



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

Minutes of the Irish Human Rights and Equality Commission
(Twenty-Sixth Ordinary Plenary Meeting)
12 June 2018

Present:

Commission Members:

Emily Logan, Chief Commissioner (EL)
Teresa Blake (TB)
Heydi Foster Breslin (HFB)
Frank Conaty (FC)
Paddy Connolly (PC)
Colm O' Dwyer (CO'D)
Orlagh O'Farrell (OO'F)
Caroline Fennell (CF)
Tony Geoghegan (TG)
David Joyce (DJ)
Salome Mbugua (SMb)
Siobhán Mullally (SM)
Ray Murphy (RM)
Fidèle Mutwarasibo (FM)

Apologies:

Sunniva McDonagh

In Attendance:

Laurence Bond, Director (LB)

Michael O'Neill, Head of Legal (Items 3.2, 3.3, 3.4, 3.5, 3.6)
Jean O'Mahony, Head of Strategic Engagement (Item 3.1)
Dr Iris Elliott, Head of Policy and Research (Item 3.7)

Brian Dawson, Communications Manager (Item 3.1)
Karen McLaughlin, Policy and Research (Item 3.7)
Muireann Ní Thuairisg, Private Secretary (Minute Taker)

The Twenty-Sixth Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 1:30pm on 12 June 2018 at IHREC, 16–22 Green Street, Dublin 7.

Apologies, Quorum and Declarations of Interest

Apologies: Sunniva McDonagh

Declarations of Interest: There were no declarations of interest made in relation to any item on the agenda.

Minutes of previous Commission Meetings

The minutes of the Twenty-Fifth Ordinary Plenary Meeting on 9 May 2018 were agreed, proposed by RM and seconded by FM.

Matters arising, not otherwise on the agenda

On 06/06/18, OO'F emailed members and proposed a number of items for discussion at the plenary meeting. One of the items was discussed under heading *4.1 Engagement with EU policy and legislative developments*. Remaining items may be raised through the strategic planning and/or business planning process for 2019.

Update from Chief Commissioner

EL updated the Commission on the outcomes of recent legal cases, including legal assistance provided through representation in the Court of Justice of the European Union in Luxembourg to men who sought to challenge age discrimination. IHREC also provided legal assistance to a family, including three children, in their successful challenge to the discrimination they faced due to their status as members of the Traveller community, in their application for social housing to their local County Council.

On 31/05/18, President Michael D. Higgins appointed seven members of the Irish Human Rights and Equality Commission for a five-year term; Heydi Foster Breslin, Frank Conaty, Paddy Connolly, Colm O' Dwyer, Caroline Fennell, Tony Geoghegan and Salome Mbugua.

On 15/06/18, IHREC will publish findings from a new study undertaken by the Economic Social Research Institute entitled '*Discrimination and Inequality in Housing in Ireland*'.

IHREC issued a statement welcoming a proposal to end the 'Baptism Barrier' and issued a call on the COALESCE Research Fund 2018, in which IHREC and the Irish Research Council will co-fund two research grants of €100,000, each for a 15-month study period, one on interculturalism and the other on socio-economic rights.

Members were updated on recent activity by the Joint Committee with the Northern Ireland Human Rights Commission. It was proposed that for future meetings, the Joint Committee be reported and discussed as a separate agenda item.

In July 2018, IHREC will meet with the European Commission against Racism and Intolerance and the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities as part of its independent monitoring role. Details of the meetings will be circulated to members who can indicate their availability to attend.

Members were informed of significant references to IHREC in the Houses of the Oireachtas.

In relation to the upcoming introduction of legislation to regulate termination of pregnancy, it was agreed that the Commission could re-state its policy position and comment on the human rights and equality implications of the Heads of the Bill. It was emphasised in the meeting that this is not a new piece of research or work by the Commission, but a re-iteration of the Commission's existing policy statement *'Human Rights and Equality considerations in the development of a new legislative and regulatory framework on abortion'* using its section 10(2)9c) function.

2.1 Director's Report

The Director's Report had been circulated in advance of the meeting and was taken as read.

IHREC's contribution to the work on equality budget proofing is referenced in the recently published report on gender budgeting by the Oireachtas Committee on Budgetary Oversight.

In relation to financial reporting, it was noted that the Finance Committee is not currently operational. LB confirmed that an ad-hoc Finance and Audit and Risk Committee took place on 02/05/18 and he will prepare a report for members' attention detailing IHREC's finance activity from January to June 2018. The composition of all Commission sub-committees will be discussed at a future plenary meeting.

It was confirmed that work on updating the current risk register is ongoing, and an updated register will be brought to the Commission for approval in September.

In relation to IHREC's role in establishing a monitoring framework in Ireland on the United Nations Convention on the Rights of Persons with Disabilities, it was agreed that some preparatory work would be carried out by staff on this matter and will be discussed at the upcoming strategy day or at a later plenary meeting.

It was suggested that updates be provided to the Commission on IHREC'S membership of EU advisory bodies and overall engagement with the EU.

3.1 Annual Report

The Commission approved the IHREC Annual Report 2017, to be laid before both Houses of the Oireachtas and published thereafter.

3. 2 Decision re Amicus Curiae Proposal

MO'N joined the meeting.

CO'D recused himself from the discussion on this item.

[REDACTED]

CO'D returned to the meeting.

In relation to family reunification, discussion took place about the publication of the policy statement and/or to write submitting the Commission's policy statement to the Minister of Justice and Equality. It was agreed to both submit to the Minister and to publish the policy document at an appropriate time.

3.3 Proceedings on Discriminatory Advertising

[REDACTED]
write to the Workplace Relations Commission requesting that the current adjourned proceedings be listed for hearing.

3.4 Submission to Independent Assessor, on scheme for ex gratia payments arising from O'Keeffe v Ireland

In the matter of the independent assessment of claims for ex gratia payments arising from the *O'Keefe v. Ireland* judgement of the European Court of Human Rights, the Commission approved the submissions to be sent to the Independent Assessor.

3.5 Developing Code of Practice on family focused employment rights

The Commission approved the executive to prepare a substantive proposal, for the Commission's consideration and agreement, on the production of a Code of Practice on the promotion of family friendly measures in the workplace.

3.6 Developing Code of Practice on the rights of families at inquests

The Commission approved the executive to prepare a substantive proposal, for the Commission's consideration and agreement, on the production of a Code of Practice on the rights of families at inquests.

3.7 Policy Statement on Article 41.2 of the Constitution

IE and KMCL joined the meeting.

Subject to some minor amendments proposed, the Commission approved the submission on Article 41.2. of the Constitution.

IE and KMCL left the meeting.

4.1 Any Other Business-Engagement with EU Policy and Legislative Developments

A discussion took place regarding EU policy and the value of incorporating the work of the European Commission's European Semester and the European Pillar of Social Rights. LB confirmed that he would explore the matter of a scoping exercise.

TB updated members regarding the Collaborative Forum of Former Residents of Mother and Baby Homes.

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) will publish its second evaluation report on Ireland in October 2018. Reference was made to the work of the International Transport Federation in relation to victims of human trafficking. The Commission was informed that the staff would engage with officials in the Department of Justice and Equality regarding the protection of victims of human trafficking before GRETA publishes its report in October.

5.1 Dates for Meetings

LB will circulate 2018 dates to Commission members.

There being no other business, the meeting concluded at 1.30pm.

Signed:

Emily Logan
Chief Commissioner

Date:

19th Sept 2018