



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

Sent by email: minister@dcya.gov.ie

Roderic O'Gorman TD
Minister for Children, Equality, Disability, Integration and Youth
Block 1, Miesian Plaza, 50 – 58 Lower Baggot Street,
D02 XW14

20 May 2022

RE: The Review of the Equality Acts

Dear Minister O'Gorman,

On behalf of the Irish Human Rights and Equality Commission, I write to you in relation to your Department's ongoing review of the Equality Acts.

Strengthening equality legislation is a strategic priority for the Commission under our *Strategy Statement 2022-2024*. As such we are engaging comprehensively with your Department's review, having made a detailed written submission to the initial public consultation in December 2021, and partnered with FLAC on a joint project to support civil society engagement in the process.

Under Section 18 of our founding legislation, we have also established an Advisory Committee on the Future of Equality Legislation, bringing together legal and civil society experts with Commission members to assist IHREC in our work to build a more comprehensive and effective framework of equality legislation and supporting equality infrastructure.

On this basis, I write in relation to your Department's review and to signal our willingness to proactively engage with you and your Department on these matters, with a view to enhancing the review process.

Firstly, I invite you to participate in a meeting of the Commission's Future of Equality Legislation Advisory Committee (FELAC) at an agreed date over the next two months.

In terms of issues arising, since the initial public consultation concluded in December 2021 there has been no public indication of progress made on the review to date, nor detail provided on the timing, scope and nature of the process to be followed as the review proceeds to a conclusion.

We note your stated intention to bring forward analysis and proposals for amendments to the equality legislation by the end of 2022. While the urgency apparent in this target timeline is welcome, there is a lack of clarity regarding the ambition, scope and form the proposals will take and the process by which stakeholders will be able to engage with their development by your Department.



Given the above, we are concerned that there is a lack of clarity around the review and a perceived drift in the process. We fully appreciate that any such drift may understandably be attributed, in part, to your Department's key role in the State's response to Ukraine. However, we highlight the importance of a robust equality framework in shaping the State's response to crises of this very sort, and therefore urge that the review now be accorded new priority.

The Commission is keen that the review proceeds in a transparent and participatory manner in line with relevant equality and human rights standards.

We recommend that your Department prioritises work to publish and respond to the submissions received during the initial public consultation phase, including a report summarising those submissions and the issues identified. We also recommend that you create an opportunity for dialogue between the Department and those who made submissions in relation to this report and its contents.

More broadly, we recommend that your Department sets down transparently and clearly the ambition and scope of the review, the process and steps that will now be implemented and the relevant timing, and what specifically the Department intends to produce by the end of the year.

In terms of a participative process, we recommend that the next stage of the review involve structured, deliberative and participatory engagement between the Department, the Commission, civil society and rights holders on the key issues under review, with this process resulting in the formulation of specific proposals for the amendment of the equality legislation. Given the complexity and extent of the issues under review, we recommend your Department proactively seeks to support and empower civil society actors (who may not have specific expertise in equality law) to engage with the process. This will help to ensure that civil society effectively represents the voice of equality groups impacted by the legislation in the deliberative process.

We view this as a once in a generation opportunity to strengthen our equality laws, and to create conditions whereby those in Ireland most likely to suffer discrimination are better protected against it in the future. I again emphasise the need for transparency around the review, and our eagerness to engage proactively with you and your Department in relation to the participatory approach by which the review should proceed and the ambition and scope that the review should reflect.

I look forward to hearing from you and thank you in advance for your engagement on these matters.

Yours Sincerely,

Sinéad Gibney
Chief Commissioner