



Minutes

Extraordinary Commission Meeting

19 January 2024 | 10:00am – 12:15pm

Irish Human Rights and Equality Commission, 16-22 Green St., Dublin 7 & Online

Present:

- Sinéad Gibney, Chief Commissioner (SG)
- Noeline Blackwell (NB)
- Michael Finucane (MF)
- Dr Andrew Forde (AF) – remotely
- Caoilfhionn Gallagher KC, (CG) – remotely
- Adam Harris (AH)
- Prof Colin Harvey (CH) – remotely
- Prof Kathleen Lynch (KL)
- Dr Salome Mbugua (SM) – remotely
- Dr Lucy Michael (LM)
- Dr Rosaleen McDonagh (RMD) – remotely
- Sunniva McDonagh SC (SMD)
- Prof Ray Murphy (RM) – remotely
- Eoin Ronayne (ER)

Apologies:

- Jim Clarken (JC)

In attendance:

- Deirdre Malone, Director
- Louise Moloney (minute-taker)

An extraordinary meeting of the Commission took place on 19 January 2024 from 10:00am – 12:15pm in the IHREC offices and online.

The Commission met to discuss the implications of SG's announcement on 12 January 2024 that she intends to resign as Chief Commissioner on 14 March, with the meeting to consider the immediate situation, options for interim arrangements once the resignation takes effect, and recruitment of the next permanent Chief Commissioner.

Preliminary Matters

The Commission noted that RMcD was awarded a Lifetime Achievement Award by the Rowan Trust. The Commission also noted that CG was awarded the President of Ireland's Distinguished Service Award from President Higgins.

Following a request from a member, by a majority the Commission agreed that in the interest of good governance it would be preferable that the Chief Commissioner did not chair agenda item 1.1 *Decision on immediate situation*. The Commission nominated LM as chair for the first item who accepted.

1.1 Decision on immediate situation

A joint memo from the Director and Chief Commissioner to Commission members had been circulated in advance. It was noted that, as set out in the memo, there is no provision in the IHREC Act 2014 for an 'Acting Chief Commissioner' but that following the resignation of the Chief Commissioner, the Commission could act as a collective without a permanent Chief Commissioner in place, until one is duly recruited via PAS. There is provision in the 2014 Act for a chairperson to be nominated to chair plenary meetings in the absence of a chief commissioner.

It was further noted that there is no statutory notice period or contract for the office of the Chief Commissioner. By announcing her intention to resign in two months' time, the Chief Commissioner aims to create a 'notice period' with a view to ensuring a smooth transition period.

The Commission sought the views of the Executive through the Director on the immediate situation. DM stated that as Director she felt that the requirement for the organisation to be apolitical stemmed from three sources; the spirit of the 2014 Act, the Paris Principles and the IHREC Code of Conduct and Conflict of Interest policy which covers actual, potential and perceived conflict of interest. DM informed the Commission that she has met with the SMT in relation to these matters in order to seek and reflect the views of the Executive. She noted the concerns expressed by the Executive regarding the perceived risk to IHREC's independence, the risk of perception of politicisation or political alignment of the role and the difficulty for the Executive of navigating any perceived conflict that might arise during the transition period. In this regard, DM expressed that in her view that no Protocol can govern for perceived conflict in the current context. The Director expressed that ultimately the matter of conflict of interest was one for the Commission but as Director she holds responsibility for governance as it relates to her office as Accounting Officer and as it relates to accreditation of the organisation vis-à-vis the Paris Principles.

It was noted that in line with the intended approach to the coming two months, the Chief Commissioner has stepped back from the public facing, spokesperson responsibilities of her role and has delegated a number of relevant engagements to fellow Commission members. The potential for a working group, or agreed shadow member to support the Executive and Chief Commissioner with any policy matters that might arise over the period was raised. The Commission also discussed the attendance of the Chief Commissioner at upcoming events and a majority expressed the view that she should not attend an upcoming Leadership Forum of the European Network of National Human Rights Institutions.

The Commission agreed that a perception of conflict of interest existed. The Chief Commissioner and the Commission agreed to reflect on the discussion and to review a more detailed set of proposals which will be circulated before the next meeting by the Director.

It was noted that there may be further media interest in relation to these matters following this meeting. The Commission agreed that it would respond to any questions by noting that it is taking all necessary steps to mitigate any perception of conflict, to ensure good governance and was working on interim arrangements.

2.1 Discussion on subsequent phases

(i) Interim period following resignation of Chief Commissioner

The Commission agreed to table this discussion at a further meeting to take place on Friday, 26 January.

(ii) Recruitment of next permanent Chief Commissioner

The Commission agreed to table this discussion at a further meeting to take place on Friday, 26 January.

The Commission will also discuss any potential conflicts of interest arising should any current Commission members wish to apply for the role of Chief Commissioner in the future.

The meeting closed at 12:15pm. SG thanked the Commission for conducting the meeting in a respectful and professional manner.

The next meeting will take place on Friday, 26 January, from 10:00am – 12:00pm in the IHREC Offices and online.