



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

Minutes
Irish Human Rights and Equality Commission
42nd Ordinary Plenary Meeting
28 July 2020

Present:

Commission Members:

- Salome Mbugua, Acting Chief Commissioner and Co-Chair (SM)
- Dr Frank Conaty, Co-Chair (FC)
- Heydi Foster Breslin (HFB)
- Prof Caroline Fennell (CF)
- Tony Geoghegan (TG)
- Colm O'Dwyer SC (COD)

Incoming Commission Members:

- Sinéad Gibney, Chief Commissioner
- Jim Clarken
- Michael Finucane
- Adam Harris
- Prof Kathleen Lynch
- Dr Rosaleen McDonagh
- Sunniva McDonagh SC
- Dr Lucy Michael
- Prof Ray Murphy

Apologies:

None.

In Attendance:

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

The 42nd Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 1:30pm on 28 July 2020 by video conference.

Introductions

SM welcomed the incoming Chief Commissioner and eight incoming Commission members to the Irish Human Rights and Equality Commission, and introductions were made.

1.1 Apologies, Quorum and Declaration of Interest

No apologies noted. The meeting was quorate.

HFB and AH declared a conflict of interest in relation to agenda item 3.1 *Human rights and equality issues arising from COVID-19 crisis*, and AH declared a conflict of interest in relation to agenda item 3.4 *Update on Grants Scheme*.

1.2 Closed Session

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

1.3 Minutes of Previous Meeting

The draft minutes of the 41st Ordinary Plenary Meeting, dated 23 June 2020 were approved, proposed by HFB and seconded by FC.

1.3 Matters arising not otherwise on the agenda

HFB requested to discuss managing any potential financial underspend, by providing financial assistance to organisations who are struggling due to the impact of COVID-19. It was noted that this would arise under the agenda item on the Grants Scheme.

TG requested more information on the correspondence from the Ireland-Wales Monitoring Committee. LB clarified that under the regulations of the EU Investment Funds, IHREC as the National Equality Body is invited to participate in a range of monitoring committees and does so in priority areas. Such requests are dealt with at executive level.

2.1 Acting Chief Commissioner Update

SM noted the summary of key correspondence issued and received, and gave an update on key Commission engagements since the June meeting, including:

- On 26 June, HFB presented on behalf of the Commission at the Irish Prison Reform Trust (IPRT) international webinar focused on the Optional Protocol to the UN Convention Against Torture.
- On 28 June, the Commission's submission to the European Social Charter was published.
- On 29 June, the Commission used the 20 anniversary of the EU Race Directive as an opportunity to issue a media statement on eliminating racial discrimination in all its forms in Ireland.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3.2 IHREC's List of Issues Submission on the International Covenant on Civil and Political Rights (ICCPR)

IE joined the meeting.

The Commission considered the draft submission to the UN Human Rights Committee on the List of Issues for the Fifth Periodic Examination of Ireland. The deadline for IHREC's submission is 17 August.

The List of Issues for Ireland will be adopted at the UN Committee's 12 October – 6 November 2020 Session.

The Commission proposed some amendments to the draft submission, including in regard to the implications of the digital divide for marginalised groups, international protection, business and human rights and equality budgeting and black and Traveller racism. Members also agreed to forward further comments on these issues in writing.

Subject to these amendments, the Commission approved the submission.

IE left the meeting.

3.1 Human rights and equality issues arising from COVID-19 crisis

HFB and AH left the meeting. SMD re-joined the meeting.

FC outlined the background to the memo of LB on a possible 'architecture' for COVID-19 related monitoring and for the possible development of an overall IHREC synthesis report on COVID-19 from the perspective of equality and human rights. LB outlined the suggested approach.

Members welcomed the memo as a useful framework for discussion. However, concerns were expressed at the breadth of the issues covered and the feasibility of addressing these within a reasonable timeframe. Also, the importance of including other groups such as carers and older people and taking account of the work of international organisations such as the Fundamental Rights Agency (FRA).

Members emphasised the importance of IHREC reporting on these issues, and suggested that the possibility of addressing the different themes through discrete approaches with priority in the first instance on the use of emergency powers and on the differential impact on specific groups and settings. It was agreed that LB would examine this and provide an update at the next meeting.

In addition, the Commission emphasised the particularly serious impact of COVID-19 in nursing homes and agreed that an ad hoc sub-group would meet to consider this matter with reference to the S.35 enquiry power, taking account of counsel advice received, and to report to the September Commission meeting.

3.4 Update on 2020 Grants Scheme

JOM joined the meeting. HFB re-joined the meeting.

The Commission were updated on the progress of the 2020 Human Rights and Equality Grants Scheme on the theme of 'Access to Rights and Access to Justice'.

In the light of the implications of COVID-19, for human rights and equality and for civil society, and resultant delays in the programmatic activity of IHREC in the year to date, the Commission decided to increase the 2020 scheme's grant fund from €350k to 500k, and to increase the first tranche payment amount from 40% to 50%.

4.1 Finance Report

AH re-joined the meeting.

The Commission considered the mid-year finance report.

To the end of June 2020, IHREC had a total underspend of €765,125 (25% against profile). Pay accounted for €290,126 (17% against profile) and non-pay accounted for €474,998 (35%) against profile. The Commission noted the analysis of key variances provided on pay and non-pay budgets.

On the pay budget it was noted that the underspend reflects significant delays in completing planned recruitment during the year. While it was planned that much of this recruitment can be completed over the remainder of the year, this will not offset underspend in this year, and the end year pay underspend is expected to be significantly higher than the current figure.

On the non-pay budget, the COVID-19 situation has significantly delayed activities and expenditure in the first half of the year across all programme areas. While it was anticipated that much of this delayed expenditure would be made later in the year, there remained considerably uncertainty in regard to certain budget areas including legal and the pre 2020 Grants Programmes (although this would be somewhat offset by the Commission's decision re the 2020 Grants Scheme). These will require ongoing monitoring and, where possible, identification of alternative activities.

4.2 Risk Report

The following papers were taken as read:

- Proposal on IHREC Risk Appetite
- Draft Risk Register
- Explanatory Note on IHREC Risk Register

The next Audit and Risk Committee will take place in September, after which a further update will be provided to the Commission.

4.3 Director's Report

The Director's Report was taken as read.

5.1 Any Other Business

Dates for the next plenary meeting and three Induction sessions, to be held in September will be circulated to members.

The meeting concluded at 1:30pm.



Signed:

Salome Mbugua
Acting Chief Commissioner

Date: 22 September 2020