



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

Minutes of the Irish Human Rights and Equality Commission
33rd Ordinary Plenary Meeting
11 June 2019

Present - Commission Members:

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

Apologies:

- Caroline Fennell (CF)
- Frank Conaty (FC)
- Tony Geoghegan (TG)

In Attendance:

- Laurence Bond, Director (LB)
- Iris Elliott, Head of Policy & Research (IE)
- Michael O' Neill, Head of Legal (MO'N)
- Ruth Gallagher, Acting Head of Strategic Engagement (RG)
- Naomi Kennan, AO, Policy and Research
- Muireann Ní Thuairisg, Minute Taker

The 33rd Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 2:00pm on 11 June 2019 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, Frank Conaty, Tony Geoghegan. David Joyce (DJ) was not in attendance as due to his new position with the Houses of the Oireachtas, he will shortly be resigning from the Commission.

Declarations of Interest: No declarations of interest.

1.2 Minutes of previous Commission Meetings

The draft minutes of the plenary meeting held on 30th April 2019 were approved, subject to an agreed rewording of Minute 4.2, proposed by TB and seconded by FM.

1.3 Matters arising, not otherwise dealt with on the Agenda

The Commission agreed to nominate SMcD as the full member of the Fundamental Rights Agency (FRA) Management Board, following DJ's resignation. It was agreed that EL would write to the Department of Justice and Equality regarding this matter. The matter of selecting an alternate member of the FRA Board to replace SMcD will be tabled later in the year.

2.1 2019 CERD Review and Reporting

Commission members discussed the draft submission on the List of Themes for the examination of Ireland on its Combined 5th to 9th Report and suggested some revisions on several matters including labour exploitation, people of African descent, participation in public life, gender dimension, housing and access to education.

The revised LoT will come to the July meeting of the Commission for final approval. An outline Table of Contents for the CERD Parallel report will also be discussed at the July meeting.

2.2 Update from Inquiries Working Group

RG joined the meeting.

The draft guidelines on Section 35 Inquiries circulated for this meeting had been discussed and agreed at a meeting of the Inquiry Working Group held on 7th June 2019.

The Commission considered the draft circulated and a number of amendments submitted by members. The Commission agreed to adopt the Guidelines subject to minor revisions.

As it is material to any discussion on proceeding with an Inquiry, Commission members were briefed on work in progress in relation to possibly inviting all County and City Councils to carry out equality reviews on the matter of Traveller accommodation. While this power is delegated to the Commission's Head of Legal in consultation with the Director, the consensus among members was that this initiative should proceed.

It was also agreed that in the light of the Guidelines a draft assessment of the issues of use of restraint in schools would now be prepared. It was noted that the Working Group should also give consideration to a process for identifying possible themes for an Inquiry.

RG left the meeting.

2.3 Statement on Istanbul Convention

IE and WJ joined the meeting.

The Commission welcomed the draft statement and suggested some amendments. The draft statement was approved, subject to agreed revisions.

IE and WJ left the meeting.

2.4 Proposal re Amicus

CO'D recused himself and left the meeting.

MON joined the meeting.

The Casework Committee had discussed this matter at its meeting on 4th June 2019 and recommended that the Commission should proceed.

Following discussion, the Commission agreed to seek leave to intervene as *amicus curiae* before the Supreme Court in the anticipated appeal of [REDACTED]

2.5 Code of Practice on Harassment and Sexual Harassment

CO'D re-joined the meeting.

Arising from the feedback received through the consultation process, the draft revised code has a greater emphasis on social media, the responsibilities of employers, co-workers and service users.

Subject to revision of the language on gender transition to use more acceptable terminology, the Commission approved the revised draft Code of Practice on Sexual Harassment and agreed to submit same to the Minister for Justice and Equality.

MO'N left the meeting.

3.1 Update from Chief Commissioner

EL has written to the Galway Coroner Dr Ciaran McLoughlin and requested a meeting to discuss the recent case of the death and burial of a resident of a Direct Provision centre, without her friends present. It is hoped to discuss the broader issues of this matter with the Coroner and to identify any problems and ensure incidents like this will not occur in the future.

EL, FC and TB will meet with Finian McGrath T.D., **Minister of State with special responsibility for Disabilities** on 26th June 2019 to discuss concerns that have been raised by members of the Disability Advisory Committee.

The IHREC ESRI research report 'Caring and Unpaid Work in Ireland' will be launched on 9th July 2019.

IHREC will be hosting the European Network of National Human Rights Institutes (ENNHRI) annual retreat from 1st-3rd July 2019.

IHREC staff will present to the Traveller Oireachtas Group on 11th June 2019 on the Public Sector Equality and Human Rights Duty.

In relation to the biannual meeting of the IHREC and Dept of Justice and Equality which took place on 5 June 2019, some members requested the minutes of the meeting.

3.2 Director's Report

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

IHREC has been engaging with the D/JE regarding our proposal that we would play a co-ordinating role in the National Preventive Mechanism under OPCAT. At a recent meeting, departmental officials had confirmed that this would now be included in the Heads of Bill which are due to be published later this year.

The work on a national communications campaign focused on disability rights entitled "All Human. All Equal", is proceeding and will be officially launched on 21st June 2019.

IHREC held the first of its three information sessions with public bodies on the Public Sector Duty on 16 May 2019. There were over 70 representatives present from a range of public bodies including various government departments, local authorities, education sector and health sector.

3.3 Update on Committees

(a) WEAC

A note on the meeting of 2 May 2019 had been circulated in advance. It was noted that IHREC are organising a conference on reasonable accommodation to be held in October – date to be confirmed. Commission members will be informed of the details once confirmed.

(b) Casework Committee

A note on the meeting of 4 June 2019 had been circulated in advance. Members unanimously agreed to appoint CO'D as Chair on the nomination of the Casework Committee.

It was agreed EL will write to the Chief Justice regarding concerns on some issues, including the Practice Directive and request a meeting to discuss these issues.

(c) Policy and Research Review Group

It was agreed that a meeting would take place in the Autumn when the new Legislative Programme is announced.

(d) Joint Committee

A note on work to date in 2019 and on the meeting of 22 May 2019 had been circulated in advance. It was noted that the Joint Committee had agreed to commission further research on citizenship rights post Brexit, and that the Commission had agreed to explore future collaborative work with the NIHRC on promoting human rights and equality through the efforts of all-island sporting bodies, and in a number of other areas including the participation of persons with disabilities; human trafficking; and the exercise of immigration powers cross-border.

4.1 AOB

The Commission agreed to re-issue their statement on family reunification to mark World Refugee Day on 20th June 2019.

Signed:


Emily Logan
Chief Commissioner

Date:

16 July 2019