



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

Final Approved Minutes

Irish Human Rights and Equality Commission

36th Ordinary Plenary Meeting

29 October 2019

SCCUL Enterprise Centre, Ballybane, Galway

Present:

1. Emily Logan, Chief Commissioner (EL)
2. Teresa Blake (TB)
3. Heydi Foster Breslin (HFB)
4. Colm O' Dwyer (COD)
5. Salome Mbugua (SMb)
6. Fidèle Mutwarasibo (FM)
7. Siobhán Mullally (SM)
8. Ray Murphy (RM)
9. Frank Conaty (FC)
10. Tony Geoghegan (TG)

Apologies:

1. Caroline Fennell
2. Sunniva McDonagh
3. Paddy Connolly

In Attendance:

1. Laurence Bond, Director (LB)
2. Iris Elliott, Head of Policy & Research (IE)
3. Ruth Gallagher, Acting Head of Strategic Engagement (RG)
4. Gail Malone, Head of Corporate Services (GM)
5. Naomi Kennan, Policy and Research (NK)
6. Brian Dawson, Communications Manager (DB)
7. Muireann Ní Thuairisg, Minute taker

The 36th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 1:00pm on 29 October 2019 at the SCCUL Enterprise Centre, Ballybane, Galway.

1.1 Apologies, Quorum and Declaration of Interest

Apologies were noted from the following Commission Members:

- Paddy Connolly
- Sunniva McDonagh
- Caroline Fennell

1.2 Minutes of Previous Meeting – 17 September 2019

The draft minutes of the 35th Ordinary Plenary meeting held on 19 September 2019 were approved, proposed by FC and seconded by SM.

1.3 Matters arising not otherwise on the agenda

None.

2.1 CERD Reporting

IE and NK joined the meeting.

Members received an update on the ongoing work on IHREC's submission to the UN Committee on the Elimination of Racial Discrimination (CERD). The draft report had been circulated in advance of the meeting.

Commission members expressed their satisfaction with the draft and, subject to some minor amendments, approved the report for submission to the CERD Committee.

In relation to civil society engagement on CERD, staff are in contact with NGO's who will be meeting with the UN CERD Committee in Geneva. The Strategic Engagement team are working on a media strategy in advance of the report launch and Geneva engagement. A live screening of the UN CERD session, which will take place in IHREC's public space.

It was agreed that the Commission would meet again in the coming weeks to discuss IHREC's engagement with the UN CERD Committee.

Commission members were again asked to consider joining SMb who will lead the IHREC delegation in Geneva.

IE and NK left the meeting.

2.2 Presentation on Disability Awareness Campaign

BD joined the meeting.

BD gave a presentation to the Commission on 'All Human All Equal' the public awareness campaign on disability which was run via social media, cinema and radio. The feedback from the campaign has been overwhelmingly positive and it seems that the campaign resonated with the public. Civil Society are using the campaign on their own networks and employers have been in touch with IHREC seeking permission to use the videos in their workplace.

In response to members questions BD provided more details on the practical organisation of the campaign, including management of potential risk that could arise in public awareness campaigns in respect of the Commission and campaign participants.

Commission members suggested that the staff explore the possibility of putting the campaign forward for suitable awards.

Members also encouraged the reuse of the material produced for ongoing educational and promotional work.

LB briefed members on a proposal for a further phase of the 'All Human All Equal' campaign to include cinema, television and digital promotion costed at c €150k. Members agreed that this should proceed and it is expected that it will run over the Christmas period and into the New year.

Members noted and discussed the significant costs involved in this type of public awareness campaigning. They agreed however that it represents an important mechanism through which the Commission can fulfil its mandate, particularly in respect of developing a culture of human rights and equality and that it should continue to be included in future work plans and provided for accordingly in budget planning.

BD left the meeting.

2.3 Update on OPCAT NMM

Members noted the letter issued from the Director to Sandra Smyth, Criminal Law Reform Division in the Department of Justice and Equality in relation to draft Head 14 of the Inspection of Places Detention Bill.

LB noted that the letter reiterated the Commission's position on this matter, which has been largely incorporated in the draft Head.

The draft Heads of Bill are expected to be published in due course and the Commission will prepare further observations as appropriate at that point.

2.4 Update on Garda Síochána Recording of Images Bill

TB recused herself and left the meeting.

IE joined the meeting.

Following a request from the Department of Justice and Equality, IE and staff had met with officials from the Criminal Law Division of the Department of Justice and Equality to discuss forthcoming legislation on body worn cameras, ANPR and CCTV. The Department are consulting with a number of stakeholder organisations in advance of publishing the legislation and are seeking the Commission's views.

Draft preliminary observations had been circulated in advance. Members agreed that the planned legislation potentially gives rise to significant human rights and equality implications and it is important that where possible the Commission should seek to engage effectively with these throughout the development of the legislation.

It was decided that before proceeding at this point the Commission would need to further consider and agreed how it wanted to engage with the matters arising. It was agreed that the draft would be revised as a preliminary submission and for consideration by the Policy & Research Committee in the first instance and would be tabled again at the December Commission meeting.

IE left the meeting.

3.1 Update from Chief Commissioner

TB re-joined the meeting.

On 2 October 2019, the Commission met with the UN High Commissioner for Human Rights Michelle Bachelet. Les Allamby, Chief Commissioner of the Northern Ireland Human Rights Commission also attended the meeting and discussed the work of the Joint Committee and the potential human rights and equality impact of Brexit.

On 22 October 2019, the Commission issued a statement welcoming the State's formal apology to women and their families impacted by the cervical smear controversy, enacted through a Dáil statement made by An Taoiseach Leo Varadkar T.D. The Taoiseach acknowledged the litany of failures and disrespectful treatment of women and their loved ones emphasising the importance of accountability and providing access to justice for the women.

On 23 October 2019, representatives of the Joint Committee consisting of the Northern Ireland Human Rights Commission and the Irish Human Rights and Equality Commission met at Farmleigh House to review human rights issues on the island of Ireland, in light of recent Brexit proceedings.

On 25 October 2019, the Commission issued a statement welcoming the open appointment process for the Commission. Information on the seven vacancies on the Commission is available on the stateboards.ie website and the post of Chief Commissioner is advertised on the Public Appointments Services website.

Following on from a recommendation by Dr Moling Ryan, the Chief Commissioner agreed to provide her plenary update in writing.

3.2 Director's Report

LB attended the Equinet AGM in Brussels on 23rd October and was re-appointed to the board of Equinet for a period of two years.

The work on the Equality Reviews is ongoing. At a previous meeting, the Commission raised the lack of response from the Department of Housing, Planning and Local Government. Subsequently the Department had contacted LB to apologise for the delay in their response and had advised that a substantive response would be issued shortly.

The responses received from the two banks are disappointing and IHREC is engaging with Counsel regarding the content of the Equality Reviews and on the possible next steps.

Most local authorities had responded to the invitation of carry out equality reviews in respect of Traveller specific accommodation. An update will be provided at the December meeting.

Members discussed the future staffing needs that would arise from the OPCAT IMM function, the trafficking rapporteur function and international reporting more generally and asked the Director to prepare a memo on these matters.

Members noted the value of the comprehensive detail in the Directors Report but emphasised again the need to review activity reporting to the Commission to link it more clearly to the annual work plan and budget and to ensure that priorities are highlighted. It was agreed that in 2020 this would include regular 'traffic light' reporting on the delivery of the commitments in the workplan.

3.3 Finance Report to end September

GM joined the meeting.

IHREC's total vote for 2019 is €6.75m of which €3.65 is pay and €3.093 is non-pay. Underspend on pay at end September was €203,958 (9%) against profile. The figure reflects slower than hoped for recruitment in the year to date although recruitment has accelerated in the second half of the year. On non-pay, there was an underspend to end-September of €355,419 (x%) against profile. The main factors contributing to this are the underspend in relation to inquiries, later completions of grant agreements and payments, some delays in issuing tenders and lower than anticipated spending in the legal area.

Commission members expressed concern at the scale of non-pay underspend against profile at this late stage of the year and noted also the risk arising where spending is disproportionately profiled to take place towards the end of the year.

The Director and the Senior Management Team are actively managing the workplan and budget to ensure the earliest possible completion of planned activity and the prompt payment of costs as they become due, and expenditure in October has been above profile.

The organisation is already seeing results from the addition to the Corporate Services team of dedicated staff to deal with procurement.

GM left the meeting.

3.4 Commission Interim Arrangements

Due to the conclusion of the Chief Commissioner's term of appointment on 31 October 2019, the Commission discussed the meetings/ events taking place between now and year end where the participation of a Commission member is required.

The Commission agreed with having a rotating chair in place. COD was selected as Chairperson.

To ensure that the subcommittee meetings are quorate and that the work continues, it was agreed that the seven remaining commission members would become members of each committee on a temporary basis.

In terms of work planning for 2020 the Director was asked to bring a preliminary plan for Quarter 1 to the next Commission meeting in December. A full year plan would be considered by the Commission in the New Year following completion of the recruitment process. The aim is for the Commission to receive a preliminary work plan in December.

3.5 Updates on Committees

(a) Casework Committee

The summary note of decisions from today's Casework Committee was taken as read.

The Commission agreed the updated Amicus Curiae guidelines.

The Commission agreed the updated Casework Committee terms of reference.

(b) Joint Committee

The Joint Committee meeting was held in Farmleigh House, Dublin on 23 October 2019.

The Joint Committee discussed the publication of the draft agreement for the UK's withdrawal from the EU, should it come into force, examining in detail the provisions relating to human rights and equality, in particular the revised Protocol on Ireland/Northern Ireland.

The Joint Committee welcomed Article 2 of the revised protocol on Ireland/Northern Ireland in the draft Withdrawal Agreement, which states that the UK 'shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union.'

(c) Disability Advisory Committee

A note on the Disability Advisory Committee meeting held on 8th October 2019 was taken as read.

(d) Policy and Research Committee

The Policy & Research draft terms of reference were approved.

3.6 Closed Session

The Commission met in closed session, without the Executive present.

The meeting concluded at 1:45pm.

Signed:



Colm O' Dwyer
Acting Chair

Date: 10 December 2019