

Annual Report 2015



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

Contents

Report to the Houses of the Oireachtas	3
Acronyms and Abbreviations used in this Report	4
Chief Commissioner’s Message	5
About the Commission	7
Section 1: Policy	
Introduction	13
International Reporting	14
Legislative Observations	15
Policy Statements and Submissions	15
Section 2: International, Regional and Domestic Engagement	
Introduction	19
International Mechanisms	20
Regional Mechanisms	20
Joint Committee of the IHREC and the NIHRC	22
Domestic Engagements by the Commission	22
NHRI Capacity Building Partnership	23
Section 3: Legal and Information	
Introduction	25
Exercise of Legal Powers	26
Litigation Outcomes	26
Section 4: Public Engagement	
Introduction	33
Promotion and Awareness	34
Participation	34
Mainstreaming Equality	35
Public Sector Duty	37
Conferences and Events	37
Human Rights Education	38

Section 5: Corporate Services

Introduction	43
Financial Control	44
Human Resources	44
Premises	46
Freedom of Information Act	46
Lobbying Regulation Act 2015	46
Overview of Energy Usage	46
Commission Activity and Subcommittees	46

Section 6: The Commission in the Media 49

Section 7: Public Sector Duty

The Commission's 2015 Report on the Public Sector Duty	53
Highlights in 2015	53
Steps Taken under the Public Sector Duty	53

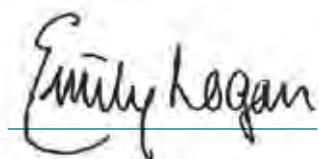
Appendices

Appendix 1 – Members of the Commission	59
Appendix 2 – Commission Members' Attendance	60
Appendix 3 – IHREC Subcommittees	61
Appendix 4 – Commission Staff Members	62
Appendix 5 – International Committee Engagement	63
Appendix 6 – Principles Relating to the status of National Institutions (The Paris Principles)	64
Appendix 7 – Queries Processed by the Commission's Public Information Service	67
Appendix 8 – Publications	68
Appendix 9 – Statements and Media Releases	69

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 is the first annual report submitted in relation to the work of the Irish Human Rights and Equality Commission since its establishment in 2014 and covers the period from 1 November 2014 to 31 December 2015.

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

Emily Logan
Chief Commissioner
June 2016

Acronyms and Abbreviations used in this Report

CEDAW	Convention on the Elimination of all forms of Discrimination against Women
DPP	Director of Public Prosecutions
ECRI	European Commission against Racism and Intolerance
ENNHRI	European Network of National Human Rights Institutions
ESCR	European Committee of Social Rights
ENAR	European Network against Racism Ireland
GRETA	Council of Europe’s Group of Experts on Action Against Trafficking in Human Beings
HRCSL	Human Rights Commission of Sierra Leone
ICC	International Coordinating Committee for National Human Rights Institutions
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHREC	Irish Human Rights and Equality Commission
ISL	Irish Sign Language
LGBT	Lesbian, Gay, Bisexual and Transgender
MRCI	Migrant Rights Centre Ireland
NHRI	National Human Rights Institution
NIHRC	Northern Ireland Human Rights Commission
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation on Europe
PSSC	Payroll Shared Service Centre
UNDP	United Nations Development Programme
UPR	Universal Periodic Review

Chief Commissioner's Message

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

The Commission was established in November 2014 as a single legal entity and is an amalgamation of two legacy bodies – the Equality Authority and the Irish Human Rights Commission.

The most significant change to the Irish Human Rights and Equality Commission is its new level of institutional independence, with all members of the Commission appointed by our Head of State, President Michael D. Higgins, and accountable to the Oireachtas. As a result, this Annual Report is submitted in accordance with our new statutory obligation under section 28 of the Irish Human Rights and Equality Commission Act 2014 and will be laid before the Houses of the Oireachtas in June 2016.

While there was much focus externally on the merger of the two institutions, at the time of its establishment there were only nine staff remaining from the legacy bodies. During the Commission's first calendar year in operation there was a focus on growth and on putting in place the systems, personnel and infrastructure to ensure we can fulfil our legislative mandate in the long term. It is worth noting that of Europe's 33 equality bodies and 17 accredited national human rights institutions, only five combine both roles. This means that the Commission is entering relatively uncharted waters in terms of empirical evidence of success as a merged institution.

One of the dangers of mergers, as has been described by Colin Harvey, is that they create competition to retain features of the previous bodies, with both stakeholders and those who move across to the new body looking for evidence of the old body within the new, or making that their benchmark. While respecting the old, we are also keen to create something new.

In this new context, it was a priority for the Commission in 2015 to understand what people expect from the work of the Commission in the long term. We first surveyed a sample of over 1000

people about their attitudes to human rights and equality. While people generally appeared to be more comfortable with the term equality, they were less familiar with the concept of human rights, perceiving rights as something that has little connection to their lived reality. The most positive outcomes of this survey included the recognition that Ireland has a strong international reputation for human rights and an expressed desire for Ireland to prove itself a leader in human rights and equality domestically too.

Our Public Engagement team used 2015 to make its first foray into applying the Commission's core principles of public participation and direct engagement in practice. Most significantly, the team coordinated a national consultation exercise to inform the development of our Strategy Statement for 2016 – 2018. The Commission travelled the country gathering people's views on what they thought were the most important human rights and equality issues for Ireland and seeking their recommendations on the future work of the Commission. In addition we received 61 written submissions and 58 responses to an on-line survey. The insights gained during these consultations were invaluable to our strategic planning work, and were a clear demonstration of the crucial role that participation plays in the effective promotion of human rights and equality.

The 2014 Act gives the Commission a range of enforcement and compliance functions, and over the course of 2015 the Commission's Legal Team engaged in detailed scoping and analysis of these functions in order to strategically plan their longer term potential impact. This was in addition to continuing work on a register of new and legacy casework, and providing legal analysis and advice on the work of the Commission and its staff.

The Commission has worked closely with our Policy Team to engage both domestically and internationally on a range of policy matters, interacting with a number of stakeholders, including the Houses of the Oireachtas, public bodies, civil society, academic institutions,

and international organisations. This included developing legislative observations, issuing policy statements, and international reporting at UN level on the State's obligations under the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child. These activities are at the core of the Commission's work. In relation to our engagement with international reporting at the UN, it is important to emphasise something that is clearly not well understood – that these mechanisms engage detailed human rights and equality based critiques of law, policy and practice in order to promote an improved culture of human rights and equality within the State. The growth in the number of Commission staff towards the end of 2015, will allow an expanded programme of these crucial international activities to be pursued in the years to come.

On the international stage the Commission has also been active throughout 2015, picking up the work of our predecessor organisations with active engagement with our European peers through the Equinet and ENNHRI equality and human rights networks. The Commission's most significant achievement on the international front in 2015, however, was its formal accreditation as an 'A Status' national human rights institution with the United Nations International Coordinating Committee. 'A status' accreditation confirms that the Commission fully meets UN standards for institutional independence, as set out in the Paris Principles. Accreditation allows the Commission to pursue a leadership role internationally through coordination with international and regional peer institutions, and participation in sessions of the UN Human Rights Council.

For the most part, we see ourselves as a caring compassionate society, demonstrated in 2015 by much of the public debate on marriage equality and the outpouring of support for the plight of refugees following the disturbing image of three-year-old Aylan Kurdi's body washed up on a beach in Turkey. However, we also saw the underlying prejudices that seek to undermine this view of ourselves as a caring society. Such prejudices were covered as far afield as the New York Times in reporting how the sympathy for the Connors and Lynch families in Carrickmines was short lived when it came to rehousing the bereaved families, because they were Travellers.

As this Annual Report illustrates, a great deal of groundwork was laid in 2015, this first year of the Commission's existence. This groundwork will be crucial to the effective fulfilment of our mandate as Ireland's independent national human rights institution and equality body as we move into the lifetime of our first Strategy Statement, and embark on our work to promote an inclusive Ireland where human rights and equality are respected, protected and fulfilled for everyone, everywhere.

Emily Logan
Chief Commissioner



About the Commission

The Irish Human Rights and Equality Commission is Ireland's national human rights and equality institution.

The Commission was established in November 2014 as an independent public body with a mandate under the Irish Human Rights and Equality Commission Act 2014 (the 2014 Act). The 2014 Act incorporates the statutory functions of the former Irish Human Rights Commission and the former Equality Authority and further enhances the powers of the Commission with the inclusion of new statutory powers for the protection and promotion of human rights and equality.

Our purpose, as set out in this new law, 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 across Irish society.

The Commission is made up of 15 members who were appointed by our Head of State, President Michael D. Higgins on 31 October 2014, following a resolution by both Houses of the Oireachtas. They broadly reflect the diverse nature of Irish society. The Commission operates entirely independently of the Government, and this institutional independence is guaranteed in the Commission's establishing legislation.

The composition of the Commission broadly reflects Irish society. While the Commission makes every effort to decide issues on a consensus basis, a vote was taken on a number of matters reflecting the diversity of opinion among the Commission's membership. These matters included recommendations to UN Treaty monitoring bodies on Article 40.3.3 of the Irish Constitution and observations on the Education (Admission to Schools) Bill 2015.

The Commission's role is to protect and promote human rights and equality, which we carry out in a variety of ways. Often our promotional role is used more publicly to inform and encourage an understanding of human rights and equality concerns. In respect of the protection of human rights and equality we will often engage more formally with officials drafting legislation, and with the legislature as a Bill progresses through the Houses of the Oireachtas. In this context, we review the effectiveness of human rights and equality law, policy and practice in the State and within public bodies. We also work with communities and civil society to monitor and report on people's real-life 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.

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 task is to build a fair and inclusive society that protects and promotes human rights and equality.

Vision

An inclusive Ireland where human rights and equality are respected, protected and fulfilled for **everyone, everywhere.**

Mission

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

Mandate

The Irish Human Rights and Equality Commission was established on 1 November 2014, under the Irish Human Rights and Equality Commission Act 2014. 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.



Above from left to right: Chief Commissioner Emily Logan, Teresa Blake SC, Frank Conaty, Heydi Foster-Breslin, Liam Herrick, David Joyce BL, Mark Kelly, Sunniva McDonagh SC, Professor Siobhán Mullally, Dr Mary Murphy, Professor Ray Murphy, Dr Fidèle Mutwarasibo, Orlagh O'Farrell, Betty Purcell, and Kieran Rose.
 Below: The Chief Commissioner and Members of the Commission receiving their seals of office from President Michael D. Higgins at Áras an Uachtaráin.



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WHAT THE COMMISSION CAN DO ABOUT

encouragement

housing... open house... motivated
homelessness... support

satisfied

belonging

gender equality

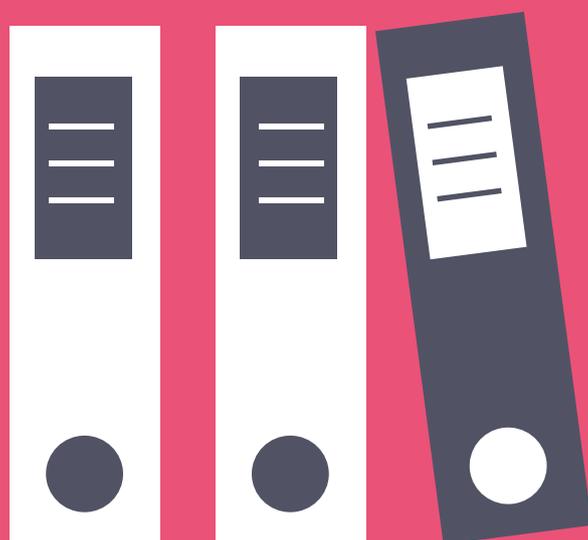
more interaction





Section 1

Policy



Introduction

Since the Commission's establishment in November 2014 the Commission's Policy and Review Team has explored and reported on an expansive range of policy matters in the domestic, regional and international spheres. In doing so, it interacted with a range of stakeholders, including the Houses of the Oireachtas, public bodies, civil society, academic institutions, international organisations and interested persons living in Ireland.

In 2015 the Commission was actively involved in various stages of international monitoring at UN level, reporting on the State's obligations under a number of international treaties, chiefly the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Commission also reported to the UN Human Rights Council in the context of the Universal Periodic Review – a process under which UN member states have an opportunity to question Ireland on any aspect of its human rights record and to make recommendations to the State for improvements. The role of the Commission in delivering objective, independent analysis of how the State upholds its obligations is an integral element of holding Ireland to account under UN treaty monitoring and the Universal Periodic Review.

Amongst the Commission's statutory functions, it is mandated to examine and report on legislative proposals in relation to the implications for human rights or equality. In 2015 the Commission provided observations on several pieces of draft legislation and monitored the subsequent progress of bills through parliamentary debate. Support from the policy and review team also enabled active engagement with the Oireachtas Sub-Committee on Human Rights relative to Justice and Equality.

The Commission is also mandated to make recommendations to the Government to strengthen, protect and uphold human rights and equality in the State. In 2015, the Commission published statements and submissions on diverse policy areas including: access to civil marriage, business and human rights, the proposal to repeal the UK Human Rights Act 1998, the refugee crisis, the fire in a temporary Traveller halting site in Carrickmines, human trafficking and exploitation of migrant workers in the fishing industry, and the detention without trial in Egypt of Ibrahim Halawa.

International Reporting

Throughout 2015 the Commission engaged in a range of international reporting and follow-up activities at UN level with a number of United Nations human rights treaty bodies, as well as through contributions to the UN Human Rights Council's Universal Periodic Review.

Treaty Body Reporting

Following its pre-sessional engagement in late 2014 with the **UN Committee on Economic, Social and Cultural Rights**, in May 2015 the Commission prepared a comprehensive parallel report to the Committee in advance of Ireland's examination in June. A delegation from the Commission attended the hearing in Geneva, where Chief Commissioner Emily Logan delivered an oral statement outlining the Commission's primary observations on Ireland's record under the Covenant on Economic, Social and Cultural Rights. Of particular concern to the Commission was the effect that recession and austerity have had on access to public services and on the rise in poverty and deprivation rates, particularly amongst marginalised and vulnerable groups. The Concluding Observations of the Committee strongly reflect some of the key recommendations contained in the submission of the Commission. The Commission welcomed the publication of the Concluding Observations, and continues to engage in the process of advocating for implementation of these recommendations.

The Irish Government was requested by the UN Human Rights Committee to provide a follow-up report in 2015 on a number of its recommendations following Ireland's 2014 examination under the **International Covenant on Civil and Political Rights**. In its request for follow-up, the Human Rights Committee identified the issues of institutional abuse of women and children, symphysiotomy, and conditions of detention. The Commission prepared its own follow-up report on developments in Ireland since the 2014 examination to assist the Committee in its assessment of Ireland's progress. This was completed and submitted to the Human Rights Committee in September 2015.

The initial stages of Ireland's upcoming examination under the **Convention on the Elimination of all forms of Discrimination against Women (CEDAW)** began in November 2015 with a meeting in Geneva of the CEDAW Committee's Working Group to compile a 'List of Issues', which forms the basis of Ireland's examination by the CEDAW Committee in 2017. The Commission engaged directly with this process, producing a detailed submission on Ireland's compliance with the Convention, the Commission's Director Sinéad Gibney made a detailed oral statement to the Working Group outlining the Commission's primary concerns. The Commission will continue an active involvement in the CEDAW process in 2016, up to the examination of Ireland's combined sixth and seventh reports under the Convention in spring 2017.

Late 2015 saw the Commission complete a detailed parallel report on Ireland's compliance with the **UN Convention on the Rights of the Child**. The report was submitted to the **UN Committee on the Rights of the Child** in December 2015 in advance of Ireland's combined third and fourth examination under the treaty in Geneva in January 2016.

Universal Periodic Review

In 2015 the Commission also began its participation in Ireland's second examination under the **UN Human Rights Council's Universal Periodic Review (UPR)**, which will conclude in autumn 2016. The Commission drew on its diverse work to measure the progress of the Irish Government in advancing the recommendations accepted in the previous UPR cycle in 2011. Public consultation was central to this work, 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. These consultations informed the drafting of the Commission's submission. In September 2015 the Commission sent its completed submission to the Human Rights Council. The submission covered a range of human rights themes, including Ireland's international obligations, constitutional reform, and human rights and equality infrastructure.

Legislative Observations

Over the course of the reporting period the Commission published observations on a number of pieces of draft legislation:

- *IHREC Observations on the Garda Síochána (Amendment No 3) Bill 2014*, (November 2014)
- *Recommendations on the Children and Family Relationships Bill 2015* (published in March 2015)
- *Recommendations on the General Scheme of the International Protection Bill 2015* (published in June 2015)
- *Observations on the Education (Admissions to School) Bill 2015* (published in October 2015).

The Commission has also been actively engaged with the work of the Oireachtas Sub-Committee on Human Rights relative to Justice and Equality. The Sub-Committee, however, is limited to considering issues that come within the remit of the Joint Oireachtas Committee on Justice, Defence and Equality. In December 2014 the Commission had issued a public statement which recommended the establishment of a dedicated Oireachtas Committee on Human Rights and Equality – a recommendation the Commission repeated over the course of 2015, including in its submissions to the Human Rights Council and the UN Committee on the Rights of the Child.

Policy Statements and Submissions

Throughout late 2014 and 2015 the Commission published a range of statements and submissions across its policy and research work. These statements and submissions dealt with a range of policy areas to identify human rights and equality considerations, and, where necessary, to outline recommendations to Government on measures that can be taken to ensure adherence to international and regional human rights law standards.

On Human Rights Day, 10 December 2014, the Commission published its first policy statement since establishment, laying out a set of strong recommendations on the **system of direct provision and on Ireland's international protection regime**. The statement coincided with a series of site visits by the Commission to direct provision centres around the country over the winter-spring period of 2014–2015.

In January 2015 the Commission issued a statement to welcome the publication of terms of reference for the **Commission of Investigation into Mother and Baby Homes and Certain Related Matters**.

In February 2015 the Commission issued a short policy statement on **access to civil marriage**, during the period running up to the constitutional referendum on marriage equality in May 2015. The statement informed the Government and the Oireachtas of the relevant and emerging human rights and equality standards in the area, including legal developments in other jurisdictions. The Commission made it clear that civil marriage for two persons, without distinction as to their sex, is a matter of equality and human rights. It also welcomed the positive result of the referendum in May 2015.

In March 2015 the Commission submitted its recommendations to the Department of Foreign Affairs and Trade on the planned **National Action Plan on Business and Human Rights**, which the State intends to use to implement the UN Guiding Principles on Business and Human Rights.

In July 2015 the Commission made a submission to the **Office of the High Commissioner for Human Rights (OHCHR) on its Report on Civil Society Space** to outline the Commission's obligations and plans for engagement with Irish civil society.

In September 2015, the Commission joined the European Network of National Human Rights Institutions (ENNHRI) in calling on EU governments to take urgent action on the **refugee crisis**. The Commission issued a public statement welcoming the Irish Government's announcements regarding resettlement, and noted the establishment of a cross-departmental task force chaired by the Department of Justice and Equality to coordinate the logistical and operational aspects of the resettlement programme, as well as proposed consultations with local communities, non-governmental organisations and service providers. The Commission further used the opportunity to recommend that the Government support the fundamental reforms required in relation to the EU Dublin Regulation on international protection.

In October 2015 the Commission issued a detailed statement in response to **the fire in a temporary Traveller halting site in Carrickmines**, South Dublin, which resulted in the deaths of ten people. The Commission statement expressed its concern at the public response to the tragedy and the barriers faced by Travellers that this tragedy so starkly illustrated. The statement emphasised the State's obligation under international human rights law to progressively realise the right of access to adequate housing. It further warned that poor quality Traveller accommodation may not only be a breach of a local authority's statutory duty, but may in certain circumstances also amount to a breach of constitutional rights. The statement also highlighted the new public sector duty provided for by section 42 of the Irish Human Rights and Equality Commission Act 2014, which places a duty on public bodies, including local authorities, to have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights, in the performance of their functions. Pointing to the low investment by local authorities in appropriate accommodation for Travellers, the Commission indicated its intention to engage directly with local authorities under Section 42 of the Act to discuss its concerns as to whether Travellers' human rights and right to equality of treatment are being properly vindicated in the manner in which the local authorities are discharging their housing obligations.

In October 2015 news emerged of allegations of **human trafficking and exploitation of migrant workers in the fishing industry**. The Commission issued a statement expressing concern about the adequacy of inspection and regulation of working conditions in the sector, and the resulting risk of abuse and exploitation of vulnerable migrant workers. The Commission recommended that the status of vulnerable non-EU nationals who have found themselves the subject of labour exploitation in the fishing industry be regularised, and welcomed the statement by the Minister for Agriculture, Food and the Marine, Simon Coveney TD, that he wishes to see such a process put in place.

In November 2015 the Commission issued a brief statement to welcome the State's signature of the Council of Europe Convention on preventing and combating violence against women (the **Istanbul Convention**). The statement noted the State's timeline for ratification, and highlighted a number of essential measures, including: the Criminal Justice (Victims of Crime) Bill and the Domestic Violence Bill; the introduction of a coordinated national helpline service for responding to domestic and sexual violence; and adequate funding for refuges and support agencies.

On 18 December 2015 the Commission issued a statement expressing its deep concern regarding the situation of **Ibrahim Halawa, a 19 year old Irish citizen who has been detained without trial in Egypt** for over two years. The Commission emphasised that the circumstances of Mr Halawa's arrest and ongoing detention give rise to a number of serious human rights issues, including the circumstances of his arrest and detention as a minor, his lack of access and right to a fair trial in the context of a mass trial and his right to freedom from torture and inhuman and degrading treatment. The Commission asked the Government to continue to press with urgency at the highest level for Ibrahim Halawa's human rights under international law to be upheld.

An itemised chronological list of Commission statements and press releases can be found in Appendix 9 of this report.



Anticlockwise from the top: NHRI Capacity Building Project, training session in Sierra Leone; Commission Member Frank Conaty, Chief Commissioner Emily Logan and Commission Member Mary Murphy at the UN Committee on Economic Social and Cultural Rights in Geneva; IHREC and NIHRC at Joint Committee Meeting in Farmleigh House; Gates of United Nations Palais Wilson Building in Geneva.

Section 2

International, Regional and Domestic Engagement



Introduction

Consultation with domestic, regional and international bodies or agencies is an explicit function of the Commission, and active engagement with such bodies formed a central part of our work throughout 2015.

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. Crucial to the role of the Commission internationally is accreditation with the UN's International Coordinating Committee for National Human Rights Institutions (ICC). In 2015 the newly-established Commission was awarded 'A status' accreditation by the ICC, ensuring that into the future, it can play a significant role on the international and regional stage.

In 2015 regional engagement with European colleagues, in both national human rights institutions, and equality bodies, facilitated an invaluable exchange of ideas, learning and best practice. Under the remit of the Council of Europe, the Commission engaged with the relevant mechanisms on a range of subjects, including the provision of local authority housing, measures to combat human trafficking, and combating racism and intolerance. The work of the European Union Agency for Fundamental Rights, the Organization for Security and Co-operation in Europe and the UN Subcommittee on the Prevention of Torture have also featured on the Commission's agenda for 2015, with active participation on various initiatives.

Collaboration with the Northern Ireland Human Rights Commission is explicitly mandated by the Commission's establishing legislation, flowing from the principles enshrined in the Good Friday Agreement, and in 2015 the two Commissions met to discuss issues of mutual concern through their joint committee. The Chief Commissioner also maintained close contact with her counterparts in the three neighbouring UK jurisdictions (England and Wales, Northern Ireland and Scotland), and during the course of 2015 engaged in knowledge sharing with their national human rights institutions and equality bodies.

Closer to home during 2015, the Commission invested time and resources in meaningful domestic engagement both with public bodies and with civil society. Policy areas covered in those engagements included: policing matters, direct provision, recognition of Travellers as an ethnic minority, human trafficking, gender recognition, persons with disabilities, domestic violence, and the ratification and monitoring of human rights treaties.

In 2015, the Commission was also pleased to see the successful culmination of an international capacity-building partnership programme, which was funded by Irish Aid. Projects in Malawi and Sierra Leone involved training, support, and various networking events and meetings with representatives of the national human rights institutions in the partner countries.

International Mechanisms

A key priority for the Commission for 2015 was to gain **accreditation with the UN's International Coordinating Committee of National Human Rights Institutions (ICC)**. The ICC, established in 1993, is a global network of national human rights institutions. The ICC coordinates the relationship between national human rights institutions (NHRIs) and the United Nations human rights system by reviewing and accrediting the compliance of NHRIs with the UN Paris Principles. The Paris Principles, adopted by the United Nations Human Rights Commission in 1992 and subsequently by the UN General Assembly in 1993, review and examine the status and functioning of national institutions for the protection and promotion of human rights. In November 2015, as part of its application for formal accreditation with the ICC, the Commission submitted a detailed Activities Report to the ICC outlining its work since the Commission's establishment in November 2014. On 25 November, the Commission welcomed the ICC's decision to grant it **'A status' accreditation**. 'A status' accreditation at the ICC confirms that the Commission complies fully with the Paris Principles. It further grants the Commission the right to participate fully in the international and regional work of national institutions; hold office in the Bureau of the ICC or any sub-committee the Bureau establishes; and to participate fully in sessions of the UN Human Rights Council.

Regional Mechanisms

As the Commission is a merged institution, it must engage with both human rights and equality bodies at a regional level in Europe. With regard to engagement with regional coordinating mechanisms, a number of contributions and interventions were made through the **European Network of National Human Rights Institutions (ENNHRI) and the European Network of Equality Bodies (Equinet)**. The Commission also engaged regularly with various organs within the Council of Europe and other regional bodies.

ENNHRI

The Commission is a member of the **ENNHRI Advisory Group guiding research and methodology for its project on the Human Rights of Older Persons and Long Stay Care**. This pan-European project aims to: introduce human rights standards and a human rights based approach to long-term care of older persons; increase awareness of the human rights of older persons in or seeking access to long-term care in Europe; and develop or strengthen the capacity of NHRIs to monitor and support human rights based policies in this area.

On 30 November and 1 December 2015 the Chief Commissioner and staff attended ENNHRI's General Assembly meeting in Utrecht, the Netherlands. The General Assembly included a wide-ranging seminar on issues facing NHRIs across Europe, including asylum and migration, economic and social rights, Sustainable Development Goals (SDGs), and NHRIs working in situations of conflict.

Equinet

The Commission contributes to the work of Equinet through membership on its Policy Working Group and its Gender Working Group. In addition to this, over the course of 2015 the Commission contributed to the Equinet's engagement with the European Commission on the development of a new EU strategy for equality between men and women, through the publication of *The Persistence of Discrimination, Harassment and Inequality for Women: The work of equality bodies informing a new European Commission Strategy for Gender Equality – An Equinet Perspective* (published June 2015).

The Commission also contributed to Equinet's input to the mid-term review of the European Union's Disability Strategy 2010–2020 through the publication of *Realising Rights: Equality Bodies and People with Disabilities: Supporting the Review of the European Disability Strategy 2010–2020 – An Equinet Perspective* (published in February 2015).

The Commission further contributed to the following Equinet outputs:

- *The Bigger Picture: Equality Bodies as part of the National Institutional Architecture for Equality – An Equinet Perspective* (published in February 2015),

- *Advancing Equality by making Policy Recommendations: An Equinet Good Practice Guide* (published in March 2015),
- *Harassment on the Basis of Gender and Sexual Harassment: Supporting the Work of Equality Bodies: An Equinet Report* (published in February 2015), and
- *A Growing Agenda: The Work of Equality Bodies on the Ground of Religion or Belief – An Equinet Perspective* (published in September 2015).

A Commission member and staff member attended the Equinet AGM in Brussels in October 2015. The AGM brought together heads and senior management representatives of the majority of Equinet member national equality bodies, external experts, representatives from EU Institutions and key stakeholders to discuss important developments in the field of equality and engage with equality bodies on these key priorities.

Staff from the Commission's Legal Team also attended Equinet's December 2015 conference 'Equality Bodies and the New Freedom of Movement Directive – Challenge or Opportunity?', held in Paris.

Council of Europe

In June 2015 the Commission was approached by **Ballymun Community Law Centre seeking support for the preparation of a collective complaint under the Revised European Social Charter**, on housing, to the European Committee of Social Rights (ECSR). The complaint has been submitted to the ECSR by the International Federation for Human Rights (FIDH) and alleges that the Government of Ireland has not ensured the satisfactory application of a number of articles of the Charter, particularly with regard to local authority housing and the associated rights of several groups of people. The Commission has agreed to provide financial assistance in support of the research and participation work associated with the complaint.

In July 2015 the Council of Europe's **Group of Experts on Action against Trafficking in Human Beings (GRETA)** held a workshop in Dublin on Ireland's compliance with the GRETA recommendations. Commission staff from the Policy and Review and the Legal Teams attended, providing input on the role played by the Commission in this area.

In November 2015 Commission staff attended a Council of Europe and Department of Justice and Equality conference on the **Council of Europe Disability Action Plan 2006–2015**.

In November 2015 the Commission attended a Department of Justice and Equality consultation on Ireland's fourth National Report under the **Council of Europe Framework Convention on the Protection of National Minorities**.

Other regional engagements

In 2015 the Commission engaged with the work of the Council of Europe's **European Commission against Racism and Intolerance (ECRI)**, which contacted the Commission in January 2015 in relation to ECRI's fourth monitoring report and recommendations concerning Ireland (published in 2013). The Commission provided information to ECRI on the implementation by the State of the priority recommendations in ECRI's report.

One of the members of the Commission, **David Joyce BL, was appointed to the Management Board of the European Union Agency for Fundamental Rights (FRA)** in July 2015. The alternate member for Ireland is Professor Ray Murphy, also a member of the Commission.

Senior Commission staff met with a visiting delegation from the **Women's Rights and Equality Committee of the European Parliament** in September 2015.

In November 2015 the Chief Commissioner and Commission staff attended a meeting of the **Reinforced Human Dimension Committee of the OSCE** in Vienna. The main topic of the meeting was hate crime and the presentation of the 2014 hate crime report by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). At this meeting, the Department of Justice and Equality made a voluntary contribution setting out the State's rationale for existing Irish legislation and indicated that the Minister is committed to a review of the legislation. The Chief Commissioner spoke of the role of NHRIs in domestic human rights frameworks.

In November 2015, a member of the Commission staff's Legal Team attended a meeting of national stakeholders, held by the European Union Agency for Fundamental Rights (FRA) in Vienna.

In November 2015 the Chief Commissioner and Commission staff hosted a multilateral meeting with representatives of the Irish Penal Reform Trust and Professor Malcolm Evans, Chair of the UN Subcommittee on the Prevention of Torture to discuss a **National Preventative Mechanism under the Optional Protocol to the Convention against Torture (OPCAT)**.

In December 2015 the Chief Commissioner attended a **joint committee meeting** of the NHRIs of Ireland, Northern Ireland, Scotland and England/Wales, which took place in London. The meeting was an opportunity to share knowledge and to update colleagues about human rights developments in our respective jurisdictions.

Joint Committee of the IHREC and the NIHRC

Under its founding legislation, the Irish Human Rights and Equality Commission is required to participate in the Joint Committee with the Northern Ireland Human Rights Commission in accordance with the Multi-Party Agreement annexed to the British–Irish Agreement (within the meaning of the British–Irish Agreement Act 1999).

The Multi-Party Agreement envisaged that there would be a joint committee of representatives of the two human rights commissions, North and South, as a forum for the consideration of human rights issues in the island of Ireland. This function had previously been carried out by the former Irish Human Rights Commission. For example, in May 2014 the IHREC Designate and the NIHRC held a successful joint conference on the theme 'A Human Rights Approach to Tackling Poverty and Social Inequality'.

Since the establishment of the IHREC, the Joint Committee has continued to meet periodically and has provided an opportunity for the two Commissions to cooperate on commonly agreed objectives. On 25 June 2015, the **Commission and the Northern Ireland Human Rights Commission appeared before the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement**. In their joint address, Chief Commissioners Emily Logan (IHREC) and Les Allamby (NIHRC) outlined the potential effects of the UK government's proposal to repeal the UK Human Rights Act 1998. In particular, both

Commissions emphasised the central role of the Human Rights Act 1998 and European Convention on Human Rights in ensuring the preservation of peace in Northern Ireland, commenting that 'human rights protections [are] a core feature, not an "add on", of the Peace Process and the negotiations around the Agreement'. Following their appearance before the Oireachtas Committee, the Commissions issued a joint statement in which concern was expressed about the manner in which the terms of the Belfast (Good Friday) Agreement would be affected if the UK government carried out its proposal to repeal the UK Human Rights Act and withdraw from the European Court of Human Rights.

As a merged human rights and equality body, the Commission also engaged with our equality counterparts in Northern Ireland in December 2015 when the Chief Commissioner and members of Commission staff attended a meeting in Belfast with the **Equality Commission for Northern Ireland** to discuss the organisations' current work programmes and future priorities.

Domestic Engagements by the Commission

In February 2015 the Chief Commissioner met the head of An Garda Síochána, Garda Commissioner Noírin O'Sullivan, to discuss the possibilities for the **Commission's strategic engagement in the area of policing and human rights** in light of the new powers of the Commission under the 2014 Act and the Commission's strategic planning process.

In March 2015, members of the Commission met with the Government's **'Working Group on the Protection Process'** and made a presentation in relation to the system of direct provision and the protection process more generally. The presentation was grounded in the Commission's recent policy statement, and on its observations following the conduct of site visits to direct provision centres around the country between December 2014 and March 2015.

The Commission participated in a roundtable in July 2015 held by the **Department of Justice and Equality on the question of recognising Travellers as an ethnic minority**. The Commission presented on its previous and ongoing engagement in the area. The Minister of State for New Communities,

Culture and Equality signalled a strong political commitment to advancing this issue, and the Commission will remain engaged in this area.

In August 2015 the Commission met officials of the **National Anti-Trafficking Unit of the Department of Justice and Equality to discuss the Second National Action Plan** in relation to combatting human trafficking.

In October 2015 a member of the Commission's Legal Team provided input to a roundtable event hosted by the Department of Education and Skills in relation to the impact of **the Gender Recognition Act 2015** on schools.

Throughout 2015 members and staff of the Commission attended the **Department of Foreign Affairs and Trade NGO Standing Committee meetings on human rights** to discuss a range of issues of relevance to the Commission, including Ireland's upcoming engagement with the Universal Periodic Review and CEDAW and the ratification of various regional and international human rights conventions.

In November 2015 Commission staff attended the National Disability Authority's **public consultation on a National Disability Inclusion Strategy**, contributing to discussions on the strategy's draft objectives from a human rights and equality perspective.

In November 2015 Commission staff attended a consultation event hosted by the Minister for Justice and Equality, on the **Second National Strategy on Domestic, Sexual and Gender-based Violence**.

NHRI Capacity Building Partnership

The final year of a three-year NHRI Capacity Building Partnership Programme funded by Irish Aid, and commenced by the Commission's predecessor body, the Irish Human Rights Commission, was completed in 2015. The project was implemented in two partnerships, one with the Human Rights Commission of Sierra Leone (HRCSL) and one with the Malawi Human Rights Commission. The main activities carried out as part of this project in the past year are as follows:

- In February 2015, training was delivered to the HRCSL on research and report writing. The two-day training was attended in full by the Chairperson of HRCSL, three Commissioners, and 25 Commission staff. The United Nations

Development Programme (UNDP), Office of the United Nations High Commissioner for Human Rights (OHCHR) and Irish Aid also made contributions to the Opening and Closing Sessions.

- In March 2015, the Commission took advantage of the annual meeting of the International Coordinating Committee in Geneva in order to liaise directly with the Human Rights Commission of Sierra Leone and the Human Rights Commission of Malawi and for the Chief Commissioners and Chairs of the respective NHRIs to discuss project progress.
- The Director of Human Rights Education, Communication and Training from the HRCSL visited the Commission for a professional learning visit in Dublin in May 2015. The visit was very successful, and incorporated a range of relevant internal and external meetings, in addition to an NGO round table, a meeting with the Department of Foreign Affairs' Human Rights Unit, participation at a conference on the Committee on the Elimination of Racial Discrimination (CERD), a meeting with Irish parliamentarians on the Oireachtas campus, and attendance at a Sierra Leone Independence Day event in Dublin with the Irish ambassador to Sierra Leone.
- Training on research and report writing for NHRIs was delivered in June 2015 to 30 staff of the Malawi Human Rights Commission. Meetings were also held with a number of relevant stakeholders working in human rights and governance in Malawi, including: the OHCHR; the UN Resident Coordinator and UNDP Resident Representative; Irish Aid; and Irish Rule of Law International.
- Further, support and technical advice was provided in relation to human resources, case management, IT systems and web site development in cooperation with the partner NHRIs.

Section 3

Legal and Information



Introduction

The Commission's legal team is responsible for supporting the performance of the Commission's legal functions under the Irish Human Rights and Equality Commission Act 2014, as well as for the provision of an in-house legal service to the staff and members of the Commission.

The legal team also supports the exercise of those functions previously enjoyed by the Equality Authority and the Irish Human Rights Commission that have been transferred to the Commission under the 2014 Act, in relation to areas such as discriminatory advertising and discrimination by licensed premises.

The legal team's work involves the provision of advice and the conduct of litigation, in particular 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 legal team appears on behalf of the Commission before statutory tribunals and the domestic courts, and intervenes on its behalf in proceedings before international courts.

The legal team's solicitors also act on behalf of individuals to whom the Commission is providing legal assistance. In the course of this work the legal team has developed specialist expertise in relation to areas such as housing, social welfare, mental health, and education law.

During 2015 the legal team commenced an exploration of the **Commission's range of enforcement and compliance functions** provided for under Part 3 of the 2014 Act in respect of matters such as the development of codes of practice, the conduct of equality reviews, the conduct of inquiries, the provision of legal assistance to individuals, and the institution of legal proceedings by the Commission in its own name.

In addition, the legal team supported the Commission through the provision of legal advice in relation to the interpretation and application of the 2014 Act and the exercise of its functions more generally, as well as in response to legal queries raised by the Commission's Corporate Services, Public Engagement, and Policy and Review teams. The legal team also oversaw the work of the Commission's **public information function**, providing information to members of the public, particularly in relation to employment equality and discrimination in goods and services. A table of all queries processed by the team's public information function can be found in Appendix 7 of this report.

The legal team comprised three solicitors for most of 2015. The recruitment of additional staff towards the end of 2015, including a Head of Legal, brought the legal team to its full complement. This gave the legal team the capacity to address and assess pending requests for legal assistance made to the legacy bodies. Additional staff recruitment has also permitted the legal team to continue to explore the Commission's enforcement and compliance functions with a view to operationalising them.

Exercise of Legal Powers

The Commission has used its legal powers through applications to the Superior Courts to appear as *amicus curiae*, through the provision of legal assistance, and through considering requests to conduct inquiries in specific circumstances.

In November and December 2014 the Commission received seven applications for legal assistance pursuant to section 40 of the Act. During this period the Commission granted legal assistance on one occasion, and decided not to grant legal assistance on one occasion in respect of applications made to the former Equality Authority and former Irish Human Rights Commission.

In 2015, the Commission had 45 cases where legal assistance had been granted to members of the public under section 40 of the Act. These include 40 grants of legal assistance by the former Equality Authority and former Irish Human Rights Commission, which were inherited by the Irish Human Rights and Equality Commission. A thematic breakdown of the legal department's live register is given in Tables 1–3.

During 2015 the Commission received 32 applications for legal assistance made pursuant to section 40. The Commission granted legal assistance on five occasions in relation to matters concerning human rights and equality. The Commission decided not to grant legal assistance in respect of 26 applications and a further 29 applications were pending by the end of 2015.

In 2015, the Commission applied to be joined as *amicus curiae* in relation to two new legal proceedings concerning human rights. On two other occasions the Commission considered but decided not to apply to be joined as *amicus curiae*.

On 31 December 2015, the Commission continued to be involved in the following legal proceedings:

- *Laurence Pullen, Carol Pullen, & Ors. v Dublin City Council*;
- *Digital Rights Ireland Limited v The Minister for Communications, Marine and Natural Resources, The Minister for Justice, Equality and Law Reform, The Commissioner of An Garda Síochána, Ireland and the Attorney General*; and
- *The Attorney General v. ACD and ACD .v. the Director of Public Prosecution*.

In 2015, the Commission took decisions in relation to 14 requests to conduct an inquiry under section 35 of the IHREC Act 2014. In each case the Commission decided not to undertake an inquiry. Nine new requests were received during this period and 11 requests remain pending decision as of 31 December 2015.

In 2015 the Commission received 43 notifications pursuant to section 6 of the European Convention of Human Rights Act 2003 and 2014. Under section 6 of the European Convention on Human Rights Act 2003 and 2014, the Commission is given notice of proceedings where a plaintiff is seeking a declaration that a statutory provision or rule of law is incompatible with the State's obligations under the European Convention on Human Rights.

Litigation Outcomes

Amicus Curiae

The Commission acted as *amicus curiae* in five cases that reached outcomes since its establishment.

The Supreme Court delivered its judgment in *MR v An t-Ard Chláraitheoir* in November 2014. Both the Equality Authority and the Irish Human Rights Commission had appeared as amici curiae in the proceedings before the Supreme Court. **The case arose from a surrogacy agreement, whereby a couple who were unable to have children entered into an agreement with a surrogate mother.** The genetic mother challenged the refusal of an tArd-Chláraitheoir to register her as the mother of the twins. The Supreme Court held that it was for the legislature in the first instance to decide how the constitutional rights of the genetic mother and the children were to be recognised and vindicated.

The Commission acted as *amicus curiae* in *P v Chief Superintendent of the Garda National Immigration Bureau & Ors*, a case concerning the arrest and prosecution of a woman from Vietnam who was discovered by the Garda locked into a cannabis 'grow house'. The woman claimed she was a victim of human trafficking. Judgment in the case was delivered in April 2015, when the High Court found that **the State's administrative scheme on the recognition and protection of victims of human trafficking was inadequate to meet its obligations under EU law.**

The Commission acted as *amicus curiae* in *McDonnell v The Governor of Wheatfield Prison*, a case concerning a prisoner subjected to a 23-hour lock-up regime, which had been for a period of eleven months at the time of the first hearing in this case. The Commission made submissions to the High Court in early 2015, dealing with the constitutional right to bodily integrity, which includes a person's psychological integrity. The Commission's submission also dealt with the right to protection from degrading and inhuman treatment as set out in the European Convention on Human Rights. The applicant was successful in the High Court and the Governor appealed to the Court of Appeal, where the Commission also appeared as *amicus*. **The Court of Appeal judgment was delivered in July 2015, which overturned the finding of the High Court that the applicant's constitutional rights were being breached as a result of being held in long-term solitary confinement.**

Judgment was issued by the Supreme Court in February 2015 in the case of *Stokes v Christian Brothers High School Clonmel*. This case concerned a member of the Traveller community who had claimed, through his mother, to the Equality Tribunal that he was indirectly discriminated against in admission to a secondary school. The Tribunal upheld the claim at first instance. However, the boy was unsuccessful on appeal to both the Circuit Court and the High Court, and a further appeal was lodged with the Supreme Court. The Commission's *amicus curiae* submissions in this case addressed the interpretation of the Equal Status Acts as considered in light of relevant European Union equality directives. **The Supreme Court found that the 'particular disadvantage' test had been wrongly applied by the High Court, and there was ultimately insufficient evidence before both the Equality Tribunal and the Circuit Court to establish that the complainant had suffered a 'particular disadvantage' by reason of the school's admissions policy.**

Judgment was issued by the High Court in May 2015 in the case of *The Attorney General v ACD*. This case concerns a request by the United States for ACD's extradition to face trial for two terrorist-related offences. **Those extradition proceedings were also the subject of two applications for judicial review by ACD which were ultimately heard together with the extradition proceedings.**

The judicial review proceedings related to two decisions made by the Director of Public Prosecution (DPP) not to prosecute ACD in this jurisdiction. ACD argued in these proceedings that there was an obligation on the DPP to give reasons for such a decision. The High Court refused ACD's extradition in circumstances where it was found, on the evidence, that there was a substantial risk that ACD would, if convicted, be incarcerated in a maximum security prison where he would be placed in solitary confinement for a minimum of 18 months, which would result in a breach of his constitutional rights. In relation to the connected judicial review proceedings the High Court quashed the decisions of the DPP, in circumstances where the Court found that there was an obligation on the DPP to consider forum (i.e whether the alleged offences should be tried in Ireland). **The issue concerning whether there was an obligation on the DPP to provide reasons was not ultimately considered in the judgment.**

The Attorney General and the DPP have lodged an appeal against the High Court decision, and the matter is currently before the Court of Appeal.

Section 40 Legal Assistance (human rights)

– A Family – DNA Testing of Irish Citizen Children

The former IHRC decided to grant legal assistance in this matter in December 2013 in respect of the rights of the child concerned. An Irish citizen child's mother had resided in Ireland since 2008 and had been granted lawful residency in the State on the basis of her parentage of her Irish citizen child, a daughter aged five years, in 2013. The matter concerned the requirement by the Irish Naturalisation and Immigration Service (INIS) that the Irish citizen daughter be subjected to a DNA test to determine whether her paternity was correctly registered on her birth certificate. INIS sought to make the ongoing residency of the family dependant on subjecting the Irish citizen daughter to this DNA test, without indicating the underlying reason or legal basis on which the test was sought.

The matter was resolved in circumstances where INIS agreed with the Commission to withdraw the requirement that the Irish citizen daughter be subjected to a DNA test. The family were granted residency accordingly.

- **The 'K' family – homelessness**
The IHREC granted legal assistance in relation to a family who were refused access to social housing and emergency accommodation, resulting in the family sleeping rough and preventing the children's access to education.
Further to the Commission's correspondence on behalf of the family the County Council agreed to review the family's assessment which resulted in a decision to place them on the housing list and to provide emergency accommodation.

Section 40 Legal Assistance (Equal Status Acts)

- *16 complainants (on behalf of 16 minors) v A Government Department and A Public Service Body – alleged discrimination on the ground of religious belief*
The former Equality Authority granted legal assistance to 16 complainants where they claimed, on behalf of their children, discrimination on the ground of religious belief in relation to access to a public service. The IHREC provided legal representation to the 16 complainants.
The complainants agreed to mediation and the complaints were resolved at this stage through a confidential mediation agreement.
- *Noreen McQuaid v Department of Social Protection – alleged discrimination on the grounds of family and civil status*
The IHREC provided legal representation to Ms McQuaid in respect of the appeal by the Department of Social Protection of a decision of the former Equality Tribunal which found the exclusion of persons in receipt of One Parent Family Benefit from the Jobbridge Internship Scheme to discriminate on the ground of family or civil status. The Department subsequently agreed with the Commission to withdraw their appeal which means that the decision of the Equality Tribunal is binding.
- *Ms A (on behalf of her daughter B) v A Girls Secondary School (Dec-S/2015/001)*
The IHREC represented Ms A on behalf of her daughter B in relation to a claim that her daughter was discriminated against on the race and/or family status ground when it failed to offer her a place as a first year student. The admissions policy applied related

to the date of application of the child. The complainant's daughter was adopted from a foreign country, and therefore was in a less favourable position than Irish born children applying to the school. The Equality Officer found that the admissions policy discriminated against the complainant on the ground of race, stating that the admissions policy which placed a priority on applicants based on date of application put foreign adopted children at a particular disadvantage compared with Irish-born children in the care and custody of their biological parents. The respondents had not proved that this was objectively justified by a legitimate aim, or that it was appropriate and necessary.

Section 40 Legal Assistance (Employment Equality Acts)

- *An employee v An employer – alleged discrimination on gender ground*
The IHREC represented a former employee in relation to a claim of discriminatory dismissal on the gender ground, where the employee claimed she was dismissed from her employment after informing her employer that she was pregnant. The matter was resolved by way of a confidential settlement agreement.
- *Calor Teoranta v Sharon Brierton EDA/1510 – Labour Court Determination – alleged discrimination in relation to equal pay on the age ground*
The IHREC represented Ms Brierton before the Labour Court in respect of a complaint of equal pay on the basis of age. This was an appeal by Calor Teoranta of the Equality Tribunal decision which found for Ms Brierton. The former Equality Authority had previously represented Ms Brierton at the Tribunal stage.
The Labour Court disallowed the appeal and affirmed the Equality Tribunal decision.
- *G v the Department of Social Protection*
The Commission represented G before the High Court in *G v The Department of Social Protection*, a case concerning the exclusion from entitlement to a payment equivalent to maternity benefit to an Irish woman who had a child by means of a surrogacy arrangement in the US.

In July 2015, the High Court found that although the woman had experienced discrimination on the basis of her disability, as she could not sustain a pregnancy having had a hysterectomy, nonetheless the Equal Status Acts could not effectively override the terms of another statutory scheme, in this case the statutory scheme that governs entitlement to maternity benefit and adoptive benefit.

Table 1. Live Cases under Section 40

Human Rights	Employment Equality Acts	Equal Status Acts
4	15	26
		Total = 45

Table 2. Grounds invoked in cases under the Equal Status Acts

Ground	
Gender	1
Civil Status	1
Family Status	2
Sexual Orientation	0
Religion	16
Age	0
Disability	7
Race	2
Membership of the Traveller Community	0
Total	29
Three of the section 40 cases raised multiple grounds of discrimination.	

Table 3. Grounds invoked in cases under the Employment Equality Acts

Ground	
Gender	4
Civil Status	0
Family Status	1
Sexual Orientation	1
Religion	1
Age	8
Disability	1
Race	1
Membership of the Traveller Community	0
Total	17
Two of the section 40 cases raised multiple grounds of discrimination.	



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Section 4

Public Engagement



Introduction

Public participation is a fundamental principle of the Commission's work, and engaging with and listening to the views of the public were key priorities for the Commission's first year of operation.

The Public Engagement team approached this 'start-up' phase for the Commission as an opportunity to shape the work programme based on the human rights principles of public participation and direct engagement. This approach was exemplified in the summer of 2015, when the Commission travelled the country gathering people's views on what they thought were the most important human rights and equality issues for Ireland and seeking their recommendations on the future work of the Commission.

As a new 'brand' for the Irish public to get to know, we were eager to get the message out that the Commission is here to create an inclusive Ireland where human rights and equality are respected, protected and fulfilled for everyone, everywhere. The Public Engagement team did this through public consultation work, as well as through various high profile events, media and advertising campaigns, and through telling our story online and on social media. Highlights from our events and awareness raising activities in 2015 included our February conference, *Beijing+20, A Woman's Place is in the World*, which attracted over 300 attendees and featured contributions from Mary Robinson and Lakshmi Puri; and *Make Rights Real*, our national multi-platform public awareness campaign which took place from October to December 2015.

Throughout all of this organisational change and public engagement, the Commission also built on the strong track record of development work of the former Equality Authority and Irish Human Rights Commission. The Commission continued to produce resources, develop educational programmes and support projects that enhance civil society's capacity to promote and protect human rights and equality.

Promoting the public's understanding of equality and human rights also remained a central focus of the Commission's public engagement programme. We continued to deliver accessible information on human rights and equality through a variety of formats including through our information booklet series, information phone line and having a presence at national events to spark conversations about human rights and equality.

Perhaps, the most exciting addition to the Commission's programme of work in 2015 was the task of raising awareness about the new public sector duty to promote and protect human rights and equality. The Commission believes that this duty has the potential to create real and lasting change in how our public bodies approach their work and that it will go a long way toward the realisation of rights and equality in Irish society.

Promotion and Awareness

Attitudes research

In March 2015, the Commission undertook a national survey to measure awareness and attitudes towards human rights and equality in the general population as a baseline to inform its work.

The survey, supplemented by follow-up surveys in the summer of 2015, addressed levels of awareness and understanding of human rights and equality, attitudes towards human rights and equality, and individuals' knowledge of their rights and of the principal avenues available to them for the protection of their rights. The survey report was published in July 2015, and some of the key findings were:

- Shortly before the referendum in May 2015 to amend the Constitution of Ireland to provide for marriage equality, forty-one per cent viewed Ireland as a leader in Europe in matters of human rights for its people; after the referendum this figure increased to 54 per cent.
- A large majority of those polled – 79 per cent – believe Ireland still has more to do when it comes to protecting human rights and equality.
- A total of 96 per cent believe that laws protecting human rights are important in order to create a fairer, more equal society, while 93 per cent care deeply about making Ireland a fairer place in which to live.

Make Rights Real

From October to December 2015, the Commission conducted a campaign to bring about greater awareness of human rights and equality issues.

Make Rights Real – supported by the EU's PROGRESS Programme – was a national public awareness campaign which included national newspaper and national and local radio advertisements as well as outdoor and online advertising. The campaign reached a nationwide audience. Through its key message that 'Together we can build an inclusive society' this campaign engaged the public in a positive way with the idea of working together to build a culture in which equality and human rights are made real in practice. All of the campaign advertising additionally directed people towards the dedicated campaign website (www.makerightsreal.ie) which

provided information on rights under equality and human rights legislation, as well as a range of other supporting materials including a series of personal stories of people taking action on their rights. These stories were sourced through our NGO partners. These activities were further supported through sustained Twitter and Facebook activity.

Campaign activity culminated on Human Rights Day, December 10, with street banners lining the quays of the Liffey in Dublin. A series of specially designed images and profile backgrounds for Human Rights Day were distributed to all NGO contacts and supporters to customise their online presence for Human Rights Day. A supporters' toolkit and national listing of events were published on the Make Rights Real microsite. The Commission partnered with the Irish Times book club to produce the Writing Rights project in which various Irish authors were commissioned to produce a piece inspired by an article of their choice from the Universal Declaration of Human Rights.

Participation

NGO briefing

An NGO Briefing was held in June 2015 in the Commission's new premises, attended by representatives of 40 NGOs.

The briefing covered the activities of each of the Commission's teams, the development of the organisation to date, the process of achieving accreditation for the Commission at UN level, and the plans for the public consultation on the Commission's Strategic Plan 2016–2018.

The briefing provided an opportunity for the NGOs to discuss shared concerns and to ask questions about the new Commission.

Consultation

The Commission launched its public consultation on the Strategic Plan in June 2015. 'Have Your Say' was a nationwide public consultation carried out over a five-month period to inform the development of the Commission's first strategic plan for the period 2016 – 2018.

The different strands of the consultation included written submissions, public meetings and outreach activity, aimed to encourage participation from a diversity of groups and organisations concerned with human rights and equality.

The Commission held a series of eight public consultative meetings, starting in Cork and Waterford, and followed by meetings in Limerick, Galway, Longford, Letterkenny, Sligo and Dublin. A total of 290 people attended these public meetings.

In addition to country-wide meetings, the Commission hosted a stand at the National Ploughing Championships in September 2015, Europe's largest outdoor exhibition, which was attended by 281,000 people. The Chief Commissioner and the President of Ireland, Michael D. Higgins, attended the stand on the first day of the exhibition.

The Commission wrote to a large number of organisations in civil society, the state sector, academia, and the economic and social sectors inviting them to contribute to the consultation process. Individual members of the public were also invited to make submissions or undertake an online survey. A total of 61 written submissions were received and 58 online survey forms were completed. The public consultation was promoted in national and local print media, on local radio, and through social media.

The Commission also consulted with individuals and groups who have direct experiences of discrimination and human rights issues, including undocumented migrant workers, former drug users and the people directly affected by poverty.

Mainstreaming Equality

The Commission has continued the work programme of the Equality Authority through its equality mainstreaming programme, supporting six specific projects in the final year promoting inclusive workplaces.

A second strand involved the support of eight further education and training providers through access to equality experts and technical assistance to implement equality standards and the rolling out of equality training and equality action planning.

The key projects supported under the two strands include the following:

- The Gay and Lesbian Network (GLEN) researched and developed a **Workplace Equality Index**, which is a way to engage with

employers to measure organisational efforts to tackle discrimination and create an inclusive workplace for lesbian, gay, bisexual and transgender (LGBT) employees. The Workplace Equality Index was launched and applications were received from a number of employers from the private and public sector. The Workplace Equality Index awards has been very successful in engaging organisations in a LGBT diversity and inclusion national benchmark.

- The Migrant Rights Centre Ireland (MRCI) worked with a number of key stakeholders such as SIPTU, the Carers' Association of Ireland, the HSE, the Care Alliance and Age Action to develop **Employment Standards for Home Care Workers**. This partnership approach was used in order to ensure an inclusive approach and facilitate collaboration across family carers, migrant workers, the trade union movement and employer bodies. The MRCI produced a policy paper and guidelines on employment rights and equality issues for home care workers, and possible solutions to improve both their work conditions and standards of home care.
- The Immigrant Council of Ireland (ICI) built on its previous work on **Anti-Racism in the Transport Sector** by identifying and documenting ongoing issues in the taxi industry in relation to racist incidents. Training was delivered to the National Transport Authority's private bus licensing officers and taxi compliance officers. The project also included training and equality and diversity planning sessions with staff and managers in Bus Éireann.
- The Dublin Simon Community was supported to carry out an **Equality Review** of its workplace policies and practices. The review covered access to employment, career development and progression, and barriers to workplace equality. An Equality Action Plan was created on foot of the equality review and equality training for staff was delivered.
- The European Network against Racism in Ireland (ENAR) led a project called '**Face up to Racism!**' in partnership with SIPTU, the largest trade union in Ireland, and ICTU's Congress Centres. ENAR Ireland promoted the use of the

- European standard racist incident reporting system in the Irish trade union movement as a tool for monitoring workplace racism by trade unions and broader manifestations of racism in society. Tools used included training, signposting, design and distribution of a handbook, and action plans against racism.
- Age Action in Ireland implemented a project called '**Promoting Equality in Intercultural Workplaces**', which entailed the provision of equality training for staff and managers in care homes, as well as the revision or implementation of equality policies.
 - WALK is an organisation that supports people with intellectual disabilities through advocacy and further education and training programmes. WALK undertook a project to identify and document the barriers, prejudices and stigma that people with intellectual disabilities face when attempting to access mainstream further education and training. WALK produced a research report and implemented **equality mainstreaming training and action planning** for its staff.
 - Age & Opportunity, a national organisation that promotes everyone's right to reach their full potential as they age, undertook an **equality review** of its policies, delivered equality training, and developed an equality action plan.
 - Barrow Training and Consultancy, an organisation that provides further education and training in hospitality, health care, health and safety, childcare, and community development, delivered **equality awareness workshops** for staff and management, consulted students, tutors and management on equality issues, and on foot of this process, produced an equality action plan.
 - Dublin and Dún Laoghaire Education and Training Board developed a code of practice to implement their adult and community education admissions policy. They also established an equality working group to work with colleges for further education to develop an **Admissions Policy Statement and a Code of Practice for all Colleges of Further Education**, with a specific focus on reasonable accommodation for learners with disabilities and monitoring access and admissions to courses.
 - Education and Training Boards of Ireland (ETBI), the association that represents statutory education and training boards, worked in partnership with the Sign Language Association of Ireland (SLAI) to **research, document and identify the training and accreditation needs of Irish Sign Language (ISL) tutors**. A number of consultations were held with ISL tutors, and a research report provided recommendations on how to remove existing barriers and provide access to accredited training for ISL tutors within the further education sector.
 - The Mayo North East Leader Company delivered **equality awareness training** to staff and managers working in the delivery of a range of labour market programmes. An equality steering group was established which produced an equality action plan on foot an equality review of the company's Policies and Procedures Manual.
 - Kilkenny and Carlow Education and Training Board undertook an assessment of equality training needs, and developed and delivered **a tailored equality training programme for education staff**.
 - Colaiste Dhúlaigh College of Further Education in Dublin built on a previous equality mainstreaming project carrying out an **equality review of its policy documents**, the production of a draft equality statement, a draft accessibility statement and draft equal opportunity policy. This process was supported by a consultation with heads of department regarding policy implementation, training to support the policy implementation, and the establishment of an equality committee to drive the work.

Public Sector Duty

The Irish Human Rights and Equality Commission Act 2014 places a duty on public bodies to perform their functions in a manner that eliminates discrimination, that promotes equality of opportunity and that protects the human rights of their employees and of the members of the public to whom the public body provides a service. This is referred to as the 'public sector duty'.

One of the Commission's roles under 2014 Act is assisting public bodies with this public sector duty. Work is also underway to produce guidance on what the duty is and to develop an understanding of what public bodies will need to do in order to comply with this duty. Where there is evidence of a failure by a public body to perform its functions in line with the public duty, the Commission may invite the public body to carry out a review and to implement an action plan.

During its first year, the Commission undertook a major piece of research to assess the implementation of various forms of positive duty in a number of UK jurisdictions. The study, entitled *Public Sector Duty Implementation Models: Scoping Paper* (Martin Mitchell, Claire Bennett and Ruth Hudson – NatCen Social Research UK), analysed the planning, implementation and monitoring of different models of public sector equality duties in the four UK jurisdictions, and identified a number of issues for the Commission to consider when thinking about the model with the best fit for Ireland.

A significant new initiative in 2015 was the development by the Commission and the Institute of Public Administration, of a one-year part-time **Professional Diploma in Human Rights and Equality**. In 2015, the Diploma was accredited by University College Dublin. The course will provide a comprehensive introduction to the increasingly important place of human rights and equality in the Irish public service. The first intake of students will begin their studies in October 2016. The course is targeted at those working in civil and public administration, in government departments and state authorities. The course will also have relevance for a wider audience including NGOs, trade unions and educators.

Conferences And Events

The Commission organised and attended a range of launches, conferences and seminars throughout 2015. These events are opportunities to build and maintain ongoing relations with the sector as well as to offer recognition to the contribution that they are making to promote and protect human rights and equality. Below are examples of the some of the key events the Commission engaged in over the past year.

In February 2015, the Commission and the National Women's Council of Ireland organised a high level one-day conference to mark **Beijing+20, A Woman's Place is in the World**. More than 300 people attended the conference which was held in Dublin Castle. High-level contributors included Lakshmi Puri, Deputy Executive Director of UN Women, and Mary Robinson, former High Commissioner for Human Rights and former President of Ireland, and current President of the Mary Robinson Foundation – Climate Justice.

In March 2015 the Commission held a national exhibition entitled **Express Yourself! Young People Promoting Human Rights in Ireland** in Dublin's City Hall. This exhibition is a collection of images developed by second-level students of Civil, Social and Political Education (CSPE) in which they have identified human rights and equality issues they care about. The aim of the exhibition is to promote a spirit of active citizenship based on human rights and equality amongst secondary school students.

The Commission worked with the Pavee Point Traveller and Roma Centre and with Nasc – the Irish Immigrant Support Centre to mount a photographic exhibition entitled **Roma: One People – Many Lives**. The exhibition provided an opportunity to showcase positive images of Roma people living in Ireland, and challenged the prejudice and stigma experienced by Roma people. It was exhibited in 24 locations across Ireland between December 2014 and April 2015 and attracted media coverage in both national and regional media.

Human Rights Education

The Commission's work on human rights education builds on the engagement of the former Irish Human Rights Commission with the development and implementation of the World Programme on Human Rights Education. In particular, the Commission delivered further actions on training for key officials in the Garda, schools, local administration and key public sector bodies.

Human rights education programmes in An Garda Síochána and in the Irish Prison Service were delivered between November 2014 and May 2015.

In 2015 the Commission also delivered a human rights education and training programme for second-level teachers and for teacher educators. A pilot **Professional Development Course for Teacher Educators** on equality and human rights was also developed, with the aim of providing teacher educators with the skills and methodologies to introduce and explore contemporary issues related to equality and human rights in their teaching and to use an equality and human rights framework to develop their classroom practice.

Arising from this work two training resources were developed and published:

- *Human Rights, Equality and Teacher Education: A supplement to 'Equality in Second Level Schools – a Handbook for Educators and Trainers,*
- *Intercultural Training for Yellow Flag Schools – a two hour workshop for staff and teachers: Trainers Manual*

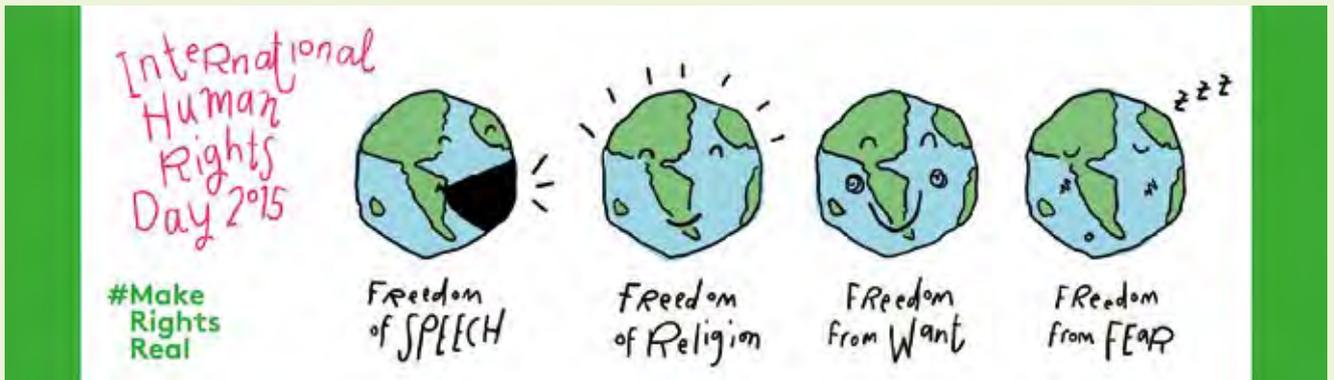
A review report on our teacher training programmes entitled *Embedding Equality and Human Rights in Schools and Initial Teacher Education – A Review* (Dr. Mary Gannon and Karen O'Shea) documented the process involved in designing and developing the training, analysed evaluations received from participants and set out a number of recommendations for the future direction of work in this sector.

As part of the **Human Rights Education & Training Programme**, training was also delivered to county councils, to the National Employment Rights Authority, and to the Ombudsman's Investigations Unit and Ombudsman's Information Commissioners.

The Commission also provided an e-learning course *Delivering Equality in Public Services: An Introduction for Front Line Staff* which has been taken up by a range of organisations, including An Garda Síochána, Dublin Bus, University College Dublin, the Health Service Executive, and the Revenue Commissioners. In addition, just over 900 individuals accessed a copy of the course on their own initiative via the Commission's website between May 2015 and October 2015.



Audience members at joint IHREC and NWCI conference, 'A Woman's Place is in the World';
Student artwork submitted to 'Express Yourself' exhibition.



Selection of artwork produced for 'Make Rights Real' national public awareness campaign.



Participants at youth consultation meeting, June 2015.
IHREC team leading discussion at public consultation meeting in Cork, September 2015.

Section 5

Corporate Services



Introduction

As 2015 was the Commission's first year of operations, much of the work of the Corporate Services team focused on establishing founding systems for organisational development in relation to finance, governance, human resources, and information and communication technology. In addition, the Corporate Services team oversaw the acquisition of a new premises and the associated move to its new location at 16–22 Green Street, Dublin 7.

With effect from 1 January 2015 the Commission was established as a Vote Account drawing its funding allocation directly from the Paymaster General. The Commission is obliged to prepare Appropriation Accounts, and Commission's Director Sinéad Gibney assumes the role of Accounting Officer. In establishing the required financial management processes and procedures to deliver on the Commission's legislative remit, the first task of the Corporate Services team was to prepare three sets of financial statements for 2014, which included financial statements until 31 October 2014 for each of the legacy bodies, and financial statements for the period 1 November to 31 December 2014 for the Commission. Each of these financial statements has now been cleared by the Comptroller and Auditor General. The 2014 Financial Statements for the both Equality Authority and the Irish Human Rights Commission have been laid before the Houses of the Oireachtas; however, this process is ongoing in respect of the 2014 IHREC Financial Statements.

In building its systems of financial control, the Commission has placed an emphasis on achieving value for money, conducting efficiency reviews and focusing on tangible outputs and outcomes for all expenditure. Governance standards relating to public financial administration and effective budgetary management have been central to the development of the finance function, which ensures that the organisation is fully compliant with best practice and is professional in its handling of all financial matters.

As a fledgling organisation, recruitment was a key component of the work of the Corporate Services team within 2015, with 16 appointments made during the year. Throughout 2015, policies and procedures were developed to aid the induction of new staff members and to provide clarity on many operational issues and policies for existing staff.

Training was provided throughout 2015 on a number of areas where a lack of existing skills had been identified across the team, and strategic professional development opportunities were made available to all staff which included the opportunity to pursue a Certificate in Human Rights Law from the Law Society and a Professional Certificate in Social Justice from the School of Social Justice, UCD.

A team building programme was also established which focussed on improving morale, leadership and productivity, agreement of internal staff values, and clear definition of objectives and goals. The Commission identified relevant trade unions, CPSU, PSEU and AHCPs as key stakeholders in ongoing employee relations and regularly met with these parties to discuss human resources activities.

Financial Control

The 2015 financial allocation under the Commission's vote (Vote 25) was €6.33 million, of which €3.24 million was allocated for pay-related expenditure, and €3.09 million of which was allocated towards non-pay expenditure. The surplus due to be surrendered to the Exchequer in respect of 2015 was circa €2.45 million.

As set out in 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. A series of procurement workshops was held at both management and team level which included training on: defining requirements; calculating contract values and whole life cycle costs; evaluation of tenders; and managing supplier performance.

As per Section 27(2) of the Irish Human Rights and Equality Act 2014 appropriation accounts for 2015 were submitted to the Comptroller and Auditor General for audit. Once this audit is complete, the accounts shall be presented to the Minister who shall, as soon as may be after they are so presented, cause copies to be laid before each House of the Oireachtas.

During 2015 the IHREC 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

The Commission has established a **Finance Committee** with agreed terms of reference to provide oversight of the financial implications of the activities of the Commission including planning, budgeting, review and information and reporting processes. The Commission has also established an **Audit and Risk Committee** with agreed terms of reference including oversight of the internal audit function and review of the draft annual accounts. Mazars Ireland were appointed to

the role of internal auditor to the Commission with effect from 25 May 2015.

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. The Commission has committed to publishing a quarterly report on this matter on its website.

As part of the Government's reform agenda, the Department of Public Expenditure and Reform (DPER) established a Payroll Shared Service Centre (PSSC) for the delivery of payroll services. At the beginning of 2015, the Commission had two payroll centres, one for staff who had been in the Equality Authority, and the other for both IHRC staff and newly recruited staff. Payroll-related taxes were returned to Revenue under two individual employer numbers (one each for the Irish Human Rights Commission and Equality Authority). The transition of payroll administration for all staff to PSSC from 19 October 2015 allowed the Commission to regularise its legacy systems, and for all returns to Revenue to be made under a single employer number. In addition to the administration of payroll, since the transition to this new shared service, all travel and subsistence claims made by staff have been processed through PSSC.

Human Resources

The Commission currently has an approved staffing level (ECF-Employment Control Framework) of 48 full time equivalent posts, including the role of its Chief Commissioner. Following a heavy period of recruitment during 2015, as at 31 December 2015 IHREC had 33 staff members in place (see below table). In addition there is currently one Assistant Principal on Carer's Leave, one Higher Executive Officer on maternity leave, and one Clerical Officer who has been seconded to the Central Statistics Office. During 2015, the redeployment of one Executive Officer to the Department of Public Expenditure and Reform was facilitated.

Table 4. Staff appointments in 2015

Title	Grade	Team	Number
Head of Legal & Information	Principal Officer	Legal & Information	1
Solicitor	Assistant Principal	Legal & Information	3
Legal Officer	Higher Executive Officer	Legal & Information	1
Head of Policy & Review	Principal Officer	Policy & Review	1
Senior Human Rights & Equality Officer (Policy & Review)	Assistant Principal	Policy & Review	1
Human Rights & Equality Officer (Policy & Review)	Higher Executive Officer	Policy & Review	2
Senior Human Rights & Equality Officer (Public Engagement)	Assistant Principal	Public Engagement	1
Human Rights & Equality Officer (Public Engagement)	Higher Executive Officer	Public Engagement	2
Head of Corporate Services	Assistant Principal	Corporate Services	1
Corporate Services Officer (Finance)	Higher Executive Officer	Corporate Services	1
Private Secretary	Executive Officer	Corporate Services	1
Executive Officer (Corporate Services)	Executive Officer	Corporate Services	1

Table 5. Number of staff by grade

Grade	Jan 1 2015	Dec 31 2015	Approved ECF
Chief Commissioner (ASec)	1	1	1
Director (PO)	1	1	1
PO	2	3	3
AP	6	7	9
DO and HEO	4	10	11
EO	5	5	13
CO	6	6	10
TOTAL	25	33	48

Note: ECF = number allowed under the employment control framework

The Commission successfully moved all staff to PeoplePoint – the civil service HR & Pensions Shared Service – on 27 July 2015 and all staff have been effectively processing their HR transactions through this service since that date.

A comprehensive **employee handbook** was developed to aid the induction of new staff members and to provide clarity on many operational issues, procedures and policies for existing staff. The **Staff Human Rights & Equality Policy Working Group** (an internal group representing staff from all teams and all levels) engaged in an exercise with the assistance of an external consultant to proof this employee handbook from a human rights and equality perspective. A further consultation with staff and with trade unions on the content of the handbook will take place in 2016 before the handbook is then approved by the Commission.

Training was undertaken with all staff in relation to a **Performance Management Development System** which will come into effect in full in 2016.

In the fourth quarter of 2015, a review of the organisational structure was undertaken at management level and a new structure has been effected for 2016 which aims to deliver more efficient and consistent people management across the organisation.

Premises

A 20 year lease for 16–22 Green Street was agreed and the Commission took up occupancy at its new premises in June 2015, and surrendered its existing lease at Jervis House. The Commission is grateful to the support provided by the Office of Public Works in acquiring its new premises. The fit-out of the new premises is to take place in 2016.

Freedom of Information Act

The Commission continues to meet its obligations in relation to responding to Freedom of Information requests. During 2015, the Commission received 8 Freedom of Information requests. Of the requests received, six were granted, one was partially-granted, and one was withdrawn.

Lobbying Regulation Act 2015

The Lobbying Regulation Act came into effect on 1 September 2015, providing for the establishment and maintenance of a publicly accessible register of lobbying. The Commission is exempted under the Act as its communications involve those made by Designated Public Officials or public servants. To avail of this exemption, the IHREC had to meet all criteria listed in the Transparency Code as prepared by the Department of Public Expenditure and Reform

Overview of Energy Usage in 2015

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.

The below is information extracted from the IHREC’s energy scorecard. It demonstrates energy usage in 2015 related to providing heating and lighting for the offices in Jervis House (January – June) and Green Street (June – December). In 2015, 137,403 kWh of energy was consumed, consisting of just grid energy.

Table 6. IHREC energy consumption in 2015

Energy Type	Level of Consumption
Electricity	137,403 kWh
Fossil Fuels	0 kWh
Renewable Fuels	0 kWh

Commission Activity and Subcommittees

The Commission had four subcommittees in operation since establishment which reported to the Commission in accordance with their terms of reference and governance guidelines as determined by the Commission. The subcommittees were:

- Audit and Risk Committee
- Finance Committee
- Legal Casework Committee
- Legislative Review Committee

Commission members each serve on one or more committees. In the case of the Audit and Risk Committee, the Commission has appointed Mr Michael Tyndall as an external chairperson.

A full breakdown of Commission meeting and subcommittee attendance, and related fees and expenses, can be found in Appendices 2 and 3.

BARRIERS?

RIGHTS

enumm.... I don't know...

POVERTY

solidarity

OHREC

G & V
SECTOR



Human Rights? ? ? ?
Equality? ? ? ?



SERVICE

Section 6

The Commission in the Media



The Commission engaged with the media across a wide range of human rights and equality issues in 2015, including the continued impact of Ireland's programme of austerity on vulnerable groups. Below are some of the key issues on which the Commission made media interventions in 2015.

– **Impact of Austerity**

The Chief Commissioner's message to the UN Committee on Economic, Social and Cultural Rights in June 2015, which expressed concern over the disproportionate impact of the fiscal adjustment on marginal groups, was widely reported by national media.

– **School Admissions**

The Commission continues to monitor its equality concerns over the Government's Bill on school admissions, following an opinion by the Chief Commissioner published in a leading newspaper, outlining several areas of concern in the draft Bill.

– **Marriage Equality Referendum**

The Commission's national survey of attitudes to human rights and equality received widespread media attention, particularly due to its timeframe coming before and after the Marriage Equality Referendum. This strategy allowed the Commission to monitor and report on a change of public attitudes following the referendum's success, and more positive perceptions of Ireland as a leader in human rights.

– **Oireachtas Committee on the Implementation of the Good Friday Agreement**

A joint presentation by the two commissions – North and South – to the Oireachtas Committee on the Implementation of the Good Friday Agreement expressing concern at the possible abolition of the Human Rights Act in the United Kingdom, was detailed by the Irish Times.

– **Legal cases and *Amicus Curiae***

The Commission's role as *amicus curiae* (friend of the Court) was highlighted by media at various times during the year, specifically in a high-profile case concerning an alleged victim of human trafficking. The High Court found that the State's administrative scheme for the protection of victims of human trafficking was inadequate under the EU law aimed at combating trafficking in human beings.

– **Direct Provision**

The IHREC's observations on the International Protection Bill 2015 and its recommended changes to the system of direct provision were published. These observations built on the Commission's policy paper on direct provision published in late 2014. The media reported a statement by the Chief Commissioner that the Department of Justice and Equality must address aspects of the operation of direct provision centres, including house rules deemed unlawful by the High Court which interfere with private and family life, as well as the absence of independent complaint procedures.

– **Refugee Rights**

The Commission publicly raised its concern that Ireland should safeguard the rights of refugees, prevent loss of life and improve support for people during the process of seeking asylum. The media reported the Commission's statement that the Government's resettlement and relocation programme for 4,000 people offered an opportunity to fast-track all those already in direct provision for over 5 years, as recommended in the Working Group Report on Direct Provision.

– **Reproductive Rights**

The national media covered the Commission's endorsement of the recommendation by the UN Committee on Economic, Social and Cultural Rights that Ireland should hold a referendum on abortion and address restrictive laws on sexual and reproductive health. The coverage noted that the Commission's position was a significant policy departure and its strongest position yet on the Eighth Amendment and ICESCR Article 12 rights.

– **Nationwide Public Consultation on human Rights and Equality**

A nationwide public consultation held in autumn 2015 received widespread local radio and provincial newspaper coverage in the eight regional centres visited: Dublin, Cork, Waterford, Limerick, Galway, Longford, Sligo, Letterkenny, as well the National Ploughing Championships in Laois.

– The Traveller Community

The right of the Traveller community to safe, suitable and culturally appropriate accommodation was raised by the Commission in reports covered by the media. The tragic loss of life of ten people at an emergency halting site in Glenamuck Road, in Carrickmines, South Dublin, underlined the failures of State and local authorities in this area. The Chief Commissioner's statement that basic emergency sites are not intended to become *de facto* permanent accommodation, which is the reality for many Traveller families, was covered by media outlets. In regard to the rights of Travellers, media reports also referred to a letter from the Chief Commissioner to senior management of all local authorities drawing their attention to the new public sector duty contained in section 42 of the Irish Human Rights and Equality Commission Act 2014.

– Ibrahim Halawa

The ongoing detention of Ibrahim Halawa, a 20-year-old Irish man detained in Egypt for more than two years, received media attention. The reports also cited the Commission's concerns at the circumstances of his original arrest and detention as a minor, his lack of access to justice, his right to a fair trial, and his right to freedom from torture and inhuman and degrading treatment.

Looking to 2016

This summary of key concerns highlighted across the public domain in 2015 underlines the input and reach of the Commission across the many strands of equality and human rights within the State. These, and other issues which emerge in 2016, will continue to be raised by the Commission through its mandate as an independent statutory body with responsibility to promote and protect human rights and equality within the State.

An itemised chronological list of Commission statements and press releases can be found in Appendix 9 of this report.

Captions for opposite

(clockwise from left)

State body advises legal changes on school entry
Irish Times. Carl O'Brien (18th Nov 2015)

Human Rights commission offers citizens a say on its future strategy
Laois Nationalist (22nd September 2015)

Logan warning over UK Human Rights Act repeal
Irish Times. Stephen Collins (25st Jun 2015)

Marriage vote boosts perception of human rights
Irish Times. Carl O'Brien (30th July 2015)

Ban school's admission rules based on religion: watchdog
Irish Examiner (19th Nov 2015)

Aspects of direct provision centres must be addressed
Irish Examiner. Cormac O'Keefe (6th July 2015)

Marriage poll helps our image on equality
Irish Examiner. Dan Buckley (30th July 2015)

State body advises legal changes on school entry

End to discrimination against unbaptised and minority faith children recommended

Marriage poll helps our image on equality

■ More people view State as leader in human rights after marriage vote

OPINION

Human rights commission offers citizens a say on its future strategy

Logan warning over UK Human Rights Act repeal

Marriage vote boosts perception of human rights

Ban schools' admission rules based on religion: watchdog

Aspects of direct provision centres 'must be addressed'

Section 7

Public Sector Duty



The Commission's 2015 Report on the Public Sector Duty

The Public Sector Duty is a positive obligation on public bodies to have regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work.

A public body is required to set out in its strategic plan an assessment of the human rights and equality issues it believes to be relevant to its functions and outline its plans to address these issues. Public bodies are then required to report to the public on developments and achievements in that regard in their annual reports.

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.

Our Implementation of the Public Sector Duty in 2015

2015 marked the first full year of our operation as the IHREC. As such, we focused our activity in 2015 on 'gearing up' for our own public sector duty obligations by getting internal procedures and mechanisms in place to fulfil our requirements under the duty. We also took the opportunity to build human rights and equality considerations into the development of our first strategic plan.

Highlights in 2015

In-service provision: Conducted a comprehensive nationwide public consultation on our first strategy statement.

In policy-making: Established an internal staff working group to embed human rights and equality into our policies and programmes.

As employees: Completed a human rights and equality review of our internal draft employee handbook.

Steps Taken under the Public Sector Duty

Below is a description of the initial steps we took to prepare for our public sector duty obligations in 2015.

Action 1. Initial Assessment

In 2015, we undertook an assessment of the human rights and equality issues that are relevant to our functions, to the services we provide and to our employment responsibilities.

The IHREC has a broad set of specific functions within our legislation, which fall under the categories of legal, policy, research and public engagement work. Some of the areas that are of key relevance to the public sector duty are:

- recruitment, employment and procurement within our internal operations;
- own name proceedings, inquiries, and legal assistance within our legal functions;
- assistance and reporting within our research operations;
- information provision and training within our public engagement function;
- and legislative observations and consultation within our policy operations.

Action 2. Strategic Planning

The initial assessment of the human rights and equality issues relevant to our functions was central to our strategic planning process which took place in 2015.

- At all the phases of the production of our Strategy Statement 2016-2018 (consultation, planning and dissemination), we took an approach that prioritised the human rights and equality principles of participation, direct engagement and accessibility.
- An important element of the strategic planning process in 2015 was the development of the organisation's values and mission in line with the human rights and equality considerations identified in our initial assessment.

Action 3. Consultation and Participation

In 2015, we consulted broadly with employees, managers, trade unions, individuals and communities on the development of our strategic plan and on specific programmes of work.

- A flagship initiative for 2015 was 'Have Your Say', a nationwide public consultation carried out over a five-month period to inform the development of the Commission's first strategic plan. Our aim was to ensure that the voices of a broad range of national stakeholders including individuals and groups at risk of discrimination and human rights abuses were represented in our Strategy Statement 2016-2018 and the resulting programme of work for the organisation. Using the World Café methodology and a variety of submission options, our consultation process was designed to be comprehensive, multi-faceted and accessible.
- The Staff also engaged in a year-long consultative dialogue on the development of organisational values, business planning and the content of our draft employee handbook.
- The Director conducted annual one-to-one meetings with every member of staff and consulted with staff in advance of an organisation-wide restructuring of teams and functions.

Action 4. Training and Capacity Building

In this phase of 'gearing up' for our public sector duty obligations, the Commission made it an organisational objective to focus on training and capacity building for all staff members in 2015.

- In 2015, a number of staff were supported to undertake further study in the areas of human rights and equality. Most notably, we established partnerships with the Law Society and UCD School of Equality Studies to allow staff to undertake professional diplomas to allow them to carry out their roles with a solid grounding in human rights and equality principles.
- At team and organisational level, we promoted and supported UN awareness days and national equality and social justice initiatives.
- Throughout 2015, we hosted several external speakers with a broad range of expertise in human rights and equality to build our team's

understanding of specific issue areas and to learn from invited speakers' on-the-ground experiences.

- An internal speaker series was also organised to offer an opportunity for staff members to share their expertise and learn from others around key areas relevant to human rights and equality.

Action 5. Working Groups/ Committees/ Key Personnel

We established a Human Rights and Equality Policy Working Group, which represents staff from across the organisation to assist the embedding of human rights and equality principles into everything we do.

- The Working Group was the main actor in carrying out our initial assessment for the purposes of Action 1 in implementing the Public Sector Duty. The Working Group's programme of work in 2015 has emerged from this initial assessment. The outputs of the Working Group are detailed in Action 6.
- There is strong leadership commitment to human rights and equality in the organisation as evidenced by a consistent approach to staff consultation on policy making and embedding of human rights and equality principles in project plans.

Action 6. Policies, Programmes and Practices

By the nature of our mandate, human rights and equality are always central to the substance of our work yet we still strive to be consciously committed to human rights and equality principles in our delivery and approach to our work.

- The human rights and equality issues relevant to our work are considered as a standing issue at senior management team meetings and embedded into all project plans.
- Our Human Rights and Equality Policy Working Group carried out an equality and human rights proofing of our employee handbook which involved analysing policies and programmes from a human rights and equality perspective, identifying which existing policies and practices are particularly relevant.
- Within our internal operations, we have worked to build a culture of participation and respect and to protect the dignity and welfare of our staff.

- In our procurement and hiring activity in 2015, we have designed and delivered procedures that are fair and transparent.
- Our Human Rights and Equality Policy Working Group began work on a Human Rights and Equality policy for IHREC service provision.
- We began work to develop specific policies and practices to ensure that accessibility and reasonable accommodation for people with disabilities are taken into account when carrying out the work of the organisation and engaging with the public and other organisations.
- Our information provision activity in 2015 demonstrated a commitment to accessibility and plain English proofing.
- As part of our commitment to make our work accessible to the Irish public, we ran the Make Rights Real awareness campaign, using real people's stories and accessible language from October to December 2015.

Action 7. Action Planning

Arising out of our initial assessment of the human rights and equality issues that were most relevant to our functions, we were able to develop action plans on key areas with defined actions and responsibilities that were initiated in 2015.

- In 2015, the internal Human Rights and Equality Policy Working Group began work on an action plan to ensure universal accessibility, reasonable accommodation and disability checklists for events and service provision.
- In completing our action planning, we considered positive action measures and a rights-based approach in service provision. Particularly in the area of accessibility, we established a dedicated budget for interpretation services and potential reasonable accommodation requirements.

Action 8. Data Collection, Monitoring and Reporting

As a built-in step to our action-planning, we have established a record of our human rights and equality initiatives and achievements for inclusion in this and future annual reports.

- We continued to collect thematic data on public queries to our information service to inform our work and ensure that we can be responsive and relevant in the issues that we champion.
- In the development of our strategy statement throughout 2015, we produced a set of key performance indicators for all of our activities so that we can monitor and evaluate the human rights and equality impacts of our work plan for the period 2016-2018.

ISSUES

- Right to Work
- Bullying
- Classism
- Freedom
- Accommodation
- Gender
- Immigration
- Racism
- Disability
- Mental Health
- LGBTQ+
- Undocumented Youth
- Religious
- Inter

we want CHANGE

DIY

ALL THE ISSUES

to their contracts

and we want to do it ourselves

unequal opportunities in EDUCATION

other intelligences

I'm not stupid I'm just not ACADEMIC

We want our Government to ACT on issues of equality

cutting resources

schools can be places of IGNORANCE

especially economic inequality

conformity

Alternative ways of LEARNING



Cultural Minorities
side

minority groups

EDUCATE

leaders

teachers

(even the older people!)

about RESPONSIBILITY

YOUTH



main voice

YOUTH



COUNCIL Representation on Commission

Engage with Youth

continuous participation

More days like this!

AWARENESS RAISING



religious acceptance

LGBTQ on curriculum

promote

COMMUNITY to combat ECONOMIC

COLLECTIVE ACTIVISM!



education rules
older generation too big finding

No-one is born

Appendices

Appendix 1 – Members of the Commission

Emily Logan

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

Teresa Blake BL

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 is Advisor to The President of Ireland, Michael D. Higgins.

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, Executive Director of the Irish Council for Civil Liberties, Member of the Council of Europe's European Committee for the Prevention of Torture and Senior Legal Expert for Ireland of the European Union Agency for Fundamental Rights Multidisciplinary Research Network (FRANET).

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.

Dr Fidèle Mutwarasibo

Dr Fidèle Mutwarasibo is a sociologist, a founding member of Africa Centre, a former board member of We the Citizens, and former Integration Manager with the Immigrant Council of Ireland.

Professor Ray Murphy

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

Orlagh O'Farrell

Orlagh O'Farrell is an Independent Consultant on equality, employment law, and discrimination issues, a member of Community Legal Resource Network and a member of Equality and Rights Alliance.

Betty Purcell

Betty Purcell is a journalist, author and broadcaster. 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 Chairperson of the Gay and Lesbian Equality Network (GLEN) and a Senior Officer with the Offices of International Relations and Research in Dublin City Council.

Appendix 2 – Commission Members' Attendance

Attendance

Commission Members	Attendance	
	Ordinary	Extraordinary
Ms Emily Logan	9/9	3/3
Ms Teresa Blake	9/9	3/3
Mr Frank Conaty	9/9	2/3
Ms Heydi Foster-Breslin	8/9	1/3
Mr Liam Herrick	9/9	2/3
Mr David Joyce	7/9	2/3
Mr Mark Kelly	7/9	3/3
Ms Sunniva McDonagh	6/9	1/3
Professor Siobhán Mullally	7/9	2/3
Dr. Mary Murphy	5/9	1/3
Professor Ray Murphy	6/9	2/3
Dr. Fidèle Mutwarasibo	7/9	3/3
Ms Orlagh O' Farrell	5/9	1/3
Ms Betty Purcell	7/9	2/3
Mr Kieran Rose	9/9	3/3

Appendix 3 – IHREC Subcommittees

The IHREC had 4 working subcommittees in this reporting period:

- Finance Committee
- Legal Case Work Committee
- Audit and Risk Committee
- Legislative Review Committee

Each subcommittee operates under agreed terms of reference and reports to the Commission with recommendations.

Audit & Risk Committee	Meeting Attendance
Michael Tyndall (Ext Chair) (joined Committee January 2015)	3/4
Frank Conaty	5/5
Teresa Blake	4/5
Siobhán Mullally (joined committee May 2015)	0/2
Heydi Foster-Breslin	3/5
Mark Kelly (acting Chair to January 2015; left Committee May 2015)	3/3
Ray Murphy (left committee May 2015)	3/3
Legislative Review Committee	
Emily Logan (Chair)	1/1
Siobhán Mullally	1/1
Sunniva McDonagh (left Committee in November 2015)	1/1
Teresa Blake	1/1
Orlagh O'Farrell	1/1
Mark Kelly	1/1
<i>Note: This committee had a narrow focus to review and prioritise areas of work relating to the Government's Legislative Programme and therefore only met once in 2015</i>	

Finance Committee	
Frank Conaty (Chair)	5/5
Ray Murphy	5/5
Mark Kelly	3/5
Sinéad Gibney (Staff)	4/4
Kevin De Barra (Staff)	3/4
Teresa Blake (left Committee May 2015)	3/5
Heydi Foster-Breslin (left Committee May 2015)	2/3
Legal Casework Committee	
Sunniva McDonagh (Chair)	4/5
Emily Logan	5/5
Siobhán Mullally	4/5
Teresa Blake	5/5
David Joyce (joined Committee November 2015)	0/1
Liam Herrick (joined committee July 2015)	2/2
Orlagh O'Farrell (left Committee July 2015)	1/2
Sinéad Lucey (Staff) (left Committee September 2015)	3/3
Michael O'Neill (Staff) (joined Committee September 2015)	2/2

Appendix 4 – Commission Staff Members

Name	Grade	Note
Director		
Sinéad Gibney	PO	
Legal and Information		
Des Hogan	PO	Left Commission Staff in December 2014
Michael O'Neill	PO	Appointed 20.07.15
Sinead Lucey	AP	
Gwendolen Morgan	AP	Appointed 16.11.15
Móirín Moynihan	AP	Appointed 09.11.15
Maria Mullan	AP	
Sinéad Fitzpatrick	AP	
Gerard Finn	HEO	
Barra Lysaght	HEO	Appointed 21.09.15
Caitriona Mason	EO	
Maryse Jennings	CO	
Philomena Guerin	CO	
Dennis O'Rourke	CO	
Karine Petrasuc	CO	
Public Engagement		
Laurence Bond	PO	
Carole Sullivan	AP	
Fidelma Joyce	AP	On leave from 23.10.15
Deirdre Toomey	DO	
Stefania Minervino	DO	
Abdul Wahab Al Dakar	HEO	Appointed 02.11.15
Sorcha Lowry	HEO	Appointed 09.11.15
Mella Walsh	EO	
Geraldine Crowley	CO	
Laura Brady	EO	
Policy and Review		
Ruth Gallagher	PO	Appointed 17.08.15
Róisín Hennessy	AP	
Walter Jayawardene	AP	Appointed 02.11.15
Cathal Kelly	DO	
Siobhán McNamara	HEO	Appointed 09.11.15
Karen McLaughlin	HEO	Appointed 02.11.15
Corporate Services		
Kevin De Barra	AP	Appointed 24.02.15
Geraldine Behan	HEO	
Muireann Ní Thuairisg	EO	Appointed 31.08.15
Niamh Corcoran	EO	Appointed 07.12.15
David Carolan	EO	Redeployment from 01.07.15
John Ryan	CO	On secondment from 31.08.15

Appendix 5 – International Committee Engagement

- European Commission Advisory Committee on Equal Opportunities for Women and Men
- European Institute for Gender Equality Forum
- European Network of National Human Rights Institutions (ENNHRI) Advisory Group on Older Person's Project
- ENNHRI ESR Working Group
- ENNHRI Legal Working Group
- European Network of Equality Bodies (Equinet) Evaluation Lab
- Equinet Working Group on Gender Equality
- Equinet Working Group on Policy Formation
- European Union Agency for Fundamental Rights (FRA) nominated member to governing structure
- The International Coordinating Committee for National Human Rights Institutions (ICC) Working Group on Ageing
- International Coordinating Committee for National Human Rights Institutions (ICC) Working Group on Business and Human Rights

Appendix 6 – Principles relating to the Status of National Institutions (The Paris Principles)

Adopted by General Assembly resolution 48/134 of 20 December 1993

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
 - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
 - (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
 - (ii) Any situation of violation of human rights which it decides to take up;
 - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
 - (b) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
 - (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
 - (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
 - (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;
 - (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
 - (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:
 - (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
 - (b) Trends in philosophical or religious thought;
 - (c) Universities and qualified experts;
 - (d) Parliament;
 - (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).
2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.
3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;
- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-judicial competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- (d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

Appendix 7 – Queries Processed by the Commission’s Public Information Service

A. Total number of public queries processed		2173
B. Public queries processed by functional area		
	Discriminatory advertising	25
	Employment Equality Acts	459
	Equal Status Acts	491
	Human Rights	398
	Intoxicating Liquor Act	12
	Referral to other information or recourse service	788
	Total	2173
C. Equality issues raised		
	Age	140
	Civil Status	25
	Disability	264
	Family Status	82
	Gender	112
	Not Stated	266
	Race	140
	Religion	40
	Sexual Orientation	31
	Traveller Community	26
	Victimisation	4
	Total	1130

Appendix 8 – IHREC Publications

IHREC Observations on the Garda Síochána (Amendment No 3) Bill 2014, November 2014

IHREC Policy Statement on Direct Provision, November 2014

Policy Statement on Access to Civil Marriage, February 2015

Observations on the Children and Family Relationships Bill 2015, 30 March 2015

Oral Statement by Chief Commissioner of the Irish Human Rights and Equality Commission (National Human Rights Institution) to the UN Committee on Economic, Social and Cultural Rights, June 2015

Ireland and the International Covenant on Economic, Social and Cultural Rights, June 2015

IHREC Briefing for Joint Committee on the Implementation of the Belfast/Good Friday Agreement, 25 June 2015

IHREC Recommendations on the General Scheme of the International Protection Bill 2015, June 2015

IHREC Awareness and Attitudes Research 2015, July 2015

IHREC Submission to UN Human Rights Committee on Ireland's One Year Follow-up Report to its Fourth Periodic Review under ICCPR, September 2015

IHREC Submission to the Second Universal Periodic Review Cycle for Ireland, September 2015

Human Rights Explained: a Guide to Human Rights Law, October 2015

Your Equal Status Rights Explained: a Guide to the Equal Status Acts 2000–2012, October 2015

Your Employment Equality Rights Explained: a Guide to the Employment Equality Acts 1998–2011, October 2015

IHREC Submission to UN Committee on the Elimination of all forms of Discrimination against Women, List of Issues Prior to Reporting on Ireland's Combined 6th and 7th Report under CEDAW, October 2015

IHREC Observations on the Education (Admission to Schools) Bill 2015, November 2015

Human Rights, Equality and Teacher Education, December 2015

Intercultural Training for Yellow Flag Schools: A two hour workshop for staff and teachers, December 2015

Ireland and the United Nations Convention on the Rights of the Child: Report by the Irish Human Rights and Equality Commission to the UN Committee on the Rights of the Child on Ireland' Combined Third and Fourth Periodic Reports, December 2015

Appendix 9 – IHREC Statements and Media Releases

Establishment Day of the Irish Human Rights and Equality Commission, 1 November 2014

IHREC calls on Government to enact legislation to secure the rights of children & parents, 7 November 2014

IHREC calls on Government to reconsider ex-gratia Symphysiotomy Payment Scheme, 11 November 2014

IHREC publishes its recommendations to Government on the Garda Síochána (Amendment no.3) Bill 2014, 19 November 2014

IHREC appears as amicus curiae in the High Court in extradition proceedings, 25 November 2014

Human Rights Day Message: Holding State to Account over Direct Provision, 10 December 2014

IHREC requests meeting with Minister Lynch to discuss the observance of human rights standards for people with intellectual disabilities in the care of the State. 10 December 2014

IHREC publishes Policy Statement on System of Direct Provision, 10 December 2014

IHREC response to publication of the Terms of Reference of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters, 9 January 2015

IHREC appears as amicus curiae in trafficking case (P v GNIB, DPP, Ireland & AG) which begins hearing in High Court today, 20 January 2015

IHREC appears as amicus curiae in case concerning prisoner's rights, 4 February 2015

IHREC publishes policy statement on access to civil marriage, 12 Feb 2015

A Woman's Place is in the World! Conference, 20 February 2015, 16 February 2015

Important decision of the High Court in case concerning prisoner's rights, 18 February 2015

IHREC calls for admission to schools legislation to address equity of access following Supreme Court Judgment, 24 February 2015

Express Yourself!, 24 February 2015

IHREC reiterates its call to further safeguard the rights of Transgender and Intersex people, 10 March 2015

IHREC calls for immediate action to protect victims of human trafficking following High Court Judgment, 15 April 2015

NHRI Capacity Development Partnership Project, 20 May 2015

High Court judgment brings clarity to use of solitary confinement, 28 May 2015

IHREC launch submission to UN Committee on Economic, Social and Cultural Rights, 4 June 2015

IHREC settles important case concerning lone parent's access to job activation measures, 11 June 2015.

IHREC endorses UN Committee recommendations to protect and promote economic, social and cultural rights in Ireland, 22 June 2015

IHREC and NIHRC express concerns over UK Government proposals to repeal the Human Rights Act 1998, 25 June 2015

IHREC Recommendations on the General Scheme of the International Protection Bill, 30 June 2015

Equality Review in the Higher Education Sector, 30 Jun 2015

IHREC recommendations on International Protection Bill 2015 and Direct Provision, 5 July 2015

IHREC recommends changes to Equal Status Acts following High Court decision on maternity benefit, 8 July 2015

Marriage Equality Referendum changes perception of Ireland as a leader in Europe on human rights and equality, 30 July 2015

Commission notes Court of Appeal decision in case concerning prisoner's rights, 31 July 2015

IHREC joins European network call for an urgent EU-wide response to refugee crisis, 15 September 2015

Irish Human Rights and Equality Commission continues nationwide public consultation on protecting human rights, 30 September 2015

IHREC publish Submission to UN Human Rights Council, 1 October 2015

Statement by the Irish Human Rights and Equality Commission in response to recent tragedies at a temporary Traveller halting site at the Glenamuck Road in South Dublin, 23 October 2015

Statement on human trafficking and exploitation of migrant workers in the fishing industry, 4 November 2015

Statement on Ireland's signature of Council of Europe Convention on preventing and combating violence against women (Istanbul Convention), 5 November 2015

IHREC submits views and recommendations on the Education (Admission to Schools) Bill 2015, 18 November 2015

The Irish Human and Equality Commission welcomes 'A status' accreditation, 25 November 2015

Irish Human Rights and Equality Commission publishes report on Ireland's compliance with UN Convention on the Rights of the Child, 18 December 2015

Irish Human Rights and Equality Commission Statement concerning Ibrahim Halawa, 18 December 2015

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Irish Human Rights and Equality Commission
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