during those years. Their expertise, insight and support has been invaluable in moving the Commission from the statute book into the field of public law and policy in the State. When the IHRC was being established An Taoiseach Bertie Ahern TD said that it should not merely follow standards but help to set them. We have succeeded in this and, in many ways, represent a global example of best practice in the human rights sphere.**

Human rights are the basic, fundamental and crucial elements of all our lives that ensure we can live the best lives possible. Human rights are dismissed too often by those who perhaps do not wish them to be upheld or through ignorance of their true nature, as the politics of one side or the other or as something divisive, or as an unnecessary, expensive indulgence. Let us not fall into this trap in Ireland.

If we look at any of the rights protected in the Universal Declaration of Human Rights and the international conventions that flowed from it, we see not a list of rights to be somehow given to us, but the very basics that should exist in all societies – rights to life, health, and education among others. In an ideal world, we should not even need to talk about achieving human rights. They would already be inherent in society, allowing us to live our lives in freedom and dignity.

And we must never accept that there is anything conditional about human rights – that if they only apply to those who keep within the confines of what we find personally acceptable,

then we have, in that decision, denied the most fundamental principle of all that "All human beings are born free and equal in dignity and rights". Human rights must be universal.

### **Have we succeeded so far?**

Seamus Heaney, delivering the IHRC's Human Rights Lecture in 2009 said that "the Commission's endeavours to keep the country's conscience informed are constant, extensive and urgent".

As is widely known, the IHRC in effect owes its existence to the people of Ireland, who endorsed its creation when they voted for the Belfast (Good Friday) Agreement in 1998; establishing one Commission in this jurisdiction and one in Northern Ireland, both tasked with working to promote and protect human rights on the island of Ireland.

It is important in this context to point out that 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 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.

Perhaps the IHRC's defining value, however, has been its sense of independence; independence from government, and also independence from non-governmental organisations (NGOs). At its most basic, independence from government means adherence to the Paris Principles on National Human Rights Institutions.

Recognised by the United Nations and other international bodies as Ireland's independent National Human Rights Institution (NHRI) with "A" status, we have found that this international recognition is critically important to our work.

The IHRC is widely respected by the UN and European bodies as being independent of both the Government and civil society and as a body whose critiques of the Government's performance are considered, reliable and trusted by the treaty monitoring bodies. This independence derives from our adherence to the UN Paris Principles. These Principles are not an academic treatise; they define what it means to be an independent national institution promoting and protecting human rights. They constitute the criteria under which the IHRC gained its "A" status as a NHRI in 2004 and again in 2008, a status which is now up for review both as part of the 5-year review cycle and because of the changes to the IHRC as a result of the imminent merger with the Equality Authority.

Since our establishment, we have worked independently and strategically to promote and protect human rights in Ireland. With limited resources, we know that to be effective we have had to be focused in all that we do; that we should not duplicate but rather work in full co-operation with other statutory bodies whose mandate traverses human rights protection, and indeed with NGOs who work hard to promote human rights. We have offered observations on nearly 50 Bills, appeared 14 times as *amicus curiae* before the Superior Courts, provided legal assistance, dealt with a caseload of over three thousand communications, often the last port of call for people in desperate situations, conducted or commissioned research on a wide range of issues and engaged in awareness and educational work on an increasing scale.

While this publication cannot tell the full story it tries to highlight the range and impact of the work the IHRC has carried out including our scrutiny of legislation, our appearances as *amicus curiae* before the Courts; our enquiries into specific human rights concerns as well as a wide range of public awareness and human rights education and training activity.

The IHRC has, in fact, made a contribution on almost all the major societal issues facing Ireland today including the current economic crisis, immigration, racism, policing, the criminal justice system, education, women, children, disability and minority rights. We have done so with ever decreasing resources.

Although we are a small organisation, we do have a clear and vital legal mandate; our mission is in essence to see that the human rights of everyone in Ireland are protected, and that a culture of respect for those rights permeates every facet of Irish society; strong justification for the continued need for an independent national human rights institution.

In designing the new human rights and equality architecture there is a golden opportunity for Ireland to lead the world in human rights and equality protection; to become a model of best human rights and equality practice. I urge the Government to grasp this opportunity fully and positively and to build strongly on what exists. Let the work begin to create a powerful agent for change in the form of a vibrant, independent and catalytic Human Rights and Equality Commission. The people of Ireland, especially those who are in vulnerable and disadvantaged circumstances, are owed no less.

**Maurice Manning**

President

June 2012

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## Introduction

**The Irish Human Rights Commission (IHRC) was established in 2001, as a result of the Belfast/ Good Friday Agreement. After twelve years, it is worthwhile to reflect on some of the highlights of our work. The IHRC has always been a small institution with a modest budget – at our largest in 2008 we had 22 staff and contractors, but for most of the past twelve years we have had only half that number. However, in that time, in terms of our role as Ireland’s National Human Rights Institution, we have achieved what we set out to do – as the President of the IHRC stated in our 2003 Annual Report “Our job is not to compete, but to add value through our expertise and Independence”. This document sets out some of the areas in which we have made an impact since that time.**

Looking back, it is somewhat disappointing that the evolution of the IHRC has not been an upward trajectory. The hope for human rights on the island of Ireland was high in the years following the Good Friday Agreement. With the establishment of the Commission, many saw signs of the start of a deeper, more reflective State: one capable of self-scrutiny and criticism and one in which values of human rights co-existed with the State’s increasing prosperity.

The Commission’s trajectory during those years is of note. Between 2003, when we recruited our first permanent staff, and 2008, the Commission saw progress and growth in our work, our resources and our acceptance as an important independent statutory voice. However, since 2008, we have seen a considerable diminution in resources that has been utterly disproportionate to the reductions to most other statutory bodies. International standards governing National Human Rights Institutions such as the IHRC tell us that “Adequate funding should, to a reasonable degree, ensure

the gradual and progressive realization of the improvement of the organization's operations and the fulfilment of their mandate". It is regrettable that successive Irish Governments have not placed more priority in the area of promoting and protecting human rights for everyone in Ireland. Some may argue that a lack of independent accountability led to the economic crisis experienced in the State in recent years. The reaction to that situation has seen increased resources for economic regulation, however in contrast, state funding for human rights and social regulation has significantly reduced.

A national crisis should never be used as an excuse to reduce or demolish bodies that disagree with one's position - in a modern pluralist democracy such impulses should never be allowed. We hope that in the future the new Irish Human Rights and Equality Commission will be provided with a stable budget and resources and then be allowed to independently promote and protect human rights in Ireland. Any structural changes to the body should only come as a result of a decision of the Oireachtas.

Sadly, human rights in Ireland since 2001 have not progressed on a smooth trajectory. On the positive side, we now have deeper institutional responses to human rights, including the establishment of regulatory bodies ranging from the Ombudsman for Children, the Data Protection Commissioner, the Garda Síochána Ombudsman Commission, the Mental Health Commission, the Inspector of Prisons and the Health Information and Quality Authority. While the remits of these bodies are uneven in places, their work has brought significant attention to human rights deficits in important areas in the life of the nation. Equally in the last twelve years, Ireland's community and voluntary sector has gone from strength to strength, becoming more professionalised, diverse and responsive, due to funding from both the State and by international philanthropic foundations. Sharp cuts in public funding and the diminishing availability of other sources of funding places severe strain on civil society organisations and has the potential to weaken our participatory democracy. A vibrant community and voluntary sector is vital for the life of the nation, as recognised repeatedly by UN bodies and the Council of Europe's Commissioner for Human Rights among others. Community and voluntary organisations are an essential part of a healthy democracy and must have the resources made available to them to continue with their important work in the years to come.

There remain significant human rights issues that we worked on almost twelve years ago that are still causing problems for people throughout Ireland today – the rights of people with disabilities, women's rights, the situation of older people



in long-stay care, the rights of Travellers, recognition of Economic, Social and Cultural Rights, the rights of prisoners and ensuring that criminal justice is balanced fairly. We have also been waiting an unacceptable amount of time for the State to ratify important international treaties and conventions – including those on the Rights of Persons with Disabilities and an Optional Protocol to the Convention Against Torture that would provide for monitoring visits in all places in Ireland where people are detained or are kept in long-term care homes if they lack legal capacity to consent to their stay. However, overall in most areas there has been steady progress in the protection and realisation of rights in Ireland.

The following sections provide a snapshot - year by year - of some of the highlights of our work. The publication also acknowledges all our Commissioners and staff without whose integrity, insight and hard work there would be no legacy.

**Des Hogan**

Acting Chief Executive

June 2012

*[Human rights are]... "the rights, liberties and freedoms conferred on, or guaranteed to, persons by the Constitution, and ... the rights, liberties or freedoms conferred on, or guaranteed to, persons by any agreement, treaty or convention to which the State is a party."*

**Human Rights Commission Act, 2000**

### **European Convention on Human Rights**

The European Convention on Human Rights (ECHR) has been central to the work of the IHRC. Its standards are consistently referred to in our legislative, legal, education and training activities. In October 2001, the IHRC made a submission to the Oireachtas Committee on Justice, Equality, Defence and Women's Rights on the incorporation of the European Convention on Human Rights into Irish law and in December 2002 we appeared before the Committee. The IHRC expressed concern that incorporation of the Bill indirectly and at sub-constitutional level might not produce the desired effects for recognition of the Convention as a source of law in the courts.

In October 2002, the IHRC co-hosted a timely conference with the Law Society of Ireland, which has since become an annual event, on the *European Convention on Human Rights Bill 2001*. The European Convention on Human Rights Act 2003 (ECHR Act) was commenced on 31 December 2003 and though it is sub-constitutional, its use and recognition as a source of law in the courts has increased and informed some important judgments. Five years on, in 2008, our Conference with the Law Society again considered the ECHR and assessed the impact of five years of the Act.

The Commission saw how the sub-constitutional enactment had limited the effectiveness of the ECHR in Ireland. Thus in 2012, there is still no legislation for the recognition of transgender people, four years after the High Court found the State to be in breach of its ECHR obligations in this regard in the case of *Foy v. An tArd-Chláraitheoir & Others*. Despite this, however, ECHR standards remain a cornerstone of our work and are relied on increasingly in the courts.

## **Joint Committee**

The Belfast/Good Friday Agreement provided for the establishment of a Joint Committee of the IHRC and the Northern Ireland Human Rights Commission (NIHRC) as a way to share information and collaborate on common human rights concerns. Since its first meeting, the Joint Committee has continued to meet three to four times a year. Commissioners and staff have shared their expertise and insight to advance work in the areas of human rights education, human trafficking, racism, migrant workers rights as well as on the scope and potential for a Charter of Rights for the island of Ireland. In 2003, the IHRC and the NIHRC co-published *A User's Guide to the International Convention on the Elimination of Racial Discrimination*. Anti-racism work, including in the areas of discrimination, formed a core part of the Joint Committee's work over the past ten years.

*"[A] human rights perspective on disability is so important... It reminds us that people with disabilities are human beings first and foremost and that their disability is not relevant to their entitlement to enjoy the full range of human rights that all others take for granted. It reminds us that the values of dignity and autonomy and equality apply for all..."*

**Judge Donal Barrington, President of the IHRC, Towards a United Nations Convention on the Human Rights of Persons with Disabilities Conference, 28 February 2002**

## Rights of People with Disabilities

From the beginning, the IHRC has championed the development of an international legal standard to promote and protect the rights of people with disabilities. The IHRC co-hosted a conference with the National Disability Authority and the Department of Foreign Affairs in 2002 to discuss the development of a human rights instrument to protect the rights of persons with disabilities. When the opportunity arose, we were involved with our international colleagues in the negotiations of what became the UN Convention on the Rights of Persons with Disabilities.

The IHRC highlighted the rights of people with severe to profound intellectual disabilities in its third Enquiry Report into the services at a residential, day care and respite Centre, which commenced in 2008, and was published in March 2010. The Enquiry was conducted at the request of a group of concerned parents and siblings of the residents in the Centre. It found that there were serious gaps in the provision of services to residents or people using the facilities of the Centre. The inadequate services stemmed from systemic problems with the legislative, strategic and policy frameworks set at the national level. Recommendations for change were made to the relevant Government Departments, the Health Service Executive and other stakeholders.

Most recently in 2011, in our report as part of Ireland's Universal Periodic Review (UPR) process, we pressed the Government to take the necessary action required to ratify the UN Convention on the Rights of Persons with Disabilities as soon as possible. A major reason stated by the Government for the delay has been the slow pace of reform of capacity legislation. The IHRC has been very engaged on this issue; submitting observations on draft legislation to the Government

including the Disability Bill 2004, since enacted; interacting with the Oireachtas and acting as *amicus curiae* in capacity cases where available human rights protections is invariably an issue.

### **Independent Oversight of An Garda Síochána**

The provision of independent oversight of policing is a human rights norm. In December 2002, the Commission issued a position paper entitled *A Proposal for a New Garda Complaints System*, in which it had argued for an independent and effective body to deal with complaints against members of the Garda Síochána (later to become the Garda Síochána Ombudsman Commission). Since that time, we have seen the Garda Síochána Ombudsman Commission become a strong oversight mechanism for An Garda Síochána. In the coming years, there may be a good opportunity to undertake a review of that Commission to ensure that it has the powers, independence, resources and co-operation from An Garda Síochána to enable it to continue to carry out its important role.



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2003

*"The Human Rights Commission is designed to be a powerful and independent watchdog and champion of human rights in Ireland."*

**An Taoiseach, Bertie Ahern TD, Opening of the IHRC's  
Jervis House Office, 10 December 2003**

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### **IHRC's first Strategic Plan 2003-2006**

Following the establishment of the IHRC in July 2001, and recruitment of the Chief Executive and staff in 2002-03, the newly appointed Commission published its first Strategic Plan. Following a wide consultation process which informed the development of the Plan, the Commission prioritised the administration of justice; economic, social and cultural rights; cross-cutting issues: gender; racism; people with disabilities; equality and human difference.

### **Keeping Legislation under Review**

The importance of the IHRC's function to review legislation at the request of a Minister or of its own accord is borne out by the volume of legislative observations that the IHRC has submitted to Government in its lifetime; close to fifty in all. In 2003, legislation reviewed during the year included, the IHRC's observations on the implications for human rights of the European Arrest Warrants Bill 2003. While welcoming many of the safeguards provided for in the Bill and accepting as legitimate its objective to streamline procedures for the extradition of persons between EU Member States, the IHRC expressed concern that the EU Framework Decision which formed the legal basis for the Bill was based on the questionable presumption that there is effective and equivalent protection of accused persons' rights in all EU Member States. We also took the opportunity to express concern at the lack of effective systems of democratic scrutiny, lack of transparency and the inadequate consideration of human rights and civil liberties standards within the decision-making process, a theme to which the IHRC would return to in relation to European legislation in successive years.



## 2004

*"Immigration is one of the most important challenges currently facing Ireland.... As a society, it is imperative that we deal with the issues posed by immigration in a positive, coherent and humane way."*

**Mary Robinson, Former President of Ireland, Former UN High Commissioner for Human Rights, Foreword to IHRC & NCCRI's *Safeguarding the Rights of Migrant Workers and their Families*, April 2004**

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### Citizenship

Citizenship and its legal interpretation became an issue in 2004, resulting in a Constitutional referendum. Anticipating an emerging human rights challenge in this area, in October 2003, the IHRC had issued a paper entitled *Position of Non National Parents and their Irish-Born Children* on the human rights implications of deporting the non-national parents of children born in Ireland.

The IHRC expressed grave concerns in its Observations on the proposed referendum. In the view of the IHRC, any proposal for constitutional change should be accompanied by a serious and comprehensive consideration of the potential impact of the proposed change on the enjoyment of constitutional rights. In this regard, the IHRC was concerned that the Government chose not to consult with the IHRC, or indeed the All-Party Committee on the Constitution in advance of publishing the proposed Bill, or in advance of taking the decision to proceed with a referendum on this issue. The proposed amendment to the Constitution raised concerns about the future constitutional protection of children born in the State of parents who are not Irish citizens and the clear duty to ensure the 'best interest of the child' is fully considered. Since then, the consequence of the Constitutional amendment has manifested itself in a series of court cases and judicial reviews.

### Migrant Workers

The rights of migrants and their families is a multifaceted issue which includes consideration of issues such as conditions of entry and residence, work permits, family reunification, freedom of movement, racism and discrimination, employment, and social inclusion. The IHRC

and the National Consultative Committee on Racism and Interculturalism (NCCRI), since abolished, published a guide in 2004 that provided a set of benchmarks from which to assess existing immigration policy and to inform future policy development. The rights of migrant workers – in particular the lack of sufficient protection in Irish law – continued to be an issue raised by the IHRC over subsequent years, most recently in 2011 at Ireland's Hearings before the UN Committee on the Elimination of Racial Discrimination and before the UN Human Rights Council on Ireland's Universal Periodic Review. Regrettably, Ireland has still not ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

### **Disability Legislation**

The IHRC issued its views on the Disability Bill 2004, which we saw as presenting a crucial opportunity to address the human rights of persons with a disability in 2004 and 2005. The IHRC considered that the most important issue in addressing those rights was the putting in place of adequate funding and the provision of services which guarantee (i) the 'progressive realisation' of the economic and social rights of persons with a disability; and (ii) that standards of services never fall below a floor of core minimum standards consistent with the imperative of human dignity. The human rights of persons with disabilities must be the paramount consideration in the rationalisation of resources and services. At that time, the Commission regretted that the opportunity to put in place proper human rights standards and structures had not been fully availed of. This has unfortunately continued to be the trend in subsequent years, with core issues relating to people with disabilities still outstanding in Irish law and practice. As can be seen from our 2010 Enquiry, focusing on persons with profound to severe intellectual disabilities in a residential care setting, some of the most vulnerable people in our society still face unacceptably low levels of care and protection by the State, while also not having their autonomy and right to live independently respected.



2005

*"...amending the Constitution could provide a legal basis to eliminate discrimination against women in the areas of economic and social rights. Furthermore it would add impetus to implementing anti-discrimination policies and laws for...Ireland's female population who are at risk of poverty, as well as the women in Ireland who experience multiple forms of discrimination."*

**Dr Katherine Zappone, IHRC Commissioner, UN Committee on the Elimination of Discrimination Against Women's Hearing on Ireland, July 2005**

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### **Promoting Women's Rights**

Ireland's promotion and protection of women's rights came under scrutiny by the UN Committee on the Elimination of Discrimination Against Women (CEDAW) in July 2005, before which the IHRC appeared. Prior to its appearance the IHRC submitted a detailed report to the Committee outlining its concerns including areas where the Irish Constitution failed to reflect adequately the standards contained in the Convention. It also highlighted the extent of women's poverty in Ireland, the experience of women facing multiple discrimination including older women, women with disabilities, migrant women, and women from racial or ethnic minorities including Traveller women. At the hearing, the IHRC used the opportunity to brief the Committee as well as to speak to members informally on our concerns about women's rights in Ireland as well as possible options concerning the status of National Human Rights Institutions before treaty monitoring bodies.

Later that year the IHRC accepted an invitation from the Women's Human Rights Alliance to co-organise a training course for women community activists. With additional support from the Combat Poverty Agency, since abolished, a successful four-day training course was organised in Galway the following year. Regrettably many of the concerns raised by the IHRC in 2005 remained unchanged when in 2008 the IHRC inputted its observations on Ireland's draft of its next report to CEDAW. Although this report was due to be submitted in 2007, Ireland has not appeared again before the CEDAW Committee. The IHRC again in 2011, called on the Government to address women's rights and equality in the Irish Constitution and the unequal representation of women in public life in its report to the UN for Ireland's Universal Periodic Review.

## **Promoting Economic, Social and Cultural Rights**

The ways and means to enforce economic, social and cultural rights in the Irish Constitution, legislation and practice remains a matter of debate in Ireland. In 2005, the IHRC put its focus on progressing change in this area with the publication of a succinct discussion document on economic social and cultural rights in Ireland. The document was launched at an international conference bringing together a wide range of experts in the field to examine the enforcement of this set of rights in the Irish legal and policy context.

In 2009, prompted by the impact of the financial crisis, the IHRC revisited the issue at its annual human rights conference with the Law Society of Ireland. Navi Pillay, UN High Commissioner for Human Rights spoke of the need for stronger enforcement of economic, social and cultural rights to protect people most vulnerable to such economic shocks. This message was reinforced by Magdalena Sepúlveda Carmona, the UN Special Rapporteur on Extreme Poverty following her visit to Ireland in 2011 in her report on economic inequality and poverty in Ireland. The IHRC met with the Special Rapporteur to set out our concerns in a range of areas around poverty in Ireland. We have publicly and forcefully called for the implementation of measures to ensure that economic and social policy decisions resulting from the economic crisis do not disproportionately affect people in poverty or vulnerable circumstances.



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2006

*"The growing national and international consensus for the way we should treat children means that we are moving towards a place where children's rights are genuinely respected."*

**Emily Logan, Ombudsman for Children, Realising Children's Rights Conference, 14 October 2006**

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### **Chair of the European Group of National Human Rights Institutions**

Building a strong network of National Human Rights Institutions (NHRIs) has been an ongoing ambition of European Institutions. The IHRC became Chair of the European Group of NHRIs and a member of the Bureau of the International Coordination Committee of NHRIs in 2006. In our five years as Chair, the IHRC worked to promote NHRIs with regional and international human rights mechanisms, strengthening contacts within these bodies. The IHRC worked particularly closely throughout its time as Chair with the Office of the High Commissioner for Human Rights, the Council of Europe, the EU Fundamental Rights Agency and the Organisation of Security and Cooperation in Europe, as well as with other NHRI regional groups from Africa, Asia-Pacific and the Americas regions. The IHRC hosted a major event with the Council of Europe Commissioner for Human Rights in 2008. The two-day roundtable was entitled 'Domestic Protection of Human Rights - Strengthening National Structures', and discussed how NHRIs across Europe can strengthen their role in protecting and promoting human rights in their respective countries. The IHRC has represented the European Group at international conferences and events, and worked to strengthen the Group internally through developing a strategic plan and a plan for the creation of a permanent secretariat. Since 2010, the IHRC chaired its Legal Working Group and with other NHRIs has submitted *amicus curiae* interventions before the European Court of Human Rights on behalf of the European Group.

## **Promoting Children's Rights**

Ireland's record on children's rights came under the spotlight in September 2006 when Ireland appeared before the UN Committee on the Rights of the Child. In advance of the hearing, the IHRC met with members of the Committee and made a detailed written submission setting out a number of areas of concern in relation to the protection of children's rights in Ireland. During the whole process the IHRC worked closely with the then newly appointed Ombudsman for Children. Later in the year *Realising Children's Rights* was the theme of the IHRC and the Law Society of Ireland's Annual Human Rights Conference organised in collaboration with the Ombudsman for Children. While respecting the lead role of the Ombudsman for Children in promoting children's rights in Ireland, the IHRC, in its role as the National Human Rights Institution has continued to draw attention to gaps in the protection of children's rights through its work including, children in detention, children coming into contact with the criminal justice system, Irish citizen children, unaccompanied minors seeking asylum and children's rights in the Constitution.

## **Promoting the Rights of *De Facto* Couples**

The IHRC took a leading role in promoting the rights of *de facto* couples by publishing a comprehensive account of applicable international human rights standards, and assessing the adequacy of Irish law in light of that international legal framework. The report specified areas of domestic law which needed legislative amendment. A compelling case was made for the State to provide some formal level of legal recognition to same-sex partners. On the publication of draft legislation on civil partnership three years later, the IHRC produced a comprehensive discussion document that informed the debate at the time. Civil Partnership legislation subsequently came into force on 1 January 2011.

## **Promoting the Rights of Travellers**

Protecting the human rights of Travellers has been a constant concern of the IHRC. We have sought to address Traveller rights through our legislative, legal, awareness, education and monitoring work. The Commission has highlighted the impact of the Housing (Miscellaneous) Provisions Act 2002 and other related matters including the extent to which local authorities may be obliged to provide appropriate accommodation to Traveller families through our appearance as *amicus curiae* in *Lawrence & Others v. Ballina Town Council*. The IHRC has strongly advocated for Travellers to be recognised as an ethnic minority.

In 2008, with Pavee Point, we published a joint report entitled *Travellers' Cultural Rights – The Right to Respect for Traveller Culture and Way of Life* which sets out the human rights standards in relation to the right to enjoy cultural life and the application of these standards to Travellers.

While efforts have been made by Government to develop specific strategies to address the discrimination experienced by Travellers, they still face significant barriers and inequalities in relation to education, health, employment and representation in decision making. These issues have been highlighted in the IHRC's 2005 and 2010 reports to the UN Committee on the Elimination of Racial Discrimination (CERD), in our report on the implementation of the International Covenant on Civil and Political Rights in 2008 and most recently in our 2011 report as part of Ireland's Universal Periodic Review.

*"The clear and overwhelming majority of legal opinion, in respect of human rights compliance, suggests that diplomatic assurances in relation to a convention as important as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are simply insufficient."*

**Michael D Higgins TD, Speaking on the IHRC report on Extraordinary Rendition: Ireland's Human Rights Obligations at the Joint Oireachtas Committee on Foreign Affairs, 19 December 2007**

## **Promoting and Protecting Human Rights in Ireland - Strategic Plan 2007-2011**

The IHRC published its second strategic plan in June 2007. Its strategic priorities for the period included promoting a culture and ethos of respect for human rights, inclusiveness and diversity in Irish society, advancing the centrality of human rights in the formulation and administration of law, public policy and justice, assessing and anticipating emerging human rights challenges as well as enhancing the work of the Joint Committee and the capacity of the IHRC to meet its goals.

## **'Extraordinary Rendition': Ireland's Human Rights Obligations**

So called 'extraordinary rendition' describes the circumstances when a person is removed from one country to another in order to interrogate the person, but which in reality results in human rights abuses. In 2007, the IHRC published a report into Ireland's human rights responsibilities in this regard. The report concluded that diplomatic assurances received from the US Government were not sufficient for Ireland to satisfy its human rights obligations in relation to 'extraordinary rendition' flights passing through Irish territory. The IHRC called for an effective inspection regime to be put in place to ensure that no foreign aircraft which might be suspected of involvement in the illegal practice of 'extraordinary rendition' could land and refuel in Ireland. Effective inspections would ensure that no prisoners were transited through the State en route to a situation of torture or inhuman or degrading treatment or punishment. Though the Government vigorously rejected the IHRC's assessment, there was concern in the Oireachtas. Ireland's opposition to the practice was reaffirmed by the Government at the time. Revelations that have emerged in the recent past have vindicated the stance of the IHRC.

## **The Self-Employed and the Old Age Contributory Pension - First Enquiry Report**

Looking in-depth at an issue that has human rights implications for the State is one of the important functions of the IHRC. In 2007, the IHRC published its first Enquiry Report entitled *The Self-Employed and the Old Age Contributory Pension*. The report enquired into the anomaly in the pension system where self-employed people were obliged to make social insurance payments for a contributory old age pension they could not obtain when they retired. The Report concluded that international human rights standards had been infringed and made recommendations focusing on how obligatory pension schemes should be formulated to guard against discrimination. The IHRC has since published two further Enquiry Reports: the second on a visitor refused leave to land in the State; the third on services for people with severe to profound intellectual disabilities.

## **Combating Human Trafficking**

Tackling the human rights abuse that is human trafficking was given increased attention in 2007 with the publication of the General Scheme of the Criminal Justice (Trafficking in Persons and Sexual Offences) Bill; moving Ireland towards greater compliance with international human rights standards. The establishment of the Anti-Trafficking Unit in the Department of Justice gave practical application to the commitment to tackle human trafficking. The work of civil society organisations such as the Immigrant Council of Ireland and Ruhama has been particularly valuable in highlighting this issue in Ireland. The IHRC has worked with these organisations and on its own to promote the need for action on trafficking. The IHRC provided observations on legislation, spoke at conferences; and gave information to UN human rights monitoring bodies. A central concern of the IHRC has been the protection of the victims of human trafficking, most recently reiterated in our 2011 report for Ireland's Universal Periodic Review.



2008

*"Strong legislation and accessible mechanisms for the vindication of human rights are important elements in the process of full conversion to a culture in which respect for human rights is embedded and spontaneous."*

**Mary McAleese, President of Ireland, IHRC Annual Human Rights Lecture, 25 November 2008**

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### **Protecting Transgender Persons' Rights**

A major step was taken to advance transgender rights in Ireland in 2008 when the High Court ruled in the case of *Foy v. An tArd-Chláraitheoir & Others* on the lack of legal recognition for transgender people under Irish law. This was the first time the courts had declared a law incompatible with the provisions of the ECHR under section 5 of the European Convention on Human Rights Act 2003. The IHRC separately reviewed international standards on transgender rights and made a recommendation to Government that law reform was required. The *Foy* Judgment was appealed by the State to the Supreme Court but following the withdrawal of the appeal, an Inter-Departmental Gender Recognition Advisory Group was established to recommend law reform. The IHRC engaged with this process and draft legislation was pending at time of writing.

### **Protecting Immigrant Rights**

Protecting immigrants' rights including those of migrant workers, asylum seekers, refugees and people who have been trafficked has been a feature of the IHRC's legislative, legal and awareness raising work since its inception. The Immigration, Residence and Protection Bill 2008, was the most extensive piece of draft legislation on the area produced by Government. The Observations produced on the Bill by the IHRC were its most extensive too: 59 recommendations on 24 sections of the Bill. The IHRC outlined its concerns about the serious lack of human rights safeguards in the Bill at a meeting of the Oireachtas Joint Committee on Justice, Defence and Women's Rights and in its second Enquiry report published in January 2009, *Report on an Enquiry into the Treatment of a Visitor Refused Leave to Land in the State*. The Bill however was stalled at Committee stage in



the Oireachtas and fell with the change of Government. No subsequent comprehensive immigration legislation has since been produced in Ireland although there are proposals to revive the Bill.

Since the enactment of the European Convention on Human Rights Act 2003 (ECHR Act), the IHRC has been granted liberty to appear as *amicus curiae* (or "friend of the Court") in an increasing number of cases. The IHRC has intervened as *amicus curiae* in a number of immigration-related cases, including being invited by the High Court to appear in *I v. The Refugee Appeals Tribunal & Others* in June 2008. The case involved how refugee determination proceedings should be conducted and specifically whether there was a duty on the Refugee Appeals Tribunal to consider available evidence in its possession in relation to questions not raised by an asylum seeker in her or his Notice of Appeal. The Court ruled along the lines suggested by the IHRC, holding that formal legal rules should not be applied if to do so would result in a serious injustice.

### **Human Rights Framed by Young People**

On 10 December 2008, the 60<sup>th</sup> anniversary of the signing of the Universal Declaration of Human Rights was celebrated. The IHRC saw this anniversary as an opportunity to work more closely with young people on human rights. In partnership with the Law Society of Ireland, we commemorated the anniversary with *Human Rights Framed By Young People*. Civic, Social and Political Education (CSPE) students were invited to submit posters illustrating human rights issues that concerned them. A wonderful collection of posters on a wide variety of human rights issues were framed and exhibited in the President's Hall of the Law Society. CSPE students took centre stage at the opening of the exhibition, illustrating why human rights were important to them through illuminating statements. The exhibition toured libraries in Dublin the following year. In 2012, the IHRC is again working with CSPE students to create awareness and understanding of human rights and to illustrate their Action Project work through a visual expression of human rights.



2009

*"The work of the Commission is worthy of the highest praise, especially at this moment when economic downturn weights most cruelly upon the under-represented and the under privileged. The Commission's endeavours to keep the country's conscience informed are constant, extensive and urgent..."*

**Seamus Heaney, Nobel Laureate, IHRC Annual Human Rights Lecture, 9 December 2009**

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### **Writer & Righter**

Our Annual Lecture has afforded the IHRC an opportunity to promote human rights to an audience of colleagues and the wider general public. In 2009 Seamus Heaney gave an inspirational address *Writer & Righter*, where he spoke of "that moment the art and the artist become allies in the great work of 'saving nations and people'". It roused us to press forward with renewed energy in our defence of human rights. The words were so memorable that Mary Robinson, former President and former UN High Commissioner for Human Rights launched them for us in published format in 2010.

Eloquent and compelling lectures were also delivered as part of our Annual Lecture series by Mary McAleese, then-President of Ireland, Thomas Hammarberg, Council of Europe Commissioner for Human Rights and most recently Eamon Gilmore TD, Tánaiste and Minister for Foreign Affairs and Trade.

### **Criminal Justice**

Human rights compliance in the criminal justice system has featured prominently in the work of the IHRC. Twenty five, or more than half, of the observations offered by the IHRC on draft legislation have been about criminal justice; dealing with such issues as the criminal justice system itself, juvenile justice, warrants, forensic evidence, begging, human trafficking and spent convictions. In 2009, the IHRC critiqued the lack of human rights safeguards, especially the extension of the remit of the Special Criminal Court, in the Criminal Justice (Amendment) Bill 2009, which was swept through the Oireachtas with little time for debate. We updated the United Nations Human Rights Committee on gaps in protection under the International Covenant on Civil and Political Rights

including poor prison conditions and the lack of independent monitoring of places of detention; supplementing a more detailed report we provided in 2008. These issues continue to be highlighted, most recently in our report to the UN Committee Against Torture.

The IHRC also published a seminal Policy Statement on the Human Rights Compliance of An Garda Síochána, informed by comprehensive research commissioned by the IHRC and carried out by Professor Dermot Walsh, University of Limerick. It highlighted human rights standards in a range of policy and practice areas with the aim of supporting the police service to better meet its human rights obligations.

### **Imprisonment for Civil Debt**

Injustice within the system for enforcing civil debts was highlighted in the IHRC's *amicus curiae* contribution in *McCann v Judge of the Monaghan District Court and Others* in the High Court. The case raised a question as to whether the State was in compliance with the international and universally recognised prohibition on imprisonment to enforce a civil debt. The IHRC, drawing on a significant legal precedent from another common law jurisdiction highlighted the gap in the protection from imprisonment in our domestic enforcement legislation and stressed the need for Ireland to meet its international human rights obligations in this regard. In 2010, the Court agreed and required the State to amend its legislation.



2010

*"It is indeed essential to mainstream human rights implementation across government departments and to become aware of the human rights implications of government policies more generally... the [IHRC Human Rights] guide can inspire similar initiatives across Europe."*

**Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 10 November 2010**

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### **Promoting Human Rights Education and Training**

Ireland has committed itself to promoting education that strengthens human rights and fundamental freedoms. The IHRC has escalated its work in the field of human rights education in recent years through our support for the *Lift Off* Project on human rights education in primary schools led by Amnesty International; our calls for greater State action on human rights in the primary and secondary curricula and our contribution to shaping the focus of the UN's World Programme on Human Rights Education and the UN Declaration on Human Rights Education and Training.

The IHRC's Human Rights Education and Training Project (HRETP) was established in 2010 to fill an identified gap in human rights training for the civil and public service, to date training nearly 500 civil and public servants and developing a range of tailored resources including 7,000 copies of a Human Rights Guide for the Civil and Public Service, supporting them to apply human rights standards and approaches in their everyday work. The HRETP has won the endorsement of the current Taoiseach and Tánaiste, as well as the Council of Europe Commissioner for Human Rights, among others. It has been cited as an example of good practice by the UN Committee on the Elimination of Racial Discrimination.

In 2011, the IHRC published a comprehensive report on the extent of human rights education in Ireland. The report identified formal education and in particular Civic, Social and Political Education (CSPE) as being most explicitly human rights oriented and highlighted its importance as a core state-examinable subject. The report reinforced the need for investment in human rights education and training support to the civil and public service.

## **Women in the Magdalene Laundries**

The fate of women in the so-called Magdalene Laundries received widespread attention and condemnation in 2010 and a report by the IHRC was a catalyst for positive action. Following an enquiry request by the Justice for Magdalene's Group, the IHRC published an assessment of human rights issues arising from the treatment of women and girls in the Magdalene Laundries operated by various religious orders in 2010. The report recommended to Government that a statutory mechanism be established to investigate the matters advanced by the Justice for Magdalene's group and in appropriate cases to grant redress where warranted.

In June 2011, the UN Committee Against Torture's Concluding Observations on Ireland expressed grave concerns at the treatment of women in the Magdalene Laundries and the failure of the State to independently investigate alleged mistreatment. The Committee concluded that the State should carry out a thorough investigation and, in appropriate cases, prosecute and punish the perpetrators and ensure that all victims obtain redress without delay. Later the same month, the Minister for Justice, Equality and Defence announced the establishment of an Interdepartmental Committee to examine the extent of State interaction with the Magdalene Laundries chaired by Senator Martin McAleese. The IHRC met with the Committee to highlight the concerns of the IHRC in relation to the human rights standards engaged. Its report is due in 2012.



2011

*"[The Universal Periodic Review]... is a key opportunity for the Government to make positive human rights changes in Ireland... Key reforms at constitutional, legislative, policy and service level are required."*

**Dr Maurice Manning, Statement prior to Ireland's Universal Periodic Review Hearing, 6 October 2011**

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## **Monitoring Ireland's International Human Rights Obligations**



Since its inception the IHRC has reported on Ireland's compliance with its international human rights obligations across the spectrum of civil and political rights, and economic, social and cultural rights. In 2011, Ireland appeared before the UN Human Rights Council to be examined for the first time on its human rights record on all human rights under the Universal Periodic Review (UPR) process. The IHRC actively engaged with the UPR at each stage: consulting with stakeholders, publishing our own report on Ireland's record, briefing Member States and the Council itself. Our concerns were reflected in the Human Rights Council's Report and recommendations. We had an opportunity to analyse those recommendations later that month as Ireland's UPR was the theme of the IHRC and Law Society of Ireland's Annual Human Rights Conference. We continue to monitor Ireland's implementation of the human rights commitments it made to the UN. In 2011, the IHRC also engaged with the Committee Against Torture and the Committee on the Elimination of Racial Discrimination on Ireland's record under those Conventions. The IHRC provided detailed observations on the human rights issues involved and briefed both Committees.



## **Religion and Education**

An emerging human rights challenge in Ireland has been the role and place of religion in the school system. Through our case work, the IHRC became aware of the concern of a number of parents in relation to the lack of choice in terms of multi-denominational or non-denominational schools in the State, and that their children, in attending a denominational school might be exposed to a form of religious education in conflict with their own religious or philosophical convictions.

The IHRC understood that the area of education and religion was a highly complex and sensitive issue for many parents, and indeed the various denominations represented in the State. The IHRC also considered that there were a range of human rights standards engaged when considering the role of religion in education. In 2011, following an extensive consultation, we published a report called *Religion and Education: A Human Rights Perspective* in which it called on the Government to increase diversity of school type in Ireland in order to meet its human rights obligations as well as the need to provide an education that does not conflict with the convictions of those from a religious or non-religious background. The IHRC also met with the Government-appointed Forum on Pluralism and Patronage in Primary Schools established to consider these issues. The report of the Forum was published in 2012 and endorsed a human rights approach to balancing the various rights involved.

### **A Charter of Rights for the Island of Ireland**

The IHRC and the Northern Ireland Human Rights Commission were mandated by the Belfast (Good Friday) Agreement 1998 to "consider, among others matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland".

In June 2011, working through our Joint Committee, the two Commissions presented their advice on a Charter of Rights for the island of Ireland to the United Kingdom and Irish Governments. The advice recommended that human rights standards currently signed up to by the two governments should be used as the minimum protection structure from which a Charter could be established.

The advice outlined the origins of a Charter as established by relevant political agreements, set out the existing human rights provisions of both jurisdictions on the island of Ireland and detailed the legal foundation for creating a Charter that would maintain a level of protection for fundamental rights on a cross-jurisdictional basis.

*"NHRIs are increasingly active in protecting vulnerable individuals and groups by ensuring that principles of non-discrimination and equality are incorporated in laws and practices."*

**Navi Pillay, UN High Commissioner for Human Rights, 25th Annual Meeting of the International Coordinating Committee of NHRIs, March 2012**

## NHRI Capacity Development Partnership Project

In August 2011 the IHRC, supported by Irish Aid, launched a one year pilot project to provide capacity building support to NHRIs in Irish Aid Partner/Priority Countries. Through this project the IHRC is working in partnership with colleague NHRIs to provide support and assistance in the realisation of their mandates. The Project builds on *ad hoc* engagement undertaken by the IHRC over the past number of years including capacity building exchanges with the Uganda, Ethiopia and South Sudan Human Rights Commissions. The Project allows for the exchange of good practices and identification of possible joint work between the IHRC and colleague NHRIs. Providing support to other NHRIs is an important role for a NHRI, who can provide peer-based assistance on the practicalities of running a national institution in a spirit of partnership.

The IHRC is collaborating with the Network of African National Human Rights Institutions (NANHRI) on capacity development initiatives in a number of thematic areas including strategic planning, international human rights systems and gender mainstreaming. The Project also undertook its first capacity assessment mission with the Human Rights Commission of Sierra Leone (HRCSL) in November 2011. On the basis of the recommendations identified in the assessment, the IHRC and HRCSL are developing practical capacity development strategies to assist the HRCSL to meet its mandate. This will include IHRC participation in induction training of new HRCSL Commissioners in 2012.



## **European Court of Human Rights**

Increasingly, complaints are being lodged by individuals with the European Court of Human Rights regarding the alleged failure of Ireland and other States to comply with the European Convention on Human Rights. The Commission has taken a role both in monitoring the compliance of the State in responding to judgments against it, for example in the case of *McFarlane v. Ireland* which concerned inordinate delay in a criminal prosecution, and also as a third party intervener in such cases where a significant human rights issue is raised. It is also providing information to applicants with the aim of ensuring that people understand the need to exhaust domestic remedies if they wish to bring a case to the European Court of Human Rights.

In 2012 the IHRC made its fourth intervention before the European Court of Human Rights, in the case of *Donohue v. Ireland*, which concerns the law underpinning the Special Criminal Court, and practice and procedure before the Court. The IHRC has expressed the view that certain procedures before that court may not comply with fair trial norms as reflected in international human rights instruments, in particular under the ECHR itself. A judgment in this case is awaited.

## **Direct Communication from People about their Human Rights Concerns**

Last but not least, are the 3000 and more people who have contacted the IHRC about their own human rights issues, since the Commission was established. It is impossible to capture the breadth of issues raised, but it is these communications from members of the public that are an important means by which human rights deficits in the State are identified by the IHRC. Each communication received is given an individual response, and depending on the issue raised may result in the granting of legal assistance or advice, or the issue may filter its way into a substantive piece of work, such as an enquiry, or a policy response.

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## Conclusion

*"I firmly do believe that the merger of the Human Rights Commission and the Equality Authority will give the new body a wider remit and more resources across the full rights and equality agenda."*

**An Taoiseach, Enda Kenny TD, IHRC – Ten Years On:  
Achievements and Challenges, 21 September 2011**

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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 organisations. 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.

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## IHRC Commission

### Commission 2011 to 2012\*

Maurice Manning  
(President)  
Conleth Bradley  
Helen O'Neill  
Roger Sweetman

### Commission 2006 to 2011

Maurice Manning  
(President)  
William Binchy  
Conleth Bradley\*  
Olive Braiden  
Rosemary Byrne  
Robert Daly  
Suzanne Egan  
Michael Farrell  
Alice Leahy  
Lia O'Hegarty  
Tom O'Higgins  
Helen O'Neill  
Gerard Quinn  
Roger Sweetman  
Mervyn Taylor\*  
Katherine Zappone

### Commission 2001 to 2006

Donal Barrington  
(President)\*  
Maurice Manning  
(President)\*  
William Binchy  
Olive Braiden  
Martin Collins  
Robert Daly  
Suzanne Egan  
Michael Farrell  
Maureen Harding Clark\*  
Nuala Kelly  
Jane Liddy\*  
Clodach McGrory  
Fionnuala Ní Aoláin  
Tom O'Higgins  
Gerard Quinn  
Mervyn Taylor  
Katherine Zappone

*\*Maurice Manning's second term as President concludes in August 2012. As a consequence of the proposed merger of the IHRC and the Equality Authority, Commissioners Bradley, O'Neill and Sweetman were reappointed on an interim basis from December 2011 to May 2012.*

*\*Mervyn Taylor retired in 2008 and Conleth Bradley was appointed later that year to replace him.*

*\*Judge Donal Barrington, the first President of the Commission retired in 2002 and Maurice Manning was appointed President of the Commission in August 2002. He was reappointed in August 2007.*

*\*Jane Liddy retired in 2004 and Maureen Harding Clark was appointed later that year to replace her.*

### Current Staff of the IHRC

Des Hogan	Acting CEO and Director of Enquiries, Legal Services & Administration
Kirsten Roberts	Acting Deputy Chief Executive and Director of Research, Policy and Promotion
Sinéad Lucey	Senior Enquiry and Legal Officer
Fidelma Joyce	Senior Human Rights Awareness Officer
Róisín Hennessy	Senior Research and Policy Officer (Career break from 2010)
Gerry Finn	Enquiry and Legal Officer
David Carolan	Administrator (Finance and Human Resources)
Karine Petrasuc	Desk Officer
Aideen Damery	Clerical Officer (Career Break from 2012)
Sharon Brooker	Clerical Officer (Career break from 2011)

### Current Independent Support Consultants

Fiona Murphy	Project Manager, Human Rights Education and Training Project (HRETP)
Ruth Gallagher	Senior Project Training and Research Officer (HRETP)
Avril Hutch	Project Officer, NHRI Capacity Development Partnership Project

## **Previous Staff of the IHRC**

### **Previous Chief Executive Officers**

Éamonn Mac Aodha	Chief Executive Officer (2007 to 2012)
Alpha Connelly	Chief Executive Officer (2002 to 2007)

### **Previous Staff**

Teuta Bytyqi-Forde	Desk Officer (2003 to 2006)
Niall Doherty	Clerical Officer (2006 to 2007)
Winnie Donoghue	Human Rights Education Fellow (2007 to 2009)
Sinéad Fitzpatrick	Human Rights Fellow (2007-2009) and Project Caseworker (2007)
Liam Herrick	Senior Legislation & Policy Officer (2003 to 2007)
Danielle Keenan	Human Rights Policy Fellow (2007 to 2009)
Claire McCann	Clerical Officer (2003 to 2006)
Sophie McGuinness	Administrator (2002 to 2003)
Gavin McSpadden	General Administrator (2003 to 2006)
Hazel Murphy	Clerical Officer (2003 to 2005)
Patricia Murphy	Clerical Officer (2007 to 2008)
Órla Ni Chuilleanáin	Human Rights Policy Fellow (December 2007 to 2009)
Catherine-Ellen O'Keeffe	Legislation and Policy Review Officer (2007 to 2008)
Leslie O'Neill	Clerical Officer (2005 to 2006)
Jennifer Pierce	Desk Officer (2007 to 2008)
Mary Ruddy	Senior Human Rights Awareness Officer (2003 to 2007)
Liam Thornton	Legislation and Policy Review Officer (2008 to 2009)
Clair Wallace	General Administrator (2007 to 2008)
Carol Waters	(2006 to 2007)

### **Previous Independent Support Consultants and Agency Staff**

Emilie Bailie (Desk Officer)
Aoife Doherty (Library)
Eimear Farrell (Eurochair Support)
Andrew Forde (HRETP)
Emilie Jost (Library)
Elizabeth Keys-Farrell (Solicitor)
Shane Moffat (Eurochair Support)
Tracy Murphy (UPR Project)
Mary O'Farrell (Library)
Aoife Waters (HRETP)

### Amicus Curiae Submissions

- IHRC Amicus Curiae Submission – Special Criminal Court Procedures - Donohoe v Ireland - 9 May 2012 – European Court of Human Rights
- IHRC Amicus Submission – Legal Aid at Inquests – Magee v Ireland - 8 March 2012 - European Court of Human Rights
- IHRC Amicus Curiae Submission – Disability and Equality of Treatment before the Law - BG v District Judge Murphy – 17 November 2011 – High Court
- IHRC Amicus Curiae Submission – State Responsibility for Abuse of a Child in a National School - O’Keeffe v Ireland - 30 September 2011 – European Court of Human Rights
- IHRC and European Group of NHRIs - Amicus Curiae Submission- Sterilisations of women with an intellectual disability- Gauer v France – 11 August 2011- European Court of Human Rights
- IHRC Amicus Curiae Submission – Deportation of Parents of Irish Born Children - Four Related Cases - 3 April 2011 – High Court
- IHRC Amicus Submission – Obligation on Foreign Nationals to Produce Identity Documents - ED v Director Public Prosecutions - 22 November 2010 – High Court
- IHRC Amicus Curiae Submission – Mental Health Detention - JB v Mental Health Review Board – 19 November 2009 – Supreme Court
- IHRC Amicus Curiae Submission - Civil Debt Imprisonment - McCann v Judge of Monaghan District Court - 1 May 2009 – High Court
- IHRC Amicus Curiae (Supplementary) Submission - Equality of Arms - Carmody v Minister for Justice - 16 January 2009 – Supreme Court
- IHRC Amicus Curiae Submission – Data Protection – Digital Rights Ireland Ltd v Minister for Communications & Others – 1 July 2008 – High Court
- IHRC Amicus Curiae Submission – Asylum Determination Procedures - I v Refugee Appeals Tribunal – 30 June 2008 – High Court
- IHRC Amicus Curiae Submission – Equality of Arms - Carmody v Minister for Justice - 1 January 2008 – Supreme Court
- IHRC Amicus Curiae Submission – Summary Eviction - Pullen v Dublin City Council - 1 January 2008 – High Court
- IHRC Amicus Curiae Submission – Traveller’s Rights – Lawrence v Ballina Town Council - 1 October 2007 – High Court
- IHRC Amicus Curiae Submission – Rights of Irish Citizen Children – DB & Others v Minister for Justice, Equality & Law Reform - 1 May 2007 – Supreme Court
- IHRC Amicus Curiae Submission – Legal Capacity and Child Care Proceedings - LAB v District Judge Brady & Others – 16 January 2007 – High Court
- IHRC Amicus Curiae Submission - Summary Eviction - Dublin City Council v Fennell - 18 March 2005 – Supreme Court

## **Annual Reports**

IHRC Annual Report 2011  
IHRC Annual Report 2010  
IHRC Annual Report 2009  
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IHRC Annual Report 2001-2002

## **E-Bulletins**

IHRC EBulletin, Spring 2012  
IHRC EBulletin, Winter 2011  
IHRC EBulletin, Summer 2011  
IHRC EBulletin, Winter 2010  
IHRC EBulletin Issue 11, November 2009  
IHRC EBulletin Issue 10, July 2009  
IHRC EBulletin Issue 9, May 2009  
IHRC EBulletin Issue 8, April 2009  
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IHRC EBulletin Issue 4, November 2008  
IHRC EBulletin Issue 3, October 2008  
IHRC EBulletin Issue 2, September 2008  
IHRC EBulletin Issue 1, July 2008

## **Awareness & Education**

IHRC Human Rights Guide for the Civil and Public Service, September 2010  
IHRC Fourth Annual Human Rights Lecture, Writer and Righter by Seamus Heaney, December 2009  
IHRC and European Group of NHRIs, Basic guide for applicants taking their case to the European Court of Human Rights, 2011

## **Joint Committee Documents**

Charter of Rights Advice, June 2011  
A User's Guide to the International Convention on the Elimination of Racial Discrimination, September 2003

## **Joint Publications**

IHRC Report on Travellers' Cultural Rights by Pavee Point & IHRC, November 2008  
IHRC & NCCRI Safeguarding the Rights of Migrant Workers and their Families, A Review of EU and International Standards: Implications for Policy in Ireland, April 2004  
IHRC Diverse Voices, National Action Plan Against Racism Steering Group, July 2003

## **Legislative Observations**

IHRC Observations on the Irish Human Rights and Equality Commission Bill 2012  
IHRC Observations on the Scheme of the Protected Disclosures in the Public Interest Bill 2012  
IHRC Observations on the Criminal Justice (Spent Convictions) Bill 2012  
IHRC note on Mental Capacity Bill to Oireachtas Committee 2011  
IHRC Observations on Legal Services Regulation Authority Bill 2011  
IHRC Observations on Heads of Vetting Bureau Bill 2011  
IHRC Observations on Criminal Law (Insanity) Bill 2010  
IHRC Observations on the Criminal Justice (Forensic Evidence and DNA Database System) Bill 2010  
IHRC Observations on the Criminal Justice (Amendment) Bill 2009  
IHRC Observations on the General Scheme of the Criminal Justice (Amendment) Bill 2009  
IHRC Observations on the Criminal Justice (Surveillance) Bill 2009  
IHRC Observations on the Spent Convictions Bill 2007  
IHRC Observations on the General Scheme of the Criminal Justice (Public Order) (Amendment) Bill 2008  
IHRC Observations on the Scheme of the Criminal Law (Insanity) Act 2006 (Amendment) Bill 2008  
IHRC Observations on the Scheme of the Mental Capacity Bill 2008  
IHRC Observations on Proposed Health Information Bill 2008  
IHRC Submission on Certain Provisions of the Employment Law Compliance Bill 2008

IHRC Further Observations on the Immigration  
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 IHRC Observations on the Immigration,  
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 IHRC Observations on the General Scheme  
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 Sexual Offences) Bill 2007  
 IHRC Observations on the Criminal Justice  
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 IHRC Observations on Draft Passports Bill  
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 IHRC Observations on the Scheme of the  
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 IHRC Observations on the Equality Bill 2004  
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 IHRC Comments on the Criminal Justice  
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IHRC Observations on Scheme of the  
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 IHRC Observations on the Education for  
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 IHRC Observations on the European Arrest  
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## Policy Statements

IHRC Policy Paper on Section 2 Mental  
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 IHRC Policy Statement on Section 62 of  
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 Possession of a Local Authority Dwelling,  
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 IHRC Policy Statement on the Human Rights  
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 IHRC Resolution in Relation to Claims on US  
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 IHRC Policy Position on Family Reunification,  
 September 2005

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IHRC Submission Inter-Departmental  
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 IHRC Submission to the Department  
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 IHRC Submission on CSPE in the new Junior  
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 IHRC Submission to Irish Aid on the Review  
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 IHRC Submission to Working Group on  
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 IHRC Submission on School Enrolment  
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 IHRC Submission to NCCA on CSPE in the  
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 IHRC Submission to Inter-Departmental  
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 October 2010  
 IHRC Submission to NCCA on draft Syllabus



for Politics and Society, a new Senior Cycle subject, November 2009

IHRC Submission to Government on local authority housing rights, 2009

IHRC Submission to the Health Information and Quality Authority on the Draft National Quality Standards on Residential Services for People with Disabilities, October 2008

IHRC Submission to the Mental Health Commission on the Draft Code of Practice, November 2008

IHRC Submission to Government concerning the protection of the rights of transgendered persons, September 2008

IHRC Submission to the Joint Committee on the Constitutional Amendment on Children, January 2008

IHRC Submission to the National Action Plan on Anti-Trafficking, January 2008

IHRC Submission on Education for Sustainable Development to Department of Environment, Heritage and Local Government and Department of Education and Science, July 2007

IHRC Submission to the Legal Aid Board, January 2007

IHRC Submission to the Temporary Committee on Transportation and illegal detention of prisoners, November 2006

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## **Strategic Plans**

IHRC Strategic Statement 2012

IHRC Strategic Plan 2007 - 2011

IHRC Strategic Plan for 2003-2006

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Promoting  
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in Ireland