



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

Mr. Kevin McCarthy,
Secretary General,
Department of Children, Equality, Disability, Integration and Youth,
Block 1, Miesian Plaza,
50 – 58 Lower Baggot Street
D02 XW14

23 February 2023

By email only to: secgensoffice@equality.gov.ie

Re: Equality Acts Review

Dear Mr McCarthy,

I wish to advise you of concerns about the Department's review of the Equality Acts that have come to my attention as Chief Commissioner of the Irish Human Rights and Equality Commission.

As you may be aware, the Commission has established a Future of Equality Legislation Advisory Committee (FELAC) under Section 18 of the IHREC Act 2014. This brings together legal and civil society experts with Commission members to assist the Commission in identifying and examining the key issues that must be addressed to build a more effective framework of equality legislation and supporting infrastructure.

The Committee's Chair, Professor Caroline Fennell, also a current Commission Member, has written to me expressing the FELAC Committee's concern that work on the Equality Acts review has progressed significantly without further formal input from IHREC, and highlighting the importance of the review remaining comprehensive in scope. I enclose a copy of her letter here for your information.

Given these concerns, I request immediate engagement between the Commission and the Department to clarify the position of the review and its scope, and to provide assurance that further formal input from the Commission will be included as the review progresses.

Yours sincerely

Sinéad Gibney
Chief Commissioner
Irish Human Rights and Equality Commission



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Sinead Gibney,
Chief Commissioner,
Irish Human Rights and Equality Commission,
16-22 Green Street, Dublin
D07CR20

15 February 2023

By email only

RE: Equality Acts Review

Dear Chief Commissioner,

In my capacity as Chair of the Future of Equality Legislation Advisory Committee (FELAC), I write at the request of that Advisory Committee established by the Commission under Section 18 of the Irish Human Rights and Equality Commission Act 2014. The FELAC brings together significant legal, academic, and civil society expertise to assist the Commission in its work towards building a more comprehensive and effective framework of equality legislation and supporting equality infrastructure.

In that light, and having regard to the review by the Department of the equality legislation, a significant amount of work and expertise has been employed through the FELAC to evaluate the current law and to create specific proposals for its reform with a view to bolstering equality and human rights protections. The FELAC is very anxious that this expert work is given due consideration by the Commission and in due course by the Department, so that its input will prove constructive and helpful to the Department's review process. That was, after all, the rationale for the establishment of the FELAC.

The FELAC wishes to raise a number of concerns with you regarding the Department's ongoing review of the Equality Acts, specifically that work on the review apparently has progressed significantly, without further formal input from the Commission, as indicated by the inclusion of the "Equality Acts (Amendment) Bill 2023" in the Spring Legislative Programme.

The FELAC is further concerned that the Department might narrow the scope of the Equality Acts review. It must be emphasised that it is of the utmost importance to the FELAC that the Department remains engaged in a *comprehensive* review, as this is a once in a generation opportunity to strengthen Ireland's equality laws, and to better protect those in Ireland most likely to suffer discrimination. The next stages of the Departments review should



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moreover involve structured engagement with the Commission, civil society, and rights holder groups.

The FELAC therefore requests that you consider engagement with the Department to clarify the ambition and scope of the review, and to stress the importance of ensuring the review remains comprehensive. This might also include requesting that the Department engages formally with the Commission in the next stages of the review, and gives due consideration to the expert advice and specific proposals prepared by the FELAC.

Yours Sincerely,

Caroline Fennell

Professor Caroline Fennell BCL (NUI), LLM (Osgoode), PhD (Wales), Barrister- at Law, MRIA
Chair, IHREC Future of Equality Legislation Advisory Committee
Commission Member, Irish Human Rights and Equality Commission
Professor Emerita of Law, University College Cork