

WORKING SESSION 4 – 23rd September

Remarks by Ambassador Philip McDonagh on the role of National Human Rights Institutions

Ireland is fully associated with the intervention that has just been made in the name of the European Union. I wish to add a few comments from a national perspective on the role of national human rights institutions. This is a topic in which Ireland has a particular interest and indeed very recent experience of creating a new national institution.

We have merged our Equality Authority and our Human Rights Commission and the new body (the Irish Human Rights and Equality Commission) came into effect as from 1 November last year. Across the range of OSCE participating States, we sometimes see quite a complex institutional landscape in this area. Merging everything is not necessarily the answer. Specific priority areas may still need a dedicated institution - in Ireland we have an Ombudsman for Children, in other participating States gender equality is seen as warranting a specific organisational focus. But in our review in Ireland, we were impressed by the work of the EU Fundamental Rights Agency and its call for at least an overarching framework that would seek to bring coherence to what from the citizen's perspective can be a confusing and complex landscape.

From the perspective of the individual seeking assistance, it doesn't matter whether the transgression of personal rights relates to human rights law, or equality and anti-discrimination legislation, or maladministration within the system of public administration. From a legal and administrative angle these may be different albeit related concepts, but the challenge is to ensure that we provide a cohesive service and response that is centred on the individual and the reality of discrimination or difficulty in accessing services that members of vulnerable groups face.

The merger of our domestic institutions also allowed us space to contemplate a wider question: whether these various different equality and human rights bodies - and not just in Ireland - had delivered on the expectations placed in them. In Europe we have had institutions of this type for 20 years or more; it was timely to ask searching questions about what has been achieved.

That's a topic for a seminar all by itself and not for today. In seeking to learn in a positive way from previous experience, we thought the following

elements were important matters to build into our new Commission:

- full compliance with the Paris Principles, to include a broad mandate to support persons seeking to vindicate their rights as well as to offer policy advice to Government;
- integration of human rights and equality in the Commission's mandate;
- independence from Government, in the same way and for the same reason that Courts are independent;
- a role for the Commission to work with public bodies in a supportive and developmental way to assist them in meeting their human rights and equality of treatment obligations. This is a particular innovation in our Commission's founding Act, which will see the Commission assisting public bodies in carrying out what might be termed human rights and equality reviews and in providing training to front-line and managerial staff, as an alternative to the more traditional enforcement powers - which the Commission still of course has available to it

We are happy to share this experience with OSCE participating States and are delighted to have been invited by the Chair of the Human Dimension Committee to make a formal presentation at the meeting on 3 November. I can confirm that we will be there with a strong team and are looking forward to that event.