

Minutes
Irish Human Rights and Equality Commission
47th Ordinary Plenary Meeting
9th March 2021
Video Conference

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)
- Niall Kelly, Head of Corporate Services (NK) - Item 6.1
- Jean O'Mahony, Head of Strategic Engagement (JOM) - Agenda Item 8.1
- Brian Dawson, Communications Manager (BD) - Agenda Item 12.1
- Sinéad Fitzpatrick, Senior Policy and Research Officer (SF) - Agenda Item 5.1, 12.1
- Walter Jayawardene, Senior Policy and Research Officer (WJ) - Agenda Item 3.1
- Muireann Ní Thuairisg, Minute Taker

The 47th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 9:30am-12.00pm and 2.00pm-4:50pm on 9th March 2021 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

There were no apologies, no declarations of interest were made and the meeting was quorate.

1.2 Closed session for Members

The commission provided feedback on the revised Code of Conduct and KL agreed to incorporate the changes, with the help of the Ways of Working group, and return with a version for approval.

1.3 (a) Minutes of previous meeting – 26 January 2021

Subject to one amendment, the draft minutes of the 46th Ordinary Plenary meeting held on 26 January 2021, were approved, proposed by AH and seconded by RM.

1.3 (b) Minutes of previous meeting – 8 February 2021

The draft minutes of an extraordinary meeting held on 8th February 2021, were approved, proposed by HFB and seconded by JC.

1.3(c) Minutes of previous meeting – 17 February 2021

The draft minutes of an extraordinary meeting held on 17th February 2021, were approved, proposed by LM and seconded by COD.

1.4 Matters arising, not otherwise dealt with on the Agenda

There were no matters arising.

1.5 Chief Commissioner Update

SG updated members on her recent meetings and media engagements and noted key items of press coverage. SG also briefed members on her ongoing meetings with survivors, which will inform the Commission's submission to the Inter-Departmental Group on a redress scheme for survivors of the Mother & Baby Homes.

On key correspondence, COD's (as SHRAC representative) letter to the Garda Commissioner on the collection and use of race and ethnic data was noted. The letter is available to view on the portal and will be circulated to members for their information.

It was confirmed that the Director of the IPS has agreed to a meeting and a date is to be set in due course. Further consideration will be given to the correspondence from HIQA on their regulatory reform paper. The response received from the Chair of GSOC was noted. An update was requested on correspondence to Minister on access to drivers licenses for asylum seekers. LB had met with the Director of the ICCL to discuss their concerns on the exclusion of the advancement of human rights

as a charitable purpose under the Charities Act 2009. Members also noted wider concerns regarding restrictions on NGO advocacy under the Act.

2.1 Committee Updates

(a) Casework Committee (CWC)

An update note on the most recent meeting of the Casework Committee held on 4th March was taken as read.

(b) Section 35 Inquiry Working Group

An update note on the most recent meeting of the Section 35 Inquiry Working Group held on 23rd February was taken as read.

Members commented on the process map prepared by SG. This is a first draft which will be revised in the light of feedback from the Working Group and from the Commission.

(c) Policy and Research Committee (PRC)

An update note on the most recent meeting of the Policy and Research Committee held on 4th March was taken as read.

SG has served as Chair of the PRC since October 2020 and as agreed at that time, LM will now take over as Chair.

LM indicated that the PRC will work to clarify the Commission's approach to research. The role of the PRC in triaging items to the Commission will also be clarified.

(d) Disability Advisory Committee (DAC)

An update note on the most recent meeting of the Disability Advisory Committee held on 23rd February was taken as read.

Following the publication of the Commission's submission on the Dying with Dignity Bill 2020, DAC had discussed the importance of the Commission further clarifying its position on this matter.

(e) Audit and Risk Committee (ARC)

An update note on the most recent meeting of the Audit and Risk Committee held on 3rd March was taken as read. Members noted that LB had attended this meeting as Accounting Officer, and there had been a useful discussion with a view to clarifying some procedural matters.

The ARC will meet again in March to review the 2020 Appropriation Account before it is submitted for the 31st March statutory deadline.

Consideration of the risk register been deferred to the next meeting. The ARC charter is also being reviewed.

RMcD noted that she is standing down from the ARC and will join the PRC.

Members requested to be informed of all Committee meetings to give them the opportunity to attend as observers and to familiarise themselves with the work of the Committees.

3.1 Universal Periodic Review

Members discussed a draft Submission on the UN Universal Periodic Review for Ireland. The submission will be revised to take account of the feedback from the Commission and will be submitted to the UN before the closing date of 25th March 2021.

4.1 Workplan & Budget

The Commission considered the draft workplan, which had been revised to take account of Commission feedback at its meeting of last December, and to more fully reflect existing commitments in respect of litigation and legislative observations. The Commission approved the workplan, noting that it is a living document, which must be kept under review. It was also agreed to incorporate a reference to engagement with FRA in the plan. The importance of developing clearer KPI's as part of the strategic planning process was also noted.

The Commission also considered and approved the draft 2021 budget. It was clarified that the 2021/2022 Grants scheme fund remains at €350k and that the lower 2021 allocation to research reflects the ending of the IHREC/ESRI programme. It was also noted that a report on the impact of the anti-racism public awareness campaign was in preparation.

5.1 Online Safety & Media Regulation Bill

Members discussed a draft submission on the General Scheme of the Online Safety and Media Regulation Bill. The submission will be revised in the light of the feedback received and will be submitted to the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht by 12th March 2021.

6.1 Director's Report and Finance Report

The Director's Report and Finance report was taken as read.

On the Minister's statutory role in approving Codes of Practice, it was clarified that any substantive changes proposed by the Minister would be brought to the attention of the Commission, while noting that this has not arisen to date.

It was also clarified a note comparing our 2020 Your Rights activity to 2019 activity will shortly be finalised and will be circulated to members for their information.

7.1 Anti-Trafficking Rapporteur Role

An update was provided to members on recruitment in progress to support the development of IHREC's anti-trafficking rapporteur role and related ongoing work.

It was clarified that IHREC will continue to press the issue of access to data and also that our approach will be evidence based and will take account of sex trafficking and trafficking for labour exploitation. We will be engaging with the EU Commission to clarify their reporting requirements and will be engaging with the planned GRETA country visit towards the end of the year.

A more in depth Commission discussion on trafficking and our anti-trafficking rapporteur role will be scheduled in the coming months.

8.1 Mother and Baby Homes

SG briefed members on the options paper she had circulated in advance of the meeting, outlining some of the discussion and suggestions that have been put forward for potential work.

SG noted that the option around facilitating survivor testimony had been raised by members at the extraordinary Commission meeting on 17th February. Members welcomed SG's current engagement with survivors as outlined in the Chief Commissioner update, but did not generally see the Commission having a broader role in regard to providing a platform for survivor testimony.

Members suggested that the Commission should continue to focus on what the State should be doing to meet its human rights and equality obligations. Members indicated some support for specific research in this regard but cautioned that the research indicated in the options paper was too broad and a more focused approach would be necessary.

SG will consider members' views on the potential work and the matter will be tabled for discussion at the PRC.

9.1 [REDACTED]

[REDACTED]

10.1 External Committee Updates

CF gave a high-level overview of the work of ENNHRI. The presentation slides will be circulated to members for their information.

SMcD gave a high-level overview of the work of FRA. LM suggested the work of FRA could be discussed separately at a meeting of the PRC.

SG requested COD to present on SHRAC at a future Commission meeting.

The Commission approved the Memorandum of Understanding for the Article 2: Island of Ireland Dimension Working Group. It was agreed to ask the Working Group to give further consideration to the approach to annual reporting.

11.1 Nomination Process

Due to timing, it was agreed to table this item for decision at the next meeting.

12.1 Judicial Appointments Commission Bill

Members discussed a draft submission on the General Scheme of the Judicial Appointments Commission Bill 2020. The submission will be revised in the light of the feedback received and will be re-circulated by e-mail for final approval before submission to the Minister for Justice.

13.1 AOB

There being no other business, the meeting concluded at 16:50.



Signed:

Sinéad Gibney
Chief Commissioner

Date: 20 April 2021

