

Minutes
IHREC 54th Ordinary Meeting
27 January 2022
10.00am – 2:30pm
Online

Present:

- Sinéad Gibney, Chief Commissioner (SG)
- Prof Caroline Fennell (CF)
- Dr Salome Mbugua (SM)
- Dr Rosaleen McDonagh (RMcD)
- Ray Murphy (RM)
- Colm O'Dwyer SC (COD)
- Heydi Foster Breslin (HFB)
- Jim Clarken (JC)
- Tony Geoghegan (TG)
- Prof Kathleen Lynch (KL)
- Sunniva McDonagh SC (SMcD)
- Dr Lucy Michael (LM)
- Michael Finucane (MF) – afternoon session

Apologies

- Dr Frank Conaty (FC)
- Adam Harris (AH)

In attendance:

- Dr Iris Elliott, Head of Policy and Research
- Maria Mullan, Senior Policy and Research Officer
- Kieran Timmons, Policy and Research Officer
- Michael O' Neill, Head of Legal
- Muireann Ní Thuairisg, Minute Taker

The 54th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:00am – 2:30pm on 27 January 2022 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

Apologies were noted from FC and AH, and from LB who was ill. There were no declarations of interest and the meeting was quorate.

1.2 Closed session for Members

The Commission met in closed session and agreed a five year contract renewal for the Director.

1.3 Minutes of Previous Meetings

The draft minutes of the ordinary Commission meeting of 30 November were approved, proposed by RM and seconded by. KL The draft minutes of the extraordinary Commission meeting of 9 December were approved, proposed by SM and seconded by COD.

1.4 Matters arising, not otherwise dealt with on the Agenda

There were no matters arising.

1.5 Director's Report

The Director's Report was taken as read. It was agreed that in LB's absence, questions on the Director's Report will be brought to his attention for written response.

An update was requested on the timeliness of processing of S40 application and legal assistance activity.

An update was requested on the external costs associated with preparation of the Equality Reviews.

The re-running of the Public Awareness Campaign was commended in addition to the guidance booklet, developed with the Worker Employer Advisory Committee on employing international protection applicants.

Due to the work on finalising the Strategy Statement, work on the budget and work plan was delayed. The items will be tabled at the next plenary meeting.

1.6 Chief Commissioner Update

SG noted the launch of the strategy statement on 10th February and thanked those members who have confirmed their attendance.

Members requested to attend committee meetings of interest in an observing capacity. A calendar of Commission meetings will be prepared and circulated to members once finalised.

Due to the lifting of most COVID-19 restrictions, SG noted that plans to hold hybrid plenary meetings are underway. Work is required on the facilities side to ensure the smooth running of meetings. SG will put together options, taking into consideration accessibility, and how best to accommodate those who would like to join remotely. She will update members at the next meeting. Subcommittee meetings are likely to continue online.

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

SG updated the members on the recent meeting of the 4 Jurisdictions - NEBs and NHRI's from Ireland, Northern Ireland, Scotland and England and Wales.

2.1 Committee Updates

(a) Casework Committee

An update note on the Casework Committee meetings of 9 December was taken as read.

(b) Worker Employer Advisory Committee

An update note on the Worker Employer Advisory Committee meeting of 14 December was taken as read. Members discussed reconstituting the WEAC to include a broader membership and developing the WEAC work plan and aligning same with the new Strategy Statement. It was agreed to organise a meeting of the WEAC commission members, SG and LB to discuss the matter in more detail. The matter will then be tabled for decision at the next plenary meeting, with a supporting paper to assist.

(c) Disability Advisory Committee

An update note on the Disability Advisory Committee meeting of 3 December was taken as read.

JC, as acting Chair gave a short update on the Audit and Risk Committee. The next meeting will take place on 31 January. As FC is on sabbatical leave for a number of months, it is proposed to have an additional Commission member on ARC on a temporary basis. Interested members were asked to contact JC directly to declare their interest.

3.1 Recklessness / negligence discussion for hate crime bill

The following documents were taken as read:

- draft submission on the General Scheme of the Criminal Justice (Hate Crime) Bill, which had been approved in principle at the Plenary meeting on 30 November;
- background note on intentionality and recklessness in Irish criminal law; and
- Counsel Opinion

The members discussed in detail the implications of the recklessness and intent standards. It was agreed that the paper would be finalised and submitted, taking account of the feedback received.

4.1 SHRAC Update

A memo from the Chief Commissioner and correspondence to An Garda Síochána Strategic Human Rights Advisory Committee on their draft human rights strategy was taken as read.

COD gave an update to members on his engagement with the SHRAC as IHREC's representative. Commission members commended the recent submission and emphasised the importance of training for An Garda Síochána. It was noted SMcD is also a member of SHRAC, representing the Bar Council of Ireland.

Further updates on SHRAC will be provided during the year.

5.1 Commission of Investigations Act

A memo from the Chief Commissioner and a briefing from Counsel was taken as read.

Commission members discussed the briefing from Counsel and possible courses of action. It was agreed the briefing will be a useful reference for future discussions on Commissions of Investigations and Section 35 Inquiries. Members highlighted the importance of IHREC public commentary on COIs if they fail to meet their human rights and equality obligations, not just on conclusion but throughout their lifecycle.

6.1 [REDACTED]

[REDACTED]

[REDACTED]

7.1 [REDACTED]

[REDACTED]

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

[REDACTED]

8.1 AOB

There was no other business and the meeting concluded.