

Minutes

67th Ordinary Commission Meeting

14 September 2023 | 10:00am – 3:40pm

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

Present:

- Sinéad Gibney, Chief Commissioner (SG)
- Noeline Blackwell (NB)
- Jim Clarken (JC)
- Michael Finucane (MF)
- Dr Andrew Forde (AF)
- Caoilfhionn Gallagher, KC, (CG)
- Adam Harris (AH)
- Prof Colin Harvey (CH)
- Prof Kathleen Lynch (KL)
- Dr Salome Mbugua (SM)
- Sunniva McDonagh, SC, (SMD)
- Dr Rosaleen McDonagh (RMD)
- Dr Lucy Michael (LM)
- Prof Ray Murphy (RM)
- Eoin Ronayne (ER)

In attendance:

- Deirdre Malone, Director (DM)
- Dr Iris Elliott, Head of Policy and Research, Items 3.1; 6.1; 7.1 and 8.1
- Naomi Kennan, Policy and Research, Item 3.1
- Connor King, Policy and Research, Item 3.1
- Maria Mullan, Policy and Research, Items 6.1 and 7.1
- Ciara Lehane, Policy and Research, Item 7.1
- Dr Nuala Connolly, Policy and Research, Item 8.1
- Dr Nusha Yonkova, Head of Anti-Trafficking Unit, Item 9.1
- Hayley Mulligan, Anti-Trafficking Unit, Item 9.1
- Michael O'Neill, Head of Legal, Items 10.1 and 13.1
- Jean O'Mahony, Head of Strategic Engagement, Item 11.1
- Louise Moloney (minute-taker)

The 67th 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 – 3.40pm on 14 September 2023.

SG welcomed returning Commission member, SM, and new Commission members NB, AF, CG, CH and ER. SG outlined the structure of the Plenary meetings, expectations on meeting conduct, her role as Chair and encouraged any Commission members to contact her should they have any questions or queries.

1.1 Apologies, Quorum and Declaration of Interest

There were no apologies noted. The meeting was quorate and there were no declarations of interest.

1.2 Closed Session

The Commission met in closed session without the executive present. A note from the July plenary closed session was requested and will be made available via DecisionTime.

1.3 Minutes of previous meetings

The draft minutes of the 66th Ordinary Commission meeting of 13 July were approved, proposed by AH and seconded by RM.

The revised draft minutes of an extraordinary meeting of 28 June were approved, subject to one minor amendment from KL, proposed by AH and seconded by RM.

1.4 Matters arising, not otherwise dealt with on the agenda

AF noted that there had been some interest in relation to his appointment as a currently serving senior civil servant and took the opportunity to assure Commission Members that he had applied in good faith, was appointed to the Commission independent of his Department, will operate in a completely independent capacity and will manage any conflict that arises proactively during his term as a Commission Member.

Engagement with the DCEDIY to organise a date for all Commission Members to formally receive their Warrants of Appointment continues and it is hoped that this can be tied with an event to thank the Members whose terms recently concluded.

1.5 (a) Director's Report

The Director's Report was circulated in advance and DM outlined some key developments in the reporting period and fielded questions on contents. The Commission thanked DM for the comprehensive report. Commission noted in particular that the Amicus Curiae work has been exceptional this year. Following enquiries about our work in the area, it was agreed to arrange a discussion on IHREC's overall work on Traveller Rights & Equality at one of the two remaining plenary meetings this year.

(b) Finance Report and Appropriation Accounts

The finance report to the end of July 2023 and the 2022 Appropriation Accounts were circulated to members in advance. DM clarified that civil service accounting practices applied to the Commission as a vote body. It was noted that there are challenges to the budget for this year and for 2024 given the new functions assigned to the Commission. DM and SG will meet to explore the available possibilities to strengthen the administrative ways in which IHREC's vote and budget are handled. It was also noted that some of the budget amounts for 2023 were extremely modest in light of the scale and work of the Commission and this should be reviewed for Budget 2024.

(c) Risk Register

The Risk Register was circulated in advance and members noted the budget challenges may need to be considered as a strategic risk. Members also noted that there may be reason to downgrade the risks in relation to COVID and supply chain issues. [REDACTED]

(d) Mid-Year Review of Work Plan

The Mid-Year Review of the Work Plan was taken as read.

1.6 Chief Commissioner Update

The Chief Commissioner report was taken as read.

2.1 Committee Updates

a) S35 Triage Committee

The note of the previous S35 Triage Committee Meetings was taken as read.

b) CWC

MF provided an outline of the work of the Casework Committee for new Commission members.

3.1 CEDAW

The draft Submission to the Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) for the List of Issues Prior to Reporting on Ireland's 8th periodic cycle was circulated in advance of the meeting to Commission Members.

The Commission complimented the team on an excellent report. The report was approved for submission ahead of the deadline of 15 September subject to minor amendments. It was agreed these would be actioned to the extent that is reasonably possible in the context of the very tight deadline the team is working against. Amendments that are not actionable in this instance will be taken into consideration by the team for further work items.

4.1 Commission Reform Working Group – Membership and Terms of Reference

It was agreed at the Commission meeting of 1 June that a working group would be established to progress the Commission reform programme. The working group will be comprised of the Chief Commissioner, two current members and two incoming members from the ongoing appointments process.

ER, AF, RMD and LM were confirmed as the members of the working group.

Draft Terms of Reference were prepared by the Executive and circulated in advance. Following discussions, it was agreed that the Terms of Reference should be revised by the working group to better reflect the outcomes sought by the Commission. These Terms of Reference and a timeline for the work of the group will be tabled at the October Commission meeting.

5.1 (a) Grievance Procedure

A working draft grievance procedure had been brought to the Commission at the meeting of 1 June. Members agreed with the approach to the procedure set out in the working draft and agreed that a revised draft incorporating their feedback would be prepared by the Executive. This work was paused but the Commission agreed that it should now recommence, in so far as possible, and if necessary an extraordinary meeting will be convened to progress this expeditiously.

(b) Conflict of Interest Policy

A draft Conflict of Interest policy was circulated in advance. SG thanked DM for her work on this draft. SG invited the Commission to give feedback in writing within two weeks and this would be incorporated into a revised version for consideration at the next Commission meeting.

6.1 Submission on the Planning and Development Bill 2022

By way of background, it was noted that this was a substantial and complex piece of legislation. The team were commended for identifying the potential implications of this bill on the area of Traveller specific accommodation.

The draft was approved for submission subject to minor amendments.

7.1 Position paper on Strategic Litigation against Public Participation

The position paper is a new approach for the Commission to legislative observations and outlines a broad Commission position on Strategic Litigation against Public Participation.

The position paper was approved, subject to minor amendments, for submission by way of correspondence to the Minister for Justice and the Joint Oireachtas Committee on Justice.

The Commission would welcome a further opportunity to engage with the broader legislation in the future if capacity allows.

8.1 Research and Data Update

The Research and Data manager presented an overview of the work that the unit has completed to date. The Commission commended the team, in particular, for their work in building momentum in the area of equality data.

Following a query from Commission members, 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.

9.1 Criminal Law (Sexual Offences and Human Trafficking) Bill 2023

The draft submission on the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023 was circulated to Commission members in advance. The submission was approved for submission subject to minor amendments.

The Commission took the opportunity to congratulate the team on the conference to launch the Second Annual Evaluation Report of the National Rapporteur on Trafficking in Human Beings which had taken place the previous day.

[REDACTED]

11.1 Care Campaign Presentation

The Head of Strategic Engagement gave a presentation on the third annual public awareness campaign which ran across a variety of platforms for five weeks, earlier in the year. This public awareness campaign highlighted the issue of unpaid care and followed previous campaigns on disability and racism under the “All Human, All Equal” slogan.

The Commission noted that content from these campaigns can be used again and are still being used as social media posts.

Work on the next public awareness campaign is underway.

12.1 Nomination to the LSRA – Long List

The LSRA item will be tabled at the October Commission meeting.

13.1 Instrument of Delegation

A draft instrument of delegation was brought to the Commission meeting of 13 July. The purpose of this is to update the existing instrument to ensure that staff can operate effectively in respect of the s.40 functions.

Following advice from Counsel, the draft was amended to ensure that where an alternate is required, that alternate is clearly identifiable by name to ensure that delegation of Commission function is handled appropriately.

The instrument of delegation was approved.

14.1 Any Other Business

There being no other business the meeting closed at 3:40pm.