

20 May 2020

Minutes

Irish Human Rights and Equality Commission

40th Ordinary Plenary Meeting

Present:

1. Caroline Fennell (CF)
2. Heydi Foster Breslin (HFB)
3. Frank Conaty (FC)
4. Colm O' Dwyer (COD)
5. Tony Geoghegan (TG) – Acting Chief Commissioner

Apologies:

- Salome Mbugua (SMB)

In Attendance:

1. Laurence Bond, Director (LB)
2. Jean O'Mahony, Head of Strategic Engagement (JOM)
3. Niall Kelly, Head of Corporate Services (NK)
4. Michael O'Neill, Head of Legal (MON)
5. Muireann Ní Thuairisg, Minute Taker

The 40th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 2:35pm on 20 May 2020 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

Apologies noted from SMB.

HFB declared a conflict of interest in relation to agenda Item 3.1 *Human rights and equality issues arising from COVID-19 crisis - Social Impact*, and any discussion to take place on the Dept. of Health National Guidance on Prioritisation in Access to Critical Care in a Pandemic.

The meeting was quorate.

1.2 Minutes of Previous Meeting

The draft minutes of the 39th Ordinary Plenary Meeting, dated 31 March 2020 were approved with minor amendments, proposed by proposed by CF and seconded by HFB.

The draft minutes of the Commission meeting dated, 24 April 2020 were approved, proposed by COD and seconded by FC.

It was agreed that the Chair will provide a short note on the action points from any future closed Commission sessions for incorporation in the draft minutes. TG agreed to provide a note on the closed session held on 24 April 2020.

1.3 Matters arising not otherwise on the agenda

The Department of Justice and Equality has indicated that the Attorney General's office is working on the draft statutory instrument on the role of national anti-human trafficking rapporteur.

Basic security measures have been implemented on the Zoom video conferencing accounts, and planning is underway for IHREC to move to an alternative platform.

The draft letter to the Department of Justice and Equality on their consultation on the 'Police Powers Bill' will be submitted before the end of May.

It was agreed that the Director would share the Commission's agreed 'Guidance note on the roles & responsibilities of the Chief Commissioner & Director of IHREC' with the senior managers and would meet with them to clarify any outstanding matters arising from the Moling Ryan report.

2.1 Acting Chief Commissioner Update

TG outlined correspondence issued and received.

An update on key correspondence will be included in this item at future Commission meetings.

Members noted the reply received from Ministers Flanagan and Stanton, to the Commission's letter on the Covid-19 outbreak in the Direct Provision Centre in Cahersiveen, Co. Kerry.

Members noted correspondence from the Northern Ireland Human Rights Commission on the recent De Souza case.

2.2 Update on Committees

(a) Disability Advisory Committee

An information note on the most recent meeting of the Disability Advisory Committee on 22 April was taken as read. The next meeting is scheduled to take place on 27 May.

An opinion piece by FC, Chair of the Disability Advisory Committee was published in the Irish Examiner on 13 May in relation to the impact of the COVID-19 pandemic on people with disabilities.

It was agreed that the Commission will consider how information arising from Advisory Committees will be used in future public statements.

(b) Policy and Research Committee

HFB recused herself from the meeting.

An information note on the most recent meeting of the Policy and Research Committee held on 12 May was taken as read.

Following on from this meeting, a letter and submission was sent to the Minister for Health on the guidance published by his Department on prioritisation in access to critical care in its '*Ethical Framework for Decision Making in a Pandemic*' and supplementary papers. It was agreed to follow up with the Department of Health on the correspondence.

(c) Casework Committee

An information note on the most recent meeting of the Casework Committee on 12 May was taken as read.

3.1 Human Rights and Equality issues arising from Covid-19 crisis- Social Impact

JOM and MON joined the meeting.

The Commission is awaiting a response from the Garda Commissioner to its letter of 28 April. It was agreed to follow up on this. Members again emphasised the need for disaggregated data on policing to be collected.

It was agreed that the Commission will write to the Oireachtas Special Committee on Covid-19 asking to include a focus on human rights and equality issues in its deliberations.

The Commission agreed that it would welcome an opportunity to address the Special Committee on relevant human rights and equality issues, including the use of emergency powers, and the differential impact of the Covid-19 crisis on groups such as women, older people, disabled people, Travellers, and those living in Direct Provision and more generally on economic and social rights, including migrant workers.

JOM and MON left the meeting.

HFB re-joined the meeting.

3.2 IHREC nomination to An Garda Síochána Strategic Human Rights Advisory Committee

It was agreed to nominate COD as the IHREC representative on the Garda Síochána Strategic Human Rights Advisory Committee.

3.3 Submission on European Social Charter

The Commission discussed the draft submission on the European Social Charter at the previous Policy and Research Committee meeting held on 12 May. The Commission considered the draft

submission - *'Comments on Ireland's 17th National Report on the implementation of the European Social Charter'* which had previously been considered by the Policy & Research Committee. The Commission suggested that recommendations be more strongly worded and that the document would refer in an appropriate way to the need for Constitutional provision for social rights, especially the right to housing.

The revised paper will be tabled at the next plenary meeting in June for final sign off before submitting to the Council of Europe before the deadline of 30 June.

3.4 Completion of Equality Review and Equality Action Plan on HSE Addiction Services

The Commission noted that the HSE had submitted an Equality Action Plan on opioid treatment services that satisfactorily met the requirements of our invitation. It was agreed that in writing to the HSE to confirm this, we would request an update on implementation after 12 months, and that this would be a standard requirement following future completed action plans.

It was agreed to follow up with Services Users organisation who had initially brought this matter to the attention of the Commission to brief them on the outcome.

It was agreed a policy on publication of Equality Reviews be prepared and should be brought to the Commission for its consideration.

3.5 Code of Practice on the Rights of Families at Inquests

Commission members discussed the draft Code of Practice on the Rights of Families at Inquests. It was noted that the document did not define 'hearsay' and it was suggested it should do so and it was also noted other terms in the document might also benefit from further definition.

Members expressed concerns that the content of the document was quite legalistic. It was noted that it had already been agreed that more accessible information materials would be developed to complement the Code of Practice. Members also noted that the document did not address good practice and asked for clarification on this matter with respect to the requirements of a code of practice.

It was agreed to consider further at the next Commission plenary meeting.

4.1 Finance Report

NK joined the meeting.

The Financial Reports circulated to the Commission were taken as read.

The Commission noted the importance of carefully monitoring and managing the budget in light of the COVID-19 situation.

It was agreed that an updated financial report would be brought to the next Commission plenary meeting.

4.2 Risk Update – Covid-19 Business Continuity Plan

Commission members were updated on the current remote working arrangements with IHREC staff. It is expected that staff will remain remote working up until at least August if not later in the year.

Following the Government's announcement of a 5 phased return to the workplace plan, a COVID-19 Response Team is in place who are currently assessing the IHREC working arrangements. This assessment will form the basis of a plan for a safe return to the workplace for staff and a safe working environment, when that is permitted.

It was agreed that a briefing on these plans would be brought to the next Commission meeting.

NK left the meeting.

4.3 Director's Report

The Director's Report was taken as read.

Members requested that external events and meetings that may be of interest would be brought to their attention.

An update will be provided on the [REDACTED] at the next Casework Committee meeting.

5.1 Any Other Business

The proposed dates for the 2020 plenary meetings have been circulated to the Commission.

Meeting concluded at 14:35



Signed: Frank Conaty
Acting Chief Commissioner

Date: 23 June 2020