



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

**Minutes of the Irish Human Rights and Equality Commission
(Twentieth Ordinary Plenary Meeting)
28 June 2017**

Present: Emily Logan, Chief Commissioner (EL); Teresa Blake (TB); Frank Conaty (FC); Heydi Foster-Breslin (HFB); Liam Herrick (LH); David Joyce (DJ); Mark Kelly (MK); Sunniva McDonagh (SMD); Professor Siobhán Mullally (SM); Professor Ray Murphy (RM); Dr. Fidèle Mutwarasibo (FM); Betty Purcell (BP); and Kieran Rose (KR).

Apologies: Dr. Mary Murphy (MM) and Orlagh O’Farrell (OOF).

In Attendance: Laurence Bond, Director (LB); Michael O’Neill, Head of Legal (MON) (Agenda items: 3.1, 3.2, 5.1); Ruth Gallagher, Head of Policy, (RG) (Agenda items: 4.1, 4.2 and 4.3), Kevin De Barra (KDB).

The Twentieth Ordinary Meeting of the Irish Human Rights and Equality Commission took place between 10:30 and 14:30 on 28 June 2017 at 16 – 22 Green Street, Dublin 7.

SECTION 1.0

1.1 Closed Session

LB and KDB joined the meeting.

1.2 Declarations of Interest

In relation to the following agenda items *UN Committee Against Torture* and *Policy Paper on Eighth Amendment*, LH declared that the Irish Council for Civil Liberties, of which he is CEO, would also be making a submission to the UN Committee Against Torture, and had adopted a policy position in relation to the Eighth Amendment.

In relation to agenda item *Policy Paper on Eighth Amendment*, SM declared that she was engaged with Lawyers for Choice and that she was a former Board Member of Amnesty Ireland.

There were no declarations of interest made in relation to any other items on the agenda.

1.3 Agreement of Agenda

The Commission agreed the agenda which had been circulated in advance, and noting that TB and HFB would need to leave the meeting at approximately 1pm, it was agreed that the agenda item *Policy Paper on Eighth Amendment* would be given priority and taken at the beginning of the discussion on policy matters to facilitate their input on this topic.

It was agreed that the topic of future ICT services referenced within the Director's Report would be covered as a discrete item under Any Other Business.

1.4 Minutes of previous Commission Meeting (17.05.2017) (16.06.2017)

The Minutes of the Nineteenth Ordinary Commission Meeting of the 17 May 2017 were agreed, proposed by HFB and seconded by FC. The Minutes of the Extraordinary Commission Meeting of the 16 June 2017 were agreed, proposed by TB and seconded by FC.

It was agreed that LB and KR would meet to discuss the existing framework that applies to civil servants in relation to politics and political activity and how this might be reflected in an internal HR policy. [Actn_20_01]

1.5 Matters arising, not otherwise dealt with on the Agenda

There were no other matters arising from the minutes, other than those already tabled for discussion on the agenda.

1.6 Chief Commissioner Key Correspondence, Meeting and Events

A summary of key correspondence to the Chief Commissioner along with a summary of recent events and meetings was tabled. EL provided further information and an update on related actions undertaken since the last meeting and answered questions from members particularly in relation to:

- a recent visit to High Park Family Hub;
- correspondence with Minister for Public Expenditure and Reform, Paschal Donohue, T.D. in relation to the Public Sector Duty and the Public Sector Standards Bill 2015;
- an upcoming meeting with the Oireachtas Select Committee on Budgetary Oversight;
- a meeting with the Minister of State for the Diaspora and International Development at Department of Foreign Affairs and Trade, Joe McHugh, T.D.;
- a meeting with UN Commissioner for Human Rights Zeid Ra'ad Al Hussein;
- proposed dates for the next meeting of the Joint Committee with the Northern Ireland Human Rights Commission in November 2017.

SMD joined the meeting.

SECTION 2.0

2.1 Director's Report

EL highlighted a document within the info pack which depicted the number of Commission level meetings held since January 2017.

The Director's Report had been circulated in advance of the meeting and was taken as read. LB answered questions in relation to the content of the report, and updated Commission Members on recent activity beyond the dates of the report.

The Commission welcomed the report that sanction had been secured for the appointment of a position at Assistant Principal level to support the work of the Joint Committee with NIHRC. The Commission also welcomed the update that work has now commenced on a background paper on de-congregated settings.

The Commission discussed the human rights and equality grant scheme 2017/8 which is due to be advertised shortly, and noted the scheme's focus on the themes of interculturalism and public sector duty as identified during discussion on the 2017 work programme as areas which required further advancement.

The Commission congratulated the executive on achieving an Irish eGovernment award.

The Commission expressed an interest in receiving a progress report in relation to the development of a Treaty Monitoring Body Tracker Database which seeks to adapt an existing UN database to extract and track results in relation to Ireland.

In light of the recent decision by the Supreme Court in the case of *NHV v Minister for Justice and Equality* on the right of an individual living in direct provision to earn a livelihood it was suggested that the executive might review the McMahon Report which includes a template on what legislation in this area might include.

The Commission requested that an update be provided at the next meeting in relation to the IHREC/Irish Research Council co-funded Hate Track Project. [Actn_20_02]

The Commission discussed a memorandum of 28 June 2017 submitted by LB in relation to a mid-year financial review. The Commission noted the built-in underspend in its Pay Budget, and that recruitment had proceeded more slowly than anticipated for a number of reasons. The Commission discussed the proposed public awareness campaign, noting potential thematic areas that might benefit from this campaign, and agreed that the scale of the proposed campaign should be significantly increased. The Commission approved the indicative strategy as proposed in the memorandum, noting that a revised budget would be prepared for review at the next meeting of the Finance Committee. [Actn_20_03]

RM joined the meeting.

The Commission agreed that a delegation, including the Head of Legal, should hold an initial meeting with the Bar Human Rights Committee to explore opportunities of mutual benefit. [Actn_20_04]

The meeting broke from 12:10 – 12:25. MON joined the meeting.

SECTION 3.0

3.1 Discriminatory Advertising Proceedings

The Commission considered a memorandum of 16 June 2017 prepared by the legal team in relation to a proposed settlement agreement regarding proceedings initiated by the Commission under section 23 of the Equal Status Acts 2000 – 2015 in respect of discriminatory advertising on the housing assistance, family status and age grounds as against a certain property advertiser. The Commission agreed to accept the terms of the proposed settlement agreement and to write to the Workplace Relations Commission to withdraw said complaint, as per Term 7 of the settlement agreement. The Commission recorded its decision as Decision #4 of June 2017.

3.2 Delegation of S.32 Equality Reviews and Action Plans

The Commission considered a memorandum from EL in relation to recording the delegation and authorisation of S.32 Equality Reviews and Action Plans. This matter had previously been considered by the Commission at its 18th Ordinary Plenary Meeting on 11 April 2017, at which it had been decided to authorise the Head of Legal, in consultation with the Director, to exercise this function. The Commission considered guidelines on how this function would now be exercised, and agreed a record of authorisation in this regard. It was agreed that this authorisation may be revoked, withdrawn, altered or varied at the Commission's absolute discretion, and shall in any case expire on 31 August 2018.

It was agreed that discussion of item 3.3 *Code of Practice: Age Discrimination* would be deferred to allow for discussion of policy matters and would now be discussed under *Section 5*.

MON left the meeting. RG joined the meeting.

SECTION 4.0

4.1 Policy Paper on the Eighth Amendment

The Commission considered a draft policy paper on the Eighth Amendment which had been circulated in advance, and which outlined the human rights and equality considerations in the development of a new legislative and regulatory framework on abortion.

Two Commission members indicated that they could not support this policy paper. Following a broad discussion, in accordance with S.16(3) of the IHREC Act 2014, the adoption of the policy paper was put to a vote with 11 members voting in favour of the submission and 2 against. As S.16(3) provides for a question to be determined by a majority of votes the policy paper was duly adopted by 11 votes to 2, subject to final drafting changes agreed at the meeting.

It was agreed that the matter of two members of the Commission not in support of this document would be referenced explicitly in the document.

TB left the meeting. HFB left the meeting.

4.2 UN Committee Against Torture

A draft submission to the UN Committee Against Torture had previously been discussed at the meeting of the 17 May 2017. A final draft of this document incorporating feedback from Commission members had been circulated in advance and was approved for submission. The Commission noted that the UN Committee Against Torture will consider the second periodic report of Ireland on 27 and 28 July 2017. [Actn_20_04]

4.3 Emergency Housing Measures

The Commission considered a draft policy document in relation to the provision of emergency accommodation to families experiencing homelessness. In relation to family hubs, the Commission expressed concern that their use beyond short-term emergency accommodation could normalise family homelessness, leaving families institutionalised and accustomed to lives lacking autonomy and privacy. The Commission discussed in particular the time limit that should be imposed on

accommodation in emergency family hubs. The Commission endorsed the policy document, subject to final drafting changes agreed at the meeting.

SECTION 5.0

5.1 Code of Practice: Age Discrimination

The Commission considered a memorandum of 14 June 2017 submitted by the legal team which updated members in relation to the preparation of a draft code of practice on age discrimination and retirement. The Commission noted the update provided and requested that it be kept abreast of any developments on this matter.

DJ left the meeting.

SECTION 6.0

6.1 Managed ICT Service

The potential for the Commission to avail of managed ICT services through an existing contract which the Department of Justice and Equality has in place with Capita Managed IT Solutions/Evros was discussed. The Commission noted that the Audit and Risk Committee had considered this matter at its meeting of the 30 May 2017, and had satisfied its concerns relating to data security, with due regard given to the Commission's independent structure. Members discussed both the risks and the opportunities which this model affords. Some members had ongoing concerns about data security and potential risks to the Commission's independence. It was agreed to proceed with the managed service model primarily due to the cost and resource efficiencies which it conveys with the proviso that written confirmation be received regarding the security of access to IHREC data. It was agreed that the Commission's absolute institutional independence would be emphasised throughout this transition process. [Actn_20_05]

SM left the meeting. LH left the meeting.

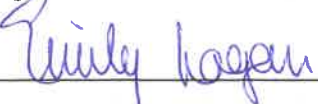
6.2 UN Convention on the Rights of Persons with Disabilities

It was agreed that a further meeting would be sought with Minister of State with Responsibilities for Disability Issues, Finian McGrath, T.D., to discuss the Commission's ongoing concern about Ireland's ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), as well as the associated independent monitoring framework which must be established to scrutinise the State's progress in implementing the Convention's obligations to protect, respect and uphold the human rights of persons with disabilities. [Actn_20_06]

6.3 Date of Next Meeting

The 21st Ordinary Meeting of the Irish Human Rights and Equality Commission will take place on the 20 September 2017 at 10:30.

There being no other business, the meeting concluded at 14:30.

Signed: 

Date: 20 September 2017

Emily Logan, Chief Commissioner

Summary of all action points

No.	Action Point	By Date	By Whom
Actn_20_01	LB and KR to meet to discuss matters pertaining to a policy on staff engagement in politics and political activity.	Next Plenary	LB
Actn_20_02	Update to be provided at next Plenary meeting in relation to the IHREC/Irish Research Council co-funded Hate Track Project.	Next Plenary	RG
Actn_20_03	A revised budget to be prepared for review at the next meeting of the Finance Committee.	Q3	LB
Actn_20_04	Arrange an initial meeting with the Bar Human Rights Committee to explore opportunities of mutual benefit.	Next Plenary	MON
Actn_20_05	Proceed with the managed ICT services model with Capita Managed IT Solutions/Evros available through the Department of Justice and Equality.	Q4	LB
Actn_20_06	Seek a further meeting with Minister of State with Responsibilities for Disability Issues, Finian McGrath, T.D., to discuss the Commission's ongoing concern about Ireland's ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).	Q3	EL