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Merger Legislation Poses More Questions than it Answers

Equality & Rights Alliance (ERA) today said that it was concerned that the new Human Rights and Equality Commission could be starting on the back foot before it even came into existence following publication of the Heads of Bill for the new body.

The coalition of over 170 organisations said that it would have to await further details of the General Scheme (Heads) of the Bill before making a more comprehensive assessment, however, on first reading, it was concerned that the proposals for the new Human Rights and Equality Commission fall short of delivering a more effective body as promised by Minister Shatter last year.

One proposal that the body have a “symbolic” accountability to the Oireachtas would seem to fall well short of the measure of independence required to meet international standards under the Paris Principles; referenced regularly by Minister Alan Shatter. The Heads of the Bill indicate that the body would only present its annual report and strategic plans to an Oireachtas Committee and would continue to be housed within a Government Department.

The Alliance also said that it was very concerned that there did not appear to be any commitment to additional staffing and resources which means that the body could be “dead in the water”.

“Merging two already eviscerated bodies without any apparent regard to additional funding or staffing doesn’t make sense,” said Rachel Mullen, ERA co-ordinator. “Neither body can function as it is meant to under current budget constraints. It is hard to see how they can do more with less, as proposed throughout the Heads of the Bill.”

She said that a number of key proposals within the published Heads fell short of meaningful commitment to progressing equality and human rights. She pointed to the duty on public bodies to have due regard to human rights and equality specifically.

“On first reading, this seems like progress and the realisation of a promise within the Programme for Government,” she said. “However, there appears to be no requirement on public bodies to embed such considerations within public policy making nor is there any enforcement mechanism, which will in effect make for a toothless duty.”

Mullen said that the proposal to level up the powers of both bodies was a welcome move, but there was no detail on what is actually proposed. She also said that the while a commitment to strengthened powers of inquiry of the new body was welcome, it is the case that the Equality
Authority currently has powers to conduct inquiries but has never had the resources to discharge this function.

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