



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

Minutes
Irish Human Rights and Equality Commission
53rd Ordinary Plenary Meeting
30 November 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)
- Dr Salome Mbugua (SM)
- Dr Rosaleen McDonagh (RMcD)
- Sunniva McDonagh SC (SMcD)
- Dr Lucy Michael (LM)
- Prof Ray Murphy (RM)

Apologies:

- Colm O'Dwyer SC (COD)

In attendance:

- Laurence Bond, Director
- Michael O' Neill, Head of Legal – Item 3.1, 10.1
- Dr Iris Elliott, Head of Policy and Research – Items 5.1, 6.1, 8.1
- Dr Sarah Sheridan, Senior Policy and Research Officer – Item 5.1
- Connor King, Policy and Research Officer - Item 5.1
- Maria Mullan, Senior Policy and Research Officer – Items 6.1, 8.1
- Kieran Timmons, Policy and Research Officer – Item 6.1
- Muireann Ní Thuairisg, Minute Taker

The 53rd Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:00am – 4:00pm on 30 November 2021 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

Apologies were noted from COD. There were no declarations of interest and the meeting was quorate.

1.2 Closed session for Members

The Chief Commissioner provided a brief update, there were no actions.

1.3 Draft Minutes

The draft minutes of the ordinary Commission meeting of 19 October were approved, proposed by RM and seconded by AH. The draft minutes of the extraordinary Commission meeting of 9 November were approved, proposed by AH and seconded by KL.

1.4 Matters arising, not otherwise dealt with on the Agenda

Following discussions with the Chief Commissioner, ENNHRI board and ENNHRI Secretary General, CF informed members that she would not be putting her name forward as the IHREC representative for the role of ENNHRI Chair. SG thanked CF for her significant contribution to the work of ENNHRI.

Members congratulated LB on his appointment as Chair of Equinet.

1.5 Director's Report

The Director's report was taken as read and LB responded to queries raised.

It was clarified that staff represent IHREC on the monitoring committees for a number of national equality strategies. However, IHREC does not usually agree to Government including deliverables for IHREC in their strategies to ensure that the Commission remains independent in determining its own priorities and actions. It was noted that a number of the strategies are due for review and renewal.

The report of the study on 'Second Generation Minority Ethnic Young People in Ireland' is being finalised and should be ready for publication early in the New Year.

Further analysis on the processing of Section 40 applications will be prepared.

We had been advised in September that Minister O'Gorman had approved the draft Codes of Practice on Harassment and on Equal Pay that that the Department was requesting the Office of the Attorney General to draft the orders to give effect to same. However, this had not yet happened. An update on the status of codes of practices will be provided at the next meeting

Available data on human trafficking indicates that trafficking for sexual exploitation has the highest prevalence followed by trafficking for labour exploitation and both have been addressed in our work to date and will be in the national report that is in preparation. The list of organisations invited to the roundtables will be circulated to the members.

It was clarified that COD represents IHREC on the SHRAC. The letter submitted by COD on the planned AGS Human Rights Strategy will be circulated.

In response to a question about gaps in our work - such as around gender in employment - and whether such gaps could be addressed through establishing further advisory committees, SG noted that, discussions on additional committees should reflect the Commission's strategic priorities and the resources available to support additional committees.

1.6 Chief Commissioner Update

A tentative date of 9 December has been proposed for the final strategy session and SG thanked members for their attendance and input at the sessions to date.

The joint meeting with the NIHRC and ECNI boards in Dundalk on 23 November to advance the current programme of work of the Article 2(1) Working Group had been very positive. The ECNI and NIHRC are carrying out a wide range of initiatives on issues arising under Article 2 in Northern Ireland, in line with their new statutory powers and duties under the Protocol. The three Commissions are working together on all island matters. A note on the meeting is being prepared by the ECNI and will be circulated to all the members when received.

The NIHRC have written to the Commission in relation to the deferral of their A Status Accreditation. SG has offered the NIHRC our support and solidarity and will raise this matter with the Minister for Foreign Affairs.

Members welcomed IHREC's partnership with *Hot Press* magazine to promote the 100 Voices #AllAgainstRacism national awareness campaign.

.

2.1 Committee Updates

a) Casework Committee

An update note on the Casework Committee meetings of 9 November and 22 November were taken as read.

b) Policy & Research Committee

An update note on the Policy and Research Committee meeting of 8 November was taken as read.

LM briefed members on the PRC's initial discussion on research strategy and on how the Commission might promote the International Decade for People of African Descent. It was agreed that the PRC paper on the latter issue would be circulated to all members for their information.

c) Worker Employer Advisory Committee

An update note on the Worker Employer Advisory Committee meeting of 5 November was taken as read.

TG briefed members on the recent well attended conference on racial equality in employment and on the guidance booklet on employing international protection applicants, which will now be launched on December 10, International Human Rights Day. He also noted again the suggestion of reconstituting the WEAC to include a broader membership.

2.2 Meeting with HIQA

FC updated members on the recent meeting with HIQA. The HIQA senior team had briefed us across a range of areas. HIQA has identified weaknesses in the overall policy framework for social care and significant gaps and weaknesses in the regulatory regime, including with reference to human rights and equality.

Members welcomed the engagement with HIQA and emphasised their concerns with the lack of regulation of public funded services to vulnerable adults and also the privatisation of social care. It was agreed the Commission would continue to engage with HIQA on matters of common concern.

3.1 Intoxicating Liquor Act – Review of Legislation

Members discussed and approved the draft Review of Section 19 of the Intoxicating Liquor Act 2005. It was noted that it was opportune to proceed with this alongside the work on the review of equality legislation.

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.1 ICESCR – List of Issues

Members discussed a draft submission to the UN Committee on Economic, Social and Cultural Rights for the List of Issues Prior to Reporting on Ireland’s Fourth Periodic Report, which had been considered by the Policy & Research Committee at its meeting of 8 November.

The draft submission will be finalised taking account of the feedback from the Commission and submitted by the deadline of 17 December.

6.1 Criminal Justice (Hate Crime) Bill – Legislative Observations

Members discussed a draft submission on the General Scheme of the Criminal Justice (Hate Crime) Bill, which had been considered by the Policy & Research Committee at its meeting of 8 November.

A central point of discussion, highlighted in the draft circulated was the appropriate standard whether recklessness or intent. It was agreed to defer a decision on this matter to the next meeting of the Commission. It was agreed that in advance of that, the opinion of Counsel would be circulated and a short background note on this issue would be prepared. It was agreed that the remainder of the submission was approved in principle, subject to finalisation to take account of Commission feedback. Any further comments should be submitted by email.

7.1 Risk Register

It was clarified that this item was tabled at this meeting in accordance with the earlier decision that the risk register would come before the Commission twice a year. The members welcomed the risk register and noted in particular the recruitment difficulties identified and the actions being taken to mitigate this risk.

8.1 Equality Legislation Review Submission and S.18 Advisory Committee

Members discussed a draft submission on the Review of the Equality Acts, an earlier version of which had been considered by the Policy & Research Committee at its meeting of 8 November.

The draft submission will be finalised taking account of the feedback from Commission members and will be submitted to the Department of Children Equality Disability Integration and Youth.

The proposed Terms of Reference for the Advisory Committee on the Future of Equality Legislation were approved and the membership will be finalised taking account of feedback from the members. Members are invited to email SG directly if interested in becoming a member, a vice presiding member or presiding member of the advisory committee by Friday, 10 December. Members are also invited to submit views on external members.

■ [REDACTED]

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

[REDACTED]
[REDACTED]

- | [REDACTED]
[REDACTED]
- | [REDACTED]
[REDACTED]
[REDACTED]
- | [REDACTED]
[REDACTED]

█ █

█

█

█

11.1 Mother & Baby Home Redress Scheme – Response

Members noted the recent publication of the Government’s Redress Scheme and the disappointment with aspects of the scheme expressed by many survivor groups. The Commission’s Advisory Paper was published as planned following the Government decision.

Members discussed the reaction to the Commission’s statement and the importance of continuing the conversation about redress with and for survivors.

SG confirmed she will arrange a follow up meeting with survivors to discuss the matter and will update members.

12.1 AOB

Possible dates for Commission meetings in 2022 were circulated to members in advance of the meeting.

The Commission agreed that eight ordinary meetings would be held on: 27 January, 10 March, 21 April, 2 June, 14 July, 15 September, 27 October and 8 December.



Signed:

Sinéad Gibney
Chief Commissioner

Date: 27 January 2021