



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

Minutes of the Irish Human Rights and Equality Commission
Thirty-First Ordinary Plenary Meeting
19th March 2019

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)
- Caroline Fennell (CF)
- David Joyce (DJ)
- Orlagh O'Farrell (OO'F)
- Salome Mbugua (SMb)
- Sunniva McDonagh (SMcD)
- Fidèle Mutwarasibo (FM)
- Tony Geoghegan (TG)
- Ray Murphy (RM)

Apologies:

- Siobhán Mullally (SM)

In Attendance:

- Laurence Bond, Director (LB)
- Iris Elliott, Head of Policy & Research (IE)
- Jean O' Mahony, Head of Strategic Engagement (JOM)
- Michael O' Neill, Head of Legal (MON)
- Ruth Gallagher, Senior Advisor to the Joint Committee (RG)
- Muireann Ní Thuairisg, Minute Taker (MnTh)

The Thirtieth Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 2:45pm on 19th March 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: Siobhan Mullally

Declarations of Interest: Due to his membership on the Traveller Accommodation Expert Group, DJ recused himself from the meeting for the discussion of Item 3.2. PC also declared an interest in relation to this item, due to his former position as CEO of Inclusion Ireland and that organisation's application to the Commission to undertake an inquiry. It was agreed that this did not raise a conflict of interest.

There were no other declarations of interest made in relation to any item on the Agenda.

1.2 Minutes of previous Commission Meetings

The draft minutes of the plenary meeting held on 5th February 2019 were approved, proposed by HFB and seconded by CF.

1.3 Matters arising, not otherwise dealt with on the Agenda

It was agreed to discuss the Research Advisory Committee under agenda item 3.1-Update on Committees.

It was agreed that the recent student protest actions on climate change would be discussed under agenda item AOB.

1.4 Update from Chief Commissioner

EL met with Senator Ivana Bacik on 28th February 2019 in relation to the Irish Human Rights and Equality Commission (Gender Pay Gap Information) Bill 2017.

EL thanked Commission members for their contribution to the successful launch of the IHREC Strategy Statement 2019-2021 on 6th February 2019.

IHREC formally assumed the Chairmanship of the European Network of National Human Rights Institutes (ENNHRI) at the ENNHRI General Assembly meeting in Geneva on 4th March 2019, with the Chief Commissioner serving as Chair on behalf of IHREC.

EL notified members of the IHREC consultation in association with the National Youth Council of Ireland taking place on 30th March 2019. The consultation '*Be Heard! On Ending Racial Discrimination in Ireland*' will inform IHREC's independent report to the UN Committee on the Elimination of Racial Discrimination.

The matter of how they members might engage with organisations or individuals on matters of concern was raised, this was in the context of the ongoing concern regarding the cervical screening cases. It was agreed that this would be discussed by the Commission at a future meeting with a view to developing specific guidance on the matter.

A broader list of IHREC activities will be included in future Director's Reports and the list of prospective dates will be uploaded to the Commission portal for information of the Commission.

2.1 Director's Report

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

Staff met with the Department of Justice and Equality's Anti-Trafficking Unit and in principle the role of National Rapporteur is defined and manageable. A proposal will be brought to the next plenary meeting for the Commission's consideration.

The newly appointed Head of Corporate Services will start on 25th March 2019. RG will take up an acting position as Head of Strategic Engagement during JO'M's maternity leave. Internal promotional competitions are under-way and recruitment of Clerical Officers and legal professional and support staff are in train.

The Comptroller and Auditor General's office have commenced fieldwork for the 2019 audit and the 2018 Appropriation Account will be submitted by the end of March as per the statutory requirement.

Commission members were reminded to complete the Statement of Interest form for 2018 under the Ethics in Public Office Act (2001) and were also asked to complete the online Board Self-Assessment survey if they had not already done so.

3.1 Update on Committees:

3.1a Worker Employer AC

OO'F and TG updated members on the meeting of the Worker Employer Advisory Committee held on 6th March 2019.

3.1b Disability AC

TB updated members of the previous meeting of the Disability Advisory Committee held on 20th February 2019.

The following two suggestions from the DAC were agreed:

- 1) write to the Minister of State for Disability Issues, Finian McGrath, asking how the State intends to progress its responsibilities under Articles 4(3) and 33(3) CRPD; and
- 2) write to Government ministers involved in the system of electoral administration on their responsibilities under domestic legislation and the CRPD to ensure that persons with disabilities can realise their rights to participate in the political process.

3.1c Casework Committee

CO'D updated members on the recent meetings of the Casework Committee and the revised Terms of Reference for the Committee were discussed. It was agreed to delete the 'background' section and to make a number of other edits. Subject to these changes the ToR were agreed.

3.1d Audit and Risk Committee

Members noted the minutes from the previous meeting of the Audit and Risk Committee on 19th February 2019.

3.1e Research Advisory Committee Meeting

SMB circulated the minutes of the last Research Advisory Committee meeting held on 18th December 2018. The current RAC had come to the end of its term but SMB suggested that consideration be given to appointing a new Committee. Following discussion, it was decided to form an ad hoc group to reflect on the work, purpose and impact of the RAC and to bring a proposal to the Commission on whether a new research committee should be established and if so in what form. The following members expressed an interest in joining the group:

- 1) Caroline Fennell
- 2) Frank Conaty
- 3) Emily Logan
- 4) Salome Mbugua

3.2 Update from Inquiries Working Group

RG gave an overview of the two issues for consideration of the potential use of the Section 35 Inquiry power, as set out in the note circulated in advance.

MON informed the Commission that the possibility of inviting some or all County Councils to carry out equality reviews on the drawdown of funding for Traveller accommodation is also under consideration.

Following detailed discussion Commission members agreed that both issues are of major concern. It was agreed that the next step was to clarify the criteria for assessing potential issues in the light of the by Section 35 and related provisions of the Act. It was agreed that an assessment framework would be prepared and applied to both proposals by the executive for consideration in the first instance by the Section 35 Inquiry Working Group, following which a proposal on how to proceed will be brought, if possible, to the June meeting of the Commission.

4.1 Follow up Submission on UPR

Subject to a small number of edits, the Commission approved the 'Submission to the Universal Periodic Review of the United Nations Human Rights Council Second Cycle Mid-Term Review'.

4.2 Follow up Submission on CEDAW

Subject to a small number of edits, the Commission approved the 'Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the follow-up procedure to Ireland's combined sixth and seventh periodic reports'.

4.3 Submission on Electoral Commission

Subject to a small number of edits, the Commission approved the Submission to the Public Consultation on the Establishment of an Electoral Commission.

4.4. S.32 Proposal re Action Plan

The Commission approved the proposal to invite the HSE to prepare and implement an Equality Action Plan regarding its opioid substitution treatment services in the terms as set out in the advices of 7th March 2019 (case ref 180341).

4.5 S.32.1 Proposal on Delegation

The Commission agreed the proposal to delegate the section 32(1) (invite an Equality Review and/or Equality Action Plan) power in the terms set out in the documents circulated in advance.

5.1 AOB

Members discussed whether the Commission should formulate a response to the recent protests by school students on climate change.

LB confirmed that a scoping paper on 'climate change and human rights in Ireland' is included in the 2019 work plan.

A number of possible actions in advance of the completion of the scoping paper were suggested. These included issuing a press release, inviting an expert to speak to the Commission on this matter and organising an event to highlight the issue.

JO'M noted the publication of the guide entitled 'Implementing the Public Sector Equality and Human Rights Duty'. An awareness campaign on the duty is also underway as set out in the note circulated.

There being no other business, the meeting concluded at 2:46pm.

Signed:


Emily Logan
Chief Commissioner

Date: 30 April 2019

