



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

Minutes

Irish Human Rights and Equality Commission 46th Ordinary Plenary Meeting 26 January 2021

Present:

Sinéad Gibney, Chief Commissioner (SG)
Heydi Foster Breslin (HFB)
Jim Clarken (JC)
Dr Frank Conaty (FC)
Prof Caroline Fennell (CF)
Michael Finucane (MF)
Tony Geoghegan (TG)
Adam Harris (AH)
Prof Kathleen Lynch (KL)
Salome Mbugua (SM)
Sunniva McDonagh SC (SMcD)
Dr Lucy Michael (LM)
Prof Ray Murphy (RM)
Colm O'Dwyer SC (COD)

Apologies:

Dr Rosaleen McDonagh (RMcD)

In Attendance:

Laurence Bond, Director (LB)
Niall Kelly, Head of Corporate Services (NK) – Item 2.1 (a)
Jean O'Mahony, Head of Strategic Engagement (JOM) Agenda Item 5.1, 6.1, 8.1
Michael O'Neill, Head of Legal (MON) Agenda Item 6.1
Brian Dawson, Communications Manager (BD) - Agenda Item 5.1, 6.1
Sinéad Fitzpatrick, Senior Policy and Research Officer (SF) – Agenda Item 5.1
Walter Jayawardene, Senior Policy and Research Officer (WJ) – Agenda Item 3.1
Muireann Ní Thuairisg, Minute Taker

Professor Oran Doyle, Trinity College Dublin - Agenda Item 3.1
John Maher, Chair, Audit and Risk Committee – Agenda Item 2.1 (a)

The 46th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 9:30am-12.00pm and 2.00pm-4:50pm on 26 January 2021 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

Apologies noted from RMcD. The meeting was quorate and there were no declarations of Interest.

1.2 (b) Closed session

The Commission discussed the challenges faced by the team while operating during COVID-19 restrictions. The proposed 2021 plenary dates were approved. The new meeting format will run for this meeting and the next one to test how it works for the group.

The Ways of Working group received feedback on and approval of their schedule of work to review the Code of Conduct and shape a Commission Handbook.

1.3(a) Minutes of Previous Meeting – 8 December 2020

Subject to one amendment, the draft minutes of the 45th Ordinary Plenary Meeting were approved, proposed by RM and seconded by JC.

1.3(b) Minutes of Previous Meeting – 7 January 2021

The draft minutes of the Extraordinary Commission meeting held on 7 January 2021, were approved, proposed by SM and seconded by TG.

1.3(c) Minutes of Previous Meeting – 20 January 2021

The draft minutes of the Extraordinary Commission meeting held on 20 January 2021, were approved, proposed by KL and seconded by RM.

1.4 Matters arising, not otherwise dealt with on the Agenda

The response to correspondence received from Age Action and from a group of relatives of people who had died in a nursing home was outlined.

It was clarified that the S.35 WG will, in shaping the process for the overall inquiry power, prioritise exploration of how incoming requests are handled. The standard response letter will be circulated to members for their information.

SG clarified that the Draft Work Plan [REDACTED] items had been deferred to the March meeting.

It was confirmed that SG had written to the Taoiseach and a statement had been issued in support of continued efforts to secure a full public inquiry into the murder of Mr. Pat Finucane.

1.5 Chief Commissioner Update

SG gave an update on meetings attended since the previous plenary meeting and noted key items of press coverage.

SG also briefed the members on her meetings in recent months with Ministers Roderic O’Gorman T.D., Helen McEntee T.D., and Leo Varadkar T.D.

Following discussion, SG confirmed she will continue to chair the S 35 Working Group and the Ways of Working Group and that she will chair the next two meetings of the Policy and Research Committee, following which LM will take up the Chair.

It was also noted that an update on the development of the Anti-Human Trafficking Rapporteur function will be provided at the March meeting.

Some members indicated that they would welcome a future discussion of the Commissions role in relation to education.

2.1 (a) Committee Updates - Audit & Risk Committee

John Maher (JM), Chair of the Audit and Risk Committee joined the meeting and gave an update on the meeting held on 18 December 2020. It was noted that members would welcome greater clarification of their fiduciary duties. It was agreed that written updates from future ARC meetings will be provided to the plenary.

[REDACTED]

It was agreed that the risk register and appetite would be brought to the Commission for discussion.

2.2 (b) Committee Updates – Legal Casework Committee

An update note on the most recent meeting of the Casework Committee on 19 January 2021 was taken as read.

2.3 (c) Committee Updates – Section 35 Inquiry Working Group

An update note on the most recent meeting of the Section 35 Inquiry Working Group on 14 December 2020 was taken as read.

The next meeting will take place in early February to advance the work of establishing an end to end process for use of the inquiry power.

[REDACTED]

3.1 Research Report on Emergency Powers during the COVID Pandemic

Professor Oran Doyle joined the meeting.

Members thanked Professor Doyle and co-authors on their work and provided some comments on the report.

It was confirmed that the report will be finalised and published as soon as possible.

A foreword to the report from the Chief Commissioner will be agreed with members.

Members emphasised the importance of communicating the research to key stakeholders, including Oireachtas members, civil society and the legal profession.

4.1 Directors Report and Finance Report a

The Director's Report and Finance Report were taken as read.

LB noted that 19th February is the deadline for initial Oireachtas submissions on the Institutional Burials Bill and the Smuggling in Persons Bill. In addition, the Committee on Key Issues affecting the Traveller Community has invited IHREC to make a submission on accommodation issues, also by 19th February.

[REDACTED]

In response to queries about Policy & Research, LB explained that a number of internal and commissioned projects had not advanced as planned. SG noted that she had been fully briefed on these matters.

In response to a query it was agreed to prepare an analysis of trends in provision of legal assistance (S.40) and legal information (Your Rights) over time.

LB confirmed that the anti-racism awareness campaign concludes on 31 January. IHREC will continue to use the communication materials via other channels.

Consideration may be given to a second wave of the campaign later in the year. It was also agreed to look at the possibility of developing an educational resource from the campaign.

5.1 Dying with Dignity Bill

A draft submission to the Committee on Justice on the Dying with Dignity Bill 2020 was circulated to members for written comment on 15 January.

A revised submission was circulated to members in advance of the plenary meeting.

A number of members suggested some reworking was required to provide a clearer treatment of the positive autonomy arguments.

The submission will be finalised in the light of the discussion and will be submitted to the Oireachtas Committee on Justice by the 29 January deadline.

6.1 Mother & Baby Home Commission of Investigation Report

Members discussed the publication of the Report of the Commission of Investigation and the critical response it had received, especially from survivors.

Members echoed a number of these concerns, in particular with regard to the treatment of the testimony of survivors. In the light of this it was proposed that consideration be given to engage with survivors.

It was also noted that IHREC will review forthcoming legislation on Institutional Burials and on Adoption Information and Tracing.

SG, in concluding, noted that the issues raised will be considered for further discussion at the next plenary meeting.

7.1 Nomination Process for External Appointments

A memo outlining a proposed process for the selection of nominations to external bodies was circulated to members and taken as read.

SG will circulate the note to members and request comments by email.

A revised final note will tabled for decision at the next plenary meeting.

8.1 Commission Response following the death of George Nkencho and Community Reaction

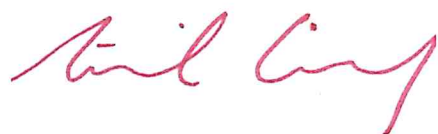
Following the discussion of 7 January 2021, a proposal paper on an appropriate Commission response has been circulated for consideration.

Following discussion it was agreed to follow up on the proposals made including organising a meeting to provide an opportunity for Commission members to engage with the community of people of African descent.

9.1 Any other business

There was no other business.

The meeting concluded at 4:45pm.



Signed:

Sinéad Gibney
Chief Commissioner

Date:

9 March 2021