



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-Ninth Ordinary Plenary Meeting
10 December 2018

Present-Commission Members:

- Emily Logan, Chief Commissioner (EL)
- Teresa Blake (TB)
- Heydi Foster Breslin (HFB)
- Frank Conaty (FC)
- Paddy Connolly (PC)
- Colm O' Dwyer (CO'D)
- David Joyce (DJ)
- Orlagh O'Farrell (OO'F)
- Salome Mbugua (SMb)
- Sunniva McDonagh (SMcD)
- Siobhán Mullally (SM)
- Fidèle Mutwarasibo (FM)
- Tony Geoghegan (TG)
- Ray Murphy (RM)

Apologies:

- Caroline Fennell

In Attendance:

- Laurence Bond, Director (LB)
- Dr Iris Elliott, Head of Policy & Research (IE)
- Sinéad Fitzpatrick, Solicitor, Legal (SF)
- Gwendolen Morgan, Solicitor, Legal (GM)
- Muireann Ní Thuairisg, Minute Taker

The Twenty-Ninth Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 2:00pm on 10 December at the Irish Human Rights and Equality Commission offices, 16–22 Green Street, Dublin 7.

1.1 Apologies, Quorum and Declarations of Interest

Apologies: Caroline Fennell

Declarations of Interest: There were no declarations of interest made in relation to any item on the agenda.

1.2 Minutes of previous Commission Meetings

The draft minutes of 31 October 2018 were approved, proposed by FC and seconded by CO'D.

1.3 Matters arising, not otherwise dealt with on the Agenda

A Self-Assessment Evaluation Questionnaire (based on the Code of Practice for the Governance of State Bodies) will be circulated by year end.

An external evaluation of the Commission is due to be undertaken in 2019.

The draft reserved functions of the Commission will be brought to the next plenary meeting in 2019.

In relation to OO'F's comments on climate change at the previous plenary meeting, it was agreed that a piece of work would be included in the work plan for 2019.

1.4 Update from Chief Commissioner

On 4th December, the European Court of Justice ruled that bodies such as the Workplace Relations Commission were entitled to disapply Irish law if it conflicts with European law. This matter had arisen in a long running discrimination case in which the Commission had represented several the claimants. In June 2018 the Commission appeared before the Grand Chamber of the CJEU in Luxembourg in this matter. A summary of the case will be circulated to members.

On 27th November, EL met with the Secretary General of the Department of Justice and Equality Aidan O' Driscoll and Deputy Secretary Oonagh Buckley. It was agreed to invite Ms Buckley to a future plenary meeting early in 2019, to discuss areas of mutual interest.

On 6th December, the Oireachtas Joint Committee on Justice and Equality launched their report on the 38th Amendment to the Constitution (Role of Women) Bill. The Commission had submitted a policy statement on this matter to Oireachtas Members in June and had appeared before the Committee on the 19th September.

As part of marking the 70th anniversary of the signing of the Universal Declaration of Human Rights, a specially designed poster on the UDHR has been sent to every primary and secondary school in Ireland. The findings of a national opinion poll on human rights and equality in Ireland commissioned from Amirah Research have also been released.

2.1 Director's Report

The Director's Report had been circulated in advance of the meeting and was taken as read.

LB and staff have continued to engage with officials from the Anti-Trafficking Unit of the Department of Justice and Equality on a without prejudice basis on the proposal that IHREC may fulfil the role of the Irish national rapporteur. An update will be provided at the next plenary meeting.

The ESRI research programme has been extended for the period 2019-2020.

[REDACTED], members emphasised the need for a cost management strategy given the anticipated duration of the hearing.

It was agreed that LB and EL will review the responses in relation to Section 35 requests to ensure that the language and tone is appropriate.

It was noted that an end year finance report will be brought to the next plenary meeting.

3.1 Strategy Statement 2019-2021

The draft IHREC Strategy Statement 2019-2021 was amended and edited by Commission members and approved subject to the amendments.

The Strategy Statement will be laid before the Houses of the Oireachtas before the Dáil Christmas recess and a formal launch will take place in January 2019.

4.1 Disability Advisory Committee

IE joined the meeting.

The Commission agreed the nomination of 10 members and 2 reserve members as proposed by the Selection Committee.

Following discussion of the participation in the Committee of people with intellectual disabilities, it was agreed that the terms of reference would be amended to give the Commission the power to appoint additional members and that a process to appoint an additional member would be initiated.

It was also decided that the terms of reference be amended so that Committee members' term could be extended, if required.

4.2 Policy Statement on The Electoral Acts and Civil Society Space in Ireland

The Policy Statement which had been circulated was approved, with a minor amendment to bring into the recommendations some of the language from the quoted recent COE report.

4.3 Amicus – Celmer Appeal

SF joined the meeting.

Having considered the proposal which had been circulated in advance, the Commission agreed to apply to the Court of Appeal, or on grant of leap frog application to the Supreme Court, for liberty to appear before that court as amicus curiae in the case *'The Minister for Justice and Equality v Artur Celmer'*.

4.4

Dublin Local Authorities Equality Reviews and Action Plans

Members discussed the background and content of the equality reviews carried out by the four Dublin local authorities regarding the provision of accommodation services to non-Irish nationals.

It was agreed pursuant to section 32(1)(b) to invite each of the four local authorities, to prepare and implement an equality action plan.

It was agreed to write to the Department of Housing, Planning and Local Government advising of the background and findings of the reviews and seeking implementation of the recommendations that are relevant to the Department, specifically with regard to the Circular 41/2012.

SF left the meeting.

4.5 Code of Practice on Equal Pay

GM joined the meeting.

The language used in Section 16 of the draft code was noted as complex, however it was decided not to amend the text and to act with prudence when using legislative language.

The Commission agreed to approve the draft Code of Practice on Equal Pay for submission to the Minister for Justice and Equality in accordance with Section 31 (1) of the Irish Human Rights and Equality Commission Act 2014.

GM left the meeting.

5.1 AOB

It was agreed to indicate the interest of SMcD in relation to representing the Commission on the Garda Síochána Strategic Human Rights Advisory Committee.

It was agreed to circulate the plenary meeting dates for 2019. Members indicated that Tuesday's were the most suitable day of the week to hold plenary meetings.

There being no other business, the meeting concluded at 2:00pm

Signed: Emily Logan
Emily Logan, Chief Commissioner

Date: 05 - 02 - 2019