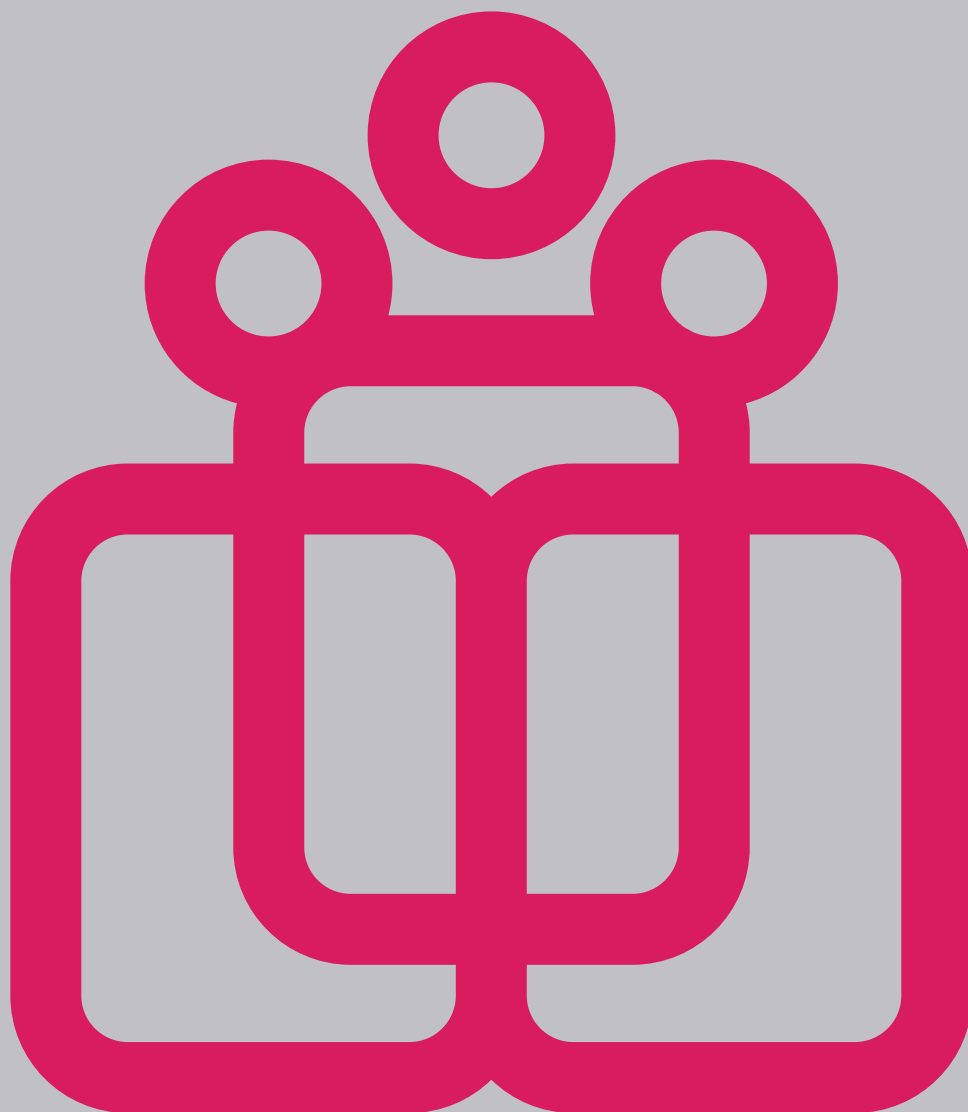


Annual Report 2016



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**
Irish Human Rights and Equality Commission

ANNUAL REPORT 2016



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an Duine agus Comhionannas**

Irish Human Rights and Equality Commission

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The Irish Human Rights and Equality Commission (IHREC) was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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REPORT TO THE HOUSES OF THE OIREACHTAS

I hereby submit the annual report of the Irish Human Rights and Equality Commission to the Houses of the Oireachtas pursuant to section 28(1) of the Irish Human Rights and Equality Commission Act 2014.

This annual report covers the period from 1 January to 31 December 2016.

A handwritten signature in black ink, reading "Emily Logan", is positioned above a solid red horizontal line.

Emily Logan

Chief Commissioner
June 2017

ACRONYMS AND ABBREVIATIONS USED IN THIS REPORT

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRPD	Committee on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEA	Employment Equality Acts 1998–2015
ENNHRI	European Network of National Human Rights Institutions
Equinet	European Network for Equality Bodies
ESA	Equal Status Acts 2000–2015
FRA	European Union Agency for Fundamental Rights
GANHRI	Global Alliance of National Human Rights Institutions
GRETA	Group of Experts on Action against Trafficking in Human Beings
IHREC	Irish Human Rights and Equality Commission
IPA	Institute of Public Administration
NHRI	National Human Rights Institution
NIHRC	Northern Ireland Human Rights Commission
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UNCRPD	UN Convention on the Rights of Persons with Disabilities
UPR	Universal Periodic Review
WRC	Workplace Relations Commission

CHIEF COMMISSIONER'S MESSAGE

On behalf of the Irish Human Rights and Equality Commission, I am delighted to present our second Annual Report to the Houses of the Oireachtas.

Human Rights and Equality in 2016

One cannot ignore the implications of the largely unanticipated regional and global events relevant to human rights and equality in 2016 – a year in which forms of hate and intolerance took centre stage, creating significant uncertainty and often serving to distract from apparently less worthy public policy developments at home which render people more vulnerable, especially those of least advantage.

Confronted by such uncertainty, it is important that we remember our laudable record in promoting and protecting human rights on the global stage, ensuring that it is matched by our actions at home, demonstrating that we are a country that chooses respect for human rights and equality of treatment over hate and intolerance.

Take for instance the most recent in a series of developments during the refugee crisis, the EU-Turkey deal, which has seen the European Union slowly abandon the fundamental principles upon which it was founded: the universal values of human dignity, freedom, equality and solidarity. While Ireland's deployment of the Naval Service to the Mediterranean has been hugely significant in saving thousands of lives, we should now match our international response with national action, focusing in particular, on the risk to child refugees and the strengthening of family reunification policies.

Closer to home, the post-Brexit discourse has been largely dominated by debates on trade. As a member of the Joint Committee with the Northern Ireland Human Rights Commission established under the Good Friday/Belfast Agreement, and building on our first ever appearance before the Joint Committee on the Implementation of the Good Friday Agreement in 2015, we continued to collaborate to ensure consideration of parity of esteem for human rights and equality across the island of Ireland, as provided for under the Good Friday/Belfast Agreement.

The role of the Commission

Our role as an independent national human rights and equality body is ever more critical in these times of uncertainty.

As a public body, this role comes with a responsibility to communicate, as best we can, an understanding of our role and contribution as the National Human Rights Institution and National Equality Body. In this, our second year of operations, it is clear to me from significant external engagements, not

surprisingly, that there are many people who are yet unclear about our role. Some think we should act like a super NGO rather than a statutory agency. To be fair, I think this should be viewed in the context of the totality of our statutory mandate: we have not yet invoked all of our statutory powers, and until we do, we cannot expect everyone to understand the unique nature of those powers and the strength and potential they bring to advance human rights and equality in Ireland.

Having previously set up a similar independent national human rights institution, I know that it takes a considerable number of years before such clarity emerges, but I am confident that it will.

As we further develop our strategic engagement with stakeholders, there are indications that those in positions of influence are beginning to understand our role and that our interventions are increasingly utilised, respected and understood. This is illustrated by the extensive referencing of our work this year in the Houses of the Oireachtas on legislation where there are implications for human rights and equality.

At executive level, I think it is important to report a positive experience in dealing with officials across government departments. There are of course occasions when tensions may develop, but what was described historically as a fractious relationship between the two precursor bodies and government, in particular, the Department of Justice and Equality, has changed considerably. I am appreciative of a relationship that respects our efforts to advance our mandate to promote and protect human rights and equality while asserting our institutional independence. Accountability to the Oireachtas coupled with the Commission's 'voted account' has been of critical importance in emphasising our independence from Government.

Increase in activity

This year, as our capacity increased, so too our activity increased. Highlights include:

- A significant increase in ***amicus curiae*** activity: the Commission sought liberty of the Superior Courts to intervene as *amicus curiae* in seven sets of proceedings. It was granted liberty in five of these cases relating to the rights of children in detention; the rights of people seeking asylum and non-EU nationals to live and work in Ireland; the rights of prisoners; and the bringing of complaints pursuant to the Employment Equality Acts 1998-2015.

- An increase in our **legal assistance** activity, with 30 ongoing cases during 2016.
- We received 1,780 queries on our **public information line**, relating mainly to treatment under the Equal Status and Employment Equality Acts.
- Significant progress on the **Public Sector Duty** in raising awareness amongst public bodies of their legal obligation to eliminate discrimination, promote equality of opportunity and protect human rights. Given the housing crisis, we have made specific efforts to link with the Local Government Management Agency and local authorities.
- Establishment of a new **Professional Diploma in Human Rights and Equality**, developed in collaboration with the Institute of Public Administration and accredited by University College Dublin.
- **Engagement in the legislative process:** in the Education (Admission to Schools) Bill 2016 building on our amicus curiae work at the Supreme Court in the *Stokes* case; the Equality/Disability (Miscellaneous Provisions) Bill to allow for ratification of the UN Convention on the Rights of Persons with Disabilities; and the Criminal Law (Sexual Offences) Bill 2015.
- An increase in contributions to **national consultations** including a submission to the Citizens' Assembly on its consideration of the Eighth Amendment of the Constitution and a submission to the Murray Review regarding the law on access by state bodies to the communications data of journalists.
- An increase in **international monitoring**: we appeared before the UN Committee on the Rights of the Child; the UN Human Rights Council in the context of the Universal Periodic Review and hosted Nils Muižnieks, Council of Europe's Commissioner for Human Rights as part of his country monitoring visit.
- An increase in research activity saw the commencement of two significant pieces of work: a **two-year research programme with the Economic and Social Research Institute** to support the development of policy on a range of equality and human rights themes; and a **research project co-funded with the Irish Research Council** which will analyse online hate speech and the barriers to reporting in the Irish context.

Discrimination

The new 'housing assistance' ground in the Equal Status Acts 2000-2015 commenced on 1 January 2016, prohibiting discrimination against those seeking rented accommodation who are in receipt of rent supplement, housing assistance payments, or other social welfare payments.

This new housing assistance ground topped the list of queries about discrimination under the Equal Status Acts raised with the Commission in 2016, followed by the disability ground and the race ground. Of the queries raised by the public about discrimination under the Employment Equality Acts, the top three queries related to disability, family status and race, respectively.

The primary means of enforcement of anti-discrimination law in Ireland is the power of the individual to make complaints. The public visibility of this power in action, with employers and service providers, who have engaged in discrimination or harassment, identified through complaints, stimulates not only public discussion of the issues involved, but also awareness and empowerment for others to also challenge discrimination. In a complaints-led model of anti-discrimination there is always an under-reporting of cases of discrimination and I remain concerned that there is less public visibility of discrimination cases due to the application of blanket anonymity rules to decisions of the Workplace Relations Commission.

Leadership

There are encouraging signs of a political emphasis, however incremental, on human rights and equality, for instance with the appointment of a Minister of State with special responsibility for Disability and the establishment of an Oireachtas Select Committee on Arrangements for Budgetary Scrutiny.

It is also very encouraging to observe and hear more frequent references to human rights and equality standards, including international human rights standards, by the legislature in debates taking place in the Houses of the Oireachtas. However, I am concerned to hear of reports of political debate in certain local government areas where unacceptable public statements about Travellers are going unchallenged.

Appreciation

Parallel to the significant increase in the implementation of our statutory mandate this year has been a considerable amount of organisational development. On behalf of the Commission, I would like to acknowledge the contribution of the first Director,

Sinéad Gibney and all of the staff of the Irish Human Rights and Equality Commission, listed in the appendices, who have been with us or joined the Commission in 2016 and who have brought with them a vigour, energy and personal commitment to implementing our statutory mandate to promote and protect human rights and equality in Ireland.

I look forward to the acceleration and deepening of the impact of the Irish Human Rights and Equality Commission in the future.

A handwritten signature in black ink that reads "Emily Logan". The signature is written in a cursive style and is positioned above a solid red horizontal line.

Emily Logan
Chief Commissioner



ABOUT THE COMMISSION

The Irish Human Rights and Equality Commission is Ireland's national human rights and equality institution. Our purpose is to protect and promote human rights and equality in Ireland and to build a culture of respect for human rights, equality and intercultural understanding in the State.

The Irish Human Rights and Equality Commission was established on 1 November 2014, as an independent public body with a mandate under the Irish Human Rights and Equality Commission Act 2014 (IHREC Act 2014). The IHREC Act 2014 gives the Commission a range of statutory powers for the protection and promotion of human rights and equality.

The Commission is made up of 15 members who were appointed by President Michael D. Higgins on 31 October 2014, following a resolution by both Houses of the Oireachtas. The Commission operates entirely independently of the Government, and this institutional independence is guaranteed in the Commission's establishing legislation, which provides for accountability of the Commission to the Oireachtas.

Decision-making at Commission level is conducted, where possible, on the basis of consensus. Where there is a diversity of opinion on a given matter, a majority vote may be taken to determine the Commission's position.

A full breakdown of Commission members and attendance is available in Appendices 1 and 2.

Mission

To build a fair and inclusive society that protects and promotes human rights and equality in Ireland.

Statutory Mandate

In undertaking its mandate the Commission is obliged by section 10(3) of the Act to exercise its functions with a view to encouraging and supporting the development of a society in which:

- There is respect for and protection of each person's human rights,
- There is respect for the dignity and worth of each person,
- A person's ability to achieve his or her potential is not limited by prejudice, discrimination, neglect or prohibited conduct,
- Each person has a fair and equal opportunity to participate in the economic, political, social or cultural life of the State, and

- There is mutual respect between persons, including classes of persons, based on a shared understanding of the value of diversity within society and on a shared respect for equality and human rights.

Our Work

The Commission's statutory role is to protect and promote human rights and equality, which we carry out in a variety of ways:

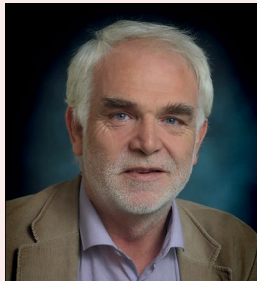
- We engage with the public to inform and encourage an understanding of human rights and equality concerns.
- We review the effectiveness of human rights and equality law, policy and practice in the State and within public bodies, including through engaging with government officials drafting legislation, and with the legislature as a Bill progresses through the Houses of the Oireachtas.
- We also work with communities and civil society to monitor and report on people's lived experiences of human rights and equality.

The Commission can provide legal assistance in certain proceedings concerning human rights and equality, can apply to the Superior Courts for liberty to appear as an *amicus curiae* (friend of the court), and can initiate proceedings in its own name in matters concerning human rights and equality.

We work in partnership with various groups and public bodies to enable change that will impact positively on people's lives and to encourage the development of a culture of respect for human rights, equality and intercultural understanding.

Whether we are responding to individual concerns, engaging with the legislature, the government or public bodies on policy and practice, or raising public awareness of human rights and equality, our mission is to build a fair and inclusive society that protects and promotes human rights and equality.

THE COMMISSION



Above from left to right: Chief Commissioner Emily Logan, Teresa Blake SC, Frank Conaty, Heydi Foster-Breslin, David Joyce BL, Mark Kelly, Sunniva McDonagh SC, Professor Siobhán Mullally, Professor Ray Murphy, Dr Fidèle Mutwarasibo, Orlagh O'Farrell, Betty Purcell, Liam Herrick, Dr Mary Murphy, and Kieran Rose.

REPORT OF ACTIVITY

In January 2016, the Commission launched its first Strategy Statement covering the period 2016–2018.

The Strategy Statement was based on the Commission's mandate as set out in the IHREC Act 2014, underpinned by the UN Paris Principles which set the international standards for national human rights institutions. The Strategy Statement was further informed by a nationwide consultation undertaken in 2015 which was nominated in the 2016 Civil Service Excellence Awards in the category of Excellence in Policy, which set a new standard for openness and participation in relation to how public bodies engage with the public – standards the Commission continued to apply to the extensive consultation work it carried out in 2016.

Guided by our mission to contribute to an inclusive Ireland where human rights and equality are respected, protected and fulfilled for everyone, everywhere, the Commission agreed a set of key strategic goals to guide our work over the next three years.

These were:

- proactive implementation of our legal powers, in particular, the Public Sector Duty;
- promoting understanding of the indivisibility of equality and human rights;
- making equality and human rights real;
- intercultural understanding and diversity.

Underpinning these four goals was a fifth cross-cutting goal – that of leadership. To

deliver on the goal of leadership, the Strategy Statement commits the Commission to being strong, proactive, challenging and authoritative in the work that it does.

In the sections that follow, the Commission reports on the activities it carried out across the goals of the Strategy Statement. Each of these activities has the Commission's overarching goal of leadership at its core.

The goal of leadership will not only be met through the work carried out by the Commission, but also more widely, through enabling others across civil society and academia to advance human rights and equality. In recognition of this, in 2016 the Commission allocated €250,000 in grant funding to organisations to carry out activities to promote human rights and equality.

Almost 300 applications were received from civil society organisations, and of those, 25 organisations were awarded grants between €4,000 and €20,000 across the themes of 'Collaboration and Dissemination', 'Capacity Building' and 'Project Implementation'.

Throughout this Annual Report, in addition to showcasing our own work across our strategic goals, we provide details of these 25 diverse projects and their contribution to advancing human rights and equality in 2016.

PROACTIVE IMPLEMENTATION OF OUR LEGAL POWERS, IN PARTICULAR PUBLIC SECTOR DUTY

IN THIS SECTION:

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‘There will be measurable change in the practice of key duty bearers due to their awareness of equality and human rights law and best practice’

IHREC Strategy Statement 2016–2018

This strategic goal is focused on proactive implementation of the legal powers enshrined in our founding legislation, the Irish Human Rights and Equality Commission Act 2014 (IHREC Act 2014). Our activity under this goal focuses on the structures that deliver human rights and equality in the State: in the courts; in the development of legislation in the Oireachtas; the formulation and implementation of policy and standards in government departments; and the operation of public sector bodies. It also focuses on the State’s international human rights and equality obligations, and the implementation and monitoring of compliance with international treaties.

Embedding a culture of human rights and equality in the public sector through section 42 of the IHREC Act 2014 (Public Sector Duty)

Section 42 of the IHREC Act 2014 places a positive duty on public sector bodies to have regard to the need to eliminate discrimination, promote equality and protect human rights in their daily work. Under the same section of the Act, the Commission may give guidance to public sector bodies to encourage them in developing policies, good practice and operational standards in order to meet their obligations under the duty.

In 2016, the Commission initiated a comprehensive programme of engagement with public bodies to raise awareness of the duty and build capacities on embedding human rights and equality considerations into their functions, policies and practices.

As part of this engagement, in August 2016, the Chief Commissioner wrote to the Secretaries General of all central Government Departments to remind them of their obligations to consider human rights and equality issues during the preparation of their Statements of Strategy. The Public Sector Duty team then worked with a number of senior management officials and teams across the civil service as well as engaging with staff in universities and Institutes of Technology, Education and Training Boards, local authorities, regulatory authorities and in the transport and health sectors.

The Commission also published a step-by-step guidance document to assist public bodies in implementing the duty. The guidance document, which was widely disseminated and made available online, outlined key steps in meeting the Public Sector Duty, including strategic planning, consultation and participation, training and capacity building, action planning and data collection.

Building on this guidance document, the Commission established collaborative partnerships with a diverse range of public

bodies to develop pilot sites for implementing the duty and testing and developing further guidance. In partnership with the Local Government Management Agency, the Commission began work with one urban and one rural local authority who will act as pilot sites to trial guidance and identify good practices in the local authority setting. As part of it's Equality Week, University College Cork came on board as a pilot site to explore how the Public Sector Duty can be best implemented in the context of higher education institutions.

The Commission has also explored some more innovative applications of the Public Sector Duty as a means of teasing out the human rights and equality implications of public service provision. In response to an issue identified during the Commission's Strategy Statement consultation in 2015, the team began working with the Community Action Network on a project that takes a Public Sector Duty approach to identifying and addressing human rights and equality issues experienced by users of opioid treatment services. To date, the project has included user-led research, and a series of dialogue events that brought together service users, representatives of drug treatments services, officials from the Department of Health and the Health Service Executive, and Minister of State for Communities and the National Drugs Strategy Catherine Byrne TD.

The Public Sector Duty

Eliminating discrimination, promoting equality and protecting human rights



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas
Irish Human Rights and Equality Commission

August 2016

Exercising our legal powers

The Commission's legal powers, as set out in the IHREC Act 2014, include the provision of advice and the conduct of litigation under the Employment Equality Acts 1998–2015, the Equal Status Acts 2000–2015, the European Convention on Human Rights Acts 2003 and 2014, and more generally in relation to the protection and promotion of human rights and equality under constitutional and international human rights law. The Commission's legal team appears on behalf of the Commission before statutory tribunals and the domestic courts, and can intervene in proceedings before international courts.

Appearing as amicus curiae ('friend of the court')

Through its *amicus curiae* function, the Commission can make an application for liberty to appear in legal proceedings before the Irish Superior Courts, where human rights and equality issues are of relevance.

In 2016, the Commission sought liberty of the Superior Courts to intervene as *amicus curiae* in seven sets of proceedings. It was granted liberty in five of these matters and was refused in the remaining two (one of which was the subject of an appeal to the Court of Appeal at the end of 2016). Two cases were still underway in 2016/17 where the Commission had been granted liberty to intervene as *amicus curiae*.

These cases relate to important matters of human rights and equality including data privacy remedies, prisoners' rights, children's rights, the rights of asylum seekers and non-EU nationals to live/work in Ireland and the bringing of complaints pursuant to the Employment Equality Acts 1998–2015.

Right to pursue a simultaneous discrimination complaint

Case: Culkin v Sligo County Council

These proceedings involve consideration of whether an individual can simultaneously pursue both a complaint of discrimination before the Workplace Relations Commission, and a personal injuries claim before the courts, where it is alleged that both claims arise from the same set of facts.

Outcome:

The matter is listed for hearing before the Court of Appeal on 9 March 2017.

Duty to give reasons for administrative decisions and the right to a fair trial

Case: Marques v the Director of Public Prosecutions and Attorney General v Marques

In these proceedings, an Irish citizen challenged his proposed extradition to the USA to face charges on a number of serious criminal offences, alleging that he faced a possible breach of his constitutional rights and also those under the ECHR in various respects.

The Commission provided assistance to the Court in its capacity as *amicus curiae*, addressing the practice in the USA of taking into account, when sentencing, matters other than those of which a person is convicted; and whether the Director of Public Prosecutions was obliged to provide reasons for its decision not to prosecute the Applicant.

Outcome:

The Court of Appeal affirmed the High Court decision to order extradition to the USA. The Court further found that there was no obligation on the Director of Public Prosecutions to give reasons for its decision not to prosecute Mr Marques in this jurisdiction. The extradition was stayed pending an application to seek liberty to appeal these decisions to the Supreme Court.

Right to family life and private life under the Constitution and the ECHR in certain immigration decisions

Case: *Luximon v Minister for Justice and Equality, Balchand v Minister for Justice and Equality*

These cases, in which the Commission appeared as *amicus curiae*, involved two families from Mauritius who arrived in the State at a time when they originally did not require a visa, and who had subsequently been granted permission to remain in the State. Their subsequent applications to vary their residence permission were refused and they contended that the Minister should have had regard to their personal, private and family rights under the Constitution and the ECHR when deciding their applications. Separate High Court proceedings challenging the Minister's decisions were successful in the *Luximon* case, but unsuccessful in the *Balchand* case. Both matters were appealed to the Court of Appeal and were subsequently joined.

Outcome:

The Court of Appeal held that the Minister for Justice and Equality, in deciding whether to renew the applicants' permission to be in the State, was required to consider their right to private and family life under the Constitution and the European Convention on Human Rights.

Duty to give reasons for administrative decisions

Case: *The Attorney General v Damache and Damache v the Director of Public Prosecutions*

This Commission's involvement with this case is ongoing since 2016 and concerns whether Mr Damache's extradition to the USA to face terrorist related offences would be in breach of his rights under the Constitution and the ECHR.

Outcome:

The High Court refused Mr Damache's return on constitutional grounds. The High Court decision has been appealed by the State. A hearing date has not yet been fixed.

Right of an applicant for refugee status to work

Case: *NHV v Minister for Justice and Equality*

These proceedings, in which the Commission was granted liberty to appear as *amicus curiae*, were brought by a man who had been living in direct provision for a number of years and was refused permission by the Minister for Justice and Equality to work, in reliance on section 9(4)(b) of the Refugee Act 1996 which provides that an applicant for a declaration of refugee status shall not seek or enter employment before the final determination of his or her application. Following unsuccessful judicial review proceedings in the High Court and the Court of Appeal, the man concerned appealed to the Supreme Court seeking a declaration that if the effect of section 9(4)(b) is such as to preclude the Minister from granting permission to him to take up employment, this section is repugnant to the relevant provisions of the Constitution and the European Convention on Human Rights.

Outcome:

The matter was listed for hearing on 24 January 2017.

Privacy rights

Case: *Digital Rights Ireland v Minister for Communications and others*

This case raises issues regarding the scope of application of the EU Charter of Fundamental Rights (the 'Charter') and the Court of Justice of the European Union's jurisprudence on privacy rights, the substantive application of the proportionality principle and the relationship between the Charter, the Constitution and the ECHR.

Outcome:

These proceedings are listed for a motion hearing in June 2017.

The Commission was refused liberty to intervene as *amicus curiae* in the following two matters:

Privacy rights

Case: *Data Protection Commissioner v Facebook Ireland Limited and Maximilian Schrems (High Court (Commercial))*

Mr Schrems lodged a complaint with the Data Protection Commissioner challenging the lawfulness of special contractual clauses whereby data is transferred between Facebook Ireland Limited and its US parent company, Facebook Inc. EU law states that the existence of such special contractual clauses in contracts offers adequate safeguards with respect to the protection of privacy when personal data is being transferred out of the European Economic Area. The Data Protection Commissioner considered that she cannot conclude her investigation of Mr Schrems' complaint without first requesting the High Court to refer certain questions relating to the validity of the EU legislation providing for the special contractual clauses to the Court of Justice of the European Union.

Outcome of application:

The Commission was one of nine parties that applied to the High Court for leave to appear as *amicus curiae* in the matter. On 19 July 2016, liberty was refused to five applicants, including the Commission, whilst liberty was granted to four other parties to appear as *amicus curiae* in the matter.

Human rights of children in detention

Case: *X v Director of Oberstown Children Detention Campus and Another*

This matter involves judicial review proceedings initiated by four children detained in Oberstown Children Detention Campus in relation to their conditions of detention. It is claimed *inter alia* that they were placed in solitary confinement following an incident at the campus and that their constitutional and human rights were breached as a result. The Commission applied to the High Court for liberty to appear in the proceedings as *amicus curiae*.

Outcome of application:

The High Court refused the Commission's application on 21 December 2016. The Commission filed a Notice of Appeal of the judgment and orders of the High Court with the Court of Appeal on 23 December 2016, and requested an urgent and early hearing date of its appeal in view of the fact that the four judicial review cases were listed for hearing on 17 January 2017.

Further legal activities

In 2016, the Commission took decisions in relation to nine requests to conduct an inquiry under section 35 of the Act. A majority of requests did not meet the threshold for intervention by the Irish Human Rights and Equality Commission as set out in section 35 of the IHREC legislation. No inquiry was conducted in 2016.

The Commission referred two complaints of discriminatory advertising to the Director of the Workplace Relations Commission (on the housing assistance, family and age grounds) against two companies. These matters are pending before the Workplace Relations Commission.

The Commission was put on notice in 21 sets of proceedings where declarations of incompatibility with section 6 of the ECHR Act 2003 and 2014 had been sought.

During 2016, four sets of legal proceedings in which the Commission was providing legal representation to individuals were completed. These are described in more detail in the section on “Making equality and human rights real” of this report, along with further detail of the Commission’s legal assistance casework in 2016.

Human rights and equality treaty monitoring at the UN, EU and Council of Europe

In 2016, the Commission was actively involved in various stages of international monitoring at UN, EU and Council of Europe level, reporting on the State’s obligations under a number of international treaties and regional instruments. As Ireland’s National Human Rights Institution and National Equality Body, the Commission has a responsibility to deliver an independent analysis of how the State is upholding its international obligations. Crucial to the role of the Commission internationally is its “A” status accreditation with the **UN’s Global Alliance of National Human Rights Institutions (GANHRI)**, ensuring specific reporting and speaking rights in the UN Human Rights Council and other international fora.

UN Convention on the Rights of the Child

Ireland’s record under the UN Convention on the Rights of the Child was examined at a hearing in the UN Palais des Nations in Geneva on 14 January 2016. In advance of the hearing, the Irish Human Rights and Equality Commission submitted its independent report on Ireland’s record under the Convention.

At the hearing, the Chief Commissioner outlined the Commission’s independent assessment of Ireland’s compliance.

The ‘Concluding Observations’ on Ireland issued by the Committee on the Rights of the Child echoed the Commission’s own assessment of Ireland’s record under the Convention. This included the need for the State to adopt human rights based budgetary and procurement processes; a wider and deeper state commitment to non-discrimination; and to commit to tackling in a more holistic way the challenges of poverty

and social exclusion in our society, and their effects on children.

UN Universal Periodic Review

The Universal Periodic Review (UPR) is a peer review process which involves a review of the human rights records of all UN Member States, by UN Member States. The UPR is carried out under the auspices of the **Human Rights Council**. It provides the opportunity for each State to report on actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations.

The Commission participated in Ireland’s second UPR examination in May 2016, after providing an independent report on Ireland’s progress to the Human Rights Council in 2015. The Commission’s report contained 36 recommendations drawn from our diverse work to measure the progress of the Irish Government in advancing the recommendations accepted in the previous UPR cycle in 2011. Public consultation informed the Commission’s report, and the Commission conducted a series of regional human rights consultations across the country, including a Dublin conference organised in cooperation with the Irish Council for Civil Liberties in 2015. The submission covered a range of human rights themes, including Ireland’s international obligations, constitutional reform, and human rights and equality infrastructure.

UN Convention on the Elimination of All Forms of Discrimination against Women

In advance of Ireland’s 2017 examination under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in summer 2016 the Commission embarked on an extensive six-month national consultation process on women’s rights. The consultation was intended to inform the Commission’s planned 2017 report to the **UN CEDAW Committee**, while also creating a nationwide opportunity for engagement, discussion and learning about gender equality and women’s human rights in Ireland. More detail of the Commission’s CEDAW consultation can be found in the section on



Chief Commissioner Emily Logan, UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar and Finian McGrath T.D., Minister of State with special responsibility for Disability launch report on Establishing a Monitoring Framework for the UNCRPD



Commission staff Ruth Gallagher and Siobhán McNamara with Chief Commissioner Emily Logan at the UN Human Rights Council for Ireland's second examination under the Universal Periodic Review



Palais des Nations, UN buildings, Geneva

"Making equality and human rights real" of this report.

Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA)

In December 2016, the Commission contributed to the **Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA)** in advance of its Second Evaluation Round of Ireland. In our detailed submission to the Council of Europe rapporteurs, the Commission raised key concerns over how victims of trafficking are identified, protected and supported. The Commission also met in person with the GRETA delegation in Dublin to discuss key issues.

European Commission draft European Pillar of Social Rights

The Commission made a submission to a major consultation conducted by the European Commission in 2016 on the draft 'European Pillar of Social Rights'. The Pillar of Social Rights outlines proposed non-binding EU standards in twenty social policy domains. The Commission's main recommendations were that the European Commission ensure that each of the proposed standards undergo an equality mainstreaming evaluation and that the revised draft of the European Pillar of Social Rights demonstrates how each principle reflects the requirements of European human rights law. The Commission further recommended that the Pillar of Social Rights be strengthened by setting out the steps that will be taken to reform EU law on social rights.

Council of Europe Commissioner for Human Rights

In 2016, the Commission hosted a visit by the **Council of Europe's Commissioner for Human Rights**, Nils Muižnieks as part of his monitoring visit to Ireland. Chief amongst a number of human rights and equality issues raised during his visit was the issue of state recognition of Traveller ethnicity.

Committee of Ministers of the Council of Europe in O'Keeffe v Ireland – Rule 9 Submission

In *O'Keeffe v Ireland* (Application no. 35810/09), the Grand Chamber of the European Court of Human Rights (ECtHR) held that Ireland had breached Articles 3 and 13 of the European Convention of Human Rights, by failing to put in place an adequate legal framework to protect children within the national school system from sexual abuse.

In October 2016, the Commission made written submissions to the **Committee of Ministers of the Council of Europe** in relation to the execution of the judgment of the ECtHR. In these submissions, it requested that the Committee exercise its power to refer the matter of O'Keeffe back to the Grand Chamber pursuant to Article 46(3) of the Convention on the basis that the execution of its judgment was being hindered by a problem of interpretation.

Free Movement of Workers Directive

Section 10(2)(i) of the IHREC Act 2014 provides for the Commission to be the body designated for the purposes of Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. The Commission has provided information to European Economic Area workers and their families in relation to their equality and human rights in line with the Directive. The Commission has liaised with relevant stakeholders including representatives from EURES, the European Commission's Jobs Mobility Portal, and the Citizens Information Board, and participated in the provision of training to public sector, EU and NGO representatives in May 2016.

Promoting ratification, implementation and monitoring of international treaties

The Commission has a role to promote the implementation of the international human rights treaties to which the State has committed. The realisation of these standards of daily life in

Ireland is an integral part of our mission to build a fair and inclusive society that protects and promotes human rights and equality in Ireland.

Establishing a monitoring framework for the UN Convention on the Rights of Persons with Disabilities

Ireland signed the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007, but has yet to ratify it – now the only EU State not to have done so.

The Commission has consistently called for the ratification of the Convention, with a view to the progressive realisation of the standards it sets out. In 2016, the Commission engaged in detailed work to assess what that ratification would demand of the State in light of the obligations contained within Article 33 of the Convention. Under Article 33, an independent monitoring framework must be established to scrutinise the State's progress in implementing the Convention's obligations to protect, respect and uphold the human rights of persons with disabilities.



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Establishing a Monitoring Framework in Ireland for the United Nations Convention on the Rights of Persons with Disabilities

The Centre for Disability Law and Policy
School of Law & Institute for Lifecourse and Society
NUI Galway



CENTRE FOR DISABILITY LAW & POLICY

In May 2016, the Commission launched its research report on Establishing a Monitoring Framework under Article 33 of the Convention, undertaken by the Centre for Disability Law and Policy in NUI Galway, and launched by the UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar. The report's key recommendation was that people with disabilities and their organisations must be involved in all aspects of the monitoring process. It also recommended that the Commission – in its capacity as an "A" status national human rights institution – be jointly designated as the independent monitoring mechanism with an advisory committee composed of a diverse group of persons with lived experience of disability.

Some of the key recommendations of the report were reflected in the draft Equality / Disability (Miscellaneous Provisions) Bill 2016, on which the Commission provided detailed observations in December 2016.

Promoting the ratification and implementation of the Optional Protocol to the UN Convention against Torture

Ireland signed the Optional Protocol to the UN Convention against Torture on 2 October 2007 but has yet to ratify it. Under the Optional Protocol, State parties are required to set up National Preventive Mechanisms at the domestic level to monitor and assess places of deprivation of liberty in order to prevent torture and other ill treatment.

In 2016, we commissioned research to provide evidence-based suggestions on the designation of Ireland's National Preventive Mechanism. The research, carried out by Professor Rachel Murray and Dr Elina Steinerte of the Human Rights Implementation Centre at the University of Bristol Law School in the UK will provide key information to assist with the State's preparations to ratify and implement OPCAT, and will inform the Commission's own analysis on the best approach to the designation of a National Preventive Mechanism in Ireland.

Engaging strategically with the legislative process

The Commission has a statutory mandate to examine any legislative proposal and to report its views on any implications for human rights or equality in Ireland. The Commission provided observations and made interventions on several pieces of draft legislation, and monitored the subsequent progress of bills through the Oireachtas (parliament).

In November 2016, the Commission published its observations on the **Education (Admission to Schools) Bill 2016**, emphasising the importance of facilitating access to the education system in a way that respects and accommodates diversity. Building on the Commission's *amicus curiae* submission at the Supreme Court in the pivotal *Stokes Case*, the Commission made observations on the need to ensure that use of preferential existing connections-based criteria by schools does not exclude the children of Travellers, immigrants and persons with disabilities. The Commission also recommended that the Equal Status Act be amended to give effect to the principle that no child should be given preferential access to a publicly funded school on the basis of their religion.

On the eve of the International Day of Persons with Disabilities, the Commission published its observations on the **Equality / Disability (Miscellaneous Provisions) Bill 2016**. Our recommendations focused on provisions within the Bill to allow for ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The Commission's observations emphasised that participation by persons with disabilities needs to be placed at the centre of the State's implementation of the Convention. The observations were also an opportunity to make recommendations relating to deinstitutionalisation, access to voting and jury service. Throughout 2016, the Commission also engaged with members of the Oireachtas on the **Criminal Law (Sexual Offences) Bill 2015**. Our recommendations highlighted the human rights and equality implications of provisions related to sexual

acts with protected persons and the purchase of sexual services.

Contributing to national consultations, policy development and strategy implementation

The Commission maintained active engagement with the Oireachtas and the Joint Committee on Justice and Equality and participated in consultations on domestic policy matters such as the Strategy for the Rental Sector, the Policing Authority Code of Ethics for the Garda Síochána, and the National Traveller/Roma Inclusion Strategy.

In June 2016, the Commission, of its own volition, engaged with the Minister for Justice and Equality in relation to the preparation of a draft code of practice in the area of age discrimination and retirement, under section 31 of the IHREC Act. Subsequently, in August 2016, the Report of the Interdepartmental Working Group on Fuller Working Lives was published. The report contained recommendations that the Workplace Relations Commission (WRC) prepare a code of practice under section 42 of the Industrial Relations Act 1990 around the issue of longer working, and that the Commission issue guidance in relation to the use of fixed-term contracts beyond normal retirement age. The Commission has engaged with the WRC with a view to ensuring that there is no unnecessary overlap between our respective work in this area.

In June 2016, the Commission met with The Hon. Mr. Justice Murray in the context of the Murray Review and followed this with a detailed submission to the Department of Justice and Equality's review conducted by Justice Murray. The review was set up to examine the law on access by state bodies to the communications data of journalists. The Commission's submission focused on the legal framework and recommended reforms to the legislation applying to surveillance, data retention and the disclosure of records held by service providers to ensure compliance with human rights obligations.

In December 2016, the Commission made a submission to the Citizens Assembly in the context of its consideration of Article 40.3.3° of the Irish Constitution. The submission outlined human rights and equality standards relevant to the Assembly's deliberations, including under domestic law, the European Convention on Human Rights, the Revised European Social Charter, and under various United Nations human rights treaties.

Relevant civil society projects supported under the 2016 human rights and equality grants scheme

Linked to our work on furthering international standards in the domestic setting, the Commission supported the **Irish Penal Reform Trust** to undertake a project to promote recent recommendations by both the UN Special Rapporteur on Torture and the Council of Europe to abolish solitary confinement in Ireland.

The grants scheme also supported several projects that focused on building organisational capacities to deliver on human rights and equality in their operations and service delivery such as a project with **Transgender Equality Network Ireland** to develop a programme for trans inclusion in the workplace and a project with **Inclusion Ireland** on developing good practice for equality and rights committees in the disability sector.

The Commission supported a project with **Longford Community Resources Ltd.** that will support the implementation of the public sector duty by publicly-funded organisations in county Longford.

Focusing on the legal protections for human rights and equality, the Commission supported **Offaly Citizens Information** to develop and deliver training for frontline staff on equal status and employment equality law.

PROMOTING UNDERSTANDING OF THE INDIVISIBILITY OF HUMAN RIGHTS AND EQUALITY

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‘Advance and build support for a holistic view of human rights, with a particular focus on socio-economic rights’

IHREC Strategy Statement 2016 –2018

This goal reflects a recognition of the interconnectedness of equality and human rights, and of the importance of focusing on the enhancement of socio-economic rights in Ireland. Under this goal, the Commission has set out as an objective to promote awareness, understanding and support for socio-economic rights. Fundamental to this is the task of building recognition of the value and importance of improved human rights and equality budgeting processes by the State. Another essential pillar of this goal is to contribute to improved data-gathering on human rights and equality, in order to contribute to better evidence-based policy making. Over the course of 2016, the Commission has taken some significant steps towards these objectives.

Building recognition of the value of human rights and equality budgeting

Throughout 2016, the Commission engaged in a range of activities to contribute to the development of human rights and equality budgeting structures in Ireland.

Engagement with the Oireachtas on human rights and equality proofing

In 2016, the Government published its 'Programme for a Partnership Government' which includes commitments to "develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights" and to "draw on the expertise of the Irish Human Rights and Equality Commission to support the proofing process".

In June 2016, the Commission attended the **Select Committee on Arrangements for Budgetary Scrutiny** to explore how the Commission can assist government in developing poverty and equality proofing budgetary measures.

Budget Proofing Roundtable

On 24 June 2016 the Commission hosted an expert roundtable with a number of academics and, practitioners with expertise in gender, equality, poverty and human rights proofing. The purpose of the roundtable was to examine learning from initiatives to date and consider how the Commission and other key stakeholders can most effectively engage with the commitments outlined in the programme for government. The attendees also began collaborative work on a special edition of the journal **Public Administration** which will deal exclusively with human rights and equality proofing of the budgetary process. This is due for publication in 2017, and will be an invaluable source of insight and information as to how human rights and equality budget proofing can be advanced in the Irish context.



Commission member Dr Mary Murphy at Select Committee on Arrangements for Budgetary Scrutiny



Chief Commissioner Emily Logan with the Saol Project Women's Choir at launch of the Commission's Strategy Statement 2016-2018



Commission members Teresa Blake SC and Dr Mary Murphy with Dr Attiya Waris at session on tax justice

Civil society briefing on development in budget proofing

Recognising the important role of civil society, on 26 September the Commission hosted a briefing to provide information to civil society organisations on developments in budget proofing and on the Commission's work in this area. The purpose of this event was to create a space for dialogue, pool existing knowledge, examine the learning from initiatives to date and consider how the Commission and other key stakeholders can most effectively engage with these new proofing commitments.

Budget proofing information guides

Over the course of 2016, the Commission also produced a series of information guides on human rights and equality budget proofing:

- **Factsheet 1: Realising Rights – Key Principles**
- **Factsheet 2: Budget Proofing: Background and Some Learning**
- **Factsheet 3: Budgetary Institutions: What's Changing?**
- **Factsheet 4: The Budget Process**

Developing improved human rights and equality data

As part of our objective to develop improved human rights and equality data, which contributes to better evidence-based decision making, the Commission commenced a two-year research programme with the Economic and Social Research Institute. This programme will provide essential data, and analysis to support the development of policy on a range of equality and human rights themes.

Promoting awareness, understanding and support for socio-economic rights

In 2016, the Commission highlighted a range of socio-economic rights issues, across other areas of its work. This included the Commission's submission to the **European Commission on the first preliminary outline of a European Pillar of Social Rights**, the Commission's response to the **European Committee of Social Rights** finding against Ireland on Traveller accommodation and highlighting the human rights and equality implications of practises in the rental market.

Relevant civil society projects supported under the 2016 human rights and equality grant scheme

Linked to our work on developing support for budget proofing, the Commission supported a project with the **National Women's Council of Ireland** on developing a clear roadmap by which gender budgeting may be successfully implemented in Ireland.

Three projects focused on facilitating participation of communities involved in vindicating their socio-economic rights were successful in this year's grant scheme. This first was a project by the **Community Action Network** that will provide training and development support to local authority tenants. The second project was a partnership with the **Department of Politics and Public Administration, University of Limerick** and the **Irish Traveller Movement** which focused on Traveller participation in local government and decisions on culturally appropriate accommodation. The third was a project with **Ballyfermot Travellers Action Project** to equip residents of Labre Park to challenge the inequalities faced by their community and advocate for safe and culturally appropriate accommodation.

On the broad theme of promoting support and the advancement of economic, social and cultural rights, the Commission supported the **Irish Council for Civil Liberties'** project on 'Making Socio-economic Rights Meaningful.'

More specifically on the gender pension gap, the Commission supported **Age Action** in carrying out research on the gender impact of the changes to the eligibility criteria for the state pension. The Commission also supported a project by **Crosscare** on the right to health care for vulnerable migrants.

MAKING EQUALITY AND HUMAN RIGHTS REAL

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'The Commission will have achieved progress in critical areas of human rights and equality by fighting discrimination and vindicating rights, especially those of the least advantaged'

IHREC Strategy Statement 2016 –2018

The Commission's activity under this goal seeks to educate, inform and assist members of the public, and to demonstrate how human rights and equality issues are relevant to their daily lives. The Commission undertakes a diverse range of information provision, education and engagement activities with the public and civil society. Engagement involves not only providing information, but also affords IHREC the opportunity to partake in consultation, and to learn about people's experiences and views on human rights and equality. Embedding good consultation practices in our work not only guarantees meaningful participation, but provides the Commission with invaluable insights that contribute to the fabric of our work.

Alongside this, the Commission engages directly with members of the public to provide support and assistance on human rights and equality issues through our public information line and, where appropriate, through legal assistance.

Placing participation and consultation at the centre of our work: the Commission's national consultation on CEDAW

Listening to the public's views, starting conversations and facilitating participation on human rights and equality form a cornerstone of the Commission's work. In 2015, during the course of our nationwide consultation on our Strategy Statement, the Commission developed a set of principles and procedures for carrying out public consultations on human rights and equality. In the summer of 2016, the Commission expanded on this work with the launch of a public consultation on Ireland's compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The consultation, which was designed and carried out by a cross-team project group within the Commission, posed one overarching question to the Irish public: "What is life like for women in Ireland in 2016?"

Taking an approach that prioritised accessibility, the consultation invited participation from the public through multiple channels, whether via an online questionnaire, written submissions, focus group participation or attendance at nationwide consultation events. This approach ensured that a diverse range of people had the opportunity to contribute in a way that best met with their needs. The consultation was supported by a detailed national communications plan that employed clear, concise and accessible language to inform the public about the CEDAW convention, and the United Nations treaty monitoring process. Over the course of the consultation, the Commission heard from over one thousand people from across Ireland, ranging from the people who visited our stand at National Ploughing Championships, to the various groups and

individuals who participated in consultation meetings and responded to our calls for submissions.

The views, insights and experiences gathered during the consultation were invaluable to the Commission in the preparation of its independent report to the UN Committee on Ireland's compliance with CEDAW. The consultation also formed an important opportunity for the Commission to raise awareness of gender equality and international human rights standards and demonstrate to rights holders the relevance of human rights and equality to their daily lives.





CEDAW consultation stand at the 2016 National Ploughing Championships



Participants at Castlebar consultation meeting on CEDAW



CEDAW consultation feedback at the 2016 National Ploughing Championships

Making information on human rights and equality accessible and engaging

Redevelopment of the Commission's website, www.ihrec.ie

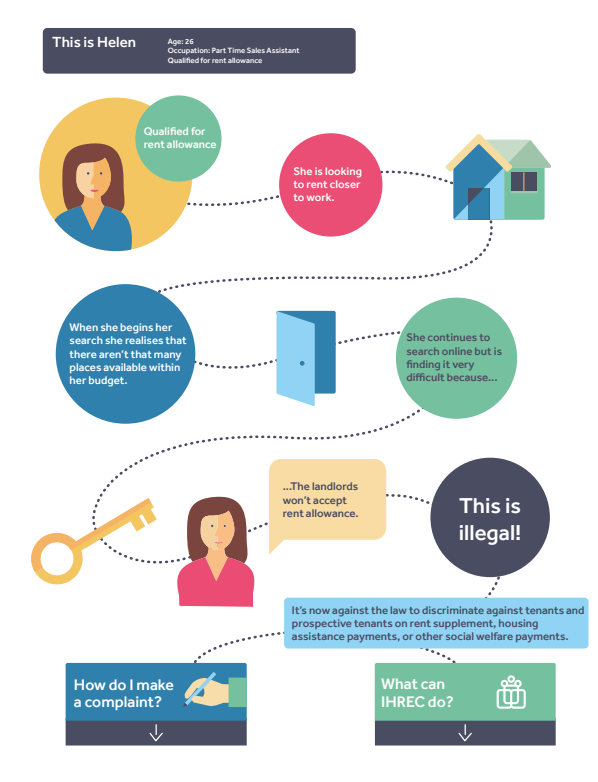
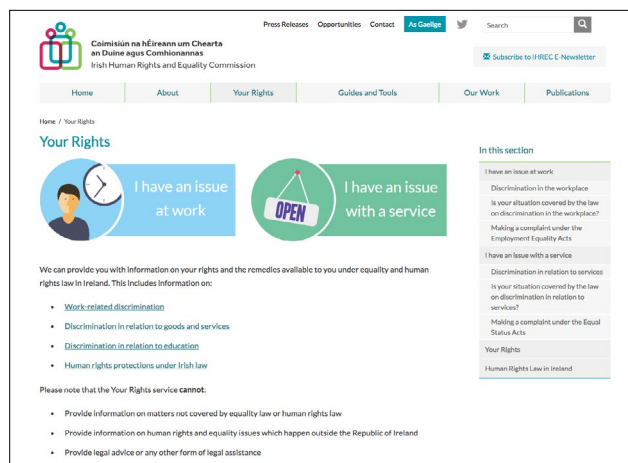
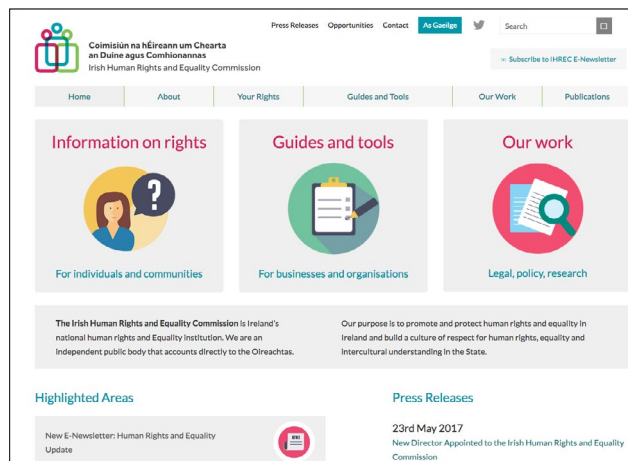
In September 2016 the Commission launched a redesigned and enhanced website. The goal of the project was to provide useful, accessible information to fulfil our statutory obligation on the provision of public information. The website was also designed to house a comprehensive set of resources related to the Public Sector Duty, and useful guidance material for groups who are seeking to embed human rights and equality in their place of work or business. The project was underpinned by the principle of participation, with a focus on accessibility and clarity of content. A panel of 'end-users' provided input on the development of the site and information pathways. The new site has seen a significant increase in visitor traffic, with nearly 130,000 visits in 2016.

Awareness campaign on the new 'Housing Assistance' ground

As of the 01 January 2016, the Equality (Miscellaneous Provisions) Act 2015 introduced "housing assistance" as a new ground of protection against discrimination in accommodation. This means that people in receipt of rent supplement, housing assistance payments or other social welfare payments can no longer be discriminated against in relation to the provision of accommodation or related services or amenities.

Responding to an increase in queries from tenants to our information service, the Commission launched an awareness campaign to ensure landlords, letting agents and property advisors were aware of their legal responsibility to cease discriminating against tenants or prospective tenants on the basis of being in receipt of housing assistance.

Alongside this, and in consultation with stakeholder organisations, the Commission produced information for tenants and prospective tenants to inform them of their rights and their options for recourse.



Supporting members of the public in vindicating their rights

The Commission's public information service

The Commission provides information to the public on the rights, remedies and obligations provided for under human rights law and equality law in Ireland. This includes the Equal Status Acts 2000–2015, the Employment Equality Acts 1998–2015, section 19 of the Intoxicating Liquor Act 2003, the Irish Constitution and the European Convention of Human Rights Acts 2003–2014.

A total of 1,780 queries were handled in 2016.

12 queries related to the IHREC Act 2014 and 654 related to referrals to other information or recourse service. Of the remaining 1,114 queries, the most common thematic areas were homelessness and housing, race, and disability – all of which are issues demonstrating the intersection of equality law with the broader protections afforded under the Constitution and human rights law.

510
Queries

related to the
Equal Status
Acts 2000–2015

Themes most frequently arising:

- 45% goods and services providers
- 40% accommodation service providers
- 12% educational establishments

Protected grounds most frequently arising:

- 30% the "housing assistance" ground
- 22% the disability ground
- 16% the race ground

26
Queries

on Section 19 of
the Intoxicating
Liquor Act 2003

Protected grounds most frequently arising:

- 31% the membership of the Traveller community ground
- 15% the race ground

368
Queries

related to the
Employment
Equality Acts
1998–2015

Themes most frequently arising:

- 44% terms and conditions
- 28% access to employment
- 11% sexual harassment and harassment on one or more of the protected grounds

Protected grounds most frequently arising:

- 25% the disability ground
- 22% the family status ground
- 17% the race ground

210
Queries

related to the
Human Rights
Issues

Themes most frequently arising:

- 22% the administration of justice and fair procedures
- 13% equality and non-discrimination
- 14% human rights in the context of homelessness

Provision of legal assistance

The Commission can, in certain circumstances, give legal assistance to a person who wishes to bring a matter relating to equality or human rights before the Workplace Relations Commission or the Courts. When deciding to give assistance in a particular case, the Commission is guided by the provisions set out under section 40 of the IHREC Act 2014 and considers factors such as whether the matter raises a question of principle or where it would be unreasonable to expect a person to deal with the matter without assistance because of its complexity.

During 2016, decisions were made by the Commission in relation to 43 requests from members of the public for legal assistance under section 40 of the Act. At the end of the year applications for assistance from a further 29 members of the public were awaiting a decision.

By year end the Commission had 30 legal assistance client files open, of which 17 were new clients in 2016.

During 2016, four sets of legal proceedings in which the Commission was providing legal representation to individuals were completed. The outcomes of these proceedings are set out below.

Homelessness and children's rights

Case: *A family v A County Council*

In 2015, the Commission granted legal assistance to a family (two parents and three minor children), who were forced to flee their home, and county council area after being subjected to racial harassment and violence by private individuals. The family came to Ireland as refugees and are now Irish citizens.

The family presented at another county council and applied to be placed on that county council's housing list. The county council refused their applications, where it determined that the family had no local connection with the relevant area. The family were forced to sleep rough in their cars and on occasion paid, using the money received from social welfare, for bed and breakfast accommodation. The children could not attend school for a number of months because of their housing status.

Outcome:

Following the granting of legal representation to the family and engagement with the county council, their applications were reviewed and the family were placed on the relevant housing list. The family were also placed in emergency accommodation, and the children returned to school. In 2016, the family were offered, and accepted, social housing in the relevant county council area.



Gender discrimination

Case: *Sinead Brady v Co. Cavan VEC*

The Commission granted legal assistance to Ms Brady in relation to a complaint of gender discrimination made under the Employment Equality Acts 1998–2015 (EEA).

Ms Brady was a full-time career guidance counsellor in a VEC school. While on maternity leave in 2012, and shortly after the birth of her first child, she was informed by the school that the Department of Education and Skills had issued a circular and that funding of her position as career guidance counsellor would be withdrawn. She was offered a different teaching position but she complained that this was not reflective of her teaching experience.

Outcome:

The WRC found that Ms Brady was entitled to return to work to the same or suitable alternative position and that this did not happen in her case. Due to the manner in which the change in position had been dealt with, and the fact that Ms Brady was on protected leave, the WRC found that Ms Brady had been discriminated against for the purposes of the EEA.

The WRC ordered that the respondents pay a sum of €40,000 compensation, for the effects of discrimination. The WRC further ordered that the respondent “equality proof” the policies and procedures surrounding the local implementation of the Department of Education and Skills circular, in light of this complaint.

Gender discrimination

Case: *A member of a Club v Chairman of Board of Management, General Manager, & Board of Management of a Club*

The Commission granted legal assistance to a member of a private club who claimed that she had been discriminated against within the meaning of the Equal Status Acts 2000–2015 on the ground of gender in relation to certain membership rules and practices that applied to female members of the Respondent club only. She also claimed to have been harassed and victimised because of raising complaints of gender discrimination. The Respondent club was a registered (i.e. licensed) club under the Registration of Clubs Acts, 1904 to 1999. The Complainant lodged complaints with the former Equality Tribunal, now the WRC.

This matter raised issues relating to the potential application of the EU Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services (the Gender Goods and Services Directive) to complaints against private clubs and the interpretation of the meaning of ‘private and family life’ in the Gender Goods and Services Directive. It also involved consideration of the appropriate forum for the hearing of such complaints in circumstances where the Acts provide that complaints regarding discriminating registered clubs should be heard in the District Court, and not the WRC nor Circuit Court. The appropriateness of existing remedies under the Acts when interpreted in light of the Gender Goods and Services Directive was also relevant given that there is no existing mechanism for individual redress under the ESA for complaints against discriminating registered clubs.

Outcome:

The complaint was listed for hearing before the WRC on 7 April 2016; however, the matter was settled to the satisfaction of all parties on this date. The settlement provided for a change to certain existing practices at the club to ensure equality of treatment for female members of the Respondent club.

Labour exploitation

Case: *A former employee v An employer*

The Commission provided legal assistance (including legal representation before the WRC) to an EU national who was subject to severe labour exploitation at a family-run bed and breakfast. This included claims for non-payment of wages, holidays, rest breaks and overtime, as well as alleged discrimination on grounds of race, disability, gender and civil status.

Outcome:

The matter was listed for hearing before the WRC in September 2016 – however the case settled. The terms of the settlement were as follows: the former employee received €20,000 from the employer as well as an acknowledgment that the employer would respect their obligations under employment legislation going forward. The employer further agreed to provide a good reference and not to say or write anything negative about their former employee.

Separately, the employer was also convicted of offences of failure to keep proper records, and producing false and misleading records under the Organisation of Working Time Act 1997 and not paying the minimum wage under the National Minimum Wage Act 2000.

Supporting and promoting best practice in human rights and equality education

The Commission sees education as a strategic priority for the advancement of human rights and equality. In 2016, the Commission's education activities focused in particular on building the capacity of public sector professionals around the public sector duty, and providing support to civil society organisations to develop human rights and equality expertise.

Launch of the inaugural Professional Diploma in Human Rights and Equality

The significant foundation work on establishment of further education in human

rights and equality came to fruition with the inaugural **Professional Diploma in Human Rights and Equality**, accredited by University College Dublin, which commenced at the Institute of Public Administration (IPA) in October 2016. This one-year, part-time programme is the first of its kind in Ireland and aims to give public servants and others a better understanding of the increasingly important place that human rights and equality occupy in the management and delivery of public services.



Chief Commissioner Emily Logan at inaugural lecture of Prof. Dip. Human Rights and Equality

The Commission worked closely with the IPA to develop a programme that aims to be of practical benefit to those whose professional lives are affected by the legislative and other changes that have in recent years brought human rights and equality to the fore in Ireland. In addition to modules on Irish and international law, the course attends to the specific issues that Irish public servants face in promoting equality, preventing discrimination and respecting human rights. The course has, at its core, a focus on the process of incorporating the Public Sector Duty into the administration and management of public bodies.

Student bursary scheme

The Commission launched a bursary scheme to support public servants and people working in civil society organisations to complete the Professional Diploma in Human Rights and Equality. The first intake for this course comprised 49 students, 18 of whom received bursaries offered by the Commission. A review

panel selected 12 successful applications from public sector organisations and 6 from civil society organisations. The successful recipients represented a range of grades, backgrounds, geographic spread and gender, and came from the following public bodies and civil society organisations:

- Trinity College Dublin
- Office of the Ombudsman
- The Courts Service
- An Garda Síochána
- Department of Public Expenditure and Reform
- Department of Social Protection
- Department of Children and Youth Affairs
- Intreo
- Raidió Teilifís Éireann
- Our Lady's Children's Hospital, Crumlin
- Wicklow County Council
- Monaghan County Council
- Threshold
- Pavee Point Traveller and Roma Centre
- European Network Against Racism Ireland
- Irish Refugee Council
- Age and Opportunity
- Transgender Equality Network Ireland

Relevant civil society projects supported under the 2016 human rights and equality grants scheme

Linked to our work in the education sector, the Commission supported a project with the **Sutherland School of Law, UCD** to facilitate and enhance human rights education in the Post-Primary Curriculum. There were two successful equality in education measurement projects; one with the **School of Communications, DCU** to develop a prototype online student survey tool to measure equality and inclusivity in schools and a partnership project between the **Pavee Point Traveller and Roma Centre** and the **Educational Disadvantage Centre, DCU** that measures educational equality for Travellers.

The Commission also supported a number of projects that focus on capacity building for professionals who are involved in supporting people to vindicate their rights. These include a programme for trade unionists on using industrial relations institutions to promote equality with the **Irish Congress of Trade Unions**, and also a project led by the **South Dublin Community Platform** aiming to embed an understanding of human rights within the community sector in South Dublin.

Building the capacity of rights holder groups to directly contribute to and advocate for change in their lives, the Commission supported a training project by **Mental Health Reform** for peer research assistants to roll out a national consultation, as well as an advocacy and human rights training programme with **Headway Cork** and a project with **Older Voices Kildare** aiming to claim the language of human rights in advocating for change. The Commission also supported a project by **Pieta House** to develop an Irish network on Traveller mental health.

INTERCULTURAL UNDERSTANDING AND DIVERSITY

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‘The Commission will, through a series of positive interventions, have enhanced public recognition of diversity and intercultural relationships as a positive factor in Irish life’.

IHREC Strategy Statement 2016–2018

One of the Commission’s statutory functions is to encourage intercultural understanding and good practice in intercultural relations in the State. In this first year of our three-year strategic plan, the Commission has sought active engagement across our work programme with a diversity of groups in Irish society, while speaking out on a range of issues core to the long-term achievement of intercultural understanding in Ireland.

Providing an independent voice on Traveller ethnicity, direct provision and the rights of refugees and migrants

Recognition of Traveller ethnicity

The Commission has consistently called for recognition of Traveller ethnicity in our work in the domestic setting and in our reporting to international bodies.

In October 2016, the Chief Commissioner Emily Logan and Commission member David Joyce appeared before the **Joint Oireachtas Committee on Justice and Equality** to reiterate our support for recognition and to emphasise the need to recognise Traveller ethnicity, and to highlight the consistent recommendations by international bodies for recognition. In November 2016, the Commission again highlighted this issue when it met with the **Council of Europe's Human Rights Commissioner Nils Muižnieks** as part of his country monitoring visit to Ireland.

Direct provision system

Calls for reform of the direct provision system featured across the breadth of the Commission's work in 2016.

The Commission raised the human rights and equality implications of the system in our legal work, our engagement in the domestic setting, our reporting to international bodies and our work in supporting individuals and groups. Direct consultation with women in direct provision centres formed a core part of the Commission's nationwide CEDAW consultation.

In our legal work, the Commission was granted liberty by the Supreme Court to appear as an *amicus curiae* in proceedings concerning the right of an individual living in direct provision to earn a livelihood.

Both in the Commission's **policy statements on direct provision** and in our recent reports to UN treaty bodies on the **International Covenant on Economic, Social and Cultural Rights** and the **Convention on the Rights of the Child**, we have highlighted the system's

impact on family life, mental health and on children, calling on the State to:

- Introduce a time limited period between six and nine months after which any person who has not yet received a decision, on either first instance or appeal, should be able to leave direct provision, live independently, access relevant social security payments and employment;
- Expand the investigatory remit of Ombudsman and Ombudsman for Children's Office to include direct provision centres;
- Ensure adequate accountability for the protection of economic and social rights in contexts where services are delivered by private actors on behalf of the State;
- Move families out of direct provision centres and enable them to access self-catering accommodation at the earliest possible opportunity, and ensure that any new families not be accommodated in direct provision;
- Increase the weekly allowance provided to people living in direct provision to a realistic amount that ensures dignity, respect and autonomy for individuals;
- Respect the residents' right to access and prepare food appropriate to their culture, diet and individual needs.

Protection for refugees and migrants

Throughout 2016, the Commission highlighted the human rights and equality implications of the refugee and migrant crisis in Europe, and questioned the adequacy of the State's efforts to provide protection for refugees.

In response to Ireland's support of the EU-Turkey agreement, the Commission expressed its concern that preventing refugees from seeking asylum in Europe through returns to Turkey risks placing the European Union in direct violation of the principle of non-refoulement. Recalling that the right to seek and to enjoy asylum from persecution is a fundamental human right and a core value of the Common European Asylum System, the Commission called on the Government to do the following:

- Reassess its current commitment of 4,000 refugees under the Irish Refugee Protection Programme, agreed in 2015;
- Assume a leadership role as a voice for the rights of child refugees, through the promotion at EU level of enhanced measures for the protection of migrant and refugee children;
- Strengthen and expand its family reunification policies, to facilitate safe and legal pathways for family members of refugee communities here in Ireland;
- Address as a matter of urgency the wider and well-documented human rights concerns surrounding the State's international protection system.



Commission members Orlagh O'Farrell, Teresa Blake SC and Chief Commissioner Emily Logan with Nils Muižnieks Council of Europe Commissioner for Human Rights



IHREC staff member Abed Aldakar at Migrant Rights Centre Ireland exhibition launch



Chief Commissioner Emily Logan and Commission member David Joyce BL at Joint Oireachtas Committee on Justice and Equality

Supporting and engaging in civil society initiatives on interculturalism and diversity

Contributing to and supporting local initiatives

Throughout the year, the Commission has maintained active engagement with a diverse range of groups working to promote interculturalism and diversity all over Ireland. Such engagement has included the following:

- A focus on interculturalism and diversity was at the centre of the Commission's CEDAW consultation activities over the course of summer and autumn of 2016. In addition to ensuring that women from diverse cultural backgrounds had the opportunity to attend our public consultation events around Ireland, the Commission also held bilateral consultation events for women in direct provision, migrant women, as well as engaging with Traveller and Roma women in their own extensive work on CEDAW;
- In September 2016, the Commission participated in the Waterford Diversity Festival, an initiative linked to the City's Integration Strategy, and supported by Waterford's City of Sanctuary movement. The key note address given by one of our team explored opportunities for organisations, communities and individuals to advance human rights and intercultural understanding in Waterford;
- In November 2016, a team from the Commission's information service hosted a stand at the International Organization for Migration's information fair for migrants at Dublin's City Hall. The Commission's team provided information to migrants about their rights under equality and human rights law;
- In December 2016, Commission staff attended the launch of the Charter of the Dublin City Interfaith Forum at Dublin's Mansion House, which debated themes of religious freedom, inter-faith dialogue and the promotion of religious diversity in the city.

Yellow Flag programme steering group

The Yellow Flag programme is a school awards scheme run by the Irish Traveller Movement that provides an 8-step structure to enable schools to promote interculturalism, equality and diversity into the daily running of the school. Staff of the Commission have continued to play an advisory role to the steering group of the Yellow Flag programme, building on its work in the areas of stereotyping, education, development of curriculum resources and teacher education.

Partnership with Irish Research Council

In 2016, the Commission partnered with the Irish Research Council to contribute to its 'Research for Policy and Society Awards'. The Commission agreed to co-fund a research award under the strand 'Intercultural Understanding and Diversity in Ireland'. The successful application was an innovative research project analysing the phenomenon of racist hate speech online in the Irish context, and the barriers that exist to reporting it. The Commission will work closely with the Irish Research Council and the researchers over the course of 2017 to bring this project to fruition.

Relevant civil society projects supported under the 2016 human rights and equality grant scheme

A project entitled “All the Children of the Nation” by the **Department of Geography, NUI Maynooth** was supported to examine Ireland’s integration policy through the lens of human rights and equality.

Focusing on intercultural education, the Commission supported a project by the **Centre for Human Rights and Citizenship Education, DCU** that seeks to address inclusion rights of Traveller children in teacher education.

In the arts setting, the Commission supported **Create** to organise a conference on the role of collaborative arts in promoting interculturalism, human rights and inclusion.

The Commission supported a project by **Sonas Domestic Violence** to provide information on domestic violence orders to women from non-English speaking backgrounds by translating an existing domestic violence order information pack into various languages, including Polish, Russian, French, Urdu and Arabic.

CORPORATE GOVERNANCE AND CORPORATE SERVICES

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Corporate Governance

The Irish Human Rights and Equality Commission is an independent statutory body, established on 01 November 2014 under the Irish Human Rights and Commission Act 2014.

The statutory mandate of the Commission is to protect and promote human rights and equality in Ireland and to build a culture of respect for human rights, equality and intercultural understanding. The Commission is Ireland's National Human Rights Institution (NHRI) and National Equality Body (NEB).

The provisions of the Act are designed to ensure the independence of the Commission in its work. Members of the Commission are appointed by the President, following a resolution by both Houses of the Oireachtas and the members independently determine the Commission's policy and activity. The Commission is funded through a Vote of the Oireachtas and the Director of the Commission is the Accounting Officer for its Vote. The Commission is the employer of its staff who are civil servants in the civil service of the State. The structural independence of the Commission, in accordance with the Paris Principles, has been recognised in its "A" Status accreditation as an NHRI with the UN.

In accordance with section 24 of the Irish Human Rights and Equality Commission Act, 2014, the Commission may, with the consent of the Minister given 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. The terms and conditions of service of the staff of the Commission are determined by the Commission with the consent of the Minister and the Minister for Public Expenditure and Reform.

The Commission has adopted the Code of Practice for the Governance of State Bodies in a manner consistent with its underpinning legislation, the IHREC Act, 2014. It is also subject to the Corporate Governance Standard for the Civil Service which it has adopted in a manner consistent with its founding legislation, the IHREC Act, 2014.

The overall governance and control framework within the Commission is guided by:

- Irish Human Rights and Equality Act, 2014;
- Code of Practice for the Governance of State bodies;
- Corporate Governance Standard for the Civil Service;
- Ethics in Public Office Act, 1995;

- Standards in Public Office Act, 2001;
- Report of the Working Group on the Accountability of Secretaries General and Accounting Officers (the Mullarkey Report);
- Public Financial Procedures, (2008).

The governance arrangements in place in the Commission are set out in detail in its Corporate Governance Framework which is supported by a number of other governance documents including:

- Strategy Statement 2016–2018
- Corporate Governance Assurance Agreement with the Department of Justice and Equality
- Roles and Responsibilities of Commission Members

An evaluation of the Commission's performance in 2016 was carried out in accordance with the Code of Practice for the Governance of State Bodies in January 2017.

Financial Control

The Commission's Finance Committee provides oversight of the financial implications of the activities of the Commission including planning, budgeting, review and information and reporting processes. Membership of each of the Commission's committees, and attendance at same during 2016 is included as Appendix 3.

The 2016 financial allocation under Vote 25 was €6.31M of which €3.21M was allocated for pay-related expenditure, and €3.1M of which was allocated to non-pay expenditure. At year end, a surplus of €0.14M was liable for surrender to the Exchequer.

In accordance with section 27(1) of the Irish Human Rights and Equality Act 2014, the Commission is responsible for preparing Appropriation Accounts and for ensuring the regularity of all financial transactions. The functions underpinning these responsibilities include authorising and monitoring payments for goods and services, tendering processes, the operation of payroll and the compilation of

monthly returns to the Department of Public Expenditure and Reform.

During 2016, a comprehensive Financial Procedures Manual was adopted which clarifies internal procedures relating to procurement and tendering, accounts payable, banking, audit, and all other matters relating to financial regularity and control.

In accordance with relevant governance standards, the Commission is required to have appropriate systems in place to ensure that valid invoices are paid within 15 days from the date they are received.

Appropriation accounts for 2016 were submitted to the Comptroller and Auditor General for audit by 31 March 2017.

During 2016, the Commission engaged the services of the following firms for various accountancy services:

- DHKN Limited, Chartered Accountants
- Byrne & McCall, Accountants and Tax Advisors
- LHM Casey McGrath, Chartered Certified Accountants
- Cyril O'Neill, Legal Costs Accountants

Audit and Risk

The roles and responsibilities of the Commission's Audit and Risk Committee are set out in a written charter. This Committee has a particular role, acting independently of the management of the Commission, to ensure best practice in relation to business and financial reporting and internal control.

For 2016, the internal audit unit was outsourced to Mazars Ireland. During 2016, the Commission prepared and adopted a risk management policy, and a risk register. A three-year internal audit plan was adopted by the Commission for 2016–2019 to ensure all controls are adequately implemented and to provide ongoing performance management indicators for the finance function.



Refurbishment and fit-out project of 16-22 Green St

Human Resources

At 31 December 2016, the Commission had 41 staff, up from 33 at the end of 2015. Details of all staff employed within 2016 are available in Appendix 4.

PeoplePoint provides HR and pensions administration shared services to the Commission, and PSSC provides payroll and travel and subsistence processing and reporting. These services are provided through the National Shared Services Office (NSSO) set up as part of the Government's reform programme.

In 2016, the Commission utilised ePMDS (Performance Management Development System) to monitor and support the performance and development of its staff.

The IHREC Council was formally established in 2016 to ensure regular communication on key issues between management, staff and trade unions.

NUMBER OF STAFF BY GRADE	01 JAN 2016	31 DEC 2016
Director	1	1
Principal Officer	3	2
Assistant Principal Officer	7	9
Higher Executive Officer / Development Officer	10	11
Executive Officer	5	9
Clerical Officer	6	9

Disability Act 2005

Under Part 5 of the Disability Act 2005, public sector bodies are required to report on their level of employment of people with disabilities. The results of a self-reporting Staff Census taken in December 2016 indicate that the Commission exceeds the minimum of 3% for employment of people with disabilities, and is therefore in compliance with Part 5 of the Act. This information was reported to the National Disability Authority in March 2017.

Premises

Following a public procurement tendering process, the Commission appointed DMOD

Architects to lead on the design of the fit-out of its premises at 16–22 Green St, and subsequently appointed Ardmac Ltd. as the works contractor to complete the refurbishment and fit-out of the existing ground, first and third floors of 16–22 Green Street.

This included the formation of a new main entrance to the IHREC space at ground floor. This space is dedicated to meetings, seminars and events and presentation functions hosted by the Commission and will enhance our ability to engage with external stakeholders.

Mindful of its obligations as a public body under section 42 of the IHREC Act 2014 in relation to the Public Sector Duty, the Commission worked to ensure that Universal Design principles and optimal accessibility remained central to the ethos of the fit-out project.

Freedom of Information Act 2014

The Commission continues to meet its obligations in relation to responding to Freedom of Information requests. Sixteen Freedom of Information requests were received in 2016. Of these, ten were granted, three were part-granted, two were refused and one was withdrawn/handled outside FOI.

FOI REQUESTS 2016		FOI REQUESTS 2016	
Granted:	10	Journalist	1
Part-Granted:	3	Business/Interest Group	2
Refused:	2	Client	2
Withdrawn/ Handled outside of FOI:	1	Member of the Public	11
Total:	16	Total:	16

Overview of Energy Use

In accordance with Statutory Instrument 426 of 2014, all public sector bodies are required to report annually on their energy usage and any actions taken to reduce consumption.

In 2016, IHREC's energy usage comprised 131,436 kWh of energy, consisting of just grid energy related to the provision of heating and lighting for its premises at 16–22 Green St.

ENERGY TYPE	LEVEL OF CONSUMPTION
Electricity	131,436 kWh
Fossil Fuels	0 kWh
Renewable Fuels	0 kWh

As part of its recent fit-out project, the Commission installed LED lighting and sensors throughout the premises, improving both the energy efficiency and cost effectiveness of our lighting scheme.

Protected disclosures

As a public body, the Irish Human Rights and Equality Commission is required under section 22 of the Protected Disclosures Act 2014 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures.

No protected disclosures were made to the Commission in the period 1 January 2016–31 December 2016.

REPORT UNDER SECTION 42 OF THE IHREC ACT 2014 (PUBLIC SECTOR DUTY)

'Eliminating discrimination, promoting equality and protecting human rights'

IHREC Strategy Statement 2016–2018

Section 42 of the Irish Human Rights and Equality Act (2014) provides that:

"A public body shall, in the performance of its functions, have regard to the need to:

- (a) Eliminate discrimination
- (b) Promote equality of opportunity and treatment of its staff and the persons to whom it provides services
- (c) Protect the human rights of its members, staff and the persons to whom it provides services".

A public body is required to set out in its Strategy Statement, an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body, and the policies, plans and actions in place, or proposed to be put in place, to address these issues. It must then report on developments and achievements in addressing these issues in its Annual Report.

The Public Sector Duty

Eliminating discrimination, promoting
equality and protecting human rights



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

August 2016

As with any other public body, this duty applies to the Irish Human Rights and Equality Commission. Unlike other public bodies our express statutory mandate is to address equality and human rights. In our case, therefore, our Strategy Statement 2016–2018 presents our assessment of the human rights and equality issues we believe to be relevant to our functions and purpose, and throughout this Annual Report we set out our progress to date in addressing these issues.

We must also take account of human rights and equality in how we implement our functions and go about our daily work. In 2016, following the work of a staff Equality and Human Rights Working Group, the development of employee policies was informed by a review from a human rights and equality perspective. In addition, we decided that a focus this year should be ensuring that accessibility considerations were addressed in the renovation of our premises and in the development of our website.

Universal Design principles and optimal accessibility were central to the ethos of the fit-out of our new premises and a comprehensive accessibility audit was performed to ensure that the completed works reflect best practice in this regard. Also in developing the premises, IHREC supported the “Changing Places Ireland” initiative by installing a state-of-the-art accessible changing facility, which has both a hoist and a height-adjustable changing bench. Standard disabled toilets do not meet the needs of all people with disabilities as some people need these extra facilities to allow them to use the toilet. “Changing Places” facilities provide these to ensure that the health, safety and basic dignity of the person with a disability is respected.

These measures are aimed at facilitating staff, stakeholders and members of the public with disabilities who use our premises. Alongside this, during the year:

- We appointed an Access Officer to act as a point of contact for public and staff members who require advice and support on matters relevant to accessibility;
- We engaged an access consultancy to deliver a series of workshops aimed at increasing staff awareness of issues surrounding accessibility issues in the workplace;
- When engaging with the public and other organisations – whether in our Green Street premises or elsewhere – we ensured that accessibility and reasonable accommodation for people with disabilities was taken into account;
- In the redevelopment of the Commission’s website in 2016, we adopted an approach informed by user-centred design and established a user-panel to inform the project.

This focus on accessibility is complemented by a recognition that the participation of rights holders must be a key value underpinning our work more generally. During 2016, for example, in undertaking our public consultation on Ireland’s compliance with the United Nations Convention on the Elimination of All Forms of Discrimination Against Women we chose targeted and appropriate methods and clear, concise communication to reach women from different backgrounds and settings, especially those who were least likely to engage. We also offered various methods for submissions to ensure that a diverse range of people had the opportunity to contribute to our consultation.

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Appendix 1 Members of the Commission

Emily Logan, Chief Commissioner

Emily Logan is Chief Commissioner of the IHREC. For the decade prior to her appointment, Emily served as Ireland's first Ombudsman for Children.

Teresa Blake SC

Teresa Blake is a Senior Counsel who has been practising at the Bar of Ireland since 1995 in child protection and welfare law, asylum and immigration law, and education disability. Teresa is currently a Chair of the Mental Health Tribunal.

Frank Conaty

Frank Conaty, a Chartered Accountant, is a former Chair of the National Parents & Siblings Alliance and is a lecturer at the J. E. Cairnes School of Business & Economics at NUI Galway and an affiliated faculty member of the Centre for Disability Law & Policy also at NUI Galway.

Heydi Foster-Breslin

Heydi Foster-Breslin is Chief Executive Officer of Misean Cara a faith based development organisation, is Non-Executive Director of Dóchas, the Irish Association of Non-Governmental Development Organisations, and is Chair of Common Purpose Ireland.

Liam Herrick

Liam Herrick was appointed as Executive Director of the Irish Council for Civil Liberties in November 2016. Before that he worked as Advisor to President Michael D. Higgins and was Executive Director of the Irish Penal Reform Trust (IPRT) between 2007 and 2014.

David Joyce BL

David Joyce is a Barrister and former legal policy officer with the Irish Traveller Movement.

Mark Kelly

Mark Kelly is an international human rights lawyer. He is the member elected in respect of Ireland of the Council of Europe's European Committee for the Prevention of Torture. Until October 2016, he was the Executive Director of the Irish Council for Civil Liberties.

Sunniva McDonagh SC

Sunniva McDonagh is a Senior Counsel. She practices in the area of administrative law, immigration law and fundamental rights. She is a former Chair of the Refugee Appeals Tribunal, a Chair of the Mental Health Tribunal and a Member of the Property Services Appeal Board.

Professor Siobhán Mullally

Professor Siobhán Mullally is Professor of Law and Director of the Centre for Criminal Justice and Human Rights at University College Cork, a Member of the Permanent Court of Arbitration, The Hague, and 1st Vice President of the Council of Europe Group of Experts on Action against Trafficking in Human Beings.

Dr Mary Murphy

Dr Mary Murphy is a Lecturer in Irish Politics and Society in Maynooth University, a member of its Social Sciences Institute, and active in various civil society social justice groups and committees.

Professor Ray Murphy

Professor Ray Murphy is Professor of Law at the Irish Centre for Human Rights, National University of Ireland, Galway.

Dr Fidèle Mutwarasibo

Dr Fidèle Mutwarasibo is a sociologist, a founding member of the Africa Centre and former Integration Manager with the Immigrant Council of Ireland. He is currently an independent consultant.

Orlagh O'Farrell

Orlagh O'Farrell is an independent Consultant on equality employment law, and discrimination issues, former Ireland member of the European network of legal experts in gender equality and non-discrimination, and a member of Equality and Rights Alliance.

Betty Purcell

Betty Purcell is a documentary producer, author and lecturer. She was a founder member of Irish Women United, an executive member of the FWUI and is a campaigner on social and justice issues.

Kieran Rose

Kieran Rose is a Senior Planner at Dublin City Council. He is a founding member and former chair of GLEN (Gay and Lesbian Equality Network). Previously, Kieran served as a Board Member of the Equality Authority and he is currently an Advisory Board Member of the Center for the Theory of Change in New York.

Appendix 2

Commission Attendance

Meetings of the Commission

COMMISSION MEMBERS	ORDINARY PLENARY MEETINGS
Emily Logan	7 of 7
Teresa Blake SC	6 of 7
Frank Conaty	7 of 7
Heydi Foster-Breslin	7 of 7
Liam Herrick	5 of 7
David Joyce BL	6 of 7
Mark Kelly	5 of 7
Sunniva McDonagh SC	5 of 7
Professor Siobhán Mullally	5 of 7
Dr Mary Murphy	7 of 7
Professor Ray Murphy	6 of 7
Dr Fidèle Mutswarasibo	4 of 7
Orlagh O'Farrell	6 of 7
Betty Purcell	7 of 7
Kieran Rose	7 of 7

In addition to the 7 ordinary plenary meetings held in 2016, an additional 9 meetings of the Commission took place, which required a quorum of at least 5 Commission Members, to facilitate the recording of time-sensitive decisions in between scheduled ordinary plenary meetings.

Appendix 3

Commission Committees

In 2016, the Commission had five committees in operation, as follows:

- Casework Committee
- Policy and Legislation Committee
- Audit and Risk Committee
- Finance Committee
- Human Resources Committee

AUDIT & RISK COMMITTEE	MEETINGS 2016
Michael Tyndall (External Chair)	4 of 4
Frank Conaty	4 of 4
Teresa Blake SC	2 of 4
Heydi Foster-Breslin	2 of 4
Siobhán Mullally left Committee 18 May 2016	0 of 1
Kieran Rose joined Committee 18 May 2016	2 of 3

CASEWORK COMMITTEE	MEETINGS 2016
Sunniva McDonagh SC (Chair)	4 of 4
Emily Logan, Chief Commissioner	4 of 4
Teresa Blake SC	3 of 4
Liam Herrick	4 of 4
Siobhán Mullally	4 of 4
David Joyce BL	3 of 4

FINANCE COMMITTEE	MEETINGS 2016
Frank Conaty (Chair)	4 of 4
Ray Murphy	4 of 4
Mark Kelly	4 of 4
Sinéad Gibney (Director)	4 of 4
Laurence Bond (Acting Director)	1 of 1
Kevin De Barra (Head of Corporate Services)	4 of 4

HUMAN RESOURCES COMMITTEE	MEETINGS 2016
Kieran Rose	4 of 4
Emily Logan, Chief Commissioner	3 of 5
Mark Kelly	5 of 5
Heydi Foster-Breslin	3 of 5
Dr. Fidèle Mutwarasibo	3 of 5
Betty Purcell	5 of 5

POLICY AND LEGISLATION COMMITTEE	MEETINGS 2016
Siobhán Mullally (Chair from 15 June 2016)	2 of 2
Emily Logan, Chief Commissioner	2 of 2
Mark Kelly	2 of 2
Teresa Blake SC	2 of 2
David Joyce BL	0 of 2
Betty Purcell	1 of 2
Mary Murphy	2 of 2

Appendix 4

Commission Staff

NAME	GRADE	NOTE
Director		
Sinéad Gibney		
Legal and Information		
Michael O'Neill	PO	
Sinéad Lucey	AP	To 11 May 2016
Gwendolen Morgan	AP	
Móirín Moynihan	AP	To 06 May 2016
Maria Mullan	AP	
Sinéad Fitzpatrick	AP	
Barra Lysaght	HEO	
Abed Al Dakar	HEO	
Paul McKeon	EO	From 22 September 2016
Maryse Jennings	CO/EO	
Colm Parnell	CO	From 22 September 2016
Dennis O'Rourke	CO	
Karine Petrasuc	CO	
Public Engagement		
Carole Sullivan	AP	To 29 July 2016
Fidelma Joyce	AP	
Dónal Rice	AP	From 25 July 2016
Brian Dawson	AP	From 10 October 2016
Stefania Minervino	DO	
Sorcha Lowry	HEO	
Mella Walsh	EO	
Caitríona Mason	EO	To 28 October 2016
Laura Brady	EO	To 28 October 2016
Patrick Kalisa	EO	From 22 September 2016
Gareth Walsh	EO	From 17 October 2016
Jack Gibson	CO	From 22 September 2016
Geraldine Crowley	CO	

Policy and Review		
Ruth Gallagher	PO	
Róisín Hennessy	AP	To 13 June 2016
Walter Jayawardene	AP	
Cathal Kelly	DO	
Siobhán McNamara	HEO	
Karen McLaughlin	HEO	
Research		
Laurence Bond	PO	
Deirdre Toomey	DO	
Gerry Finn	HEO	
Cliona Doherty	HEO	From 05 October 2016
Áine Sperrin	EO	From 17 October 2016
Philomena Guerin	CO	
Jean Hogarty	CO	From 22 September 2016
Corporate Services		
Kevin De Barra	AP	
Geraldine Behan	HEO	
Muireann Ní Thuairisg	EO	
Niamh Corcoran	EO	
Fern Sheridan	EO	From 16 May 2016
Patricia Mooney	EO	From 25 July 2016
Barry Price	CO	From 22 September 2016
John Ryan	CO	

Appendix 5

Engagement with International Mechanisms

The 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. In 2016, engagement with colleagues, in both national human rights institutions, and equality bodies, facilitated an invaluable exchange of ideas, learning and best practice. The Commission also maintains a working relationship with its counterparts in the 3 jurisdictions of the UK; the Scottish Human Rights Commission, the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Equality and Human Rights Commission.

Global Alliance of National Human Rights Institutions (GANHRI)

- Annual Conference of the UN International Coordinating Committee of NHRIs in Geneva
- Contribution to GANHRI policy on strengthening national human rights institutions accreditation system for institutes in transition
- Business and human rights working group

European Network of National Human Rights Institutions (ENNHRI)

- ENNHRI's General Assembly meeting
- Legal working group
- Economic, social and cultural rights working group
- Advisory group on the human rights of older persons and long term care
- Contributed to a joint ENNHRI statement on the Turin Process for the European Social Charter

European Network of Equality Bodies (Equinet)

- Equinet Annual General Meeting
- Gender equality working group
- Evaluation lab
- Workshop for legal professionals on race discrimination
- Social media training for equality bodies
- Seminar on accessibility and reasonable accommodation, organised by Equinet and the Austrian Disability Ombudsman.

Council of Europe

- European Commission against Racism and Intolerance Annual Seminar with National Specialised Bodies
- Council of Europe stakeholder workshop on business and human rights, with Danish Institute for Human Rights and Danish Ministry of Foreign Affairs
- JUSTROM programme on Roma and Traveller Women's access to justice, joint initiative of the Council of Europe, FRA, Equinet and ENNHRI

European Union

- Advisory Committee on Equal Opportunities between Women and Men
- European Institute for Gender Equality Expert Advisory Group
- European Union Agency for Fundamental Rights (FRA) nominated member to governing structure

Appendix 6

IHREC Publications

IHREC Submission to the European Commission on the First preliminary outline of a European Pillar of Social Rights, December 2016

IHREC Submission to the Citizens' Assembly in its consideration of Article 40.3.3° of the Irish Constitution, December 2016

IHREC Factsheet on Budget Proofing for Human Rights and Equality: The Budget Process, December 2016

IHREC Factsheet on Budget Proofing for Human Rights and Equality: Budgetary Institutions – What's Changing? , December 2016

IHREC Factsheet on Budget Proofing for Human Rights and Equality: Budget Proofing- Background and Some Learning, December 2016

IHREC Factsheet on Budget Proofing for Human Rights and Equality: Realising Rights – Key Principles, December 2016

IHREC Submission to the Council of Europe Group of Experts on Action against Trafficking in Human Beings ('GRETA') in advance of its Second Evaluation Round of Ireland, December 2016

IHREC Observations on the General Scheme of the Equality / Disability (Miscellaneous Provisions) Bill, December 2016

IHREC Observations on the Education (Admission to Schools) Bill 2016, November 2016

IHREC Submission: Consultation on Strategy for the Rental Sector, November 2016

IHREC Memorandum: Review of the Law on Access to Communication Data, November 2016

IHREC Guide to Public Sector Duty Leaflet, September 2016

IHREC Annual Report 2015, June 2016

Important Changes to Equality Law for Rental Market, February 2016

IHREC Strategy Statement 2016–2018, January 2016

Appendix 7

IHREC Media Releases

IHREC Statement Concerning Ibrahim Halawa, 9 December 2016

IHREC Concerns Over “Deficit in Protection” for Victims of Human Trafficking, 8 December 2016

Ireland Must Ratify UN Disability Rights Treaty, 2 December 2016

Taoiseach’s Historic Commitment to Traveller Ethnicity Must Be Delivered, 24 November 2016

Council of Europe Human Rights Chief Hears of Irish Traveller Inequality at Start of Country Monitoring, 22 November 2016

‘Segregation Out’ of Traveller, immigrant children & children of people with disabilities from schools through preferential access for others should be prohibited – Commission 16 November 2016

IHREC Challenges Government to Recognise Traveller Ethnicity, 26 October 2016

IHREC Challenges Government on Failure to Offer Settlements to Abuse Victims, 17 October 2016

Inaugural Human Rights & Equality Professional Diploma Underpins Role of Public Sector Duty, 13 October 2016

Statement from the Irish Human Rights and Equality Commission on Budget 2017, 11 October 2016

IHREC Awards €250,000 in Inaugural Human Rights and Equality Grant Scheme 2016, 10 October 2016

Emily Logan, Chief Commissioner of IHREC receives Honorary Degree of Doctor of Laws from University College Dublin, 06 September 2016

IHREC in national consultation to inform report to UN women’s rights committee, 11 August 2016

IHREC to appear as *amicus curiae* in Supreme Court on the rights of a person in Direct Provision, 19 July 2016

IHREC Annual Report 2015, 28 June 2016

IHREC attends Select Committee on

Arrangements for Budgetary Scrutiny, 21 June 2016

IHREC recommends the Government commit to fully implementing recommendations of the Working Group on Direct Provision, 17 June 2016

IHREC Statement on the views of the UN Human Rights Committee, 10 June 2016

IHREC responds to European Committee on Social Rights finding against Ireland on Traveller accommodation, 16 May 2016

IHREC attends Ireland’s Universal Periodic Review hearing at United Nations, 11 May 2016

Joint Statement from the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission on UK proposal to repeal the Human Rights Act 1998, 10 May 2016

UN Special Rapporteur launches report on Convention on the Rights of Persons with Disabilities at event in Dublin, 9 May 2016

IHREC Statement on the election of Anastasia Crickley as first Irish Chairperson of a UN Treaty Body, 26 April 2016

IHREC concerns over adequacy of protections for refugees, 20 April 2016

IHREC Statement on the refugee crisis and the EU-Turkey agreement, 8 April 2016

IHREC concerns regarding the ongoing crisis of Europe’s Migration System, 31 March 2016

IHREC alerts landlords, tenants and accommodation advertisers to new equality law, 26 February 2016

IHREC notes judgment of High Court in housing case stands after Supreme Court appeals withdrawn, 11 February 2016

UN Committee publishes “detailed and wide-ranging” report on Ireland’s child rights record, 4 February 2016

IHREC launches its first Strategy Statement 2016–2018, 26 January 2016

IHREC attends UN Committee hearing on Ireland’s compliance with Convention on the Rights of the Child, 14 January 2016





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