

Annual Report 2017



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**
Irish Human Rights and Equality Commission

Irish Human Rights and Equality Commission
16–22 Green Street, Dublin 7, D07 CR20

Published by the Irish Human Rights and
Equality Commission, June 2018

ISBN: 978-0-9957296-3-6

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First published in June 2018
by Irish Human Rights and Equality Commission
16–22 Green Street, Dublin 7, D07 CR20.

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The Irish Human Rights and Equality Commission (IHREC) was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

ISBN 978-0-9957296-6-7

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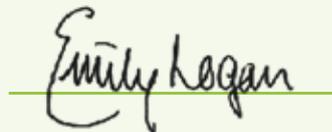
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REPORT TO THE HOUSES OF THE OIREACHTAS

I hereby submit the annual report of the Irish Human Rights and Equality Commission to the Houses of the Oireachtas pursuant to section 28(1) of the Irish Human Rights and Equality Commission Act 2014.

This annual report covers the period from 1 January to 31 December 2017.

A handwritten signature in black ink that reads "Emily Logan". The signature is written in a cursive style and is positioned above a thin, horizontal green line.

Emily Logan

Chief Commissioner
June 2018

CHIEF COMMISSIONER'S MESSAGE

On behalf of the Irish Human Rights and Equality Commission, I am very pleased to present our third Annual Report to the Houses of the Oireachtas.

International Protection

With unprecedented levels of human displacement reported by UNHCR to be at a record 65.3 million people, the Commission continued to prioritise its efforts on the theme of International Protection. The International Protection Act (2015), which came into force in January 2017 was the focus of the Commission's first thematic event entitled Ireland's Response to the Global Refugee and Migration Crisis. The key areas of concern for the Commission include the eligibility for family re-unification and the ongoing threats facing unaccompanied migrant children. While it is too early to determine whether the legislation is achieving its aim to bring about a more unified approach to asylum applications, early indications by the end of 2017 point to a nineteen month wait for a first interview and concerns about a complicated 60-page application form.

The Commission has called on the State to assume an international leadership role, in particular on the rights of child refugees and to speak out for human rights and equality of treatment of refugees at a European and global level. At a time when the international political discourse on protectionism is growing, it is important for Ireland to remember its longstanding commitment to internationalism.

Traveller Ethnicity

In March, Taoiseach Enda Kenny announced the formal recognition of Travellers as a distinct ethnic group within the State, following cross-party political support and leadership.

While the Commission contributed to this debate, including appearing before the Joint Oireachtas Committee on Justice and Equality, this change came about because of the valiant and relentless efforts of the Traveller women and men who advocated for many years to see this historic day.

Unfortunately, the cases dealt with by our legal team this year paint a picture of persistent discrimination and inertia towards the provision of services for the Traveller community, most commonly in the area of Traveller accommodation.

International Reporting

The Commission reported independently to two UN Treaty Bodies in 2017, the UN Committee on the Elimination of Discrimination Against Women and Ireland's second formal examination under the UN Convention Against Torture.

The Concluding Observations on Ireland published by both Committees offered detailed recommendations to the State, and focused on issues raised by the Commission.

Of relevance to international human rights law is our domestic work on advancing the ratification of the UN Convention on the Rights of Persons with Disabilities and progress on the Optional Protocol to the Convention against Torture.

Significant legal outcome

The most significant outcome in the use of its legal powers to advance socio-economic rights was the intervention by the Commission as *amicus curiae* in the case of *NHV v Minister for Justice and Equality* on the right of an individual living in direct provision to earn a livelihood. Describing the case as a test case, the Supreme Court ruled that, in circumstances where there is no time limit on the asylum process, then the absolute prohibition on seeking employment under the Refugee Act 1996 is contrary to the constitutional right to seek employment.

As *amicus curiae* (friend of the court), the Commission's core submission was that non-citizens, including those seeking asylum or subsidiary protection, are entitled to invoke the right to work or earn a livelihood guaranteed under article 40.3.1 of the Constitution.

Noting that this situation could be resolved by changing the relevant statutory provisions, which is primarily a matter for government and parliament, the Court adjourned the matter for 6 months and invited the parties to make submissions on the form of the court order to be made at that time. In this context the Commission will pursue its monitoring of its recommendation of 2015 and the State's expressed intention to opt-in to the recast Reception Conditions Directive, which provides for, *inter alia*, access to the labour market for international protection applicants.

Meeting Human Rights and Equality obligations – Housing

The Commission has prioritised socio-economic rights and has been most active on the right to housing, through its legal work, policy work and most recently by initiating research on discrimination and inequality in housing in Ireland.

The Commission has recommended reform of key aspects of housing law and policy, such as the supply of quality permanent social housing and security of tenure. The Commission has also expressed concern about the gender dimensions of homelessness in Ireland as well as the impact on children's rights.

This year the Commission raised concerns in particular in relation to the provision of emergency accommodation, publishing its policy statement "The provision of emergency accommodation to families experiencing homelessness" – which warned against the normalisation of family homelessness.

The statement emphasises the need for a focus on human dignity, and the need for the Constitutional values of autonomy and privacy of people experiencing homelessness to be central to the provision of suitable family accommodation, alongside the importance of children's rights.

Oireachtas Committee on the Eighth Amendment

In October, the Commission was invited to appear before the Oireachtas Committee on the Eighth Amendment to the Constitution by its Chair Senator Catherine Noone.

The Commission recommended that the State should approach reforms on access to abortion in Ireland primarily as a matter of healthcare policy, and that to do so would be in keeping with its obligations under international human rights law.

The Commission cited concerns regarding the current legal position in Ireland in relation to abortion, most notably, in 2016 and 2017 the UN Human Rights Committee found that Ireland had violated a number of rights of the International Covenant on Civil and Political Rights, following complaints taken by Amanda Mellet and Siobhan Whelan, both of whom experienced pregnancies with fatal foetal abnormalities. The key rights violated are: articles 7, the prohibition on cruel, inhuman and degrading treatment, article 17 – the right to privacy and article 26 – equality before the law.

The Commission recommended that the state hold a referendum to put to the people the deletion of Article 40.3.3 of the Constitution in order to permit the development framework governing access to abortion in Ireland that has a basis in primary legislation and regulation.

Evidence-based research

In its first strategy, the Commission prioritised the use of good quality data and empirical research as crucial in identifying the barriers to the full enjoyment of human rights and equality that persist in our society, as well as the people most affected by these barriers.

In 2017 the Commission initiated research partnerships with the Economic and Social Research Institute (ESRI) and the Irish Research Council (IRC). The two-year partnership with the ESRI envisages a series of research reports, including attitudes to diversity in Ireland, discrimination and inequality in housing, discrimination amongst people with a disability, and ethnicity and nationality in the Irish labour market.

As part of our partnership with the Irish Research Council on the theme of interculturalism, an award was grant funded to DCU School of Communications for their 'Hate Track' project. This is an experimental exploratory research project that combines social scientific and computational methods to better understand online racist and racially-loaded speech in the Irish context.

The Commission's objective in these projects is to develop improved human rights and equality data, which contributes to better evidence based decision-making.

Joint Committee

Finally, given the significant potential risks for the protection of human rights and equality that continued to accompany the Brexit negotiations throughout 2017, the work of the Joint Committee came into sharp focus. The Joint Committee, made up of representatives of the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission was established under the Belfast/Good Friday Agreement to consider human rights issues in the island of Ireland.

To this end, the Joint Committee kept these issues central to its work and its representation at the Irish Government's All-Island Civic Dialogues on Brexit held through 2017. Clearly, the effective functioning of the 1998 Agreement continues to be critical at this time and, given the imperative for greater collaboration with our colleagues in Northern Ireland, the Commission dedicated additional resources to support the Joint Committee's work throughout the year, as well as commissioning a research study on the impacts of Brexit and how the continuing North-South equivalence of rights might be best achieved.

Appreciation

I wish to thank and pay tribute to our Commission colleagues who completed their term in October 2017: Liam Herrick, Mark Kelly, Mary Murphy, Betty Purcell and Kieran Rose. The Commission has benefitted enormously from their collective vision, hard work and perseverance in setting up the Commission, and at the most challenging time for the new entity that is the Irish Human Rights and Equality Commission.

May 2017 saw the appointment of a new Director to the Irish Human Rights and Equality Commission, Laurence Bond. On behalf of the Commission, I would like to thank Laurence and all of the staff of the Irish Human Rights and Equality Commission, listed in the appendices, who have continued to work with great enthusiasm and commitment in supporting the Commission to fulfil its statutory mandate to promote and protect human rights and equality in Ireland.

A handwritten signature in black ink that reads "Emily Logan". The signature is written in a cursive style and is positioned above a thin, horizontal green line.

Emily Logan
Chief Commissioner



ABOUT THE COMMISSION

The Irish Human Rights and Equality Commission is Ireland's independent national human rights and equality institution. Our purpose is to protect and promote human rights and equality in Ireland and to build a culture of respect for human rights, equality and intercultural understanding.

The Irish Human Rights and Equality Commission was established on 1 November 2014, as an independent public body with a mandate under the Irish Human Rights and Equality Commission Act 2014. The Act gives the Commission a range of statutory powers for the protection and promotion of human rights and equality.

The Commission is made up of 15 members who are appointed by President Michael D. Higgins, following a resolution by both Houses of the Oireachtas. The Commission operates independently of Government, with its institutional independence guaranteed in the Commission's establishing legislation, which provides for accountability of the Commission for its statutory functions to the Oireachtas.

A full breakdown of Commission members and attendance is available in Appendices 1 and 2.

Statutory Mandate

The overall statutory functions of the Commission provided for in section 10 of the legislation are:

- to protect and promote human rights and equality,
- to encourage the development of a culture of respect for human rights, equality, and intercultural understanding in the State,
- to promote understanding and awareness of the importance of human rights and equality in the State,
- to encourage good practice in intercultural relations, to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person, and
- to work towards the elimination of human rights abuses, discrimination and prohibited conduct.

In undertaking its mandate the Commission is explicitly tasked with contributing to the development of a society in which:

- there is respect for, and protection of, each person's human rights,
- there is respect for the dignity and worth of each person,

- a person's ability to achieve his or her potential is not limited by prejudice, discrimination, neglect or prohibited conduct,
- each person has a fair and equal opportunity to participate in the economic, political, social or cultural life of the State, and
- there is mutual respect between persons, including classes of persons, based on a shared understanding of the value of diversity within society and on a shared respect for equality and human rights.

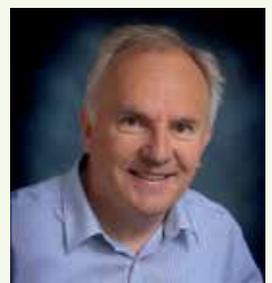
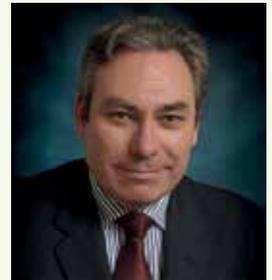
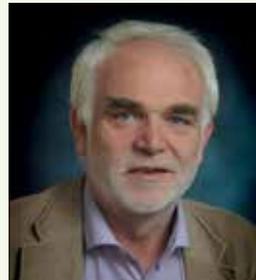
Our Work

The Commission's statutory role is to protect and promote human rights and equality, which we carry out in a variety of ways:

- We engage with the public to inform and encourage an understanding of human rights and equality.
- We review the adequacy and effectiveness of human rights and equality law and practice in the State, and within public bodies, including through engaging with government officials drafting legislation, and with the legislature as a Bill progresses through the Houses of the Oireachtas.
- We publish policy statements and undertake research on thematic issues, making recommendations to the Government in relation to measures that should be taken to strengthen, protect and uphold human rights and equality in the State.
- The Commission can provide legal assistance in certain proceedings concerning human rights and equality, can apply to the Superior Courts for liberty to appear as an *amicus curiae* (friend of the court), and can initiate proceedings in its own name in matters concerning human rights and equality.
- We work in partnership with certain organisations and public bodies to enable change that will impact positively on people's lives and to encourage the development of a culture of respect for human rights, equality and intercultural understanding.

Whether we are responding to individual concerns, engaging with the legislature, the government or public bodies on policy and practice, or raising public awareness of human rights and equality, our vision is of an inclusive Ireland where human rights and equality are respected, protected and fulfilled for everyone, everywhere.

THE COMMISSION



Above from left to right: Chief Commissioner Emily Logan, Teresa Blake SC, Frank Conaty*, Heydi Foster-Breslin*, David Joyce BL, Mark Kelly*, Sunniva McDonagh SC, Professor Siobhán Mullally, Professor Ray Murphy, Dr Fidèle Mutwarasibo, Orlagh O'Farrell, Betty Purcell*, Liam Herrick*, Dr Mary Murphy*, and Kieran Rose*.

*To 31 October 2017

REPORT OF ACTIVITY

This report covers the Commission's activity in 2017, the second year of its first strategic plan. The Commission's Strategy Statement 2016-2018 is based on its mandate as set out in the Irish Human Rights and Equality Commission Act 2014, underpinned by the UN Paris Principles, which set the international standards for national human rights institutions.

Guided by our mission to contribute to an inclusive Ireland where human rights and equality are respected, protected and fulfilled for everyone, everywhere, the Commission agreed a set of key strategic goals to guide our work.

These are:

- proactive implementation of our legal powers, in particular the Public Sector Equality and Human Rights Duty;
- promoting understanding of the indivisibility of equality and human rights;
- making equality and human rights real;
- intercultural understanding and diversity.

In this Annual Report, the Commission reports on activities it carried out in 2017 across the goals of the Strategy Statement. Underpinning these four goals was a fifth cross-cutting goal – that of leadership. To deliver on the goal of leadership, the Strategy Statement commits the Commission to being strong, proactive, challenging and authoritative in the work that it does.

PROACTIVE IMPLEMENTATION OF OUR LEGAL POWERS, IN PARTICULAR THE PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

IN THIS SECTION:

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'There will be measurable change in the practice of key duty bearers due to their awareness of equality and human rights law and best practice'

IHREC Strategy Statement 2016 –2018

This strategic goal is focused on proactive implementation of the legal powers enshrined in our founding legislation, the *Irish Human Rights and Equality Commission Act 2014*.

Our activity under this goal focuses on the structures that deliver human rights and equality in Ireland: the courts; the development of legislation in the Oireachtas; the formulation and implementation of policy and standards in government departments; and the operation of relevant public sector bodies, industry or sector.

This goal also focuses on our work in relation to Ireland's international human rights and equality obligations, and the implementation and monitoring of compliance with regional and international treaties.

Highlights from 2017



The Commission intervened as *amicus curiae* or friend of the court in a case (*NHV v. The Minister for Justice and Equality*) where the judgment had far-reaching implications for the rights of asylum seekers to work.

Five pilot projects undertaken with a diverse range of public bodies to develop practical learning tools for the implementation of the Public Sector Equality and Human Rights Duty.

The Commission reported on Ireland's record under the UN Convention on the Elimination of All Forms of Discrimination Against Women and the UN Convention Against Torture.

The Commission made its recommendations to Government in relation to safeguards on the use of emergency accommodation for homeless families.

Using our *amicus curiae* power

Among its legal powers the Commission may apply to the Superior Courts for liberty to appear as *amicus curiae* in proceedings before that court that involve, or are concerned with, the human rights or equality rights of any person. The Court may grant or refuse this liberty at its absolute discretion.

Acting as *amicus curiae* (friend of the court) means that the Commission does not take any side in the case, but, rather it assists the Court in advising it in respect to the human rights and, equality issues directly relevant to the case.

At the beginning of the year, six cases where the Commission had previously been granted liberty to intervene as *amicus curiae* were ongoing. In 2017 the Commission sought liberty of the Superior Courts to intervene as *amicus curiae* in seven sets of proceedings. It was granted liberty in all of these. Six cases where the Commission intervened as *amicus curiae* were decided during the year, with the remaining seven cases ongoing at the end of the year.

Right to pursue a simultaneous discrimination complaint

Case: Culkin v. Sligo County Council

This case focused on whether Mr. Culkin was within his rights to bring both a complaint of discrimination before the former Equality Tribunal (now subsumed into the Workplace Relations Commission), and a personal injuries claim before the High Court, arising from bullying and harassment alleged to have occurred in his workplace.

His employer, Sligo County Council, denied the claims, and sought, under the Employment Equality Acts, to have the personal injuries proceedings dismissed on the basis that he had already had his complaint of discrimination heard by the Equality Tribunal.

Outcome: This judgment was delivered by the Court of Appeal on 28 March 2017. The Court of Appeal held that the Employment Equality Acts did not automatically prevent an individual from pursuing both a complaint of discrimination before the Workplace Relations Commission, and a claim of personal injuries arising from the same factual circumstances.

Right of an applicant for refugee status to work

Case: NHV v. The Minister for Justice and Equality

This case saw a Burmese man (NHV), living in direct provision for several years, challenge the refusal to grant him permission to seek employment, as the man was still awaiting determination of his application for refugee status.

NHV challenged the constitutionality of the section in the Refugee Act 1996 which, it was argued, precluded the Minister for Justice and Equality from granting him permission to take up employment. He was granted leave to bring the appeal to the Supreme Court as it was decided that the matter is one of public importance under Article 34.5.3 of the Constitution.

Outcome: The judgment delivered by the Supreme Court on 30 May 2017 ruled that, where there is no time limit on the asylum process, then the absolute prohibition on seeking employment under the Refugee Act 1996 is contrary to the constitutional right to seek employment.

The Court noted that 'work is connected to the dignity and freedom of the individual', something which the Constitution seeks to promote, and found that, in principle, a non-citizen, including an asylum seeker, may be entitled to invoke the personal rights under the Constitution, including possibly the right to work, if it can be established that to do otherwise would fail to hold such a person equal as a human person.

The Court concluded that a right to work, at least in the sense of a freedom to work or seek employment, cannot be withheld absolutely from non-citizens. The Court adjourned the case initially for 6 months and then to February 2018, in order for the Government and Oireachtas to respond.

Rights of children in detention

Case: Four Applicants v. Director of Oberstown Children Detention Campus and another

These four cases involved children who had been detained in Oberstown Children's Detention Centre. Following an incident at the Centre in August 2016, each child claimed that they had been confined to their cell, without respite, for a period of weeks in conditions that they alleged amounted to solitary confinement.

Outcome: The judgment in this matter was delivered by the High Court on 6 November 2017 and held that the constitutional rights of the children were breached when they were deprived of daily exercise and any contact with their families during the period of separation. It was also found that the children's constitutional rights were breached as there were no procedural safeguards on the imposition of separation and associated deprivations.

The Court found that the duration of the separation was not unconstitutional and the conditions of detention during separation did not amount to inhuman or degrading treatment.

Right to private and family life

Cases: Danibye Luximon and Prashina Choolun (A minor suing by her mother and next friend Danibye Luximon) v. Minister for Justice and Equality

&

Yaswin Balchand, Chandrika Gopee and Cieron Laksh Balchand (A minor suing by his father and next friend Yaswin Balchand) v. Minister for Justice and Equality

These two cases relate to the rights of non-Irish families who have been permitted to work and study in the State. The key question is whether the Minister for Justice and Equality is required to have regard to the right to private and family life, as guaranteed by the Constitution and the European Convention on Human Rights (the 'ECHR'), in deciding whether to renew or vary the permission of the families concerned to be in the State.

The Commission previously appeared as *amicus curiae* in these proceedings before the Court of Appeal, which ruled in favour of the two families from Mauritius who arrived in the State at a time when they originally did not require a visa, and who had subsequently been granted permission to remain in the State.

Ongoing: The cases were heard before the Supreme Court on 30 November 2017 and judgment is awaited in 2018.

Deprivation of liberty

Case: L v. Clinical Director of St. Patrick's University Hospital and Anor

The case focuses on what it means to be a 'voluntary patient' in a psychiatric hospital. The person at the centre of this case, L, had been refused permission to leave St Patrick's University Hospital while a voluntary patient. The core issue is when a voluntary patient may leave a psychiatric institution having regard to the provisions of the Mental Health Act 2001.

Ongoing: The case is listed for hearing before the Court of Appeal in January 2018.

Right to challenge detention in a mental health hospital

Case: AB v. The Clinical Director of St. Loman's Hospital & Ors

This case relates to the right of persons detained in mental health hospitals to challenge 'renewal orders' authorising their ongoing detention for a period of 12 months.

In an earlier decision, the High Court ruled that a person detained under the *Mental Health Acts* for a lengthy period was entitled to challenge the lawfulness of their continued detention at reasonable intervals before a court, under the European Convention on Human Rights, and that the lack of a facility under the *Mental Health Acts* to review the lawfulness of such a detention - other than a Circuit Court appeal, was incompatible with the State's obligations under the European Convention on Human Rights Acts 2003 – 2014.

Ongoing: The appeal of the High Court's judgment is due to be heard by the Court of Appeal in 2018.

Right to due process and fair trial

Case: Kevin Tracey v. District Judge Aeneas McCarthy, Director of Public Prosecutions

The case before the Supreme Court concerns an examination of the precise circumstance in which it is permissible to commit someone for contempt in the face of the Court, considering the caselaw of the European Court of Human Rights and Irish constitutional law. In August 2017 the Supreme Court Office approached the Commission to request it exercise its function as *amicus curiae* in this case.

Ongoing: The matter is due to be heard by the Supreme Court in 2018.

Duty to give reasons for administrative decisions

Case: The Director of Public Prosecutions v. Damache

The Attorney General v. Damache

The Commission continues to act as *amicus curiae* in the appeal of the High Court judgment of 21 May 2015. The High Court refused the request for Mr. Damache's extradition on the basis that there was a real risk that his human rights would be breached if sent to the United States to stand trial as he risked being exposed to a protracted period of solitary confinement in the US prison system. The High Court also raised questions of jurisdictional forum. Mr Damache was detained by the authorities in Spain in 2015 and was extradited to the United States from there in 2017.

Ongoing: The DPP's appeal is listed for hearing before the Court of Appeal in 2018.

Privacy rights

Case: Digital Rights Ireland Limited v. The Minister for Communications, Marine and Natural Resources, The Minister for Justice, Equality and Law Reform, The Commissioner for The Garda Síochána, Ireland and the Attorney General

The case raises issues regarding the scope of application of the EU Charter of Fundamental Rights (the 'Charter') and the Court of Justice of the European Union's jurisprudence on privacy rights, the substantive application of the proportionality principle and the relationship between the Charter, the Constitution and ECHR.

Ongoing: These proceedings were ongoing in 2017.



Speakers and participants at Public Sector Equality and Human Rights Duty seminars in Limerick and Dublin, November 2017

Implementing the Public Sector Equality and Human Rights Duty

Section 42 of the *Irish Human Rights and Equality Commission Act 2014* places a statutory duty on public bodies to eliminate discrimination, promote equality and protect the human rights of persons to whom they provide services, and public sector staff. This Public Sector Equality and Human Rights Duty has the potential to embed equality and human rights in the centre of policy making, service provision and employment within the public sector in Ireland.

In 2017, the Commission continued to support the implementation of the Duty through the development of practical guidance and resources for public bodies, and ongoing external awareness-raising across a wide range of public bodies and civil society organisations.

Pilot Projects

During the year the Commission undertook five pilot projects with the following organisations, to support the development of an approach to implementing the Duty in different contexts:

- Cork City Council
- Monaghan County Council
- University College Cork

- Irish Probation Service
- Community Action Network and the Service User Rights in Action Group

These pilot projects have been put in place to bring forward sectoral learning on the Duty in practice, across diverse public sector organisations. The pilot projects will inform further practical guidance on the Duty, and the learning will be captured through case studies to support other organisations during the early stage of implementation.

Implementing the Public Sector Equality and Human Rights Duty - Events

In November the Commission hosted two large events in Dublin and Limerick, which welcomed three hundred people from across government departments, state agencies, educational institutions, local authorities and civil society to learn about the Duty, the work undertaken to date, and to share learning from the pilot projects.

The aim of the events was to assist public bodies in understanding their statutory obligations under Section 42 of the IHREC Act 2014, and based on the experience of public bodies undertaking pilot projects with the Commission, to provide practical guidance and examples on how to get started on implementing the Duty.



The events comprised a mix of panel discussions with senior civil servants from Ireland, experts in the area from overseas, civil society, and were combined with workshops for key areas of the public sector.

Developing Guidance

An initial guidance booklet on the Duty was updated and republished to provide an overview of the Duty and the requirements of the legislation.

Significant progress has been made in bringing forward more detailed guidance on the Duty – this resource document will be published in 2018.

The November 2017 seminar events also saw the creation of a video resource to aid those seeking to implement the Duty, which will be made available in 2018, along with findings from the pilot projects.

Grants Scheme 2017 - Supporting implementation of the Public Sector Equality and Human Rights Duty

In November 2017 the Commission allocated grant funding to organisations to carry out activities to promote human rights and equality, building on the first such grant funding allocation in 2016 and the delivery of these projects.

The detail of the projects granted funding in 2016, which delivered their work in 2017, is listed in appendix 7.

31 organisations in total were awarded funding under the Human Rights and Equality grant scheme. Over 150 applications were received for the scheme from communities, groups and public bodies.

In awarding the 2017 grants the Commission focused on two overarching themes, in line with its strategic focus. One of these themes was supporting the implementation of the Public Sector Equality and Human Rights Duty.

Grants Scheme 2017: (Supporting Implementation of the Public Sector Equality and Human Rights Duty)

ORGANISATION	PARTNER	PROJECT
National Safeguarding Committee	HIQA, Mental Health Commission	Developing an evidence base for a rights-based approach to care in residential, in-patient and community based services for older people, people with disabilities and people with a mental illness.
Education and Training Boards Ireland (ETBI)		Development of a framework of supports for implementing the Public Sector Equality and Human Rights Duty across the Education and Training Boards Sector.
Community Action Network (CAN)		Following from the Council of Europe <i>FIDH v Ireland</i> decision on local authority housing, applying a rights-holder approach to the implementation of the Public Sector Equality and Human Rights Duty with local authorities.
Inclusion Ireland		Establishment of a 'train the trainer' programme for the purpose of delivering workshops to rights holders on using the Public Sector Equality and Human Rights Duty in accessing public services.
Equality and Rights Alliance		Project to build capacity of civil society organisations to engage with the Public Sector Equality and Human Rights Duty and ensure its implementation by public bodies in their area, through the organisation of five regional workshops.

University College Dublin		Putting the Public Sector Equality and Human Rights Duty into practice in the Third Level Sector by raising awareness, sharing learning, identifying priorities and developing guidelines.
The Rights Platform, St. Kevin's Family Resource Centre	South Dublin Public Participation Network (PPN)	Applying the Public Sector Equality and Human Rights Duty in the South Dublin County strategic planning process.
Irish Council for Civil Liberties		Identifying and implementing human rights obligations applicable to the policy and practice of An Garda Síochána.
Health Service Executive		Addressing the application of the Public Sector Equality and Human Rights Duty within the HSE.
HSE Addiction Services (Cherry Orchard)		Developing a collaborative approach to the Public Sector Equality and Human Rights Duty working with service users in relation to addiction and treatment and service provision.
Westmeath Local Community Development Committee	Westmeath County Council and other statutory agencies	Development of a multi-agency Integration Strategy for Co Westmeath for 2018-2022, taking account of the Public Sector Equality and Human Rights Duty.
Fingal County Council Community Development Office	Immigrant Council of Ireland	Develop training resources for key staff in Fingal County Council, focussing upon implementation of the Public Sector Equality and Human Rights Duty and on interculturalism.
Travellers of North Cork CLG	PPR Belfast	Progress a human rights monitoring process to improve Traveller accommodation rights in North Cork.
HSE – National HR Division, Diversity, Equality and Inclusion Team		Conducting a detailed review of all HSE training programmes to incorporate diversity, equality and inclusion.
Free Legal Advice Centres (FLAC)		A one day conference examining the legal implications of the Public Sector Equality and Human Rights Duty.
Irish Refugee Council		One-year project to establish the Public Sector Equality and Human Rights Duty obligations on the Reception and Integration Agency (RIA), the Office for the Promotion of Migrant Information (OPMI) and its contractors, for people seeking protection, or in direct provision.

Human rights and equality treaty monitoring at the United Nations, and Council of Europe

The Commission holds an "A" status accreditation as a national human rights institution (NHRI) by the UN. This international recognition underlines the Commission's domestic and international standing and institutional independence. Only those awarded an "A" status are fully compliant with the Paris Principles and, as a result, are

accorded voting, speaking and seating rights at UN human rights treaty bodies.

As the national human rights institution, the Commission's monitoring of Ireland's human rights situation and the recommendations we provide inform Treaty-monitoring bodies' assessments of how Ireland is meeting its obligations under International Human Rights Conventions.

2017 saw the Commission actively involved in various stages of international monitoring at UN and Council of Europe level.



The Commission delegation to the CEDAW Committee in Geneva in October 2017, meet with the Committee Chair Ms. Dalia Leinarte.



Helga Fastrup Ervik (Norwegian National Preventive Mechanism), Malcolm Evans (UN Subcommittee for the Prevention of Torture), Emily Logan (IHREC) and Rachel Murray (University of Bristol Law School) at the launch of "Ireland and the Optional Protocol to the UN Convention Against Torture"



The Commission report to the UN Convention against Torture (CAT)



The Commission report to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

International reporting

UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

February 2017 saw Ireland's fourth formal examination under this UN Convention take place in Geneva. In advance of the hearing, the Commission submitted its independent report on Ireland's record under the Convention. The information gathered during the national CEDAW consultation in 2016 was used to inform the Commission's analysis.

In February 2017, the Commission published:

- The formal Submission to the UN Committee on the Elimination of Discrimination Against Women on Ireland's combined sixth and seventh periodic reports
- A separate overview of the issues and recommendations contained in the main report
- An easy-to-read version of the overview of issues and recommendations publication (prepared by Inclusion Ireland)
- *"What is life like for Women in Ireland in 2016?"* – a publication chronicling the consultation aspects of the CEDAW project.

A delegation of the Commission travelled to the UN to participate in Ireland's formal examination in Geneva and met with the country rapporteur, for Ireland, Lia Nadaraia as part of this process.

The Commission presented its findings to the UN Committee in Geneva, and simultaneously hosted an all-day live screening of the CEDAW proceedings.

The UN CEDAW Committee issued its Concluding Observations on Ireland in March, which reflected crucial gaps in Ireland's compliance with international obligations highlighted to the UN by the Commission. These included access to justice for historical abuses of women's rights, tackling gender based violence, issues affecting specific

groups of women such as Traveller and migrant women, and on women's participation in public life.

UN Convention Against Torture (CAT)

Ireland's second formal examination under the UN Convention Against Torture took place in Geneva in July.

The Commission's independent monitoring report *"Ireland and the Convention against Torture"* was submitted to the UN Committee against Torture ahead of the State's appearance before it.

A delegation of the Commission met in private session with the UN Committee against Torture, with the Commission outlining its independent evaluation of Ireland's record under the Convention. The Commission simultaneously hosted a live-screening of the State's UNCAT examination.

The UN expert committee issued its Concluding Observations on Ireland in August, which offered detailed recommendations to the State, and focused on issues raised by the Commission. This included preventing torture and ill treatment, Ireland's non-ratification of the Optional Protocol to the Convention against Torture (OPCAT), International Protection, gender based violence and residential care settings.

International Covenant on Civil and Political Rights (ICCPR)

The Commission has continued its engagement with the UN Human Rights Committee following Ireland's 2014 examination under the ICCPR. In September 2017 the Commission submitted a report to the UN Human Rights Committee as part of its follow-up process on the 2014 Concluding Observations on Ireland. The report provided updated information to the Committee on institutional abuse of women and children, symphysiotomy and conditions of detention, arising from the Commission's more recent work on CEDAW and CAT.

Regional reporting - Council of Europe

European Social Charter

The Commission made its independent report to the 2017 reporting cycle of the European Social Charter in April 2017 ahead of Ireland's formal review.

The European Committee of Social Rights examined the states' performance under seven Charter articles: the right to safe and healthy working conditions (article 3); the right to protection of health (article 11); the right to social security (article 12); the right to social and medical assistance (article 13); the right to benefit from social welfare services (article 14); the right of elderly persons to social protection (article 23); and the right to protection against poverty and social exclusion (article 30).

Convention on Action against Trafficking in Human Beings (the CoE Warsaw Convention)

The Council of Europe Group of Experts on Action against Trafficking (GRETA) Evaluation Report published in September 2017 highlighted crucial gaps in Ireland's protections for victims of trafficking in human beings.

The review of Ireland drew from the Commission's submission, provided in late 2016 ahead of the second formal evaluation, which pointed to continued State failings in actions to identify and sufficiently protect trafficking victims in Ireland. This included concerns in relation to labour inspections, human rights compliant procurement practices, the relationship between asylum and trafficking of human beings, and the need for information and supports for asylum seekers.

Implementation and monitoring of international treaties

Implementation of the Optional Protocol to the UN Convention against Torture

In October 2017, on the tenth anniversary of Ireland's signature of the Optional Protocol to the UN Convention against Torture (OPCAT), the Commission launched a research report titled "*Ireland and the Optional Protocol to*

the UN Convention against Torture", setting out evidence-based proposals for Ireland's ratification and implementation of the Optional Protocol.

The Optional Protocol would require the State to set up a National Preventive Mechanism (NPM) to allow unfettered access to, and increased independent inspection of, all places of detention, including Garda stations, but also including care and residential settings.

Ratification and Implementation of the UN Convention on the Rights of Persons with Disabilities.

Ireland signed the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007.

The Commission continued through 2017 to press for the ratification of the UN Convention, setting out specific guidance, based on international practice, of how best to promote, protect and monitor the implementation of the UNCRPD.

In 2017 this work included the publication of advice provided to the government and Oireachtas on draft legislation, meeting directly with the Minister of State with special responsibility for Disabilities, and raising the need for ratification at International Treaty monitoring bodies.

Engaging strategically with the legislative process

The Commission has a statutory mandate to examine legislative proposals and to report its views on any implications for human rights or equality in Ireland.

The Commission made interventions on five pieces of draft legislation in 2017, and monitored the subsequent progress of bills through the Oireachtas (Houses of Parliament).

Disability (Miscellaneous Provisions) Bill

Following the publication of the *Disability (Miscellaneous Provisions) Bill* the Commission provided its supplementary observations on the Bill for Oireachtas Members in January 2017. These observations built on the earlier legislative observations on the General Scheme of the Equality / Disability (Miscellaneous Provisions) Bill and focused specifically on publication of outstanding legislative proposals, the titling of the Bill, and the presumption to have capacity to serve on a jury. Amongst other things, the Commission stated that reasonable accommodation should be provided to secure maximum participation in jury service.

Criminal Justice (Victims of Crime) Bill

In February 2017, the Commission published its advice and recommendations highlighting gaps in protection for victims of crime, and proposing legislative change. The examination of legislative proposals on the *Criminal Justice (Victims of Crime) Bill 2016* was provided to the Minister for Justice and Equality and all Oireachtas Members, to inform the legislative process.

The recommendations pointed to the vital need to ensure that protections and supports for victims of crime are put on a statutory footing, as required under EU law. The Commission emphasised the need for victims of crime to be supported in reporting crimes, to have prompt access to updates on their cases, and for protection to be provided to those most exposed to follow-on victimisation, including children and domestic violence victims. The Commission highlighted the need for transposition of the EU's Victim's Directive, which sets out minimum standards of protections, the deadline for which passed in November 2015.

Domestic Violence Bill

The *Domestic Violence Bill 2017* was published in February 2017. The primary aim of the Bill is to consolidate existing law in this area

as well as amending aspects of the law to ensure compliance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) once ratified.

Further to analysis carried out on the General Scheme and the Bill itself, the Commission provided observations in February 2017 to Members of the Oireachtas drawing their attention to recommendations of the Commission set out in the CEDAW report. Among the recommendations were that the State ratify the Istanbul Convention, strengthen support for victims of domestic violence, and increase access to emergency and longer-term accommodation.

Employment (Miscellaneous Provisions) Bill

The Commission's views on the *Employment (Miscellaneous Provisions) Bill 2017* were provided to the Department of Employment Affairs and Social Protection in September 2017. Recommendations included the need for those in so called 'precarious work' to be afforded greater protection and security through this legislation. A lack of specified and secure hours of work and the provision of contracts that state hours below those actually worked lead to insecurity of income, restrict the ability to organise family life, including child care, and inhibit the ability to secure loans and mortgages.

Equality (Miscellaneous Provisions) Bill

The Commission submitted its observations on the Equality (Miscellaneous Provisions) Bill 2017 to the Chair of the Oireachtas Joint Committee on Justice and Equality in December 2017. The Bill is intended to amend the Employment Equality Acts to prohibit discrimination on the basis of a person's social and economic background. The Commission proposed that the law be changed to ensure that people are not discriminated against based on their socio-economic status.

Contributing to national consultations, policy development and strategy implementation relevant to the Commission's strategy

The Citizens' Assembly

In May 2017 the Commission made a formal submission to the Citizens' Assembly in its focus on the opportunities and the challenges presented by an ageing population. The primary purpose of this submission was to provide information relevant to the equality and rights of older persons.

Following this written submission, the Commission was further invited by the Chair of the Citizen's Assembly to address its members on July 8th, and to specifically address the human rights and equality considerations as they related to pensions, income and retirement.

Emergency Accommodation for Families Experiencing Homelessness

The Commission raised its concerns in relation to the provision of emergency accommodation, in particular the development of "family hubs" and warned against the normalisation of family homelessness.

The Commission's recommendations to Government were published in July in a policy statement on *'The provision of emergency accommodation to families experiencing homelessness'*. The Commission emphasised the need for a focus on human dignity, and the need for the Constitutional values of autonomy and privacy of people experiencing homelessness to be central to the provision of suitable family accommodation, alongside the Constitutional importance of children's rights.

The Commission recommended legislative reforms to the Housing Act to limit the time that a family may spend in emergency accommodation to three months, and called on the Minister for Housing, Planning, Community and Local Government to regulate for emergency accommodation to include provision for family access to cooking facilities

and utensils, a play area, a family room, and that a family's right to autonomy and privacy should be respected.

In bringing the recommendations forward, the Commission had met with families experiencing homelessness and living in the family hubs.

Joint Oireachtas Committee on the Eighth Amendment of the Constitution

In October, the Commission published a policy document on, *'Human rights and equality considerations in the development of a new legislative and regulatory framework on abortion'*. The Commission appeared before the Joint-Committee on the Eighth Amendment of the Constitution outlining the principles it considered would best inform a reformed legal and regulatory framework governing access to abortion in Ireland.

National Strategies

It is not possible for the Commission to make submissions on all national strategies, but it occasionally contributes on the basis of its strategic priorities.

The Commission made contributions to the consultation processes leading up to the finalisation and launch in 2017 of the National Traveller and Roma Inclusion Strategy, the National Strategy for Women and Girls, and the National Disability Inclusion Strategy.

PROMOTING UNDERSTANDING OF THE INDIVISIBILITY OF HUMAN RIGHTS AND EQUALITY

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'Advance and build support for a holistic view of human rights, with a particular focus on socio-economic rights'

IHREC Strategy Statement 2016 –2018

This goal reflects a recognition of the interconnectedness of equality and human rights, and of the importance of focusing on the enhancement of socio-economic rights in Ireland.

Under this goal, the Commission has set out as an objective to promote awareness, understanding and support for socio-economic rights.

Fundamental to this is the task of building recognition of the value and importance of improved human rights and equality budgeting processes by the State.

Another essential pillar of this goal is to contribute to improved data gathering on human rights and equality, in order to contribute to better evidence-based policy making.

2017 saw the Commission take significant steps towards these objectives.

Highlights from 2017



Human Rights and Equality Budget Proofing promoted and advanced.

Research programme initiated with the Economic and Social Research Institute (ESRI) to develop improved human rights and equality data and support evidence-based decision-making.

Major report on discrimination in Ireland published in November 2017.

Engaged with a property advertiser who developed methods to identify, monitor and block discriminatory advertising on their website.

The Joint Committee, established under the Belfast/Good Friday Agreement examined the human rights and equality impact of Brexit for the island of Ireland.

Human Rights and Equality Budget Proofing

The Programme for a Partnership Government set out a commitment to “develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights.” The Programme for Government further committed to drawing directly on the expertise of the Irish Human Rights and Equality Commission to support the proofing process.

To support efforts to develop human rights and equality budget proofing, over the last year the Commission has:

- worked with specialists in budget proofing to produce content for a special issue of open access journal *Administration*, published in August 2017, focusing on human rights and equality proofing.
- engaged with the Department of Public Expenditure and Reform specifically on incorporating equality budgeting into Ireland’s medium-term expenditure framework.
- funded, under its 2016 Grants Scheme, a National Women’s Council of Ireland project and publication on *Gender Responsive Budgeting*.

The Commission addressed the Oireachtas Select Committee on Budgetary Oversight in July 2017 for the second time as part of its strategic work to advance human rights and equality budget proofing.

A significant milestone was reached on Budget Day in 2017 with the publication by the Department of Public Expenditure and Reform of a policy paper on *Equality Budgeting: Proposed Next Steps in Ireland*. Referring to this, the Minister for Finance, acknowledged in his budget speech the work which has been carried out to date on this issue with the Commission, and committed to continuing work with the Commission on equality and gender proofing.

Contributing to Evidence-Based Policy Making Through Better Data

In 2017 the Commission developed its ‘Human Rights and Equality Research Programme’ with the Economic and Social Research Institute (ESRI). The aim of the programme is to provide evidence for equality and human rights monitoring and for the development of policy in the area of equality and human rights. The research will address equality and discrimination across the grounds covered by equality legislation and human rights, with a particular focus on economic, social and cultural rights.

Who experiences discrimination in Ireland?

In November, the Commission and the ESRI published the first research report from the programme entitled “*Who experiences discrimination in Ireland?*”.

The research report finds that almost one in eight people in Ireland report that they have experienced discrimination over the preceding two years. The study, which draws on a large, nationally representative survey, taken from Central Statistics Office (CSO) data of responses from 15,000 adults from the Quarterly National Household Survey, examines people’s experiences of discrimination at work, in recruitment and in accessing public services (education, transport, health, other public services) and private services (housing, banks/insurance companies, shops/pubs/restaurants). It found that discrimination is felt most acutely among specific groups.

- Persons with Disabilities are more than twice as likely as those without a disability to experience discrimination in all areas – at work, in recruitment and in accessing public and private services.
- Compared to White Irish respondents, Black respondents are three times more likely to experience discrimination in the workplace and in access to public services, and over four times more likely to experience discrimination in access to private services.

- Irish Travellers are almost ten times more likely than the general population to experience discrimination in seeking work, and over twenty-two times more likely to experience discrimination in access to private services.
- Women are almost twice as likely as men to experience discrimination at work, with issues of pay and promotion frequently raised, though there are no gender differences in other areas.
- The 45-64 year-old group is more likely to experience discrimination seeking work than younger workers but in private services older adults, especially those over 65, are much less likely to experience discrimination.
- Never-married lone parents are more likely to experience discrimination in public and private services than single childless adults.

Investigating the nature and extent of racist speech online in Ireland

Through 2017, the Commission has, with the Irish Research Council, supported cross-disciplinary research carried out by researchers at Dublin City University focused on tracking and monitoring racist speech online.

The project, to be concluded in 2018, funded an experimental analysis tool, using insights from civil society and experts in the field of race, racism and hate speech. The tool can analyse social media to look at the localised character of hate speech in Ireland, the communities targeted, and the events that trigger racially toxic content.

The Joint Committee established under the Belfast/Good Friday Agreement

The statutory Joint Committee established under the Belfast/Good Friday Agreement to consider human rights issues on the island of Ireland, met in Dublin in June where Brexit and its implications for human rights and equality in the context of cross-jurisdictional issues were discussed.

The Joint Committee, made up of representatives of the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission, commissioned a research study on the impacts of the UK's withdrawal from the EU, to be delivered in 2018.

The Joint Committee also was represented at the All-Island Civic Dialogues on Brexit held through 2017, and at a specific sectoral civic dialogue on the possible implications of Brexit for the human rights aspects of the Good Friday Agreement, which was held in Maynooth University in February.

Given the imperative for even greater collaboration following the UK referendum vote, the Irish Human Rights and Equality Commission committed additional resources to support the Joint Committee's work in 2017.

Promoting awareness, understanding and support for socio-economic rights

In line with our Strategic Statement, the Commission has prioritised the promotion and protection of socio-economic rights, in particular the right to housing, and this focus cuts across our statutory functions. The Commission has promoted the right to housing in a number of ways, including the following:

- housing has been raised in our reporting to the United Nations under CEDAW, and under the European Social Charter

- housing and homelessness represent a significant amount of our legal casework, in particular Traveller accommodation cases
- the Commission has used its legal powers to challenge discriminatory advertising relating to rental accommodation
- the Commission has engaged with a property advertiser to develop practical methods to identify, monitor and block discriminatory advertising on their website
- we continue to provide information to the public who have raised ongoing concerns about discrimination against people in receipt of the Housing Assistance Payment
- following the publication of our policy statement – *'The provision of emergency accommodation to families experiencing homelessness'* - the Commission met the Minister for Housing, Planning, Community and Local Government, Eoghan Murphy TD, to discuss recommendations for policy change and law reform
- we provided our formal view on the *Equality (Miscellaneous Provisions) Bill 2017*, which proposes inserting 'disadvantaged socio-economic status' as an additional ground upon which discrimination is prohibited

The Commission has consistently stated its view that employment discrimination against people living in areas facing socio-economic challenges, should be considered for prohibition in law under the *Employment Equality Acts*. This approach would ensure that when people are seeking employment, their applications are assessed on their skills, qualifications and ability, as opposed to their social background or postal address.



Raffaele Grotti (ESRI), Frances Mc Ginnitty (ESRI), Helen Russell (ESRI) and Emily Logan (IHREC) at the publication of the research report "Who experiences discrimination in Ireland"



Research report "Who experiences discrimination in Ireland"



Meeting of the Joint Committee established under the Belfast/Good Friday Agreement.



Orla O'Connor (NWC), Dr Mary Murphy (IHREC) and Laurence Bond (IHREC) addressing gender responsive budgeting.



Dr. Mary Murphy, Emily Logan and Laurence Bond addressing the Select Committee on Budgetary Oversight.

MAKING EQUALITY AND HUMAN RIGHTS REAL

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'The Commission will have achieved progress in critical areas of human rights and equality by fighting discrimination and vindicating rights, especially those of the least advantaged'

IHREC Strategy Statement 2016 –2018

The Commission's activity under this goal seeks to educate, inform and assist members of the public, and to demonstrate how human rights and equality issues are relevant to their daily lives. The Commission undertakes a diverse range of information provision, education and engagement activities with the public and civil society.

Engagement involves not only providing information, but also affords the Commission the opportunity to consult, and to learn about people's experiences and views on human rights and equality. Embedding good consultation practices in our work not only guarantees meaningful participation, but provides the Commission with invaluable insights that contribute to the fabric of our work.

Alongside this, the Commission engages directly with members of the public to provide support and assistance on human rights and equality issues through our public information line and, where appropriate, through legal assistance.

Highlights from 2017



A major public awareness campaign was initiated to build awareness of unseen discrimination in Ireland, and the role of the Commission.

Thousands of people have attended 53 events at the Commission's new events space since its inauguration in February 2017.

A Worker and Employer Advisory Committee, including representatives from trade unions and employers' bodies, was established to advise the Commission.

Increased numbers of people have been contacting the Commission directly through our "Your Rights" team, with 1890 queries handled in 2017.

72 people granted legal assistance, advice or legal representation by the Commission.

Making information on human rights and equality accessible and engaging

The Commission has a statutory mandate to promote understanding and awareness of the importance of human rights and equality in the State.

The Commission has worked to strengthen our external communications to build public and political understanding and awareness of human rights and equality principles and standards.

Discrimination Awareness Campaign

The Commission delivered a public awareness campaign focused on discrimination towards the end of 2017. The campaign built on the findings of the commissioned report with the ESRI *“Who experiences discrimination in Ireland?”* which found that almost one in eight people in Ireland have experienced discrimination, and that discrimination is felt acutely among specific groups.

This national public awareness campaign began on International Human Rights Day on December 10th and ran across print media, radio, on public transport and outdoor digital displays and online.

The Campaign promoted understanding and awareness of discrimination, and the role of the Commission in promoting human rights and equality.

Supporting civil society through the Commission’s events space

2017 saw the inauguration of the Commission’s own accessible events space located on the ground floor of our Green Street offices. Participation is a fundamental value underpinning what we do. Listening to the public’s views and starting conversations on human rights and equality is a cornerstone of our work. This space is allowing for direct engagement with a range of organisations, community groups and individuals.

The space has been designed and developed primarily as a resource for meetings, events, training, education and participation hosted by the Commission. However the Commission has welcomed the use of the space by civil society and external groups involved in the human rights and equality sector. This has facilitated significant interaction between IHREC and our civil society colleagues.

We opened the events space on **1 February 2017** and approximately

2290 people

were welcomed through our doors at

53 events

throughout the year.

The fully accessible space has also seen the development of a new Changing Places facility. This purpose-built toilet facility gives people with disabilities and carers more space and the right equipment to take care of personal hygiene, in safety and comfort.

The Changing Places facility goes beyond a conventional wheelchair-accessible toilet in that it includes additional assistive technology of a hoist, height adjustable adult-sized changing bench, height adjustable basin and toilet.

Seminar with the UN Special Rapporteur on the Right to Privacy

On April 5th, the Commission hosted an evening seminar with UN Special Rapporteur on Privacy, Professor Joseph Cannataci, entitled *“Government Surveillance Attitudes from a National and International Perspective.”*

The Commission also provided Professor Cannataci with support to conduct high level meetings as part of his country visit to Ireland and coordinated media interviews for the UN Special Rapporteur.

We can't give you an interview!

Almost one in eight people in Ireland have experienced discrimination.

Source: "Who experiences discrimination in Ireland?" IHREC/ESRI 2017

The Irish Human Rights and Equality Commission is Ireland's independent statutory body tasked with promoting and protecting human rights and equality.
www.ihrec.ie



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas
Irish Human Rights and Equality Commission

For Human Rights and Equality. For All.

You can't come in here!

Almost one in eight people in Ireland have experienced discrimination.

Source: "Who experiences discrimination in Ireland?" IHREC/ESRI 2017

The Irish Human Rights and Equality Commission is Ireland's independent statutory body tasked with promoting and protecting human rights and equality.
www.ihrec.ie



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas
Irish Human Rights and Equality Commission

For Human Rights and Equality. For All.

Q. What happens everyday but you might not hear it?

A. Discrimination.

—
People with disabilities are over twice as likely to experience discrimination.

Source: "Who experiences discrimination in Ireland?" IHREC/ESRI 2017

Q. What's always there but you might not see it?

A. Discrimination.

—
Women are almost twice as likely to experience discrimination at work.

Source: "Who experiences discrimination in Ireland?" IHREC/ESRI 2017





IHREC staff at exhibition stand during the National Ploughing Championships, September 2017



Bernie Bradley (left) and Sheena Madden (right) celebrate their graduation from the inaugural Diploma in Human Rights and Equality with Chief Commissioner Emily Logan (centre).



UN Special Rapporteur on Privacy Professor Joseph Canatacci speaking at the IHREC seminar "Government Surveillance Attitudes From a National and International Perspective", April 2017

Worker and Employer Advisory Committee established

The inaugural meeting of the Worker and Employer Advisory Committee took place in March. The Committee was established as an advisory committee under Section 18 of the *Irish Human Rights and Equality Commission Act 2014*, to advise the Commission on issues in relation to human rights and equality in the workplace, and in-service provision.

The Advisory Committee, which is made up of worker and employer representatives nominated by the Irish Congress of Trade Unions (ICTU) and Ibec, will advise the Irish Human Rights and Equality Commission in particular on issues set out in the Commission's Strategy Statement 2016-2018. This focus includes eliminating discrimination and promoting rights, and establishing a strong collaboration with workers and employers groups to drive equality and human rights.

Promoting human rights and equality through digital engagement

The Commission's website, www.ihrec.ie was announced winner of the Universal Design Award at the Irish eGovernment Awards in Dublin Castle in May 2017. The website has seen significant visitor traffic with almost 350,000 visits in 2017.

The Commission has also expanded its digital engagement through the development of targeted social media campaigns, increased use of video and infographics.

Through this additional multi-media content, and consistent daily social media engagement through both Twitter and LinkedIn, the Commission's social media following increased through 2017.

Public Information

Through its public information 'Your Rights' service, the Commission provides information to individuals on the rights, remedies and obligations provided for under human rights law and equality law in Ireland. This includes the *Equal Status Acts 2000–2015*, the *Employment Equality Acts 1998–2015*, section 19 of the *Intoxicating Liquor Act 2003*, the *European Convention of Human Rights Acts 2003-2014* and the Constitution of Ireland.

Your Rights

1890

queries
were handled
in 2017

550

related to the Equal Status
Acts 2000-2015
Protected ground most
frequently arising:



27%
Disability
ground



23%
Housing
Assistance
ground



17%
Race
ground

359

related to the Employment
Equality Acts 1998 -2015
Protected ground most
frequently arising:



31%
Disability
ground



19%
Race
ground



18%
Gender
ground

231

human rights related
Issues most frequently arising:



16%
Homelessness
& Social Housing



15%
Private,
family life,
home and
correspondence



14%
Remedies



750

referrals
to other
organisations

A further breakdown on the queries received by the 'Your Rights' team is available in appendix 8

Legal and other assistance

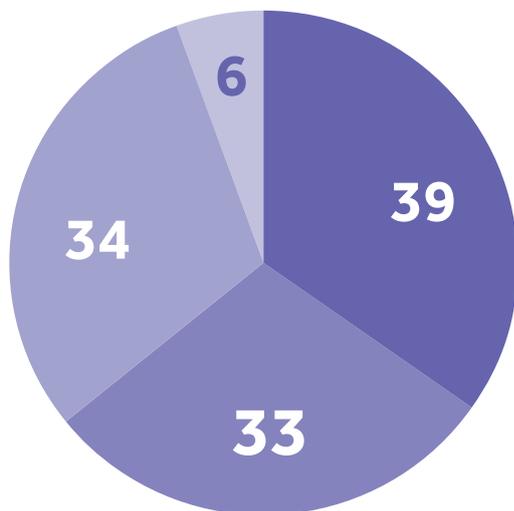
The Commission's legal powers include the provision of advice and the conduct of litigation under the Employment Equality Acts 1998–2015, the Equal Status Acts 2000–2015, the European Convention on Human Rights Acts 2003–2014, and more generally in relation to the protection and promotion of human rights and equality under constitutional domestic and international human rights law.

The Commission can, in certain circumstances, give legal advice or representation to a person who wishes to bring a matter relating to equality or human rights before the Workplace Relations Commission or the Courts.

When deciding to give assistance in a particular case, the Commission is guided by the provisions set out under section 40 of the IHREC Act 2014 and considers factors such as whether the matter raises a question of principle or where it would be unreasonable to expect a person to deal with the matter without assistance because of its complexity.

Legal assistance

During 2017:



39 applicants were granted legal advice

33 applicants were granted legal representation

34 applicants were refused legal assistance

6 applicants withdrew their application for legal assistance

Legal advice

During 2017 seven matters in which the Commission provided legal advice to individuals were completed.

Under the Equal Status Acts 2000–2015, the Commission provided legal advice:

- On the disability ground in relation to a housing matter
- On the Traveller community ground, two cases regarding education services
- On Traveller community ground, regarding access to education services
- On the disability ground, regarding access to tax relief provided for under a statutory scheme

Under the Employment Equality Acts 1998–2015, the Commission provided legal advice:

- On the grounds of disability, gender and family status, in relation to a pregnant worker

Regarding Human Rights, the Commission provided legal advice:

- Regarding a Public Body's handling of a complaint and its subsequent investigation of that complaint

Legal representation

The Commission provided legal representation in ten sets of proceedings which were completed in 2017 with the outcomes described below:

Litigation outcomes

Gender discrimination

A Service User v. An Airline

The Commission provided legal representation to a service user ('the Complainant') who claimed that she had been harassed and discriminated against within the meaning of the Equal Status Acts 2000-2015 ('the ESA') on the ground of gender in accessing the services provided by an airline at Dublin Airport.

The Complainant, who had booked a flight with the airline, claimed that prior to boarding the flight she was requested by the airline's staff to move from her allocated seat in order to accommodate the religious beliefs of two men who had been allocated the seats beside her and who did not wish to sit beside a woman. The Complainant lodged a complaint with the Workplace Relations Commission. The matter was resolved to the satisfaction of all parties following a mediation process facilitated by the Workplace Relations Commission.

Disability discrimination

A Service User v. Service Providers

The Commission provided legal representation to an insurance customer in a disability discrimination case, relating to a chronic illness, under the ESA against a number of public and private service providers. The matter was settled to the satisfaction of all parties in April 2017.

Rights of persons with disabilities

Kim Cahill v. Minister for Education and Science

The Commission provided legal representation to Kim Cahill in her appeal to the Supreme Court. This case focused in particular on the scope of the duty to make reasonable accommodation for persons with disabilities.

Kim Cahill sat her Leaving Certificate in 2001 and obtained an exemption solely on the assessment of spelling and grammar elements of language subjects due to her dyslexia. However, when her Leaving Certificate was issued, it carried an explanatory note stating that certain parts of the exam had not been assessed, revealing her disability. She perceived this both as discriminatory less favourable treatment, and a failure to make reasonable accommodation.

The Equality Tribunal (now subsumed into the Workplace Relations Commission) upheld

Ms. Cahill's original complaint and directed that the Minister pay €6,000. However, this decision was subsequently appealed, through the Circuit Court and the High Court, to the Supreme Court.

The Supreme Court handed down judgment on 24 May 2017 which clarified the duty to provide reasonable accommodation under the ESA and held that the Minister for Education and Science is subject to the requirement to provide reasonable accommodation in the delivery of educational services under the Education Act 1998.

The Supreme Court found that, on the evidence, there had been no breach of the duty and recognised the great effort involved in bringing forward what it described as "these fundamentally important issues."

Rights of persons with disabilities

Siobhán Stack v. Minister for Education and Science

The matter was withdrawn from the Workplace Relations Commission ('the WRC'), on the client's instructions, in light of the Supreme Court judgment in Cahill v. Minister for Education and Science, which dealt with similar matters.

Workplace harassment

A Prison Officer v. Minister for Justice and Equality

The Commission provided legal representation to a prison officer in relation to a complaint referred to the Workplace Relations Commission ("the WRC") under the Employment Equality Acts 1998-2015 ('the EEA').

The man stated that he had been subjected to ongoing racial abuse by prisoners. Having reported specific racial incidents, the sanctions imposed under the prison disciplinary procedures did not deter further incidents.

The man took sick leave, and on returning to work was given duties which had no contact with prisoners. He submitted that this was a punishment for making the complaints.

Rejecting the prison officer's case in its decision of 7 June 2017, the WRC decided that a procedure for dealing with incidents of abuse and assault of prison officers by prisoners was in place, that action had been taken to deal with the harassment as a breach of discipline under the prison rules, and that the prison officer was not directly or indirectly discriminated against. The matter has been appealed to the Labour Court.

Racial harassment

An Employee v. A Public Sector Employer

The Commission represented a public sector employee before the Workplace Relations Commission ('the WRC') in relation to a complaint of third party racial harassment under the EEA. The employee's case was that she had been subjected to racial harassment from her employer's service users over a number of years.

The matter was resolved in June 2017 to the satisfaction of all parties following a mediation process facilitated by the Workplace Relations Commission.

Age and family status discrimination

An Employee v. A State Agency

The Commission provided legal representation to an employee before the Workplace Relations Commission in an important age and family status discrimination case against a State agency and a government department.

The employee argued that, by not being allowed to continue working beyond 65, she was being discriminated against on grounds of age under section 8 of the EEA.

The employee also claimed discrimination on the ground of family status as her application

to work beyond the age of 65 was rejected on the basis that she does not have any dependents and, for this reason, she did not fall within the criteria set out in Government Circular 13/1975, which provides guidance on the retention of civil servants beyond the mandatory age limit.

The case was withdrawn on 19 July 2017 on foot of an agreement that the employee could continue working beyond her contractual and statutory retirement age of 65, with the right to apply for a further extension thereafter.

Traveller community discrimination

A Family v. Donegal County Council

The Commission provided legal representation to a Traveller family in judicial review proceedings against Donegal County Council.

Following the launch of the High Court proceedings, Donegal County Council agreed in September 2017 to an order quashing its original decision to defer housing support to the family, including two children with serious medical needs, who have been living in the county without basic facilities, including running water. The Council further agreed to reconsider the family's social housing application.

The legal challenge focused on the Council's decision to defer the family's housing application, with an emphasis on the decision-making process, including the fact that the decision was taken without any opportunity for input from the family concerned. The family argued that the deferral of housing was disproportionate and adversely impacted on the rights of their children, such as their right to bodily integrity, to dignity, to freedom from degrading conditions, to nurture and support within the family structure, and to education.

Traveller community discrimination

Applicants v. A Publican

The Commission provided legal representation to a group of men, members of the Traveller community, in respect of an incident in which they were denied service in a licensed premises. The group had been attending a human rights course and, at the end of the day, decided to go for a drink to a nearby pub. They entered the pub and approached the bar in pairs, however the bar staff refused to serve them claiming that only regulars were being served that night.

The individuals involved applied jointly to the District Court for redress under the Intoxicating Liquor Act 2003.

The matter was settled before hearing in November 2017, with agreement from the licensed premises to pay €6,000 compensation to each of the individuals, plus a further €500 payment to each, to be donated to a charity of their choice. It was a further condition of the settlement that the staff involved in the incident attend a course of equality training.

Housing assistance discrimination

An Applicant v. A Limited Company

The Commission provided legal representation to a woman in her successful challenge of discrimination under the ESA's housing assistance ground in the provision of accommodation.

The case focused on the woman's experience in viewing and seeking to confirm a property for rental in March 2016. In their exchanges about the property, the woman informed the estate agent that she was in receipt of rent supplement.

The estate agent requested to speak to the woman's Community Welfare Officer ('CWO') and, in exchanges, stated that he would not be willing to hold the property while the woman's application for rent supplement was being processed, nor guarantee her the property

even though he had been assured that the Department of Social Protection would also pay the deposit. In one exchange the estate agent stated "I have people downstairs willing to pay cash."

In November 2017 the Workplace Relations Commission ('the WRC'), determined that the woman had been directly discriminated against on the housing assistance ground, and ordered €2,500 in compensation to be paid. The WRC also instructed that all employees acting as the company's estate agents are to be provided with the proper appropriate training in relation to all provisions of the ESA.

Further legal activities

The Commission referred two complaints of discriminatory advertising to the Director of the Workplace Relations Commission (on the housing assistance, family and age grounds) in 2016. One of these cases was settled in 2017 to the satisfaction of the Commission, with the other pending.

Lexcel Accreditation Awarded to the Commission

Following an independent audit, in August 2017, the Legal team was successful in its application for accreditation under the international client care and practice management 'Lexcel Standard', awarded by the Law Society of England and Wales.

While a small number of Irish law firms have obtained the standard, the Commission is the first in-house legal service, and the first public sector body in Ireland to obtain this quality mark.

The audit involved a rigorous advance review of the team's systems, policies and procedures, followed by a day long, on-site, assessment by an independent assessor. The accreditation is now valid for three years, to August 2020, with 'maintenance' assessments required annually in the intervening years.

Promoting best practice in human rights and equality

Education is a fundamental tool in the advancement of human rights and equality.

In line with the Commission's strategic plan, 2017 saw a continued focus on education activities focused, in particular, on building the capacity of public sector professionals around the public sector equality and human rights duty, and providing support to civil society organisations to develop human rights and equality expertise.

The Professional Diploma in Human Rights and Equality

2017 marked the second year of the Professional Diploma in Human Rights and Equality developed by the Commission with the Institute of Public Administration and accredited by UCD. The year-long course attends to the specific issues that Irish public servants face in promoting equality, preventing discrimination and respecting human rights.

The second year has seen 37 new students begin their studies including 10 recipients of the Commission's bursary.

The 2017 bursaries from the Commission were granted to recipients representing a range of professional backgrounds and geographical spread, and came from the following public bodies and civil society organisations:

- The Simon Communities of Ireland
- The Immigrant Council of Ireland
- The National Council for the Blind Ireland
- Educate Together
- University College Cork
- The Probation Service
- An Garda Síochána
- The Department of Justice and Equality – Equality and Integration Division
- Cork City Council
- The Department of Social Protection

2017 also saw the first graduations from the Professional Diploma course with graduates receiving their Diplomas from UCD.

Targeted Human Rights and Equality Education

The Commission also provided Immigration Officer Training over 5 half day sessions delivered in 2017 to a total of 89 newly recruited Immigration Officers for Dublin Airport.

This training focused on providing a general understanding of human rights and equality, and enabled participants to gain awareness of the human rights and equality legal frameworks at national and international levels, and to gain a general understanding of the practical implications of human rights and equality through practical exercises.

INTERCULTURAL UNDERSTANDING AND DIVERSITY

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Supporting initiatives on interculturalism and diversity	47

'The Commission will, through a series of positive interventions, have enhanced public recognition of diversity and intercultural relationships as a positive factor in Irish life'.

IHREC Strategy Statement 2016 –2018

One of the Commission's statutory functions is to encourage intercultural understanding and good practice in intercultural relations in the State.

With 2017 representing the second year of this three-year strategic plan, the Commission has sought active engagement across our work programme with a diversity of groups in Irish society, while speaking out on a range of issues core to the long-term achievement of intercultural understanding in Ireland.

Highlights from 2017



Formal recognition of Traveller ethnicity by the State after years of campaigning by Traveller organisations, and supported by the Commission.

In February the Commission held an international event to examine Ireland's response to the global refugee and migration crisis.

Direct focus through the exercise of its *amicus curiae* (friend of the Court) function and international reporting, by the Commission on reception conditions and access to labour for asylum seekers.

Fifteen innovative projects directly on interculturalism supported by the 2017 grant scheme.

Intercultural events a key thematic focus for the new Commission public space.

International Protection

Family Reunification

The Government's restrictions on families of refugees in Ireland eligible for reunification, and the threats facing unaccompanied migrant children, were raised by the Commission at an international event entitled "*Ireland's Response to the Global Refugee and Migration Crisis: From International Protection to National Integration.*"

This event examined the State's application of the International Protection Act 2015, which came into force in January 2017, and which aims to bring a more unified approach to asylum applications. While an approach which could cut delays has been welcomed, the Commission remains concerned over restrictions which see family members separated, and has challenged the State to ensure the provision of necessary resources to support community integration.

As well as a keynote address from the Tánaiste, the event also saw significant contributions from Ireland's former UN Ambassador, David Donoghue who co-chaired the landmark 2016 UN Summit on Refugees and Migrants, the Greek Ombudsman for Children, George Moschos and the Chairperson of the UN Committee for the Elimination of Racial Discrimination, Anastasia Crickley.

On World Refugee Day in June the Commission reiterated its call to strengthen and expand its family reunification policies, to facilitate safe and legal pathways for family members of refugee communities.

Reception Conditions and Access to the Labour Market for Asylum Seekers

Since its establishment in 2014, the Commission has consistently focused on reform of the direct provision system, using a range of our statutory powers through our legal work, our engagement in the domestic setting, our reporting to international bodies and our work in supporting individuals and groups.

2017 saw the landmark Supreme Court ruling in NHV concerning the right of applicants for international protection to seek employment. The Commission played a significant role as an *amicus curiae* (friend of the court) in this case, which saw the Supreme Court rule that, in circumstances where there is no time limit on the asylum process, then the absolute prohibition on seeking employment under the *Refugee Act 1996* is contrary to the constitutional right to seek employment. In the final Supreme Court ruling, the Court specifically acknowledged the role of the Commission in proceeding with the case.

The Commission's reporting to UN treaty bodies under CEDAW and CAT also highlighted specific examples of the direct provision system's impact on women in direct provision, family life, mental health and on children. The Concluding Observations of the Committee against Torture reflected crucial gaps in Ireland's compliance with the *UN Convention against Torture* which had been highlighted by the Commission regarding immigration-related detention as well as refusals of leave to land.

Recognition of Traveller Ethnicity

After decades of persistent effort by Traveller women and men in advocating for formal State recognition of Traveller ethnicity, on March 1st 2017 in a Statement to the Dáil, the Taoiseach, Enda Kenny TD, formally recognised Travellers as a distinct ethnic group within the Irish nation.

As Ireland's national human rights institution and national equality body, the Commission not only has a statutory remit to protect and promote human rights and equality in Ireland but also to promote a culture of respect for human rights, equality and intercultural understanding. A core part of our three-year strategy statement is the promotion of pluralism and the acceptance of difference and we are committed to encouraging a culture of respect for freedom, dignity and understanding of human rights and equality in Ireland.



David Donoghue (Ambassador, Co-facilitator for the UN Summit on Refugees and Migrants and the New York Declaration) speaking at the IHREC International Protection Seminar, February 2017



Members of the Commission, and the Tánaiste Frances Fitzgerald TD at the IHREC International Protection Seminar, February 2017



Kany Kazadi (Mayo Intercultural Action) speaking at IHREC International Protection Seminar, February 2017



Musicians performing at an event celebrating International Roma Day held in the Commission's public space



Participants at the Migrant Information Day fair held in the Commission's public space

The Commission has consistently called for recognition of Traveller ethnicity in our work in the domestic setting and in our reporting to international bodies. In welcoming the formal recognition in March 2017, the Commission stated that the action of recognition must see impacts in how the State focuses resources on policies affecting Travellers, for example, in accessing education, in accessing culturally-appropriate and safe accommodation and in accessing healthcare, amongst other priority areas.

Supporting initiatives on interculturalism and diversity

Since the opening of the new events space in February, the Commission has sought to use this space to welcome and host events, which provide a significant focus on interculturalism and diversity in Ireland.

Among these, 2017 saw the Commission welcome to our Green Street offices some significant events, which included:

- a cultural celebration event to mark International Roma Day featuring Roma musicians, choirs and poetry
- a Migrant Information Fair hosted by the International Organisation for Migration and the New Communities Partnership which welcomed new migrants to meet in a single place with over twenty of the organisations and groups which provide

services and support to them

- and a range of other events through 2017 focused on the theme of interculturalism and diversity organised by civil society organisations including the European Network Against Racism, Wezesh, the Irish Traveller Movement, AkiDwA, the Immigrant Council of Ireland, and the National Youth Council of Ireland.

Yellow Flag programme steering group

The Yellow Flag programme is a school awards scheme run by the Irish Traveller Movement that provides an 8-step structure to enable schools to promote interculturalism, equality and diversity into the daily running of the school. Staff of the Commission continued through 2017 to play an advisory role to the steering group of the Yellow Flag programme, building on its work in the areas of stereotyping, education, development of curriculum resources and teacher education.

Grants Scheme 2017 - Intercultural understanding and diversity

Developing an understanding of and support for interculturalism and diversity is a key strategic priority for the Commission. Under this broad theme the Commission supported innovative projects through its 2017 grants scheme, which focused explicitly on intercultural understanding and diversity.

Grants Scheme 2017: (Intercultural Understanding and Diversity)

ORGANISATION	PARTNER	PROJECT
Hawk's Well Theatre, Sligo	Cairde Arts Festival, Sligo	A collaboration between Hawk's Well Theatre and the Cairde Arts Festival with Sligo Global Kitchen (a food project with people living in direct provision) and Sligo Cultural Exchange to create an intercultural hub in Sligo town during the Cairde Festival in July 2018. The hub will facilitate the cultural sharing of music, dance and poetry, host a number of interactive workshops and act as a facility for people living in direct provision in Sligo to cook and share food.
Dolphin House Community Development Association	Canal Communities Against Racism	A project supporting the integration of non-Irish born tenants in Dublin City Flat complexes through a series of learning events involving community leaders, statutory agencies and all participants within estates. The project aims to influence policy, inform practice and develop understanding and appreciation of cultural diversity between host communities and new non-Irish residents.

ORGANISATION	PARTNER	PROJECT
Maynooth University	Wezesha Ltd.	A project to enhance the capacity for People of African Descent and service providers in Blanchardstown, Dublin 15 in the understanding of migrant issues and experiences of diversity, in order to improve access to services and enhance participation.
National Youth Council of Ireland		Promoting integration in the youth sector by migrant communities involved in youth groups through providing leadership and networking to minority ethnic youth group leaders.
NASC – The Irish Immigrant Support Centre	UCC Centre for Criminal Justice and Human Rights	'Beyond McMahon', a conference for 100 participants on the future of asylum reception in Ireland, will be held in early 2018, followed by a masterclass for 20 undergraduate and postgraduate students.
Amach! LGBT Galway		Aimed at LGBT+ asylum seekers and refugees, this project entails an initial conference facilitated by Amach, followed by weekly peer support meetings, plus a variety of artistic workshops.
Breffni Integrated CLG	Cavan County Council Social Inclusion Unit	Establishment of a multicultural network in Co Cavan, bringing together groups within the county that represent different ethnic minorities, to build capacity and confidence among communities that will enable greater participation.
Sport Against Racism Ireland (SARI)		Series of anti-discrimination and training workshops to further social inclusion in Tallaght, Dublin 24, delivered alongside football training sessions to primary school children aged 10-13.
Rape Crisis and Sexual Abuse Counselling Centre Sligo, Leitrim and West Cavan	Rape Crisis Network Ireland	Series of workshops in an intercultural group support programme for survivors of sexual violence, targeting a mix of Irish and non-Irish participants.
Glencree Centre for Peace and Reconciliation		Series of dialogue projects involving faith and community leaders, to increase participants' knowledge of human rights and equality legislation.
Irish Girl Guides		Establishment of a Girl Guide programme in Mosney direct provision centre.
Fettercairn Community Health Project	Tallaght Roma Integration	A conference in 2018, bringing statutory and voluntary service providers together to educate them about the needs of the Roma Community in Tallaght.
Pavee Point Traveller and Roma Centre		Dissemination, in 2018, of the findings of the Roma Needs Assessment undertaken by Pavee Point and Department of Justice and Equality, following the launch of the report in December 2017.
Youth Work Ireland, Galway	World Vision, NYCI, Galway County Council, Galway Comhairle na nÓg	Creation of a resource pack and training programme for youth workers, deepening their awareness and supporting their work with refugees in youth groups or school settings in the Galway area.
Irish Traveller Movement		Developing a panel of intercultural trainers, via a train the trainer programme, to support the 'Yellow Flag' diversity in schools programme.

CORPORATE GOVERNANCE AND STRUCTURE

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The Irish Human Rights and Equality Commission is an independent statutory body, established on 01 November 2014 under the *Irish Human Rights and Equality Commission Act 2014*.

The statutory mandate of the Commission is to protect and promote human rights and equality in Ireland and to build a culture of respect for human rights, equality and intercultural understanding. The Commission is Ireland's National Human Rights Institution (NHRI) and National Equality Body (NEB).

Commission

The Commission has fifteen members one of whom is the Chief Commissioner of the Commission (see Appendix 1). The provisions of the Act are designed to ensure the independence of the Commission in its work. Members of the Commission are appointed by the President, following a resolution by both Houses of the Oireachtas.

The Commission is a body corporate. It accounts directly to the Oireachtas for its statutory functions and the members independently determine its policy and activities. Decision-making at Commission level is conducted, where possible, on the basis of consensus. Where there is a diversity of opinion on a given matter, a majority vote may be taken. The structural independence of the Commission, in accordance with the Paris Principles, has been recognised in its "A" Status accreditation as an NHRI with the UN.

The Commission holds as many meetings as may be necessary for the fulfilment of its functions but in each year must hold not less than one meeting in each period of three months. The Commission held six ordinary meetings in 2017. One additional meeting took place, to facilitate the recording of time-sensitive decisions in between the scheduled ordinary meetings. A Schedule of 2017 Attendance, Fees and Expenses is set out at Appendix 2. The minutes of Commission meetings are published on its website as part of its Freedom of Information Publication Scheme.

The Commission must determine on a three yearly basis, its strategy statement including the key objectives and related strategies, including use of resources of the Commission. The strategy statement must be laid before the Houses of the Oireachtas every three years. The Commission has agreed a three year *Strategy Statement 2016-2018* and approves an annual workplan and budget. The Commission takes strategic decisions on statutory functions, including on Commission policy statements and on the use of its legal powers, except where specifically delegated.

The Commission's power to provide legal and other assistance under Section 40 of the *Irish Human Rights and Equality Commission Act* is delegated to the Head of Legal. Its powers under Section 32 of the Act in regard to equality reviews and action plans are delegated to the Head of Legal in consultation with the Director.

The regular day to day management of the Irish Human Rights and Equality Commission is the responsibility of the Director. The Director acts as a direct liaison between the Commission and senior management. The role and responsibilities of the Director are set out in Sections 20-23 of the *Irish Human Rights and Equality Commission Act 2014*.

The Director and senior management must follow the strategic direction set by the Commission. The Director must provide the Commission with information in relation to the performance of his or her functions, including information with respect of those functions in so far as they relate to the financial affairs of the Commission, as the Commission may require. In addition, the Director must ensure that all Commission members have a clear understanding of key activities and decisions, and of any significant risks likely to arise.

Committees

The Commission has established a number of Committees to assist in governance and in progressing the work of the Commission in relation to its strategic priorities. In 2017 these were the:

- Audit and Risk Committee
- Finance Committee
- Casework Committee
- Policy and Legislation Committee

The Commission has also established two Advisory Committees, under Section 18 of the Irish Human Rights and Equality Commission Act 2014. In 2017 these were the:

- Research Advisory Committee
- Worker and Employer Advisory Committee

Membership of each of these Committees, and attendance during 2017 is included as Appendix 3. Section 18 Advisory Committees include external members and the Commission is very grateful for the expert assistance received from these members during the year.

Governance

The overall governance and control framework within the Commission is guided by:

- Irish Human Rights and Equality Act 2014;
- Code of Practice for the Governance of State bodies;
- Corporate Governance Standard for the Civil Service, with which the Commission is required to comply in light of its funding by an Exchequer Vote;
- Ethics in Public Office Act 1995;
- Standards in Public Office Act 2001;
- the recommendations of the Report of the Working Group on the Accountability of Secretaries General and Accounting Officers (the Mullarkey Report);
- Public Financial Procedures, (2008).

The Commission has agreed a Corporate Governance Assurance Agreement with the Department of Justice and Equality.

Staff

The executive, led by the Director, implements the strategy and policies of the Commission. The Commission is the employer of its staff who are civil servants in the civil service of the State.

At 31 December 2017, the Commission had 44 staff. The National Shared Services Office (NSSO) provides HR, pensions and payroll administration shared services to the Commission. The Commission utilises ePMDS (Performance Management Development System) to monitor and support the performance and development of its staff. The IHREC Council facilitates regular communication on key issues between management and recognised staff trade unions.

NUMBER OF STAFF BY GRADE 2017

Director	1
Principal Officer	1
Assistant Principal Officer	11
Higher Executive Officer/Development Officer	11
Executive Officer	12
Clerical Officer	8
Total:	44

Details of all staff employed in 2017 are available in Appendix 4.

The executive is organised in four sections:

- Legal
- Policy & Research
- Strategic Engagement
- Corporate Services

The Heads of these sections, reporting to the Director, comprise the senior management.

SENIOR MANAGEMENT AT 31 DECEMBER 2017

Director	Laurence Bond
Head of Legal	Michael O'Neill
Head of Policy and Research	vacant
Head of Strategic Engagement	vacant
Head of Corporate Services	Kevin De Barra

Details of key management employee benefits and Director salary and benefits are included in Appendix 5.

Funding and financial management

The Commission is funded through a Vote of the Oireachtas .

The Director is the Accounting Officer for the Commission's Vote and this responsibility is separate to the governance responsibilities of the Commission members.

Each year the Commission must prepare an account of its expenditure and receipts, called the Appropriation Account. This Account must be signed by the Accounting Officer, who is responsible for having the Account prepared and presented for audit to the Comptroller and Auditor General. The Accounting Officer may then be called to appear before the Committee of Public Accounts of the Dáil to give evidence about the Account.

The Appropriation Account 2017 was submitted to the Comptroller and Auditor General for audit by the statutory deadline of 1 April 2018. As required this included the Accounting Officer's statement on the Commission's systems of internal financial control.

The 2017 gross estimate provision for Vote 25 Irish Human Rights and Equality Commission was €6.631m of which €3.538 was allocated for pay related expenditure, and €3.093m of which was allocated to non-pay expenditure. The provisional (prior to audit) expenditure outturn was €5.314m of which €2.254m was pay and €3.060m was non-pay. At year end, a surplus of €1.291m was liable for surrender to the Exchequer.

The Code of Practice for the Governance of State Bodies 2016 requires that bodies make a number of additional disclosures in relation to certain categories of expenditure. These are set out in Appendix 5.

The Commission's Finance Committee provides oversight of the financial implications of the activities of the Commission including planning, budgeting, review and information and reporting processes.

The Audit and Risk Committee provides oversight and ensures best practice in relation to business and financial reporting and internal control.

For 2017, the internal audit unit was outsourced to Mazars Ireland.

Protected disclosures

As a public body, the Irish Human Rights and Equality Commission is required under section 22 of the Protected Disclosures Act 2014 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures. No protected disclosures were made to the Commission in the period 1 January 2017–31 December 2017.

Disability Act 2005

Under Part 5 of the Disability Act 2005, public sector bodies are required to report on their level of employment of people with disabilities. The results of a self-reporting Staff Census taken in December 2017 indicate that the Commission exceeds the minimum of 3% for employment of people with disabilities, and is therefore in compliance with Part 5 of the Act. This information was reported to the National Disability Authority in March 2018.

Freedom of Information Act 2014

The Commission continues to meet its obligations in relation to responding to Freedom of Information requests. FOI Decisions and Types of Request are outlined below:

FOI DECISIONS 2017	
Granted	4
Part-granted	5
Refused	1
Withdrawn/Handled outside FOI	1
Total	11

TYPES OF REQUEST 2017	
Journalist	3
Business/Interest Group	0
Client	4
Member of Public	4
Total	11

Overview of Energy Use

In accordance with Statutory Instrument 426 of 2014, all public sector bodies are required to report annually on their energy usage and any actions taken to reduce consumption. In 2017, the Commission's energy usage comprised 125,268kWh of grid energy only. This represented a 4.69% decrease in the Commission's total energy consumption since 2016. This was due in part to the installation of energy efficient LED lighting and sensors throughout its premises at 16 - 22 Green St.

ENERGY TYPE	LEVEL OF CONSUMPTION 2017
Electricity	125,268 kWh
Fossil Fuels	0 kWh
Renewable Fuels	0 kWh



**REPORT UNDER
SECTION 42 OF THE
IHREC ACT 2014
(PUBLIC SECTOR
DUTY)**

'Eliminating discrimination, promoting equality and protecting human rights'

IHREC Strategy Statement 2016 –2018

Public Sector Equality and Human Rights Duty
2017

Section 42 of the Irish Human Rights and Equality Act (2014) provides that: "A public body shall, in the performance of its functions, have regard to the need to:

- a. Eliminate discrimination*
- b. Promote equality of opportunity and treatment of its staff and the persons to whom it provides services*
- c. Protect the human rights of its members, staff and the persons to whom it provides services".*

A public body is required to set out in its Strategy Statement, an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body, and the policies, plans and actions in place, or proposed to be put in place, to address these issues. It must then report on developments and achievements in addressing these issues in its Annual Report.

Public Sector Equality and Human Rights Duty

Eliminating discrimination, promoting
equality and protecting human rights



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

November 2017

As with any other public body, this duty applies to the Irish Human Rights and Equality Commission. Unlike other public bodies our express statutory mandate is to address equality and human rights. In our case, therefore, our Strategy Statement 2016–2018 presents our assessment of the human rights and equality issues we believe to be relevant to our functions and purpose, and throughout this Annual Report we set out our progress to date in addressing these issues.

We must also take account of human rights and equality in how we implement our functions and go about our daily work. In 2017, we opened a fully accessible Changing Places toilet facility in our offices at 16-22 Green Street, Dublin 7. We warmly welcome people with disabilities and carers to register with us so that they can drop in to use this purpose-built toilet facility, which offers people more space and the right equipment to take care of personal hygiene, in safety and comfort. The Changing Places toilet goes beyond a conventional wheelchair-accessible toilet in that it includes additional assistive technology of a hoist, height adjustable adult-sized changing bench, height adjustable basin and toilet. It is an important initiative in that it ensures that the health, safety and basic dignity of the person with a disability is respected.

We continue to prioritise accessibility through an appointed Access Officer who acts as a point of contact for public and staff members who require advice and support on matters relevant to accessibility. For example, when organising our events we take account of need for ISL interpreters and consult with participants who require this service to choose their preferred signer if possible.

The Commission has worked with our design and publications templates through 2017 to deliver a range of publications which are accessible, and worked during the year with Inclusion Ireland to deliver 'easy to read' editions of our international reports to the UN related to CEDAW and CAT. Across our

social media work, the Commission has utilised accessibility features available within Twitter, and has provided sub-titling in videos explaining our current work.

This focus on accessibility is complemented by a recognition that the participation of rights holders and a focus on issues identified by rights holders must be key values underpinning how we undertake and prioritise our work more generally. During 2017, for example, we ensured that criteria and communication in relation to our grant scheme allowed for a range of organisations of different sizes, across different sectors and working on a diversity of issues to apply.

APPENDICES

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Appendix 1 – Members of the Commission

Emily Logan, Chief Commissioner

Emily Logan is Chief Commissioner of the IHREC. For the decade prior to her appointment Ms Logan served as Ireland's first Ombudsman for Children, accounting directly to the Oireachtas.

Teresa Blake BL

Teresa Blake is a Senior Counsel who has been practising at the Bar of Ireland since 1995 in child protection and welfare law, asylum and immigration law, and education disability. Teresa is currently a Chair of the Mental Health Tribunal.

Frank Conaty

Frank Conaty, a Chartered Accountant, is a former Chair of the National Parents & Siblings Alliance and is a lecturer at the J. E. Cairnes School of Business & Economics at NUI Galway and an affiliated faculty member of the Centre for Disability Law & Policy also at NUI Galway.

Heydi Foster-Breslin

Heydi Foster-Breslin is Chief Executive Officer of Misean Cara a faith based development organisation, is Non-Executive Director of Dóchas, the Irish Association of Non-Governmental Development Organisations, and is Chair of Common Purpose Ireland.

Liam Herrick

Liam Herrick was appointed as Executive Director of the Irish Council for Civil Liberties in November 2016. Before that he worked as Advisor to President Michael D. Higgins for almost three years. He was Executive Director of the Irish Penal Reform Trust (IPRT) between 2007 and 2014. He has also worked as senior legislation and policy review officer at the former Irish Human Rights Commission, and for the Law Reform Commission and the Department of Foreign Affairs.

David Joyce

David Joyce is a solicitor with the Mercy Law Resource Centre specialising in housing and homelessness.

Mark Kelly

Mark Kelly is an international human rights lawyer. He is the member elected in respect of Ireland of the Council of Europe's European Committee for the Prevention of Torture. He served also as the Executive Director of the Irish Council for Civil Liberties.

Sunniva McDonagh SC

Sunniva McDonagh is a Senior Counsel and a Member of the Recognition Committee for the Armenian Genocide in Ireland.

Professor Siobhán Mullally

Professor Siobhán Mullally is Established Professor of Human Rights Law and Director of the Irish Centre for Human Rights at NUI Galway. Prior to her appointment in NUI Galway she was Professor of Law at University College Cork (UCC) and Director of the Centre for Criminal Justice and Human Rights at the University. Siobhán is also a member of the Permanent Court of Arbitration at The Hague, and 1st Vice President of the Council of Europe Group of Experts on Action against Trafficking in Human Beings.

Dr Mary Murphy

Dr Mary Murphy is a Lecturer in Irish Politics and Society in Maynooth University, a member of its Social Sciences Institute, and active in various civil society social justice groups and committees.

Professor Ray Murphy

Professor Ray Murphy is Professor of Law at the Irish Centre for Human Rights, National University of Ireland, Galway.

Dr Fidèle Mutwarasibo

Dr Fidèle Mutwarasibo is a sociologist, a founding member of Africa Centre and former Integration Manager with the Immigrant Council of Ireland. He is currently an independent consultant.

Orlagh O'Farrell

Orlagh O'Farrell is an Independent Consultant on equality, employment law and discrimination issues, a member of Community Legal Resource Network and a member of Equality and Rights Alliance.

Betty Purcell

Betty Purcell is a journalist, author and broadcaster. She was a founder member of Irish Women United an executive member of the FWUI and is a campaigner on social and Justice Issues.

Kieran Rose

Kieran Rose is a Senior Planner at Dublin City Council. He is a founding member and former chair of GLEN (Gay and Lesbian Equality Network). Previously Kieran served as a Board Member of the Equality Authority and he is currently an Advisory Board Member of the Center for the Theory of Change in New York.

*October 31st, 2017 saw the conclusion of the term of offices of seven of the Commission Members. These seven places were vacant from this date pending the conclusion of the selection and appointment process as led by the Public Appointments Service and set out within the *Irish Human Rights and Equality Commission Act 2014*.

Appendix 2 – Attendance at Commission Meetings

The Commission held six ordinary meetings in 2017. One additional meeting of the Commission took place, to facilitate the recording of time-sensitive decisions between the scheduled ordinary meetings.

Commission members receive an annual fee of €7,695. The term of office of seven of the commission members expired on 31 October 2017 giving rise to a reduced fee of €6,413. In 2017 five members did not receive any fee under the One Person One Salary principle.

COMMISSION MEMBERS	ORDINARY MEETINGS	FEES 2017	EXPENSES 2017
Emily Logan	6 of 6	N/A	€3,205
Teresa Blake SC	5 of 6	€7,695	0
Frank Conaty	5 of 5*	0	€1,041
Heydi Foster-Breslin	5 of 5*	€6,413	0
Liam Herrick	5 of 5*	€6,413	0
David Joyce BL	4 of 6	€7,695	0
Mark Kelly	4 of 5*	€6,413	€1,669
Sunniva McDonagh SC	5 of 6	€7,695	0
Professor Siobhán Mullally	6 of 6	0	€2,017
Dr Mary Murphy	4 of 5*	0	€525
Professor Ray Murphy	5 of 6	0	€1,529
Dr Fidèle Mutswarasibo	4 of 6	€7,695	€1,387
Orlagh O'Farrell	5 of 6	€7,695	€35
Betty Purcell	4 of 5*	€6,413	€35
Kieran Rose	5 of 5*	0	0

*In 2014, seven of the fifteen commission members were appointed for a three-year term. Their term expired on 31 October 2017 and five of the six ordinary meetings were held while they were in office.

N/A - The Chief Commissioner's remuneration is included in appendix 5.

Appendix 3 – Commission Committees

The Commission has established a number of Committees to assist in governance and in progressing the work of the Commission in relation to its statutory priorities. In 2017 these were the:

Audit & Risk Committee

MEMBER	MEETINGS 2017
Michael Tyndall (Ext. Chair)	3 of 3*
Frank Conaty	4 of 4
Teresa Blake SC	4 of 4
Heydi Foster-Breslin	2 of 4
Kieran Rose	1 of 1**
Emily Logan	3 of 3

*Mr. Tyndall resigned as Chair on October 4. Three meetings were held prior to this.

**Emily Logan joined in place of Kieran Rose on May 17.

Casework Committee

MEMBER	MEETINGS 2017
Sunniva McDonagh SC (Chair)	2 of 2
Emily Logan	2 of 2
Teresa Blake SC	2 of 2
Siobhán Mullally	1 of 2
David Joyce BL	2 of 2
Liam Herrick	0 of 2

Finance Committee

MEMBER	MEETINGS 2017
Frank Conaty (Chair)	4 of 4
Ray Murphy	4 of 4
Mark Kelly	3 of 4
Mary Murphy*	2 of 2

*Mary Murphy joined the Committee on May 17.

Policy and Legislation Committee

MEMBER	MEETINGS 2017
Siobhán Mullally (Chair)	2 of 2
Teresa Blake SC	1 of 2
David Joyce BL	1 of 2
Mark Kelly	1 of 2
Mary Murphy	2 of 2
Emily Logan	2 of 2

There are also two Advisory Committees currently established under Section 18 of the *Irish Human Rights and Equality Commission Act 2014*:

Research Advisory Committee

MEMBER	MEETINGS 2017
Mary Murphy (Chair)	2 of 2
Emily Logan	2 of 2
Dr Fidele Mutwarasibo	1 of 2
Ursula Barry	2 of 2
Nicola Browne	2 of 2
Delma Byrne	2 of 2
Ciaran Judge	1 of 2
Aoife Nolan	0 of 2

Worker and Employer Advisory Committee

MEMBER	MEETINGS 2017
Kieran Rose (Chair)	2 of 2
Orlagh O'Farrell	1 of 2
Brian Callanan (Ibec)	1 of 2
Séamus Dooley (National Union of Journalists)	0 of 2
Norman Harte (Iarnród Éireann)	2 of 2
David Joyce (ICTU)	2 of 2
Patricia King (ICTU)	2 of 2
Kara McGann (Ibec)	2 of 2
Deirdre O'Connor (INTO)	2 of 2
Gillian Verrecchia (Ibec)	1 of 2

Appendix 4 – Commission staff

NAME	GRADE	NOTE
Laurence Bond	Director	
LEGAL		
Michael O'Neill	PO	
Sinéad Fitzpatrick	AP - Solicitor	
Gwendolen Morgan	AP- Solicitor	
Maria Mullan	AP-Solicitor	
Elizabeth Spelman	AP-Solicitor	From 14 August 2017
Stephen Collins	AP- Solicitor	From 20 September 2017
Barra Lysaght	HEO	Until 08 September 2017
Maryse Jennings	EO	
Paul McKeon	EO	
Ciarán Finlay	EO	From 22 May 2017
Jennifer Warren	CO	From 30 January 2017
Karine Petrasuc	CO	
Colm Parnell	CO	
Dennis O'Rourke	CO	Until 02 June 2017
POLICY & RESEARCH		
Ruth Gallagher	AP	
Walter Jayawardene	AP	
Cathal Kelly	DO	
Gerard Finn	HEO	
Karen McLaughlin	HEO	
Siobhán McNamara	HEO	
Clíona Doherty	HEO	
Áine Sperrin	EO	
Barry Price	CO	

STRATEGIC ENGAGEMENT		
Dónal Rice	AP	
Fidelma Joyce	AP	
Brian Dawson	AP	
Deirdre Toomey	DO	
Stefania Minervino	DO	
Abdul Wahab Al Dakar	HEO	
Sorcha Lowry	HEO	
Jacqueline Healy	HEO	From 15 May 2017
Mella Walsh	EO	
Patrick Kalisa	EO	
Gareth Walsh	EO	
Jack Gibson	CO	
Geraldine Crowley	CO	
CORPORATE SERVICES		
Kevin De Barra	AP	
Geraldine Behan	HEO	
Muireann Ní Thuairisg	EO	
Niamh Corcoran	EO	
Fern Sheridan	EO	
Philomena Guerin	EO	
Thereze Gelston	EO	From 09 January 2017
John Ryan	CO	Until 22 May 2017
Vania Alexandrova-Jovic	CO	From 29 May 2017
Enca Gonzalez Cambil	CO	From 04 September 2017

Appendix 5 – additional financial disclosures

The Commission is funded through a Vote of the Oireachtas. The Director is the Accounting Officer for the Commission's Vote.

The Appropriation Account 2017 for Vote 25 Irish Human Rights and Equality Commission was submitted to the Comptroller and Auditor General for audit by the statutory deadline of 1 April 2018.

The Code of Practice for the Governance of State Bodies 2016 requires that bodies make a number of additional disclosures in relation to certain categories of expenditure and remuneration and these are set out below.

Short term Employee Benefits where Benefits Exceed Specified Thresholds

SHORT-TERM EMPLOYEE BENEFITS (€)	NO. OF EMPLOYEES IN BAND (2017)
60,000-69,999	8
70,000-79,999	1
80,000-89,999	-
90,000-99,999	1
100,000-109,999	1
110,000-119,999	-
120,000-129,999	1

Key Management Employee Benefits

	2017
	€
Commission Member Fees	64,127
Salary (including Chief Commissioner)	463,767
Allowances	-
Termination benefits	-
Health Insurance	-
Total	527,894

Note: Key management personnel in IHREC consists of the members of the Commission including the full time Chief Commissioner, the Director and the members of the senior management.

Director Salary and Benefits

	2017
	€
Basic Pay	94,418
Health Insurance	-
Total	94,418

Chief Commissioner Salary and Benefits

	2017
	€
Basic Pay	129,595
Health Insurance	-
Total	129,595

Legal Costs and Settlements

There were no such costs in 2017.

Consultancy Costs

CATEGORY	€
Legal fees	12,385
Tax and Financial Advisory	12,669
Pensions and Human Resources	14,760
Health and Safety Advisory	2,491
Total	42,305

Note

Legal fees does not include fees paid to legal counsel engaged by IHREC in the discharge of its statutory legal functions.

Tax and Financial Advisory includes fees paid for accountancy services excluding the placement of a contractor in the finance unit on a full time basis.

Fee for Pensions and HR Resources includes fees paid in respect of strategic HR advice, but not payments for on site contracted support.

Travel and Subsistence – Domestic and International

	€
Domestic Travel	
- Board	7,469
- Employees	17,764
International Travel	
- Board	1,017
- Employees	23,717
Total	49,967

Hospitality Costs

There were no hospitality costs in 2017.

Appendix 6 – international engagement

The Commission is statutorily mandated to consult with international bodies or agencies having a knowledge or expertise in the field of human rights and equality as it sees fit. Engagement with regional and international mechanisms that coordinate the work of national human rights institutions and national equality bodies has always been a key focus for the Commission.

This engagement has seen an invaluable exchange of ideas, learning and best practice which has enriched the work of the Commission. Among the notable achievements in this regard was the election at the Equinet Annual General Meeting in Brussels of the Commission Director, Laurence Bond to the Equinet Executive Board for the period from 2017-2019.

The Commission also maintains a strong working relationship with its counterparts in the 3 jurisdictions of the UK; the Scottish Human Rights Commission, the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Equality and Human Rights Commission.

Global Alliance of National Human Rights Institutions (GANHRI)

The Commission participated in the following body during 2017:

- Working Group on Business and Human Rights

In addition there was an attendance at the following event:

- Annual Conference of the UN International Coordinating Committee of NHRIs, Geneva

European Network of National Human Rights Institutions (ENNHRI)

The Commission participated in the following bodies during 2017:

- Economic and Social Rights Working Group
- Legal Working Group

In addition there was an attendance at the following event in 2017:

- General Assembly Seminar & Meeting, Brussels

European Network of Equality Bodies (Equinet)

The Commission participated in the following bodies during 2017:

- Executive Board
- Communications Working Group
- Policy Formation Working Group

In addition there was an attendance at the following events in 2017:

- Annual General Meeting, Brussels
- 10th Anniversary Conference, Brussels
- Social media training for national equality bodies, Dublin
- Conference on Positive Duties, Brussels

Council of Europe

There was an attendance at the following events in 2017:

- European Commission Against Racism and Intolerance (ECRI) Seminar with National Specialised Bodies, Strasbourg
- The Council of Europe collaborative platform with the FRA, ENNHRI and Equinet on social and economic rights, Strasbourg

United Nations

- Annual UN Forum on Business and Human Rights, *“Realizing Access to Effective Remedy”*, Geneva.

European Union

The Commission participated in the following body during 2017:

- European Commission Advisory Committee on equal opportunities for women and men.

Appendix 7 – IHREC Grants Scheme

The Irish Human Rights and Equality Grants Scheme awarded in 2016 saw the following projects which were being delivered in 2017

ORGANISATION	PARTNER	PROJECT
South Dublin Community Platform		Training programme for community organisations working to address poverty and social inclusion in South Dublin County.
Citizens Information Service, Offaly		Five regional workshops organised for Citizen Information Centres on the topic of Equality Law.
Older Voices Kildare		An education programme on human rights and equality, delivered to older people from a range of marginalised groups in Kildare.
Crosscare Migrant Project	North Dublin City GP Training; Cairde.	Information resources and training programme for GPs, in order to address the right to health care for vulnerable migrants.
Mental Health Reform		Training to approximately 20 mental health service users and carers as Peer Research Assistants.
Headway, Cork		An advocacy and human rights training programme aimed at meeting the needs of Headway service users with Acquired Brain Injuries (ABIs).
Ballyfermot Travellers Action Project (BTAP)	Public Interest Law Alliance (PILA)	Education and training on equality and human rights frameworks to Travellers living in Ballyfermot.
Sonas Domestic Violence Charity		Providing information on domestic violence orders to non-English speaking women by translating an existing domestic violence order information pack into various languages, including Polish, Russian, French, Urdu and Arabic.
Pieta House		The development of an Irish Network of Traveller Mental Health.
Longford Community Resources Ltd	Longford County Council	Training and development to public bodies and organisations in Longford to assist them in understanding and committing to human rights and equality.
School of Communications and Insight Centre for Data Analytics, DCU	Educate Together; GLEN (Gay and Lesbian Equality Network)	A prototype online student survey tool to measure equality and inclusivity in schools.
Community Action Network	NUIG Centre for Housing Law, Rights and Policy; Ballymun Community Law Centre Ltd.	Training and development project to support local authority tenants in relation to housing rights.
Dept of Geography, NUIM		Research to conduct a comprehensive human rights and equality audit and review of migrant integration policy across public bodies.
National Women's Council of Ireland		Training to promote the implementation of gender budgeting.

ORGANISATION	PARTNER	PROJECT
Irish Congress of Trade Unions (ICTU)	Free Legal Advice Centres (FLAC)	A guide with trade unions on how to take equality cases in light of the new WRC arrangements.
Centre for Human Rights and Citizenship Education, DCU	Pavee Point Traveller and Roma Centre	A research and training project for teachers on creating a culture of inclusion and equality in their classrooms, with a particular focus on Traveller children.
Inclusion Ireland		Good-practice guidelines for service providers' Equality & Rights Committees.
Irish Penal Reform Trust		A public awareness campaign to promote the abolition of the use of solitary confinement in Ireland.
Transgender Equality Network Ireland (TENI)		Good practice guidelines and a training programme on Trans Inclusion in the Workplace.
Dept of Politics and Public Admin, UL	Irish Traveller Movement	A national report into the participation of Travellers in Local Traveller Accommodation Consultative Committees.
Sutherland School of Law, UCD		A training workshop on human rights for teachers who are interested in delivering the optional Leaving Certificate subject 'Politics and Society'.
Create		A Collaborative Arts and Interculturalism seminar on how arts and cultural practices can work to create, enable and celebrate cultural diversity.
Irish Council for Civil Liberties	Economic, Social and Cultural Rights Initiative	A high-level event on 'Making Socio Economic Rights Real'.
Age Action Ireland CLG		Support for the publication of research on the State Pension Gender Gap and the dissemination of its findings.

Appendix 8 – Your Rights queries in detail

Queries received by the Your Rights team in 2017

PROTECTED GROUND	EQUAL STATUS	EMPLOYMENT EQUALITY	INTOXICATING LIQUOR ACT	TOTAL
Age	44	51	4	99
Civil Status	19	1	1	21
Disability	149	111	4	264
Family Status	29	35	0	64
Gender	43	66	4	113
Housing Assistance	125	0	0	125
Not-stated	13	11	4	28
Race	95	67	9	171
Religious Belief	8	10	0	18
Sexual Orientation	3	5	1	9
Traveller Community	22	2	15	39
Total	550	359	42	951

HUMAN RIGHTS	TOTALS
Administration of Justice	15
Children's rights	2
Conditions of detention (prisons, other institutions)	12
Education	2
Equality/Non-discrimination	9
Fair procedures	7
Freedom of association	0
Freedom of expression	3
Freedom of thought, conscience and religion	2
General /Remedies	32
Historical Institutional Abuse	11
Homelessness/social housing/living conditions	38
Immigration/Asylum seekers/human trafficking	21
Inhuman and degrading treatment and punishment	6
Private, family life, home and correspondence	35
Property rights	4
Right to life	3
Rights relating to health, and bodily integrity	27
Unlawful detention	2
Total	231

Appendix 9 – Commission publications

IHREC Corporate Publications

- *IHREC Annual Report 2016 / Tuarascáil Bhliantúil 2016*, June 2017
- *IHREC Guides and Information / Dualgas na hEarnála Poiblí*, November 2017

IHREC International Reporting

- *Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women*, February 2017
- *Overview: Ireland and the Convention on the Elimination of Discrimination Against Women*, February 2017
- *What is life like for women in Ireland in 2016?* February 2017
- *Easy to read guide to CEDAW by IHREC and Inclusion Ireland*, February 2017
- *Comments on Ireland's 14th National Report on the Implementation of the European Social Charter*, April 2017
- *Ireland and the Convention against Torture*, July 2017
- *Easy to read guide to CAT by IHREC and Inclusion Ireland*, July 2017

IHREC Policy Statements and Submissions

- *IHREC Submission to the Citizens' Assembly in its consideration of 'How we respond to the challenges and opportunities of an ageing population'* May 2017
- *The provision of emergency accommodation to families experiencing homelessness*, July 2017
- *Human rights and equality considerations in the development of a new legislative and regulatory framework on abortion*, October 2017

Research Reports

- *Who experiences discrimination in Ireland?* Frances McGinnity, Raffaele Grotti, Oona Kenny and Helen Russell, October 2017, Dublin
- *Ireland and the Optional Protocol to the UN Convention against Torture*, Professor Rachel Murray, Dr Elina Steinerte, October 2017, Dublin

Appendix 10 – Commission media releases

- Compensation Granted in Housing Assistance Discrimination Case 19/12/2017
- Travellers Denied Service Secure Settlement and Redress 18/12/2017
- Human Rights and Equality Commission Statement on Precarious Employment and Zero-Hour Contracts Legislation 07/12/2017
- Human Rights and Equality Commission Appears in Supreme Court Right to Private and Family Life Cases 30/11/2017
- Proposals on Right to Work of People in Direct Provision 21/11/2017
- Human Rights and Equality Grants 2017 Announced 15/11/2017
- Who experiences discrimination in Ireland? 09/11/2017
- Human Rights and Equality Commission Responds to European Committee on Social Rights Finding Against Ireland on Social Housing 23/10/2017
- Human Rights and Equality Commission Granted Liberty to Appear Before Court of Appeal in Mental Health Hospital Detention Case 20/10/2017
- Budget 2018 Commitment to Equality Budgeting Welcomed by Human Rights and Equality Commission 10/10/2017
- Chief Commissioner Emily Logan and Commissioner Prof. Siobhán Mullally to Appear Before 8th Amendment Committee 04/10/2017
- State Implementation of UN Torture Protocol a Decade After Signature Focus of High-Level Event and Report 02/10/2017
- Ireland Continues to Fall Short in Identifying Victims of Human Trafficking, Evaluation Report Shows 21/09/2017
- Donegal County Council Agrees to Reconsider Housing Application for Traveller Family Following High Court Challenge 20/09/2017
- Statement following the publication of the 'concluding observations' of the UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on Ireland's State Examination 15/08/2017

- Irish Human Rights and Equality Commission Welcomes MyHome.ie's Procedures on Property Advertisements 21/07/2017
- Human Rights and Equality Commission to Appear Before UN in Monitoring of State's Human Rights Obligations 18/07/2017
- Human Rights and Equality Commission Granted Liberty to Appear before Supreme Court in Right to Private and Family Life Cases 13/07/2017
- Human Rights and Equality Commission Appears Before Oireachtas Committee on Budgetary Oversight 12/07/2017
- Human Rights and Equality Commission Challenges Normalisation of Family Homelessness 12/07/2017
- Commission Provides Guidance to Citizens' Assembly on Ageing Population 08/07/2017
- Human Rights and Equality Commission Annual Report Launched 29/06/2017
- On World Refugee Day Commission Calls for Greater Protection for Child Refugees and an Expansion of Family Reunification Policies 20/06/2017
- Right to Work of People in Direct Provision – Commission welcomes Supreme Court decision 30/05/2017
- Supreme Court clarifies duties towards students in disability discrimination case 24/05/2017
- New Director Appointed to the Irish Human Rights and Equality Commission 23/05/2017
- Human Rights and Equality Issues Facing Older Persons in Ireland 23/05/2017
- Blanket Anonymity Rules Do Not Apply to Discrimination Decisions – Irish Human Rights and Equality Commission 13/04/2017
- Irish Human Rights and Equality Commission Welcomes Judgment Clarifying Right of Access to Effective Remedy in Discrimination Cases 31/03/2017
- State Explanation Required to People with Disabilities on Continued Denial of Rights 30/03/2017
- Worker and Employer Advisory Committee to Hold Inaugural Meeting 29/03/2017
- Irish Human Rights and Equality Commission Appears Before Court of Appeal as Amicus 10/03/2017
- Commission Calls for 'Grace' Investigation to Respect Human Rights and Equality Obligations for People with Intellectual Disabilities 07/03/2017
- UN Publishes Assessment of Ireland's Women's Rights and Equality Record 06/03/2017
- Historic Step as Traveller Ethnicity Recognised by State 01/03/2017
- Commission requests meeting with Minister McGrath on human rights obligations for people with Intellectual disabilities 28/02/2017
- Gaps in Protections for Victims of Crime Highlighted to Oireachtas 28/02/2017
- Challenging Employment Discrimination Directly Can Boost Disadvantaged Areas Such as Dublin Inner City 17/02/2017
- Women's Rights and Equality Under Scrutiny at UN 09/02/2017
- Children and Families Key Focus in Scrutiny of Irish International Protection Measures 31/01/2017
- Irish Human Rights and Equality Commission Secures Court Role in Oberstown Child Detention Cases 09/01/2017