



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

Minutes

Irish Human Rights and Equality Commission 44th Ordinary Plenary Meeting 27 October 2020

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)
Dr Rosaleen McDonagh (RMcD)
Sunniva McDonagh SC (SMcD)
Dr Lucy Michael (LM)
Prof Ray Murphy (RM)
Colm O'Dwyer SC (COD)

In Attendance:

Laurence Bond, Director (LB)
Dr Iris Elliott, Head of Policy and Research (IE)
Michael O'Neill, Head of Legal (MON)
Muireann Ní Thuairisg, Minute Taker

The 44th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 4:00pm on 27 October 2020 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

There were no apologies. The meeting was quorate and there were no declarations of interest.

1.2 Closed Session

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

The Terms of Reference for the Ways of Working group were agreed with a small amendment to change 'operations' to 'meetings and communications'. The Commission agreed a new format for meetings for 2021 and SG advised that she would revert by email with a revised proposed 2021 calendar, taking into account the feedback of members.

1.3 Minutes of Previous Meeting

[REDACTED]

[REDACTED]

1.4 Matters arising not otherwise on the agenda

It was agreed to discuss the recent public debate about the records of the Mother and Baby Homes Commission of Investigation and related matters under Agenda Item 8.1 Any Other Business.

[REDACTED]

KL confirmed that she will be a member of the Policy & Research Committee.

1.5 Chief Commissioner Update

A report from the Chief Commissioner and a list of key correspondence circulated before the meeting were taken as read.

Members welcomed the Chief Commissioner Report.

It was agreed that a letter would issue to the Irish Prison Service expressing concern on the issue of correspondence delays, at the Midlands Prison and more generally. Relatedly some members suggested that greater clarity was required on when matters of correspondence should be elevated to the Commission for decision.

SG confirmed a letter would shortly issue to the Legal Aid Board regarding access to justice for asylum seekers and refugees in relation to the IPO/IPAT and that a meeting would be sought.

Commission members expressed their interest in the work of the Joint Committee on Brexit. It was agreed to circulate links to the Joint Committees published reports on Brexit and to hold a dedicated optional session on Brexit for members. Members noted the important issues arising for Roma and Travellers, for cross border workers and the issue of racial profiling of people travelling across the border.

SG noted her appearance with Chief Commissioner Les Allamby of the Northern Ireland Human Rights before the Northern Ireland Assembly Executive Office Committee, and indicated that they, along with Geraldine McGahey, Chief Commissioner of the Equality Commission for Northern Ireland, are invited to appear again before the Committee on 16 December.

A link to the recorded presentations to Civil Society Forum, which took place on 20 October, will be circulated to members along with a note on the event.

Members noted the importance of 'listening post' events where the Commission members have opportunities to hear the concerns of those working on or affected by issues of concern to the Commission. It was noted that a number of such events will be held before the end of the year and it was agreed to circulate further details on these.

Members noted the correspondence from family members on the impact of Covid in nursing homes. SG noted that she had met with Mr Paddy Connolly of Age Action and that LB had met with the family representatives who had written to us.

2.1 Updates on Committees

(a) Casework Committee (CWC)

A note of the latest meeting of the Casework Committee held on 19 October was taken as read. COD, Chair gave an update on the key points of the meeting. He noted that work on a revised strategic litigation plan is progressing.

As Commission members who are not members of the CWC may sometimes be interested in Committee meetings, it was agreed that in future, the notice and agenda will be circulated to all Commission members and more detailed descriptions of cases will be provided in committee reporting.

(b) Policy and Research Committee (PRC)

A note of the latest meeting of Policy and Research Committee held on 15 October was taken as read.

SG, interim Chair, gave an update on the key points of the meeting.

SG noted the publication of the Catherine Day Report and members noted the need for IHREC to engage critically with the reports proposals and with the forthcoming White Paper on Direct Provision process, including covering the right to work and experience of trauma.

There was a discussion on the role of the Chief Commissioner in chairing Committees. Members noted the importance of wider Commissioner engagement in this regard. SG highlighted that all chairing roles she had taken up were temporary or for working groups with a finite lifetime and that there had been a shortage of volunteers from amongst the members.

(c) Disability Advisory Committee

A note on the latest meeting of the Disability Advisory Committee, held on 7 October was taken as read. RMcD as Chair noted the very useful discussion on children with disabilities that had taken place and AH noted it was his first meeting of the DAC and he found it a very good way of working. RMcD also requested that her Traveller identity be captured.

2.2. Working Group on Use of Section 35 Inquiry Power - Terms of Reference

The Commission approved the terms of reference.

Members emphasised the importance of the group finalising its work within twelve months or before then if all items are concluded.

3.1 Statutory Nominations

(a) Legal Services Regulatory Authority (LSRA)

The Commission agreed Ms Deirdre Malone, Public Interest Law Alliance Legal Manager as its primary nominee and Mr Paul Joyce, Senior Policy Analyst, Free Legal Advice Centre as its secondary nominee. SG will convey the appreciation of the Commission to the outgoing LSRA IHREC representative, Professor Gerry Whyte.

(b) Alternate Member of the Management Board of the EU Fundamental Rights Agency

RMcD and JC expressed their interest in becoming the alternate member of the FRA Management Board. SG invited further expressions of interest from members and the matter will be tabled for decision at the next meeting. SMcD will be available to provide information for any member queries.

SMcD left the meeting.

4.1 Commission Functions

(a) Role of Anti – Human Trafficking Rapporteur

A memo on the IHREC's designation as National Rapporteur on Anti Human Trafficking was taken as read. Members noted the importance of making progress on the issue of access to data and the issue of intersectionality was raised, with the example of the disproportionate number of people with intellectual disabilities represented in trafficked people. It was noted that the Commission could consider establishing a S.18 Advisory Committee in this area.

(b) Transfer of Functions to Department of Children, Equality, Disability, Integration and Youth

A memo on the Transfer of Functions to the Minister for Children, Equality, Disability, Integration and Youth Affairs was noted.

Some members expressed concerns about potential future risks to the Commission arising from the Departmental move and also that the Commission had not been consulted on the matter.

It was agreed that these concerns would be registered with both Ministers in future communications.

5.1 Submission to Consultation on Spent Convictions

IE joined the meeting.

SG introduced the draft submission to the Public Consultation on the Review of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, which had been circulated to members in advance of the meeting. The Commission approved the submission with some reordering and with some amendments including to indicate that the procedures required would as far as possible be in private.

IE left the meeting.

■ [REDACTED]

MON joined the meeting.

TG left the meeting at 2:57pm.

[REDACTED]
[REDACTED]
[REDACTED]

AH left the meeting at 3:07pm.

■ [REDACTED] ■ [REDACTED]

HFB left the meeting at 3:08pm.

[REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7.1 Director's Report

The Director's Report was taken as read.

In response to members queries it was noted that the planned public awareness campaign on racism is broadly similar in approach to our last disability awareness campaign and that members of a number of minority ethnic groups are involved in the campaign advisory group and the campaign

delivery. The executive was asked to consider possible implications of the campaign being delivered in a period when new hate crime legislation is due to be considered.

A number of young people from minority ethnic groups are also involved in the advisory committee for the *Scoping study on issues facing second-generation minority ethnic young people in Ireland*.

7.2 Finance Report

The Finance Report was taken as read.

Members noted the importance of as far as possible achieving our budget goals to the end of the year.

FC left the meeting at 3:45pm.

8.1 AOB

Members discussed the recent public debate about the records of Mother and Baby Homes Commission of Investigation.

RM left the meeting at 3:49pm.

CF left the meeting at 3:50pm.

It was agreed to issue a reflective and supportive statement standing in solidarity with survivors. It was also agreed that the Commission will comment on publication of the Commission report and will engage with any legislative review initiated by the Minister in response to recent controversy over handling of survivor data.

Meeting closed at 4.00pm.



Signed:

Sinéad Gibney
Chief Commissioner

Date: 8 December 2020