

Minutes

68th Ordinary Commission Meeting

26 October 2023 | 10:00am – 3:10pm

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

Present:

- Sinéad Gibney, Chief Commissioner (SG)
- Jim Clarken (JC)
- Michael Finucane (MF)
- Dr Andrew Forde (AF) (remotely)
- Prof Colin Harvey (CH)
- Prof Kathleen Lynch (KL)
- Dr Salome Mbugua (SM)
- Sunniva McDonagh, SC, (SMD)
- Dr Lucy Michael (LM)
- Eoin Ronayne (ER)

Apologies:

- Adam Harris (AH)
- Noeline Blackwell (NB)
- Caoilfhionn Gallagher, KC, (CG)
- Dr Rosaleen McDonagh (RMD)
- Prof Ray Murphy (RM)

In attendance:

- Deirdre Malone, Director (DM)
- Dr Kieran Timmons, Policy and Research, Items 3.1 and 6.1
- Roisin Putti, Policy and Research, Item 6.1
- Eithne Madden, Policy and Research, Item 3.1
- Barry Price, Office of the Director, Item 4.1
- Louise Moloney (minute-taker)

The 68th Ordinary Commission meeting took place on 26 October 2023 from 10:00am – 3:10pm in the IHREC Offices, 16 -22 Green Street, Dublin 7.

1.1 Apologies, Quorum and Declaration of Interest

Apologies were noted from AH, NB, CG, RMD and RM. 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. The note of the closed session of 13 July will be recirculated to members and consideration will be given to a further discussion at the December closed session.

1.3 Minutes of Previous Meetings

The draft minutes of the 67th Ordinary Commission meeting were circulated in advance and approved, proposed by KL and seconded by JC.

1.4 Matters arising, not otherwise dealt with on the Agenda

There were no matters arising.

1.5 Director's Report and Finance Report

Members thanked DM for a comprehensive Director's Report and noted their appreciation of the addition of the Executive Summary.

A memo outlining IHREC's Estimates for 2024 and engagement in the supplementary budget process was circulated to members in advance. Members shared concerns that the budget allocation for 2024 would hinder IHREC's capacity to perform new functions. Members also expressed concern that IHREC was excluded from the supplementary process.

It was agreed that a meeting would be sought with the Minister for Children, Equality, Disability, Integration and Youth and the Accounting Officer in the DCEDIY to discuss concerns in the first instance.

1.6 Chief Commissioner Update

The Chief Commissioner Report was taken as read.

The response to the correspondence from the Irish Association of Social Workers will be circulated to members.

2.1 Committee Updates

a) Casework Committee

The note of the Casework Committee was taken as read. An extraordinary Casework Committee meeting will be convened in the coming days.

b) Policy and Research Committee

The note of the Policy and Research Committee was taken as read.

c) Audit and Risk Committee

The note of the Audit and Risk Committee was taken as read. JC noted that the revised Risk Register would come to the Commission at the December Plenary meeting.

d) Disability Advisory Committee

The note of the Disability Advisory Committee was taken as read.

e) Worker and Employer Advisory Committee

The note of the Worker and Employer Advisory Committee was taken as read. JC noted that planning for the next conference was underway.

f) Commission Reform Working Group

The note of the first meeting of the Commission Reform Working Group was taken as read.

3.1 Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill

LM provided some further information on the relevant sections of the Bill referenced in this paper for information.

Members thanked the team for their excellent work in preparing this draft.

The Commission agreed that the Demonstration Test should be retained in sections 17-19 of the Bill.

The draft was approved, subject to minor amendments, and will be finalised for submission to the Minister for Justice.

4.1 Commission Reform Working Group – Terms of Reference

The revised draft Terms of Reference of the Commission Reform Working Group were circulated to members in advance. This draft incorporates feedback discussed by the Working Group at its first meeting and feedback given by Commission Members at the September Plenary meeting.

It was agreed to include a footnote referencing the Moling Ryan report in the Terms of Reference.

The draft Terms of Reference were approved, subject to minor amendments.

5.1 Grievance Policy

A revised working draft of the grievance policy was circulated in advance. This draft incorporates feedback from the Senior Management Team.

SG thanked DM for her work in progressing this to date and noted that the development of this policy is an ongoing process and a final document would not need to be agreed today.

It was agreed that an extraordinary meeting of the Commission would be organised in November or December to discuss this policy further. [REDACTED]

6.1 Garda Síochána (Recording Devices) Bill – Position Paper on New Provisions

A draft position paper to propose a Commission position on two new provisions contained in the Garda Síochána (Recording Devices) Bill was circulated to members in advance.

The paper was approved, subject to some minor amendments.

The Commission welcomed the new approach to having focused observations on specific areas of legislation. SG and DM will discuss how best to name this work going forward.

7.1 Conflict of Interest Policy

The revised draft Conflict of Interest Policy, which was circulated to members in advance, was approved.

8.1 Nomination to the LSRA

The Commission agreed to nominate Eilis Barry to the Legal Services Regulatory Authority.

9.1 Nomination to SHRAC

SG opened the nomination process for a representative on the An Garda Síochána Strategic Human Rights Advisory Committee (SHRAC).

SMcD will provide a short note outlining the work of SHRAC for information. Members should send expressions of interest via email. A decision on the nomination will be made at the December Commission meeting.

10.1 Potential IHREC Statement on Israel/Gaza

The Commission agreed to issue a statement on the conflict in Israel and Gaza in its capacity as a member of GANHRI.

11.1 Plenary Dates 2024

Potential dates for the Ordinary Commission meetings in 2024 were circulated to members in advance. Members agreed with the cadence of meetings throughout the year as proposed, but agreed to review the day of the week on which meetings are held.

The Office of the Director will invite members to indicate if their preferred day for Commission meetings is Tuesday, Wednesday or Thursday, and revised dates will then be circulated.

JC noted that it may be helpful to include a retreat day for Commission members in planning for 2024.

12.1 AOB

[REDACTED]

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The meeting closed at 3:10pm.