

Minutes

Irish Human Rights and Equality Commission
61st Ordinary Plenary Meeting
8 December 2022 | 10:00am – 3:20pm |
IHREC, 16 – Green Street, Dublin 7

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 Rosaleen McDonagh (RMCD)
- Sunniva McDonagh SC (SMCD)
- Dr Lucy Michael (LM)
- Prof Ray Murphy (RM)
- Colm O'Dwyer SC (COD)

Apologies:

- Dr Salome Mbugua (SM)

In attendance:

- Éimear Fisher, Acting Director
- Sarah Clarkin, Communications Manager – Item 5.1
- Dr Iris Elliott, Head of Policy and Research - Items 6.1, 7.1
- Naomi Kennan, Senior Policy and Research Officer – Item 6.1
- Róisín Putti, Policy and Research Officer – Item 6.1
- Nuala Connolly, Senior Policy and Research Officer – Item 7.1
- Nicholas Fitzgerald, Policy and Research Officer – Item 7.1
- Barry Price, Office of the Director – Item 8.1
- Michael O'Neill, Head of Legal – Items 9.1, 10.1
- Muireann Ní Thuairisg, Minute taker

The 61st 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 – 3:20pm on 8 December 2022.

1.1 Apologies, Quorum and Declaration of Interest

Apologies were noted from SM and the meeting was quorate. CF and COD absented from the discussion on Commission recruitment.

1.2 Closed Session

The Commission met in closed session. There were no action items arising.

1.3 Draft Minutes

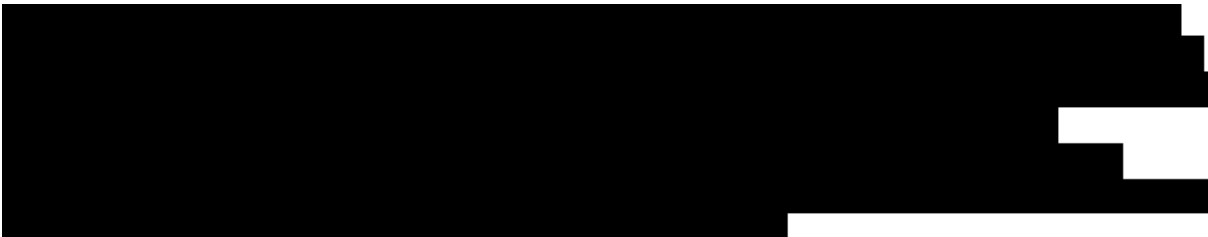
The draft minutes of the 60th Ordinary Commission meeting of 27 October were approved, proposed by COD and seconded by RM.

1.4 Matters arising, not otherwise dealt with on the Agenda

SMcD requested the Commission discuss Section 35 Inquiries. SG noted that the matter will come to the Commission at one of the next meetings.

1.5 Director's Report

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



Members discussed IHREC activity on the matter of historical sexual abuse as referenced in the legal section of the report. A review of the State redress mechanisms is included in the 2023 workplan. SG informed members that COE Commissioner for Human Rights, Dunja Mijatović may visit Ireland on a thematic visit potentially around the area of redress and Traveller accommodation. Preparation is also underway on an additional Rule 9 submission to the Committee of Ministers.

ÉF is engaging with DPER on the recruitment of a Director and it is hoped that a decision as to regrading will be made shortly. PAS has also been notified on the need for a competition. A further update will be provided at the next Commission meeting. SG informed members of the risks associated with the delay on a decision to regrade the post as ÉF's time as Acting Director will conclude in May 2023 and her intention to mitigate those risks in the New Year. Members emphasised the importance of having plans in place to fill any gaps in leadership if the delay is lengthy.

CF and COD left the meeting for the next discussion, on Commissioner recruitment.

ÉF briefed members on the recruitment process of commission members. Members were requested to complete the skills matrix, as circulated by email last month. Hard copy versions were also

provided at the meeting. The draft letter to the Minister to commence the process for recruitment was circulated for observations which ÉF will factor into the recruitment process.

1.6 Chief Commissioner Update

The Chief Commissioner Report was taken as read.

SG thanked her commission colleagues for their contributions on behalf of the Commission for this period – LM, who attended a roundtable on hate crime and gender organised by the Council of Europe and CF, who attended the ENNHRI General Assembly in Brussels.

SG informed members that a meeting of the Joint Committee of the IHREC and NIHRC will take place on 21 February. A *Save the Date* will be circulated to members.

Following discussion on the work of the Joint Committee and the Dedicated Mechanism Working Group, it was agreed a note will be circulated to members on the work of both groups.

2.1 Committee Updates

(a) Casework Committee

An update note on the Casework Committee meeting of 28 November was taken as read.

(b) Audit and Risk Committee

An update note on the Audit and Risk Committee meeting of 23 November was taken as read. Members recommended the rewording of one sentence which will be reflected in the draft minutes of the ARC meeting.

(c) Disability Advisory Committee

An update note on the Disability Advisory Committee meeting of 5 December was taken as read.

(d) Future of Equality Legislation Advisory Committee

An update note on the Future of Equality Legislation Advisory Committee meeting of 25 November was taken as read.

(e) Worker Employer Advisory Committee

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

3.1 Workplan 2022 and 2023

The 2023 workplan was circulated to members in advance of the meeting.

Members welcomed the timing of the workplan and praised the comprehensive work of the Executive. ÉF noted members are welcome to send any specific observations on actions to her/ SG.

4.1 Risk Register 2022

The Risk Register was circulated to members and taken as read.

Members requested a discussion on the red/ high risks at a future Commission meeting.

5.1 Public Awareness Campaign

The Public Awareness campaign on care and gender will be rolled out in early January.

Members welcomed the campaign and viewed some content from contributors. Members emphasised the importance of rolling out the campaign in rural areas.

6.1 Submission to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)'s first (baseline) evaluation of Ireland (Istanbul Convention)

A draft submission on GREVIO's first (baseline) Evaluation of Ireland (Istanbul Convention) was circulated to members prior to the meeting.

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

7.1 Policy statement on Indexation of Welfare Payments

A draft policy statement on the Index-Linking of Welfare Payments (Welfare Indexation) was circulated to members prior to the meeting.

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

8.1 European Union Developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland

Members welcomed the policy recommendations arising from joint research report "European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland".

The presentation from Prof Colin Murray to the Commission's 2nd Annual meeting with the Northern Ireland Human Rights Commission and Equality Commission for Northern Ireland will be circulated to members, subject to Prof Murray's consent.

9.1 Update on Your Rights and Legal Assistance

MON updated members on the Legal Team's progress on legal assistance and the opportunities now available for the development of legal casework in 2023. An information note was provided to members from *Bearing Point* on the work underway on developing an ICT Legal Assistance monitoring system and what is possible with the system. In the interim and pending the implementation of the new dashboard, the current table of activity will be examined with a view to improving the insight into the activity underway on IHREC's legal services.

Members were updated on the 360 review of the Your Rights information service and made some observations on the work underway.

10.1 Hutch and Dowdall – Information Note

Members discussed the outcome of the *Dowdall and Hutch* Supreme Court judgment, as prepared by Mark Lynam BL who represented the Commission in this matter. While the Commission was permitted to file submissions and present oral argument at the hearing, the Supreme Court ultimately decided that the Commission's contribution did not meet the threshold for joinder as amicus.

There being no further business, the meeting concluded at 3:20pm.