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**BILLE AN CHOIMISIÚIN UM CHEARTA AN DUINE  
(LEASÚ), 2011  
HUMAN RIGHTS COMMISSION (AMENDMENT) BILL 2011**

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*Mar a tionscnaíodh  
As initiated*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Amendment of section 5 of Human Rights Commission Act 2000.
2. Amendment of section 7 of Human Rights Commission Act 2000.
3. Amendment of section 8 of Human Rights Commission Act 2000.
4. Amendment of section 10 of Human Rights Commission Act 2000.
5. Amendment of section 12 of Human Rights Commission Act 2000.
6. Amendment of section 14 of Human Rights Commission Act 2000.
7. Insertion of new section 15 into Human Rights Commission Act 2000.
8. Insertion of new section 16 into Human Rights Commission Act 2000.
9. Amendment of section 16 of Human Rights Commission Act 2000.
10. Amendment of section 17 of Human Rights Commission Act 2000.
11. Amendment of section 18 of Human Rights Commission Act 2000.
12. Amendment of section 20 of Human Rights Commission Act 2000.
13. Amendment of section 22 of Human Rights Commission Act 2000.

[No. 52 of 2011]

14. Amendment of section 23 of Human Rights Commission Act 2000.
15. Amendment of section 24 of Human Rights Commission Act 2000.
16. Amendment of section 25 of Human Rights Commission Act 2000.
17. Short Title, citation and definition.

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ACT REFERRED TO

Human Rights Commission Act 2000

2000, No. 9



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**BILLE AN CHOIMISIÚIN UM CHEARTA AN DUINE  
(LEASÚ), 2011  
HUMAN RIGHTS COMMISSION (AMENDMENT) BILL 2011**

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# **BILL**

5 *entitled*

AN ACT TO AMEND THE HUMAN RIGHTS COMMISSION  
ACT 2000.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

- 10 **1.**—Section 5 of the Human Rights Commission Act 2000 is hereby amended by—
- Amendment of  
section 5 of Human  
Rights Commission  
Act 2000.
- (a) in subsection (3) the substitution of “the Houses of the Oireachtas” for “the Government”,
  - (b) in subsection (4) the substitution of “the Houses of the Oireachtas” for “the Government”,
  - 15 (c) in subsection (7) the substitution of “the Houses of the Oireachtas” for “the Government”,
  - (d) in subsection (8) the substitution of “the Houses of the Oireachtas” for “the Government”,
  - 20 (e) in subsection (10) the substitution of “the Houses of the Oireachtas” for “the Government”, and
  - (f) in subsection (12) the substitution of “the Houses of the Oireachtas” for “the Government”.

- 25 **2.**—Section 7 of the Human Rights Commission Act 2000 is hereby amended in subsection (2) by the substitution of “the Houses of the Oireachtas” for “the Government”.
- Amendment of  
section 7 of Human  
Rights Commission  
Act 2000.

- 3.**—Section 8 of the Human Rights Commission Act 2000 is hereby amended by—
- Amendment of  
section 8 of Human  
Rights Commission  
Act 2000.
- (a) the deletion of paragraph (b) and the substitution of the following:

- 30 “(b) if requested by a Minister of the Government or the Joint Oireachtas Committee, to examine

any legislative proposal and report its views on any implications of such proposal for human rights and all Ministers of Government shall refer legislative proposals including EU sourced legislation to the Commission for its views where it appears that these proposals may have significant implications for the protection of human rights,”,

and

(b) the deletion of paragraph (d) and the substitution of the following:

“(d) either of its own volition or on being requested to do so by the Government or the Joint Oireachtas Committee, to make such recommendations to the Government as it deems appropriate in relation to measures which the Commission considers should be taken to strengthen, protect and uphold human rights in the State.”.

Amendment of section 10 of Human Rights Commission Act 2000.

4.—Section 10 of the Human Rights Commission Act 2000 is hereby amended by the insertion of a new subsection (7) as follows:

“(7) The Commission may grant the assistance referred to in the preceding provisions of this section to persons seeking to vindicate their rights before an international body whose competence in this regard has been recognised by the State.”.

Amendment of section 12 of Human Rights Commission Act 2000.

5.—Section 12 of the Human Rights Commission Act 2000 is hereby amended in subsection (2) by the substitution of “an Taoiseach” for “the Minister with the consent of the Minister for Finance”.

Amendment of section 14 of Human Rights Commission Act 2000.

6.—Section 14 of the Human Rights Commission Act 2000 is hereby amended by the deletion of subsection (2).

Insertion of new section 15 into Human Rights Commission Act 2000.

7.—The Human Rights Commission Act 2000 is hereby amended by the insertion of the following new section 15 as follows:

“Strategic Plan.

15.—(1) The Commission must, at the beginning of each 3 year period, lay before the Houses of the Oireachtas a plan (referred to in this section as a ‘strategic plan’) setting out information as to how the Commission proposes to fulfil its general duty during that period.

(2) The plan must, in particular, set out the Commission’s objectives and priorities for the period to which the plan relates.

(3) Before laying a strategic plan before the Houses of the Oireachtas, the Commission must provide a draft of it to, and invite comments on it from—

(a) the Joint Oireachtas Committee, and

(b) such other persons and interested non-governmental organisations as the Commission considers appropriate.

(4) The Commission must arrange for the publication of each strategic plan laid before the Houses of the Oireachtas.

(5) The Commission may, at any time during a 3 year period, review the strategic plan for the period and lay a revised plan for the period before the Houses of the Oireachtas.

(6) Subsections (3) to (5) apply to a revised plan as they apply to a strategic plan.

(7) In this section, ‘3 year period’ means—

(a) the period of 3 years beginning with the day on which this Act comes into force, and

(b) each subsequent period of 3 years.”.

8.—The Human Rights Commission Act 2000 is hereby amended by the insertion of the following new section 16 as follows:

Insertion of new section 16 into Human Rights Commission Act 2000.

“Financial Proposals.

16.—(1) The Commission must, before the start of each financial year, prepare proposals for its use of resources and expenditure during the year and send the proposals to the Joint Oireachtas Committee for approval within one month of receipt.

(2) The Commission may, in the course of a financial year, prepare revised proposals for its use of resources and expenditure during the remainder of the year and send the proposals to the Joint Oireachtas Committee.”.

9.—Section 16 of the Human Rights Commission Act 2000 is hereby amended by—

Amendment of section 16 of Human Rights Commission Act 2000.

(a) in subsection (1) the substitution of “an Taoiseach” for “the Minister, with the consent of the Minister for Finance”,

(b) in subsection (2) the substitution of “an Taoiseach” for “the Minister, after consultation with the Minister for Finance” and again for “Minister” where it secondly occurs.

10.—Section 17 of the Human Rights Commission Act 2000 is hereby amended by—

Amendment of section 17 of Human Rights Commission Act 2000.

(a) in subsection (1) the substitution of “an Taoiseach” for “the Minister and the Minister for Finance”,

(b) in subsection (2) the substitution of “an Taoiseach” for “the Minister and the Minister for Finance”, and

(c) in subsection (3) the substitution of “an Taoiseach” for “the Minister and the Minister for Finance”.

Amendment of  
section 18 of  
Human Rights  
Commission Act  
2000.

**11.**—Section 18 of the Human Rights Commission Act 2000 is hereby amended by the substitution of “an Taoiseach may give to the Commission” for “the Minister may give to the Commission with the consent of the Minister for Finance”. 5

Amendment of  
section 20 of  
Human Rights  
Commission Act  
2000.

**12.**—Section 20 of the Human Rights Commission Act 2000 is hereby amended by— 10

(a) in subsection (1) the substitution of “an Taoiseach” for “the Minister”,

(b) in subsection (4) the substitution of “an Taoiseach” for “the Minister” and again for “the Minister with the consent of the Minister for Finance”, and 15

(c) in subsection (5) the substitution of “an Taoiseach” for “the Minister who shall refer it to the Minister for Finance”.

Amendment of  
section 22 of  
Human Rights  
Commission Act  
2000.

**13.**—The Human Rights Commission Act 2000 is hereby amended by the deletion of section 22 and the substitution of the following: 20

“22.—An Taoiseach may, in each financial year of the Commission, pay to the Commission, out of monies provided by the Oireachtas, a grant of such amount as he or she determines, following consultation with the Joint Oireachtas Committee, towards the expenses of the Commission in the performance of its functions.”. 25

Amendment of  
section 23 of  
Human Rights  
Commission Act  
2000.

**14.**—The Human Rights Commission Act 2000 is hereby amended by the deletion of section 23 and the substitution of the following:

“23.—The Commission shall not later than the 31st day of March in each year prepare and submit to an Taoiseach and the Joint Oireachtas Committee a report on its activities in the immediately preceding year and an Taoiseach shall, as soon as may be cause copies of the report to be laid before each House of the Oireachtas.”. 30

Amendment of  
section 24 of  
Human Rights  
Commission Act  
2000.

**15.**—The Human Rights Commission Act 2000 is hereby amended by the deletion of section 24 and the substitution of the following: 35

“24.—The Commission shall, before the expiration of the period of two years from the establishment day and every 5 years thereafter, make to the Government and to the Houses of the Oireachtas a report containing such recommendations as it thinks fit for improving— 40

(a) the effectiveness of the Commission,

(b) the effectiveness of any of the functions conferred on it by this Act particularly having regard to any developments in the field of human rights that have 45

occurred in the said period of two years (whether within or outside the State).”.

**16.**—The Human Rights Commission Act 2000 is hereby amended by the deletion of section 25 and the substitution of the following:

Amendment of section 25 of Human Rights Commission Act 2000.

5       “25.—The expenses incurred by an Taoiseach in the administration of this Act shall be paid out of moneys provided by the Oireachtas.”.

**17.**—(1) This Act may be cited as the Human Rights Commission (Amendment) Act 2011 and may be cited together with the Human Rights Commission Act 2000 as the Human Rights Commission Acts 2000 and 2011.

Short Title, citation and definition.

10       (2) For the purposes of this Act “Joint Oireachtas Committee” means a Joint Committee of the Houses of the Oireachtas to which the Oireachtas has assigned the role of examining matters relating to  
15 justice and equality.