

Minister Paschal Donohoe T.D.
Department of Public Expenditure, NDP Delivery and Reform
Government Buildings,
Upper Merrion Street
Dublin 2
DO2 R583

25 June 2024

Sent by email only to: minister@per.gov.ie

RE: Adoption of EU Directives on Standards for Equality Bodies

Dear Minister Donohoe,

On 7 May, the Council of the European Union [formally adopted](#) the EU Directives on Standards for Equality Bodies, marking an historic moment in the development of equality standards across the EU, including here in Ireland.

The Directives, which as you will be aware are binding on member states and must now be transposed at national level, will significantly strengthen the enforcement of EU equal treatment laws by improving the effectiveness of equality bodies and by guaranteeing their independence.

In doing so, the Directives establish the minimum standards and requirements for equality bodies in terms of their mandates, resources, powers and independence. For example, key articles include provisions on:

- Independence (Article 3)

“...In line with the objectives of this Directive and within the applicable legal framework, equality bodies shall be able to manage their own financial and other resources as well as to adopt their own decisions with regard to internal structure, accountability, staffing and organisational matters.

- Resources (Article 4)

“Member States shall, in accordance with their national budgetary processes, ensure that each equality body is provided with the human, technical and financial resources necessary to perform all its tasks and to exercise all its competences effectively... including where the equality bodies are part of multi-mandate bodies.”

IHREC, as Ireland’s National Human Rights Institution and National Equality Body, has seen its mandate grow significantly since it was established in 2014. This is likely to continue to expand further across key equality areas such as gender pay gap reporting, and the rights of people with disabilities, for which the Commission has been designated as Independent Monitoring Mechanism, a requirement under the UNCRPD. The Commission has also been proposed as the co-ordinating National Preventative Mechanism body, in the General

Scheme of the Inspection of Places of Detention Bill 2022. If enacted, this would be a key step in Ireland ratifying the Optional Protocol to the Convention Against Torture.

In addition, on 21 May this year, the Council of the European Union approved the EU AI Act, which aims to regulate the use of artificial intelligence in the European Union. The Act provides for cooperation with existing national authorities that protect human rights and accordingly, IHREC, as Ireland's NHRI, will gain additional oversight functions in its operation.

The Commission must build capacity if it is to successfully fulfil this wider remit. We have already begun exploratory work to design the systems and processes necessary to establish and operate additional functions. However, the Commission's budget allocation has not been increased to provide for the development and staffing of these expanding functions, in a way that would give meaningful effect to new mandates.

If the Commission, as Ireland's National Equality Body, is to carry out its mandate with the resources and independence that is required under the new Directives, it is essential that it receive adequate funding to do so, without impacting its ability to carry out its existing statutory functions.

Le meas,

Yours sincerely,



Deirdre Malone
Director