



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

**Minutes of the Irish Human Rights and Equality Commission  
(Twenty-Second Ordinary Plenary Meeting)  
06 December 2017**

**Present:** Ms. Emily Logan, Chief Commissioner (EL); Ms. Teresa Blake (TB); Mr. David Joyce (DJ); Ms. Sunniva McDonagh (SMD); Professor Siobhán Mullally (SM); Professor Ray Murphy (RM); Dr. Fidèle Mutwarasibo (FM); Ms. Oragh O'Farrell (OOF).

**Apologies:** –

**In Attendance:** Laurence Bond, Director (LB); Ruth Gallagher, Head of Policy (RG) (Agenda items: 3.1, 3.2 and 3.3); Kevin De Barra (KDB).

The Twenty Second Ordinary Meeting of the Irish Human Rights and Equality Commission took place between 10:30 and 14:30 on 06 December 2017 at 16–22 Green Street, Dublin 7.

**SECTION 1.0**

**1.1 Closed Session**

*LB and KDB joined the meeting.*

**1.2 Agreement of Agenda**

The Commission agreed the agenda which had been circulated in advance, and agreed that the recruitment of future Commission Members would be taken under *Any Other Business*.

**1.3 Declarations of Interest**

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

**1.4 Minutes of previous Commission Meeting (20.09.2017)**

The Minutes of the Twenty-First Ordinary Commission Meeting of the 20 September 2017 were agreed as amended, proposed by SMD and seconded by OOF.

**1.5 Matters arising, not otherwise dealt with on the Agenda**

There were no matters arising.

**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.

EL informed the meeting of correspondence recently received from the WRC in relation to an upcoming visit from Lord Anthony Lester QC in April 2018.

It was confirmed that the acknowledgement received from the Office of the UN Special Rapporteur on Adequate Housing related to the Commission's submission on *Contributions on Designing and Implementing Effective Human Rights Based Housing Strategies*. It was confirmed that this submission was in response to a survey received and made available information on positions previously agreed by the Commission.

A letter from Mr. Pádraig McCarthy of 09 October 2017 which related to the Commission's appearance before the Joint Committee on the Eighth Amendment of the Constitution was circulated to all members. It was agreed that the response which had issued to this letter would be circulated to any interested members. [Actn\_22\_01]

It was agreed by the majority that: Commission-related correspondence received directly by Members should be brought to the attention of the Director so that it may be appropriately processed and responded to through the correct channels; Members would not engage in direct correspondence on behalf of the Commission; and correspondence received at the offices of the Commission addressed to individual Commission Members will be opened and processed by the staff, and will be brought to the attention of Members as appropriate at Plenary meetings or between Plenary meetings.

EL briefed the Commission on specific meetings held within the period. Members commended the work undertaken within the period, noting the recent awareness events regarding the S.42 Public Sector Duty, and the graduation ceremony for the first year of the Professional Diploma in Human Rights and Equality. Members requested that consideration be given to providing more regular updates on upcoming activity so that they may indicate their availability, involvement or attendance at relevant events. [Actn\_22\_02]

## **SECTION 2.0**

### **2.1 Director's Report**

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.

LB briefed the Commission on the upcoming public awareness campaign aimed at building greater awareness of human rights and equality issues, and the role of the Commission. The national campaign, which will commence on International Human Rights Day, is entitled '*For Human Rights and Equality. For All*' will be featured on radio, in newspaper and in out-of-home adverts and through digital and online advertising. Key messages used within the nationwide campaign are based on the findings of the Commission's research report on discrimination recently published with the ESRI.

LB briefed the Commission on a recent meeting held with representatives of the Department of Foreign Affairs and Trade and representatives from IHREC's senior management team.

LB informed the Commission that a request for quotations had issued in relation to the commissioning of a high-level discussion paper to consider the human rights and equality issues associated with Brexit.

LB will represent the Commission on the CSO Census Advisory Group in relation to the content of the questionnaire for the 2021 census.

The Commission commended the litigation outcome in a particular case where a settlement agreement was reached in relation to an application for redress under section 19 of the Intoxicating Liquor Act 2003 in respect of an incident in which four members of the Traveller community were refused service on licensed premises, which amounted to prohibited conduct on the Traveller community ground.

Arising from discussion on the above matter, it was agreed that the Commission would write to the Courts Service to clarify the costs incurred when a person applies to the District Court for redress under S.19 of the Intoxicating Liquor Act 2003 claiming that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises. [\[Actn\\_22\\_03\]](#)

LB informed the Commission of the results of a recent RFT for the provision of an electronic system for the management of Commission meetings, which would include diary management and scheduling of meetings, circulation of agendas and documents, minutes and actions. Commission members expressed concern that a change from the current system of the distribution of hardcopy packs may have a negative impact when reviewing lengthy, detailed documents. It was agreed that a further review of the system would be undertaken to ensure it meets the full requirements of the Commission. [\[Actn\\_22\\_04\]](#)

The Commission congratulated LB on his election to the Executive Board of Equinet for the period 2017–2019.

### **2.2 Draft Business Plan 2018 and Outline Budget 2018**

LB presented a draft 2018 Work Plan for discussion. It was agreed that this would be discussed at the Commission strategy day, and that a final draft would then be submitted to the Plenary for approval. LB confirmed that a draft budget is being prepared in conjunction with the work plan, and presented a number of assumptions and constraints underlying this budgeting exercise, and clarified the allocation of the budget between pay and non-pay expenditure.

Members provided preliminary observations on the draft work plan and committed to following up directly with the Director over the coming weeks to provide more detailed feedback.

*The meeting broke from 12:20–12:25. RG joined the meeting.*

## **SECTION 3.0**

### **3.1 Family Reunification**

The Commission considered a draft policy document which followed on from the Commission's legislative observations on the General Scheme of the International Protection Bill (2015) and focused on the right to family reunification for beneficiaries of international protection. Members provided observations on the policy document, and recommended additional references to existing jurisprudence and further drafting changes. It was agreed that a revised document would be considered at the next Plenary meeting in 2018. [\[Actn\\_22\\_05\]](#)

### **3.2 Equality (Miscellaneous Provisions) Bill 2017**

The Commission considered draft observations on the proposals set out under the Equality (Miscellaneous Provisions) Bill 2017 for including socio-economic status as a ground of discrimination. The Commission endorsed the document, subject to final drafting changes agreed at the meeting, and recommended that it be circulated to the members of the Select Committee on Justice and Equality along with an accompanying explanatory note. [\[Actn\\_22\\_06\]](#)

### **3.3 Fifth Programme of Work – Law Reform Commission**

The Commission considered a draft letter to Mr. Justice Quirke, President of the Law Reform Commission in response to a letter from him inviting views on the Law Reform Commission's forthcoming Programme of Law Reform. The Commission endorsed the document, subject to final drafting changes agreed at the meeting. [Actn\_22\_07]

*RG left the meeting.*

### **3.4 Revised Section 40 Delegation**

The Commission considered and agreed a proposal to revise the instrument of authorisation for the delegation of the S.40 legal assistance function, amending the details of the staff member designated as an alternate to the Head of Legal to accommodate a period of maternity leave. [Actn\_22\_08]

## **SECTION 4.0**

### **4.1 Role of Commission Members**

The Commission noted the previously agreed document of April 2017 which sets out the role, responsibilities and expectations of Commission Members, acting individually and collectively in their statutory roles, as provided for under the Irish Human and Equality Commission Act 2014. Some members expressed an interest in engaging more fully in the work of the Commission while others emphasised the need to retain clear lines between the strategic work and decision-making capacity of the Commission, and the work of the staff of the Commission. It was agreed that the Chief Commissioner and the Director would review the workplan for 2018, to assess where appropriate opportunities to engage in external work are available as appropriate. [Actn\_22\_09]

## **SECTION 5.0 – ANY OTHER BUSINESS**

### **5.1 Parents, Family & Friends of Carmona Services**

A letter to the Director from Mr. David Girvan, of Parents, Family & Friends of Carmona Services, dated 05 December 2017, which included a submission on the right to housing of persons with intellectual disability, was circulated to all Commission Members. LB confirmed that he would be meeting with this group, and it was agreed that SMD would attend this meeting.

### **5.2 Recruitment of Commission Members**

The Commission noted that the process of appointment as a member of the Irish Human Rights and Equality Commission is set out in Section 13 of the 2014 Act. Members are appointed by the President on the advice of the Government and following the passing of a resolution of each House of the Oireachtas recommending the appointment. The Public Appointments Service (PAS) process of recruitment is in train, which will be followed by a memo to Government in respect of those persons to be appointed as members of the Commission.

As part of this recruitment process, a selection panel was convened by PAS to consider and assess the 148 applications received.

Some members expressed concern that the appointment criteria for the role as outlined in the information booklet – which required that in addition to the specific requirements set out in the Irish Human Rights and Equality Commission Act 2014, candidates must also demonstrate significant experience in one of five other discrete areas – overweighted corporate and financial expertise required which had the potential to exclude people from certain backgrounds that may not have had this experience but had relevant equality and human rights expertise It was stated that ordinary

members of the commission had not been involved at any stage in agreeing the selection criteria or in the recruitment process. While there was an assumption by some Members that the Chief Commissioner would have a role in the recruitment process, some Members noted that they were unaware of this role and that there should have been more collective clarity about the role in advance.

It was noted that the PAS selection process will conclude by the end of the year, with details of the outcome to be announced in January 2018.

**5.2 Date of Next Meeting**

The Commission will hold a strategy day on 24 January 2018, and the 23rd Ordinary Meeting of the Irish Human Rights and Equality Commission will take place on the 07 February 2018 at 10:30.

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

Signed: 

Date: 15 March 2018

Emily Logan, Chief Commissioner

*Summary of all action points*

No.	Action Point	By Date	By Whom
<b>Actn_22_01</b>	Response to a letter from Mr. Pádraig McCarthy of 9 October 2017 to be circulated to interested members.	Next Plenary	EL
<b>Actn_22_02</b>	Consideration to be given to providing more regular updates on upcoming activity to members	Commission Strategy Day	EL & LB
<b>Actn_22_03</b>	Letter to issue to the Courts Service on costs incurred when applying to the District Court under S.19 of the ILA 2003	Next Plenary	EL
<b>Actn_22_04</b>	Review the proposed system for the electronic administration of Commission meetings	Commission Strategy Day	LB
<b>Actn_22_05</b>	Revise Family Reunification policy paper, for consideration at the next plenary.	Next Plenary	RG
<b>Actn_22_06</b>	Observations on Equality (Miscellaneous Provisions) Bill 2017 to be finalised and circulated to the Joint Oireachtas Committee on Justice and Equality.	End 2017	Dec RG
<b>Actn_22_07</b>	Finalise and issue letter on the Law Reform Commission's forthcoming Programme of Law Reform.	End 2017	Dec RG
<b>Actn_22_08</b>	Revise the instrument of authorisation for the delegation of the S.40 legal assistance function.	Immediately	EL & LB
<b>Actn_22_09</b>	Review the workplan for 2018 to assess where appropriate opportunities for further engagement by members of the Commission arise.	Commission Strategy Day	EL & LB