

Minutes

Irish Human Rights and Equality Commission

41st Ordinary Plenary Meeting

23 June 2020

Present:

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

Apologies:

None.

In Attendance:

1. Laurence Bond, Director (LB)
2. Dr Iris Elliott, Head of Policy and Research (IE)
3. Niall Kelly, Head of Corporate Services (NK)
4. Jean O'Mahony, Head of Strategic Engagement (JOM)
5. Michael O'Neill, Head of Legal (MON)
6. Brian Dawson, Communications Manager (BD)
7. Muireann Ní Thuairisg, Minute Taker

The 41st Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 3:45pm on 23 June 2020 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

No apologies noted. The meeting was quorate.

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.

CF declared a conflict of interest in relation to agenda item 3.1 (ii) *Statement on Racism*.

1.2 Closed Session

[SEE APPENDIX]

1.3 Minutes of Previous Meeting

The draft minutes of the 40th Ordinary Plenary Meeting, dated 20 May 2020 were approved, proposed by HFB and seconded by CF.

1.4 Matters arising not otherwise on the agenda

A memo on the publication of Equality Reviews will be tabled for discussion at the next plenary meeting in July.

Following a request from SMb, it was agreed to add consideration of an IHREC statement on racism to the agenda of the meeting.

2.1 Acting Chief Commissioner Update

FC outlined correspondence issued and received.

SMb will take over from FC as Acting Chief Commissioner on 17 July, with a one week overlap.

A desktop launch of the IHREC 2019 Annual Report will take place the week beginning 30 June.

It was agreed that the update on key correspondence prepared for the (Acting) Chief Commissioner will be circulated with the papers for future meetings.

It was agreed staff will follow up with the Policing Authority on the delay receiving a response from the Garda Commissioner on correspondence from the Commission, dated 28 April.

2.2 Updates on Committees

(a) Disability Advisory Committee

An information note on the most recent meeting of the Disability Advisory Committee on 27 May was taken as read.

(b) Worker Employer Advisory Committee

An information note on the most recent meeting of the Worker Employer Advisory Committee held on 27 May was taken as read.

(c) Casework Committee

An information note on the most recent meeting of the Casework Committee held on 15 June was taken as read.

(d) Policy and Research Committee

An information note on the most recent meeting of the Policy and Research Committee held on 15 June was taken as read.

(e) Audit and Risk Committee

FC gave an update on the key points from the Audit and Risk Committee meeting held on 23 June.

3.1 (i) Human Rights and Equality Issues arising from Covid-19

MON, JOM, IE and NK joined the meeting.

HFB recused herself from the meeting. It was noted that HFB would be updated on action points arising from the discussion, not related to her conflict of interest.

The Commission requested that an 'architecture' for a possible IHREC report on issues of human rights and equality arising from the COVID-19 pandemic be tabled for discussion at the July Commission meeting.

Further to an invitation received from the Oireachtas Special Committee on COVID-19 Response, the Commission agreed that a submission on disability would be made to the Committee.

Further to an invitation received from the Oireachtas Special Committee on COVID-19 Response, the Commission agreed to respond with a letter or brief submission on the topic of non-Covid-19 healthcare.

HFB re-joined the meeting.

MON, IE and NK left the meeting.

3.1 (ii) Statement on Racism

CF recused herself from the meeting. It was noted that CF would be updated on action points arising from the discussion, not related to her conflict of interest.

BD joined the meeting.

In light of concerns raised by Commission members, the Commission agreed for staff to prepare an IHREC statement on racism, emphasising the UN CERD concluding observations and the obligations of the Public Sector and Equality and Human Rights Duty on public bodies.

It was agreed the statement would be circulated to members of the Oireachtas.

It was agreed the Commission will send a submission in due course to the newly established Independent Anti-Racism Committee

3.2 CRC – List of Issues Submission

The Commission discussed the draft submission to the UN Committee on the Rights of the Child on the List of Issues Prior to Reporting at a Policy and Research Committee on 15 June 2020.

The Commission approved the draft, subject to minor amendments, for submission to the UN Committee on the Rights of the Child before the 1 July deadline.

3.3 Submission on the European Social Charter

The Commission discussed the draft submission on *“Ireland’s 17th National Report on the implementation of the European Social Charter”*.

The Commission approved the document for submission to the Council of Europe before the 30 June deadline.

IE left the meeting.

3.4

MON joined the meeting.

The Commission was briefed regarding ongoing own name proceedings.

3.5 Potential Section 41 own name proceedings and proposed preparatory work

The Commission was briefed regarding the section 41, own name proceedings power.

3.6 Code of Practice on the Rights of Families at Inquests

The Commission approved the draft Code of Practice on the Rights of Families at Inquests for submission to the Minister for Justice and Equality for approval.

The Commission confirmed its earlier decision that information materials would be developed to ensure that the key information in the Code is communicated to families in a readable and accessible format.

It was agreed that the Commission will revisit procedures on Codes of Practice at a future plenary meeting.

MON left the meeting.

3.7 Public Awareness Campaign Proposals

JOM joined the meeting.

The Commission discussed a number of public awareness campaign proposals.

The Commission agreed with developing a racism awareness campaign in 2020, with the public delivery of this campaign to be scheduled for early 2021.

It was further agreed to develop a national awareness campaign on EEA/ESA Rights focussing on new migrant communities and the translation of information booklets.

JOM left the meeting.

4.1 Finance Report

NK joined the meeting.

The Finance Report was taken as read and it was agreed the matter will be tabled at the next plenary meeting in July as part of a 6 month review.

4.2 Risk – Business Continuity Plan Update

The Commission were briefed on the business continuity plan, in light of the COVID-19 pandemic.

Since the commencement restrictions, IHREC staff have been working remotely in line with Government COVID-19 instructions. Current Government policy is that public bodies must continue to work remotely where they can do so through all phases reopening the economy.

The working assumption is that IHREC staff will continue working remotely until at least 8 August and management are trying to get clarity as soon as possible on when and where the requirement for public bodies and services to work remotely will apply beyond that date.

The Commission requested that the matter to be discussed again at the next plenary meeting in July.

4.3 Director's Report

The Director's Report was taken as read.

5.1 AOB

None.

The meeting concluded at 3:45pm



Signed: Salome Mbugua
Acting Chief Commissioner

Date: 28 July 2020

Irish Human Rights & Equality Commission

Commission closed session 23/06/20

In attendance:

Frank Conaty
Salome Mbugua
Caroline Fennell
Colm O'Dwyer
Heydi Foster Breslin
Tony Geoghegan

Minutes

The following four decisions/observations were recorded:

1. That the acting Chief Commissioner write to the incoming Commissioners (including the incoming Chief Commissioner) ahead of their official appointment welcoming their selection and looking forward to their future appointment. The letters should also confirm that after their formal appointment that they will be invited to attend an induction day that will cover amongst other aspects:
 - The Commission's statutory footing;
 - The nature of the Commission as a corporate body composed of a collective of Commissioners;
 - The Paris Principles, the Commission's A Status as an National Human Rights Institution (NHRI), and the importance of the Commission's independence;
 - The Commission's role as the National Equality Body for Ireland;
 - The relationship between the Commission as a corporate body, the Chief Commissioner, and the Director;
 - Corporate Governance;
 - Meeting protocols and the role of 'committees'.

Further, it was decided that the Director be requested to advance plans for the induction to include attendance of both existing and newly appointed Commissioners.

2. It was recognised that there is a need for the Commission to be mindful to be appropriately, focused, challenging, and questioning of existing paradigms in official reports, reviews, submissions and other communications. Papers for meetings should be drafted and organised in line with same with appropriate identification of options for the Commission.
3. If not already in place, the Director is to be requested to have contingency plans drawn up in the event that the Director is indisposed; including the identification of a deputy to serve the Commission in an acting capacity.
4. The current acting Chief Commissioner, Frank Conaty, will continue in that capacity to Friday 17th July at which point Salome Mbugua will take over in that capacity. There will be a 'hand-over' week where the outgoing acting Chief Commissioner will leave themselves available to facilitated hand over.