

Minutes
Irish Human Rights and Equality Commission
59th Ordinary Plenary Meeting
15 September 2022
10am – 4pm | IHREC, 16 – Green Street, Dublin 7

Present:

- Sinéad Gibney, Chief Commissioner (SG)
- Heydi Foster Breslin (HFB)
- 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)
- Colm O’Dwyer SC (COD)

Apologies:

- Jim Clarken (JC)

In attendance:

- Laurence Bond, Director
- Éimear Fisher, Acting Director
- Lavinia Tallon, Corporate Services – Item 1.2
- Dr Iris Elliott, Head of Policy and Research - Items 3.1, 4.1, 5.1, 6.1
- Maria Mullan, Senior Policy and Research Officer – Items 3.1, 4.1, 5.1, 6.1
- Dr Kieran Timmons, Policy and Research Officer- Items 3.1, 4.1
- Eithne Madden, Policy and Research Officer- Items 5.1
- Ciára Dalton, Policy and Research Officer – Item 6.1
- Michael O’Neill, Head of Legal – Items 7.1, 10.1
- Brian Dawson, Acting Head of Strategic Engagement (joined by telephone) – Item 9.1
- Barry Price, Office of the Director – Item 9.1
- Muireann Ní Thuairisg, Minute taker

The 59th Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place at the IHREC offices, 16-22 Green Street, Dublin 7 between 10:00am – 4:00pm on 15 September 2022.

1.1 Apologies, Quorum and Declaration of Interest

SG thanked LB for attending the meeting and wished him well on his retirement. Commission members thanked LB for his significant contribution to the organisation, and to human rights and equality in Ireland.

SG welcomed Acting Director Éimear Fisher to the meeting who was in attendance in an 'observer' capacity.

SG thanked commission members for their support and assistance with the recruitment process of the post of Acting Director, and noted her appreciation to her colleagues for their dedication to the organisation.

SMcD declared a conflict of interest under agenda item 3.1. *Policing Security & Community Bill*.

1.2 Closed Session

The Commission met in closed session. They were joined from the Executive by LT and a further update was provided on the appointment process for Acting Director. A note of the process will be agreed at the October plenary meeting.

1.3 Draft Minutes

The draft minutes of the 58th Ordinary Commission meeting of 14 July were approved, proposed by RM and seconded by SM.

The draft minutes of an Extraordinary Commission meeting of 2 September were approved, proposed by AH and seconded by RM.

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.

AH noted the importance of IHREC engaging with the Joint Committee on Autism, in particular given that disability discrimination is the highest area of public contact to the *Your Rights* section, as highlighted in the Director's Report under Appendix C, '*Your Rights' Activity Data*'.

In response to a number of queries from commission members on the *Your Rights* function, LB noted that the information on the IHREC website has been updated in order for information on rights to be more searchable and comprehensive.

Preparations are underway in relation to the conference, *Achieving Gender Equality at Work – Care Policy and Practice*, taking place on 9 November in Croke Park. The programme will be circulated to members.

In response to a query about the backlog in the processing of Section 40 applications, including the reasons for applications being withdrawn, it was agreed to have a substantial discussion on the legal assistance function at the next Casework Committee meeting with a view of bringing the matter to the next commission meeting.

1.6 Chief Commissioner Update

The Chief Commissioner Report was taken as read.

SG will provide an update at the next Commission meeting on the correspondence from the 'Initiative Group' at Arbour Hill prison.

SG will meet next month with Minister of State Anne Rabbitte T.D., to discuss the ongoing delays around Ireland's progress in UNCRPD's implementation and accountability. Once the meeting is scheduled, commission members will be informed of same.

Commission members raised concerns over the Government's decision to strip visa-free travel rights from refugees arriving into the country and noted an attitudes survey with people seeking international protection might raise awareness on the issue.

An ENNHRI High-Level meeting on the human rights situation relating to migration from Ukraine is taking place on 22 September. HFB indicated an interest to attend the meeting.

2.1 Committee Updates

(a) Casework Committee

Updates on the Casework Committee meetings of 14 July and 5 September were taken as read.

(b) Future of Equality Legislation Advisory Committee (FELAC)

An update on the Future of Equality Legislation Advisory Committee (FELAC) meeting of 29 July was taken as read.

(c) Worker Employer Advisory Committee

An update on the Worker Employer Advisory Committee (WEAC) meeting of 26 July was taken as read.

(d) Disability Advisory Committee

A note on the new appointments to Disability Advisory Committee was circulated to members.

The Commission approved the five persons recommended by the Selection Committee to be appointed to the Disability Advisory Committee.

DAC Chair, RMCD noted that for future new appointments to DAC, consideration should be given to running a specifically tailored recruitment process with a view of appointing a person with a learning disability.

(e) Section 35 Triage Group

An update on the Section 35 Triage Group meeting 26 July was circulated to members.

Following a discussion on the inquiry requests considered at the meeting and the best way of bringing inquiry requests to the Commission, it was agreed that SG will draft terms of reference with a view of establishing the Triage Group as a permanent committee going forward. The matter will be tabled for decision at the next Commission meeting.

3.1 Policing, Security & Community Bill – draft submission

The draft submission will be finalised taking into account feedback from Commission members and will be submitted to the Department of Justice.

4.1 Mother & Baby Homes Payments Scheme Bill – draft submission

The draft submission will be finalised and submitted taking into account feedback from Commission members. IHREC will engage again with survivors on the key issues arising from the bill.

5.1 Inspection of Places of Detention Bill – draft submission

The draft submission will be finalised and submitted taking into account feedback from Commission members. An explanatory note on the establishment of the NPM will be prepared for the Commission.

6.1 Safe Access Zones Legislation

The draft submission will be finalised and submitted taking into account feedback from Commission members.

7.1 Codes of Practice

A Memo from the legal team was circulated to members on the scope of the power to prepare Codes of Practice.

Members discussed the objective of Codes of Practices and if there is a way of expanding the application of the provision.

The legal team await a response from the Dept. of Children to arrange a meeting with the Office of the Attorney General to discuss Codes of Practice more generally.

8.1 ESRI

A memo from the Director was circulated to members on the ESRI and IHREC 'Research Programme on Human Rights and Equality' which ran from 2017 and 2021.

Commission members discussed re-establishing the programme for a period of two years and that an IHREC representative could act as Chair of the Steering Group.

Following discussion on the need to balance research contracts across a variety of research bodies, it was agreed to move ahead with re-establishing the ESRI –IHREC research programme, with further details to be discussed at the next Policy and Research Committee meeting.

9.1 Trans Equality Law Legal Advice

Legal advices as it relates to the rights of Trans people, were circulated to members.

SG noted that the advices were circulated in order to initiate an exploratory Commission level discussion on this matter. A decision will be made in the October plenary as to how to best handle the protection of Trans rights in the Equality Legislation review.

[REDACTED]

[REDACTED]

[REDACTED]

11.1 Any Other Business

SG informed members that proposed Commission meeting dates for 2023 will be circulated to members for decision at the next Commission meeting, as well as details of additional events on 9 December 2022, following the final plenary of the year. The 2023 dates will be based on the format of the 2022 meeting dates. Consideration will be given to the possibility of holding a Plenary meeting outside of Dublin.

FC raised a number of questions but due to a lack of time, there was no time to discuss the queries in detail.

The meeting closed at 4:00pm.