



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in Ireland**



# Ireland Country Report

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## Overview

### Name of NHRI and mandate:

- Irish Human Rights and Equality Commission (IHREC)
- NHRI, as well as: Equality Body and NMM; National Rapporteur on Trafficking in Human Beings; CRPD Article 33 Independent Monitoring Mechanism

### Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Ireland Country Report](#)
- Sub-Committee on Accreditation (SCA) : [SCA Report June 2021](#)
- CoE Independent Bodies: [ECRI Country Report on Ireland \(2019\)](#)

### Good practices and improvements:

- **CM Principle 1:** IHREC is an **A-Status institution**.
- **CM Principle 2:** IHREC has a **constitutional basis** and further independence guarantees are included in its enabling law.
- **CM Principle 3§6: strong mandate to contribute to an effective justice system:** in line with findings from ECRI (2019), IHREC has a strong mandate to provide assistance and legal representation to individuals, make amicus curiae interventions, and equality reviews.

- **CM Principle 13: privileged confidential information:** The Commission is mandated to conduct inquiries and under its founding legislation all documents of the Commission relating to inquiries are absolutely privileged. Witnesses who provide information to the Commission in the course of an inquiry have the same immunities and privileges as a witness to proceedings in the High Court.

### Key areas where improvement is needed:

- **CM Principle 5 and 8: access to all relevant policy makers-and legislators:** While IHREC reports to generally have good access to policy-makers and legislators, it reiterates its long-standing call to set up a dedicated Oireachtas Committee on human rights, equality and diversity.
- **CM Principle 4: broad and transparent selection and appointment of leadership :** The SCA (2019) encourages the formalization and application of a uniform process that ensures the broad participation of civil society in the selection and appointment process and the assessment of applicants on the basis of pre-determined and objective criteria. Moreover, while in practice members are appointed for 5 year terms, the SCA the encourages the Act to make explicit a minimum term of appointment.
- **CM Principle 6 & 10: adequate resources, including for additional mandates:** although IHREC's resources have increased during the last years, and in line with SCA (2019) recommendations, there is a need for increased resources to match IHREC's full breath of its expanding mandate.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

<b>Principle 1</b>	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles
<b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b>	<i>SCA report June 2021, p. 15</i> ‘The SCA recommends that the IHREC be re-accredited with A status’
<b>Principle 2</b>	Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI’s Sub-Committee on Accreditation.

<b>Assessment of implementation by the NHRI</b>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>'The Commission accounts directly to the Oireachtas (Irish Parliament) for its statutory functions and the provisions contained within the Irish Human Rights and Equality Act 2014 ensure its structural and financial independence. The Commission has a constitutional basis.</p>
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## II. Strengthening of NHRIs

<p><b>Principle 3.1</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an <b>annual report</b> to the relevant authorities, including before parliament, for its consideration.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, pp. 2-3</i></p> <p>'In 2021 some changes were introduced to the national regulatory framework applicable to the institution. 3 Section 5 of the Gender Pay Gap Information Act 2021 inserts a new provision into section 32 of the Irish Human Rights and Equality Act 2014, to allow the Minister for Children, Equality, Disability, Integration and Youth to request the Commission to consider exercising its powers, concerning carrying out equality reviews and the drawing up of equality action plans, under that section. It will be for the Commission to decide whether to exercise its section 32 powers following the Minister's request.'</p>

<p><b>Principle 3.2</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Commission's functions include 'to promote understanding and awareness of the importance of human rights and equality in the State' and 'to provide or assist in the provision of education and training on human rights and equality issues (s.10, <a href="#">IHREC Act 2014</a>).</p>
<p><b>Principle 3.3</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</li> </ul>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA report June 2021, p. 15</i></p> <p>'The Irish Human Rights and Equality Commission Act 2014 (the Act) provides two definitions of 'human rights' in Section 2 and Section 29 where the latter is used for purposes of construing Part 3 on the enforcement and compliance provisions. The SCA notes that the Committee on Economic,</p>

	<p>Social, and Cultural Rights expressed concern about the limitation of the definition in Section 29. The SCA acknowledges that “although the IHREC has argued that a wider definition of human rights should apply to all of its powers, the Government has argued that a wider definition in Part 3 would attract constitutional difficulties and legal challenge”. The SCA is of the view that an NHRI should be legislatively mandated with specific functions to both promote and protect all human rights. An NHRI’s mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional, and domestic instruments, including economic, social, and cultural rights The SCA encourages the IHREC to continue to advocate for appropriate amendments.</p>
<p><b>Principle 3.4</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The draft law to give effect to OPCAT in Ireland proposes that IHREC will act as a Co-Ordinating NPM. This would entail IHREC coordinating a network of other inspectorate bodies but not actually carrying out inspections directly.</p>



	<p>In its engagement on the draft law to date, the Commission has not advocated for a mandate to conduct unannounced visits to places of deprivation of liberty. (October 2022), in which the Commission noted that 'It may additionally be useful to clarify that the co-ordinating body does not hold an inspection function'</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA report June 2021, p. 16</i></p> <p>'Further, the SCA notes that the IHREC does not have an explicit mandate to monitor places of deprivation of liberty. The SCA acknowledges that the IHREC engaged with policy-makers, civil society, and government departments on the ratification of the UN Optional Protocol to the Convention against Torture and has provided views as to the establishment of a National Preventative Mechanism in the country. The SCA encourages the IHREC to advocate for an explicit mandate to conduct unannounced visits to all places of deprivation of liberty.'</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Ireland 2019 , p. 14 (Para.20)</i></p> <p>'In addition, the IHREC has power to conduct inquiries as to whether a body is seriously violating human rights or equality obligations and can serve compliance notices on such bodies or seek injunctions from the courts.</p>

<p><b>Principle 3.5</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Commission’s statutory mandate includes the following functions relevant to this recommendation:</p> <p>‘to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality’</p> <p>‘either of its own volition or on being so requested by a Minister of the Government, to examine any legislative proposal and report its views on any implications for human rights or equality’,</p> <p>either of its own volition or on being so requested by the Government, to make such recommendations to the Government as it deems appropriate in relation to the measures which the Commission considers should be taken to strengthen, protect and uphold human rights and equality in the State’ (s.10 IHREC Act 2014).</p>

<p><b>Principle 3.6</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>‘The Commission has a constitutional basis and the mandate to contribute to access to justice for individuals, including through strategic litigation before courts, the provision of legal assistance to individuals and awareness-raising.’</p> <p><i>[...]p. 17</i></p> <p>‘The Commission’s legal functions include amicus curiae interventions, legal assistance to individuals and equality reviews.’</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Ireland, 2019, p. 14 (par.20)</i></p> <p>‘The IHREC enjoys legal standing to bring complaints to the WRC relating to patterns of discrimination, discriminatory advertising or the contents of a collective agreement. It can also provide assistance and legal representation to an individual complainant.’</p>

<p><b>Principle 3.7</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States' compliance with them.</b></p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>'The Commission recommends that the State ratify and implement OPCAT without further delay; and to ensure that appropriate funding, staffing, and data access is in place for the NPM co-ordinating body, and the involvement of civil society organisations in the operation of OPCAT.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>The Commission is not aware of any specific state actions to give further effect to this recommendation from the SCA in June 2021.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA report June 2021, p. 16</i></p> <p>'The SCA also notes that the Act does not provide the IHREC with an explicit mandate to encourage ratification or accession to international human rights instruments. [...]The SCA acknowledges that the IHREC interprets its mandate broadly to include activities in this regard. However, the SCA reiterates its recommendation in November 2015 to advocate for changes to IHREC's enabling law to mandate it with explicit responsibility to encourage ratification or accession to international instruments.'</p>

<p><b>Principle 4</b></p>	<p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Commission is not aware of any specific state actions to give further effect to this recommendation</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report June 2021 , pp. 16-18</i></p> <p>‘Section 13 of the Act provides for the Commissioners’ selection and appointment process. The SCA notes that Section 13(6) provides that the Minister shall agree with the Public Appointments Service the selection criteria and process to be implemented in respect of the filling of any vacancy on the Commission. The SCA notes that while Section 13 provides certain requirements for the selection and appointment process, including the requirements to ensure diversity and pluralism and the publicizing of the vacancies, the law is silent on a permanent selection criteria and process. Moreover, the process currently enshrined in law is not sufficiently broad and transparent. In particular, it does not: - Promote broad consultation and/or participation in the application, screening, selection, and appointment process, particularly by civil society; and - Assess applicants on the basis of pre-determined and objective criteria. [...]The SCA encourages the IHREC to advocate for the formalization and application of a uniform process that ensures the broad participation of civil</p>

	<p>society in the selection and appointment process and the assessment of applicants on the basis of pre-determined and objective criteria.’</p> <p><i>[...]p. 18:</i></p> <p>The Act provides that members shall hold office for a period not exceeding five years determined by the President of Ireland, on the advice of the Government. The SCA notes that the Act is silent on the minimum period that each member may hold office, except for those persons appointed on the day of IHREC establishment. In practice, the IHREC reports that, with the exception of the first appointment, all members so far have been appointed for five-year terms. An appropriate minimum term of appointment is crucial in promoting the independence of the membership of the NHRI, and to ensure the continuity of its programs and services. An appointment period of three (3) years is considered to be the minimum that would be sufficient to achieve these aims. As a proven practice, the SCA encourages that a term between three (3) and seven (7) years with the option to renew once be provided for in the NHRI’s enabling law. While acknowledging that in practice all members of the IHREC appointed after the establishment day were appointed for five-year terms, the SCA encourages the IHREC to advocate for amendment to its enabling law to provide for a fixed minimum term of appointment for members of the Commission.’</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Ireland, 2019, p. 14 (Para.20)</i></p> <p>‘As concerns independence, the members of the IHREC, who number not more than 15 and not less than 12, are appointed by the President on the advice of the Government and following the passing of a resolution by each House of Parliament recommending the appointment.’</p>

<p><b>Principle 5</b></p>	<p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>s.14 of the IHREC Act 2014 provides that 'The Government may remove a member of the Commission from office, but only on one or more of the following grounds:</p> <p>(a) the member has, without reasonable excuse, failed to discharge his or her functions for a continuous period of not less than 3 months prior to the date of the dismissal beginning not earlier than 6 months before the date of dismissal;</p> <p>(b) the member has become incapable through ill health of performing his or her functions or has committed stated misbehaviour;</p> <p>and then, and only then, where a resolution is passed by both Houses of the Oireachtas calling for the member's removal.</p>

<p><b>Principle 6</b></p>	<p>Member States should provide NHRIs with <b>adequate, sufficient and sustainable resources</b> to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>‘The Commission recommends the State implement the recommendations of the GANHRI Sub-Committee on Accreditation. The Commission would draw particular attention to the Sub-Committee on Accreditation’s recommendation on the provision of additional funding to ensure the Commission can carry out the full breadth of its mandate.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA report June 2021, p. 17</i></p> <p>‘While acknowledging that the IHREC’s budget has consistently increased, the SCA encourages the IHREC to continue to advocate for additional funding to ensure that it can effectively carry out the full breadth of its mandate. The IHREC reports that its mandate has expanded and its responsibilities are increasing, thus IHREC notes it would benefit from additional funding for both its existing mandate and all expanded powers.’</p>
<p><b>Principle 7</b></p>	<p>NHRIs should have the <b>authority to determine their staffing profile and recruit their own staff</b>, as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p>



Section 24 of the 2014 Act provides:

(1) The Commission may, with the consent of the Minister, given with the approval of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the Commission as it may determine.

(2) The terms and conditions of service for a member of the staff of the Commission and the grade at which he or she serves shall be such as shall be determined by the Commission with the consent of the Minister and the Minister for Public Expenditure and Reform.

These two sub-sections provide that the Commission can decide how many staff it wishes to appoint and their terms and conditions and grades i.e. the number and composition of its staff. However, this is qualified by the requirement to have the consent of “the Minister” and “the Minister for Public Expenditure and Reform”.

in the case of IHREC, Ministerial consent largely operates as follows:

- In agreeing our annual budget with the Minister, we agree pay and non-pay components. This includes an indicative figure for the number of employees.

- We have a delegated staffing sanction from the Department of Public Expenditure and Reform, which allows us to recruit staff in the numbers and grades and to the posts we determine subject to remaining within our pay budget and subject to meeting general civil service recruitment rules.

These include, that in relation to a significant range of staff grades, civil service wide arbitration agreements require us to follow set sequences of recruitment between open recruitment, i.e. recruitment of new entrants to the civil service, recruitment through cross civil service promotional competitions and recruitment from internal (IHREC specific) promotional competitions. Recruitment

	<p>is undertaken either through a public appointments process administered by the Public Appointments Service, with the Commission, or directly by the Commission itself.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Ireland, p. 14 (Para.20)</i></p> <p>‘The IHREC may, with the consent of the Minister, appoint its own staff.’</p>
<p><b>Principle 8</b></p>	<p>Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b>, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘the institution has adequate access to information and to policy makers, being involved in all stages of legislation and policy making with human rights implications. However, the Commission would draw attention to its longstanding recommendation for the State to establish a dedicated Oireachtas Committee on human rights, equality and diversity. A dedicated Oireachtas Committee would have a mandate to examine closely the human rights and equality implications of all legislation and policies.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>The Commission has recommended that when made the co-ordinating body for NPMs under Ireland’s legislation to give effect to OPCAT, it should as co-ordinating body be provided with the same data access as NPMs.<sup>1</sup></p> <p><sup>1</sup> See the Commission’s <i>Submission on the General Scheme of the Inspection of Places of Detention Bill (October 2022), p.40</i></p>

<p><b>Principle 9</b></p>	<p>Member States should <b>implement the recommendations of NHRIs</b> and are encouraged:</p> <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘The addressees of the Commission’s recommendations are not legally obliged to provide a timely and reasoned reply. However, the Commission regularly engages with key stakeholders in the policymaking process to follow-up or draw attention to its recommendations. The Commission also assesses developments in relevant areas of legislation and policy against the recommendations it has provided.’</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Ireland 2019, p. 14 (Para.20)</i></p> <p>‘Failure to carry out compliance notices or notices requiring specific action would constitute criminal offences. However, the IHREC does not appear to have used this power to date.’</p>

<p><b>Principle 10</b></p>	<p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>See Recommendation 6 on adequate, sustainable and sufficient funding</i></p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>‘The Commission was designated in October 2020 as Ireland’s Independent National Rapporteur on the Trafficking of Human Beings. To fulfil this function, the Commission has established an Anti-Human Trafficking section, and was allocated additional resources in 2021 for staff and operational resources.’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>‘The Commission will be designated as the co-ordinating body of the National Preventative Mechanism (the ‘NPM’) framework under the legislation incorporating the Optional Protocol to the Convention Against Torture (the ‘OPCAT’). The Government committed to ratifying and implementing the OPCAT by the end of 2021. The General Scheme of a Bill to ratify and implement the OPCAT is yet to be published. The Commission has emphasised the importance of appropriate funding, staffing, and data access for the effective functioning of the NPM co-ordinating body, and the importance of the involvement of civil society organisations in the operation of OPCAT.’</p>

	<p><i>Information Provided by the NHRI in 2023</i></p> <p>The Commission has recommended that Ireland’s legislation to give effect to OPCAT should provide that the coordinating body (IHREC) receives the resources required for it to carry out its functions. See the Commission’s Submission on the General Scheme of the Inspection of Places of Detention Bill (October 2022), at p.40.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>See Recommendation 6 on adequate, sustainable and sufficient funding</i></p>

### III. Safe and Enabling Environment

<p><b>Principle 11</b></p>	<p>Member States should ensure that NHRIs can <b>operate independently</b>, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b>.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 9</i></p> <p>The Commission has highlighted gaps in transparency and in our systems of democratic accountability including a lack of human rights and equality expertise in decision-making structures</p>
<p><b>Principle 12</b></p>	<p>Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘The relevant state authorities have good awareness of the Commission’s mandate, independence and role of the Commission’</p>

<p><b>Principle 13</b></p>	<p>Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b>. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘Measures necessary to protect and support the institution, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place.’</p>
<p><b>Principle 14</b></p>	<p>Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b>.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Commission is mandated to conduct inquiries and under its founding legislation all documents of the Commission relating to inquiries are absolutely privileged. Witnesses who provide information to the Commission in the course of an inquiry have the same immunities and privileges as a witness to proceedings in the High Court.</p> <p>Source: See IHREC Act 2014, Schedule 2, s.10; s.18</p>

## IV. Co-operation and Support

<p><b>Principle 15</b></p>	<p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>s.10 of the IHREC Act 2014 provides that one of the commission’s functions is ‘to consult with such national, European Union or international bodies or agencies having a knowledge or expertise in the field of human rights or equality as it sees fit’.</p>



	<p>s.18 of the Act provides that the Commission can establish Advisory Committees 'for the purpose of establishing and maintaining effective cooperation with representatives of relevant agencies and civil society'.</p>
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	<p>s.25 of the Act requires the Commission to consult civil society in its preparation of a strategy statement.</p>
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