



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-Eighth Ordinary Plenary Meeting
31 October 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)
- Caroline Fennell (CF)
- David Joyce (DJ)
- Orlagh O'Farrell (OO'F)
- Salome Mbugua (SMb)
- Sunniva McDonagh (SMcD)
- Siobhán Mullally (SM)
- Fidèle Mutwarasibo (FM)

Apologies:

- Tony Geoghegan
- Ray Murphy

In Attendance:

- Laurence Bond, Director (LB)
- Michael O'Neill, Head of Legal (MO'N)
- Dr Iris Elliott, Head of Policy & Research (IE)
- Dr. Ruth Gallagher, Senior Advisor, Joint Committee (RG)
- Muireann Ní Thuairisg, (Minute Taker)

The Twenty-Eighth Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 1:30pm on 31 October 2018 at the Irish Human Rights and Equality Commission offices, 16–22 Green Street, Dublin 7.

1.1 Apologies, Quorum and Declarations of Interest

Apologies: Tony Geoghegan, Ray Murphy

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

1.2 Minutes of previous Commission Meetings

The draft minutes of 19 September 2018 were approved, proposed by SMcD and seconded by SMb.

The draft minutes of 25 September 2018 were approved, proposed by TB proposed and seconded by FM.

The draft minutes of 4 October 2018 were approved, proposed by TB and seconded by FM.

The draft minutes of 11 October 2018 were approved, proposed by OO'F and seconded by HFB.

1.3 Matters arising, not otherwise dealt with on the Agenda

Members asked for an update on the EU affairs briefing and possible scoping exercise. It was clarified that the briefing tender has been awarded but has not yet commenced and that work is proceeding on developing a specification for a scoping exercise.

DJ raised the issue of the Commission's engagement with housing issues which has been an ongoing discussion, including at the last meeting though it was not addressed in the minutes. It was noted that this matter would be addressed under item 3.1 and in the context of our strategy and work planning.

OOF raised the issue of the importance of climate change as a human rights issue. Following discussion, it was agreed that this issue could be further considered in the context of our strategy and work planning.

PC noted a concern about the number of extraordinary plenary meetings that are held to make decisions on Amicus interventions. He also suggested that Commission minutes should include a list of action items.

1.4 Update from Chief Commissioner

EL updated members of key meetings she has attended since the last plenary meeting, including meetings with key stakeholders as part of the strategy statement consultation process-religious leaders, Secretaries General, the Ombudsman and others.

It was proposed that as part of the strategy consultation with stakeholders, to include women religious leader, the Jewish community and church leaders who may be working in hard to reach communities. EL agreed to TB's request to send her the note from her meetings with the religious leaders.

EL updated members on the restructuring of the Department of Justice and Equality – one division dealing with Justice and Equality, and the other dealing with Home Affairs and Security. She will circulate the report '*Effectiveness and Renewal Group for the Department of Justice and Equality*' to members for their information.

Members congratulated EL on her appointment as the Chairperson of the European Network of National Human Rights Institutions (ENNHRI). She will take up the position in March 2019.

2.1 Director's Report

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

- over 150 applications for membership of the Disability Advisory Committee had been received and that it was expected that the selection process would be completed in time to bring a proposal to the Commission meeting of 10 December;
- several staff recruitment competitions are nearing completion and seven offers of appointment had recently been made;
- the process for appointing a new Chair of the Audit and Risk Committee had advanced and a proposal would be considered under Agenda Item 3.1.; and
- he had recently attended, by invitation, a meeting of EU High Level Group, where he had presented the proposed EU Non-Binding Guidelines on Equality Data of behalf of the EU Working Group of which IHREC is a member.

In response to queries regarding staff contacts with national rapporteurs on human trafficking, it was clarified that, further to the earlier correspondence with the Minister for Justice and Equality, the Director and staff are engaging with Departmental officials on a without prejudice basis on the proposal that IHREC might become the Irish national rapporteur. Also, a short one year follow up submission will be made to the Greta Committee of Experts.

It was noted that further information on the time taken to provide a decision in response to requests for legal assistance would be of value.

The need for careful use of language around race and ethnicity in Commission publications was emphasised, noting in particular that not all minority ethnic people or groups are immigrants, as the language used has an important effect on how issues are framed.

Noting the media reports on Traveller rights issues, and the Chief Commissioner's opinion piece on the matter, members expressed concern over remarks made during the Presidential election campaign by candidate Peter Casey regarding Travellers, people in receipt of social welfare payments and others. Following discussion, it was agreed that the Commission should seek to promote an informed and respectful public discourse to counter prejudice and hate speech, both in general and specifically about the conduct of election campaigns.

3.1 Next Steps on Planning for Se 35 Inquiries and Commission Committees

On inquiries, it was noted that although members have previously identified some possible themes such as housing, there is limited time during Commission meetings to address this matter in detail. It was agreed to set up a working group on identifying a theme for undertaking a Section 35 Inquiry. Members interested in joining a working group are TB, CO'D, DJ, SM and EL.

It was agreed to set up a Casework Committee. Interested members are CO'D, CF, TB and SMcD. and it was agreed that these members would meet in the first instance and prepare proposals on the Committee's terms of reference and operating procedures for consideration by the Commission.

There was also some discussion on setting up a Policy & Legislation Committee, and this matter will be considered further later, following adoption of the new strategy statement.

The appointments of Mr John Maher as Chairperson of the Audit and Risk Committee, and Mr. David Scott as a Committee members were formally approved by the Commission-proposed by CO'D and seconded by TB.

It is hoped to schedule meetings of the Research Advisory Committee and the Worker and Employer Advisory Committee by the end of the year.

4.1 Update on Joint Committee

RG joined the meeting.

Speaking to the written report circulated in advance, RG outlined the key elements of the work of the Joint Committee of the Irish Human Rights and Equality commission and Northern Ireland Human Rights Commission in 2018.

Most recently, SM and RG had attended a meeting organised by the NIO where they were updated by officials on the dedicated mechanism. SM expressed concern that IHREC had not had sight of any draft documents and that some of the discussion appeared to suggest a role for the Joint Committee only in relation to 'North-South issues' rather than the wider 'island of Ireland' remit set out in the Good Friday Agreement. Following discussion, it was agreed that EL would write to Tánaiste Simon Coveney seeking a briefing.

It was also agreed to discuss the matter further at the next meeting of the Joint Committee on 14 November 2018.

RG left the meeting.

4.2 HSE Equality Review and Equality Action Plan

MO'N joined the meeting.

Considering the receipt of the equality review from the HSE regarding access to interpretation services for people accessing free GP services, the Commission agreed to invite the HSE, pursuant to section 32 (1)(b) to prepare and implement an action plan. The Commission recommended that staff could provide guidance to the HSE on the preparation of the review if so required.

4.3 Amicus Assessment

The Commission discussed the matter of [REDACTED]

[REDACTED] It was agreed that the Commission would not seek to intervene as amicus at this stage of the proceedings.

4.4 S40 Indemnity Proposal

The Commission considered a proposal to provide an indemnity as to costs of a S.40 client in High Court proceedings. Following discussion, it was agreed by a vote of 8 votes to 5 votes to provide an indemnity to a denominated figure of up to €80,000, inclusive of vat

MO'N left the meeting.

4.5 Submission to the UN Committee Against Torture

IE joined the meeting.

The Commission discussed the draft submission circulated in advance. It was agreed to amend the draft submission to more clearly recommend that the Commission be the NPM Co-ordinating Body and to include a recommendation on access to documents. The submission with these amendments was approved.

IE left the meeting.

5.1 Update on Strategy

Alistair Hodgett, Polwarth Strategy joined the meeting and updated members on the progress on developing the IHREC Strategy Statement 2019-2021.

The next Strategy Day is scheduled for 14 November 2018 at the IHREC offices.

5.2 AOB

EL raised recent correspondence from Liam Herrick, CEO, Irish Council for Civil Liberties in relation to the Electoral Act and distributed a report on the matter to members.

It was agreed that a brief policy statement of the matter would be drafted for consideration at the Commission meeting of 10 December.

There being no other business, the meeting concluded at 1:45pm.

Signed:


Emily Logan, Chief Commissioner

Date:

10th Dec. 2018