

## Merged rights and equality commission Bill published

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THE HEADS of a Bill to replace the Equality Authority and the Human Rights Commission with a new merged body have been published by the Minister for Justice.

They provide for the appointment of a new Human Rights and Equality Commission selected by an independent selection panel and for the new body to report directly to the Oireachtas. The proposed legislation follows a report by a working group to Minister for Justice Alan Shatter, which reported on April 19th. Mr Shatter said he had accepted its recommendations in full and the legislative form of the Bill has now been approved by Government for priority drafting in the Office of the Parliamentary Counsel.

The general scheme of the Bill also provides for strengthened powers and functions for the new commission, including an enhanced power of inquiry. Both the Human Rights Commission and the Equality Authority already have powers of inquiry, although the Equality Authority never used them. Inquiries conducted by the HRC were conducted in a less formal way than envisaged by the legislation and with the co-operation of the parties.

The new Bill will provide for a more effective and formal power of inquiry along the lines created in the Commission of Investigations Act 2004. The new commission will include in its purpose the promotion of awareness of the multicultural nature of Irish society and of integration of minorities. It will be able to exercise a sliding scale of enforcement powers, ranging from the provision of information and assistance to individuals who consider their rights infringed, to taking legal action, intervention in court cases, as well as the holding of inquiries.

However, the proposals repeat the point made by the working group that it is not a legal aid provider, and the focus will be on cases that are precedent-setting and raise an important point of principle. It will be able to prepare draft codes relating to discrimination and infringements of human rights for approval by the Minister which, once approved and signed into law, can be relied on in court proceedings.

The Bill also includes an express duty on public bodies to have due regard to human rights and equality. Public bodies will have to set out its consideration of relevant issues in its strategic plan and to report on them in their annual reports. Support and guidance will be available from IHREC.

Mr Shatter has asked the Oireachtas Committee on Justice, Defence and Equality to examine the Heads of Bill and undertake a consultation process on it, within as short a period as possible. He particularly asked for views on the selection process in order to put in place the independent selection panel as soon as possible in order to invite applications for the new commission.

The members of the new body will be allocated to the existing Equality Authority and HRC and will then oversee the merger of the two bodies.

The staff of the existing HRC and Equality Authority will be taken over by the new commission, though it will be able to recruit its own staff as the need arises. This is important in order to comply with the UN Paris Principles for human rights bodies.