

Final Approved Minutes
Irish Human Rights and Equality Commission
37th Ordinary Plenary Meeting
10 December 2019
IHREC, 16-22 Green Street, Dublin 7

Present:

1. Heydi Foster Breslin (HFB)
2. Frank Conaty (FC)
3. Paddy Connolly (PC)
4. Colm O' Dwyer (COD)
5. Caroline Fennell (CF)
6. Tony Geoghegan (TG)
7. Salome Mbugua (SMb)

Apologies:

None.

In Attendance:

1. Laurence Bond, Director (LB)
2. Iris Elliott, Head of Policy & Research (IE)
3. Michael O' Neill, Head of Legal (MON)
4. Ruth Gallagher, Acting Head of Strategic Engagement (RG)
5. Walter Jayawardene, Senior Policy and Research Officer (WJ)
6. Karen McLaughlin, Policy and Research Officer (KMCL)
7. Muireann Ní Thuairisg, Minute Taker

The 37th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 2:00pm on 10 December 2019 at the IHREC, 16-22 Green Street, Dublin 7.

Closed Session

The Commission met in closed session without the Executive present.

1.1 Apologies, Quorum and Declaration of Interest

No declarations of interest made and no apologies noted. The meeting was quorate.

1.2 Minutes of Previous Meeting

- a) The draft minutes of the 36th Ordinary Plenary Meeting, dated 29 October 2019 were approved, proposed by FC and seconded by TG subject to one amendment to apply the term “Acting Chairperson”, rather than “Chairperson”.
- b) The draft minutes of the Commission Meeting, dated 11 November 2019 were approved, proposed by FC and seconded by TG.
- c) The draft minutes of the Commission Meeting, dated 15 November 2019 were approved, proposed by FC and seconded by TG, subject to one amendment. Under Item 3.1 (AOB), it was agreed to amend the text to accurately reflect the discussion at the meeting.

1.3 Matters arising not otherwise on the agenda

CF agreed to introduce the guest speaker, Philippe Sands at the IHREC annual lecture on 16 December 2019.

The Commission, led by Commission Members SMb and TG travelled to Geneva in December to meet with the UN Committee on the Elimination of Racism (CERD) on its independent monitoring of the State. Members complemented the hard work and dedication of all staff who contributed to the work on UN CERD report. SMb, as head of the delegation delivered an oral statement at the session and was congratulated by her colleagues for her worthwhile contribution.

Commission members congratulated CF on her appointment as the Chair of the newly established Anti-Racism Committee. CF will chair the Committee in her own right and not in her capacity as a member of the Commission.

The UN CERD will publish their concluding observations in the coming days, and will provide recommendations to the Irish State to combat racial discrimination.

It was confirmed that a follow up event with civil society will be organised to reflect on the UN Committee’s concluding observations and to further advance dialogue on combatting racial discrimination.

1.4 AOB Follow Up – Commission Meeting 15 November 2019

At a Commission meeting on 15 November 2019, members agreed to discuss in more detail a matter raised by PC under AOB in relation to the treatment of people living with disabilities in institutions.

Members discussed the need to ensure that there is a process in place to effectively engage with pertinent issues. Following up on human rights and equality issues of concern does not necessarily mean pursuing an issue through the enforcement and compliance powers of the IHREC legislation.

If the Commission is aware or is informed of a situation with a particular heightened human rights risk, it would be beneficial to have identified a process for engagement with stakeholders and other groups and organisations as appropriate.

In order for the Commission to continue with the discussion, it was agreed that the Director will prepare a discussion note and the matter will be tabled as an agenda item at a future Commission meeting.

Members also requested that the application of the public sector duty to the HSE's process of contracting services for people with disabilities should be given consideration.

[2.1 Submission to Consultation on Incitement to Hatred Legislation \(*Review of the Prohibition of Incitement to Hatred Act 1989*\)](#)

IE and WJ joined the meeting.

Commission members proposed several amendments to the draft submission.

The submission was approved and will be submitted to the Department of Justice and Equality by 13 December 2019.

WJ left the meeting.

[2.2 Preliminary Observations on Garda Síochána \(Recording of Images\) Bill](#)

KMcL joined the meeting.

It was agreed that the document 'Preliminary Observations in relation to the Forthcoming Garda Síochána (Recording of Images) Bill' would be resubmitted to the Policy and Research Committee. The matter will then be brought to the next plenary meeting for decision.

KMcL left the meeting.

[2.3 Proposal on CAT LOIPR](#)

The List of Issues Prior to Reporting (LOIPR) for Ireland is due to be examined by the Committee against Torture at its 69th session from 20 April 2020 to 15 May 2020. Any written information the Commission may wish to submit to the Committee must be received by the Committee Secretariat by 27 January 2020.

Members noted the need to take account of the IHREC Strategy Statement 2019-2021, while remaining within the terms of the treaty.

Commission members listed the following areas as potential issues to include in the submission - human trafficking, violence against women, female genital mutilation, deprivation of liberty and homelessness.

The proposal on the submission of the List of Issues Prior to Reporting for Ireland was approved.

The next step is to bring the draft submission to a meeting of the Policy and Research Committee, with a view of tabling the matter for decision at the next plenary meeting.

2.4 Family Leave Code of Practice Draft for Consultation

MON joined the meeting.

Commission members discussed the draft 'Code of Practice on the protection of family rights and the promotion of family-friendly measures in the workplace'.

Commission members requested that gender neutral or gender inclusive terminology should be used in the Commission's work to ensure best practice in terms of non-discriminatory language.

The Commission approved the draft 'Code of Practice on the protection of family rights and the promotion of family-friendly measures in the workplace' and agreed to proceed to consultation stage per section 31(2) of the IHREC Act, 2014.

2.5 Update on Equality Reviews

The members discussed the update on the Equality Reviews on Traveller Accommodation and emphasised the importance of progressing these as quickly as possible. A further update will be considered at the next meeting of the Commission.

MON also updated the Commission on equality reviews in progress in relation to two banks.

MON left the meeting.

3.1 Draft Work Plan Quarter 1 2020

Due to the state of play with the membership of the Commission, it was previously agreed that the Commission would sign off on Quarter 1 of the Workplan rather than signing off on the full 2020 plan.

The Commission approved the Draft Workplan for Quarter 1 2020.

LB reported that the drafting of the full Workplan is ongoing. It was agreed that further guidance and input from the Commission on their outcomes from the three year Strategy would be helpful in this regard.

It was agreed to explore the option of re-engaging the external consultants who worked with the Commission on the Strategy to support this process.

3.2 Director's Report

The Director's Report covering the period 24 October 2019 – 04 December 2019 was taken as read.

Information will be circulated to the Commission on the Joint Committee event entitled 'Citizenship in Northern Ireland after Brexit' taking place on 16 January in Belfast.

Former Commission member Sunniva McDonagh has been officially confirmed as the Irish representative on the management board of the Fundamental Rights Agency.

Due to the unavoidable late timing of the sub-committee meetings, a number of paper for this meeting were circulated late. Commission members noted the difficulty of reviewing or commenting on documents within short timelines.

3.3 Updates on Committees

(a) Worker Employer Advisory Committee

A meeting of the Worker Employer Advisory Committee was held on 14 November 2019. An update is provided in the plenary papers issued to Commission members.

(b) Casework Committee

A meeting of the Casework Committee was held on the 29 November 2019. An update is provided in the plenary papers issued to Commission members.

(c) Policy and Research

A meeting of the Policy and Research Committee was held on the 29 November 2019. An update is provided in the plenary papers issued to Commission members.

4.1 AOB

As previously requested by the Commission, a short discussion note on Direct Provision will be brought to the next plenary meeting in January.

IHREC is awaiting a decision from the Workplace Relations Commission regarding an asylum seeker who was refused a learner driver licence. The Commission provided legal representation to the individual.

In the absence of a Chief Commissioner, Commission members discussed rotating the position of Acting Chair of the Commission. HFB was proposed and appointed Acting Chair. COD was thanked by his Commission colleagues for his work as Acting Chair from 1 November 2019 to date.

Commission members agreed that the next plenary meeting will take place on 28 January 2020.

Proposed dates for meetings of the Casework Committee and Policy and Research Committee will be circulated to the Commission as soon as possible.

The meeting concluded at 2:00pm.

Signed:



Colm O' Dwyer
Acting Chair

Date: 28 January 2020