



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

Request for Quotation for Services to undertake research regarding the application of provisions of the Assisted Decision-Making (Capacity) Act 2015

Irish Human Rights and Equality Commission

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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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Introduction

The Irish Human Rights and Equality Commission is an independent statutory body, established on 01 November 2014 under the Irish Human Rights and Equality Commission Act 2014. The Commission is Ireland's National Human Rights Institution (NHRI) and National Equality Body (NEB).

The overall statutory functions of the Commission are:

- › to protect and promote human rights and equality,
- › to encourage the development of a culture of respect for human rights, equality, and intercultural understanding in the State,
- › to promote understanding and awareness of the importance of human rights and equality in the State,
- › to encourage good practice in intercultural relations, to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person, and
- › to work towards the elimination of human rights abuses, discrimination and prohibited conduct.

The Commission is also the Independent Monitoring Mechanism for Ireland under the United Nations Convention on the Rights of Persons with Disabilities ('UNCRPD')¹ and is the anticipated to be designated as the Coordinator of the National Preventive Mechanism under the Optional Protocol on the Prevention against Torture, pending legislation.²

¹ Section 103 of the Assisted Decision-Making (Capacity) (Amendment) Act 2022 designated IHREC the Independent Monitoring Mechanism for the UNCRPD.

² To be provided under the Inspection of Places of Detention Bill, when enacted.

Background

The Commission now invites responses from suitably qualified individuals or organisations for the provision of services to undertake research regarding the application of the Assisted Decision-Making (Capacity) Act 2015 (as amended) ('ADMCA').

The Assisted Decision-Making (Capacity) Act

The ADMCA provided for the abolition of the system of wardship³ and established a legal framework for supported decision-making in Ireland. While its enactment represented an important shift towards a rights-based model, widely welcomed, its application in practice has presented challenges. The operationalisation of the ADMCA is complex and multifaceted and is in its early stages. It will be subject to a review within 5 years of commencement (April 2028).

IHREC published [Observations on the Assisted Decision-Making \(Capacity\) Bill 2013](#) in 2014 and [publicly commented on the Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2021](#) in 2022. In these and subsequent publications, IHREC has raised concerns on a range of matters including the operationalisation of the ADMCA, monitoring its implementation, and misalignment with human rights norms. See, for example, [IHREC's submission to the UNCRPD \(June 2025\)](#) and [IHREC's 2024 report regarding access to justice for disabled people](#).⁴

In particular, we have raised that supported decision-making must be fully available and prioritised to ensure disabled people enjoy legal capacity on an equal basis with others in all aspects of life⁵ and have expressed concern regarding over-reliance on substitute (rather than

³ Irish Statute Book, [Assisted Decision-Making \(Capacity\) Act 2015](#). Irish Statute Book, [Assisted Decision-Making \(Capacity\) \(Amendment\) Act 2022](#). The ADMCA abolishes the previous Ward of Court system under the *Lunacy Regulation (Ireland) Act 1871* and replaces it with a new process for appointing tiered decision support arrangements. Article 12 of the UNCRPD mandates universal respect for legal capacity including through the provision of decision-making support and other safeguards as appropriate.

⁴ See also, IHREC, [Letter to the Department of Children, Disability and Equality on the Draft Heads and General Scheme of the Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2026](#).

⁵ Committee on the Rights of Persons with Disabilities, [General Comment No.1 – Article 12: Equal Recognition before the law, CRPD/C/GC/1](#) (2014) para 28. IHRC, [IHRC Observations on the Assisted Decision-Making \(Capacity\) Bill 2013](#) (2014) p. 32. The wider context to this provision is the State's Declaration and Reservation to Article 12. [Ireland: Declaration and reservation \(Article 12\)](#).

supported or assisted) decision-making arrangements.⁶ We are aware of various issues arising with the process, including: accessibility of public information; training of legal professionals; administrative complexity;⁷ transparency of the exit process and the associated access to justice issues;⁸ and anomalies in the capacity assessments.⁹

We are aware of concerns regarding the challenges and barriers to ending wardship, including on awareness of available legal supports, information on the process for wards and their families, and inadequate provisions on the recovery of costs.¹⁰

In our 2025 submission to the UN Committee on the Rights of Persons with Disabilities, we called on the State:

- › To provide an update on the status of the discharge and transition of the Wards of Courts including disaggregated data broken down by status, impairments, equality

⁶ The system of supported decision-making under the ADMCA allows for a substitute decision-making regime which has been a matter of concern for civil society organisations and IHREC. [Assisted Decision Making \(Capacity\) Act 2015](#) Section 37 provides the Court with the power to make a declaration that a person lacks capacity even with the assistance of a co-decision maker; Section 38 provides for the appointment of a decision-making representative to act on behalf of the relevant person in a number of circumstances including where the court has found a person to lack capacity under Section 37. The UNCRPD Committee has frequently considered an approach to legal capacity which permits substituted decision-making a misinterpretation by States. Committee on the Rights of Persons with Disabilities, [General Comment No.1 – Article 12: Equal Recognition before the law, CRPD/C/GC/1](#) (2014) para 3. CSOs have indicated that there is a panel in operation for substitute decision-makers but there is no such provision for co-decision makers, who are ordinarily family members. Decision Support Service, [Decision-making Representative Panel](#). Concerns have been raised that there is insufficient oversight and safeguards in place to guard against over reliance on substituted decision-making over co-decision making. It should also be noted that the ADMC Act provides for a functional assessment of mental capacity which may be used to restrict or deny legal capacity.

⁷ Civil society organisations have expressed concerns about insufficient public awareness-raising, inadequate training for members of the legal profession, and an administratively burdensome process. We have heard reports of inconsistency in judicial decisions regarding decision-making arrangements, and reports of far-reaching orders in contrast to the intended narrow and focused orders. We have heard concerns regarding the absence of human rights principles in judicial decision-making (linked to a lack of training and education on the same).

⁸ There does not appear to be an accessible database of all judicial determinations (anonymised or not). There is limited or highly restricted access to independent advocacy for people in wardship or subject to the inherent jurisdiction of the High Court.

⁹ We have heard reports that the approach and thresholds being applied vary widely between Courts and presiding members of the judiciary. We are aware of concerns raised by the group 'Justice for Wards' who have expressed particular concerns regarding the wardship transition. See Justice for Wards submission to the Committee on the Rights of Persons with Disabilities [here](#).

¹⁰ For more information, see Law Society of Ireland, [Submission to the Civil Legal Aid Review Group](#) (2023) p. 18. National Disability Authority, [The Journey from Wardship to Supported Decision-Making: An Examination of the Process and the Experiences of People leaving Wardship](#) (2026); IHREC, [Ireland and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (2024) pp. 43-44.

grounds, geographical location, accommodation type and provision of supports pre, during and post discharge/transition and arrangements for monitoring and review.

- › To provide an update on resourcing, access to and provision of legal supports, advice and representation to Wards of Court, and on awareness raising regarding the new legislative provisions.
- › To provide measures to remedy any inaccessibility of the Assisted Decision-Making Capacity processes and to ensure adequate safeguards for people in a Decision-Making Assistance Agreement.

Government measures

In the Programme for Government 2025, the Government commits to “support the Decision Support Service and review the operation of the Assisted Decision-Making (Capacity) Act 2015,”¹¹ a commitment that was reiterated in the Government’s National Human Rights Strategy for Disabled People 2025-2030.¹²

¹¹ Government of Ireland, [Programme for Government 2025: Securing Ireland’s Future](#) (2025), p. 93.

¹² Government of Ireland, [National Human Rights Strategy for Disabled People 2025-2030 \(2025\)](#), p. 47.

UN Convention on the Rights of Persons with Disabilities ('CRPD') & UN Committee on the Rights of Persons with Disabilities

The UN Convention on the Rights of Persons with Disabilities ('UNCRPD') is an international human rights treaty which exists to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all disabled persons. The Irish Government signed the Convention in 2007 and ratified it in March 2018, the last EU Member State to do so. The Convention established how human rights principles apply to the situation of disabled people and addresses civil and political as well as economic, social, and cultural rights, and how the Treaty is to be monitored domestically and internationally. It established the role of the Independent Monitoring Mechanism ('IMM), a mandate held by IHREC since 2023.

The [State's first report](#) was submitted to the UNCRPD Committee in November 2021. The review of the State by that Committee is expected to take place in August 2027. In September 2025, the UNCRPD Committee published a '[List of Issues](#)' to be addressed by Ireland in the course of the review. The 'List of Issues' was informed by the [national report, IHREC's List of Issues submission](#) and [submissions from civil society](#).

The UNCRPD Committee's List of Issues included specific queries regarding supported decision-making, inherent jurisdiction and the transition of Wards of Court to the Decision Support Service. The Committee specifically asked the State to provide information about a range of measures to address Article 12 (Equal recognition before the law). Of particular relevance to the current request for tender, the Committee asked for information about measures:

"to review the operation of the Assisted Decision-Making (Capacity) Act with a view to removing the functional test of mental capacity, abolishing all forms of substitute decision-making and recognising the legal capacity of persons with disabilities on an equal basis with others;...

to remove the inherent jurisdiction provision in the 2022 Amendment Act which enables the High Court and the Circuit Court to bypass the requirement to have regard

to the will and preference of the person and enables courts to make substitute decisions regarding the care, treatment and detention of the person;...

to ensure that the transfer of Wards of Court to the Decision Support Service does not result in continued substitute decision-making, that persons with disabilities (Wards) and their families are consulted on the transfer, that safeguards are in place to protect the property and finances of discharged Wards, and that there is an investigation and complaint mechanism to address investments previously made with funds and managed by the Wards of Court system.”¹³

Independent Monitoring Mechanism on UNCRPD

Article 33 of the UNCRPD provides that State Parties must designate an independent mechanism to promote, protect and monitor implementation of the Convention.¹⁴ The Commission was designated the Independent Monitoring Mechanism (‘IMM’) for the UNCRPD by an amendment to its legislation provided by Section 103 of the Assisted Decision-Making (Capacity) (Amendment) Act 2022.¹⁵ Section 10(2) of the IHREC Act, providing the Commission’s functions, was subsequently amended by the insertion of the additional functions to ‘promote and monitor the implementation in the State of the Convention on the Rights of Persons with Disabilities.’¹⁶

The role of the IMM includes:

- › Promoting the UNCRPD through awareness raising, capacity building, legislative review and collaborating with international and regional human rights groups and other national institutions.

¹³ Committee on the Rights of Persons with Disabilities, [List of issues in relation to the initial report of Ireland](#) (2025).

¹⁴ UNCRPD, Article 33 provides that State Parties must designate a focal point in Government for matters relating to the implementation of the Convention, at least one independent mechanism to promote, protect and monitor implementation and must also ensure the involvement and full participation of civil society, in particular people with disabilities and their representative organisations.

¹⁵ Assisted Decision-Making (Capacity) (Amendment) Act 2022, Section 103(a)(ii) by the insertion of the following paragraph after paragraph (h): “(ha) without prejudice to the generality of the paragraph (b) or (h), to promote and monitor the implementation in the State of the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006.”

¹⁶ Irish Human Rights and Equality Commission Act 2014, Section 10(2)(ha).

- › Protecting rights by conducting inquiries, taking part in judicial proceedings, considering individual and group complaints, and issuing reports on complaints received.
- › Monitoring the implementation of the UNCRPD by developing benchmarks and indicators, carrying out impact assessments of relevant laws and policies and gathering information on State activity.
- › Preparing independent reports on the State's performance implementing the UNCRPD and level of compliance achieved.

Coordinating National Preventative Mechanism under the Optional Protocol on the Prevention against Torture

Ireland is expected to give domestic legal effect to the Optional Protocol on the Convention Against Torture ('OPCAT') through the commencement of the Inspection of Places of Detention Bill, which is listed for priority drafting in the [Government Legislation Programme Spring 2026](#).

OPCAT requires States to establish a system of regular, proactive visits by independent National Preventive Mechanisms ('NPM') to places where people are deprived of their liberty, to prevent torture and other cruel, inhuman or degrading treatment or punishment. The scope of OPCAT extends to public or private custodial settings, including prisons, police stations, mental health facilities, care and residential centres, nursing homes and immigration detention facilities.

The 2022 General Scheme of the Inspection of Places of Detention Bill proposes to introduce a multi-body NPM model in Ireland and designates IHREC as the Coordinating NPM. As set out in the General Scheme, the functions of IHREC may include liaising with international bodies and coordinating NPM submissions; advising NPMs on systemic issues arising from their reports; providing guidance to NPMs in carrying out their obligations under OPCAT; and, in consultation with all relevant NPMs, making recommendations to the State on issues relating to places of detention in Ireland.

Third-party research

Some recommended sources of further relevant information for this research include:

- › Publications and commentary of Disabled Persons Organisations and wider civil society groups individually publishing research on specific areas.
- › Annual and thematic reports of relevant statutory bodies including, for example, the Mental Health Commission, the Decision Support Service, the Courts Service, the National Advocacy Service and the National Disability Authority.
- › Decisions published by the Courts regarding inherent jurisdiction, wardship and assisted/supported/substitute decision-making.
- › Academic literature.
- › Reports, concluding observations and general comments of human rights treaty bodies.
- › Reports and research of relevant international bodies.

Please note the above list is not intended to be exhaustive. It is our expectation that the successful tenderer will identify and consider relevant academic analysis, legal analysis and relevant domestic case law. It is our expectation that they will also review and consider relevant international analysis, and in particular guidance, recommendations and commentary of the UNCRPD.

Data Protection

The protection and security of an individual's personal data is of the utmost importance to the IHREC. All suppliers of service should have in place policies, procedures and processes that comply with their obligations under the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (EU 2016/679). Where the supplier is acting as a data processor, the supplier will be expected to enter a data processor agreement with IHREC.

Tenderers are required to confirm their compliance in this regard.

Specification of Requirements

IHREC is seeking proposals and quotations from suitable qualified individuals or organisations who wish to be considered to undertake research regarding the application of the Assisted Decision-Making (Capacity) Act and its intersection with the UNCRPD.

This proposal should take account of the upcoming review of the State by the UNCRPD Committee in 2027; the review of the functioning of the ADMCA that the State must complete by April 2028;¹⁷ and IHREC's specific mandates as IMM and prospective Coordinating NPM pursuant to OPCAT.

Specifically, the research would include the following:

Legal review and comparative analysis

A comparative analysis of the application of Parts 5 and 6 of the ADMCA in the Irish Courts, including any variations in the application of the principles and procedures set out in the ADMCA in relation to assessments and decisions regarding functional capacity. This analysis should consider the procedures with reference to the UNCRPD, and could consider:

- › Application of relevant rules, procedures and practice directions;
- › Tools and templates used to assess, report and inform on decision-making capacity;
- › Evidence of AMDCA principles and UNCRPD principles in decisions by the Irish Courts regarding decision-making capacity and autonomy;
- › Accessibility of the process for disabled people, their families, advocates and Committees.
- › Scope and extent of decisions made by the Irish Courts and consideration of any themes and variations of approach observed.

¹⁷ [Assisted Decision Making \(Capacity\) Act 2015](#) Part 12, para 146.

Availability and access to supports

A mapping of the supports provided to the relevant person,¹⁸ the effectiveness of awareness-raising regarding these supports to people with a range of circumstances, including cognitive impairments, and a review of the extent to which these adequately meet their needs and the needs of their natural or court appointed supporters (e.g. decision-making representatives/supporters, GALs, Independent advocacy, legal representatives, etc).

Analysis and recommendations

These should address issues identified and provide recommendations in relation to legislative, policy and practical measures as appropriate that would advance the full implementation of the UNCRPD in Ireland; and with a view to providing evidence and analysis to respond to the queries set out by the UNCRPD Committee as set out above.

It is our expectation that this research will require a mixed method approach, including desk research and qualitative and quantitative data collection and analysis, including observation of judicial proceedings.

It is anticipated that engagement with experts by experiences, including disabled people and people who support them, may inform the research process and its findings, with due regard for relevant ethical and practical considerations. Good practice in research ethics recognises that research studies should ‘do no harm’; that studies are conducted with the full and informed consent of participants, confidentiality is protected and that the collection, storage, use and disclosure of data must comply with the Data Protection Acts 1988 to 2018.

Prospective individuals and organisations should demonstrate how they will adhere to international standards with regards to ethics in research.

The final report would provide robust analysis and recommended actions which will support IHREC to engage with government and any relevant State bodies regarding legislative and

¹⁸ The ADMCA defines the ‘relevant person’ as “a person whose capacity is in question or may shortly be in question in respect of one or more than one matter; a person who lacks capacity in respect of one or more than one matter, or a person who falls within *paragraphs (a) and (b)* at the same time but in respect of different matters.

policy reform and to provide evidence to inform effective reporting domestically and to international human rights mechanisms.

To effectively communicate and disseminate the findings of the final report, the successful Tenderer will be required to present the report's findings to IHREC staff and relevant stakeholders. This event could take the form of a workshop or information dissemination presentation and should be accompanied by an information note that communicates the overarching findings and recommendations arising from the legal analysis. The event can take place at IHREC's event space and costs associated with running the event (such as event space fees, catering and ISL interpretation) will be covered directly by IHREC and these expenses do not need to be included in Tenders. This will not include travel and incidental the costs borne by the research team.

Responding Tenderers should have a strong track record in providing the required services, preferably to organisations working in equality and human rights, including in the area of disability, and/or public sector bodies with specific statutory mandates.

Proposals must address all of the following matters in the order in which they are set out.

Award Criteria

Marks will be awarded according to the award criteria outlined in the Table below. The total number of marks available is one thousand (1,000). Marks will be rounded to the nearest whole number. Tenderers who do not meet the minimum marks per criterion will be eliminated.

Award Criteria	Maximum Marks Available	Minimum Marks per Criterion
A: Cost	400	N/A
B: Timing of completion	50	20
C: Relevant experience, expertise and samples of previous work	300	120
D. Approach and methodology to service delivery	250	100
Total	1,000	N/A

A: Cost Criteria (400 marks)

A detailed cost schedule, with a detailed breakdown of the following rates for the proposed individual/individuals is required. Failure to provide all rates requested below may result in your elimination from the competition.

Resource	Daily rate	Half-day rate	Estimated No. of Days Required
Proposed Individual			

Tenderers must include the daily/half-day rates for the proposed individual/s and may add new rows for additional individuals if required. Tenderers should include the specific title for each proposed team member.

Tenderers should state a total fixed cost for providing all of the required services (including a daily rate, if appropriate). Submitted quotations should confirm that quoted costs hold good for 90 days after the closing date for receipt of quotation.

Specifically, tenders should state the fixed cost for carrying out all of the work required to satisfy the requirement specification. This sum shall include all costs e.g.

The daily rate and number of days being charged in respect of each individual to be involved in the project.

- (a) The costs must be in euro.
- (b) Travel costs, travel time, subsistence and other incidental expenses are not reimbursed by IHREC.
- (c) The costs shall be exclusive of all taxes including VAT. VAT and other appropriate taxes shall be quoted separately where appropriate and at the appropriate rate. Where VAT is not applicable this should be explicitly stated.
- (d) Unquantified costs will not be accepted.
- (e) Tenderers should indicate clearly any discounts to which the Commission may be entitled, including:
 - Public sector discounts
 - Any other discounts
- (f) Tenderers should provide an itemised breakdown of the cost of any options being proposed beyond the minimum requirements.
- (g) IHREC will not be responsible for any errors on the calculation of the costs provided in response to this Request for Quotation. It is the responsibility of bidders to ensure that the costs quoted are correct and properly calculated.

Cost Criteria Scoring

IHREC reserves the right to evaluate the pricing based on a blended rate or any combination of the pricing table supplied using the cost criterion formula below. Pricing will be evaluated in the same manner across all submissions received.

The following formula will be used:

Lowest tendered cost multiplied by the max number of marks available (400)

This is then divided by the cost under evaluation

Qualitative Criteria (600 marks)

B: Timing of Completion (50 marks)

Tenderers should set out how they plan to deliver the required outputs in the required timeframe. We anticipate delivery of this project by **November 2026**. Tenderers should also provide a detailed breakdown of allocated time. Risks and mitigants should also be considered.

C: Relevant experience, expertise and samples of previous work (300 marks)

Tenderers should provide comprehensive detail regarding their suitability for this project and subject matter expertise. This should include setting out relevant expertise, skills and experience in matters related to disability law and policy. Tenderers are required to demonstrate a strong understanding of the UNCPRD and familiarity with the ADMCA as well as with the Irish judicial system and Courts. Tenderers are asked to provide CVs and should reference relevant examples of previous work particularly work which has culminated in the publication robust analysis and policy recommendations.

D: Approach & Methodology to Service Delivery (250 marks)

Tenderers are asked to provide comprehensive detail as regards their Proposed Approach & Methodology to the delivery of the project outlined to the IHREC from inception to completion. Proposals should outline the proposed approach to project planning, literature and evidence review, stakeholder engagement and the preparation of the final report.

Qualitative Criteria Scoring

Scoring of the Qualitative Award Criteria will be based on an assessment of the information provided by the Tenderer in their response document.

The Evaluation Panel will assess the information provided for each criteria and marks will be awarded using the following scoring methodology:

Scoring Methodology Award Criteria B,C,D

Weighting	Meaning
80%-100%	An excellent response, with very few or no weaknesses, that demonstrates a complete understanding of requirements and provides comprehensive and convincing assurance that the Tenderer will deliver to an excellent standard.
60%-79%	A very good response that demonstrates real understanding and fully meets the requirements and assurance that the Tenderer will deliver to high standard.
40%-59%	A satisfactory response which demonstrates a reasonable understanding of requirements and gives reasonable assurance of delivery to an adequate standard but does not provide sufficiently convincing assurance to award a higher mark.
20%-39%	A response where reservations exist. Lacks full credibility/convincing detail, and there is a significant risk that the response will not be successful.
1%-19%	A response where serious reservations exist. This may be because, for example, insufficient detail is provided, and the response has fundamental flaws, or is seriously inadequate or seriously lacks credibility with a high risk of non-delivery.
0-0%	Response completely fails to address the criterion under consideration

Application Process

Tenderers must include the following with their response:

1. Proposal for providing the service, including a response to each award criteria as outlined above.
2. Tax clearance information.

Failure to provide the above may result in your elimination from this competition.

Submitting your application

Please forward an application before 12 noon on Thursday 14th May 2026 by email to procurement@ihrec.ie with “RFQ Assisted Decision-Making” in the subject line.

Requests for clarification can be submitted via email to procurement@ihrec.ie before 12 noon on Thursday 7th May 2026.

Acknowledgements

An acknowledgement email will be issued within 48 hours for all RFQ submissions received.

If you do not receive an acknowledgement of your RFQ submission, please telephone the procurement office on 01 859 2524/ 2642 to ensure your submission has been received.

This procurement competition (the “Competition”) will be conducted in accordance with [Circular 05/2023](#) of the Department of Public Expenditure NDP Delivery and Reform.

Publication of Contract

IHREC is required to publish certain contracts to the eTenders platform. IHREC reserves the right to award the contract subject to the successful tenderer completing the acceptance process through eTenders.



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