



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

Minutes of the Irish Human Rights and Equality Commission  
32<sup>nd</sup> Ordinary Plenary Meeting  
30 April 2019

Present - Commission Members:

- Emily Logan, Chief Commissioner (EL)
- Teresa Blake (TB)
- Heydi Foster Breslin (HFB)
- Paddy Connolly (PC)
- Colm O' Dwyer (CO'D)
- Caroline Fennell (CF)
- David Joyce (DJ)
- Salome Mbugua (SMb)
- Sunniva McDonagh (SMcD)
- Fidèle Mutwarasibo (FM)
- Tony Geoghegan (TG)

Apologies:

- Siobhán Mullally (SM)
- Ray Murphy (RM)
- Frank Conaty (FC)
- Orlagh O' Farrell (OO'F)

In Attendance:

- Laurence Bond, Director (LB)
- Iris Elliott, Head of Policy & Research (IE)
- Michael O' Neill, Head of Legal (MO'N)
- Gail Malone, Head of Corporate Services (GM)
- Ruth Gallagher, Acting Head of Strategic Engagement (RG)
- Brian Dawson, Communications Manager
- Catriona Fahey, AP, Corporate Services
- Naomi Kennan, AO, Policy and Research
- Muireann Ní Thuairisg, Minute Taker

The 32<sup>nd</sup> Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 2:00pm on 30<sup>th</sup> April 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: Siobhán Mullally, Frank Conaty, Ray Murphy, Orlagh O' Farrell

Declarations of Interest: CO'D declared an interest in the case under discussion at Item 4.2 and recused himself for this item.

## 1.2 Minutes of previous Commission Meetings

The draft minutes of the plenary meeting held on 19<sup>th</sup> March 2019 were approved, proposed by SMb and seconded by FM.

It was agreed that EL will circulate a minute to Commission members as a record of the closed session of the meeting of March 19<sup>th</sup>.

## 1.3 Matters arising, not otherwise dealt with on the Agenda

The email circulated by SM on 30 April 2019 was noted and it was agreed that discussion of the status of the Policy and Legislation Committee and the proposal that a Human Resources committee be re-established and that an "updated Employee Handbook" be provided to members would be discussed under agenda item 3.1 while the issue of the Independent National Rapporteur on Trafficking was already on the agenda at 4.4.

A discussion on the status of the Research Advisory Committee was requested. It was agreed this item would be discussed under item 3.1 (Update on Committees).

## 1.4 Update from Chief Commissioner

In advance of the Joint Committee meeting on 22<sup>nd</sup> May 2019 in Belfast, the *'Evolving Justice Arrangements Post Brexit'* commissioned research report will be made available to the Commission as soon as it is finalised.

The first meeting of the re-established Garda Síochána Strategic Advisory Committee (SHRAC) took place on 27<sup>th</sup> March 2019. The Commission's representative on the Committee is Sunniva McDonagh.

The Gender Pay Gap Information Bill 2019 has completed First Stage in Dáil Éireann and will be discussed at Second Stage on 14<sup>th</sup>-16<sup>th</sup> May 2019.

## 2.1 Director's Report

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

LB is meeting with CAN and the Services Users Group on 23<sup>rd</sup> May 2019. TG and PC indicated that they would be interested in attending this meeting

The deadline has passed for applications under the Human Rights and Equality Grants Scheme 2019. The number of received applications is similar to last year.

The next meeting of the Joint Committee of the IHREC and NIHRC will take place on 22<sup>nd</sup> May 2019 in Belfast.

An email circulated by OO'F on 29<sup>th</sup> April 2019 was noted. The scoping analysis on IHREC engagement with EU legislation and policy is in the work programme and is referenced on page 8 of the Director's report.

On 3<sup>rd</sup> December 2019 IHREC will mark International Day of Persons with Disability with an event focused on young people.

LB has been appointed to the Public Appointments Service's advisory group to develop a Diversity and Inclusion Strategy.

Commission members discussed the youth consultation on CERD held on 30<sup>th</sup> March 2019. The event was a success, but members were unsure what impact such events have beyond the consultation and what is the strategic role of the Commission.

Commission members asked for more information on IHREC's engagement with the Reception and Integration Agency (RIA). IHREC's legal team had visited asylum seekers who have been placed in emergency accommodation in Carrickmacross in Co Monaghan for outreach purposes. Following the visit, IHREC raised the residents' concerns with RIA and emphasised concerns that the requirements for assessment and basic services set out in the Recast Directive were not being met. It is planned that IHREC will meet with RIA again to follow up on how these issues are being addressed.

Commission members noted their ongoing concern for the human rights of those living in direct provision. EL noted that the issue of direct provision has been on IHREC's agenda since its establishment in 2014. EL noted that the Commission's focus should be on holding the Government to account and noted that the particular issues in Carrickmacross concern the failure to meet the Recast Directive standards for those asylum seekers who are living in emergency accommodation because of the current lack of capacity in the direct provision system.

### **3.1 Update on Committees**

#### **3.1a Disability Advisory Committee**

EL updated members on the meeting of the DAC, which had taken place on 17<sup>th</sup> April 2019 and which TB and FC had also attended as Chair and Vice Chair respectively. Professor Eilíonóir Flynn, NUI Galway gave a presentation at the meeting on CRPD Monitoring and Participation. DAC members advised on a proposal to mark 3<sup>rd</sup> December, International Day of Persons with Disabilities with an event focusing on young people and on a proposal to roll out a public awareness campaign on disability in the coming months.

#### **3.1b Casework Committee**

Colm O'Dwyer updated members on the meeting of the Casework Committee which had taken place on April 18<sup>th</sup>. EL requested that the Casework Committee appoint a Chairperson. As Chief Commissioner, it is important that she can interact with each Committee Chairperson.

### 3.1c Policy and Legislation Committee/Research Advisory Committee

It was agreed that the group reflecting on the status of the Research Advisory Committee - with the addition of SM – should also consider the status of the Policy and Legislation Committee.

### 3.1d Human Resources Committee

In an e-mail circulated on 30 April 2019, SM proposed that a Human Resources committee be re-established and that an “updated Employee Handbook” be provided to the Commission. LB said that in his view the issues raised here are interwoven with the still unresolved role definition issue and this needs to be addressed. Noting the quarterly finance and related reports to this meeting he said that, building on this, the issue of how the operations of the Commission including HR are reported needs to be developed. SMD said that the Director’s role definition is a legal and corporate governance issue, not a HR issue. Following discussion, it was decided not to proceed as proposed.

### 3.2 Finance and Risk Update

GM, Head of Corporate Services and CF, newly appointed AP with Corporate Services joined the meeting and updated members on financial and risk matters as per the circulated papers.

ON the ICT migration to Capita Evros GM noted that she is actively pursuing this and that it will proceed on a phased basis.

Members agreed that the Commission should be updated on the Risk Register each quarter and that the Commission should be regularly appraised on significant or strategic risks.

*GM and CF left the meeting.*

### 3.3 Draft Annual Report 2018

*RG and BD joined the meeting.*

The draft Annual Report circulated in advance follows the same format as last year. While it is close to the final text, some further work on the draft is required. Due to timing issues of publishing the report, the report will have to go to print in both Irish and English versions immediately after the 11<sup>th</sup> June 2019 plenary meeting. Commission members are requested to bring any feedback, edit or amendments to the attention of LB or RG in the next fortnight.

It was agreed that the account of the equality reviews needed to be clearer and more specific.

TG would appreciate an organigram/ visual aid which includes the Commission reporting to the Houses of the Oireachtas.

It was agreed that the role of the Joint Committee and the significance of its work in 2018 should be given more prominence in the Annual Report.

*RG and BD left the meeting.*

### 4.1 Submission on European Social Charter

*IE and NK joined the meeting.*

Commission members were briefed on the background of drafting the submission on *Comments on Ireland's 16<sup>th</sup> National Report on the implementation of the European Social Charter*.

The Commission gave positive feedback of the content of the report and approved the document for submission to the European Social Committee.

*IE and NK left the meeting.*

#### 4.2 Proposal re Amicus re [REDACTED]

*Colm O'Dwyer declared an interest in this case and left the meeting.*

*MO'N joined the meeting.*

The Casework committee at its meeting on 18<sup>th</sup> April 2019 had recommended that the Commission should seek leave to intervene as amicus curiae in this.

Having regard to Council's opinion, the members wished to reassure themselves that an *amicus* intervention at the leave stage could not be seen as the Commission supporting one party to the litigation. It was clarified that as *amicus* the Commission is, and would remain, independent of the parties, but can advance arguments on matters of import.

The Commission agreed:

- 1) to seek leave to intervene as amicus curiae before the Supreme Court in the anticipated [REDACTED]
- 2) In line with Counsel's recommendation, seek leave to intervene as amicus curiae in this matter at the leave to appeal stage before the Supreme Court – i.e. as well as the (usual) substantive hearing of the appeal.

#### 4.3 Update on Amicus Outcomes

*Colm O'Dwyer re-joined the meeting.*

MO'N updated the Commission on the outcome of the Supreme Court decisions in [REDACTED] which the Commission acted as Amicus Curiae.

Members also discussed the settlement reached in the case [REDACTED] relating to human trafficking and other severe forms of labour exploitation on the Irish fishing fleet.

#### 4.4. National Rapporteur on Trafficking



LB noted that following his update on this matter at the last meeting the Commission had indicated that it wanted to proceed in this matter and wanted the process expedited and to achieve this had asked him to bring a proposal to this meeting. This had been circulated in advance.

Commenting on the proposal by email, SM suggested that more than a Protocol is needed with DJE, particularly given the importance of having access to comprehensive data and expressed concern at being tied into the cycle of NAPs and evaluations, given that there have been significant delays.

EL suggested that this role is so important it should be considered in a more substantial way. The matter is so substantive that it might require an amendment to IHREC's legislation, or a statutory instrument.

Commission members had some questions in relation to taking on the role of Rapporteur, such as does IHREC have the resources to take on the role? What will be the impact on human trafficking? Will this issue become a strategic aim of the Commission, even though it is not referenced in the Strategy Statement? Due to the significance of the issue, the question now is how this will happen and how can the Commission ensure that proper boundaries are in place to protect the organisation.

It was agreed that a small group of Commission members - SMD, CO'D and SM - should meet to discuss this matter and to recommend how to proceed.

#### 5.1 AOB

A question was raised regarding identity and the difference of rights as an Irish born citizen and a naturalised citizen. It is a threat to European citizenship in advance of the UK withdrawing from the EU as the rights of both groups are not equal and asked the advice of members with legal expertise. The legislation was noted - Section 19 (1) of the Irish Nationality Act 1956 (as amended) – the revoking by the Minister of a certificate of naturalisation. It was agreed that the legal team would provide a briefing for the Commission and that this matter will be discussed at a future meeting of the Commission.

DJ informed the meeting that he has been offered a position at the Houses of the Oireachtas as an Assistant Parliamentary Counsel. The date of appointment is 6<sup>th</sup> June 2019. He must confirm the terms of the position, but he will most likely have to step down as a member of the Commission. He will confirm this once he is provided more information from his future employer. DJ thanked his colleagues during his time as a member of the IHREC.

The IHREC Annual Lecture will take on 10<sup>th</sup> December 2019. Speaker recommendations are welcome.

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

Signed:

  
Emily Logan  
Chief Commissioner

Date:

11 June 2019