



**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-third Ordinary Plenary Meeting)
7 February 2018**

Present: Ms. Emily Logan, Chief Commissioner (EL); Ms. Teresa Blake (TB) 12.30; Mr. David Joyce (DJ); Ms. Sunniva McDonagh (SMD); Professor Siobhán Mullally (SM); Professor Ray Murphy (RM); Ms. Orlagh O'Farrell (OOF).

Apologies: Dr. Fidèle Mutwarasibo (FM);

In Attendance: Mr. Laurence Bond, Director (LB); Ms. Deirdre Toomey (DT) (Minutes); Dr. Ruth Gallagher (RG) (Agenda Items 3.1, 3.2, 3.3).

The Twenty-third Ordinary Meeting of the Irish Human Rights and Equality Commission took place between 10:30 and 13:30 on 7 February 2018 at 16–22 Green Street, Dublin 7.

SECTION 1.0

Closed Session

LB and DT joined the meeting.

1.1 Apologies, Quorum and Declarations of Interest

In relation to 'Item 3.4 Briefing Note: Standards in public office and restrictions on civil society organisations', SM noted that she was formerly a board member of Amnesty International (AI) and is currently a member of the Irish Council for Civil Liberties (ICCL); TB and DJ noted that they were previously board members of ICCL; and RM had been a board member of AI.

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

1.2 Minutes of previous Commission Meeting (6 December 2017)

A number of amendments to the Minutes of the Twenty-second Ordinary Commission Meeting, of 6 December 2017, were discussed and it was agreed that amended minutes will be brought to the next meeting of the Commission for adoption.

1.3 Update from Chief Commissioner

EL provided an update on a number of matters.

The Supreme Court is expected to make its order in the *NHV* case on 9 February. The Government has indicated that Ireland will opt-in to the Recast Directive and, pending that, the Department of

Justice and Equality has published details of an interim scheme on access to the labour market for eligible international protection applicants. It was agreed to circulate this document to Commission members. [Actn_23_01] Following discussion it was agreed that the Commission should actively engage with the development of policy in this area, and should continue to promote the issues it has raised to date including the need for an effective right to work, the right to decent work, racism in the workplace and the potential for exploitation. Pending the decision of the Supreme Court, the Commission agreed that its response will include the following: preparing legislative observations; issuing a statement; and seeking a meeting with the Minister for Justice and Equality and a meeting with the Joint Oireachtas Committee on Justice and Equality. [Actn_23_02]

The Government has announced that a memo will be brought to Cabinet with a view to having votes in the Dáil and the Seanad on the ratification of the CRPD at the end of February. The Assisted Decision Making legislation will be commenced and it is expected that the Equality (Miscellaneous Provisions) Bill – which includes an amendment to section 18 of the IHREC Act 2014 to have an advisory committee on CRPD – may be enacted before the summer recess.

As agreed at the recent Joint Committee meeting, letters seeking meetings have been sent to Mr. Michel Barnier, Chief Negotiator of the EU Taskforce on Article 50 negotiations, and to Mr. Guy Verhofstadt MEP, the European Parliament's representative in the negotiations. A brief position paper is currently being prepared to inform these meetings and a more developed paper is being prepared for publication at the next Joint Committee meeting which will take place in Belfast and is provisionally scheduled for the week beginning 23 April 2018. Members noted the focused and informed nature of the debate at the recent meeting of the Joint Committee, supported by considered academic input. The Commission welcomed the approach of two members of the Commission presenting positions on equality and human rights.

The four jurisdictions annual meeting of the heads of the four UK and Ireland national equality and human rights bodies took place in Edinburgh on 30 January. Key matters discussed included the UK withdrawal from the EU, international treaty monitoring, and human rights communications.

Since the review of the Department of Justice and Equality announced in November 2017, Ms. Oonagh McPhillips has been appointed Acting Secretary General. The Taoiseach's statement about the review included reference to the establishment of a 'change implementation group' and a consultation with 'external stakeholders'. DoJE have indicated that consultation will take place in July–August. Any updates will be communicated to Commission members.

A number of pieces of upcoming legislation reference the Commission. These include the Gender Pay Gap (Wage Transparency) Bill, the Judicial Appointments Commission Bill, and the Equality (Miscellaneous Provisions) Bill.

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 a number of matters

The latest *Conclusions* of the European Committee of Social Rights were published in January 2018 and LB noted that the impact of the IHREC submission on specific outcomes was evident.

The draft research report by the ESRI on *Attitudes to Diversity* is being finalised for publication and will be uploaded to the portal in advance of publication.

The public awareness campaign '*For Human Rights and Equality. For All*' commenced on 10 December and is nearing completion. LB confirmed that the design and media buying elements of the campaign were procured through the relevant Office of Government Procurement (OGP) frameworks and that a technical report on the campaign is expected. LB also confirmed that to date the campaign has not resulted in significant queries beyond the scope of the legislation.

A meeting with the Irish Prison Service (IPS) on our proposal for a project on Women in Prison had taken place on 6 February and the IPS has committed to engaging in the project.

IHREC will host an Equinet conference on socio-economic status as a discrimination ground on 22 March 2018.

The WRC and IHREC will host a lecture by Lord Lester on 19 April 2018 in an external location.

Commission members thanked RG for her leadership of the Policy and Research and the Strategic Engagement teams and wished her well in her new role of Senior Advisor to the Joint Committee. Thanks were also noted to Dónal Rice for his significant contribution in relation to the Public Sector Equality and Human Rights Duty.

Commission members noted the s.32 proposals under consideration. LB confirmed that following counsel's advice there is more clarity about how to proceed and that decisions should be forthcoming in the near future. There was discussion about how to respond to potential areas brought to the attention of the Commission by external sources.

In response to TB's query, it was noted that the Audit and Risk Committee met four times in 2017 in line with its Terms of Reference. LB noted that the internal audit is continuing and a draft audit of key internal financial controls has recently been received. Also, the Appropriation Accounts for 2017 will be submitted to the C&AG ahead of the end March statutory deadline and the C&AG fieldwork is due to commence in late February.

In the context of the CRPD, the opportunity for the Public Sector Equality and Human Rights Duty to extend to bodies providing disability services under service level agreements with the HSE was raised. LB confirmed that counsel's opinion will be sought to clarify some issues related to the definition of public bodies for the purposes of the duty, including issues related to schools and to bodies in receipt of significant public funding. It was noted that disability is an important thematic area and it was highlighted that the 2018 Work Plan includes additional pilots on the duty. LB also highlighted that the project with the IPS on Women in Prison is based on a duty approach.

Commission members acknowledged the level and quality of work done and expressed their appreciation to LB.

It was suggested that it would be useful to have a current list of people working in IHREC available on the portal. It was noted that there could be additional use of the portal and website and that this was under review. LB also agreed to check that *amicus* briefs are available on the website as soon as possible. [Actn_23_03]

SECTION 3.0

3.1 Policy Statement: The right to family reunification for the beneficiaries of international protection

RG joined the meeting

The Commission considered a revised draft policy document. It was agreed that the additional text was very important to illustrate the human impact of family reunification. The document was adopted subject to the following: including an executive summary of recommendations; substituting the terms 'international standards' for 'international human rights law' and separating out EU law; footnoting that Constitutional case law in the area is mixed; and including a recommendation that family reunification rights be maintained following naturalisation. [Actn_23_04] It was agreed that the statement would be issued at a suitable time, to be determined, to maximise communication of the issues raised. [Actn_23_05]

3.2 Submission to Commission on the Future of Policing

The draft submission was approved subject to suggested changes: to strengthen recommendations in relation to hate crime and the need to have a recording system to capture related issues; to include a sentence in the context of the quotation about marginalised communities to reflect issues arising from people's immigration status and that victims of crime should not experience migration status as a barrier to accessing justice; strengthening the recommendation in relation to cultural competence and training to reflect preceding text including the unacceptability of racial profiling. [Actn_23_06]

5.1 AOB [taken early as TB had to leave the meeting early]

It was agreed to change the date of the next plenary meeting from 21 March 2018 to 15 March 2018.

TB left the meeting.

BREAK

3.3 2018 Spring/Summer Legislative Programme: Short-list of possible IHREC legislative engagement

The priority short-list was considered and approved.

It was confirmed that draft observations on the Deprivation of Liberty preliminary heads of bill would be available for the next plenary meeting.

There was discussion on the importance of an evidence-based approach to inform debate on issues related to the gender pay gap and choices influencing the roles of men and women in the workplace.

It was agreed to develop a policy statement on the Amendment of the Constitution (Women and the Home) Bill, taking account of the issues raised in the context of the Convention on the Constitution.

It was agreed that IHREC's position should consider issues such as the socio-economic rights for people in caring roles, how the Constitution could be amended to address gender issues while ensuring that caring roles continue to be valued, the need to address issues such as poverty and pensions, and the need for State supports. [\[Actn_23_07\]](#)

RG left the meeting.

3.4 Briefing Note: Standards in public office and restrictions on civil society organisations

A briefing note on communications relating to potential restrictions on civil society organisations was circulated in advance of the meeting.

Discussion highlighted concern about the significant restrictive impact of the recent developments for civil society with implications for their ability to have a voice on important issues, particularly in the context of reduced availability of funding for the sector. The Commission noted the different views expressed by individual organisations.

Concern was also expressed about how debate on the issue has been positioned in the media at this time.

It was agreed that it was important for the Commission to express its support for civil society and its advocacy role in society. It was agreed to issue a statement on the issues for Ireland in the context of the recently published FRA report. [\[Actn_23_08\]](#)

SECTION 4.0

4.1 Amicus Proposal

SMD recused herself and left the meeting for this item.

It was agreed to proceed as proposed in *Walsh v Minister for Justice & Equality & Others*.
[Actn_23_09]

4.2 Update on notice of proceedings given to the Commission during timeframe 20 November 2017 to 25 January 2018

SMD re-joined meeting.

Members noted the importance of the issues raised, particularly in relation to the family reunification cases.

It was clarified that the recommendation 'to keep under review' allowed for future involvement as *amicus* depending on timing and how the case progressed.

SECTION 5.0

5.1 AOB

It was noted that Walter Jayawardene and David Joyce were attending the FRA meeting on De-institutionalisation Policy for People with Disabilities taking place in Dublin on 8 & 9 February.

5.2 Date of Next Meeting

The 24th Ordinary Meeting of the Irish Human Rights and Equality Commission will take place on Thursday 15 March 2018 at 10:30. It was agreed to include an opportunity for Commission members to meet with staff.

5.3 Close

There being no other business, the meeting concluded at 13:30.

Signed: 
Emily Logan, Chief Commissioner

Date: 15 March 2018

Summary of all action points

No.	Action Point	By Date	By Whom
Actn_23_01	Circulate DoJE interim scheme on access to the labour market for eligible international protection applicants	Immediately	LB
Actn_23_02	Prepare outputs and seek meetings on the right to work	As items arise	EL, LB
Actn_23_03	Publish <i>amicus</i> briefs as soon as possible	ASAP	LB, MON
Actn_23_04	Amend policy statement on the right to family reunification as agreed	Immediately	LB
Actn_23_05	Issue policy statement on the right to family reunification	When appropriate	EL
Actn_23_06	Amend submission to Commission on the Future of Policing as agreed	Immediately	LB
Actn_23_07	Prepare a policy statement on the Amendment of the Constitution (Women and the Home) Bill	When Bill available	LB
Actn_23_08	Issue a statement on the restrictions on civil society organisations	When appropriate	EL
Actn_23_09	Proceed with <i>amicus</i> role in the <i>Walsh</i> case	Immediately	MON

