

Response to Questionnaire on NHRIs and Human Rights Defenders

1. A. Legislative framework to establish a NHRI

Human Rights Commission Act 2000. See Special Rapporteur's statement 23/11/2012 re IHREC Bill.

B. 2000 Act provides for independent Commission, wide human rights mandate and seen as a model piece of legislation at the time.

2. A. See section 8 of the 2000 Act, the IHRC Strategic Plans 2003-06, 2007-11 and Strategic Statement 2012.

B. Yes – can receive complaints and can conduct enquiries or grant legal assistance. May also refer to other more appropriate agencies.

C. The mandate is not so limited.

D. IHRC powers are subject to the Irish Constitution which provides that only courts or similar bodies may provide remedies to individuals. IHRC does not provide witness protection mechanisms. May visit detention facilities but has no specific power to visit/ inspect. OPCAT not yet ratified by State.

3. A. Activities include reviewing law and practice and making recommendations to Government – for example in relation to whistleblowing and employment sanction in healthcare etc and Garda vetting etc.

B. Use of general powers. IHRC can issue shadow reports to UN bodies and appear before European Court in legal cases.

4. A. Yes – verbal threats from private individuals although rare.

B. None save internal health and safety protocols.

5. A. Main funding from State. Additional funding secured from Philanthropic organisation to allow for Human Rights and Education Training of Public Officials.

B. Challenges exist due to funding cuts to IHRC in recent years. Structural linkages to a funding Department (Dept of Justice) rather than to Parliament and lack of input into yearly budgetary discussions/ allocation decisions except through Department have resulted in serious impacts to Institution.

6. A. Selection procedures: Historically selection panel made recommendation to Government Minister who made appointments.

In 2012/ 2013 ahead of proposed merger with Equality Authority, an independent selection panel was appointed which engaged with the Oireachtas Joint Committee on Justice, Equality and Defence. That committee seeks nominations for new Commission, will vet applications and interview Chief Commissioner and make recommendation for Government. Draft Heads of Bill makes reference to President providing seal for members of new Commission.

Government retains power to dismiss members.

END