



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

Irish Human Rights And Equality Commission Specialist Human Rights Law Panel

Information Note on the Invitation for Expressions of Interest from Counsel

Section 1: Background

The Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission ('IHREC') is an independent statutory body established under the Irish Human Rights and Equality Commission Act 2014 (the 'IHREC Act'). IHREC merged the mandates of two legacy organisations, the Irish Human Rights Commission and the Equality Authority. It is Ireland's National Equality Body and National Human Rights Institution.

IHREC's statutory mandate, as outlined in the IHREC Act, is to protect and promote human rights and equality in Ireland and to encourage the development of a culture of respect for human rights, equality and intercultural understanding across Irish society.

Section 10(1) provides that the overall general functions of IHREC shall be:

- (a) to protect and promote human rights and equality;
- (b) to encourage the development of a culture of respect for human rights, equality, and intercultural understanding in the State;
- (c) to promote understanding and awareness of the importance of human rights and equality in the State;
- (d) to encourage good practice in intercultural relations, to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person; and
- (e) to work towards the elimination of human rights abuses, discrimination and prohibited conduct.

In furtherance of the functions referred to in section 10(1), IHREC has a number of functions set down in section 10(2):

- (a) to provide information to the public in relation to human rights and equality generally including information in respect of the enactments to which section 30 refers;
- (b) to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality;
- (c) either of its own volition or on being so requested by a Minister of the Government, to examine any legislative proposal and report its views on any implications for human rights or equality;
- (d) either of its own volition or on being so requested by the Government, to make such recommendations to the Government as it deems appropriate in relation to the measures which the Commission considers should be taken to strengthen, protect and uphold human rights and equality in the State;
- (e) to apply to the [Superior Courts] for liberty to appear as *amicus curiae* in proceedings before that court that involve or are concerned with the human rights or equality rights of any person and to appear as such an *amicus curiae* on foot of such liberty being granted (which liberty each of the said courts is hereby empowered to grant in its absolute discretion);
- (f) to provide such practical assistance, including legal assistance, to persons in vindicating their rights as it sees fit in accordance with section 40;
- (g) where it sees fit, to institute proceedings under section 41 or section 19 of the Act of 2003, as may be appropriate;
- (h) to consult with such national, European Union or international bodies or agencies having a knowledge or expertise in the field of human rights or equality as it sees fit;
- (i) to be the body designated for the purposes of Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating

the exercise of rights conferred on workers in the context of freedom of movement for workers;

- (j) to undertake, sponsor, commission or provide financial or other assistance for research and educational activities;
- (k) to provide or assist in the provision of education and training on human rights and equality issues;
- (l) either of its own volition or at the request of the Minister, to undertake, sponsor, commission, or provide financial or other assistance for programmes of activities and projects for the promotion of integration of migrants and other minorities, equality (including gender equality) and respect for diversity and cultural difference;
- (m) to carry out equality reviews and prepare equality action plans or to invite others to do so, where appropriate, pursuant to section 32;
- (n) to assist public bodies in accordance with section 42;
- (o) to conduct inquiries under and in accordance with section 35;
- (p) to prepare and publish, in such manner as it sees fit, reports including reports on any research undertaken, sponsored, commissioned or assisted by it under paragraph (j) or in relation to inquiries referred to in paragraph (o);
- (q) to participate in the Joint Committee with the Northern Ireland Human Rights in accordance with the Multi-Party Agreement annexed to the British-Irish Agreement (within the meaning of the British-Irish Agreement Act 1999); and
- (r) to perform such other functions transferred to it under section 44.

Section 2: Establishment of a Specialist Panel of Counsel for Human Rights Law Matters

IHREC's in-house solicitors brief counsel to provide legal advice and/or to appear on behalf of IHREC, as well as private individuals who are the recipients of legal assistance (advice and/or representation) pursuant to section 40 of the IHREC Act.

In accordance with Government guidance¹ IHREC is establishing a **Specialist Human Rights Law Panel** of suitably qualified barristers with relevant experience and expertise in the area of human rights law, from which litigation and advisory briefs will be awarded as and when needs arise, and having regard to the following considerations:

- (a) The nature of the work and the level of complexity, (e.g. whether litigation or advisory, whether Senior and/or Junior Counsel required etc.);
- (b) Relevant jurisdictional level (e.g. Superior Courts, CJEU, or ECtHR etc.);
- (c) Required area of specialisation or expertise;
- (d) Availability, having regard to current commitments or possible conflicts; and
- (e) Acceptability of fee proposal in the light of Value for Money assessment prior to engagement.

Engagement will be subject to managed rotation, whereby IHREC will use its best endeavours to allocate work among the Panel's members in a fair and balanced manner.

General Requirements

The Panel will be open to practicing barristers enrolled on the Legal Services Regulatory Authority's Roll of Practising Barristers. It will operate for a period of two years from its

¹ Department of Public Expenditure and Reform Circular No 5 of 2013, (Procurement of Legal Services).

date of establishment. Thereafter it will be re-advertised on a recurring basis. An indication of availability and willingness to be briefed does not, of itself, guarantee inclusion on the Panel, nor guarantee that counsel will be briefed.

The Panel will consist of three categories:

1. Senior Counsel;
2. Junior Counsel of more than 7 years' standing; and
3. Junior Counsel of less than 7 years' standing.

Junior Counsel will be re-assigned to the Senior Counsel category, as appropriate, during the term of the Panel.

Counsel **must meet the following minimum requirements** in order to be eligible for membership of the Panel:

- (a) Be practising barristers of good standing;
- (b) Be registered on the Roll of Practising Barristers maintained by the Legal Services Regulatory Authority;
- (c) Be in possession of current professional indemnity insurance as required by the Legal Services Regulation Act 2015 and the Legal Services Regulation Act (Professional Indemnity Insurance) Regulations 2019 (S.I. 572 of 2019); and
- (d) Be in possession of a current Tax Clearance Certificate or Tax Clearance Access Number from the Irish Revenue Commissioners.

Failure to maintain any of the foregoing shall terminate Panel membership.

In discharging its obligation to the public interest, IHREC takes account of the following:

Non Discrimination : IHREC briefs barristers without regard to gender, sexual orientation, race, disability, age, religious belief, civil status, family status or membership of the Traveller community. IHREC welcomes applications from all members of the Bar with the requisite experience.

Value for Money: IHREC's policy is to ensure that any barrister who is briefed will provide a service of high quality that gives value for money. Before a barrister is briefed in relation to any matter, they will be required to provide a written estimate of fee, for agreement with IHREC.

Specialised nature of the services required

Having regard to its statutory mandate, the public interest requires a high degree of specialisation on the part of barristers acting for IHREC and/or private individuals in receipt of legal assistance pursuant to section 40 of the IHREC Act. Accordingly, barristers admitted to the Panel are expected to already have substantial expertise and experience in at least one of the following relevant areas of practice:

- Child law;
- Constitutional law and protection of human rights;
- Criminal law, in particular human rights and fair procedures;
- Disability law;
- EU Charter of Fundamental Rights;
- European Convention on Human Rights and/or ECHR Act 2003;
- Housing law;
- Human Trafficking;
- Immigration, citizenship and refugee law;
- Mental Health Act 2001;
- Social Welfare law;
- Traveller rights; and/or
- Wardship and/or the Assisted Decision Making (Capacity) Act 2015.

In the case of more recently practicing barristers (i.e. less than seven years), a level of expertise commensurate with their period at the Bar, including the experience gained while a devil/pupil and other relevant activity (teaching, academic writing etc.) will be regarded as relevant.

Quality of Service

Barristers instructed by IHREC are required to do work of public importance. The public interest demands that barristers of high calibre are briefed and that the skills and experience individual counsel can offer are suitable to the particular brief. Retention on the Panel is at IHREC's discretion, and is subject to satisfactory performance of work, as will be determined by IHREC's Head of Legal.

Each engagement shall be subject to initial agreement on scope of work and fees and delivery of a section 150 notice. The performance of services by barristers shall, at all times, be in accordance with the Bar of Ireland's Code of Conduct (and any future code for barristers that may be put in place by the Legal Services Regulatory Authority).

Barristers are briefed on a case-by-case basis and will act in accordance with instructions and in compliance with relevant guidelines.

Where a Panel member, for maternity/paternity/adoption reasons or other personal reasons, wishes to take a period of time out from being available, they should write to IHREC's Head of Legal indicating the date after which they will be in a position to resume their position on the panel. Counsel will be accommodated in this regard.

Section 3: The Application Process

IHREC invites counsel with expertise in the area of human rights law, who wish to confirm their availability and willingness to be briefed, to submit their details using the [*Expression of Interest for the Specialist Human Rights Law Panel of Barristers form*](#) before 5pm on Wednesday 22 March 2023. Late submissions will not be accepted.