

Minutes

Irish Human Rights and Equality Commission
60th Ordinary Plenary Meeting
27 October 2022 | 10:00am – 1:15pm |
IHREC, 16 – 22 Green Street, Dublin 7

Present:

- Sinéad Gibney, Chief Commissioner (SG)
- Heydi Foster Breslin (HFB)
- Jim Clarken (JC)
- Michael Finucane (MF)
- Tony Geoghegan (TG)
- Adam Harris (AH)
- Prof Kathleen Lynch (KL)
- Dr Lucy Michael (LM)
- Prof Ray Murphy (RM)
- Colm O'Dwyer SC (COD)

Apologies:

- Dr Frank Conaty (FC)
- Prof Caroline Fennell (CF)
- Dr Salome Mbugua (SM)
- Dr Rosaleen McDonagh (RMcD)
- Sunniva McDonagh SC (SMcD)

In attendance:

- Éimear Fisher, Acting Director (ÉF)
- Dr Iris Elliott, Head of Policy and Research – Item 3.1
- Ryan Oakes, Policy and Research Officer – Item 3.1
- Michael O'Neill, Head of Legal – Item 4.1
- Muireann Ní Thuairisg, Minute taker
- David W. Duffy, Managing Director, The Governance Company (Attended as observer) – Items 1.6 – 5.1

The 60th 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 –1:15pm on 27 October 2022.

1.1 Apologies, Quorum and Declaration of Interest

Apologies were noted from FC, CF, SM, RMcD and SMcD. There were no declarations of interest and the meeting was quorate.

SG noted that David W. Duffy, Managing Director of The Governance Company has been appointed to carry out an evaluation of the Commission and he will attend part of the plenary meeting to observe.

1.2 Closed Session

The Commission discussed the recent Moling Ryan Review update and agreed to share the recommendations with the Director and Senior Management Team.

1.3 Draft Minutes

The draft minutes of the 59th Ordinary Commission meeting of 15 September were approved, proposed by HFB and seconded by KL.

The draft minutes of an Extraordinary Commission meeting of 9 September were approved, proposed by AH and seconded HFB.

1.4 Matters arising, not otherwise dealt with on the Agenda

FC raised a number of questions at the previous Commission meeting. As there was no time to address his questions during the meeting, SG will follow up with him and copy the response to all commission members.

SG noted that as outlined in her email to members on 21 October, a few items have not been advanced in time for this meeting, including the Section 35 process. The matter will come to Commission at the one of the next plenary meetings.

1.5 Director's Report | Finance Report | Workplan

The Director's Report and Finance Report were taken as read. ÉF updated members on a number of key items in the report.

ÉF informed the Commission that a new ICT system is in development for monitoring legal assistance activity. ÉF will update the Commission in December on the information which will be available under the new system. The aim is to go live in Q1 2023.

The Executive is tendering for a review of the Your Rights service to identify options for reform of the delivery of the service, and the resources required for each option. In the interim, while awaiting the report of the review, the Executive is working to identify what steps can be taken to improve the service including the quality of information and technical improvements, with a clear focus on minimising risk. Members emphasised the importance of seeking their input and expertise regarding the review. ÉF will provide a note for the next Commission meeting on developments in the service.

The Strategic Engagement team have been progressing the development of a database for compliance monitoring of the Equality and Human Rights duty. As the database is due to go live in January, an update will be provided at the next Commission meeting.

IHREC observations on Part 3 of the General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022 have been submitted to the Oireachtas Justice Committee and Department officials. ÉF explained that she had made the decision not to address Part 2 and that this was not due to any failure on the part of the Executive. It was simply a timing issue and the rationale was that IHREC would be in a position to deliver a better quality product by postponing consideration of Part 2 until a later time. IHREC are continuing to work on Part 2 in anticipation of the publication of the Bill and an appearance before the Oireachtas committee in due course.

The Policy Statement on Indexation of Welfare Payments will be tabled for decision at the next Commission meeting.

A submission to the Gender Equality Committee on the Report on Constitutional Change is being prepared and will be submitted by the closing date of 7 November.

IHREC received a very positive response on the European Commission's country visit who acknowledged IHREC's contribution to the European equality data agenda.

ÉF outlined the process in place, agreed with the Department and PAS, for the forthcoming recruitment of commission members. A note of the process will be circulated to members and ÉF is happy to take on board feedback/ comments from members. SG flagged that this matter might require an interim meeting between now and the Commission meeting on 8 December. SG assured members that the process will be fully transparent and that members will be updated on each phase of the process.

Members requested information on the low level of spending on Governance and Corporate Support, Research and the level of Amicus Curiae spending anticipated by year end. ÉF explained the current underspend on research and will reply to the remaining queries by email.

ÉF noted that work on the 2023 work plan is ongoing. The plan will be tabled at the December Plenary meeting where members will be asked for feedback.

1.6 Chief Commissioner Update

The Chief Commissioner Report was taken as read.

SG informed members that she attended a meeting of the Dedicated Mechanism Working Group on 19 October. A meeting of the NIHRC, ECNI and IHREC will take place on 29 November- details will be circulated to members.

SG travelled to Brussels to meet with MEPs and brief them on incoming European legislation on standards for National Equality Bodies. SG also met with Commissioner for Equality, Helena Dalli and staff in the Government's Permanent Representation of Ireland to the EU office. As the engagement was so positive, SG recommended the Commission could engage with the office on a recurring basis and give consideration to submitting legislative observations at EU level in addition to domestically. SG noted the need for the UK commitment to keep pace with six listed EU directives, and that this directive will potentially be the first real test of that commitment.

SG attended the Supreme Court hearing of the *Middelkamp v. Minister for Justice & Equality* case, to observe the Commission's Amicus Curiae function in action. Members can contact SG if interested in accompanying her to a future amicus case.

On 19 October, SG, RMcD and FC, accompanied by senior staff met with Minister Rabbitte to discuss the ratification of the CRPD Optional Protocol and the Assisted Decision Making Capacity Act. SG expressed to the Minister the Commission's frustration at the continued delay of ratification of the Optional Protocol, concerns around the Assisted Decision Making Act and requested a regular meeting, given the Commission's designate role as independent monitoring mechanism.

2.1 Committee Updates

(a) Casework Committee

An update note on the Casework Committee meeting of 17 October was taken as read.

COD noted that the draft Litigation Strategy 2024 -2024 is nearing finalisation and the matter may be tabled for discussion at a Commission meeting.

(b) Audit and Risk Committee

A note on the current position of the work of the Audit and Risk Committee and on the internal audit was taken as read.

ÉF updated members on her meetings with JC in his role as Acting Chair of the Audit and Risk Committee and with Vincent Teo of DFK Crowleys, Internal auditor.

ÉF is working on the recruitment of external ARC members. While the appointment of external members is a matter for the Accounting Officer, ÉF welcomed the offer for current ARC members to assist. The ARC will meet in November and discuss an updated Corporate Risk Register. ÉF also noted the executive is embarking on an in-depth analysis of Strategic Risk in-house, with a view to bringing a draft analysis paper to the ARC in early 2023.

(c) Future of Equality Legislation Advisory Committee (FELAC) –Updated TOR

An update note on the Future of Equality Legislation Advisory Committee (FELAC) meeting held on 30 September was taken as read.

The Commission approved the updated Terms of Reference for the Advisory Committee.

Members can contact SG if they would like to attend a meeting of the FELAC as an observer.

(d) Worker Employer Advisory Committee

An update note on the Worker Employer Advisory Committee meeting held on 12 September was taken as read.

TG reminded members that the Commission conference *Achieving Gender Equality At Work: Care Policy and Practice*, is taking place on 9 November 2022 at Croke Park Conference Centre.

(e) Disability Advisory Committee

An update note on the Disability Advisory Committee meeting held on 17 October was taken as read.

3.1 Draft Submission - Health (Regulation of Termination of Pregnancy) Act, 2018

A draft submission on the Health (Regulation of Termination of Pregnancy) Act, 2018 was circulated to members prior to the meeting.

The submission will be finalised taking into account feedback from Commission members and submitted to the Independent Chair of the review.

[REDACTED]

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3.1 AOB – 2023 Plenary Dates

Members agreed the draft list of 2023 plenary dates.

SG requested members attend the plenary meetings in person. In special circumstances, members will be facilitated if they wish to join the meetings remotely. In view of the fact that the Commission’s ICT providers do not have the equipment in place as yet, members will be unable to join the meetings remotely for at least the first two meetings in 2023.

Committee meetings will continue to take place online. It was agreed that on occasion, sub committees could hold in-person meetings to facilitate teambuilding.

Members also agreed to hold at least one of the 2023 Commission meetings outside of Dublin, alongside a “listening post” engagement event with stakeholders.

The final plenary meeting of the year will take place on Thursday, 8 December. A photographer will be onsite for members to avail of headshots and a group photograph. On Friday, 9 December, members will engage with David W. Duffy on the Commission evaluation and this will be followed by a social engagement with staff.

The presentation from the recent Information Session on Trans rights will be circulated to members.