

## Minutes

63<sup>rd</sup> Ordinary Commission Meeting

9 March 2023 | 10:00am – 1:30pm

Irish Human Rights and Equality Commission, 16-22 Green St., Dublin 7

### Present:

- Sinéad Gibney, Chief Commissioner (SG)
- Dr Frank Conaty (FC)
- Colm O'Dwyer SC (COD)
- Tony Geoghegan (TG)
- Adam Harris (AH)
- Michael Finucane (MF)
- Prof Kathleen Lynch (KL)
- Dr Salome Mbugua (SM)
- Sunniva McDonagh SC (SMcD)
- Dr Lucy Michael (LM)
- Dr Rosaleen McDonagh (RMcD)
- Prof Ray Murphy (RM)

### Apologies:

- Heydi Foster Breslin (HFB)
- Jim Clarken (JC)
- Prof Caroline Fennell (CF)

### In Attendance:

- Éimear Fisher, Acting Director
- Dr Iris Elliott, Head of Policy and Research – Items 3.1, 4.1
- Maria Mullan, Policy and Research – Item 3.1
- Ciára Dalton, Policy and Research – Item 3.1
- Naomi Kennan, Policy and Research – Item 4.1
- Barry Price, Office of the Director – Item 5.1
- Jean O' Mahony, Head of Strategic Engagement – Item 6.1, 7.1
- Michael O'Neill, Head of Legal – Items 7.1
- Muireann Ní Thuairisg, Minute taker

The 63<sup>rd</sup> 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 – 1:30pm on 9 March 2023.

## 1.0 Apologies, Quorum and Declaration of Interest

Apologies were noted from AH and HFB. The meeting was quorate. COD declared an interest in relation to the Item 1.1. *Amicus Curiae* and AH declared an interest regarding Agenda Item 5.1 *Civil Legal Aid Review*. COD and AH recused themselves from the meeting for these agenda items.

### 1.1 Amicus Curiae

Following discussion, the Commission agreed to seek leave to appear as amicus curiae in *I.K.A. v. Minister for Children and S.Y. v. Minister for Children*, as agreed by the Casework Committee.

### 1.2 Minutes of Previous Meetings

The draft minutes of the 62<sup>nd</sup> Ordinary Commission meeting of 26 January were approved, proposed by KL and seconded by LM.

The draft minutes of an Extraordinary Commission meeting of 3 February were approved, proposed by COD and seconded by SM.

### 1.3 Matters arising, not otherwise dealt with on the Agenda

There were no matters arising.

### 1.4 Director's Report | Finance Update | Budget 2023

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



Members expressed their concern regarding members of the Traveller community being refused entrance to premises and proposed that consideration be given to undertaking a public awareness campaign on the issue, including the effects on Travellers seeking employment. ÉF confirmed she will consider the possibilities of incorporating the campaign within the 2023 or 2024 work plan.

The submission from the Head of Policy and Research to the CSO's public consultation on Census 2027 in January 2023 will be circulated to members.

Members discussed the Human Rights and Equality Poll 2021 and asked if consideration could be given to including a booster sample of particular vulnerable groups, broadening the range of contributors and also looking at reviewing the procurement of the poll going forward.

A briefing on IHREC's engagement with the National Disability Authority's Wards of Court Research Advisory Group will be circulated to members.

It was agreed to consider a review of the grants scheme, with a focus on identifying the types of projects which are not completed. Members noted the importance of proper project management and guidance to ensure grantees can follow through on their grant projects to completion.

Members requested that a summary of research spending across all teams is included in the budget.

Members queried the absence of monies allocated to Section 35 Inquiries and Own Name Proceedings. [REDACTED] it is anticipated that the cost associated with these powers will not accumulate within this year. However, ÉF informed members that the budget is being reviewed each quarter by the Senior Management Team and if immediate costs arise, the budget can be adjusted accordingly.

A question was asked about separating the costs under the Advisory Work heading into those incurred in respect of programmatic work and those incurred for IHREC's own corporate work.

Members thanked ÉF for her contribution and acknowledged her significant contribution to the organisation in such a short space of time.

## 1.5 Chief Commissioner Update

The Chief Commissioner Report was taken as read. SG updated members on a number of key items in the report.

SG informed members that David Duffy will attend the next meeting in relation to the Commission evaluation underway.

The Joint Committee meeting with the Northern Ireland Human Rights Commission will take place online on Tuesday, 21 March.

SG, AH and staff attended the 92<sup>nd</sup> Session of the Committee on the Rights of the Child on 24-25 January in Geneva.

SG spoke at a sign language conference discussing linguistic rights and recognition, the cultural importance of ISL, and also the importance of cross-border equivalence in this area.

SG spoke at an event in Mountjoy Prison on 8 February, run by the Dublin ETB and the Progression Unit of Mountjoy, celebrating various educational achievements of prisoners.

A number of commission members indicated their interest in outreach work.

## 2. 1 (a) Casework Committee

An update note on the Casework Committee meetings of 3 February and 27 February was taken as read.

## 2. 1 (b) Policy and Research Committee

An update note on the Policy and Research Committee meetings of 30 January and 14 February was taken as read.

#### 2. 1 (c) Disability Advisory Committee

An update note on the Disability Advisory Committee meeting of 13 February was taken as read.

#### 2. 1 (d) Future of Equality Legislation Advisory Committee

An update note on the Future of Equality Legislation Advisory Committee meetings of 27 January and 24 February was taken as read. SG flagged to members that it is expected the submission from FELAC will be finalised and discussed at the next Commission meeting.

#### 3.1 Civil Legal Aid Review – draft submission

AH recused himself from the meeting.

A draft submission on the Civil Legal Aid Review was circulated to members prior to the meeting.

Following discussion, the submission was approved and will be finalised taking into account feedback from Commission members.

#### 4.1 Update on programme for the UN International Decade for People of African Descent

An update note on the International Decade for People of African Descent was circulated to members prior to the meeting.

The Commission will hold a roundtable on the International Decade for People of African Descent. The event will be co-designed with civil society organisations representing People of African Descent.

Policy and Research staff members are engaging with Dr Salome Mbugua, Chair of the Decade in Ireland and Ms Patricia Acom who is coordinating the work of the Steering Committee working to implement the Decade in Ireland.

#### 5.1 Commission Handbook

The following documents were circulated to members prior to the meeting:

- Table of Contents for Commission Handbook;
- Section 1 – Introduction of Commission Handbook; and
- Code of Conduct

SG informed members that the Commission handbook aims to provide a central source of key information needed by Commission members to carry out their role. Much of the content for the handbook has been drafted by the Commission's Ways of Working group. However, some content remains to be developed and all of the content remains to be agreed by the wider Commission. The aim is to have the full contents of the handbook agreed and in place upon the next tranche of Commission members taking up post on 1 June 2023.

Members requested that the handbook include information on the processes in place in relation to any breach of the code of conduct.

Members agreed with how the process is proceeding and noted the value of presenting the document to existing and new commission members.

#### 6.1 Public Sector Equality and Human Rights Duty – monitoring of implementation

A memo on the current status of work to support monitoring of implementation of the Public Sector Equality and Human Rights Duty was circulated to members and taken as read.

SG noted that members had requested a discussion on the duty at the Commission meeting on 26 January. The purpose of the discussion is to give members the opportunity to discuss the duty in broad terms.

Members had a broad discussion on the Commission's weak enforcement powers, potential legislative changes, overall low compliance, challenges with not publicly identifying bodies in non-compliance, and how to empower public body employees to hold their employer to account.

SG noted that the duty was discussed at the most recent 4 Jurisdictions meeting with the NHRI/NEB's of Northern Ireland, England and Wales and Scotland, so it would be helpful to check in with these bodies and other NHRIs/ NEBs on their progress on the duty.

Members requested to see the list of public bodies that has been prepared internally, which currently stands at 242 bodies. Previous legal advice on the duty will also be circulated to members.

A further discussion on the duty will be scheduled in the Autumn.

#### 7.1 Code of Practice - Public Sector Equality and Human Rights Duty

A memo and a draft Code of Practice on the Public Sector Equality and Human Rights Duty was circulated to members prior to the meeting.

Following discussion, members approved the draft code of practice and agreed to proceed to public consultation.

There being no further business, the meeting concluded at 1:30pm.