

4. Council of Europe
ECRI Equality Body Conference
Speech on initiatives at national level

**Remarks by Mr. David Stanton, T.D., Minister of State at the
Department of Justice and Equality**

I am delighted to participate in, and indeed lend my full support to, the launch of this important and enormously helpful document that I have no doubt will help us in seeking to ensure that our Equality Bodies can function as effectively as possible in their often challenging but always vital work. These latest GPR No 2 Recommendations build upon the existing standards for Equality bodies based on robust, shared practices that have proven to be fit for purpose.

Please allow me to first of all thank Director General Markovic for extending the kind invitation that allows me to be here today and the ECRI secretariat for all of the work that has clearly gone into today's conference. I want also to acknowledge and offer my thanks to the working group who produced the recommendations and please forgive me if I single out in particular ECRI bureau member Michael Farrell from Ireland who I know played a significant part in the process. To remark that Michael's contribution to the safeguarding of human rights and equality standards in Ireland has been enormous, would be an understatement; not least because I can see that his experience, wisdom and determination have been deployed far beyond the shores of Ireland. I want to thank and acknowledge another Irishman Niall Crowley who, as a former Chief Executive Officer of what was then known as the Equality Authority, has made no little contribution himself to the cause of equality and has been a very valuable external consultant to the working group.

I have the pleasure of giving you the Irish perspective and setting out our experience of developing a robust and independent architecture to protect and promote human rights and equality in Ireland. I believe it is very important for us to learn from each other in this area so I welcome this opportunity to tell you about our journey.

We first established a separate Equality Authority and Human Rights Commission nearly 20 years ago. These two bodies, working within the framework of strong new legislative protections, carried out ground-

breaking work and set the foundations for the regime we have today. Over the period since their establishment, the demographic, social and economic fabric of Ireland has continued to change profoundly. It was also the case that there was some overlap in the roles of the two bodies. It became increasingly obvious that there was a compelling need for a more comprehensive approach to the protection of human rights and equality and to institutional arrangements in that regard, while also achieving a better service at lower cost for the clients of each of them.

Drawing together in a single, leaner and more streamlined body, the main strands of the vital equality and human rights agendas, has positively strengthened the ability of the new Human Rights and Equality Commission to effectively, efficiently, and cohesively promote a culture that respects the human rights and equal status of everyone in Irish society.

The Irish Human Rights and Equality Commission was established in November 2014, under the Irish Human Rights and Equality Commission Act 2014.

This legislation was the outcome of a period of intensive consultation in which civil society, members of the public and all those interested in the future of human rights and equality in Ireland were canvassed for their views. A working group made up of an independent chair, former board members of the previous bodies and government representatives undertook this consultation process, reviewed literature from a wide range of national and international sources, and made a number of recommendations for the merger of the new body. The recurring theme, of course, was independence.

The Government accepted all of the recommendations that related specifically to the legislation required to create the new, merged body.

Financial considerations were inevitably a factor given the broader context of the economic recession in Ireland at the time, and consequent restrictions on public spending. However, the Government was keen to see reform that would meet with international best practice and specifically to take account of the call by the EU Fundamental Rights Agency for a more comprehensive approach to the protection of equality and human rights.

The promotion and protection of human rights is at the heart of Ireland's domestic and foreign policies, and Ireland has been active – and continues to be active - in this regard both in Europe and further afield.

Our contributions to the protection of human rights in Europe and internationally would carry little weight without robust protection of human rights and equality at home. We cannot and should not ignore issues that must be addressed within our own State. The Irish Human Rights and Equality Commission furthers its mandate through its engagement with regional and international mechanisms that coordinate the work of national human rights institutions and national equality bodies. This engagement with both national human rights institutions and equality bodies facilitates an invaluable exchange of ideas, learning and best practice.

As a State, we have to work to ensure that people of diverse backgrounds and, indeed, members of our own Traveller community, and others of minority communities who reside in the State have the opportunities to participate fully in society, free from discrimination.

We must, in particular, ensure that neither racial prejudice nor racial profiling is ever tolerated in our State. In what we say and in what we do, we must never lose sight of each individual's value and our common humanity.

At Government level, we are working to promote equality of specific groups within the framework of a number of comprehensive cross-cutting strategies with human rights and equality as their core principles. These include strategies for Disability Inclusion, for Women and Girls, for Traveller and Roma Inclusion, and for Migrant Integration.

Our Commission has a role in ensuring that these strategies are working effectively for individuals in terms of equality of outcome. The 'levelling up' of independence and functions, the introduction of a new role in supporting public bodies to have due regard to equality and human rights issues in their work, all serve to strengthen the effectiveness of the Irish Human Rights and Equality Commission.

The Commission has been afforded an "A" status accreditation from the International Coordinating Committee on National Human Rights. This recognition underlines the Commission's domestic and international standing as well as its institutional independence. This is of crucial importance to ensure that it achieves the highest levels of credibility

domestically and international standing as a consequence of its independence and remit. Ireland has made strengthening the new Commission and ensuring that it complies unequivocally with the 'Paris Principles' a strong commitment throughout its establishment.

As mentioned previously and strongly reinforced in the new standards document, the critical element for any equality body is independence. The standards document makes that clear. Our Commission operates independently of Government and is accountable directly to our National Parliament. It is led by independent Commissioners, who are appointed by our President following an independent selection process. The selection process takes account of experience, expertise and qualifications in the field of human rights and equality, and the need to secure diversity such that the membership that is broadly representative of society.

The Commission is funded through a separate budgetary allocation under the Department of Justice and Equality on an annual basis. The budget has increased annually over the last three years and staffing levels have also increased significantly. The importance of adequately resourcing equality bodies is key to achieving the standards outlined in the new ECRI recommendations.

A significant innovation alongside the establishment of the new Human Rights and Equality Commission has been the introduction of a positive duty on public bodies to have due regard to human rights and equality in their work and conduct their business in a manner that is consistent with individual human rights. This involves embedding certain values into an organisation's culture, policies and processes on a continuous basis. Its objective is for public bodies to be proactive, and not merely reactive, in promoting and vindicating equality and human rights. This is important in terms of meeting our equality and human rights obligations at the State level. The Commission assists public bodies in complying with the positive duty, including by producing guidelines and codes of practice. It also has a monitoring role in assessing the degree to which public bodies are meeting their obligations under this legal duty.

The structures we now have in Ireland for the promotion and protection of equality and human rights are robust, independent and effective. They give me no small degree of confidence that Ireland is well placed to continue to advance the equality and human rights agenda both at home and abroad. Notwithstanding this, there is always more that we can learn from each other and I am grateful to ECRI and the Council of Europe for providing this valuable opportunity to share insights.

Today's conference allows us to exchange experience and practices from our states, raise issues of concern, and see how we all can better follow the standards outlined by ECRI's recommendations. Many thanks for allowing me to share the Irish perspective.

Thank You.