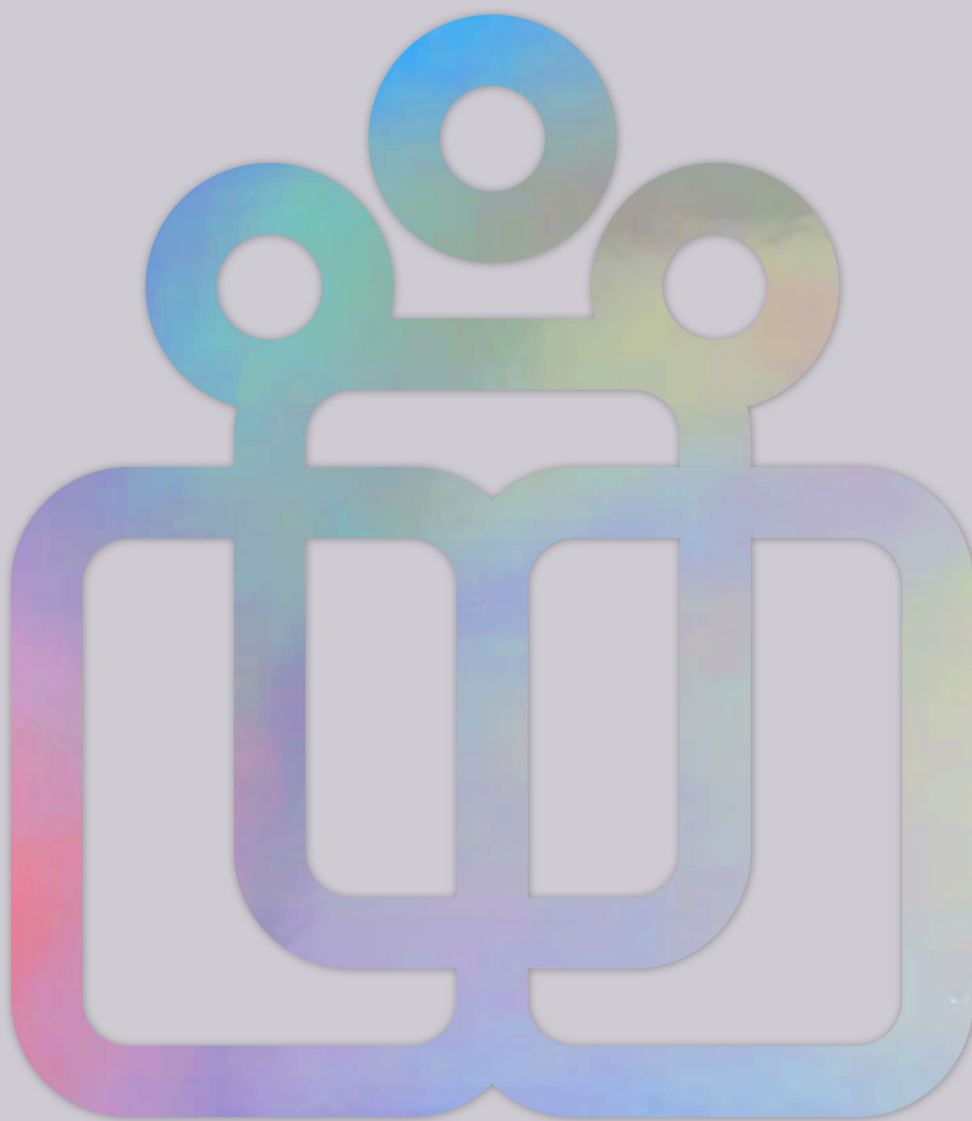


Annual Report 2018



**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

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The Irish Human Rights and Equality Commission 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.
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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 2018.

A handwritten signature in black ink, reading "Emily Logan", is positioned above a thin horizontal green line.

Emily Logan

Chief Commissioner
June 2019

CHIEF COMMISSIONER'S MESSAGE

Universal Declaration on Human Rights – Seventy Years

The idea of establishing national human rights institutions was first conceived in the aftermath of World War II. In 1946, the UN Economic and Social Council considered the issue of national institutions, two years before the Universal Declaration of Human Rights became the 'common standard of achievement for all peoples and all nations'. Member States were invited to consider establishing information groups or local human rights committees.

2018 was the year that marked the seventieth anniversary of the Universal Declaration of Human Rights. Michelle Bachelet, UN High Commissioner for Human Rights describes how the document has gone from being an 'aspirational treatise' to a set of international human rights standards that continue to 'permeate virtually every area of international law'.

Although its drafters could not have conceived some of the global human rights and equality challenges of our time: geo-political developments, advances in technologies, climate change, artificial intelligence and the pervasiveness of the digital world, its precepts continue to provide guidance on these emerging issues.

Securing Chair of European Network of National Human Rights Institutions

Although the Commission is a national institution, our role is also a collective and international one. There is a flourishing international community of national equality bodies and national human rights institutions, with now 170 national human rights institutions globally.

In October, the Irish Human Rights and Equality Commission was elected as Chair of the European Network of National Human Rights Institutions (ENNHRI) – a regional group of 44 such institutions across Council of Europe Member States. This leadership role in human rights allows the Commission to share our national experience for the benefit of others, and encourages us to reflect on our own democracy and to learn about international practices that could benefit consideration in this State.

Joint Committee under the Belfast (Good Friday) Agreement

Closer to home, the Northern Ireland Human Rights Commission and the Irish Human Rights and Equality Commission work as the Joint Committee on this island in the fulfilment of an obligation mandated under the Belfast (Good Friday) Agreement, to which both Commissions owe their origins.

As an international treaty, recognised by the United Nations, the Belfast (Good Friday) Agreement laid down a mandate for strong cooperation between both Commissions and has placed the Joint Committee in a unique position to address the issues that Brexit raises for human rights and equality on the island of Ireland.

The Joint Committee has been at the forefront of a debate that largely went unnoticed due to the emphasis on trade, and a debate that turned into, as Chris Patten put it, ‘an assault on the institutions and values that have made liberal democracy work’.

The Commission invested heavily throughout the year in working with our colleagues in Northern Ireland. We wish to express our deep appreciation for their generosity of spirit in our collective endeavours for the protection of human rights and equality across the island of Ireland.

Together we launched a policy statement in March 2018, along with a commissioned research paper. In the statement, we had six key recommendations:

1. Ensure the non-diminution of rights post-Brexit
2. Safeguard the North-South equivalence of rights in Ireland on an ongoing basis
3. Guarantee equality of citizenship within Northern Ireland for the people who live there and how they choose to identify themselves
4. Protect border communities and migrant workers
5. Ensure any evolving justice arrangements comply with the commitment to non-diminution of rights
6. Ensure the continued right to participation in public life for EU citizens in Northern Ireland

On the basis of this policy the Joint Committee engaged extensively on the matter throughout 2018, as listed on page 32 of this report.

The most significant and tangible outcome of our collective efforts, is an inclusion in article 16(3)(c) of the protocol on Ireland/Northern Ireland of a provision relating to the implementation of the Protocol, stating that the Special Committee overseeing the Protocol will 'consider any matter of relevance to ... this Protocol brought to its attention' by the Joint Committee of the two Commissions, North and South.

In addition, the Commission acknowledges the signing of a bilateral agreement by the Irish and British governments on the Common Travel Area, which for the first time, guarantees reciprocal rights regardless of the UK Withdrawal from the European Union.

Appointment of Commission Members

In May, President Michael D. Higgins, in the presence of An Taoiseach, Leo Varadkar, appointed five new members and reappointed two members of the Irish Human Rights and Equality Commission. We very much appreciate and wish to extend our thanks to the President for his invitation to host a special appointment ceremony for all members of the Commission and their families in the Áras.

Appointment of the Disability Advisory Committee

Following the ratification of the UN Convention on the Rights of Persons with Disabilities, the Commission agreed to appoint eleven people to their roles on the newly established Disability Advisory Committee. The committee was established under section 18 of the legislation as a statutory advisory committee by the Irish Human Rights and Equality Commission in December. The Committee is made up of a majority of people with disabilities and is brought together by the Commission to support its statutory function of monitoring Ireland's implementation of the UN Convention.

New Strategy 2019 - 2021

The Commission is obliged by its founding legislation to develop a new strategy every three years. The process of strategy development was invaluable in terms of allowing for our five new members of the Commission to critique previous approaches, and to breathe new life into ongoing issues. This fresh approach has brought us as a collective, as a Commission, to a new and welcome place strategically. The Strategy Statement was laid before the Houses of the Oireachtas in December.

Housing

On 01 January 2016 'housing assistance' was introduced as a new ground to protect against discrimination in the provision of accommodation. This means that people in receipt of housing assistance, rent supplement or other social welfare payments cannot be discriminated against in relation to the provision of accommodation. Nor can landlords, letting agencies, or property advertisers discriminate in advertising on this ground.

The introduction of the 'housing assistance ground' is an important first step towards the recognition of a socio-economic ground in equality legislation. In our experience the 'housing assistance' ground can, and is, successfully pleaded before the Workplace Relations Commission (WRC) and awards are made to prospective tenants who have experienced discrimination. However, enforcement of Irish discrimination law relies heavily on the individual complaints-led model. As reported by expert in the field Judy Walsh, a substantial body of research has sought to explain low levels of discrimination law claims. Discrimination will simply go unchallenged unless an individual takes action. For individuals who may be at risk of homelessness, and are focused on finding a place to live, it is unreasonable to expect that they can refocus their energies on pursuing a complaint.

Over two years after its introduction, the 'housing assistance' ground remains one of the most common reasons for people to contact our Your Rights information service, and it is apparent that there is systemic discrimination against people in receipt of housing social welfare payments.

Enforcement of the 'housing assistance' ground before the WRC alone is not and cannot be the solution to this problem and further initiatives will need to be explored if this issue is to be comprehensively tackled.

International Protection

The Commission's work in bringing the two traditions of human rights and equality together is exemplified in our work on international protection, using a number of our statutory powers to advance protection of human rights and equality of treatment for people seeking international protection in Ireland, and this work continued in 2018.

Under section 40, the Commission can give legal assistance to a person before the Courts or the WRC. These cases allow the Commission to monitor evidence of discrimination under equality legislation. Applications for legal assistance brought to the Commission showed a pattern of discrimination, which in practice may thwart the Supreme Court judgment in NHV. The Commission, in its legal work, has been made aware of significant administrative barriers faced by asylum seekers in accessing a range of services. This includes difficulties in accessing healthcare and opening bank accounts, as well as exclusions from driving licence application processes. In order to ensure 'effective access' to employment, the Commission is of the view that the scheme for access to employment must incorporate necessary processes to ensure such administrative barriers are overcome.

On the basis of its monitoring of cases of discrimination, the Commission prepared a policy position on access to the labour market for applicants for international protection (or asylum seekers), which was circulated to members of the Oireachtas Committee on Justice and Equality, as well as to the Minister for Justice and Equality. The Commission sought to bring its concerns to the legislature in the context of the pending adoption of the *European Communities (Reception Conditions) Regulations 2018 (S.I. 230 of 2018)*, post the Supreme Court NHV judgment.

In July, Ireland adopted the *European Communities (Reception Conditions) Regulations 2018*, transposing the recast *Reception Conditions Directive* into domestic law. The Regulations place reception conditions in Ireland on a statutory footing, thereby bringing about an overhaul to its Direct Provision system.

Equality Reviews

For the first time, the Commission invoked its statutory powers to carry out equality reviews under section 32 of the legislation. The Commission can invite public or private organisations to carry out a review of equality of opportunity generally, or a particular aspect of discrimination under the *Employment Equality Acts* and or the *Equal Status Acts*. During 2018, the Commission issued six requests to six public bodies: one to the Health Services Executive on the matter of the experience of people accessing opioid treatment services; four to local authorities regarding housing; and one to the HSE in relation to the equality of opportunity of non-Irish nationals

with limited or no English when accessing GP services, and the provision of interpretation services for them.

Appreciation

Finally, I would like to thank and pay tribute to Commission colleagues for their generosity of spirit and time throughout the year. 2018 has been a significant year for the Commission: this includes the appointment of five new members of the Commission, development of our new strategy 2019-2021 and additional Commission plenary meetings, seven ordinary plus extraordinary meetings to ensure that we responded to the increasing activity.

On behalf of the Commission I wish to thank our Director Laurence Bond and the staff of the Commission who bring their diverse experience, passion and dedication to bear 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 01 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.



31 May 2018 saw the formal appointment by President Michael D. Higgins of the new Commission Members who took office on this date.



COMMISSION MEMBERS



Above from left to right: Chief Commissioner Emily Logan, Teresa Blake SC, Frank Conaty, Patrick Connolly, Professor Caroline Fennell, Heydi Foster Breslin, Tony Geoghegan, David Joyce, Salome Mbugua, Sunniva McDonagh SC, Professor Siobhán Mullally, Professor Ray Murphy, Dr Fidèle Mutwarasibo, Colm O'Dwyer SC, Orlagh O'Farrell.

Strategy Statement 2019–2021



The Commission worked throughout 2018 on developing its second Strategy Statement for the period 2019–2021. As part of this process, the Commission placed an open call for individuals and organisations to input on the key objectives and strategies to guide the Commission as it works to deliver its statutory mandate over the next three years. Work on the strategy statement was concluded and laid before the Houses of the Oireachtas in December 2018, in line with section 25 of the *Irish Human Rights and Equality Commission act 2014*.

Report of Activity

This report covers the Commission's activity in 2018, the third and final year of its Strategy Statement 2016-2018. The Commission's strategy 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 2018 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.

1

Proactive Implementation of our Legal Powers, in Particular the Public Sector Equality and Human Rights Duty

‘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.’

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.

Amicus Curiae ('friend of the court')

Among its legal powers the Commission may apply to the Superior Courts for liberty to appear as *amicus curiae* ('friend of the court') in proceedings 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* means that the Commission does not take any side in the case; rather it assists the Court in advising it in respect of the human rights and equality issues directly relevant to the case.

At the beginning of the year, eight cases where the Commission had previously been granted liberty to intervene as *amicus curiae* were ongoing. Five of these were decided during 2018 while three were ongoing at the end of the year.

Please note that the reporting period covered here runs to 31 December 2018. For more recent developments in relation to these and other legal cases where the Commission is exercising its *amicus curiae* role, please visit [www.ihrec.ie /category/press-releases/](http://www.ihrec.ie/category/press-releases/)



→ 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: Following an initial judgment in May 2017, the Supreme Court initially adjourned the case for six months. On 09 February 2018, the Court declared that section 16(3) (b) of the *International Protection Act 2015* (which provided for the absolute ban on employment for asylum seekers) was inconsistent with the Constitution and was, therefore, invalid.

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

This 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*.

Outcome: The Court of Appeal delivered its judgment on 14 February 2018, finding that without a legal basis to prevent L from leaving the hospital, St. Patrick's Hospital

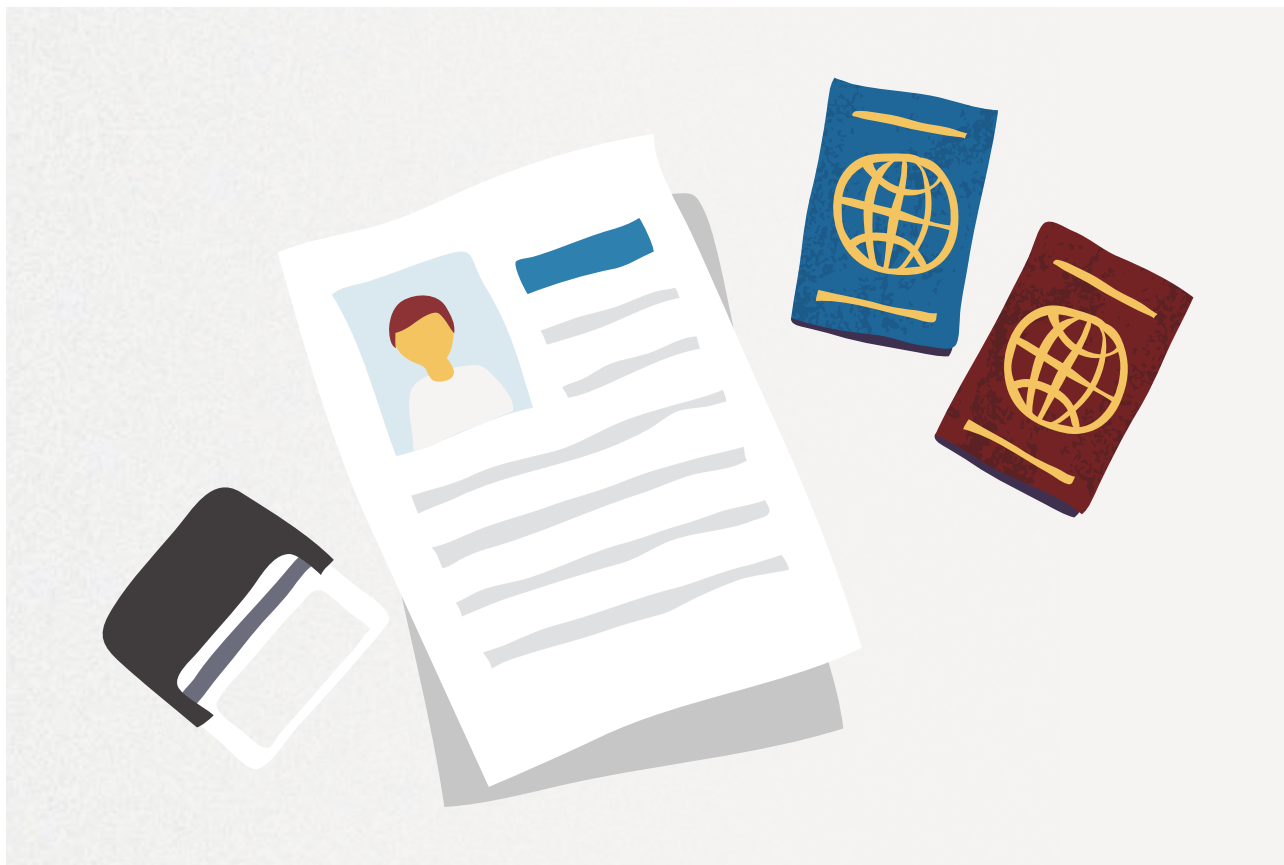
had unlawfully interfered with his personal liberty. The Court found that, unless invoking a statutory power to detain under the *Mental Health Act 2001*, the hospital could not lawfully prevent L from leaving. The Court of Appeal remitted the matter to the High Court for appropriate action.

→ **Cases: Danibye Luximon and Prashina Choolun (A minor suing by her mother and next friend Danibye Luximon) v. The Minister for Justice and Equality & Others & Yaswin Balchand, Chandrika Gopee and Cieron Laksh Balchand (A minor suing by his father and next friend Yaswin Balchand) v. The Minister for Justice and Equality & Others**

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 *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.

Outcome: In April 2018, the Supreme Court held that there was a duty on the Minister to consider the families' right to privacy and family life in deciding whether to renew or vary the permission of the families concerned to be in the State, and that the Minister had acted unlawfully in requiring the families to either leave the State or have their status in the State lapse into illegality.



The Supreme Court emphasised that its judgment applied to the facts of the present cases only, and that the Minister was entitled to regulate the flow of immigrants into the State and impose conditions on their stay.

→ Case: 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.

Outcome: In April 2018 the Court of Appeal held that the High Court had no jurisdiction to consider the jurisdictional forum issue, and so this section of the High Court judgment was set aside. While, the Court of Appeal allowed Mr Damache's appeal, it held that no practical purpose was served in remitting the matter back to the High Court as Mr Damache was now in the US.

→ 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 *ECHR Act 2003-2014*.

Outcome: The matter was heard in the Court of Appeal on 03 May 2018. In its judgment, the Court found that there was a breach of article 40.4.1 of the Constitution, adjudging section 15(3) of the *Mental Health Act 2001*, that section empowering involuntary detention without the necessary safeguards, to be unconstitutional. The Court further suspended the effect of the declaration for six months.

In October 2018, the State passed the *Mental Health (Renewal Orders) Acts 2018*, thereby providing a new mechanism under which persons detained pursuant to section 15(3) of the 2001 Act can be reassessed by a consultant psychiatrist and either released or further detained as appropriate. The same legislation provides for a maximum detention period of six months, and enables a person to initiate a review of their detention after three months.

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

This case raises issues regarding the scope of the 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 the *ECHR*.

→ **Case: Kevin Tracey v. District Court Judge Aeneas McCarthy & Others**

This case before the Supreme Court concerns an examination of the precise circumstance in which it is permissible to commit someone for contempt of Court, considering the case law of the European Court of Human Rights and Irish constitutional law. In August 2017, the Supreme Court approached the Commission to invite it to exercise its function as *amicus curiae* in this case. The matter was heard on 18 April 2018.

In 2018 the Commission sought liberty of the Superior Courts to intervene as *amicus curiae* in 7 sets of proceedings. It was granted liberty in all of these and all were also ongoing at the end of the year.

→ **Cases: AC v. Cork University Hospital and Others & AC v. St. Finbarr's Nursing Home and Others**

The Supreme Court granted leave to the Commission to intervene as *amicus curiae* in this case, which involves the allegedly unlawful detention of a (then) 93-year-old woman in Cork University Hospital and her subsequent transfer to St. Finbarr's Nursing home where she was made a Ward of Court. This case raises important questions about the interaction of historic Ward of Court legislation with modern *Mental Health* Acts. It is also likely to explore whether the woman was unlawfully detained either in the hospital or nursing home and/or if her Constitutional rights were respected in making her a Ward of Court, including her right to dignity as a human being.

→ **Case: David Walsh v. The Minister for Justice and Equality & Others**

The Supreme Court appeal considered the fair procedures to be adhered to before finding a person to be in contempt of court. This case was heard by the Supreme Court on 17 April 2018 and the Commission appeared as an *amicus curiae*. Judgment was reserved. The matter is linked to the case of *Kevin Tracey v. District Court Judge Aeneas McCarthy & the Director of Public Prosecutions*.

→ **Cases: MAM v. The Minister for Justice and Equality & KN v. The Minister for Justice and Equality**

These two cases are being heard jointly before the Court of Appeal which, in June 2018, granted the Commission leave to intervene as *amicus curiae*. In both cases, the Minister for Justice and Equality refused family reunification applications from individuals, who had been granted refugee status under the *Refugee Act 1996* and subsequently naturalised as Irish citizens, on the ground that they were no longer entitled to "refugee" family reunification since becoming Irish citizens.

→ **Case: The Minister for Justice and Equality v. Celmer**

This case centres on the requested extradition of Mr Artur Celmer, a Polish national, to Poland under a European Arrest Warrant. Concerns have been raised over recent legislative changes in Poland regarding the independence of the judiciary, the courts and the public prosecutor. Mr Celmer argues that these legislative changes undermine the possibility of him having a fair trial.

Following a referral of two questions by the High Court to the Court of Justice of the EU (CJEU) in Luxembourg, the High Court has been advised by the CJEU that it must make a specific and precise assessment on whether there is a real risk that Mr Celmer's fair trial rights will be breached. When the matter returned to the High Court in October 2018, the Commission was granted leave to intervene as *amicus curiae*. The High Court subsequently ordered Mr Celmer's extradition, finding that the facts did not demonstrate that his extradition risked a flagrant denial of his fair trial rights.

Mr Celmer appealed this decision and applied to appeal his case directly to the Supreme Court.

→ Case: Nano Nagle School v. Marie Daly

This case relates to the correct interpretation of the duty to provide reasonable accommodation under the *Employment Equality Acts 1998-2011*. Marie Daly, a Special Needs Assistant, had worked with children who had learning and/or physical disabilities at the Nano Nagle School since 1998. In 2010, she suffered an accident and after a period of rehabilitation, she sought to return to work in 2011.

The school board concluded that Ms Daly did not have the capacity to undertake her full set of duties, nor would she in the future, and so decided not to permit her to return to work.



Ms Daly made a complaint to the former Equality Tribunal (now subsumed within the Workplace Relations Commission) on the basis that the school had failed to provide appropriate measures to accommodate her, as a person with a disability, to return to work. She submitted that this was contrary to section 16 of the *Employment Equality Acts 1998-2011*.

The Commission was granted leave to appear as *amicus curiae* by the Supreme Court in October 2018.

→ Case: International Transport Worker's Federation v. The Minister for Justice and Equality

The case centres on the application by the International Transport Worker's Federation (ITF) to the High Court to injunct the granting or renewal of work permits issued under the Atypical Work Permit Scheme for non-EU fishermen. The ITF commenced these proceedings on the basis that it had referred a number of individuals arriving in Ireland on foot of these permits to the Gardai for investigation as suspected victims of human trafficking and other severe forms of labour exploitation on Irish fishing vessels. The High Court granted leave to the Commission to intervene as an *amicus curiae* in October 2018.



Equality Reviews

Equality Reviews are carried out under section 32 of the *Irish Human Rights and Equality Commission Act 2014*. The Commission holds the statutory power to invite public or private undertakings to carry out a review of equality of opportunity generally, or a particular aspect of discrimination under Ireland's anti-discrimination legislation, namely the *Employment Equality Acts* and/or the *Equal Status Acts*. The choice of those requested to carry out equality reviews and the focus of those reviews, is made at the discretion of the Commission in light of its strategic priorities.

During 2018 the Commission issued six invitations to carry out an Equality Review. This is the first year that the Commission invoked this statutory power.

Experience of Non-Nationals Accessing Free General Practitioner Services

In April, the Commission invited the HSE to carry out an Equality Review in relation to the equality of opportunity of non-Irish nationals with limited or no English when accessing free GP services, and the provision of interpretation services for them.

The HSE provided an Equality Review report dated 30 August. Among the findings of the Equality Review were that, in 2004, the HSE established a system for GPs to engage interpreters for patients who are asylum seekers/refugees and for the cost of same to be recouped from the HSE, and that the HSE will make payment directly to the interpretation companies engaged by GPs for refugees/asylum seekers who are accommodated in the area as part of Relocation/Resettlement Programmes.

The HSE set out that it would:

1. Seek additional funding for the enhancement of interpretation services in the area under review;
2. Notify all GPs again that a HSE funded interpretation service is available for any patient who cannot speak English or who has limited English;
3. Provide GPs with contact details of the companies who can provide interpretation services;
4. Advise GPs that payment will now be made directly by the HSE to the interpretation company, rather than GPs having to pay and then recoup the costs from the HSE;
5. Encourage GPs to use professional interpretation services rather than depending on any other means such as a family member or Google Translate for such services; and
6. Keep the matter under review.

Experience of Non-EEA Nationals who Access Local Authority Accommodation Services in Dublin

In April the Commission invited the four Dublin local authorities to carry out Equality Reviews specifically focused on non-Irish nationals' (EEA and non-EEA nationals') access to social housing and homeless services.

The four Local Authorities (Dublin City Council, Dún Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council) were tasked to audit, considering their obligations under Ireland's equality legislation, the level of equality of opportunity for people in accessing social housing services as set out in section 19 of the *Housing Act 2009*, and people's access to homeless services governed by section 10 of the *Housing Act 1988*.



The Local Authorities were also tasked under the Equality Review to examine their practices and procedures for the provision of accommodation services to non-Irish nationals (EEA and non-EEA) to determine whether these practices and procedures promoted equality of opportunity in line with their equality obligations under the *Equal Status Acts*.

The four Local Authorities submitted their Equality Reviews in late 2018, which set out that:

1. The practice of incorrectly referring non-Irish nationals seeking access to social housing or homeless services to the New Communities Unit of the Department of Social Protection, rather than Dublin City Council, which holds responsibility for these services has ceased.
2. The reported practice of requiring people applying to have permanently resided in the Local Authority area for a minimum of a year, on top of the legal statutory criteria, in order to qualify for accommodation services has ceased.

These Equality Reviews have also raised serious concerns across the Local Authorities about the application of a Department of Housing, Planning and Local Government Circular (41/2012) which has the effect of excluding certain qualified applicants (especially EEA nationals) who would otherwise qualify for social housing supports.

Following the Equality Review findings, the Commission is concerned that application of this Circular would see unlawful refusals to both homeless and social housing services, amounting to discrimination on the ground of race (nationality). In

December 2018, the Commission decided to invite the four local authorities to carry out Equality Action Plans pursuant to section 32(1)(b) of the *Irish Human Rights and Equality Act 2014*. Also, the Commission decided to write to the Department of Housing, Planning and Local Government seeking changes to the Circular.

Experience of Service Users who Access Opioid Treatment Services

In June, the Commission invited the HSE to carry out an Equality Review focused on three identified clinics that provide addiction treatments (two of the clinics are in Dublin with the other located in Carlow).

The Equality Review focused on the manner in which drug testing was carried out in these clinics around the direct supervision of urine samples by clinical staff, and the implications of this reported practice for the service users' dignity.

The HSE provided an Equality Review report on 20 December, which set out that:

1. There was a change of practice in the carrying out of drug testing which has seen direct supervision of urine samples replaced with non-direct supervision using 'Point of Care Test Kits'.
2. Each clinic had progressed or was progressing to non-direct supervision of urine samples in routine clinical practice. In its Equality Review, the HSE stated that all three identified clinics had taken the issue of direct supervision of urine sampling very seriously in terms of service user dignity.



Participants from St. Michael's House at the launch of Inclusion Ireland's Easy to Read Guide to the Public Sector Duty, December 2018

Codes of Practice

The Commission also has the function, under section 31 of the *Irish Human Rights and Equality Commission Act 2014*, to prepare codes of practice in furtherance of the protection of human rights; the elimination of discrimination; and the promotion of equality of opportunity. The provisions of these codes are admissible in evidence and may be taken into account in proceedings before a court or the WRC/ Labour Court.

Following the required consultations, a draft *Code of Practice on Equal Pay* was referred to the Minister for Justice and Equality for approval in December 2018. Once signed into force by the Minister, this will give practical guidance to employers, employees and their representatives on the right to equal pay, the elimination of pay inequality and the resolution of pay disputes. The code is applicable to all employments covered under the *Employment Equality Acts*.

In addition in June 2018, the Commission began work on a *Code of Practice on Family-friendly Measures in the Workplace*. Also in June the Commission began work on a *Code of Practice on the Rights of Families at Inquests*.

In November 2018, the Commission began work on a revised version of the *Code of Practice on Sexual Harassment and Harassment at Work*, produced by the Equality Authority in 2012. The Commission undertook a consultation process on a draft revised code in late 2018.

Enforcement of the O’Keeffe v. Ireland Judgment

Mr Justice Iarfhlaith O’Neill was appointed an Independent Assessor to review decisions of the State Claims Agency which declined *ex gratia* payments sought by individuals on the basis of the European Court of Human Rights (ECtHR) O’Keeffe Judgment.

In this respect, Mr. Justice O’Neill is currently examining whether evidence of a prior complaint of child sex abuse, as a requirement to establish eligibility for an *ex gratia* payment, is consistent with, and a correct interpretation of the ECtHR O’Keeffe Judgment. Mr Justice O’Neill invited the Commission, and a number of other interested parties to make submissions on the following question:

“[w]hether the imposition of the condition which required that there had to be evidence of a prior complaint of the child sex abuse on the part of the employee in question to the school authority [or a school authority in which the employ has previously worked], to establish eligibility for a payment under the ex-gratia scheme, is consistent with and a correct implementation of the judgment of the ECtHr in the case of Louise O’Keeffe v. Ireland.”

The Commission provided initial submissions in June 2018. Supplemental submissions were sought and were subsequently provided in December 2018.

Promoting Implementation of the Public Sector Equality and Human Rights Duty

Section 42 of the *Irish Human Rights and Equality Commission Act 2014* places a statutory obligation on public bodies to have regard to eliminate discrimination, promote equality of opportunity and protect the human rights of persons to whom they provide services and staff when carrying out their daily work. 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 2018 the Commission carried out an extensive programme of actions to promote the implementation of the Duty by public bodies throughout the country.

Pilot Projects Completed

Six pilot projects on implementing the Public Sector Equality and Human Rights Duty which had commenced in 2017 were completed during 2018. The Commission led these pilot projects on the process of implementing the Duty with public bodies across different sectors, including two government agencies, two County Councils, a higher education institution, and with users of a public health service. These six pilot projects were carried out with:

- Cork City Council
- Monaghan County Council
- Irish Prison Service
- University College Cork
- Probation Service
- Community Action Network



Members of the Working Group on the Public Sector Equality and Human Rights Duty at the Commission-hosted workshop 'From Assessment to Actions', March 2018

In addition, from February to November 2018 the Commission supported a pilot project with the Irish Prison Service focused on implementing the Duty through looking at the issues for women in prison. Three workshops were carried out in the Dóchas Centre and in Limerick Prison. Focus groups were conducted with women prisoners in both prisons, chaired by the Chief Commissioner and a Commission member, taking an evidence-based approach to undertaking an assessment of human rights and equality issues. In October 2018 the Commission facilitated a workshop involving the Irish Prison Service Senior Management Team and Governors to explore how the Duty could be implemented across the Service and how to incorporate an assessment and action plan into its forthcoming strategic plan.

Together these pilot projects developed and showcased different approaches to implementing the Duty which will inform the Commission's guidance on the Duty for public bodies which is to be published in 2019. In addition, the experience and insights of the projects will be disseminated through a series of video case studies which will be completed in 2019.

Local Authority Seminar

As part of its work in promoting the Duty, the Commission hosted a joint seminar with the Local Government Management Agency (LGMA) in Dublin for all local authorities on 27 September 2018. The event provided an opportunity to showcase the learning from the pilot projects in two local authorities – Cork City Council and Monaghan County Council. The event was also an opportunity to discuss the benefits and challenges of implementing the Duty in a local authority. Arising from this engagement the Commission is working with the Department of Housing, Planning and Local Government to include the Public



Commission Bursary graduates at IPA conferring, 2018

Sector Equality and Human Rights Duty within forthcoming guidelines on corporate planning for local authorities.

Awareness Training on Human Rights and Equality

Equality and human rights awareness training was delivered by the Commission to 27 newly recruited Immigration Officers in Dublin Airport in April 2018 and to 25 staff from the Irish Naturalisation and Immigration Service (INIS) in November 2018, as part of training for the Public Sector Equality and Human Rights Duty committed to by the Department of Justice and Equality.

IPA Bursaries

As part of its work in promoting the Public Sector Equality and Human Rights Duty, the Commission ran the third year of its bursary scheme for prospective students of the Professional Diploma in Human Rights and Equality.

The Diploma is a one-year, part-time programme that has been developed by the Commission in conjunction with the Institute of Public Administration and accredited by the National University of Ireland.

Ten bursaries were awarded in 2018 to individuals from the following civil society organisations and public bodies:

- Ruhamá;
- Cairde;
- IDEC Ireland;
- Wexford Local Development;
- Meath County Council;
- University College Cork;
- National Disability Authority;
- Probation Service;
- Office of the Revenue Commissioners;
- Irish Prison Service.

Grants Scheme 2018: Supporting Implementation of the Public Sector Equality and Human Rights Duty

In December 2018 the Commission announced its allocation of grant funding to 25 organisations to carry out activities to promote human rights and equality focused on two overarching themes: *Supporting Implementation of the Public Sector Equality and Human Rights Duty*; and *Intercultural Understanding and Diversity*. Eleven of the funded projects are focused on supporting implementation of the Duty:

ORGANISATION	PROJECT
ATD Fourth World Ireland CLG	Collecting stories from people with lived experience of poverty to illustrate the ways in which respect, dignity, participation, inclusion and equality are experienced as they avail of public services. The stories will form the base of a process that helps participants to voice the need for change within public service provision.
Community Action Network (CAN)	Promoting awareness and understanding among service users of their human and equality rights and of the Public Sector Equality and Human Rights Duty, supporting this vulnerable group of rights holders to know how to use the complaints system and to address the issues they have named to be of concern to them.
Disability Federation of Ireland	Providing training to local authorities on the UN Convention on the Rights of Persons with Disabilities and how it relates to the Public Sector Equality and Human Rights Duty.
Free Legal Advice Centres	Providing a detailed report to support the implementation of the Public Sector Equality and Human Rights Duty in a number of public bodies which play a central role in the Irish justice system.
Galway City Local Community Development Committee (LCDC)	Building on work done to date by the LCDC on the Public Sector Equality and Human Rights Duty, aiming to strengthen a culture across the public sector that is committed to proactively promoting equality, preventing discrimination and protecting human rights.

ORGANISATION	PROJECT
Inclusion Ireland	Delivering awareness and capacity building training to staff in Local Authorities on their obligations under the Public Sector Equality and Human Rights Duty. Training will also be delivered to persons with disabilities and their supporters on understanding and vindicating their rights under the Duty. These sessions will inform a report which will be created for use by other public bodies on how they can meet their obligations under the Duty.
Irish Council for Civil Liberties	Examining how the Public Sector Equality and Human Rights Duty can be used to ensure that human rights are respected within the Coroner system, with resulting activities, training and recommendations for legislative reform.
Irish Family Planning Association (IFPA)	Implementing the Public Sector Equality and Human Rights Duty through advancing a rights-based and patient-centred approach to the provision of abortion care in Ireland.
Irish Penal Reform Trust	Raising awareness of intersectional discrimination and human rights breaches against people with disabilities in detention, building capacity among civil society organisations and state bodies to recognise and address challenges and eliminate discrimination, and ensuring that individuals with severe disabilities receive appropriate care in alternative rehabilitative settings.
National Safeguarding Committee/ HIQA	Developing awareness and training materials for providers of public, private and voluntary services that promote the principles and practices of rights-based care provision.
University College Cork	Designing an auditing template for use by public sector bodies, for the purposes of identifying deficiencies in deaf cultural awareness and exposing audist systems and practices. Use of the templates will allow public sector bodies to assess their capacity to fulfil their obligations under the Public Sector Equality and Human Rights Duty and to support the effective and meaningful implementation of the <i>Irish Sign Language Act 2017</i> .

2018 also saw projects on supporting implementation of the duty which were granted support under its 2017 Grants Scheme continue to deliver on their work. These projects are listed in **Appendix 6**.

The Joint Committee Established under the Belfast (Good Friday) Agreement

The Belfast (Good Friday) Agreement's section on rights, safeguards and equality of opportunities, provides for a joint committee of representatives of the Irish

Human Rights and Equality Commission and the Northern Ireland Human Rights Commission, as a North-South forum for consideration of human rights issues in the island of Ireland. The founding statutes of both the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission have ensured a formal basis in law for the Joint Committee.

Given the imperative for even greater collaboration following the UK referendum vote to withdraw from the European Union, the Joint Committee embarked on a significant programme of work, research

and engagement. The Joint Committee is uniquely placed to address the issues that Brexit raises for human rights and equality on the island of Ireland.

- **In January**, Simon Coveney TD, Tánaiste and Minister for Foreign Affairs and Trade with responsibility for Brexit, met the Joint Committee on the means of addressing the risks and challenges for people's human rights and equality as the UK withdraws from the EU. The two Chief Commissioners were also interviewed together on RTÉ's *Drivetime* radio programme.
- **In February**, the Joint Committee met with a number of key officials in Geneva, the permanent missions of both Ireland and the UK to the UN.
- **In March**, the Joint Committee published its policy statement directed to the UK and Irish Governments outlining six requirements for the final EU withdrawal agreement to meet the obligations of the Belfast (Good Friday) Agreement. The policy statement was supported by independent research, which was produced by academics at Newcastle University, Durham University and the University of Birmingham.
- **In April**, the Joint Committee met in Dundalk with Michel Barnier, the EU Commission's Chief Brexit Negotiator and his team, where significant risks of differences in rights protections on a North-South basis following the UK's EU Withdrawal were discussed. The Joint Committee proposed a mechanism whereby the two human rights institutions, would advise and contribute their expertise on human rights issues to the process leading to the final withdrawal agreement.



Meeting of the Joint Committee (Irish Human Rights and Equality Commission and Northern Ireland Human Rights Commission), January 2018



Les Allamby, Tánaiste Simon Coveney and Chief Commissioner Emily Logan at a meeting of the Joint Committee, January 2018



- **Also in April**, the Joint Committee met in Belfast with the Parliamentary Under Secretary of State for Northern Ireland, Lord Duncan.
- **In May**, the Joint Committee travelled to Brussels to meet the EU Brexit Task Force for a second time and also met with the UK Permanent Representative to the EU, Sir Tim Barrow, and with Declan Kelleher, the Irish Permanent Representative to the EU and his officials.
- **In June**, the Joint Committee travelled to Westminster to meet Sir Robin Walker MP, the Parliamentary Under Secretary of State at the Department for Exiting the European Union or DExEU.
- **In November**, the Joint Committee published new commissioned research on the Common Travel Area (CTA) between Ireland and the UK. The research was carried out by academics at Newcastle University, Durham University and the University of Birmingham.
- **Also in November**, the Commission noted the publication of the draft agreement for the UK's withdrawal from the EU and the provisions relating to human rights and equality, in particular the Protocol on Ireland/Northern Ireland and accompanying annexes.
- **In December**, the Joint Committee held a video conference meeting with EU Taskforce Members.

Human Rights and Equality Treaty Monitoring at the United Nations and the 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.

2018 saw the Commission actively involved in various stages of regional and international monitoring at the Council of Europe and UN treaty bodies.

United Nations

UN Convention on the Rights of Persons with Disabilities (CRPD)

07 March marked the ratification by Ireland of the CRPD, over a decade after its 2007 signature. However, the State has not ratified the Optional Protocol, the individual complaints mechanism of the Convention. Ireland is now due to produce its first report to the UN on its implementation of the Convention in 2020.

Under article 33 of the Convention, an independent monitoring framework must be established to scrutinise the State's progress in implementing the Convention's obligations to protect, respect and uphold the human rights of persons with disabilities. The Irish Human Rights and

Equality Commission is the designated independent monitoring mechanism for CRPD in Ireland. The National Disability Authority will assist the Commission in this role.

2018 saw the Commission proactively developing a mechanism for CRPD monitoring. In October it commenced a process for the public recruitment of its first statutory Disability Advisory Committee with a majority membership of persons with disabilities. Alongside this the Commission launched a series of public information materials detailing the Convention rights and the Optional Protocol, and published an Easy to Read version of its research report, 'Disability and Discrimination in Ireland'.

UN Committee Against Torture (UNCAT)

In November, the Commission made a submission to the UN Committee Against Torture (CAT) on Ireland's one-year follow up to the State's second periodic report. The Commission reiterated its

recommendation that the State should ratify the Optional Protocol to the Convention (OPCAT) without further delay and establish a National Preventative Mechanism (NPM) under the Convention. The Commission proposed that it should lead as the coordinating body within the NPM framework.

The Commission also recommended that the Commission on the Future of Policing had the potential to provide the framework within which human rights and equality could be firmly embedded within the ethos and operations of An Garda Síochána. The CAT submission also reiterated the recommendations of UN treaty monitoring bodies and urged the State to investigate fully, in line with international human rights standards, the situation of women who were institutionalised in the Magdalene Laundries, and recommended the State take action to address barriers to victims and their representatives having access to relevant information held in archives.



Leigh Gath (HSE Confidential Recipient) at the Commission event on 'Monitoring the CRPD', October 2018



Maria Ní Fhlatharta (Disabled Women Ireland) speaks at the Commission event on 'Monitoring the CRPD', October 2018

Council of Europe

European Social Charter

In May 2018, the Commission made a submission to the European Committee of Social Rights of the Council of Europe with respect to its annual review of Ireland under provisions of the European Social Charter.

The Commission provided updated information relevant to the State's response to Collective Complaint No. 100/2013 *European Roma Rights Centre v. Ireland*, which focused on Traveller accommodation and the need to anticipate and respond to the needs of Travellers.

The Commission also provided information relevant to the Right to Work, including recent research findings on discrimination; updates on the legal framework regarding the gender pay gap, socio-economic discrimination and discrimination compensation; and an update on significant changes in the law regarding access to employment for applicants for international protection.

The Commission updated the Council of Europe on information relevant to the rights of persons with disabilities, including detail on the National Disability Inclusion Strategy;

the recognition of Irish Sign Language; and the National Housing Strategy for People with a Disability. In its subsequent findings, the European Committee of Social Rights relied heavily on the Commission's comments on Traveller accommodation in finding an ongoing violation of article 16 of the European Social Charter.

Country Visits to Ireland

In June, the Commission met with a delegation of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities in Dublin, as part of their fourth visit to evaluate progress made in the monitoring of the protection of national minorities in Ireland.

The Commission also met in July with a delegation from the Council of Europe's European Commission against Racism and Intolerance (ECRI) who undertook its country visit to Ireland to gather information for its fifth report on Ireland.

Convention on Action against Trafficking in Human Beings

In November, the Commission wrote to the Group of Experts on Action against Trafficking in Human Beings (GRETA) to follow up on the report submitted to GRETA by the State. The Commission updated GRETA on a number of issues including its concerns about the State's continued reliance on what the Commission considers an inadequate administrative scheme for the recognition and protection of victims of human trafficking. In relation to the principle of non-punishment of victims of trafficking, the Commission set out its view that this should be codified in Irish law.

The GRETA Committee had recommended that the State review the application of the Atypical Working Scheme in the fisheries industry with a view to ensuring that it contains sufficient safeguards

against trafficking and exploitation of people working in the fishing industry. The Commission updated the Committee on its work as *amicus curiae* in a case taken by the International Transport Workers' Federation on behalf of those working in the industry and how they might be affected by the operation of the Scheme.

Other International Engagement

In addition to international monitoring, the Commission also undertook the following international engagement.

In furtherance of its statutory functions the Commission is mandated "to consult with such national, European Union or international bodies or agencies having a knowledge or expertise in the field of human rights or equality as it sees fit".

In 2018 Commission staff continued to participate in the ongoing work of two EU bodies the:

- European Commission Advisory Committee on Equal Opportunities for Women and Men
- Equality Data Sub-Group of the European Commission's High-Level Group on Non-Discrimination, Equality and Diversity, Brussels

The Commission also attended the following EU events:

- European Commission roundtable of Designated Bodies under the Free Movement of Workers Directive, 24 May, Brussels
- Fundamental Rights Forum, Fundamental Rights Agency (FRA) 24 September, Vienna

In addition, the Commission attended the following Council of Europe event:

- Launch of the ECRI General Policy Recommendation No.2 on Equality Bodies, 24 May Strasbourg

Engagement with regional and international networks that bring together national human rights institutions and national equality bodies provides an invaluable exchange of ideas, learning and best practice which has enriched the work of the Commission. The Commission is a member of: the European Network of Equality Bodies (Equinet); the European Network of National Human Rights Institutions (ENNHRI); and the Global Alliance of National Human Rights Institutions (GANHRI). In 2018 the Commission continued to contribute to and benefit from active engagement in these networks.

European Network of Equality Bodies (Equinet)

Equinet Europe, the network of national equality bodies, currently brings together 49 equality bodies from 36 European countries. Equinet promotes equality in Europe through supporting and enabling the work of national equality bodies.

The Commission Director, Laurence Bond, is a member of the Equinet Executive Board, having been elected in November 2017 for a two-year term.

During 2018 Commission staff also participated in the ongoing work of Equinet:

- Communications Working Group; and
- Policy Formulation Working Group

Staff also attended the following Equinet events during 2018:

- Cluster on Freedom of Movement of Persons, 30 May, Brussels
- Seminar, 'Not on Our Watch... Equality Bodies fighting Hate Speech', 19-21 November, Rome

European Network of National Human Rights Institutions (ENNHRI)

ENNHRI currently brings together 44 NHRIs covering the Council of Europe Member States. ENNHRI supports and strengthens European NHRIs to protect and promote human rights effectively, in line with the UN Paris Principles.

In October 2018, the Commission represented by the Chief Commissioner, Emily Logan, was elected to the position of Chair of ENNHRI for a three-year term commencing in March 2019.

During 2018, Commission staff also participated in the ongoing work of ENNHRI:

- Legal Working Group; and
- Economic and Social Rights Working Group

Staff also attended the following events during 2018:

- ENNHRI-Equinet training session hosted by the CRPD Working Group, 3-4 October, Riga

Global Alliance of National Human Rights Institutions (GANHRI)

The Commission attended the following events during 2018:

- GANHRI General Assembly and Regional Meetings, 21-23 February, Geneva

In the role as Chair of ENNHRI representing the Commission, Chief Commissioner Emily Logan also participates as a member of the Bureau of GANHRI as a Regional Chair.

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



Engaging Strategically with the Legislative Process

The Commission has a statutory mandate to examine legislative proposals as it sees fit and to provide its views on any implications for human rights or equality in Ireland. During 2018 the Commission published its legislative observations on three matters:

Employment (Miscellaneous Provisions) Bill

In February 2018 the Commission provided its observations on the *Employment (Miscellaneous Provisions) Bill 2017* to Oireachtas Members. 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.

Deprivation of Liberty: Safeguard Proposals

In April 2018 the Commission submitted its views to the Department of Health Consultation Paper on the draft *Heads of Bill - Deprivation of Liberty: Safeguard Proposals*. The Commission's input focused on the need to meet the standards of the UN Convention on the Rights of Persons with Disabilities (CRPD) and article 14 of the CRPD, which protects the right to liberty and security of persons with disabilities.

The Commission also focused on the need to ensure clear protection of the right to liberty, and set out its views on any proposed test in relation to: deprivation of liberty; safeguards (procedural and evidential issues); review of deprivation of liberty; and chemical restraint and restraint practices.

General Scheme of Health (Regulation of Termination of Pregnancy) Bill

In September 2018, the Commission submitted its legislative observations to the Minister of Health and all Oireachtas Members on the general scheme of the *Health (Regulation of Termination of Pregnancy) Bill 2018*, focusing specifically on two prime areas of concern: conscientious objection and equality of access to services.

The Commission recommended that provisions governing conscientious objection, and related obligations to refer a pregnant woman to an alternative care provider, should cover a broader range of health and social care professionals. The Commission also set out that providing for the early declaration and registration of such objections would help provide for accommodation of conscientious objection in a way that does not adversely affect equal and timely access to services by women and girls.

Focusing on access, while welcoming that services for the termination of pregnancy would be provided on a universal basis, the Commission pointed to the need to ensure that regional gaps in access to services must be identified, with measures taken to ensure safe, timely and equal access to care.

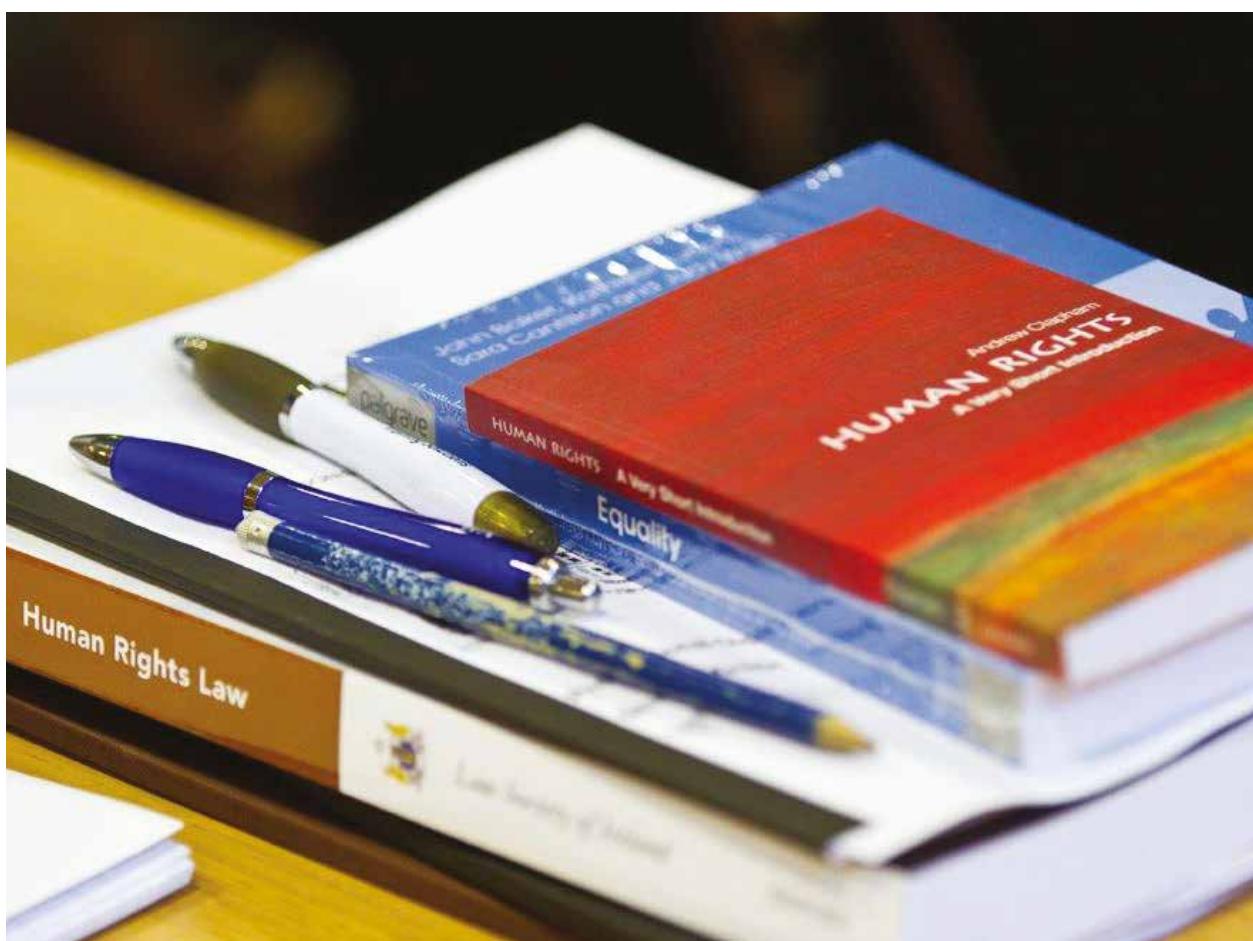
Direct Parliamentary and Executive Engagement

The Commission is mandated to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality and to make recommendations to the Government to strengthen and uphold human rights and equality in the State.

Within this statutory role, the Commission appeared twice in 2018 before Oireachtas

Committees. Firstly, in May to outline the Commission's recommendations on the form of the State Opt-In to the EU's Reception Conditions Directive, to provide effective access to employment for asylum seekers. Secondly, in September the Commission appeared before the Oireachtas Joint Committee on Justice and Equality in relation to article 41.2 of the Constitution. December saw the Oireachtas Joint Committee on Justice and Equality publish its report on article 41.2 which drew heavily from the Commission's input and set out the majority view of the Committee that the current wording should be replaced "with a new provision that recognises the contributions made by family life and carers to our society."

Commission policy statements and recommendations are also circulated to all Oireachtas Members when issued. Through the year the Commission also met formally with Government Ministers including the Minister for Justice and Equality, Charlie Flanagan TD, the Minister for Employment Affairs and Social Protection, Regina Doherty TD and Simon Coveney TD, Tánaiste and Minister for Foreign Affairs and Trade. In its role as the Joint Committee with the Northern Ireland Human Rights Commission, the Commission was invited to meet with the Oireachtas Committee on Justice and Equality to speak about the human rights and equality implications of Brexit. This meeting was scheduled for January 2019.



Policy Statements and Submissions

During 2018 the Commission published five policy statements or submissions to address human rights and equality issues arising in areas of national concern.

Commission on the Future of Policing

In February the Commission made a submission to the Commission on the Future of Policing in Ireland, in which it argued that human rights and equality must be at the heart of policing.

In its submission, the Commission noted progress made across a number of human rights and equality issues in policing, such as the establishment of the Garda Victim Services Offices.

The Commission's recommendations spanned a focus upon victims' rights; ensuring diversity in policing; the need for human rights and equality training; Garda implementation of the Public Sector Equality and Human Rights Duty; and the statistical recording and investigation of domestic violence and hate crime. The Commission also focused on the need for Ireland to ratify the Optional Protocol to the UN Convention Against Torture (OPCAT) and the appointment of an independent human rights advisor to the Policing Authority.

Policy Statement on the United Kingdom Withdrawal from the European Union

In March 2018, the Joint Committee of the Irish Human Rights and Equality Commission and the Northern Human Rights Commission published its '*Policy Statement on the United Kingdom Withdrawal from the European Union*' which made the following recommendations in order to ensure the ongoing protection of rights and equality on the island of Ireland in the context of Brexit:



Chief Commissioners Les Allamby and Emily Logan of the Joint Committee with European Union Chief Brexit Negotiator Michel Barnier, April 2018

1. Ensure commitment to 'no diminution of rights' is evident and enforceable in final Withdrawal Agreement;
2. Safeguard North-South equivalence of rights on an ongoing basis;
3. Guarantee equality of citizenship within Northern Ireland;
4. Protect border communities and migrant workers;
5. Ensure evolving justice arrangements comply with commitment to non-diminution of rights; and
6. Ensure continued right to participation in public life for EU citizens in Northern Ireland.

Prior to this in January, Simon Coveney TD, Tánaiste and Minister for Foreign Affairs and Trade with responsibility for Brexit, had met the Joint Committee to hear its views on the means of addressing the risks and challenges for people's human rights and equality as the UK withdraws from the EU.

In April 2018, the Joint Committee met with Michel Barnier, the EU Commission's Chief Brexit Negotiator, where significant risks of differences in rights protections on a North-South basis following the

UK's EU Withdrawal were discussed. The Joint Committee proposed a mechanism whereby the two human rights institutions, in their formal role under the Belfast (Good Friday) Agreement would advise and contribute their expertise on human rights issues to the process leading to the final withdrawal agreement.

In December 2018 the Oireachtas Committee on Justice and Equality issued an invitation for the Joint Committee to appear before it in January 2019.

Access to the Labour Market for Applicants for International Protection

In its judgment in the case of *NHV v. Minister for Justice and Equality*, the Supreme Court held 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. February 2018 saw the final declaration of the Supreme Court that the provision in current legislation was unconstitutional, and no longer formed part of Irish law.

In May 2018 the Commission published a policy statement on access to the labour market for applicants for international protection. In relation to Ireland's Opt-In to the EU Directive, the Commission proposed that Ireland should adopt what is emerging as international best practice in this area and provide for access to the labour market to be granted no later than six months after an application for asylum and set out that restrictions on the sectors in which asylum seekers may work should be limited to the greatest possible degree, and access to employment should not be contingent on wage, salary or working time restrictions which are not generally applicable to other job seekers.

On 09 May 2018, Chief Commissioner Emily Logan and Commission Member Professor Siobhán Mullally addressed the Oireachtas Justice and Equality Committee to outline the Commission's recommendations.

The Right to Family Reunification for Beneficiaries of International Protection

On World Refugee Day (20 June 2018), the Commission published its policy statement on the right to family reunification for beneficiaries of international protection.

The Commission described 2015 legislative changes' narrowing of access to family reunification for people granted international protection as 'retrogressive', and in the statement issued to Oireachtas Members set out a series of recommended changes to law and policy to facilitate safe and legal pathways to Ireland for family members of refugees.

The Commission recommended that the *International Protection Act 2015* should be amended to define family members in a way which complies with international human rights obligations and offers an independent appeals process. The Commission also called on the Department of Justice and Equality to update its policy document on non-EEA family reunification, to ensure that the description of family dependency aligns with international standards.

Article 41.2 of the Constitution

In July 2018 the Commission issued its policy statement on article 41.2 of the Constitution stating that, in its current format, article 41.2 of the Constitution of Ireland perpetuates stereotypical attitudes towards the role of women in Irish society and is not compatible with Ireland's international human rights obligations.

The Commission set out its view that it would be desirable to amend the provision, and made three specific recommendations to Oireachtas Members to inform their debates on the matter:

1. Article 41.2 should be amended to make it gender-neutral;
2. Article 41.2 should be amended to reference 'family life' and 'family life' should be understood as including a wide range of family relationships and include situations where family members do not live in the same home;
3. Article 41.2 should be amended to recognise and support care work.

Also in July 2018, the Commission met with the Minister for Justice and Equality, Charlie Flanagan TD and the Minister for Employment Affairs and Social Protection, Regina Doherty TD to outline its proposals.

In September, Chief Commissioner Emily Logan and Commission Members Frank Conaty and Professor Siobhán Mullally addressed the Oireachtas Joint Committee on Justice and Equality where they outlined the Commission's recommendations.



Chief Commissioner Emily Logan and Commission Members Frank Conaty and Siobhán Mullally address Oireachtas Joint Committee on Justice and Equality, September 2018



Irish Times article focused on family reunification, June 2018

2

Promoting Understanding of the Indivisibility of Human Rights and Equality

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

Strategy Statement 2016 - 2018

This goal reflects a recognition of the interconnectedness of equality and human rights. Under this goal, the Commission has set out an objective to contribute to improved evidence and analysis of human rights and equality issues in order to promote public understanding, and to contribute to better policy making.

Research Programme on Human Rights and Equality

The Commission's Research Programme on Human Rights and Equality with the Economic and Social Research Institute (ESRI) aims 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 addresses equality and discrimination across the grounds covered by equality legislation and human rights. In 2018 the Commission and the Institute jointly published four research reports arising from this Research Programme.



Commission Report on 'Attitudes to Diversity in Ireland'

Attitudes to Diversity in Ireland

This research report, published in March, found that attitudes to immigration in Ireland became more negative during the recession and were lower than the Western European average in 2018. Personal experience and social contact were found to promote positive attitudes to immigration and migrants in Ireland. The study drew on a survey of attitudes from the European Social Survey collected since 2002.

The report's analysis included a number of public policy lessons for Ireland:

- Facilitating meaningful and positive interactions between the Irish-born population and immigrants is likely to reduce anti-migrant sentiment;
- Providing accurate information on the characteristics of migrants, for example, levels of education, rates of employment, has an important role to play in informing the public about migration and in challenging perceptions of migrants as a uniform group;
- Tackling poverty and promoting educational achievement in Ireland are likely to promote greater social cohesion and understanding of ethnic minority groups; and
- Attitudes monitoring is a vital tool for the future in understanding the social context of migrant integration.



Commission Report on 'Discrimination and Inequality in Housing in Ireland'

Discrimination and Inequality in Housing in Ireland

Published in June, this research report shows that specific groups, including people with disabilities, lone mothers and young people, were among those facing the highest levels of discrimination and

inequality in relation to housing in Ireland. The research examined people's direct experiences across three measures: experience of discrimination while searching for housing; whether certain groups experience poorer housing conditions; and the prevalence of homelessness across different groups. The report's findings showed:

- 60% of homeless families are headed by lone mothers. In addition, lone parents experience high levels of discrimination in accessing housing and live in poorer quality housing, including poor neighbourhood environments;
- Children have been particularly disadvantaged by the recent surge in homelessness and are now shown to make up 29 per cent of the homeless population;
- People with disabilities are more than twice as likely to report discrimination relating to housing and over 1.6 times more likely to live in poor conditions; and
- People on housing support payments emerge as more likely to experience housing deprivation and over-crowding compared to other people in the private rented sector.



Commission Report on 'Disability and Discrimination in Ireland'

Disability and Discrimination in Ireland

Published in October, this report provides a detailed account of the experience of discrimination for people with disabilities in Ireland. Using the Equality module of the Quarterly National Household Survey (QNHS), the report examines the extent to which people with disabilities experience higher rates of discrimination across a range of life settings or domains compared to people without disabilities.

- People with disabilities continue to experience higher levels of discrimination compared to those without;
- Approximately one in every five reports of discrimination among people with disabilities concerns health services – more than any other setting; and
- When accessing public services such as health, education and transport, and private services such as shops, pubs and restaurants, people with disabilities also reported higher levels of discrimination compared to those without disabilities.



Commission Report on 'Ethnicity and Nationality in the Labour Market'

Ethnicity and Nationality in the Irish Labour Market

This research report published in December examined the experience of immigrants and minority ethnic groups in the Irish labour market across four measures: employment rates; occupation; discrimination when seeking work and in the workplace.

- People from the Black Irish group are twice as likely to experience discrimination seeking work and just under three and a half times as likely to experience discrimination in the workplace as White Irish;
- People from the Black non-Irish group are less than half as likely to be employed than White Irish, and are five times more likely to experience discrimination when seeking employment in Ireland when compared to White Irish people;
- Both the Black non-Irish and Black Irish groups are much less likely to hold a managerial or professional job; and
- The White EU-East national group are much less likely to hold a managerial or professional job but show no difference in their rates of employment.

Partnership with the Irish Research Council

During the year the Commission also supported relevant and innovative cross-disciplinary research through its funding partnership with the Irish Research Council (IRC).

Hate Track – Tracking and Monitoring Hate Speech Online

In November, the report *Hate Track – Tracking and Monitoring Hate Speech Online*, prepared by Dublin City University for the Commission and the IRC was published.

This project carried out by researchers at Dublin City University focused on tracking and monitoring racist speech online using computational methods. The researchers developed a tool for identification and tracking of hate materials on social media channels and carried out an exploratory analysis of material collected over a period of three months. The project also explored reporting barriers and cultures that feed into decisions to report or not report online hate speech.



Hate Track: Tracking and Monitoring Racist Speech Online, November 2018

Building Strength in Future Research

In June 2018, the Commission in partnership with the IRC opened a call for two pieces of new research under the COALESCE Research Fund 2018. The Commission and the IRC proposed to co-fund two pieces of research in the field of human rights and equality - one project to specifically focus on socioeconomic rights, and another to focus on the area of interculturalism and diversity. Each project was proposed to be equally co-funded between the Commission and the IRC to run for a 15-month study period.

In October 2018, the Commission also opened its call with the IRC for two nine-month human rights and equality research networks through the New Foundations Awards. These awards are intended to support networking and collaboration grants with applicants being sought for funding to be awarded in 2019. The projects will involve collaboration with academic institutions and civil society organisations in Northern Ireland.



Brexit-related Research

Discussion Paper on Brexit

In March 2018, a research report on Brexit was published by the Joint Committee of the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission. The commissioned research, carried out by academics from Newcastle University, Durham University and the University of Birmingham, accompanied the Policy statement on the United Kingdom withdrawal from the European Union, which was published on the same day.

This report examines the impact of the UK's exit from the EU upon human rights and equality issues, examining how Brexit will significantly re-orientate Northern Ireland's established human rights structures, the inter-connected human rights' infrastructure and relationships across Ireland and the UK. The report maps the implications of the emerging Brexit settlement for the protection and enforcement of human rights and equality on the island of Ireland and delivers fifty specific recommendations relevant to human rights protection in Northern Ireland and Ireland.

Discussion Paper on the Common Travel Area

In November 2018, research on the Common Travel Area (CTA) commissioned by the Joint Committee of the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission, and carried out by academics at Newcastle University, Durham University and the University of Birmingham was published.

The research concluded that the terms of the CTA between Ireland and the UK are

much more limited than is often believed to be the case. It recommended that both the Irish and UK Governments should look to secure a 'gold standard' approach through a new intergovernmental CTA. Such a treaty would formalise common immigration rules, travel rights, residency rights, and related rights to education, social security, work, health and security and justice.

The report also made 20 separate recommendations which could be implemented to ensure smoother operation of the CTA, including on the need for the Governments to act on cross border healthcare; on the need for a taskforce to monitor impediments to cross-border working, and on contingency planning for PSNI/An Garda Síochána justice cooperation in the absence of EU structures.

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The research report on Brexit examines the impact of the United Kingdom's exit from the European Union on human rights and equality issues.

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.

Throughout 2018 the Commission continued to promote equality budgeting and in particular participated in the Equality Budgeting Expert Advisory Group on the further development and roll-out of Equality Budgeting.

Budget 2018 saw the publication of a policy paper by the Minister for Finance and Public Expenditure and Reform on Equality Budgeting entitled 'Equality Budgeting: Proposed Next Steps in Ireland' while Budget 2019 saw a commitment to expanding Equality Budgeting to further develop the gender budgeting elements, and to broaden its scope to other dimensions of equality including poverty, socio-economic inequality and disability.

3

Making Equality and Human Rights Real

'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.'

Strategy Statement 2016 - 2018

The Commission's activity under this goal is about engaging with individuals, organisations and the wider public on how human rights and equality must be at the centre of our daily lives and our society.

The Commission acts to make equality and human rights real for individuals through providing information on their rights under human rights and equality law and, where appropriate, through legal assistance.

The Commission also engages with a broad range of audiences, through direct engagement including Commission events and hosting others in our public space, and by engaging in public debate through national media, and increasingly through social media and online engagement.

Your Rights

Through its 'Your Rights' information service, the Commission provides information to the public 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 *ECHR Act 2003-2014* and the Irish Constitution.

1,711 queries were handled in 2018*

505
related to the
Equal Status Acts
2000-2015

352
related to the
Employment
Equality Acts
1998-2015

151
were
Human Rights
related

43
related to the
Intoxicating Liquor
Acts 2003
and 2008

33%
Disability
Ground

30%
Disability
Ground

23%
Asylum Seekers,
Human Trafficking
& Immigration

51%
Membership
of the Traveller
Community

22%
Housing
Assistance
Ground

25%
Gender
Ground

12%
Administration
of Justice

16%
Gender
Ground

15%
Race
Ground

16%
Race
Ground

12%
Homelessness,
Social Housing &
Living Conditions

14%
Disability
Ground

615 referrals to other organisations

*This figure represents new queries and does not capture follow ups from existing queries. This figure also includes queries that do not fall within the categories listed above, with 4 queries relating to the Free Movement of Workers Directive and 41 queries relating to equality, but which were not covered by the Employment Equality Act, the Equal Status Act or the Intoxicating Liquor Act.

Provision of Legal Assistance

Under section 40 of the *Irish Human Rights and Equality Commission Act 2014*, the Commission can, in certain circumstances, give legal assistance to a person who wishes to bring a matter relating to equality or human rights before the WRC or the Courts.

On 01 January 2018, the Commission had 62 individual clients to whom it had granted legal assistance under section 40, and 21 applicants were awaiting a decision on legal assistance applications.

The Commission received 123 new applications for legal assistance from members of the public in 2018. During the year 102 applications were granted 24 were refused and 2 were withdrawn. Also grants of assistance to 23 clients were closed on completion, 16 of which were advice only and 7 representation.

On 31 December 2018 the Commission was on record for 141 members of the public to whom legal assistance had been granted, of whom 82 has been granted legal advice only and 59 has been granted legal advice and legal representation. A further 15 applicants were awaiting a decision.

Legal Advice Only Outcomes

During 2018, 6 cases accounting for 16 individual grants of legal advice only were fully completed and closed as follows:

Under the *Equal Status Acts 2000 – 2015*

- 1 Applicant on the Race ground, regarding the *Intoxicating Liquor Act 1990* and the refusal to be served in a licenced premises
- 1 Applicant on the Disability ground, in relation to access to education services and reasonable accommodation

Under the *Employment Equality Acts 1998 – 2015*

- 1 Applicant on the Gender ground, regarding equal pay
- 1 Applicant on the Gender, Family Status and disability grounds, regarding harassment in relation to a pregnant worker

Legal Advice - Human Rights

- 7 Applicants on the ground of membership of the Traveller Community, regarding housing conditions
- 5 Applicants on the ground of membership of the Traveller Community, regarding housing conditions

Legal Representation Outcomes

During 2018, 9 cases accounting for 14 individual grants of legal advice and representation were effectively concluded (although at end 2018 only 7 of these were fully closed and the Commission was still technically on record for the other 7 clients), with the outcomes described below:

→ Age Ground Discrimination

The Minister for Justice and Equality and Commissioner of the Garda Síochána v. Workplace Relations Commission

The original case from which these proceedings arose relates to a number of men who sought to join the Garda Síochána between 2005 and 2007, but who were refused entry based on the relevant legislation – the *Garda Síochána (Admission and Appointments) Regulations 1988* – which set the upper age limit for entry as a trainee at 35.

Following their refusal, the men brought complaints before the Equality Tribunal,

predecessor body to the WRC on the basis that the maximum age limit for entry to the Garda Síochána amounted to age discrimination under the *Employment Equality Act 1998*, which is the national legislation that gives effect to the EU Directive on equal treatment in employment.

However, the Minister for Justice, Equality and Law Reform brought a case to the High Court challenging the authority of the Equality Tribunal to consider the complaints lodged by the men or to decide whether the Regulations were valid in law. The High Court ruled that the Equality Tribunal was not entitled to declare that a national law was inconsistent with EU law, this being a power given to the High Court under the Constitution.

This case was appealed to the Supreme Court. Whilst the Supreme Court found that the WRC did not have power under national law to disregard legislation, it referred a question to the Court of Justice of the European Union (CJEU) specifically to decide whether a body such as the WRC has the authority under EU law to make a binding legal declaration where national and EU laws are inconsistent.

The hearing was held before the Grand Chamber of the CJEU in June 2018 in Luxembourg and the Commission represented two of the complainants in the substantive age discrimination cases. The Advocate General's opinion was delivered in September 2018, and the CJEU delivered its judgment in December 2018. The CJEU found that, on the basis of the principle of primacy of EU law, bodies such as the WRC that are tasked with applying EU law have the power to disapply if need be any national provisions or national case-law that are contrary to EU law. The matter has been referred back to the Supreme Court.

→ Disability Ground Discrimination

A Service User v. a Bank

This case concerns alleged disability discrimination. The complainant, who has a mild intellectual disability, set up a bank account as part of her move to independent living, as she was transferring from a lengthy period in institutional care to a community setting. However, the bank subsequently closed down her account as her registered address was an institutional care setting. The complainant successfully took issue with the bank's position and a private and confidential settlement was reached by the parties to the satisfaction of the complainant.

A Complainant v. a Preschool Provider

The complainant, a four-year old boy with a physical disability, was refused admission to a preschool to participate in the ECCE free pre-school year. The preschool refused to make inquiries into whether the reasonable accommodation required to support him could be obtained through AIM funding (i.e. State funding aimed to ensure children with disabilities can participate in the ECCE year).

The complaint was resolved through mediation. The terms of the mediation settlement included a written apology to the young boy and his mother, and a payment of €2,000 to the child. In addition, the preschool undertook to make changes to improve the equality and inclusion infrastructure of their business model. This included a commitment to engage in the AIM model on a case-by-case basis; development and publication of an Inclusion and Diversity Model; and the provision of equality and diversity training to all current and future staff. It was also agreed that the Commission would contact ECCE and AIM stakeholders to highlight the legal requirements under the *Equal Status Acts*



regarding the provision of reasonable accommodation to children with disabilities in preschool settings.

A Prospective Employee v. a Recruitment Service

The complainant, a newly qualified man in his early thirties who is deaf, alleged discrimination on the disability ground. His interview offer with a recruitment service was withdrawn after he made basic reasonable accommodation requests.

The complaint was resolved by mediation – the terms of the mediation settlement included a written apology, and a payment of €2,500 by the recruitment service. In addition, the recruitment service agreed to develop an Equality and Reasonable Accommodation Policy and to provide training to staff on the same policy, once completed. The recruitment service further committed to providing staff with Deaf Awareness Training.

→ Ground of Membership of the Traveller Community

Complainants v. a County Council

This case concerns discrimination on the ground of membership of the Traveller Community. The five complainants were a family who alleged that a County Council discriminated against them in their application for social housing support because they are members of the Traveller community. The County Council refused their application on the basis that they were illegally residing in a caravan on private property and so were not normally resident for the purposes of the *Social Housing Assessment Regulations 2011*.

The WRC found that the family were discriminated against because the County Council had introduced an additional criterion of legality when interpreting normal residence which disproportionately affects members of the Traveller

community and where the Council does not generally examine the legal tenancy of people resident in houses. The WRC awarded a total of €20,000 in compensation to the family and directed the County Council to review its policy in relation to the *Social Housing Assessment Regulations*.

The County Council has appealed the decision of the WRC to the Circuit Court and the appeal is pending.

A Complainant v. a Limited Company

An estate agent declined to show a rental property to a member of the Traveller community, saying that it was no longer available. However, when a friend of the woman, who is not a member of the Traveller community, subsequently contacted the estate agent, the agent said that it was still available and arranged a viewing for them. The Commission referred the matter to the WRC for mediation on behalf of the woman. It was resolved to the satisfaction of all parties involved.

→ Family Status Ground Discrimination

A Complainant v. a Limited Company

The complainant (with her two minor dependent children) viewed a rental property advertised by an estate agent, and immediately expressed interest in the property. The estate agent later informed the complainant by email that the landlord did not want children in the property. The complainant contacted the Commission, who referred the matter to the WRC for mediation. It was resolved to the satisfaction of all parties involved.

→ Housing Assistance Ground Discrimination

A Tenant v. a Landlord

In this case, a tenant asked their landlord to sign a HAP form following an unexpected reduction in their income. The landlord refused to sign the form, putting the tenant's family at risk of homelessness. The tenant informed the landlord that refusing to accept HAP was discriminatory. The landlord issued a notice of termination of the lease in response. The tenant applied to the Commission for legal assistance, the Commission referred a complaint to the WRC on her behalf. The landlord did not attend the WRC hearing and the complainant was awarded €3,500 for discrimination and €2,000 for harassment.

→ Ward of Court

The Matter of a Vulnerable Adult

A vulnerable adult applied for legal assistance through her advocate after the HSE removed her from a family-based care setting where she had lived for a number of years. The Commission determined that she lacked the capacity to instruct a solicitor in relation to an application by the HSE to have her made a Ward of Court; however, the Commission was of the view that she had the right to have her voice heard in the context of those proceedings. The Commission successfully applied to the High Court to have a *Guardian Ad Litem* made available to the woman. The *Guardian Ad Litem* represented her best interests to the Court in the Ward of Court proceedings.



Chief Commissioner Emily Logan appears on RTÉ News2day to mark the 70th anniversary of the UDHR, December 2018

Communicating our Work Effectively

The Commission works to ensure that its work and the outcomes of its legal, policy and research, international reporting and other work is communicated to broad audiences and reflected in public discussions across national and regional print media, online and social media and across broadcast platforms.

In addition, as emergent significant issues arise in public debate, the Commission has sought to contribute where appropriate to provide authority on human rights and equality perspectives, particularly in 2018 in relation to its Joint Committee work and emphasis on tackling online hate speech.

The Commission also provides ongoing and proactive support to journalists and their queries.

Throughout 2018 the Commission has secured prominent coverage for its work and positions. Allied to traditional media engagement the Commission has provided consistent accessible output in terms of video, audio and social media content to ensure its work reaches a broad audience. The full listing of media releases issued by the Commission through 2018 is listed in **Appendix 9**.

Supporting Civil Society through the Commission's Events Space

2018 saw the first full year of operation of the Commission's events space, located on the ground floor of our offices on Green Street. With a greater awareness among civil society of the availability and utility of this space we saw through the year a significant uptake in the use of the Commission's events space by a diverse range of civil society organisations.

The space was developed with support for civil society specifically in mind. The space is offered free of charge by the Commission to external civil society groups working in the human rights and equality sector to support their work and to empower in particular small organisations, who may not otherwise have the funds to hire such an accessible space.

The area is fully accessible and features a 'Changing Places' facility. We have been proud to welcome a significant number of groups working on issues of accessibility and the rights of persons with disabilities.

During 2018 approximately 3,195 people were welcomed through our doors at 72 events held in the public space. This is an increase of almost 900 people compared with 2017 usage.



Louise Bruton speaks at the launch of the 'Changing Places' campaign, May 2018

In a first for the Commission events space, a public exhibition related to the NUI Galway VOICES Project was hosted for a week at the Commission in October 2018. The VOICES project took a radical approach to legal capacity law reform by using the stories of those with lived experience of disability and pairing them with legal or social sciences scholars to develop grounded recommendations for reform.

Progressing Socio-Economic Rights

In March 2018 in its role as Ireland's National Equality Body, the Commission welcomed the European Network of Equality Bodies (Equinet) to Dublin for a conference on socio-economic rights and social exclusion.

The conference titled 'Poverty and Discrimination: Two Sides of the Same Coin', focused on the links between poverty and discrimination. Among the topics considered by the conference was the role of socio-economic status as a discrimination ground.



Jian Hai Cai of the Equality, Diversity & Inclusion Office (An Garda Síochána) at the Commission-hosted Migrant Information Fair, December 2018



The Commission hosts the NUI Galway 'VOICES' Exhibition, October 2018

Minister David Stanton TD provided the keynote address, with other contributions coming from the Commission, UN OHCHR, European Fundamental Rights Agency, European Committee of Social Rights, Eurofound, as well as civil society organisations and equality bodies.



Tena Šimonović Einwalter (Chair of Equinet) and Laurence Bond (Director of Commission) speak at the Commission-hosted Equinet meeting on socio-economic rights, March 2018

70th Anniversary of the Universal Declaration of Human Rights

To mark 10 December as International Human Rights Day and 2018 as the 70th anniversary of the Universal Declaration of Human Rights (UDHR) the Commission circulated a specifically designed poster to every school across Ireland featuring illustrations of all 30 articles of the UDHR.

To mark the 70th anniversary the Commission also published the results of a national survey of over 1,200 people, carried out with Amárach Research. The results showed that:

84%
of the surveyed people
believe that stronger
protections for human
rights and equality
makes the country a
better place to live.

86%
of the surveyed people
agree that they care
deeply about making
Ireland a fairer place to
live.

HUMAN RIGHTS

The Universal Declaration of Human Rights is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievement for all peoples and all nations.



ARTICLE 1
When children are born, they are free and each should be treated in the same way. They have reason and conscience and should act towards one another in a friendly manner.



ARTICLE 2
Everyone can claim the following rights, despite - a different sex - a different skin colour - speaking a different language - thinking different things - believing in another religion - having more or less - being born in another social group - coming from another country. It also makes no difference whether the country you live in is independent or not.



ARTICLE 3
You have the right to live, and to live in freedom and safety.



ARTICLE 4
Nobody has the right to treat you as his or her slave and you should not make anyone your slave.



ARTICLE 5
Nobody has the right to torture you.



ARTICLE 6
You should be legally protected in the same way everywhere, and like everyone else.



ARTICLE 7
The law is the same for everyone; it should be applied in the same way to all.



ARTICLE 8
You should be able to ask for legal help when the rights your country grants you are not respected.



ARTICLE 9
Nobody has the right to put you in prison, to keep you there, or to send you away from your country unjustly, or without a good reason.



ARTICLE 10
If you must go on trial this should be done in public. The people who try you should not let themselves be influenced by others.



ARTICLE 11
You should be considered innocent until it can be proved that you are guilty; if you are accused of a crime, you should always have the right to defend yourself. Nobody has the right to condemn you and punish you for something you have not done.



ARTICLE 12
You have the right to ask to be protected if someone tries to harm your good name, enter your house, open your letters, or bother you or your family without a good reason.



ARTICLE 13
You have the right to come and go as you wish within your country. You have the right to leave your country to go to another one and you should be able to return to your country if you want.



ARTICLE 14
If someone hurts you, you have the right to go to another country and ask it to protect you. You lose this right if you have killed someone and if you yourself do not respect what is written here.



ARTICLE 15
You have the right to belong to a country and nobody can prevent you, without a good reason, from belonging to another country if you wish.



ARTICLE 16
As soon as a person is legally entitled, he or she has the right to marry and have a family. Neither the colour of your skin, nor the country you come from nor your religion should be impediments to doing this. Men and women have the same rights when they are married and also when they are separated. Nobody should force a person to marry. The Government of your country should protect your family and its members.



ARTICLE 17
You have the right to own things and nobody has the right to take these from you without a good reason.



ARTICLE 18
You have the right to profess your religion freely, to change it, and to practise it either on your own or with other people.



ARTICLE 19
You have the right to think what you want, and to say what you like, and nobody should forbid you from doing so. You should be able to share your ideas - also with people from any other country.



ARTICLE 20
You have the right to organize peaceful meetings or to take part in meetings in a peaceful way. It is wrong to force someone to belong to a group.



ARTICLE 21
You have the right to take part in your country's political affairs either by belonging to the Government yourself or by choosing politicians who have the same ideas as you. Governments should be voted for regularly and voting should be secret. You should get a vote and all votes should be equal. You also have the same right to join the public service as anyone else.



ARTICLE 22
The society in which you live should help you to develop and to make the most of all the advantages (culture, work, social welfare) that are offered to you and to all the men and women in your country.



ARTICLE 23
You have the right to work, to be free to choose your work, and to get a salary that allows you to live and support your family. If a man and a woman do the same work, they should get the same pay. All people who work have the right to join together to defend their interests.



ARTICLE 24
Each work day should not be too long, since everyone has the right to rest and should be able to take regular paid holidays.



ARTICLE 25
You have the right to have whatever you need so that you and your family do not fall ill, do not go hungry, have clothes and a house, and are helped if you are out of work, if you are ill, if you are old, if your wife or husband is dead, or if you do not earn a living for any other reason you cannot help. Both a mother who is going to have a baby and her baby should get special help. All children have the same rights, whether or not the mother is married.



ARTICLE 26
You have the right to go to school and everyone should go to school. Primary schooling should be free. You should be able to learn a profession or continue your studies as far as you wish. At school, you should be able to develop all your talents and you should be taught to get on with others, whatever their race, their religion or the country they come from. Your parents have the right to choose how and what you will be taught at school.



ARTICLE 27
You have the right to share in your community's arts and sciences, and in any good they do. Your works as an artist, a writer or a scientist should be protected, and you should be able to benefit from them.



ARTICLE 28
To make sure that your rights will be respected, there must be an "order" that can protect them. This "order" should be local and worldwide.



ARTICLE 29
You have duties towards the community within which your personality can fully develop. The law should guarantee human rights. It should allow everyone to respect others and to be respected.



ARTICLE 30
No society and no human being in any part of the world should act in such a way as to destroy the rights that you have just been reading about.

4

Intercultural Understanding and Diversity

‘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.’

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 and this mandate was addressed through much of the research, policy and legal engagements outlined above.

Throughout 2018, in this objective to progress intercultural understanding, the Commission has further utilised its public facing role; through focused events; through public statements; through providing welcome to diverse groups and organisations; and finally, through targeted financial support in our grants scheme.

'A More Social Media' International Event

In November 2018, the Commission hosted a large event 'A More Social Media: Human Rights and Equality in the Digital Public Sphere'. The event brought together international experts and commentators from the worlds of law, media, academia and the tech sector to discuss online hate speech in the Irish context and how to tackle it. International experts including Dr Tarlach McGonagle, University of Amsterdam Institute for Information Law, Siobhán Cummiskey, Facebook's Head of Content Policy EMEA and Emma Dabiri, BBC broadcaster and writer, spoke at the event. The 'Hate Track' research on hate speech in the Irish digital public sphere commissioned by the Commission from Dublin City University was also presented and published on the day.

In a first for the Commission, the event was live-streamed, and a podcast was produced from the contributions of the expert speakers.

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The event brought together international experts and commentators from the worlds of law, media, academia and the tech sector to discuss online hate speech and how to tackle it.



Emma Dabiri speaking at the Commission event 'A More Social Media', November 2018



Dr Tarlach McGonagle (University of Amsterdam) delivering the keynote address at the Commission event 'A More Social Media', November 2018



Dr Tarlach McGonagle, Chief Commissioner Emily Logan and Siobhán Cummiskey (Facebook EMEA) at the Commission event 'A More Social Media', November 2018



Salome Mbugua speaks at the 'Migrant Women in Politics' AkiDwA event, March 2018

Supporting Initiatives on Interculturalism and Diversity

Since the opening of its events space in 2017, the Commission has sought to use the space to support events organised by a wide range of groups and civil society organisations which provide a significant focus on interculturalism and diversity in Ireland. For example:

- **The Yellow Flag Programme**
A Steering Group for the Yellow Flag programme which supports primary and secondary schools to become more inclusive of all cultures and ethnicities, celebrate diversity and challenge racism and discrimination.
- **AkiDwA**
A showcase and awards ceremony for AkiDwA. David Stanton TD (Minister of State for Equality, Immigration and Integration) presented certificates to women who completed the 'Women in Social Engagement' and 'Young Migrant Women' programmes.

- **Glencree Centre for Peace and Reconciliation**

This interfaith dialogue event brought together faith and community leaders to increase participants' knowledge of human rights and equality legislation.

- **European Network Against Racism (ENAR)**

The Commission hosted ENAR's strategic plan launch, chaired by Anastasia Crickley.

The Commission also hosted a range of other events through 2018 focused on the theme of interculturalism and diversity organised by civil society organisations including the Immigrant Council of Ireland, New Communities Partnership and the National Youth Council of Ireland.

Chief Commissioner Emily Logan also spoke at a number of external events relating to interculturalism and diversity throughout 2018.

Hosting the European Commission against Racism and Intolerance

A delegation from the Council of Europe's European Commission against Racism and Intolerance (ECRI) visited Ireland in July 2018 to gather information for its fifth country report on Ireland. As well as formally meeting with the delegation as part of the monitoring process, the Commission was also pleased to host the delegation at the Commission's offices for its meetings with a range of civil society organisations working on issues of racism and intolerance.

Grants Scheme 2018: Intercultural Understanding and Diversity

In December 2018 the Commission announced its allocation of grant funding to 25 organisations to carry out activities to promote human rights and equality

focused on two overarching themes: *Intercultural Understanding and Diversity*; and *Supporting Implementation of the Public Sector Equality and Human Rights Duty*. Fourteen of the funded projects are focused on intercultural understanding and diversity.

ORGANISATION	PROJECT
BlueFire	Supporting the 'TeenZone' project, a fine arts and collaborative workshop programme which aims to foster intercultural community integration among youth groups from 13 – 18 years old.
Carlow College – St Patrick's (Collaborative Project)	Led by third level students from Carlow College, recording the stories of ethnic minority women (including Traveller women) living in the Carlow area to create a secondary school resource which aims to raise awareness and visibility of cultural diversity in the community.
Chester Beatty Library	Promoting intercultural understanding and diversity through an Intercultural School Programme, raising awareness, providing training for teachers and delivering sustainable learning resources to inspire and support intercultural learning as reflected in the cultural diverse populations that now exist in Irish schools and communities.
Community Law & Mediation	Following Ireland's recognition of Traveller Ethnicity, this project undertakes a legal review of the appropriateness and adequacy of the Caravan Loan Scheme.
Donegal Travellers Project	Focusing on the Co. Donegal Roma Community, this project aims to develop an approach and strategy to promote and enhance effective, positive intercultural relations and awareness.
Dublin City Interfaith Forum	Developing an interfaith Hate Crime reporting, recording and responding initiative to augment and encourage social cohesion in an intercultural and multi-faith Ireland.
Dublin City University, Anti-Bullying Centre (ABC)	Developing a set of guidelines for Religious Education teachers who work with minority faith and other students in Irish Post Primary schools, aiming to build research evidence and raise awareness and understanding of challenges and opportunities impacting on the provision of equality and respect for the human right to freedom of minority beliefs.
Good Shepherd Cork	This project will deliver rights-based training sessions to staff and service users to ensure women, children and families in emergency accommodation and associated projects receive an appropriate, equitable and quality service and are empowered to engage effectively with other social service providers.

ORGANISATION	PROJECT
Institute of Technology Carlow	Providing a Certificate in Building Capacity and Enhancing Leadership in Intercultural Understanding and Diversity programme to public bodies in order to support them to identify and address specific or multiple human rights and/or equality issues of relevance to their work for people accessing their services and for staff.
Maynooth University Department of Law	Investigating whether Ireland is compliant with the right to education as set forth in the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR).
Meath Co. Council	Preparation of a joint Migrant Integration Strategy by Meath and Louth County Councils to support and promote integration and be responsive to the needs of migrants and ethnic minority communities.
Nasc the Migrant and Refugee Rights Centre	Promoting greater integration and inclusion of refugees and their families into Irish society by highlighting the need to provide additional supports and services to families arriving through family reunification.
The Shanty Educational Project Limited	An Cosán Virtual Community College (VCC) will partner with International Protection Applicants (IPAs) in Direct Provision to co-create a blended learning programme to address participants' employment rights, civic participation, and social inclusion.
Tipperary Rural Traveller Project	Empowering young Travellers to build a better future for themselves by creating with them a space where they can come together to unlock their potential, come up with solutions to their challenges, and develop their own unique voices.

2018 also saw projects on *Interculturalism and Diversity* which were granted support under its 2017 Grants Scheme continue to deliver on their work. These projects are listed in **Appendix 6**.

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Corporate Governance and Structure

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 (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.

Seven vacancies on the Commission arose in October 2017, the five new members and two reappointed members were appointed/reappointed by President Higgins on 31 May 2018. This explains certain gaps in the sub-committees during 2018.

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 United Nations.

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 seven ordinary meetings in 2018. Nine extraordinary meetings also took place, to facilitate the recording of time-sensitive decisions in between the scheduled ordinary meetings. A Schedule of 2018 Attendance, Fees and Expenses is set out at **Appendix 2**.

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 also approves an annual workplan and budget. The Commission has agreed its second three-year Strategy Statement 2019-2021 which was laid before the Oireachtas in December 2018.



President Michael D. Higgins appoints Salome Mbugua to the Irish Human Rights and Equality Commission, May 2018

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 2014* 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 Act.

The Director and senior management follow the strategic direction set by the Commission. The Director provides 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 ensures 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 the context of seven vacancies, decision-making was determined at the plenary meetings of the Commission and the Audit

and Risk and Finance Committees were the only separate sub-committees convened in 2018.

The Commission has also established a Research Advisory Committee, under section 18 of the Act.

Membership of each of these Committees, and attendance during 2018 is included at **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 Commission Act 2014*;
- *Code of Practice for the Governance of State Bodies 2016*;
- *Corporate Governance Standard for the Civil Service*, with which the Commission is required to comply as funded 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 2002* (the Mullarkey Report);
- *Public Financial Procedures 2008*.

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

Staff of the Commission

In accordance with section 24 of the *Irish Human Rights and Equality Act 2014*, the Commission is the employer of its staff who are civil servants in the civil service of the State.

The executive, led by the Director, implements the strategy and policies of the Commission.

As at 31 December 2018, the Commission had 48 staff (see **Appendix 4**). 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 Commission facilitates regular communication on key issues between management and recognised staff trade unions.

The executive consists of four sections:

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

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

SENIOR MANAGEMENT AT 31 DECEMBER 2018

Director	Laurence Bond
Head of Legal	Michael O'Neill
Head of Policy and Research	Iris Elliott
Head of Strategic Engagement	Jean O'Mahony
Head of Corporate Services	Vacant

OIREACHTAS

COMMISSION

EXECUTIVE

DIRECTOR

STRATEGIC
ENGAGEMENT

CORPORATE
SERVICES

LEGAL

POLICY &
RESEARCH

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 Accounting Officer must prepare the Appropriation Account for the Commission Vote for submission 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 2018 was submitted to the Comptroller and Auditor General for audit by the statutory deadline of 01 April 2019. As required this included the Accounting Officer's statement on the Commission's systems of internal financial control.

The 2018 gross estimate provision for Vote 25 Irish Human Rights and Equality Commission was €6.703m of which €3.61m 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 €4.664m of which €2.302 was pay and €2.362m was non-pay. At year end, a surplus of €2.016m 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 2018, 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 01 January 2018 – 31 December 2018.

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 conducted in February 2019 indicate that the Commission fell slightly below the 3% target for employment of people with disabilities in 2018, having exceeded the 3% target the previous year. This information was provided to the National Disability Authority in March 2019.

Willing Able Mentoring Programme

The Commission engaged with the AHEAD Willing Able Mentoring (WAM) programme, a paid work placement programme that aims to promote access to the labour market for graduates with disabilities. In 2018, the Commission employed 2 graduates under this programme.

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 2018	
Granted	1
Part-granted	1
Refused	4 *
Withdrawn/Handled outside FOI	2
Total	8

TYPES OF REQUEST 2018	
Journalist	1
Business/Interest Group	0
Client	0
Member of Public	7
Total	8

*Four FOI requests were refused in 2018 under section 15 of the *Freedom of Information Act 2014* (the Act). Two of the requests were refused under section 15(1)(a) of the Act on the grounds that the records requested do not exist. Two of the requests were refused under section 15(1)(i) of the Act on the basis that the records concerned had already been released to the requester.

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 2018, the Commission's energy usage comprised of grid energy only.

ENERGY TYPE	LEVEL OF CONSUMPTION 2018
Electricity	179,568 kWh
Fossil Fuels	0 kWh
Renewable Fuels	0 kWh



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Report under Section 42 of the *Irish Human Rights and Equality Commission Act 2014*

(PUBLIC SECTOR EQUALITY AND
HUMAN RIGHTS DUTY)

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.

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.

The Commission is committed to ensuring access to the services we provide, including our events. We warmly welcome people with disabilities and carers to use our fully accessible Changing Places toilet facility at our Green Street offices. We also 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.

In December 2018, based on learnings from our own accessible events hosted at the Commission, we published a guide to event accessibility to provide practical guidance to individuals and organisations who wish to deliver their events in a manner that is accessible to all.



The Commission continues to ensure its publications, social media output, video and audio content reach the highest possible levels of accessibility. In 2018, the Commission's regular post-plenary video, in which the Chief Commissioner explains the work and decisions of the most recent Commission plenary meeting, has been filmed alongside an Irish Sign Language Interpreter.

The Commission has worked with design and publications templates through 2018 to deliver a range of publications which are accessible. This has included working with Inclusion Ireland to provide easy to read and ISL versions of the recruitment documentation for the recruitment of the Disability Advisory Committee and an Easy to Read summary of a research report by the ESRI on Disability and Discrimination in Ireland.

2018 also saw the Commission participate for the first time in the Willing Able Mentoring (WAM) Programme which offers graduates with a disability the opportunity to undertake a six-month paid mentored work placement with employers including within the Civil Service. In 2018 saw two people employed under this programme. The two graduates worked within the Commission's Policy and Research team for the duration of their placements.

In 2018 as part of its strategic planning process, the Commission undertook an assessment under Section 42. This assessment incorporated discussions at senior management level and staff consultation workshops at all levels. Through this process we identified a number of opportunities across accessibility, our work practices and capacity building to further implement the Public Sector Equality and Human Rights Duty. This work is set out in the Section 42

Statement of the *Strategy Statement 2019-2021* which is available on the Commission's website. The Duty is a permanent and ongoing obligation, and the Commission will continue to monitor and report on its activities in this regard.

“

The Commission continues to ensure its publications, social media output, video and audio content reach the highest possible levels of accessibility.

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Appendices

Appendix 1 – Commission Member Profiles

Emily Logan, Chief Commissioner

Emily Logan is Chief Commissioner of the Commission. In the decade prior to her appointment, Emily served as Ireland's first Ombudsman for Children. On behalf of the Commission she also serves as Chair of the European Network of National Human Rights Institutions (ENNHRI) having been elected in October 2018.

Teresa Blake SC

Teresa Blake is a Senior Counsel who has practised at the Bar of Ireland since 1995 in child protection, welfare law, asylum and immigration law, and education disability. Teresa's first qualification was as a social worker, and she has been involved with groups dealing with disability rights and children's rights.

Frank Conaty

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

Patrick Connolly

Paddy Connolly is CEO of Age Action, a national advocacy organisation that advocates to shape better policies and services for people as they age. Previously Paddy was CEO of Inclusion Ireland, a national organisation that advocates for the rights of persons with an intellectual disability and was CEO of Cairde for 14 years.

Professor Caroline Fennell

Caroline Fennell is Professor of Law in the School of Law UCC, appointed in 2001. Caroline has a strong commitment to interdisciplinarity and her research interests focus on issues relating to gender, constructions of rights and fairness in crisis, criminal justice and the law of evidence. She has published widely in these fields.

Heydi Foster Breslin

Heydi Foster Breslin is CEO of Misean Cara, a faith-based development organisation, and was previously CEO at Exchange House National Travellers Service. Originally from Guatemala, Heydi has extensive experience in advocating internationally for human rights and providing social services to minority groups. Heydi is a Board member of Dóchas, the association of Irish NGO's.

Tony Geoghegan

Tony was CEO of Merchants Quay Ireland, Drugs and Homeless Services for 28 years, leading on responses to the growing issues of problem drug use and homelessness in Ireland. Tony is an accredited addiction counsellor and is a member of the Government's Standing Committee on Drugs representing the National Voluntary Drug Treatment Sector.

David Joyce

David Joyce is a solicitor with the Mercy Law Resource Centre specialising in housing and homelessness. Previously David was Legal Officer with Threshold and Legal Policy Officer with the Irish Traveller Movement. David has served as a member of several expert bodies such as the National Consultative Committee on Racism and Interculturalism.

Salome Mbugua

Salome Mbugua is the founder and former CEO of AkiDWA (The Migrant Women's Network), and since 2015 has supported the development of Wezesha, an African Diaspora-led development organisation supporting women and children affected by conflict. Salome is Chair of European Network of Migrant Women and sits on the EU Expert Group on Economic Migration.

Sunniva McDonagh SC

Sunniva McDonagh is a Barrister (since 1982) and Senior Counsel (since 2008) and practices principally in the area of judicial review and fundamental rights, with a particular interest in fair trial rights and family rights. Sunniva is currently a member of the Mental Health Tribunal and was previously a member of the Refugee Appeals Tribunal.

Professor Siobhán Mullally

Siobhán Mullally is Professor of Human Rights Law and Director of the Irish Centre for Human Rights, NUI Galway, having previously been Professor of Law at UCC and Director of their Centre for Criminal Justice and Human Rights. Siobhán is also a former President of the Council of Europe Group of Experts Against Trafficking in Human Beings.

Professor Ray Murphy

Ray Murphy is a Professor at the Irish Centre for Human Rights NUI, Galway as well as serving on the faculty of the International Institute for Criminal Investigations and Justice Rapid Response. Ray is a member of the Executive Committee of the Association of Human Rights Institutes and a former Captain in the Irish Defence Forces.

Dr Fidèle Mutwarasibo

Fidèle Mutwarasibo is a sociologist, a founding member of Africa Centre and former Integration Manager with the Immigrant Council of Ireland. Fidèle, originally from Rwanda, is currently an independent consultant specialising in human rights, equality, immigration, integration, diversity, research, advocacy and programme management.

Colm O'Dwyer SC

Colm O'Dwyer is a barrister who specialises in human rights, asylum, immigration and public law. Colm is a former member of the Bar Council and was the first chair of the Bar of Ireland Human Rights Committee. He is currently chair of the NGO Ruhama, which assists and supports women affected by prostitution and victims of trafficking.

Orlagh O'Farrell

Orlagh O'Farrell is an Independent Consultant on equality, employment law, discrimination issues and corporate governance. Orlagh is also Ireland Expert on the EU Network of Legal Experts in the Anti-Discrimination Field, a former Steering Group member on the Equality and Rights Alliance and a member of Community Legal Resource Network.

Appendix 2 – Attendance at Commission Meetings

The Commission held seven ordinary meetings in 2018. Nine extraordinary meetings of the Commission also 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 started on 31 May 2018 giving rise to a reduced fee of €4,489.

In 2018 four members did not receive any fee under the One Person One Salary principle.

COMMISSION MEMBERS	ORDINARY MEETINGS	EXTRAORDINARY MEETINGS	FEES 2018	EXPENSES 2018
Emily Logan	7 of 7	6 of 9	N/A **	€1,517
Teresa Blake SC	7 of 7	8 of 9	€7,695	€96
Frank Conaty	4 of 4 *	2 of 7 *	€0	€687
Patrick Connolly	4 of 4 *	2 of 7 *	€4,489	€0
Professor Caroline Fennell	3 of 4 *	3 of 7 *	€0	€961
Heydi Foster Breslin	4 of 4 *	2 of 7 *	€4,489	€0
Tony Geoghegan	3 of 4 *	6 of 7 *	€4,489	€0
David Joyce	7 of 7	3 of 9	€7,695	€0
Salome Mbugua Henry	4 of 4 *	3 of 7 *	€4,489	€0
Sunniva McDonagh SC	5 of 7	3 of 9	€7,695	€416
Professor Siobhán Mullally	7 of 7	4 of 9	€0	€2,009
Professor Ray Murphy	5 of 7	6 of 9	€0	€1,611
Dr Fidèle Mutwarasibo	5 of 7	7 of 9	€7,695	€869
Colm O'Dwyer	4 of 4 *	5 of 7 *	€4,489	€0
Orlagh O'Farrell	6 of 7	2 of 9	€7,695	€0

Note: *In 2018, seven of the fifteen commission members were newly appointed to the role for a five-year term. Three of the seven ordinary meetings and two of the nine extraordinary meetings were held before they took up their positions in office.

N/A – The Chief Commissioner's remuneration is included at **Appendix 5.

***Expenses relate to Travel and Subsistence expenditure as outlined further at **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 2018 these were:

Joint Meeting of the Audit & Risk and Finance Committees

MEMBER	MEETINGS 2018
Teresa Blake (SC)	1 of 1
Emily Logan	1 of 1
Ray Murphy	1 of 1
Orlagh O'Farrell	1 of 1

Audit & Risk Committee

MEMBER	MEETINGS 2018
John Maher (Chair)	1 of 1 *
Heydi Foster Breslin	1 of 1 **
Paddy Connolly	1 of 1 **
Emily Logan	1 of 1
David Scott	1 of 1 ***

Note: *John Maher was appointed as Chair on 31 October 2018.

**Commission members Heydi Foster Breslin and Paddy Connolly joined the Committee on 19 September 2018.

*** David Scott was appointed as an external member on 31 October 2018.

Research Advisory Committee

MEMBER	MEETINGS 2018
Salome Mbugua	1 of 1
David Joyce	1 of 1
Dr Fidèle Mutwarasibo	1 of 1
Ciaran Judge (Dept of Employment Affairs and Social Protection)	0 of 1
Dr Delma Byrne (Maynooth University)	1 of 1
Dr Ursula Barry (University College Dublin)	1 of 1
Prof Aoife Nolan (University of Nottingham)	1 of 1

Appendix 4 – Commission Staff

The staff complement of the Commission as at 31 December 2018 was 48, with grading structure as follows:

GRADE	NO. OF STAFF
Director	1
Principal Officer	3
Assistant Principal Officer	9
Higher Executive Officer/ Development Officer/ Administrative Officer	14
Executive Officer	11
Clerical Officer	10
TOTAL	48

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 2018 for Vote 25 Irish Human Rights and Equality Commission was submitted to the Comptroller and Auditor General for audit by the statutory deadline of 01 April 2019.

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:

Employee Short-Term Benefits Breakdown

Employees' short-term benefits in excess of €60,000 are categorised into the following bands:

SHORT-TERM EMPLOYEE BENEFITS (€)	NO. OF EMPLOYEES IN BAND (2018)
60,000-69,999	6
70,000-79,999	3
80,000-89,999	-
90,000-99,999	-
100,000-109,999	-
110,000-119,999	2
120,000-129,999	-
130,000-139,999	-
140,000-149,999	1

Note: For the purposes of this disclosure, short-term employee benefits in relation to services rendered during the reporting period include salary, overtime allowances and other payments made on behalf of the employee, but exclude employer's PRSI.

Key Management Employee Benefits

	2018
	€
Commission Member Fees	60,919
Salary (including Chief Commissioner)	493,388
Allowances	-
Termination benefits	-
Health Insurance	-
Total	554,307

Note: Key management personnel in the Commission consists of the members of the Commission including the full time Chief Commissioner, the Director and the members of the senior management. Figures represent actual remuneration for the period.

Chief Commissioner Salary

	2018
	€
Basic Pay	140,370
Health Insurance	-
Total	140,370

Director Salary

	2018
	€
Basic Pay	110,228*
Health Insurance	-
Total	110,228

Note: *This figure includes arrears of pay totalling €4,627 in relation to 2017, paid in 2018.

Consultancy Costs

CATEGORY	2018
	€
Legal fees	1,442
Advisory	58,162
Pensions and Human Resources	-
Health and Safety Advisory	-
Total	59,604

Note: Consultancy costs include the cost of external advice to management and exclude outsourced 'business-as-usual' functions.

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

Travel and Subsistence – Domestic and International

	2018
Domestic Travel	€
- Commission *	5,370
- Employees	16,908
International Travel	
- Commission *	2,238
- Employees	13,076
Total	37,593

Note: *Includes €6,649 paid directly to Commission members (excluding the Chief Commissioner) in 2018. The balance of €959 relates to expenditure paid by the Commission on behalf of Commission members.

Legal Costs and Settlements

There were no such costs in 2018.

Hospitality Costs

There were no hospitality costs in 2018.

Appendix 6 – Grants Scheme

In 2018, the Commission continued to provide support for projects under its Irish Human Rights and Equality Grants Scheme. Grants awarded by the Commission in 2017 saw the following projects delivered during 2018:

ORGANISATION	PARTNER	PROJECT
Hawk's Well Theatre, Sligo	Cairde Arts Festival, Sligo	A collaboration between Hawk's Well Theatre, Cairde Arts Festival, Sligo Global Kitchen (a food project with asylum seekers in direct provision) and Sligo Cultural Exchange to create an intercultural hub in Sligo town during the Cairde Festival in July 2018.
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.
Maynooth University	Wezesha	A project to enhance capacity for People of African Descent and service providers in Blanchardstown in the understanding of migrant issues in order to improve access to services and enhance participation.
National Youth Council of Ireland	N/a	Promoting integration in the youth sector by migrant communities involved in youth groups through providing leadership and networking to minority ethnic youth group leaders.
The Irish Immigrant Support Centre (NASC)	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	N/a	Aimed at LBGT+ asylum seekers and refugees, this project entails an initial conference facilitated by Amach, followed by weekly peer support meetings and artistic workshops.
Breffi Integrated CLG	Cavan County Council Social Inclusion Unit	Establishment of a multicultural network in Co Cavan, bringing together groups representing different ethnic minorities, to build capacity and enable greater participation.

ORGANISATION	PARTNER	PROJECT
Sport Against Racism Ireland (SARI)	N/a	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 & 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	N/a	Series of dialogue projects involving faith and community leaders, to increase participants' knowledge of human rights and equality legislation.
Fettercairn Community Health Project	Tallaght Roma Integration Project	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	N/a	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	N/a	Developing a panel of intercultural trainers, via a train the trainer programme, to support the 'Yellow Flag' diversity in schools programme.
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)	N/a	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)	N/a	Following from the Council of Europe FIDH v Ireland 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	N/a	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.

ORGANISATION	PARTNER	PROJECT
Equality and Rights Alliance	N/a	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.
University College Dublin	N/a	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	Applying the Public Sector Equality and Human Rights Duty in the South Dublin County strategic planning process.
Irish Council for Civil Liberties	N/a	Identifying and implementing human rights obligations applicable to the policy and practice of An Garda Síochána.
HSE Addiction Services (Cherry Orchard)	N/a	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.
Free Legal Advice Centres	N/a	A one day conference examining the legal implications of the Public Sector Equality and Human Rights Duty.
Irish Refugee Council	N/a	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.
Westmeath Local Community Development Committee	Westmeath Co. 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, focusing 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 progress Traveller accommodation rights in North Cork.
HSE – National HR Division, Diversity, Equality and Inclusion Team	N/a	Conducting a detailed review of all HSE training programmes to incorporate diversity, equality and inclusion.
Irish Girl Guides	N/a	Establishment of a Girl Guide programme in Mosney direct provision centre.

Appendix 7 – Publications

Corporate Publications

- Irish Human Rights and Equality Commission Annual Report 2017 / Tuarascáil Bhliantúil 2017, June 2018

International Reporting

- Comments on Ireland's 15th National Report on the implementation of the European Social Charter, May 2018
- Submission to the UN Committee against Torture on Ireland's one year follow-up to its second periodic report under CAT, November 2018

Policy Statements and Submissions

- Submission to the Commission on the Future of Policing, February 2018
- Joint Committee of the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission Policy statement on the United Kingdom withdrawal from the European Union, March 2018
- Access to the labour market for applicants for international protection, March 2018
- Submission to the public consultation on Deprivation of Liberty: Safeguard Proposals, April 2018
- The right to family reunification for beneficiaries of international protection, June 2018
- Policy statement on Article 41.2 of the Constitution of Ireland, July 2018
- Submission to the Independent Assessor by the Irish Human Rights and Equality Commission on questions raised as to whether the ex-gratia

scheme is consistent with the ECtHR judgment in *Louise O'Keeffe v Ireland*, September 2018

Research Reports

- "Attitudes to Diversity in Ireland", Frances McGinnity, Raffaele Grotti, Helen Russell and Éamonn Fahey, March 2018
- "Discussion Paper on Brexit", Colin Murray, Aoife O'Donoghue and Ben Warwick, March 2018
- "Discrimination and Inequality in Housing in Ireland", Raffaele Grotti, Helen Russell, Éamonn Fahey, Bertrand Maître, June 2018, Dublin
- "Disability and Discrimination in Ireland", Joanne Banks, Raffaele Grotti, Éamonn Fahey and Dorothy Watson, October 2018, Dublin
- "Hate Track – Tracking and Monitoring Hate Speech Online", Eugenia Siapera, Elena Moreo, Jiang Zhou, November 2018, Dublin
- "Discussion Paper on the Common Travel Area", Sylvia de Mars, Colin Murray, Aoife O'Donoghue and Ben Warwick, November 2018, Dublin
- "Ethnicity and Nationality in the Irish Labour Market", Frances McGinnity, Raffaele Grotti, Sarah Groarke and Sarah Coughlan, December 2018, Dublin

Appendix 8 – Your Rights

The following tables detail types of queries received by the Your Rights team related to Equality legislation and Human Rights topics in 2018:

PROTECTED GROUND	ACT			
	EQUAL STATUS ACTS 2000–2015	EMPLOYMENT EQUALITY ACTS 1998 - 2015	INTOXICATING LIQUOR ACTS 2003–2008	TOTAL
Age	35	40	2	77
Civil status	14	6	0	20
Disability	168	106	6	280
Family status	12	13	0	25
Gender	47	89	7	143
Housing assistance	113	0	0	113
Non-stated	13	24	2	39
Race	74	56	3	133
Religious belief	8	8	0	16
Sexual orientation	7	9	1	17
Traveller community	14	1	22	37
Total	505	352	43	900

HUMAN RIGHTS TOPICS 2018	HUMAN RIGHTS QUERIES 2018
Administration of justice	18
Asylum seekers/human trafficking/Immigration	34
Children's rights	4
Conditions of detention (prisons, other institutions)	12
Education	3
Equality/Non-discrimination	1

HUMAN RIGHTS TOPICS 2018	HUMAN RIGHTS QUERIES 2018
Fair procedures	0
Freedom of association	1
Freedom of expression	1
Freedom of thought, conscience and religion	2
General /Remedies	25
Historical Institutional Abuse	1
Homelessness/social housing/living conditions	18
Inhuman and degrading treatment and punishment	3
Private, family life, home and correspondence	12
Property rights	1
Right to life	3
Rights relating to health, and bodily integrity	12
Unlawful detention	0
Total	151

Appendix 9 – Media Releases

- Human Rights and Equality Grants 2018 Announced 20/12/2018
- Black Non-Irish Five Times More likely to Experience Discrimination Seeking Work in Ireland, More Than Twice as Likely to Experience Workplace Discrimination 18/12/2018
- Strong Public Support for Human Rights and Equality Protections Shows New National Survey 10/12/2018
- Statement on Reform of State Bodies' Surveillance Powers 07/12/2018
- Oireachtas Committee Report on Proposed Article 41.2 Referendum Welcomed by Irish Human Rights and Equality Commission 06/12/2018
- EU Court of Justice Issues Landmark Equality Law Ruling 04/12/2018
- Human Rights and Equality Commission Challenges Rise of Hate Speech Online 28/11/2018
- Human Rights and Equality Commission Appears before Court of Appeal in Family Reunification Cases 27/11/2018
- Statement from the Irish Human Rights and Equality Commission on the UK Draft Withdrawal Agreement 15/11/2018
- New research recommends UK-Irish treaty is best solution to ensure Common Travel Area rights post-Brexit 13/11/2018
- Human Rights and Equality Commission Focuses on Standards of Evidence and Proof, in Right to Fair Trial Case 31/10/2018
- Human Rights and Equality Commission Granted Liberty to Appear Before Supreme Court in Wardship Case 18/10/2018
- Statement on the recognition of Traveller ethnicity 18/10/2018
- Human Rights and Equality Commission Granted Liberty to Appear Before High Court in Case Focused on Human Trafficking 15/10/2018
- Rights of Persons with Disabilities to Reasonable Workplace Accommodation at Question in Supreme Court Case 09/10/2018
- Human Rights and Equality Commission Granted Liberty to Appear Before High Court in Right to Fair Trial Case 02/10/2018
- 'State Must be Held to Account on Compliance with UN Convention on Rights of Persons with Disabilities' – Human Rights and Equality Commission 01/10/2018
- Human Rights and Equality Commission Calls for Conscientious Objection and Access Provisions to be Clearly Set Out in Abortion Legislation 30/09/2018
- Primacy of Human Rights in the Future of Policing in Ireland Welcomed by Human Rights and Equality Commission 18/09/2018
- Victims of Child Sexual Abuse Being Forced Through the Courts by State Response to O'Keeffe Judgment Warns Human Rights and Equality Commission 10/09/2018

- Focus on the Contribution of All in the Home in Proposed Article 41.2 Referendum Says Human Rights and Equality Commission 05/09/2018
- Irish Human Rights and Equality Commission to Assist Court in Family Reunification Cases 28/06/2018
- Human Rights and Equality Commission welcomes scheme to grant access to the labour market for applicants for international protection 27/06/2018
- Human Rights and Equality Commission Annual Report Launched 25/06/2018
- Human Rights and Equality Commission Critical of 'Retrogressive Measures' on Family Reunification for Refugees 20/06/2018
- Discrimination and Inequality in Housing in Ireland Set Out in New Research 15/06/2018
- EU Court of Justice Hears Case Arising from Alleged Age Discrimination in An Garda Síochána 05/06/2018
- President Michael D. Higgins Appoints Seven Members to the Irish Human Rights and Equality Commission 31/05/2018
- Oireachtas must now legislate to vindicate the human rights of women and girls in accessing healthcare 26/05/2018
- County Council Criterion for Traveller Family Access to Services Discriminatory 10/05/2018
- Proposals to End 'Baptism Barrier' Welcomed by Irish Human Rights and Equality Commission 09/05/2018
- Resolving Damaging Lack of Access to Employment for Asylum Seekers Requires Sustained Human Rights Focus from State 09/05/2018
- Unconstitutional Ruling in Review of Detention Case Welcomed by Human Rights and Equality Commission 03/05/2018
- Belfast (Good Friday) Agreement Joint Committee Confirms Brexit Rights Concerns in Barnier Meeting 30/04/2018
- Fixing Retirement Ages and Offering of Fixed-Term Contracts Create Potential for Age-Related Discrimination Warns Commission 30/04/2018
- North-South Joint Committee to meet with NI Under Secretary of State on Human Rights and Equality Impacts of Brexit 27/04/2018
- Commission Welcomes Supreme Court Ruling in Significant Right to Private and Family Life Case 24/04/2018
- Human Rights and Equality Commission Appears in Contempt of Court Case 18/04/2018
- Human Rights and Equality Commission Notes Ruling Regarding Case Where DPP Decided Not to Prosecute 12/04/2018
- Irish Attitudes to Diversity Highlighted by New Study 29/03/2018
- Belfast (Good Friday) Agreement Joint Committee Warns of Brexit Human Rights and Equality Concerns 14/03/2018
- Human Rights and Equality Commission Appears in Mental Health Hospital Detention Case 09/03/2018

- Statement on the UN Convention on the Rights of Persons with Disabilities 07/03/2018
- Nominations bring significant legal, academic and practical expertise to Irish Human Rights and Equality Commission 27/02/2018
- Commission Welcomes Court of Appeal Determination on Deprivation of Liberty 27/02/2018
- Human Rights and Equality Concerns Highlighted to Commission on the Future of Policing 13/02/2018
- Commission Seeks Engagement with Government and Oireachtas on Right to Work of People in Direct Provision 09/02/2018
- European Social Charter Review Highlights Issues of State Non-Conformity 25/01/2018
- North-South Joint Committee to Focus On Human Rights and Equality Impacts of Brexit in Meeting with Tánaiste 23/01/2018
- Statement on the Death of Donal Barrington 04/01/2018

HUMAN RIGHTS

The Universal Declaration of Human Rights is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievement for all peoples and all nations.

ARTICLE 1

When children are born, they are free and each should be treated in the same way. They have reason and conscience and should act towards one another in a friendly manner.

ARTICLE 2

Everyone can claim the following rights, despite - a different sex - a different skin colour - speaking a different language - thinking different things - believing in another religion - owning more or less - being born in another social group - coming from another country. It also makes no difference whether the country you live in is independent or not.

ARTICLE 3

You have the right to live, and to live in freedom and safety.

ARTICLE 4

Nobody has the right to treat you as his or her slave and you should not make anyone your slave.

ARTICLE 5

Nobody has the right to torture you.

ARTICLE 6

You should be legally protected in the same way everywhere, and like everyone else.

ARTICLE 7

The law is the same for everyone; it should be applied in the same way to all.

ARTICLE 8

You should be able to ask for legal help when the rights your country grants you are not respected.

ARTICLE 9

Nobody has the right to put you in prison, to keep you there, or to send you away from your country unjustly or without a good reason.

ARTICLE 10

If you must go on trial this should be done in public. The people who try you should not let themselves be influenced by others.

ARTICLE 11

You should be considered innocent until it can be proved that you are guilty. If you are accused of a crime, you should always have the right to defend yourself. Nobody has the right to condemn you and punish you for something you have not done.

ARTICLE 12

You have the right to ask to be protected if someone tries to harm your good name, enter your house, open your letters, or bother you or your family without a good reason.

ARTICLE 13

You have the right to come and go as you wish within your country. You have the right to leave your country and to go to another one, and you should be able to return to your country if you want.

ARTICLE 14

If someone hurts you you have the right to go to another country and ask it to protect you. You lose the right if you have killed someone and if you yourself do not respect what is written here.

ARTICLE 15

You have the right to belong to a country and nobody can prevent you, without a good reason, from belonging to another country if you wish.

ARTICLE 16

As soon as a person is legally entitled, he or she has the right to marry and have a family. Neither the colour of your skin, nor the country you come from nor your religion should be impediments to doing this. Men and women have the same rights when they are married and also when they are separated. Nobody should force a person to marry. The Government of your country should protect your family and its members.

ARTICLE 17

You have the right to own things and nobody has the right to take these from you without a good reason.

ARTICLE 18

You have the right to profess your religion freely, to change it, and to practice it either on your own or with other people.

ARTICLE 19

You have the right to think what you want, and to say what you like, and nobody should forbid you from doing so. You should be able to share your ideas - also with people from any other country.

ARTICLE 20

You have the right to organize peaceful meetings or to take part in meetings in a peaceful way. It is wrong to force someone to belong to a group.

ARTICLE 21

You have the right to take part in your country's political affairs either by belonging to the Government yourself or by choosing politicians who have the same ideas as you. Governments should be voted for regularly and voting should be secret. You should get a vote and all votes should be equal. You also have the same right to join the public service as anyone else.

ARTICLE 22

The society in which you live should help you to develop and to make the most of all the advantages culture, work, social welfare that are offered to you and to all the men and women in your country.

ARTICLE 23

You have the right to work, to be free to choose your work, and to get a salary that allows you to live and support your family. If a man and a woman do the same work, they should get the same pay. All people who work have the right to join together to defend their interests.

ARTICLE 24

Each workday should not be too long, since everyone has the right to rest and should be able to take regular paid holidays.

ARTICLE 25

You have the right to have whatever you need so that you and your family do not fall ill. Do not go hungry, have clothes and a house, and are helped if you are out of work, if you are old, if your wife or husband is dead, or if you do not seem to be fit for any other reason you cannot help. Both a mother who is going to have a baby and her baby should get special help. All children have the same rights, whether or not the mother is married.

ARTICLE 26

You have the right to go to school and everyone should go to school. Primary schooling should be free. You should be able to learn a profession or continue your studies as far as you wish. At school, you should be able to develop all your talents and you should be taught to get on with others, whatever their race, their religion or the country they come from. Your parents have the right to choose how and what you will be taught at school.

ARTICLE 27

You have the right to share in your community's arts and sciences, and in any good they do. Your works as an artist, a writer or a scientist should be protected, and you should be able to benefit from them.

ARTICLE 28

To make sure that your rights will be respected, there must be an "order" that can protect them. This "order" should be local and worldwide.

ARTICLE 29

You have duties towards the community within which your personality can fully develop. The law should guarantee human rights. It should allow everyone to respect others and to be respected.

ARTICLE 30

No society and no human being in any part of the world should act in such a way as to destroy the rights that you have just been reading about.