

Annual Report 2020



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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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Report to the Houses of the Oireachtas

I hereby submit the annual report of the Irish Human Rights and Equality Commission to the Houses of the Oireachtas pursuant to section 28(1) of the *Irish Human Rights and Equality Commission Act 2014*. This annual report covers the period from 1 January to 31 December 2020.

A handwritten signature in black ink, appearing to read 'Sinéad Gibney', written over a horizontal line.

Sinéad Gibney
Chief Commissioner

Message from the Commission

2020 was a year like no other. Our global society experienced a crisis in the Covid-19 pandemic that compares to nothing in living history. It reached into all of our lives in different ways, exposing deep inequalities in our society, worsening some and forcing the State to urgently address others.

Women have fared worse, taking on a larger share of home commitments brought about by home-working and home-schooling, experiencing increased levels of domestic violence and a greater impact of the loss of work, representing a majority of those employed in precarious and part-time labour.

And those in or at risk of poverty have, as ever, had to deal with a tougher crisis than others. Poor living conditions, especially overcrowding, have made it harder to adhere to public health measures. Many are also on the wrong side of the digital divide, making the switch to online services, which eased the experience for so many of us, limited or sometimes impossible. People living in Direct Provision similarly found that living conditions created greater exposure to the virus. Our prison population fared well in terms of infection but bore the flipside of those increased restrictions and the distress that this caused.

People with disabilities saw a rollback of services that has been devastating, causing stagnation or indeed regression for some, and extreme isolation for many others. Children with specific educational needs were impacted by the switch to digital which left them, in many instances, without access to appropriate education.

By far, the group who experienced the greatest impact of this virus were the older

people in our community. People aged over 65 account for 92% of those who've lost their lives to Covid-19. The disproportionately high death rates from Covid-19 in nursing homes and other congregated settings has proven that these are not a viable residential solutions for our times.

Covid-19 also prompted, particularly in the early stages, a remarkable community response. Our solidarity was awoken as we realised the gravity of the situation and the response that was required of us all. As our frontline workers took on the biggest public health challenge of our lifetime, a community of volunteers responded, providing food to workers and core services to vulnerable members of our community. And we all responded to the public health measures, playing our own part in the collective effort required to combat the virus.

As with all workplaces, the Commission had to react to the pandemic and the restrictions, adjusting how we work, and what we could do. Like many organisations, this included moving all of our operations online, with the challenges that brings for staff working remotely. We also turned our attention to the specific challenges brought about by the pandemic.

This included:

- » A recommended review of the Department of Health's guidance framework on prioritisation in access to critical care in the context of Covid-19 to ensure this important guidance meets the highest standards of human rights and equality compliance.
- » The particular issues faced by people with a disability during this crisis, particularly with respect to the impact of the Covid-19 response on the rights of people in residential care settings; on service

provision; and on personal supports. The Commission appeared before the Special Committee on Covid-19 Response on these issues in July 2020.

- » The legislative framework underpinning extraordinary measures introduced over the course of the pandemic, and the imperative that these are legal, proportionate, fair and non-discriminatory, and subject to appropriate democratic oversight. The Commission appeared before the Special Committee on Covid-19 Response on these matters in September 2020.
- » Communication to An Garda Síochána on the critical importance of transparency in the exercise of extraordinary policing powers introduced during the pandemic, and specifically the need to collect and publish disaggregated data on their use. The Commission also communicated its view that other policing measures specific to the pandemic, such as Anti-Spit Guards, should also be temporary.

2020 was also a year of significant change for IHREC. I took up the post of Chief Commissioner in July, along with a group of ordinary Commission Members; six new – Kathleen, Adam, Lucy, Jim, Rosaleen and Michael, and two returning – Sunniva and Ray. Given the protracted nine month period between the terms of myself and my predecessor, I would like to take this opportunity to express my deepest gratitude to the Commission Members who carried on the work of the Commission in that time. Using a rotating system to fulfil the role of Chief Commissioner, my six colleagues – Frank, Salome, Colm, Heydi, Tony and Caroline – dedicated a huge amount of time and effort, working closely with the staff, to keep things moving until I was able to take office in late July. I would like to take the opportunity to thank former Commission

Member Patrick Connolly, who left the Commission in February, for his contribution. And thanks also to my predecessor, Emily Logan, for leading the Commission through its first five years. I wish you all the best in your new role as Commissioner in the Garda Síochána Ombudsman Commission.

In this annual report, you'll learn about the extensive and varied work carried out by the staff of IHREC over the course of 2020. Much of our work bears fruit over many years, so it's also important to recognise the contribution of staff and Commission Members who've moved on. Our mandate as an organisation is to promote and protect human rights and equality in Ireland and to create a culture of respect and understanding for equality, human rights and interculturalism. To deliver on this mandate, the team uses IHREC's extensive legal powers, a range of policy and research mechanisms, and a diverse set of initiatives under the strategic engagement umbrella. Rather than try to summarise it all, I'd like to draw your attention to the following examples of vital and exciting work carried out in 2020 by our team:

- » At the end of 2020, we launched a national campaign to raise awareness of the impact of racism under the banner "Because We're all Human. Means We're all Equal".
- » Our research programme continued to develop our equality and human rights evidence base, including a new report on *"Hidden Versus Revealed Attitudes: A List Experiment on Support for Minorities in Ireland"*, comparing anonymously expressed attitudes to those expressed more openly in order to better understand how people respond to certain issues when polled.
- » We completed a number of Equality Reviews in 2020 into Traveller Accommodation provided by Local

Authorities; practices and procedures relating to access to bank accounts for asylum seekers and refugees; and the experience of service users who access opioid treatment services.

I've had the opportunity to work with our Director, Laurence Bond before, during my own stint as inaugural Director of IHREC. It has been a pleasure to work alongside him once again. His passion, commitment and expertise are unwavering. It's been a pleasure also to see new and old faces in the staff, carrying out the crucial work of IHREC. This is a group of people who care greatly about equality and human rights, who have deep and broad expertise in these areas and who work hard every day to make Ireland a more just and inclusive society. Thank you for all that you do.

The pandemic has provided us with an opportunity to endorse human rights and equality values in a way that was unforeseen until now. Human rights and equality can help us to build a society that is more resilient, solidified, united and equal. We've seen what it means to inflict a crisis on an unequal society. We must not let that happen again.



A handwritten signature in black ink, reading 'Sinéad Gibney'. The signature is written in a cursive style and is positioned above a thin horizontal line.

Sinéad Gibney
Chief Commissioner

Who We Are

The Irish Human Rights and Equality Commission was established on 1 November 2014, as an independent public body under the *Irish Human Rights and Equality Commission Act 2014*. The Commission is Ireland's independent national human rights institution and its national equality body.

The Commission Members are appointed by President Michael D. Higgins, following a resolution by both Houses of the Oireachtas. The Commission operates independently of Government, with its institutional independence guaranteed in its establishing legislation, which provides for accountability of the Commission for its statutory functions to the Oireachtas.

Statutory Mandate

The overall statutory functions of the Commission provided for in section 10 of the legislation 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.

In undertaking its mandate the Commission is explicitly tasked with contributing to the development of a society in which:

- » there is respect for, and protection of, each person's human rights;
- » there is respect for the dignity and worth of each person;
- » a person's ability to achieve his or her potential is not limited by prejudice, discrimination, neglect or prohibited conduct;
- » each person has a fair and equal opportunity to participate in the economic, political, social or cultural life of the State; and
- » there is mutual respect between persons, including classes of persons, based on a shared understanding of the value of diversity within society and on a shared respect for equality and human rights.

Commission Members in 2020



Above from left to right: Sinéad Gibney - Chief Commissioner, Adam Harris, Professor Caroline Fennell, Colm O'Dwyer SC, Dr Frank Conaty, Heydi Foster-Breslin, Jim Clarken, Professor Kathleen Lynch, Dr Lucy Michael, Michael Finucane, Professor Ray Murphy, Dr Rosaleen McDonagh, Dr Salome Mbugua, Sunniva McDonagh SC, Tony Geoghegan

Report of Activity



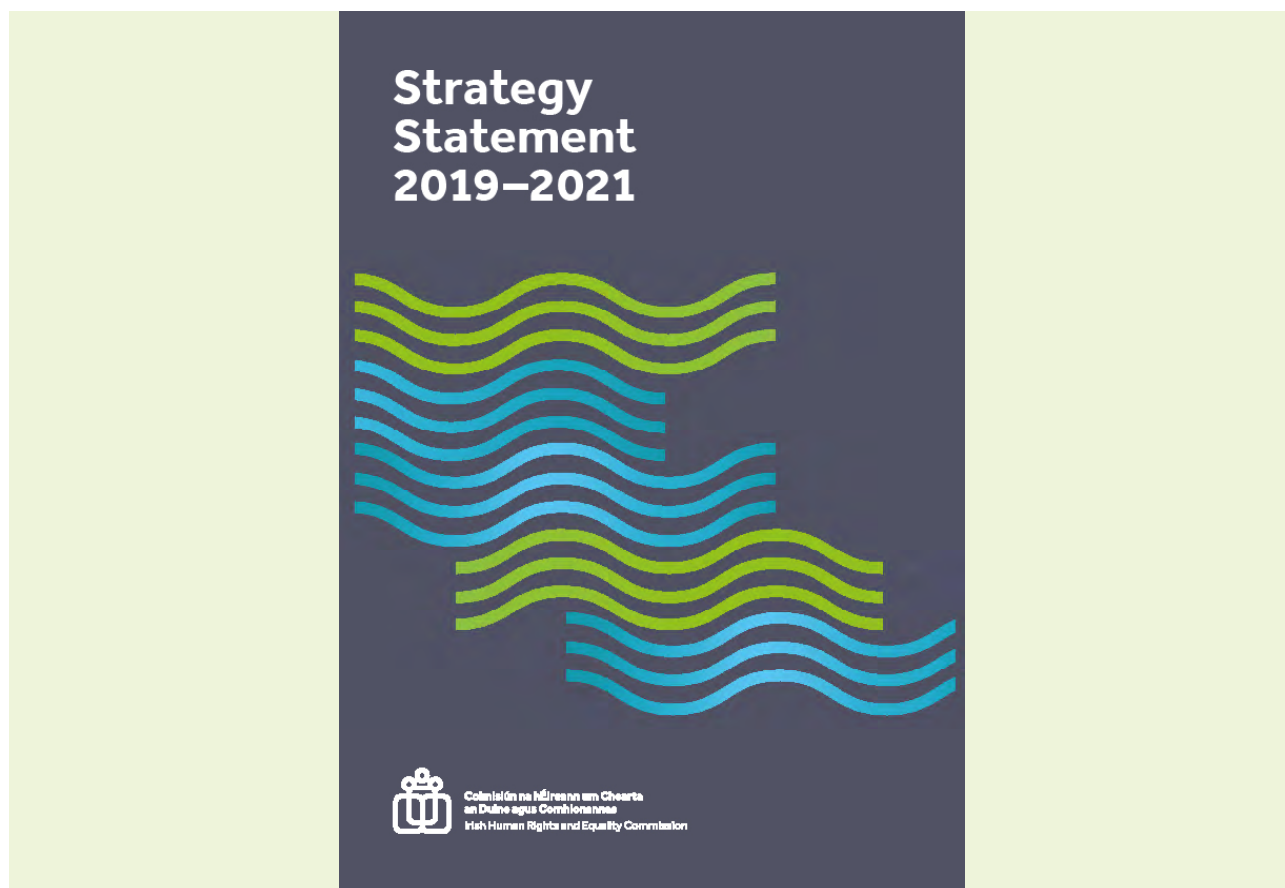
Introduction

This Annual Report covers the second year of IHREC's *Strategy Statement 2019-2021*. It sets out our activities during 2020 to advance each of the Commission's four strategic priorities:

1. To protect the rights of individual persons who face the greatest barriers to justice;
2. To influence legislation, policy and practice;
3. To engage with key organisations to address discrimination and human rights abuses; and
4. To raise the quality and broaden the extent of the dialogue on human rights and equality issues.


Section five then reports on how we have delivered on our corporate and compliance responsibilities during the year under review.

Finally, in the sixth section we report on our work to implement the Public Sector Equality and Human Rights Duty, as required of all public bodies under Section 42 of the *Irish Human Rights and Equality Commission Act 2014*.



STRATEGIC PRIORITY 1: **Protect the rights of individual persons who face the greatest barriers to justice**

OBJECTIVES

- » Ensure through public information campaigns and digital engagement that the rights and equality of individuals and the means to vindicate them are widely understood;
 - » Provide people facing discrimination and human rights violations with the knowledge, skills and information necessary to vindicate their rights; and
 - » Assist individuals in situations of particular concern to vindicate their rights through our enforcement powers
- 

Providing Information to Individuals on their Rights

Through its 'Your Rights' information service, the Commission provides information to the public on the rights, remedies and obligations provided for under human rights law and equality law in Ireland. This includes the *Equal Status Acts 2000-2015*, the *Employment Equality Acts 1998-2015*, section 19 of the *Intoxicating Liquor Act 2003*, the *European Convention of Human Rights Act 2003-2014* and the Irish Constitution. Your Rights is the most visited section of our website, accounting for approximately 23% of all page views (116,893 page views). Approximately half of these page views were to the section on issues at work.

During 2020 we also responded to 1,732 individual queries, compared to 2,165 in the previous year.

The infographic on the following page provides highlights of the 2020 queries received and further details are included in **Appendix 8**.

“ I just want to let you know I have secured employment, it's amazing when advice and support from one person could make me focus on first getting a home, now a job ... I've gone from the worst possible thoughts that they would be better off without me to seeing a future for us. Also I have used the advice to help a couple of people I met with HAP problems which is priceless. Thanks again.

- Your Rights Service User

1,732

queries about human rights and equality law
were handled by 'Your Rights' in 2020

610 related to the <i>Equal Status Acts 2000-2018</i>	328 related to the <i>Employment Equality Acts 1998-2015</i>	422 related to Human Rights	9 related to the <i>Intoxicating Liquor Act 2003</i>
34% Disability Ground	35% Disability Ground	16% Decent Work	44% Membership of the Traveller Community Ground
19% Housing Assistance Ground	20% Gender Ground	15% General, especially Covid related	22% Age Ground
15% Race Ground	17% Race Ground	12% Homelessness & Social Housing	11% Family Status Ground / Sexual Orientation Ground and Ground Unstated.

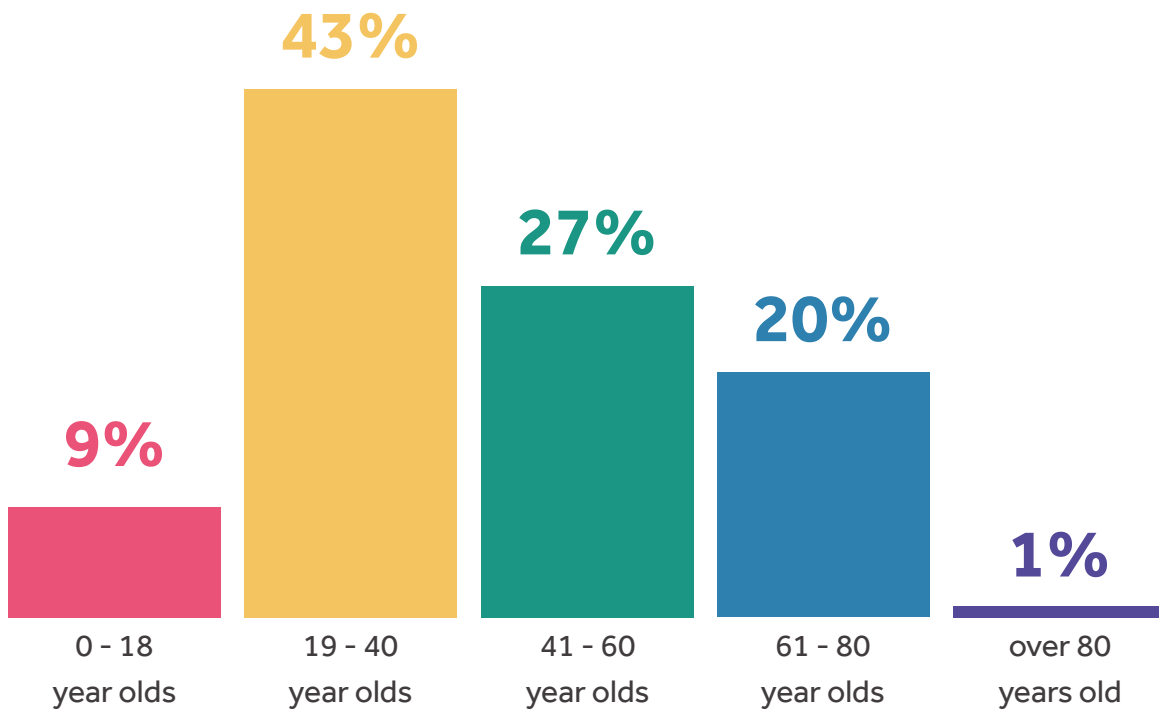
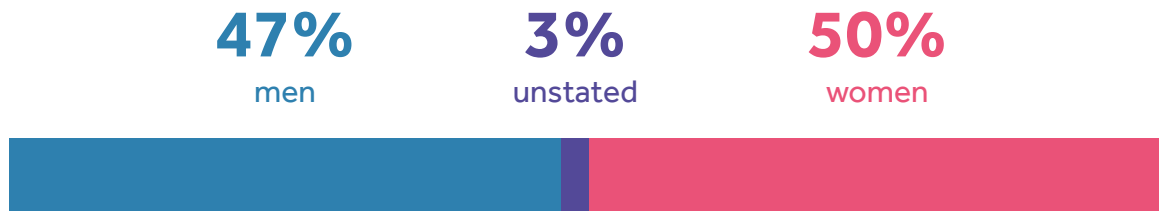
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queries related to equality but which were not covered by the *Employment Equality Act*, the *Equal Status Act* or the *Intoxicating Liquor Act*.

352

referrals to other information resources or services, including for example the Workplace Relations Commission, Ombudsmans' offices, regulatory bodies such as the Data Protection Commission and Consumer Protection Commission, or to the Legal Aid Board and FLAC.

Who is contacting us



Covid-19 issues

There were approximately **221 queries** directly identified as related to Covid-19 and human rights and equality. This represents **13%** of the total queries.

Providing Legal Assistance to Individuals

Under Section 40 of the *Irish Human Rights and Equality Commission Act 2014*, the Commission can, in certain circumstances, give legal assistance to a person who wishes to bring a matter relating to equality or human rights before the Workplace Relations Commission or the Courts. The assistance provided can be legal advice only or legal advice and representation.

At the beginning of 2020, we had 139 individual clients who had been granted legal assistance and whose cases were ongoing. Of these, 86 had been approved for legal advice only and 53 had been approved for legal advice and representation. A further 24 applicants were awaiting a decision on their application for assistance.

During 2020, 124 new individual applications for legal assistance were received, 77 applications were approved, of which 22 approvals were for legal advice only and 55 for advice and representation, 22 applications were refused and 18 were withdrawn.

We completed our work on 40 client files during 2020, including some that had been opened in previous years. 13 of these clients were given legal advice only, while 27 were provided with legal representation. Details of these completed matters are set out in the tables below.



Legal Advice Assistance Completed in 2020

During 2020, 13 client files granted legal advice assistance but not legal representation were concluded across the following areas:

Employment Equality Acts 1998 – 2015:

Ground of Discrimination	No. of clients	Issue
Age	1	Definition of employee for the purposes of the Employment Equality Acts

Equal Status Acts 2000 – 2018:

Ground of Discrimination	No. of clients	Issue
Disability and Age	1	Access to disability residential services for persons over 65 years of age
Disability	1	The refusal of disability allowance due to a habitual residence condition, which requires applicants to demonstrate work history in the State
Disability	1	Access to a housing transfer on medical grounds
Family Status	1	Provision of certain banking services to persons in receipt of Carer's Allowance
Religion	1	Exclusion from a school transport scheme on the religion ground

Intoxicating Liquor Act 2003:

Ground of Discrimination	No. of clients	Issue
Disability	1	Whether a licensed premises is obliged to provide reasonable accommodation to a person with a disability.

Human Rights:

No. of clients	Issue
1	Access to the Housing Assistance Payment ('HAP') Scheme for a person with a disability
1	Breach of Constitutional and European Convention on Human Rights including right to information and right to private and family life through illegal adoption
1	Right to an effective remedy as a survivor of child sexual abuse
1	Lack of support services to access facilities during the night for a person with a disability in a supported living accommodation service
1	Whether an applicant for a job is required to disclose spent convictions in another jurisdiction
1	Access to a fund established from Irish religious congregations offering financial support to survivors of residential institutions

Legal Representation Assistance Completed in 2020

During 2020, 18 cases involving 27 individual clients granted legal advice and representation were decided or otherwise concluded.

Cases under the *Employment Equality Acts 1998 – 2015*:

Case & Ground	No of clients	Issue	Outcome
A Former Employee v. An Employer	1	A former employee alleged discrimination on the age ground in relation to their retirement from the employer.	The employee referred a complaint to the Workplace Relations Commission. The case settled before going to hearing.
		Age ground	
Brian Fitzpatrick and Ronald Boyle v. The Commissioner of the Garda Síochána and The Minister for Justice, Equality and Law Reform	2	Two men were refused entry to the Garda Síochána based on the <i>Garda Síochána (Admission and Appointments) Regulations 1988</i> (the 'Regulations'), which set the upper age limit for entry as a trainee at under 35. Following their rejection, the men brought complaints before the Equality Tribunal (the predecessor to the WRC) on the basis that the maximum age limit for entry to the Garda Síochána amounted to age discrimination under the Employment Equality Act 1998. The cases were put on hold for a considerable period, pending the resolution of Judicial Review proceedings in the Superior Courts, and ultimately saw the Supreme Court refer the case to the Court of Justice of the European Union ('CJEU'). The CJEU ruled that the WRC, as a body tasked with giving effect to EU law, had the authority to disapply Irish law that conflicts with existing EU law. This ruling cleared the way for the two men's cases to proceed.	The WRC ruled in the two men's favour, holding the upper age limit to be discriminatory. Compensation of €12,700 which was the maximum possible under the equality legislation in force at the time was awarded to each man for "the distress suffered as a result of this discrimination".
		Age ground	
A Job Applicant v. A Company	1	A job applicant had an offer of a job interview withdrawn by a Company on his disclosure that he is deaf.	The case was settled prior to WRC hearing taking place.
		Disability ground	

Robert Cunningham v. The Irish Prison Service	1	This case examined whether the Irish Prison Service (IPS) must provide reasonable accommodation under the Employment Equality Acts (EEA) to prison officers with disabilities. Having been successful in his 2017 Workplace Relations Commission (WRC) case, the Labour Court in 2018 overturned the WRC's decision, on appeal, and found that section 37(3) of the EEA served as a blanket exemption to the IPS from providing employees with disabilities any form of reasonable accommodation related to disability.	The High Court overturned the Labour Court decision. This matter is now the subject of a further appeal, by the IPS, to the Court of Appeal, where the Commission is again legally representing Mr. Cunningham. This appeal is ongoing.
Disability ground			
Yvonne O'Rourke v. The Minister for Defence	1	A former Captain in the Defence Forces had her maternity leave periods classified by the Defence Forces as being the equivalent of sick leave absences of a male officer. This saw her given a poor performance rating, which in turn impacted on her ability to secure mandatory training necessary for promotion to the rank of Commander.	The WRC awarded Ms. O'Rourke the maximum compensation of €117,814, that being two years' salary, for discrimination suffered, and ordered the respondent to pay interest on the award for the significant delay to the investigation and hearing of the case caused by the respondent. The WRC also ordered the Defence Forces to undertake a comprehensive review of training and information materials and local practices to ensure they are in line with anti-discrimination law by 31 December 2021 and to roll out a training course for all Defence personnel with staff responsibilities on the updated anti-discrimination material by 31 December 2022.
Gender ground			

Cases under the *Equal Status Acts 2000 – 2018*:

Case & Ground	No. of Clients	Issue	Outcome
An Applicant v. A Café Disability ground	1	A woman, who is blind and a guide dog owner, was told she could not sit in a café to eat and could only order food for takeaway, as the owner of the café has an allergy to dogs.	The woman made a complaint to the WRC. The matter was resolved by the parties prior to WRC adjudication taking place. The café owner agreed to pay €1000 to the woman, to provide training on equality law to its staff and to draft an equality policy. The café owner also agreed to ensure that any policy that excludes dogs from the premises shall not apply to guide/ assistance dogs, and to prominently display a sign confirming that guide/ assistance dogs are welcome.

A Service User v. A Government Agency	1	A person in receipt of disability allowance was excluded from the Warmer Homes Scheme run by a Government Agency as this was not one of the six qualifying welfare benefits.	Resolved through mediation – the government agency reviewed its Scheme eligibility rules and committed to expanding the Scheme to include those in receipt of Disability Allowance.
Disability ground			
An Applicant v. The HSE	1	The HSE refused to backdate a woman's Blind Welfare Allowance to her 18th birthday, in circumstances where she had only become aware of this entitlement 18 months later and by chance.	The case was settled, with the HSE agreeing to backdate the allowance to her 18th birthday and to cover her legal costs.
Age ground			
A Client v. A Landlord	1	A man had been awarded €4,000 by the WRC due to discrimination on the Housing Assistance ground but this amount was not paid by the landlord. The Commission extended legal representation to include enforcement proceedings of the WRC decision before the District Court.	Pre-litigation resolution reached – the landlord made payment of the full amount.
Housing Assistance ground			
A Prospective Tenant v. A Property Agency	1	A father, who moved to Dublin to secure work, had viewed the rental property, agreed a tenancy, signed the agreement and paid the deposit. While finalising the rental he disclosed that he was using the Housing Assistance Payment (HAP). The letting agent informed him that the landlord didn't like HAP. Subsequently he was informed by the agent that the landlord had rented the property to someone else.	The WRC found that the man had been discriminated against on the housing assistance ground. The WRC ordered the letting agent to pay compensation of €8,500 to the man and to immediately equality-proof the application process for its tenancies, to include a standard operating procedure with a chronological documentation of the process to record both parties' involvement in the entire process. The WRC also ordered the letting agent to familiarise itself with HAP and the statutory importance of the Equal Status Act.
Housing Assistance ground			
An Asylum Seeker v. A Statutory Agency	1	An asylum seeker applied for a learner driver permit so that she could learn to drive with a view to accessing better employment opportunities and childcare facilities. The statutory body responsible for issuing driver licences informed her that she needed to provide evidence of residency entitlement, which as an asylum seeker by definition she could not possibly provide. When she was unable to provide the requested documentation, the agency refused her application.	The WRC found the agency had indirectly discriminated against the woman, as an asylum seeker, on race ground. The WRC decision was subsequently appealed to the Circuit Court. The Circuit Court overturned the decision of the WRC. The Commission is providing legal representation to the woman in proceedings before the High Court appealing the Circuit Court decision. This matter is ongoing.
Race ground			

An Asylum seeker v. A Statutory Agency Race ground	1	A man was refused a learner driver permit on the grounds that he could not provide valid proof of residency.	The WRC found that the man had been indirectly discriminated against on the race ground and ordered the Agency to process the man's application for a learner permit and to pay him compensation of €2,500. The Agency appealed this decision. On appeal, the man, whose circumstances had changed, was only seeking to uphold the award of compensation. The appeal was resolved on the basis that the appeal would be allowed but the Agency would make a payment of €4,000 to the man.
An Asylum Seeker v. A Statutory Agency Race ground	1	A woman was refused a learner driver permit on the grounds that she could not provide proof of a Stamp 4 residency entitlement or an EU passport.	The woman did not file the complaint within the statutory timeframe.
A Naturalised Irish Citizen v. A Bank Race ground	1	A naturalised Irish citizen from a non-EEA country was contacted by his bank and asked to explain transactions on his account. He complied, but was uncomfortable with the line of questioning. Shortly afterwards, the Bank notified the man that they were closing down all his accounts. He referred a complaint of discrimination on the ground of race to the WRC.	Following protracted mediation, this matter was resolved to the satisfaction of the parties.

Cases under the *Intoxicating Liquor Act 2008*:

Case & Ground	No. of Clients	Issue	Outcome
Four Members of the Traveller Community v. A Pub Traveller community ground	4	Four members of the Traveller Community were refused entry to a pub.	This case was settled prior to proceedings in the District Court taking place.

Cases in Relation to Human Rights:

Case	No. of Clients	Issue	Outcome
An Individual v. A Public Body	1	The Commission represented a prisoner under the Constitution and the <i>European Convention on Human Rights</i> (ECHR) regarding the conditions of his detention – specifically the practice of slopping out.	The matter was resolved by way of settlement, prior to proceedings taking place in the High Court.
A Family v. A Local Authority	5	A family on the housing list experienced discrimination on the disability and race grounds when engaging with the local authority and 'family hub' accommodation.	The family filed a complaint with the WRC, but withdrew the complaint prior to the hearing as they had been provided with appropriate long term housing.
Two Applicants v. A Local Authority	2	Two people, who have a right to reside in Ireland under EU law, were refused access to the social housing list. Through correspondence, the local authority agreed to place them on the list, but refused to backdate their housing application to reflect their entitlement to social housing under EU law.	The case was settled prior to a hearing in the High Court taking place.

“ I'd like to thank the IHREC for their dedication and perseverance. Discrimination against citizens for receiving financial assistance from the State is abhorrent, elitist and utterly archaic. It inhibits and undermines social progress. I hope this decision will encourage landlords and estate agents to uphold citizens' rights, and will give tenants the confidence to demand the same.”

- Recipient of Legal Assistance

Tackling Discriminatory Advertising

IHREC v. Daft Media Ltd

In August 2019, the WRC decided in favour of the Commission in its almost three-year long own-name legal action against Daft Media Limited's online publication of discriminatory adverts on its property website daft.ie. In bringing its complaint to the WRC, the Commission used its powers under the Equal Status Acts to refer four adverts from the daft.ie website in 2016, which appeared to discriminate on the housing ('HAP'), age and family status grounds of the Equal Status Acts.

The WRC ordered Daft Media Limited to "refrain from publishing, or displaying or permitting to be published or displayed on its website" discriminatory adverts, and to "develop a methodology to identify, monitor and block discriminatory advertising on its website".

The WRC rejected Daft Media Limited's arguments that it was a 'mere conduit' for online content under EU law and rejected the claim that such EU law provisions rendered Daft Media Limited immune from complaint by the Commission. The adjudication also set out that the company "has a vicarious liability for advertisements placed on its website by third parties where these constitute a breach of the Equal Status Acts".

Daft Media Limited appealed against the WRC decision in the Circuit Court and the matter was ongoing at the end of the year.



Acting as *Amicus Curiae* & Third Party Intervener

The Commission can apply to the Superior Courts for liberty to appear as *amicus curiae* ('friend of the court') in proceedings before that court that involve, or are concerned with, the human rights or equality rights of any person. It is up to the Court, at its discretion, to grant or refuse our involvement.

As *amicus curiae*, the Commission does not represent any of the parties in the case; rather we assist the Court in respect of the human rights and/or equality issues relevant to the case.

At the start of 2020, we were involved in four ongoing cases as *amicus curiae* in the Superior Courts. Three of these pre-2020 cases concluded in 2020 and one was still ongoing at the end of the year.

The Commission was granted liberty to intervene in three further cases during the year. In one of these cases, the Court delivered its judgment in 2020, but proceedings were ongoing as to the form of the Court Order. One case was awaiting judgement, and one was ongoing at the end of the year.

The Commission also sought, and was granted, leave to make written submissions to the European Court of Human Rights as a third party intervener in one case.

At year end therefore the Commission was involved in five ongoing cases as *amicus curiae* or a third party intervener.

Please note that the reporting period covered here runs to 31 December 2020. For more recent developments in relation to these and other legal cases where the Commission is exercising its *amicus curiae* role, please visit www.ihrec.ie/category/press-releases

CASE: MAM V. THE MINISTER FOR JUSTICE AND EQUALITY AND KN V. THE MINISTER FOR JUSTICE AND EQUALITY (REFUGEE FAMILY REUNIFICATION) – SUPREME COURT

The Commission exercised its *amicus curiae* role before the Supreme Court in these cases involving family reunification for naturalised refugees. In the two test cases 'MAM' and 'KN', heard jointly by the Court due to the importance of the legal issues at stake, the Minister for Justice and Equality had refused applications for family reunification from two parties who had been granted refugee status under the *Refugee Act 1996* and were subsequently naturalised as Irish citizens. The Minister had refused 'MAM' family reunification with her husband, and 'KN' was denied family reunification with her adult daughter and two grand-daughters. The Commission's legal submissions to the Supreme Court focused on the right to family unity as guaranteed by Article 8 of the ECHR, submitting that acquiring nationality of the country of refuge, does not extinguish a right to family unity in that country.

The Commission argued that the Minister's refusal to allow 'MAM' and 'KN's close family to come to Ireland breached rights under the Constitution (Article 40 and Article 41) and the ECHR (Article 8) on the rights of family and its members, and the State's obligation to protect these rights.

Outcome: In its judgment, handed down on 19 June 2020, the Supreme Court rejected the Minister for Justice's interpretation of the *Refugee Act 1996*, setting out that

such an interpretation would lead to substantial legislative uncertainty when the purpose of the Act was to achieve clarity. The ruling reversed the judgments of the Court of Appeal and High Court, and recognised the European Court of Human Rights jurisprudence on the rights of refugees to family unity. The outcome paved the way for KN and MAM to seek family reunification through the formal process, and the Court also acknowledged that this judgment may also work to the benefit of 50 others in similar circumstances.

CASE: MKFS V. MINISTER FOR JUSTICE AND EQUALITY (VALIDITY OF MARRIAGE) – SUPREME COURT

The Commission exercised its *amicus curiae* role before the Supreme Court in this case, which concerned marriage and family rights in the immigration process. In this role, the Commission made available to the Supreme Court its expertise on the relevant domestic and international human rights standards under consideration. In its legal submissions the Commission set out the legal framework governing marriage under the Constitution, the ECHR and the *Charter of Fundamental Rights of the EU*.

Outcome: In its judgment, handed down on 27 July 2020, the Supreme Court overturned a High Court ruling that found that a marriage determined by the Minister to be one of convenience was legally void. The Court also ruled that the relevant Ministerial power, which determined the marriage in question to be a marriage of convenience, is confined

to an immigration/deportation context, and only entitles the Minister to “disregard” the marriage in a very specific context. The Court set out that the ECHR (Article 8) family rights need to be considered, having regard to the underlying relationship between the parties.

CASE: ALI CHARAF DAMACHE V. THE MINISTER FOR JUSTICE AND EQUALITY - SUPREME COURT

This case focused on the procedure for the revocation of Irish citizenship. It examined the lawfulness of the existing procedure under Section 19 of the *Irish Nationality and Citizenship Act 1956*, which provides for a power to revoke Irish citizenship from people who acquire Irish nationality. The Commission, as *amicus curiae*, made submissions to Court on both national and international human rights standards, and critiqued the existing procedure, arguing that the revocation of citizenship will necessarily and seriously affect civil rights including the right to private and family life, the right to vote, and other statutory entitlements.

Outcome: In its judgment, handed down on 14 October 2020, the Supreme Court ruled that the procedure to revoke Irish citizenship is unconstitutional. It held that the loss of citizenship is a matter of “grave significance” and ruled that the process for revocation must be robust.

Following the decision, the Court invited submissions as to the form of Order to be made. In its submissions, the State queried whether the entirety

of section 19 was unconstitutional, or merely parts of it. The Court then invited the parties, and the Commission as *amicus curiae*, to make further submissions regarding the extent of the declaration of unconstitutionality. Having reviewed the submissions, the Court set a hearing date of 14 January 2021 to determine the extent of its declaration.

CASE: IN THE MATTER OF JJ – SUPREME COURT

This case focuses on the rights of the child and the rights of minor wards of court. It concerned the medical treatment of John (not his real name), an eleven-year-old boy who suffered life changing neurological injuries in an accident.

The hospital treating John had obtained permission from the High Court to follow a course of treatment with which John's parents did not agree. The High Court order allowed the hospital, if deemed appropriate by John's medical team, to administer medication that could impact the boy's respiratory function. The High Court further held that his medical team could, if they deemed appropriate, withhold certain treatments, including admission to an Intensive Care Unit.

The Commission applied to the Supreme Court for leave to appear as *amicus curiae* ('friend of the court') on 4 December 2020. The Court granted permission on 15 December 2020. In its written submissions, the Commission submitted that any decision on John's treatment had to

be made in a way that balanced and protected his constitutional rights as a child, with due regard to the rights of his parents.

The Commission also queried whether the decision to make John a ward of court was a proportionate interference with his rights and the rights of his parents, given that it removed decision-making capacity from his parents.

Outcome: The matter was heard remotely in the Supreme Court over three days in December 2020 and judgment was reserved.

CASE: V. V. MINISTER FOR HEALTH AND ORS – HIGH COURT

This case centres on a man (V.) with an intellectual disability who wants to marry his fiancée. The couple were prevented from marrying following an application to the High Court to have V. made a ward of court. The President of the High Court granted an injunction to prevent the ceremony from going ahead. Concerns about V.'s capacity to marry were raised with the President of the High Court.

V.'s lawyers argued that a wardship inquiry was not the appropriate forum to determine his capacity to marry, because the legal tests for wardship and for the decision-making capacity to marry are different. If made a ward of court, the *Marriage of Lunatics Act 1811* would prevent V. from marrying his fiancée. Therefore, he would be prevented from marrying his fiancée before it could be determined whether he has the capacity to marry.

V. challenged the President of the High Court's decision to hear the wardship inquiry before determining whether or not he had capacity to marry.

V.'s legal team is challenging the constitutionality and compatibility with the ECHR of the High Court's wardship jurisdiction and the *Marriage of Lunatics Act 1811*.

The Commission was granted leave to intervene as *amicus curiae* by the High Court on 18 November 2020. As *amicus curiae*, the Commission will assist the High Court with submissions about the rights of people with disabilities under the Irish Constitution, the *UN Convention of the Rights of Persons with Disabilities* (UNCRPD) and the ECHR.

Outcome: These proceedings are ongoing.

CASE: FAULKNER V. IRELAND AND MCDONAGH V. IRELAND – EUROPEAN COURT OF HUMAN RIGHTS

The Applicants are challenging Circuit Court orders under section 160 of the *Planning and Development Act 2000*.

This case highlights significant human rights concerns regarding the rights of members of the Traveller community in respect of securing accommodation and the safeguarding of their homes through provision for appropriate procedural safeguards. In issue in this case is the effectiveness of Travellers' right of access to the courts and/ or their right to a fair trial under Irish law in vindicating their civil rights

(including the right to appropriate procedural safeguards in connection with Article 8, rights enjoyed in respect of their home) having regard to the functioning of the statutory civil legal aid regime in Ireland and the management of court listings by the Irish courts.

The Commission was granted leave on 21 December 2020 to intervene as a third party in these proceedings and to make written submissions to the Court.

Outcome: These proceedings are ongoing.


CASE: DIGITAL RIGHTS IRELAND LIMITED V. THE MINISTER FOR COMMUNICATIONS, MARINE AND NATURAL RESOURCES, THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM, THE COMMISSIONER FOR THE GARDA SÍOCHÁNA, IRELAND AND THE ATTORNEY GENERAL (DATA PROTECTION)

The case raises issues regarding the scope of the application of the EU Charter of Fundamental Rights (the 'Charter') and the Court of Justice of the European Union's jurisprudence on privacy rights; the substantive application of the proportionality principle and the relationship between the Charter, the Constitution and the ECHR.

Outcome: These proceedings are ongoing.

STRATEGIC PRIORITY 2: **Influence legislation, policy and practice**

OBJECTIVES

- » Hold government, public bodies, agencies and businesses to account;
 - » Continue to develop evidence-based decision-making through an active and ongoing research programme; and
 - » Use our enforcement powers including conducting an inquiry as most appropriate and proportionate, and move to enforcement of the Public Sector Equality and Human Rights Duty.
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Human Rights, Equality and Covid-19

Making recommendations to Government and policy makers to uphold and strengthen human rights and equality in the State is central to our mandate. The Covid-19 crisis presented an unprecedented challenge to the State, and its obligation to protect the rights to life and health. From the outset of the pandemic, the Commission stressed the need for the State to have regard to the human rights and equality impacts of its emergency decision making. During the year the Commission addressed the human rights and equality implications of the Covid-19 crisis in a wide range of policy submissions and statements.

Letter to An Taoiseach

In March 2020, the Commission wrote to An Taoiseach, Leo Varadkar, highlighting that whilst it recognises that is sometimes necessary to take exceptional measures to safeguard fundamental human rights, such as the right to life, and to protect the health of individuals and the community, such restrictions need to be legal, proportionate, fair and non-discriminatory, and that human rights and equality principles should inform their implementation.

Policing of pandemic related powers

The Commission wrote directly to Garda Commissioner Drew Harris on policing of pandemic related powers, in April 2020, setting out that the Commission considers that comprehensive information and disaggregated data is essential to assess whether extraordinary powers are being exercised proportionately, and whether they are being implemented in line with human rights and equality principles. The Commission also raised with the Assistant

Garda Commissioner our understanding that Anti Spit Guards (ASG) were introduced as an exceptional lawful use of force by An Garda Síochána in April 2020 with the primary objective to stop the transmission of infectious disease(s) such as Covid-19, and not as a restraint. The Commission noted and shared the concerns stated by the Policing Authority in relation to the use of the ASG.

Observations on national guidance on prioritisation in access to critical care in a pandemic

In May 2020, the Commission recommended a review of the Department of Health's guidance framework on prioritisation in access to critical care in the context of Covid-19.

The Commission made this recommendation in a written submission to the Minister for Health, to ensure this important guidance meets the highest standards of human rights and equality compliance, particularly in relation to those groups potentially most impacted. This submission was subsequently published on 3 July 2020.



Commission Member Caroline Fennell speaking at the Special Committee on Covid-19 Response, July 2020

Impact of Covid-19 on people in direct provision

In May 2020, the Commission wrote to the Minister for Equality, Immigration, and Integration, David Stanton T.D. to express our concern about the management of a

reported Covid-19 outbreak in the Skellig Star Direct Provision centre in Cahersiveen, Co. Kerry.

The Commission asked Minister Stanton to clarify the public health guidance which had been provided to residents and management of the Cahersiveen Direct Provision centre; actions taken by management to support the implementation of that guidance; and to advise what measures were being taken to protect the health and wellbeing of the residents there. In August 2020, further to the engagement with Minister Stanton, the Commission wrote to new Minister for Justice and Equality, Helen McEntee T.D. to voice its ongoing concerns for the safety and well-being of people in the Direct Provision system during the Covid-19 pandemic.

Exclusion of people in direct provision from PUP

In May 2020, the Commission wrote to the Minister for Employment Affairs and Social Protection, Regina Doherty T.D. to express our concern about the exclusion of residents of direct provision accommodation from the Pandemic Unemployment Payment (PUP) Scheme. The Commission outlined to Minister Doherty that the exclusion of formerly employed/self-employed persons in direct provision not only had significant negative financial implications for these workers and their families, but also impacted upon their dignity and their place in Irish society.

Temporary wage subsidy scheme and women on maternity leave

The Commission reviewed the legality of the *Temporary Wage Subsidy Scheme* (TWSS) and the exclusion of women returning from maternity leave. In May 2020 we submitted our legal analysis to Minister for Finance, Paschal Donohoe T.D. setting out our

understanding that the TWSS as it stood was contrary to the State's obligations under EU law:

- » Firstly, by its exclusion of women returning from maternity leave after February 2020, where those women had not been in receipt of any payment from the employer in the relevant payroll period; and
- » Secondly, by its less favourable treatment of women returning from maternity leave after February 2020 in the calculation of the subsidy, where those women had been on a reduced payment from their employer during leave.

Calculated Grade System

The Commission wrote to the Minister for Education and Skills, Joe McHugh T.D. in May 2020 to outline the critical need to ensure that every effort was made to give effect to the Department's stated commitment to equality and fairness, and to its Public Sector Equality and Human Rights Duty when moving from an exam-based system to calculated grades, particularly in relation to disadvantaged students. The Commission recommended the issuing of specific guidance to teachers and schools on mitigating the risk of inadvertent discrimination.

Submission on the impact of Covid-19 on people with disabilities

In June 2020, the Commission made a submission to the Oireachtas Special Committee on Covid-19 Response outlining that the significant gaps and vulnerabilities in existing policy and services resulted in a disproportionate impact of Covid-19 on people with disabilities. Acting Chief Commissioner, Dr. Frank Conaty and Commission Member Professor Caroline Fennell addressed the committee in person on 17 July 2020.

The Commission recommended that the Department of Health consult with people most likely to be impacted by this policy, and human rights and equality experts, to inform any further revisions to this significant statement of public policy.

Submission on the relevance of the Public Sector Duty to service planning for non-Covid healthcare

The Commission was invited by the Oireachtas Special Committee on Covid-19 Response to make a written submission on the overview of health system capacity for non-Covid Healthcare. This submission made on 1 July 2020 outlines the relevance of the Public Sector Equality and Human Rights Duty in proactively planning services that respect and uphold the equality and human rights of both users and staff. The Commission also set out considerations relevant to planning for future pandemics.

Submission on the legislative framework underpinning the State's Covid-19 response

The Commission made a further submission to the Special Committee on Covid-19 Response in September 2020, which acknowledged that certain human rights can be limited on grounds of protection of public health, but that these restrictions must nonetheless meet certain minimum requirements – legality, necessity, proportionality and non-discrimination. Further, the Commission advised that human rights and equality principles must inform their implementation.

The Commission stated that these emergency measures must only be used in limited and exceptional circumstances; that such measures must be interpreted strictly and in favour of the rights at issue; and must not go beyond the extent strictly

required by the exigencies of the situation. Chief Commissioner Sinéad Gibney and Commission Member Sunniva McDonagh, appeared before the Oireachtas Special Committee on Covid-19 Response on 9 September 2020.

Other Policy Statements and Submissions

In 2020, in addition to our engagement on Covid-19, we made specific submissions to the Oireachtas, Government and key stakeholders on the following issues:

Garda Síochána (Recording of Images) Bill

The Commission submitted observations in February 2020 on the *Garda Síochána (Recording of Images) Bill* to the Department of Justice and Equality outlining human rights and equality concerns relevant to the proposed legislation, and discussing safeguards in the use of surveillance technology in the investigation and prosecution of crime.

The European Semester 2020 and the National Reform Programme

In March 2020 the Commission made a submission under the European Semester, focusing specifically on the areas of social policy, the labour market, and training and education. Among the recommendations made to the Department of the Taoiseach was for the State to address the high costs of childcare in Ireland with a view to providing adequate financial supports, and State-delivered subsidies that ensure quality and accessible childcare, particularly for lone parents, parents with limited financial resources, unemployed parents and parents pursuing full-time education.

Citizens' Assembly on Gender Equality

In March 2020 the Commission made a submission to the Citizen's Assembly on Gender Equality which addressed concerns arising in the four areas being focused on in their work:

- » **On Women in Political and Public Life**, the Commission recommended that statutory weight be given to implementing gender quotas and gender balance on company and State boards. The Commission also indicated that a new electoral commission should engage groups facing barriers to electoral participation, and that the Judicial Council should also take measures to increase representation of women in the judiciary
- » **On Gender and Decent Work**, the Commission highlighted the significant gender inequality which persists in Ireland's employment system relating to pay and pension gaps, but also occupational and hierarchical segregation. The Commission emphasized that legislative reform will be necessary to enforce the principle of equal pay for work of equal value in Ireland.
- » **On Gender and Care Work**, the Commission recommended providing adequate financial supports, and State-delivered subsidies that ensure quality and accessible childcare.
- » **On Gender Norms and Stereotypes**, the Commission recommended that the sections of the Constitution on the role of women should be amended to be gender neutral, support and recognise care work and reference family life, including the broader conception of family life recognised under international human rights law. The Commission also highlighted the need for a regulatory

framework for combating hate speech, including online harassment and abuse.

In October 2020, the Chief Commissioner presented in person to the members of the Citizen's Assembly on the topic of Women in Leadership.

The Programme for Government

As negotiations were underway to establish the next Government, the Commission wrote in April 2020 to the leaders of each of the political parties to urge them to ensure that human rights and equality were kept central to the Programme for Government.

The Commission made four key recommendations:

1. Legislative reform to positively promote rights and prevent discrimination
2. Implement the Public Sector Equality and Human Rights Duty across all bodies of the State through a comprehensive and systemic approach
3. Continue to reform Ireland's system for applicants for international protection
4. Provide for ratification of outstanding international treaties

Commission Statement on Eliminating Racial Discrimination in Ireland

The Commission marked the 20th anniversary of the *EU Race Equality Directive* in June 2020 with a high-level statement on race and racial discrimination in Ireland. The Commission stated that racism is a structural problem in Ireland, which requires a whole of society response. It also reiterated its call on Government to address with greater urgency the need to ensure an effective response to

the crime of hate speech and hate crime, as well as a comprehensive regulatory framework to address hate speech online.

EU Action Plan Against Racism - Consultation

The Commission contributed to a high-level strategic consultation led by EU Commission Vice-President Věra Jourová, and EU Equality Commissioner Helena Dalli, on 20 July 2020. Commission Member Colm O'Dwyer delivered an oral submission to this consultation.

Review of Spent Convictions

The Commission's recommendations in November to Government on the review of the *Criminal Justice (Spent Convictions and Certain Disclosure) Act 2016* set out that a more inclusive spent convictions scheme with increased sentence thresholds and a review mechanism for more serious offences would significantly aid offenders' rehabilitation and reintegration into society. The Commission recommended that equality legislation be changed to prohibit discrimination on the ground of criminal conviction. Such a change in law would address the impact a criminal conviction can have on someone's life when accessing employment, housing, education and services like insurance, even decades later.

Oireachtas Committee on Disability Matters

In its role as the designate Independent Monitoring Mechanism under the UN Convention on the Rights of Persons with Disabilities, the Commission made a submission to the Joint Oireachtas Committee on Disability Matters as part of their Consultation on Terms of Reference and Work Programme. The Commission recommended that the terms of reference

would align with UN CRPD in terms of language and definitions and be underpinned by its general principals, particularly in relation to the development of a participation system that is fully inclusive of and accessible to all persons with disabilities.

On the day that the submission was published, the Chief Commissioner and Commission Member Dr. Rosaleen McDonagh appeared before the Joint Oireachtas Committee on Disability Matters.



Commission Member Dr. Rosaleen McDonagh speaks to the Joint Oireachtas Committee on Disability Matters, November 2020

White Paper on Direct Provision

The Commission made its recommendations on the Government's Direct Provision White Paper to the Department of Children, Equality, Disability, Integration and Youth in December 2020. The Commission set out seven guiding principles the State should adopt in reform of its international protection system. This includes a focus on integration from day one, access to education and training, and early and effective access to the labour market. The Commission recommended that the State moves away from the current system of accommodation in congregated settings, run on a for-profit basis. The Direct Provision model should be replaced with a two-stage accommodation system, addressing both initial reception and longer term accommodation needs.

Human Rights and Equality Treaty Monitoring

As the national human rights institution, the Commission's monitoring of human rights in Ireland and the recommendations we provide inform treaty monitoring bodies' assessments of how Ireland is meeting its obligations under international human rights conventions.

UN Convention against Torture

In January 2020 the Commission made a submission to the UN Committee Against Torture to inform its preparation of the List of Issues for Ireland's 3rd periodic review. The submission focused on ongoing concerns regarding safeguards in, and independent oversight of, institutional settings and on access to justice for historical abuses.

A further theme was slow progress on legislative reform in Ireland, particularly in relation to legislation providing for rights and safeguards against ill-treatment. Even where legislation is passed, there are persistent delays in reforms taking practical effect.

UN International Covenant on Civil and Political Rights

This submission made in August 2020 provided the UN Human Rights Committee with information to inform its preparation of the List of Issues for Ireland, ahead of its upcoming fifth periodic review of the State. The Commission raised issues of access to fair trial, redress for historic abuses, human trafficking, hate speech and hate crime, and also raised specific issues in regard to the protection of rights during the Covid-19 pandemic.



UN Convention on the Elimination of Discrimination Against Women

The Commission made this submission in August 2020 as part of the two-year follow-up to the UN Convention on the Elimination of Discrimination Against Women Committee's 2017 Concluding Observations on Ireland. The submission addressed access to justice for historical abuses of women and girls, as well as the impact of austerity measures on non-governmental organisations, and on access to abortion services.

UN Convention on the Rights of the Child

The submission was made in August 2020 to the Committee on the Rights of the Child to inform its preparation of the List of Issues for Ireland, ahead of its fourth periodic review of Ireland. Alongside core strategic issues such as developing and implementing a legal and policy framework for the protection of children's rights, violence against children, identity rights and access to education and services, the submission also treated the impact of the Covid-19 pandemic and response in Ireland on children's rights.

Council of Europe - European Social Charter

In the Commission's report of June 2020 to the Council of Europe on the State's implementation of the Charter, the State's continuing opt-out on Article 31(1-3) is highlighted. This is the State's responsibility to promote access to housing of an adequate standard, to prevent and reduce homelessness with a view to its gradual elimination, and to make the price of housing accessible to those without adequate resources. The Commission highlighted a number of concerns around current housing policies that potentially expose minority and vulnerable groups (black people,

non-EU nationals, lone parents, people with disabilities, and Travellers) to greater levels of discrimination in accessing housing, inequalities in housing quality outcomes (deprivation and overcrowding), and a higher risk of homelessness. Other Irish opt-outs on aspects of childcare services, workers' rights, and the rights of working mothers were also spotlighted.

In-focus: New Role as Ireland's National Rapporteur on the Trafficking of Human Beings

In October 2020 the Commission was designated by Statutory Instrument No. 432 of 2020 – *European Union (Prevention and Combating of Human Trafficking) (National Rapporteur) Regulations 2020* as Ireland's Independent National Rapporteur on the Trafficking of Human Beings.

Article 19 of the EU's Anti-Trafficking Directive introduces a legally binding requirement for all EU Member States to establish National Rapporteurs or equivalent mechanisms.

As National Rapporteur, the Commission monitors Ireland's performance against the State's international obligations under the *EU's Anti-Trafficking Directive*, as well as the Council of Europe's *Convention on Action against Trafficking 2005* and the Palermo Protocol to the *UN Convention against Organised Crime 2000*.

Evidence to Inform Policy and Practice

The Commission's research programmes aim to provide evidence for human rights and equality monitoring and to inform development of policy in the area of human rights and equality.

Research Programme with the ESRI on Human Rights and Equality

2020 saw the publication of one further research report on hidden versus revealed attitudes to minorities, arising from the Commission's Research Programme on Human Rights and Equality with the Economic and Social Research Institute (ESRI). Also during 2020 work progressed on two studies on monitoring social rights in Ireland in relation to decent work and to adequate housing.

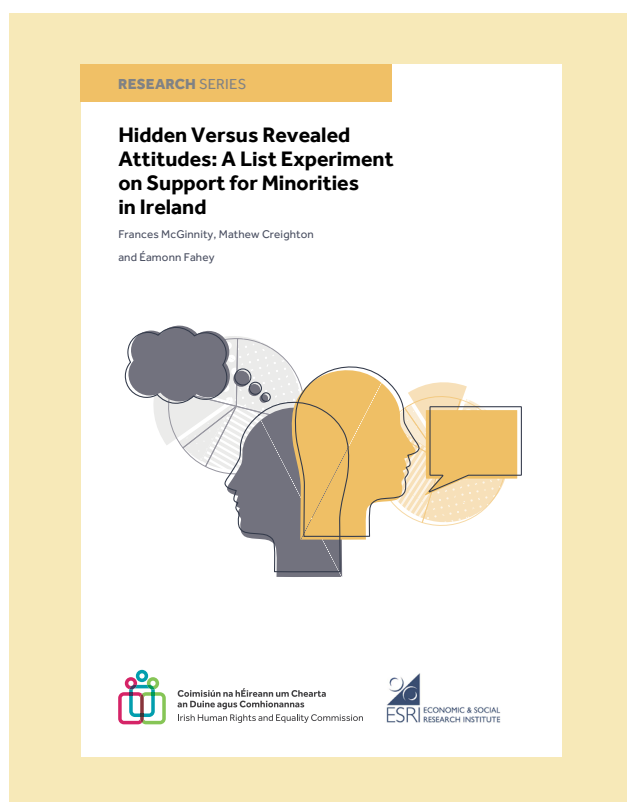


Image of Hidden vs revealed attitudes cover

In-focus: Hidden Versus Revealed Attitudes: A List Experiment on Support for Minorities in Ireland

This 'list experiment', entitled "*Hidden versus revealed Attitudes: A List Experiment on support for Minorities in Ireland*" compares anonymously expressed attitudes to those expressed more openly, to seek to understand the extent to which people are concealing controversial opinions when polled.

The study published by the Commission and the ESRI shows that the extent to which people conceal their negative views on immigration depends on the minority group being asked about, as well as the gender, age and educational background of the respondents.

Among the findings from this research are that:

- » Social pressures to exhibit tolerance are much greater when people are asked about Black people than when asked about Muslim people coming to Ireland.
- » Whereas 66 per cent of people openly supported more Black people coming to Ireland, this dropped to 51 per cent when respondents could conceal their attitude.
- » Fewer people openly supported more Muslim immigration, with no evidence that people conceal their attitudes.

Partnership with the Irish Research Council

Arising from a research call in 2018, the Commission and the Irish Research Council (IRC) co-funded a study entitled *“What Works? Sharing Best Practices in how Civil Society Organisations use the Internet in Organising and Building for Socioeconomic Rights and Trust”*. This study was led by researchers Dr. Aileen O’Carroll, Maynooth University and Dr. David Landy, Trinity College Dublin and culminated in three interlinking reports which were published during in late 2020, including a report entitled *“What Worked? How Abortion Activists in Ireland Organised for Victory”*; a report on conflict resolution entitled *“How Activists Resolve Conflicts”*; and a report on *“Using Digital Tools to Organise for Social Change”*.

Following a further research call in 2019 the Commission and the IRC are co-funding a study on *“Irish Travellers’ Access to Justice”*, to be carried out by Dr Amanda Haynes and Dr Jennifer Schweppe, University of Limerick. This project was initiated in December 2020 following the 9-month deferral of the project’s inception due to Covid-19

A co-funded research network ‘The Irish Consortium for the Promotion of Women in Peace Mediation and Negotiations’ - led by Dr. Heidi Reily, University College Dublin, concluded in 2020. A short film showcasing the initiative was launched at a seminar in March 2020, and a report was published.



Attendees at the Building Networks: Voices of Women in Peace Mediation event, March 2020

Other Commissioned Research

Attitudes Polling on Human Rights and Equality

Amárach Research was commissioned to run a poll focused on awareness of the Commission’s work, and attitudes towards key issues relevant to human rights and equality in Ireland on an annual basis for three years. The first poll was completed in December 2020 and its findings used in media work on International Human Rights Day (10 December 2020) as well as media work on the anti-racism awareness campaign launched over Christmas 2020.

A number of other commissioned studies were ongoing at the end of 2020. These included studies on:

- » the use of emergency powers during the Covid-19 Pandemic;
- » discrimination on the housing assistance ground;
- » constitutional recognition of social rights; and
- » issues facing second generation minority ethnic young people in Ireland.

In-focus: Challenging the Human Rights and Equality Impacts of Brexit

Brexit and the associated human rights and equality concerns facing people on the island were a key focus for the Commission in 2020 as we continued our work as part of the Joint Committee of the Northern Ireland Human Rights Commission and the Irish Human Rights and Equality Commission established under the Belfast (Good Friday) Agreement, as a North-South forum for consideration of human rights issues on the island of Ireland.

In March 2020 the Commission, alongside the Northern Ireland Human Rights Commission, jointly published two research reports which set out specific issues around citizenship rights.

Legal analysis of incorporating into UK law the birthright commitment under the Belfast (Good Friday) Agreement 1998

This publication, produced by Alison Harvey of the No5 Chambers, provides a legal analysis of incorporating into UK immigration and nationality law the birthright identity commitment contained within the 1998 Agreement.



Caroline Fennell and Les Allamby launch Continuing EU Citizenship "Rights, Opportunities and Benefits" in Northern Ireland report

Continuing EU Citizenship "Rights, Opportunities and Benefits" in Northern Ireland after Brexit

This report, produced by Dr Sylvia de Mars and Colin Murray, Newcastle University, Professor Aoife O'Donoghue, Durham University and Dr Ben Warwick, University of Birmingham, explores EU citizenship and what it means in practice in the context of the commitment within the Withdrawal Agreement to provide people of Northern Ireland who identify as Irish to retain rights under EU law.

New immigration rules came into effect in Northern Ireland in line with the Good Friday Agreement on 24 August 2020. The two Chief Commissioners marked the date by co-authoring an article for the Belfast Telegraph setting out that a longer-term solution to citizens' rights would need to be implemented in line with the legal analysis brought forward by the Joint Committee.

Promoting Implementation of the Public Sector Equality and Human Rights Duty

All public bodies in Ireland are required to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans.

This Public Sector Equality and Human Rights Duty has been part of Irish law since 2014, and is set out in Section 42 of the *Irish Human Rights and Equality Commission Act 2014*. The Commission has a mandate to give guidance to, and encourage, public bodies in developing policies and good practice in relation to human rights and equality.

Engaging with the Public Sector

Throughout 2020, the Commission continued its work to support effective implementation of the Duty across the Irish public sector. A webinar on the Public Sector Duty was held on 16 July 2020 for Government Departments at a key time for Duty implementation as Departments were beginning reviews of their own strategy processes. The webinar was attended by senior representatives from 16 departments.

The Commission participated in the Our Public Service Action 16: Promote Equality, Diversity and Inclusion working group of the Public Sector Reform Agenda which focuses on promoting equality, diversity and inclusion in the civil and public service.

The Commission is part of the Steering Committee of the National Traveller and Roma Integration Strategy. As part of its commitments under the Strategy the Commission, with input from Pavee Point Traveller and Roma Centre and the National Traveller Women's Forum, delivered training

to senior staff in the Department of Education and Skills on the Public Sector Duty on 25 February 2020 in Dublin and 26 February 2020 in Athlone.

The Commission was represented on the Steering Committees of the National Strategy on Women and Girls, and the National LGBTI+ Strategy and provided input to public bodies and civil society representatives on the Public Sector Equality and Human Rights Duty in these fora.

Commission representatives sit on the Monitoring Committee of three Operational Programmes for the European Structural and Investment Funds 2014-2020; Programme for Employability, Inclusion and Learning; Border Midland and Western Regional Operational Programme and Southern and Eastern Regional Operational Programme.

The Commission has a specific role in monitoring adherence to the Horizontal Principle of equality and non-discrimination and to prepare an annual equality monitoring report for each Programme. This role continued in 2020 and presented an opportunity to highlight the Public Sector Duty with various public bodies who are beneficiaries of this funding.

The Commission also participated in the Peace IV Programme Monitoring Committee and the Interreg VA Programme Monitoring Committee to monitor adherence with and advice on implementation of the horizontal principle on equal opportunities and non-discrimination. During 2020 the Commission was also represented on Programme Development Steering Group for the forthcoming EU Peace Plus Programme 2021-2027.

The Commission is also represented on the Partnership Process Steering Group which was established in January 2020 to plan for the next round of European Structural and Investment Funds (ESIF) 2021-2027.

The Commission participates in the Steering Group overseeing the implementation of the National Action Plan on Business and Human Rights.

Resources to Support Effective Implementation of the Duty

A short animated video on the Public Sector Duty was produced in September 2020, to explain what the Duty is and what is required by public bodies in its implementation. This short video can be watched at: <https://vimeo.com/455511669>

In addition, the Commission developed two guidance tools to support public bodies in effective implementation of the Duty.

- » *Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for a consultative approach; and*
- » *Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for an evidence-based assessment of equality and human rights issues.*

These tools were disseminated to the heads of all public bodies in September 2020. All resources are available at: <https://www.ihrec.ie/our-work/public-sector-duty/>

The Commission further developed a "Guidance Note on Covid-19 and the Public Sector Duty" in July 2020 to assist public bodies to utilise the Duty to incorporate equality and human rights considerations in Covid-19 response and recovery plans.

The Commission has been working with OneLearning, Department of Public Expenditure and Reform, who are responsible for all training that is common across the Civil Service, with the aim of promoting mainstreaming of training on the Public Sector Equality and Human Rights Duty in the civil service.

Professional Diploma Student Bursary Scheme

The aim of the bursary scheme is to support capacity within civil society to advance effective implementation of the Public Sector Duty. Now in its fifth year, the Commission awarded six people from civil society organisations with bursaries as prospective students of the Professional Diploma in Human Rights and Equality at the Institute of Public Affairs (IPA). A total of 78 applications were received.

Recipients came from a range of organisations namely the Irish Refugee Council, Fórsa Trade Union, Spiritan Asylum Services Initiative (SPIRASI), AsIAM, the Gay Health Network and the Tipperary Rural Travellers Project.

Trade Unions and the Duty

A webinar was held on the morning of 22 October, organised with the Irish Congress of Trade Unions, on 'Promoting and Protecting Human Rights and Equality: The Potential of the Public Sector Equality and Human Rights Duty for Trade Unions'.

More than 90 representatives of trade unions attended. David Prentis, General Secretary of UNISON, the UK public service union, delivered the keynote address offering practical insights in to the use of the Public Sector Equality Duty by UNISON in the UK at national, regional and local level to advance better protection of workers' rights and better quality services.



James Connington, IPA, Deirdre Toomey, PAS, Dónal Rice, NDA and Jacqueline Healy, IHREC – Teaching on the IPA Professional Diploma



Hannah Collins, IHREC, Jacqueline Healy, IHREC, Marianna Prontera, Pavee Point, Maria Joyce, National Traveller Women's Forum and Gabi Florica Muntean, Pavee Point, teaching on the Public Sector Equality and Human Rights Duty training for the Department of Education and Skills

Equality Reviews and Equality Action Plans

Equality Reviews are carried out under section 32 of the *Irish Human Rights and Equality Commission Act 2014*. The Commission holds the statutory power to invite public or private undertakings to carry out a review of equality of opportunity generally, or a particular aspect of discrimination under Ireland's anti-discrimination legislation, namely the *Employment Equality Acts 1998-2015* and/ or the *Equal Status Acts 2000 - 2018*. The Commission can also invite public or private bodies to prepare and implement Equality Action Plans to focus on specific areas emerging from equality reviews.

Appropriate Accommodation Services for Travellers

The Commission invited each of the 31 local authorities in the State to undertake a review of their provision of Traveller accommodation. The equality reviews focus on failures nationally to draw down ring-fenced capital budget to meet obligations on Traveller specific accommodation. The local authorities were invited to conduct a review of the practices, procedures and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller-specific accommodation services. An account of these Equality Reviews is published on our website: <https://www.ihrec.ie/our-work/equality-reviews/>

In-focus: Assessment of the Equality Reviews conducted by Local Authorities of Traveller Accommodation

In June 2019, the Commission invited each of the 31 local authorities to conduct an equality review of:

- » the level of equality of opportunity and/or discrimination that exists in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation, having regard to the drawdown of capital funding by the local authority for this purpose; and
- » their practices, procedures and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller specific accommodation services to Travellers.

With strong evidence of a consistent underspend of the Traveller-specific accommodation budget, the Commission initiated these equality reviews to gather information from councils and to allow for a systematic review of the issues driving underspend in in some local authority areas and, therefore, nationally.

With this annual report, the Commission has published accounts of the equality reviews for the local authorities, focused on their provision of accommodation to Members of the Traveller Community.

In the case of each local authority, the Commission has made a series of recommendations, and has asked each council to report back to its specifying the actions taken, or intended.

Some key overarching issues that emerge from these equality reviews:

Underspend in the draw-down of allocated funds:

As well as consistent underspend, it is also important to note other features of the existing system. For example, the Traveller specific accommodation budget provides for renovation and refurbishment work to existing accommodation. So spending may represent renovation or upgrade to existing sites, and not provision of new units of accommodation. Councils highlight difficulties with securing spending approval and there are also stated difficulties in agreeing specifics of projects (design of site and type of accommodation) and protracted consultations and discussions.

Identifying current need for Traveller accommodation:

Councils typically base current and future needs on social housing applications and the annual estimate of Travellers in their area. There is variance in the process for assessing the needs and preferences of Travellers amongst local authorities. This raises concerns about the extent to which the needs assessment process captures the needs of the entire Traveller population within a local authority area.

Future and projected needs:

There is no facility for people to identify themselves as members of the Traveller community on the social housing application form, which makes it difficult to source credible data on the size of the Traveller population in local authority areas, or to plan for future accommodation needs and preferences. This lack of an ethnic identifier in the period examined is noted as an issue by a number of local authorities, and has implications in terms of the identification of, and inclusion of, Travellers within particular housing streams.

Identifying Travellers' True Accommodation Preference:

The issue of Travellers' true accommodation preference (i.e. Traveller-specific accommodation v. social housing) is not adequately transparent, nor does it appear to have been independently verified over time. There is a concern that some members of the Traveller community perceive a lack of Traveller-specific accommodation, or are exasperated by overcrowding or poor hygiene conditions in such accommodation, and for this reason feel that they have no choice but to apply for social housing.

Asylum Seekers and Refugees Accessing Bank Accounts

The Commission invited Bank of Ireland and Permanent TSB to conduct Equality Reviews of their practices and procedures relating to the provision of bank accounts to refugees and asylum seekers. An account of each of these Equality Reviews is published on our website: <https://www.ihrec.ie/our-work/equality-reviews/>

Equality Action Plans

During 2019, following the earlier completion of equality reviews, we issued six invitations to prepare and implement Equality Action Plans.

Experience of Service Users who Access Opioid Treatment Service

In 2019, we invited the HSE to prepare and implement an Equality Action Plan to ensure the practice of non-direct supervision of urine samples is rolled out in addiction treatment services nationally. In 2020, the Commission decided that the HSE's response to the invitations to conduct an Equality Review and an Equality Action Plan was satisfactory. An account of this Equality Review is published on our website: <https://www.ihrec.ie/our-work/equality-reviews/>

Non-EEA Nationals Access to Local Authority Accommodation Services in Dublin

The Commission invited each of the four local authorities in Dublin to undertake an Equality Review and an Equality Action Plan in respect of non-Irish nationals' (EEA nationals and non-EEA nationals) access to social housing services and to promote equality of opportunity for EEA and non-EEA nationals in respect of access to social housing, as well as to homeless services.

The four local authorities have engaged with the Commission in these processes since 2018. In concluding the process, the Commission asked each of the four local authorities the following:

1. Does the local authority continue to apply Circular 41/2012 (the 'Circular') to non-Irish nationals who seek access to social housing?
2. Does the local authority continue to apply Circular 41/2012 to non-Irish nationals who seek access to homeless services?
3. To provide an update on actions taken by the local authority to reduce the barriers faced by non-nationals in accessing services; and
4. To provide an update on actions taken by the local authority to address its organisational equality infrastructure.

Dublin City Council (DCC) reports that where a provision of the Circular is contrary to EU law, DCC will uphold EU law and disapply the Circular. DCC states that the Circular is not used as guidance to assess applications for homeless services. An account of the DCC Equality Review and Action Plan is available on our website <https://www.ihrec.ie/our-work/equality-reviews/>

Fingal County Council (FCC) reports that that it does not use Circular 41/2012 as the basis for assessment for social housing supports for non-Irish nationals. FCC reports that it does not use Circular 41/2012 in relation to non-Irish nationals accessing homeless services. An account of the FCC Equality Review and Action Plan is available below. <https://www.ihrec.ie/our-work/equality-reviews/>

Dún Laoghaire-Rathdown County Council (DLRCC) has advised the Commission that it is currently considering the matter of the application of the Circular to non-Irish nationals who seek access to social housing and that they will respond in due course. DLRCC reports that the Circular is not used as guidance to assess applications for homeless services. An account of the DLRCC Equality Review and Action Plan is available on our website <https://www.ihrec.ie/our-work/equality-reviews/>

South Dublin County Council (SDCC) submitted its Equality Review in September 2018 and “*A More Inclusive County - South Dublin County Council’s Integration Strategy*” as its’ Equality Action Plan in June 2019. The Commission corresponded with SDCC to conclude process in May 2021, seeking an update on the four questions outlined above. SDCC has advised the Commission that it is currently in the process of responding to the above queries. No account of the SDCC Equality Review and Action Plan is available at the time of publishing.

Experience of Non-Nationals Accessing Free General Practitioner Services

In 2019, the Commission invited the HSE to prepare and implement an Equality Action Plan on the provision of interpretation for people accessing GP services. This was ongoing at the end of 2020.

Preparing Codes of Practice

The Commission also has a legal function to prepare codes of practice to further the protection of human rights, the elimination of discrimination and the promotion of equality of opportunity.

The provisions of these codes are admissible in evidence and may be taken into account in proceedings before a court, the Workplace Relations Commission or the Labour Court.

The Commission previously concluded the following Codes of Practice, which are awaiting Ministerial approval:

- » A draft Code of Practice on Equal Pay; and
- » A revised draft Code of Practice on Sexual Harassment and Harassment at Work.


During 2020 the Commission concluded the following Code of Practice, which is awaiting Ministerial approval:

- » A draft Code of Practice on The Rights of Families at Inquests.

STRATEGIC PRIORITY 3:

Engage with key organisations to address discrimination and human rights abuses

OBJECTIVES

- » Increase community engagement in the work of the Commission;
 - » Strengthen relationships with civil society and foster an enabling environment for human rights development, including through formal advisory committee structures; and
 - » Engage with any organisation relevant to advancing our mandate and strategic priorities.
- 

Civil Society Engagement

Despite Covid-19 the Commission continued to bring together individuals and organisations to exchange information and experiences with the Commission on key equality and human rights concerns throughout 2020. This work included:

- » an information session held on 18 February with Traveller women from Cork Traveller Visibility Group who are undertaking a two-year leadership diploma with UCC. Inputs were provided on the Commission and its work and on relevant reports including those to the CERD and CEDAW Committees as well as the submission on the Review of the *Incitement to Hatred Act*. Participants were also given an overview of the equality legislation and the protection it affords to members of the Traveller community;
- » a Civil Society Forum on Covid-19 – Promoting and Protecting Human Rights and Equality – Challenges and Opportunities which was held on 20 October 2020. The themes covered were the impact of the Covid-19 legislation, its impact on people living in congregated settings and on particularly vulnerable groups. More than 70 civil society organisation representatives attended this virtual event;
- » a webinar, held on 19 November 2020 on Human Rights and Equality with Roma Support Workers who work directly with members of the Roma Community to access services and vindicate their rights. The Commission set out our policy, legal and public sector duty approaches to tackling discrimination experienced by Roma people;

- » an engagement event focused on Ireland’s International Protection System which took place on 1 December 2020. The meeting brought Commission members together with 40 participants, including people with direct experience of the International Protection System; and representatives of civil society organisations. Commission members heard first-hand their experiences and recommendations for change; and
- » an engagement event focused on socio-economic rights, poverty and socio-economic discrimination which took place on 10 December 2020. This event brought Commission members together with 20 participants, including people living in poverty who had experienced socio-economic discrimination and leaders of local and national anti-poverty groups. The event was organised with support from All Together in Dignity (ATD) Ireland, the European Anti-Poverty Network, the Irish National Organisation of the Unemployed (INOUE) and the Community Action Network (CAN).



Participants at the Human Rights, Equality and Public Policy, with the Cork Traveller Visibility Group 'Women in Leadership' event.

Our Public Space

The Commission offers the use of its fully accessible public space to civil society organisations that promote human rights and equality.

Ahead of the Covid-19 pandemic in 2020, we saw great demand for the use of our Commission public space between January and March. Alongside the Commission's own use of this versatile space, there were 14 external events involving over 600 people organised by a wide variety of civil society organisation addressing a range of human rights and equality related topics.



Dil Wickremasinghe speaking at the launch of AkiDwA report, Let's Talk Mental Health Experiences of Migrant Women, January 2020

Disability Advisory Committee

The members of the Commission's Disability Advisory Committee (DAC) were appointed in December 2018 through an open public competition.

The role of the DAC is:

1. to assist and advise the Commission on matters related to its function of keeping under review the adequacy and effectiveness of law and practice in the State relating to the protection of people with disabilities; and
2. to advise the Commission on the fulfilment of its independent monitoring role under the UN Convention on the Rights of Persons with Disabilities (CRPD).

The Committee met six times during 2020 and in its work has considered specific rights set out in the UN Convention, including:

- » The right to work and employment;
- » The right to an adequate standard of living and social protection;
- » The right to health;
- » The rights of children with disabilities; and
- » The right to equal recognition before the law.

The DAC also considered the impact of Covid-19 on persons with disabilities. The Committee's perspectives informed the Commission's engagement on this topic with the Oireachtas Special Committee on Covid-19 Response during the year.

The Worker and Employer Advisory Committee

The Commission's Work and Employer Advisory Committee is made up of representatives nominated by the Irish Congress of Trade Unions (ICTU) and the Irish Business and Employers' Confederation (IBEC) and advises the Commission on issues related to human rights and equality in the workplace and service provision.

The Committee met three times in 2020; in February 2020, May 2020 and November 2020. Members addressed a range of issues, including the right to decent work; the implementation of the Public Sector Equality and Human Rights Duty; and the impact of Covid-19 on employment, unemployment and supports and services to those most affected.

Using our Grants Scheme to Support Civil Society and Rights Holders

In 2020, €500,000 was made available to support projects nationwide focused on empowering people (rights-holders) who face the greatest barriers to justice to access their rights.

The 2020 Grants Scheme was launched in April. In total, 138 eligible applications were received and assessed in May 2020. 42 organisations were awarded grant support from across civil society organisations, including community and voluntary organisations, trade unions, groups representing geographic communities addressing poverty and social exclusion, or communities of interest protected under the nine equality grounds, including groups led by people with disabilities and ethnic minorities.

See the table on the following pages for information on the 42 projects funded under the 2020 Grants Scheme.

Organisation	County	Project Title	Project Description
SVP - Saint Vincent De Paul, Monastery Hostel, Carlow	Carlow	Human Being/ Human Rights	This project aims to build the capacity of homeless men living in emergency accommodation to better understand their rights and acquire the information and skills to access their rights and access justice.
Waterford Integration Service <i>Partners: Waterford County Council</i>	Waterford	Human rights approach to delivering services in the housing sector	This project aims to build the human rights capacity of migrant community leaders, including people seeking asylum, and local authority frontline staff working in housing services, through a training for trainers programme, leading to the better delivery of housing services within the context of meeting the requirements of the Public Sector Equality and Human Rights Duty.
ATD Fourth World, Mountjoy Square, Dublin 1.	Dublin	This is how it happens to us: a peer-led call for socio-economic status	This project will empower people who have direct experience of socio-economic discrimination to use visual arts to give voice to their experience and promote the recognition of socio-economic discrimination as a ground in Irish Equality legislation
Threshold Training Network (TTN), Tallaght, Dublin 24	Dublin	Becoming a mental health rights defender	This project will build the capacity of people experiencing mental health difficulties, through a series of training and coaching sessions, to understand their rights, become active defenders of them, be more empowered to speak out in relation to decisions that affect them and support others to do the same.
Latin America Solidarity Centre, Dublin <i>Partner: Association of Bolivian Residents, Dublin</i>	Dublin	Rights and Resources: Latin America in Ireland	This project will equip Latin American migrant communities (with a focus on women and the LGBTQI+ community) in Ireland with information on their rights and skills to address the barriers to realising their rights, in order to build a network to provide mutual support.
Blaney Blades Women's Group, Castleblaney, Co Monaghan	Monaghan	Coming Together	This project aims to enable and empower older women and migrant women, to name and address issues that affect them within a human rights and equality framework, understand their rights, identify solutions to issues and engage with local duty-bearers, in the context of the Public Sector Equality and Human Rights Duty.

NASC, Cork	Cork	Our Lives, Our Future	This project aims to empower disadvantaged young people who are unable to access further and third level education because of their immigration status to become strong advocates for legal and policy change, using a suite of short videos to give voice to their experience and the right to education.
WALK, Walkinstown, Dublin	Dublin	Our Lives, Our Rights	This project aims to build the capacity of peer advocates to support and defend their own rights and others and to come together to discuss issues from a human rights and equality perspective and shape the content of a rights-holder led conference on disability rights.
Age and Opportunity, Dublin	Dublin	Is ageism ever acceptable?	This project will facilitate a national reflection by older people on whether the policy of cocooning based on being over 70+ plus was ageist. Through a series of regional assemblies and a national assembly, older people will explore whether the human rights of older persons have been compromised by the national response to Covid-19 and develop recommendations for future policy making regarding older people in a Pandemic.
The Federation of Irish Sport, Dublin <i>Partners: UNESCO Chair "Transforming the lives of people with disabilities, their families and communities through physical education, sport, recreation and fitness, Institute of Technology, Tralee, Co. Kerry, SARI – Sport Against Racism Ireland, Gaelic Athletic Association (GAA), Central Statistics Office (CSO), Sport Ireland</i>	Kerry	Human Rights in and through Sport	This project aims to support and build the capacity of rights-holders to advance their access to rights in and through sport, in particular groups facing barriers to participation in sport including women, people with disabilities, members of the Traveller community, migrants, minority ethnic groups, members of the LGBTQI+ community, and people who are socially disadvantaged. It aims to increase understanding among duty bearers - state actors, the sports sector and grassroots sporting organisation - of sport as a human rights and a tool for human rights promotion and implementation in the context of the Public Sector Equality and Human Rights Duty.
Mercy Law Resource Centre, Dublin	Dublin	Know Your Housing Rights!	This project aims to empower individuals and families, and frontline, voluntary and community workers working with vulnerable groups to assert their rights and the rights of those they assist through a series of online training workshops on housing law, all supported by digital resources.

Community Response, Dublin Dublin 8			This project aims to build the capacity and empower people from migrant backgrounds to understand their rights through baseline research and capacity building when accessing Addiction and Homeless Services and to engage with duty bearers to protect and promote equality in these services in line with the Public Sector Equality and Human Rights Duty.
West Cork Women Against Violence Project <i>Partners: Kerry Rape and Sexual Abuse Centre</i>		Listening to Survivors and Supporters	This project aims through research and workshops to capture the vision and voice of rights-holders who have experienced sexual violence or helped someone who has. It will do this by assessing current sexual violence support service delivery and participate in the design and development of services in rural West Cork, as well as using the findings to inform national legislation, policy and practice.
Community Law and Mediation, Dublin	Dublin	Know Your Employment Rights!	This project aims to empower individuals whose employment and/or equality rights are being violated, specifically people in low paid or precarious work, people with disabilities and people facing gender discrimination in the work place, and their advocates and provide them with information and the tools to vindicate their rights, and will promote them widely through an information campaign.
Exchange House, Dublin <i>Partners: Limerick Community Development Project, Paul Partnership</i>	Limerick	Limerick Travellers: Building Capacity to Access Rights and Justice	This projects aims to build the capacity of Travellers in Limerick to organise themselves in a sustainable way and develop the knowledge and leadership skills to advocate for their rights and support others to do so. This will be achieved through a series of human rights and equality training sessions and advocacy workshops with Limerick Traveller Women's Group and Limerick Travellers Network.
One in Four, Dublin	Dublin	Victim-Survivor Forum	The project aims to create a forum of victims/survivors of child sexual abuse where they can grow their capacity to articulate the challenges that victim/survivor stakeholders face within the criminal justice system and provide a platform to influence legislation and policy development, affect positive change and increase accountability of duty-bearers.
Irish Traveller Movement, Dublin	Dublin	Embedding Yellow Flag Programme in National Education Policy & Curriculum	This project aims to capture the learning and impact of the Yellow Flag Programme on students and schools with a focus on the voice of students and engage with education stakeholders to mainstream it into national education policy and curriculum in the context of the Public Sector Equality and Human Rights Duty, so as to reduce and eliminate the barriers that affect the educational experience and outcomes of black and minority ethnic, including Traveller and Roma, students.

<p>Disability Equality Specialist Support Agency</p> <p><i>Partner:</i> <i>The Coalition of Disabled People's Organisations</i></p>		<p>Towards a Shadow Report by the Disabled Person's Coalition</p>	<p>This project aims to facilitate and support the Disabled Persons Organisations (DPOs) Coalition to prepare, develop and write their Shadow Report on the implementation of UN Convention on the Rights of Persons with Disabilities to be submitted to the UN Committee responsible for examining Ireland on its fulfilment of the obligations set out in the Treaty.</p>
<p>All Ireland Institute of Hospice and Palliative Care (AIHPC)</p> <p><i>Partner:</i> <i>University of Limerick, Health Information Quality Authority, Health Service Executive, Mental Health Commission, Nursing Homes Ireland, Irish Hospice Foundation, Age related Healthcare Department, Tallaght Hospital, Medicine for the Elderly, St Vincent's Hospital</i></p>	Limerick	<p>Shaping Palliative Care Policy using a Human Rights approach</p>	<p>The research project aims to give voice to nursing home residents, their families and care workers in relation to their experience and expectations of palliative care to ensure that any changes to palliative care policy, especially due to Covid-19, will be informed and shaped by the needs and perspectives of rights holders. It will also educate and inform policy makers, service providers, healthcare professionals, the public and specifically people living in nursing homes, their families and care workers on their rights in relation to palliative care during a pandemic.</p>
<p>Independent Living Movement Ireland, Dublin</p> <p><i>Partner:</i> <i>South Dublin County Council</i></p>	Dublin	<p>Making Inclusion a Reality</p>	<p>This project aims to enable the effective participation of disabled people across all impairments in the development of housing policy in South Dublin County. It will also train council representatives and officials in disability equality and establish this collaborative model as an example of best practice to inform the Council's approach to the delivery of the Public Sector Equality and Human Rights Duty in relation to disability.</p>

2020 also saw projects which were granted support under its 2018 and 2019 Grants Scheme continue to deliver on their work. These projects are listed in **Appendix 7**.

STRATEGIC PRIORITY 4:

Raise the quality and broaden the extent of the dialogue on human rights and equality issues

OBJECTIVES

- » Facilitate a strong and shared culture of respect for human rights, equality and intercultural understanding including through education, particularly of young people;
 - » Promote an understanding of human rights as inter-related and interdependent, with a particular emphasis on socio-economic rights; and
 - » Anticipate, identify and highlight issues so as to enable the Commission to respond appropriately to human rights and equality issues in the State.
- 

Public Awareness Work

In-focus: Challenging racism in Ireland - "Because we're all human. Means we're all equal"

In December 2020, the Commission launched its national awareness campaign "Because we're all human. Means we're all equal" aimed at challenging individual and societal attitudes that lead to people from different ethnic backgrounds experiencing racism.

Entirely non-scripted, the campaign featured eleven interviews with people from different ethnic backgrounds, sharing personal perspectives on racism in Ireland, including casual racism, the role of bystanders and the systemic, historical, societal and structural barriers encountered in everyday life in Ireland.

The campaign was developed over nine months before launching in December 2020 across TV, radio social media and online.

Research evaluating the impact of the campaign, commissioned through RedC, found the campaign was effective in shifting attitudes in a positive direction.

- » 75% of people surveyed said the ad made them think about how people from different ethnic backgrounds have the same wants and wishes in life as everyone else.
- » 74% of people surveyed said it's great to hear how racism can be tackled directly from someone from a different ethnic background.



Senator Eileen Flynn contributed her experience to our national campaign against racism.

The Commission offers our sincere thanks to those who participated in this public awareness campaign and also the members of the consultative group who helped us develop the campaign.

Know Discrimination

In October 2020, the Commission launched an information campaign across social media, print media and outdoor advertising aimed at increasing awareness of the principles of Ireland's primary equality legislation, the Employment Equality Acts and the Equal Status Acts.

The campaign focused on awareness of equality rights, and included the publication of two information booklets, one on the Employment Equality Acts and one on the Equal Status Acts to promote the actions individuals can take to vindicate their rights.



The Commission in the Media

As part of our work in creating discussion and dialogue on human rights and equality issues, the Commission has proactively engaged with local, regional, national and international media.

In 2020, news cycles were dominated by Covid-19, with the Commission securing coverage across a broad range of Commission advocacy issues, including proportionality of State response to Covid-19, policing and emergency legislation, direct provision and Covid-19, issues relating to the calculated grades system and exclusions from Government payment support schemes, as well as highlighting the impact of the pandemic on people with disabilities and other disadvantaged groups.

Further media coverage stemmed from the 45 press releases issued through the year. Resulting coverage of our work included two

front page articles and editorials in national newspapers. The Commission also contributed opinion-editorial articles to national newspapers, including on the issue of disability rights. The Commission's work has also gained international attention, featuring in UK media on the joint-publication with the ESRI on hidden attitudes towards minorities in Ireland.

Broadcast media coverage included the Chief Commissioner appearing in interviews focused on our work on channels including RTÉ Radio and Newstalk. Live radio interviews also saw our work featured on programmes such as RTÉ Drivetime and Newstalk Breakfast, allowing Commission Members to set out and explain our work to national audiences.

The Commission engaged with digital media and a range of stakeholders actively on Twitter, Instagram, LinkedIn, its website and via a monthly newsletter to a combined total of over 20K followers.

State agency must pay €5k to woman over driving licence refusal

Comment

In midst of a global crisis, as a society we must still keep guard over human rights

Dr Frank Conroy

It will come as no surprise that the Commission has been asked to investigate the refusal of a learner driver licence to a woman. The Commission's role is to ensure that the State complies with its obligations under the European Convention on Human Rights and the Irish Constitution. In this case, the Commission is concerned that the refusal of a learner driver licence to a woman on the basis of her race and ethnicity may constitute a breach of her rights under Article 14 of the European Convention on Human Rights and Article 40 of the Irish Constitution.

The Commission is currently investigating the matter and will report back to the public in due course. It is important to note that the Commission's role is not to act as a court of appeal or to overturn the decision of the relevant authority. Its role is to ensure that the State complies with its obligations under the European Convention on Human Rights and the Irish Constitution.

Asylum-seeker refused learner driving licence to get €2,500 compo

Gordon Deegan

A GOVERNMENT agency has been ordered to pay €2,500 to a Pakistani asylum-seeker over its refusal to issue him with a learner driving licence.

The Irish Human Rights and Equality Commission (IHREC) has ordered the National Driver Licence Service (NDLS) to pay the man €2,500 in compensation for its refusal to issue him with a learner driving licence.

The man, who is an asylum-seeker, had applied for a learner driving licence in March 2018. He was refused the licence on the basis of his race and ethnicity. The NDLS refused to issue the licence on the basis of his race and ethnicity, claiming that he was not a citizen of the State.

The man applied for and was granted a self-employment permit in March 2018. The man started work as a delivery man on his bike and he subsequently applied for a learner driver permit to the National Driver Licence Service. The man had provided his temporary residence certificate, his public services card, a copy of his passport and his permission to work from the Justice Minister.

The man said a licence would bring 'great change for him' on a bike and applied for a learner driver permit to the National Driver Licence Service in March 2018. He was refused the licence on the basis of his race and ethnicity. The NDLS refused to issue the licence on the basis of his race and ethnicity, claiming that he was not a citizen of the State.

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Man refused driving licence gets €2,500

GORDON DEEGAN

A Government agency has been ordered to pay €2,500 to an asylum seeker over its refusal to issue the Pakistani man a learner driving licence.

The Irish Human Rights and Equality Commission (IHREC) has ordered the National Driver Licence Service (NDLS) to pay the man €2,500 in compensation for its refusal to issue him with a learner driving licence.

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RTÉ RADIO 1

Listen Live Stations with groups Schedule Podcasts

Recommendations on upholding human rights during crisis

00:41 00:54

Recommendations on upholding human rights during crisis

Tony Geoghegan, Acting Chief Commissioner of the Irish Human Rights and Equality Commission, discusses concerns around human rights and equality issues related to Covid-19.

Refusing learner permits to asylum seekers 'bizarre'

JACK HORN-JONES

The Irish Human Rights and Equality Commission (IHREC) has criticised the "bizarre" and "discriminatory" refusal to issue learner driver permits to people in direct provision and asylum seekers.

Solome Mhizga, a commissioner with IHREC, said the latest case of refusal of a licence showed that the State was making it harder for people to access their right to work and headspace in the capital.

She was speaking after the Workplace Relations Commission (WRC) ruled the decision by a State body not to award a drivers licence to a single provision centre was discriminatory on race grounds.

The woman, whose case was taken to the WRC on race grounds, wanted to learn to drive so she could access better work opportunities and childcare facilities. She currently commutes from Munster to Dublin to work as a headkeeper in the capital.

"It's refusal is contributory to the detriment of her mental health, depression and stress," Ms Mhizga said.

"She is mother and is trying to provide for her family and it's not fair that she should not be accepted," she said.

The woman, whose case was taken to the WRC on race grounds, wanted to learn to drive so she could access better work opportunities and childcare facilities. She currently commutes from Munster to Dublin to work as a headkeeper in the capital.

"It's refusal is contributory to the detriment of her mental health, depression and stress," Ms Mhizga said.

"She is mother and is trying to provide for her family and it's not fair that she should not be accepted," she said.

64% support constitutional right to housing

■ Polls show 82% consider housing a basic human right and high level of satisfaction with social housing

Paul Baker

Social Affairs Correspondent

Survey shows strong public support for a constitutional right to housing and high levels of satisfaction with social housing.

A survey conducted by the Irish Human Rights and Equality Commission (IHREC) found that 64% of respondents support a constitutional right to housing. The survey also found that 82% of respondents consider housing a basic human right.

The survey also found that 82% of respondents are satisfied with the quality of social housing. The survey also found that 82% of respondents are satisfied with the quality of social housing.

The survey also found that 82% of respondents are satisfied with the quality of social housing. The survey also found that 82% of respondents are satisfied with the quality of social housing.

The survey also found that 82% of respondents are satisfied with the quality of social housing. The survey also found that 82% of respondents are satisfied with the quality of social housing.

Social media highlights 2019



Twitter

3,260,000
impressions

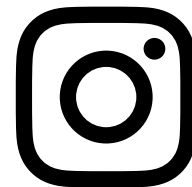
an average of 272,000 per
month



LinkedIn

137%
increase in followers

from 2,002 to 4,748 by year
end



Instagram

70%
increase in followers

from 461 to 1,407 by year end

Followers/subscribers at the end of 2020

Twitter	12,900
Instagram	1,407
LinkedIn	4,748
Newsletter	2,282
Total	21,337

Website highlights 2019



503,587 page views

on the Commission website www.ihrec.ie in 2020. An average of 41,966 per month.



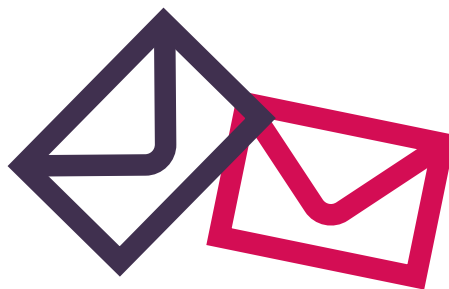
Most visited pages

after our homepage, were focused on equal treatment in access to services (26,065 page views), our 'Your Rights' landing page (19,068 page views) and information about discrimination around employment (18,909 page views).



Website traffic

peaked in November 2020 with 54,000 page views driven largely by our public information campaign entitled "Know Discrimination". During this public awareness campaign, the Your Rights webpage saw 4,347 page views in the months of October and November 2020, roughly double an average month's traffic to this page.



E-newsletter

We also provided 12 newsletters to over 2,000 subscribers per month.

Conferences and Events

In-focus: CERD Follow-Up Keeps Focus on Recommendations

The Commission organised a webinar on the Concluding Observations of UN CERD – Follow-up on the afternoon of 10 November in co-operation with INAR - the Irish Network against Racism.

The event discussed the implementation of the recommendations of UN CERD.

Professor Verene Shepherd, the Ireland Rapporteur on the UN's CERD Committee gave the keynote address. Representatives of rights holders spoke gave their assessment, particularly in relation to hate speech, as well as issues for Traveller, Roma communities and people in the international protection system. More than 80 representatives of Civil Society attended the event.

Equality Budgeting

The Commission hosted a high-level technical event on 10 February 2020 with the European Commission's Equality Data Subgroup of the Equality Budgeting Group and other experts. The event included contributions from the Centre for Equalities and Inclusion in the UK Office for National Statistics, the Equality Statistics Unit in the Scottish Government and the Race Disparity Unit in the UK Cabinet Office



Participants at the technical workshop on Equality Data Audit, February 2020.

Engagement in International Networks

The Commission is a member of: the European Network of Equality Bodies (Equinet); the European Network of National Human Rights Institutions (ENNHRI); and the Global Alliance of National Human Rights Institutions (GANHRI). Throughout 2020, we continued to contribute to and benefit from active engagement in these networks.

ENNHRI

Professor Caroline Fennell currently serves as Chair of the European Network of National Human Rights Institutions (ENNHRI) on behalf of IHREC. In its role as Chair, the Commission has led ENNHRI's Board and General Assembly meetings. ENNHRI represents forty-four national human rights bodies across Council of Europe Member States.

During 2020, Commission staff also participated in the ongoing work of ENNHRI's:

- » Legal Working Group;
- » Economic and Social Rights Working Group;
- » CRPD Working Group; and
- » Communications Working Group.

Equinet

Equinet Europe, the network of national equality bodies, brings together 49 equality bodies from 36 European countries. Director Laurence Bond is a member of the Equinet Board.

During 2020, Commission staff also participated in the ongoing work of Equinet:

- » Communications Working Group;
- » Policy Formulation Working Group;
- » Equality Law Working Group; and
- » Project on Standards for Equality Bodies.



Commission Member Dr Salome Mbugua, Secretary General Debbie Kohner, Commission Member Heydi Foster-Breslin and Director Laurence Bond at ENNHRI High-level Consultation, February 2020

GANHRI

In the role as Chair of ENNHRI, the Commission also participates as a member of the Bureau of the Global Alliance of National Human Rights Institutions (GANHRI) as a Regional Chair.

The Commission provided funding to enable the participation of up to five NHRIs from 'developing countries' at the GANHRI annual conference and GANHRI's meeting with the CRPD Committee, which was due to take place in March 2020. Due to the pandemic, this meeting was held remotely in December. The allocated funding will be provided to the respective NHRI's once in-person meetings resume.

EU Commission

In 2020 Commission staff continued to participate in the ongoing work of two EU bodies:

- » European Commission Advisory Committee on Equal Opportunities between Women and Men; and
- » Equality Data Sub-Group of the European Commission High Level Group on Non-Discrimination, Equality and Diversity.

Four Jurisdictions

The Commission also maintains a strong working relationship with its counterparts in the three jurisdictions of the UK; the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland, the Scottish Human Rights Commission, and the Equality and Human Rights Commission.



Meeting of the four jurisdictions, February 2020

Corporate Governance and Structure



The Irish Human Rights and Equality Commission is an independent statutory body, established on 1 November 2014 under the *Irish Human Rights and Equality Commission Act 2014*. The statutory mandate of the Commission is to protect and promote human rights and equality in Ireland and to build a culture of respect for human rights, equality and intercultural understanding. The Commission is Ireland's National Human Rights Institution (NHRI) and National Equality Body (NEB).

Commission

The Commission has fifteen Members, one of whom is the Chief Commissioner (see **Appendix 1**). The provisions of the Act are designed to ensure the independence of the Commission in its work. Members of the Commission are appointed by the President, following a resolution by both Houses of the Oireachtas.

The Commission is a body corporate. It accounts directly to the Oireachtas for its statutory functions and the members independently determine its policy and activities. Decision-making at Commission level is conducted, where possible, on the basis of consensus. Where there is a diversity of opinion on a given matter, a majority vote may be taken. The structural independence of the Commission, in accordance with the Paris Principles, has been recognised in its "A" Status accreditation as an NHRI with the United Nations.

The Commission holds as many meetings as may be necessary for the fulfilment of its functions but in each year must hold not less than one meeting in each period of three months

The Commission held eight ordinary plenary meetings in 2020 on the following dates:

- » 28 January 2020
- » 31 March 2020
- » 20 May 2020
- » 23 June 2020
- » 28 July 2020
- » 22 September 2020
- » 27 October 2020
- » 8 December 2020

Five extraordinary meetings also took place, to facilitate the recording of time sensitive decisions in between the scheduled ordinary meetings. The extraordinary plenary meetings took place on the following dates:

- » 20 January 2020
- » 15 April 2020
- » 24 April 2020
- » 1 October 2020
- » 3 December 2020

A Schedule of 2020 Attendance, Fees and Expenses is set out in **Appendix 3**.

The Commission must publish, on a three-yearly basis, its strategy statement setting out key objectives and related strategies, including use of resources of the Commission. The strategy statement must be laid before the Houses of the Oireachtas. The Commission also approves an annual work plan and budget. The current Strategic Statement covers the period 2019 – 2021.

The Commission takes strategic decisions on statutory functions, including on

Commission policy statements and on the use of its legal powers, except where specifically delegated.

The Commission has delegated its power to provide legal and other assistance under section 40 of the Act to the Head of Legal. Its powers under section 32 of the Act in regard to equality reviews and action plans are delegated to the Head of Legal in consultation with the Director.

The day-to-day management of the Irish Human Rights and Equality Commission is the responsibility of the Director. The Director acts as a direct liaison between the Commission and senior management. The role and responsibilities of the Director are set out in sections 20-23 of the Act.

The Director and senior management follow the strategic direction set by the Commission. The Director provides the Commission with information in relation to the performance of his or her functions, including information with respect of those functions in so far as they relate to the financial affairs of the Commission, as the Commission may require. In addition, the Director ensures that all Commission members have a clear understanding of key activities and decisions, and of any significant risks likely to arise.

Committees

The Commission has established a number of Committees to assist in governance and in progressing the work of the Commission in relation to its strategic priorities. These include the Audit & Risk Committee, Legal Casework Committee and Policy & Research Committee.

The Commission may also establish Advisory Committees under Section 18 of the Act. In 2020, these include a Disability Advisory Committee and a Worker and Employer Advisory Committee.

Membership of each of these Committees, and attendance during 2020 is included in **Appendix 3**.

The Audit & Risk Committee and the Section 18 Advisory Committees include both Commission members and external members, and the Commission is very grateful for the expert assistance received from these external members during the year.

Audit and Risk Committee

The role of the Audit and Risk Committee is to:

1. consider the adequacy and effectiveness of IHREC's internal control systems, control environment and control procedures;
2. oversee the work of the Internal Audit and to provide advice and professional guidance; and
3. provide advice and guidance in relation to the systems of risk management and internal control within IHREC.

There were four meetings held in 2020: 3 March 2020; 23 June 2020; 22 September 2020 and 18 December 2020.

Legal Casework Committee

The purpose of the Legal Casework Committee is to advise the Commission on strategy in respect of legal casework and to develop guidelines, for adoption by the Commission, for the performance of the litigation/casework function of the Commission – *amicus curiae*, own name proceedings, Workplace Relations Commission proceedings and legal assistance schemes.

There were ten meetings held in 2020: 20 January 2020; 28 January 2020; 24 March 2020; 12 May 2020; 15 June 2020; 16 July 2020; 10 September 2020; 19 October 2020; 30 November 2020 and 3 December 2020.

Policy and Research Committee

The purpose of the Policy and Research Committee is to advise the Commission on strategy in respect of its policy and research functions, including its legislative interventions, international reporting, policy statements and data and research programmes.

There were seven meetings held in 2020: 20 January 2020; 18 February 2020; 24 March 2020; 12 May 2020; 15 June 2020; 15 October 2020 and 16 November 2020.

Worker Employer Advisory Committee

The Worker Employer Advisory Committee was established by the Commission in 2017 under Section 18 of the Act. The role of the Committee is to advise the Commission on:

- » Employment equality and workplace issues;
- » Equal status in service provision;
- » Human rights in the workplace and service provision;
- » Diversity and interculturalism; and
- » Such other matters as are referred to it by the Commission.

The Advisory Committee includes worker and employer representatives nominated by the Irish Congress of Trade Unions (ICTU) and by the Irish Business and Employers Confederation (IBEC).

There were three meetings held in 2020: 13 February 2020; 27 May 2020 and 12 November 2020.

Disability Advisory Committee

Following the ratification of the UN Convention on the Rights of Persons with Disabilities, in 2018 the Commission established a Disability Advisory Committee under Section 18 of the Irish Human Rights and Equality Commission Act 2014.

The role of the Committee is to:

1. Assist and advise the Commission on matters related to its function of keeping under review the adequacy and effectiveness of law and practice in the State relating to the protection of people with disabilities; and
2. Advise the Commission on the fulfilment of its CRPD Article 33 independent monitoring role.

There were seven meetings held in 2020: 11 February; 22 April; 27 May; 24 June; 10 September; 7 October and 2 December.

Governance

The overall governance and control framework within the Commission is guided by:

- » *Irish Human Rights and Equality Commission Act 2014*;
- » *Corporate Governance Standard for the Civil Service*, with which the Commission is required to comply as funded by an Exchequer Vote;
- » *Code of Practice for the Governance of State Bodies 2016*;
- » *Ethics in Public Office Act 1995*;
- » *Standards in Public Office Act 2001*;
- » The recommendations of the *Report of the Working Group on the Accountability of Secretaries General and Accounting Officers 2002* (the Mullarkey Report); and
- » *Public Financial Procedures 2012*.

October 2020 saw the functions vested in the Minister for Justice and Equality under the *Irish Human Rights and Equality Act 2014* transferred to the Minister for Children, Equality, Disability, Integration and Youth. Equality and human rights functions under a range of legislation set out in the order have been similarly transferred.

The Commission has a Corporate Governance Assurance Agreement in place with the Department.

Staff of the Commission

In accordance with section 24 of the *Irish Human Rights and Equality Act 2014*, the Commission is the employer of its staff who are civil servants in the service of the State.

The executive, led by the Director, implements the strategy and policies of the Commission.

As at 31 December 2020, the Commission had 62 staff (see **Appendix 4**). The National Shared Services Office (NSSO) provides HR, pensions and payroll administration shared services to the Commission. The Commission utilises ePMDS (Performance Management Development System) to monitor and support the performance and development of its staff. The Commission facilitates regular communication on key issues between management and recognised staff trade unions.

The executive consists of four sections:

- » Legal
- » Policy and Research
- » Strategic Engagement
- » Corporate Services

The Heads of these sections, reporting to the Director, comprise the senior management.

Senior Management at 31 December 2019

- » Director: Laurence Bond;
- » Head of Legal: Michael O’Neill;
- » Head of Policy and Research: Iris Elliott;
- » Head of Strategic Engagement: Jean O’Mahony; and
- » Head of Corporate Services: Niall Kelly.



Funding and Financial Management

The Irish Human Rights and Equality Commission is funded through a Vote of the Oireachtas. The Director is the Accounting Officer for the Commission’s Vote and this responsibility is separate to the governance responsibilities of the Commission members.

Each year the Accounting Officer must prepare the Appropriation Account for the Commission Vote for submission to the Comptroller and Auditor General. The Accounting Officer may then be called to appear before the Committee of Public Accounts of the Dáil to give evidence about the Account.

The Appropriation Account 2020 was submitted to the Comptroller and Auditor General for audit by the statutory deadline of 1 April 2021. As required, this included the Accounting Officer’s statement on the Commission’s systems of internal financial control.

The 2020 gross estimate provision for Vote 25 Irish Human Rights and Equality Commission was €6.814m of which €3.721m was allocated for pay related expenditure, and €3.093m of which was allocated to non-pay expenditure. The provisional (prior to audit) expenditure outturn was €6.154m of which €2.944m was pay and €3.210m was non-pay. At year end, a surplus of €0.649m was liable for surrender to the Exchequer.

The Code of Practice for the Governance of State Bodies 2016 requires that bodies make a number of additional disclosures in relation to certain categories of expenditure. These are set out in **Appendix 5**.

Protected Disclosures

As a public body, the Irish Human Rights and Equality Commission is required under section 22 of the *Protected Disclosures Act 2014* to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures. No protected disclosures were made to the Commission in the period 1 January 2020 – 31 December 2020.

Disability Act 2005

Under Part 5 of the *Disability Act 2005*, public sector bodies are required to report on their level of employment of people with disabilities. The results of a self-reporting Staff Census conducted in March 2020 showed that the Commission exceeded the 3% target for employment of people with disabilities in 2020. This information was provided to the National Disability Authority in March 2020.

Willing Able Mentoring Programme

In 2020 the Commission again engaged with the AHEAD Willing Able Mentoring (WAM) programme, a paid work placement programme that aims to promote access to the labour market for graduates with disabilities. In 2020, the Commission employed one graduate under this programme.

Disability Liaison/Access Officer

The Commission has a dedicated staff member in the role of both Disability Liaison/Access Officer. This has enhanced the service the Commission can offer to the public and staff members who require advice and support on matters relevant to disability and accessibility.

Freedom of Information Act 2014

The Commission continues to meet its obligations in relation to responding to Freedom of Information (FOI) requests. FOI Decisions and Types of Requests are outlined below:

FOI Decisions 2020

Granted	2
Part-granted	2
Refused*	3
Withdrawn/Handled outside FOI	1
Total	8

Types of Request 2020

Journalist	1
Business/Interest Group	0
Client	0
Member of Public	7
Total	8

*Three FOI requests were refused in 2020 under section 15 of the *Freedom of Information Act 2014* (the Act).

Two of the requests were refused under section 15(1)(a) of the Act on the grounds that the records requested do not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.

One request was refused under Section 15(1)(f) of the Act on the basis that the records requested are already in the public domain.

Overview of Energy Use

In accordance with Statutory Instrument 426 of 2014, all public sector bodies are required to report annually on their energy usage and any actions taken to reduce consumption.

In 2020, the Commission's energy usage comprised of grid energy only.

Energy Type	Consumption
Electricity	135,158 kWh
Fossil Fuels	0 kWh
Renewable Fuels	0 kWh



**Report under Section 42
of the *Irish Human Rights
and Equality Commission
Act 2014* (Public Sector
Equality and Human
Rights Duty)**



A public body is required to set out in its Strategy Statement, an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body, and the policies, plans and actions in place, or proposed to be put in place, to address these issues. It must then report on developments and achievements in addressing these issues in its Annual Report.

As with any other public body, this obligation applies to the Irish Human Rights and Equality Commission. Unlike other public bodies, our express statutory mandate is to address equality and human rights. Therefore our *Strategy Statement 2019- 2021* presents our assessment of the human rights and equality priorities we believe to be relevant to our functions and purpose, and our progress to date in addressing these issues is documented throughout this annual report.

To meet our statutory obligations under the Duty we must also take account of human rights and equality in how we implement our functions and go about our daily work. In the preparation of its Strategy Statement, the Commission also undertook an assessment of human rights and equality issues in relation to its functions across a number of operational areas, including the provision of legal services; the provision of information to the public about their rights; a strategic engagement function, which oversees external communication and engagement with stakeholders; a policy and research function; and a corporate services function, which includes procurement and human resources. The issues identified in that assessment are set out in the *Strategy Statement 2019-2021*. This section reports on progress against these issues, which are to be addressed over the course of this three-year cycle.

The Commission is committed to increasing the accessibility of our services across our

operations. This includes events hosted at our public space in our offices in Green Street, as well as external events organised by the Commission. Our offices host a fully accessible events space. In March 2020 our events space had to close in line with Covid-19 regulations. However, the Commission successfully transferred its events online and ensured full accessibility of the online space for people with disabilities.

Accessibility of our external communications was also a feature of our work in 2020, with use of accessibility features on our videos, our e-newsletter, our use of online tools to ensure our social media output reaches a wide audience, and a continued commitment to the accessibility of our public awareness campaigns. During the pandemic the Commission's Your Rights support service adapted quickly to a remote working environment and continued to provide an inclusive service to persons with a disability.

Progressively improving accessibility for staff, members of the Commission, and its advisory committees also forms part of our commitments. The Commission hosted a work placement under the Willing Able Mentoring (WAM) programme in 2020. Our role as host and mentor since 2018 has informed accessibility actions for our workplace.

Positive action to engage minority groups to access our services also forms part of our commitments. In 2020 the Commission organised activities specifically aimed at encouraging members of the Roma community and the Traveller Community to access our services.

A number of human rights and equality issues were identified as pertaining to IHREC staff and our corporate policies, including procurement. The Commission is obliged to comply with the principle of

competitive tendering in respect of its expenditure for works, supplies and service contracts. All tenders must comply with national and EU legislation. Noting this, in 2020 the Commission worked with the Office of Government Procurement (OGP) to include the Public Sector Equality and Human Rights Duty in its national public procurement guidelines when they are updated in 2021. The Commission developed further its internal procurement function and processes. As part of that work, it integrated, for the first time, equality and human rights considerations as part of award criteria for a significant procurement contract, reflecting our obligations under the Public Sector Duty.

The Commission committed to further developing human rights and equality training for staff. A bursary award for staff to undertake the Professional Diploma in Human Rights and Equality at the Institute of Public Affairs continued in 2020 on a competitive basis. A programme of internal online training sessions on IHREC's work for staff was undertaken in 2020, including training relating to equality and human rights, with a number of staff participating in individual training courses on these issues.

Other issues identified in our assessment are subject to ongoing development. Progress on these, and further progress on the issues documented above, will be reported over the course of the strategic cycle.

Appendices



Appendix 1: Commission Member Profiles for 2020

Chief Commissioner Sinéad Gibney

Sinéad Gibney leads the Irish Human Rights and Equality Commission in its mission to build a just and inclusive society that protects and promotes human rights and equality. Sinéad was the inaugural Director of the Commission from 2014-2016, and prior to this she built and led Google Ireland's corporate social responsibility function, Social Action. Sinéad is a former chair of the board of One Family and has served on a number of other boards; Digital Charity Lab, Victims' Rights Alliance and Responsible Research & Innovation industry advisory group.

Term of Office: 31 July 2020 – 30 July 2025

Jim Clarken

Jim Clarken is the CEO of Oxfam Ireland and an Executive Director of Oxfam International. He has extensive leadership and corporate governance experience, working at senior management and board level in the corporate sector and international NGO sector for almost thirty years. A passionate advocate for the rights of women, Jim has driven a gender-focus at Oxfam and has led the Irish Consortium on Gender Based Violence. He has been involved in the foundation of the Irish Refugee and Migrant Coalition, Stop Climate Chaos, the Irish Coalition for Business and Human Rights and is a former chair of Dóchas.

Term of Office: 31 July 2020 – 30 July 2025

Dr Frank Conaty

Dr Frank Conaty is a Fellow of Chartered Accountants Ireland and a faculty member at the J. E. Cairnes School of Business & Economics at the National University of

Ireland, Galway (NUIG). Frank's background in community and non-profit organisations has been informed by his family experience of disability and included six years on the board and as chairman of the National Parents & Siblings Alliance, a national disability rights and advocacy organisation. He is also an affiliate faculty member of Centre for Disability Law and Policy at the National University of Ireland Galway. Frank is serving his second term, having been first appointed to serve from November 2014 – October 2017.

Term of Office: 31 May 2018 – 30 May 2023

Patrick Connolly

Patrick Connolly is CEO of Age Action, a national advocacy organisation that advocates to shape better policies and services for people as they age. Previously he was CEO of Inclusion Ireland, a national organisation that advocates for the rights of persons with an intellectual disability and was CEO of Cairde for 14 years.

Term of Office: 31 May 2018 – 31 May 2023 (resigned February 2020)

Professor Caroline Fennell

Professor Caroline Fennell is Professor of Law in the School of Law at University College Cork (UCC), where her research interests are in criminal justice and the law of evidence, with a particular focus on gender and equality, and constructions of rights and fairness in crisis situations. Caroline has a strong commitment to interdisciplinarity in higher education, and was a founder member of the Board of Women's Studies and MA in Women's Studies in UCC, and founder member and co-

Director of the Centre for Criminal Justice and Human Rights. Caroline was recently appointed Chair of the independent Anti-Racism Committee (2020). She was admitted

to membership of the Royal Irish Academy in 2009.

Term of Office: 31 May 2018 – 30 May 2023

Michael Finucane

Michael Finucane is a solicitor and human rights activist based in Dublin. He is Principal Solicitor at his Dublin-based law firm, which specialises in criminal defence and human rights litigation. He is a Human Rights Committee Member in the Law Society of Ireland, which he also chaired from 2012 to 2014 and is a consultant and trainer with the SUPRALAT Project at Dublin City University/ Law Society of Ireland.

Term of Office: 31 July 2020 – 30 July 2025

Heydi Foster Breslin

Heydi Foster Breslin is the Chief Executive Officer of An Cosán (Gaelic for 'The Path'), Ireland's largest community education organisation. Prior to this, Heydi was CEO of Misean Cara, an Irish development agency working with some of the most marginalised and vulnerable communities in developing countries. Heydi has also been CEO of Exchange House Ireland National Travellers Service. Originally from Guatemala, Heydi has extensive experience across countries in advocating for equality, human rights and providing social services to minority groups, including children, women, refugees, and internally displaced people and members of the Traveller, Latino, African-American, Sinti and Roma communities. Heydi is serving her second term, having been first appointed to serve from November 2014- October 2017.

Term of Office: 31 May 2018 – 30 May 2023

Tony Geoghegan

Tony Geoghegan has worked in the addiction arena for the past thirty years both in Ireland and in Britain. Tony was CEO of Merchants Quay Ireland, Drugs and Homeless Services for 28

years. He is an accredited addiction counsellor and clinical supervisor and is a former Chairman of the A.C. I. (Addiction Counsellors of Ireland). He is currently the Irish representative on the Council of Europe's, Pompidou Group's Expert Group on Drug Policies and Human Rights: self-assessment tool.

Term of Office: 31 July 2020 – 30 July 2025

Adam Harris

Adam Harris is the Founder and CEO of AslAm, Ireland's National Autism Charity. Adam founded the organisation based on his own experiences growing up on the autism spectrum. Today, AslAm provides support to the autism people and their families, advocates on behalf of the community and works to support public and private sector organisations and communities in becoming inclusive and accessible.

Term of Office: 31 July 2020 – 30 July 2025

Professor Kathleen Lynch

Professor Kathleen Lynch is a sociologist and has devoted her life's work to promoting equality, human rights, and social justice through education and research. She has published eight books and three-hundred articles on all types of equality issues. She played the lead role in establishing the Equality Studies Centre in UCD in 1990 and the School of Social Justice in 2004/5. She also led the development of the M.Sc. and Diploma in Equality Studies in UCD in 1990, developed several Outreach Equality Studies programmes in collaboration with Community Groups over a thirty-year period, and pioneered the development of the BCL (Law and Social Justice) with the UCD Law Faculty in 2013/14.

Term of Office: 31 July 2020 – 30 July 2025

Dr Salome Mbugua

Dr Salome Mbugua is a researcher, gender equality activist and human rights advocate. She is the founder and former CEO of AkiDwA -The Migrant Women's Network and has over 20 years' experience of working with under-represented groups in particular women, children, and the youth, in Europe, Africa and internationally. Since 2015 she has been supporting the development of Wezesha, an African Diaspora led development organisation supporting women and children who are affected, or are likely to be affected by conflicts, violence, war and poverty, with piloting projects in Kenya and the DRC. Salome is the chairperson of European Network of Migrant Women and sits on the EU Expert group on Economic Migration.

Term of Office: 31 May 2018 – 30 May 2023

Dr Rosaleen McDonagh

Dr Rosaleen McDonagh is a Traveller woman with a disability. Originally from Sligo, she is the fourth eldest in a family of twenty children. She worked in Pavee Point Traveller & Roma Centre for ten years, managing the Violence Against Women programme, and remains a board member. She is a regular contributor to the Irish Times and has written within the framework of a Traveller feminist perspective. Rosaleen's work as a playwright includes *Mainstream*, *The Baby Doll Project*, *Stuck*, *She's Not Mine*, and *Rings*.

Term of Office: 31 July 2020 – 30 July 2025

Sunniva McDonagh

Sunniva McDonagh is Senior Counsel who practices mainly in the areas of fundamental rights, administrative and constitutional law. She has acted in many leading cases including in the area of immigration and fair trial rights in historical abuse cases. Sunniva has a particular interest in human

rights and the Rule of Law. She is the Vice President of the Management Board of the Fundamental Rights Agency, a former Chair of the Refugee Appeals Tribunal and a current Chair of the Mental Health Commission. She is a Member of the Strategic Human Rights Advisory Committee of An Garda Síochána, and a Member of the Press Council of Ireland. Sunniva is serving her second term, having been first appointed to serve from November 2014 – October 2019.

Term of Office: 31 July 2020 – 30 July 2025

Dr Lucy Michael

Dr Lucy Michael is a sociologist in practice and consultant on equality and integration issues. Her work particularly addresses racist discrimination and violence, experiences of victims, and the roles of statutory institutions and civil society in combating hate crime and exclusion. Lucy has conducted research with a wide range of public and private sector bodies including the International Organisation for Migration, UK Home Office and European Network Against Racism. She is co-author with INAR of the iReport.ie racist incident reporting system used to map racism in Ireland. She previously held lecturing posts at Ulster University and University of Hull, and is a former President of the Sociological Association of Ireland.

Term of Office: 31 July 2020 – 30 July 2025

Professor Ray Murphy

Professor Ray Murphy is a professor at the Irish Centre for Human Rights, NUI Galway. In addition to his position at the Irish Centre for Human Rights, he is on the faculty of the International Institute for Criminal Investigations. He was the EU Fundamental Rights Agency Senior Expert for Ireland and a member of the Executive Committee of the Association of Human Rights Institutes. Ray is a former member and Vice Chair

of the Executive Committee of Amnesty International (Ireland). He has also conducted training on behalf of the ICRC, No Peace without Justice, Amnesty International, the UN, and the International Institute for Humanitarian Law and the Pearson Peacekeeping Centre (Canada). Ray is serving his second term, having been first appointed to serve from November 2014 – October 2019.

Term of Office: 31 July 2020 – 30 July 2025

Colm O'Dwyer SC

Colm O'Dwyer SC is an Irish barrister (Senior Counsel) who specialises in human rights, international protection and public law litigation. He regularly pleads before the Superior Courts in Ireland and has appeared for the applicants/plaintiffs or *amicus curiae* in a number of significant and frequently cited Irish human rights, E.U. and citizenship law judicial review cases. Colm is a former member of the Bar Council and was the first chair of the Bar of Ireland Human Rights Committee. He was also formerly the chair of the NGO Ruhama, which assists and supports women affected by prostitution and victims of trafficking.

Term of Office: 31 May 2018 – 30 May 2023

Appendix 2: Attendance at Commission Meetings

The Commission held eight ordinary plenary meetings in 2020. Five extraordinary meetings of the Commission also took place, to facilitate the recording of time-sensitive decisions between the scheduled ordinary meetings. Commission members receive an annual fee of €7,695.

The term of office of nine new Commission members including the Chief Commissioner commenced on 31 July 2020, giving rise to the reduced fees outlined in the below table.

One member resigned from the Commission in February 2020 prior to his term of office concluding on 31 May 2023 which also gave rise to a reduced fee.

The Chief Commissioner was appointed on 31 July 2020 and her remuneration is included at Appendix 5.

In 2020, three members, Frank Conaty, Caroline Fennell and Ray Murphy, did not receive any fee under the One Person One Salary principle.

Commission Members	Ordinary Meetings	Extraordinary Meetings	Fees 2019 €	Expenses*** 2019 €
Sinéad Gibney*	3 of 4	2 of 2		
Jim Clarken*	4 of 4	2 of 2	€3,220.19	
Frank Conaty	8 of 8	4 of 5		
Patrick Connolly**	1 of 1	1 of 1	€1,154.25	
Caroline Fennell	7 of 8	5 of 5		€1,385.00
Michael Finucane*	4 of 4	1 of 2	€3,220.19	
Heydi Foster Breslin	8 of 8	5 of 5	€7,695.00	€735.00
Tony Geoghegan	8 of 8	3 of 5	€7,695.00	€738.00
Adam Harris*	4 of 4	2 of 2	€3,220.19	
Kathleen Lynch*	4 of 4	2 of 2	€3,220.19	
Salome Mbugua	7 of 8	3 of 5	€7,695.00	
Rosaleen McDonagh*	4 of 4	1 of 2	€3,220.19	
Sunniva McDonagh*	4 of 4	1 of 2	€3,220.19	€319.00
Lucy Michael*	4 of 4	1 of 2	€3,220.19	
Ray Murphy*	4 of 4	2 of 2		
Colm O'Dwyer	8 of 8	5 of 5	€7,695.00	

*The term of office of 9 new Commission members including the Chief Commissioner commenced on 31 July 2020. The record of attendance for each member reflects the number of meetings held while in office.

Members attended a plenary meeting on 28 July 2020 in an observer capacity.

**Patrick Connolly resigned in February 2020

Appendix 3: Attendance at Committees

Policy and Research Committee	Meetings Attended
Sinéad Gibney*	2 of 2*
Frank Conaty	6 of 7
Patrick Connolly**	1 of 1
Caroline Fennell	6 of 7
Heydi Foster Breslin	3 of 5
Tony Geoghegan	4 of 5
Adam Harris*	0 of 2*
Kathleen Lynch*	2 of 2*
Salome Mbugua	4 of 7
Lucy Michael*	2 of 2*
Colm O'Dwyer	7 of 7

*Sinéad Gibney, Adam Harris, Kathleen Lynch and Lucy Michael were appointed to the Policy and Research Committee at the 43rd Ordinary Plenary Meeting on 22 September 2020

**Patrick Connolly resigned in February 2020

Casework Committee	Meetings Attended
Sinéad Gibney*	4 of 4
Frank Conaty	2 of 6
Patrick Connolly**	1 of 2
Caroline Fennell	10 of 10
Michael Finucane*	2 of 3
Heydi Foster Breslin	5 of 7
Tony Geoghegan	7 of 7
Salome Mbugua	5 of 7
Lucy Michael*	1 of 3
Sunniva McDonagh*	3 of 3

Ray Murphy*	3 of 3
Colm O'Dwyer	10 of 10

*Sinéad Gibney, Michael Finucane, Lucy Michael, Sunniva McDonagh and Ray Murphy were appointed to the Casework Committee at the 43rd Ordinary Plenary Meeting on 22 September 2020

**Patrick Connolly resigned in February 2020

Disability Advisory Committee	Meetings Attended
Sinéad Gibney	2 of 3
Frank Conaty	7 of 7
Gary Allen	6 of 7
Bernie Bradley	6 of 7
Jacqui Browne	7 of 7
Adrian Carroll	7 of 7
John Bosco Conama	7 of 7
Michelle Gaynor	7 of 7
Eliona Gjeczaj	6 of 7
Brian Hayes	5 of 7
Adam Harris**	2 of 2
Rosaleen McDonagh*	6 of 7
Kieran Murphy	6 of 7
Vivian Rath	5 of 7

*Rosaleen McDonagh was appointed as Presiding Member to the Disability Advisory Committee at the 43rd Ordinary Plenary Meeting on 22 September 2020. Prior to her appointment to the Commission, she was a member of the Disability Advisory Committee.

** Adam Harris was appointed as Vice Presiding member to the Disability Advisory Committee at the 43rd Ordinary Plenary Meeting on 22 September 2020.

Audit and Risk Committee	Meetings Attended
John Maher (<i>external Chair</i>)	4 of 4
David Scott (<i>external Vice-Chair</i>)	3 of 4
Heydi Foster Breslin	4 of 4
Frank Conaty	3 of 4
Rosaleen McDonagh*	1 of 1
Adam Harris*	1 of 1

*Rosaleen McDonagh and Adam Harris were appointed to the Audit and Risk Committee at the 43rd Ordinary Plenary Meeting on 22 September 2020.

Worker Employer Advisory Committee	Meetings Attended
Tony Geoghegan (Chair)	3 of 3
Kathleen Lynch (Vice- Chair)*	1 of 1
Jim Clarken*	1 of 1
Brian Callinan, Ibec	1 of 3
Meadhb Costello, Ibec	2 of 3
Seamus Dooley, NUJ	2 of 3
Nichola Harkin, Ibec	2 of 2
Norman Harkin, Irish Rail	2 of 3
David Joyce, ICTU	3 of 3
Dr Kara McGann, Ibec	3 of 3
Deirdre O'Connor, INTO	1 of 1

*Kathleen Lynch and Jim Clarken were appointed to the Worker Employer Advisory Committee at the 43rd Ordinary Plenary Meeting on 22 September 2020.

Appendix 4: Commission Staff

The staff complement of the Commission as at 31 December 2020 was 62, with grading structure as follows:

Grade	No. of Staff
Director	1
Principal Officer	4
Professional Accountant Grade I	1
Assistant Principal Officer	10
Higher Executive Officer	11
Administrative Officer	10
Higher Legal Executive	1
Legal Executive	3
Executive Officer	10
Clerical Officer	11
TOTAL	62

Appendix 5: Additional Financial Disclosures

The Commission is funded through a Vote of the Oireachtas. The Director is the Accounting Officer for the Commission's Vote.

The Appropriation Account 2020 for Vote 25 Irish Human Rights and Equality Commission was submitted to the Comptroller and Auditor General for audit by the statutory deadline of 1 April 2020.

The Code of Practice for the Governance of State Bodies 2016 requires that bodies make a number of additional disclosures in relation to certain categories of expenditure and remuneration and these are set out below:

Employee Short-Term Benefits Breakdown

Employees' short-term benefits in excess of €60,000 are categorised into the following bands:

Short-term employee benefits	No. of Employees in Band	
	2020	2019
€		
60,000-69,999	2	3
70,000-79,999	6	5
80,000-89,999	2	3
90,000-99,999	1	-
100,000-109,999	-	-
110,000-119,999	2	2
120,000-129,999	-	-
130,000-139,999	-	1
140,000-149,999	-	-

Note: For the purposes of this disclosure, short term employee benefits in relation to services rendered during the reporting period include salary, overtime allowances and other payments made on behalf of the employee, but exclude employer's PRSI.

Key Management Employee Benefits	2020 €	2019 €
Commission Member Fees	54,476	65,255
Salary (Including Chief Commissioner)	572,360	647,947
Allowances	-	-
Termination benefits	-	-
Health Insurance	-	-
	626,835	717,222

Key management personnel in the Commission consists of the members of the Commission, including the full time Chief Commissioner, the Director and the members of the Senior Management Team. Figures represent actual remuneration for the period.

Chief Commissioner Salary	2020*	2019
	€	€
Basic Pay	56,844	125,356
Health Insurance	-	-
Total	56,844	125,356

*The incoming Chief Commissioner's term started on 31/07/2020

Director Salary	2020	2019
	€	€
Basic Pay	115,953	111,424
Health Insurance	-	-
Total	115,953	111,424

Consultancy Costs	2020	2019
	€	€
Legal fees	-	15,509
Advisory	6,775	-
Total	6,775	15,509

Note: Consultancy costs include the cost of external advice to management and excludes outsourced 'business-as-usual' functions.

Legal fees does not include fees paid to legal counsel engaged by the Commission in the discharge of its statutory legal functions.

Travel and Subsistence – Domestic and International	2020	2019
	€	€
Domestic Travel		
- Commission*	1,669	7,117
- Employees	11,345	22,750
International Travel		
- Commission*	1,507	5,815
- Employees	2,439	26,293
Total	16,960	61,974

*includes €2,163 (2019: €8,490) paid directly to Commission members (excluding the Chief Commissioner) in 2020. The balance of €1,014 (2019: €4,442) relates to expenditure paid by IHREC on behalf of Commission members.

Legal Costs and Settlements

There were no such costs in 2020.

Hospitality Costs	2020	2019
	€	€
Staff Hospitality	-	-
Third Party Hospitality	-	1,319
Total	Nil	1,319

Appendix 6: Publications

Corporate Publications

- » Annual Report 2019 /Tuarascáil Bhliantúil 2019, July 2020

Information Guides

- » Guidance Note – Covid-19 and the Public Sector Equality and Human Rights Duty, August 2020
- » Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for a consultative approach, September 2020
- » Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for an evidence-based assessment of equality and human rights issues, September 2020
- » The Employment Equality Acts 1998-2015 A guide to your rights if you are discriminated against in the workplace or in seeking work , 2nd Edition, October 2020
- » The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services, 2nd Edition, October 2020

International Reporting

- » Submission to the UN Committee against Torture on the List of Issues for the Third Examination of Ireland, January 2020
- » Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the follow-up procedure to Ireland's combined sixth and seventh periodic report, August 2020

Policy Statements and Submissions

- » Submission to the Department of the Taoiseach on the European Semester 2020 and the National Reform Programme, March 2020
- » Letter to An Taoiseach in relation to the Covid-19 Pandemic, March 2020
- » Letter to political parties on the Programme for Government, April 2020
- » Letter to Garda Commissioner on Covid-19 Powers Policing, May 2020
- » Letter to Minister for Finance & Public Expenditure and Reform, Paschal Donohoe T.D, May 2020
- » Letter to Minister for Education and Skills, Joe McHugh T.D. on Calculated Grade System, May 2020
- » Letter to Minister for Employment Affairs and Social Protection, Regina Doherty T.D, May 2020
- » Comments on Ireland's 17th National Report on the Implementation of the European Social Charter, June 2020
- » Statement on eliminating racial discrimination in all its forms in Ireland, June 2020
- » Covid-19 Committee Written Submission – The Impact of Covid-19 on People with Disabilities, June 2020
- » Observations on National Guidance on Prioritisation in Access to Critical Care in a Pandemic, July 2020
- » Submission to the EU Action Plan Against Racism Consultation Meeting, July 2020

- » Submission to the Special Committee on Covid-19 Response Regarding the Adequacy of the State's Legislative Framework to Respond to Covid-19 Pandemic and Potential Future National Emergencies, September 2020
- » Submission to the Joint-Oireachtas Committee on Disability Matters on its work programme, November 2020

Research Reports

- » Continuing EU Citizenship "Rights, Opportunities and Benefits" in Northern Ireland after Brexit. Sylvia de Mars, Colin Murray, Aoife O'Donoghue and Ben Warwick, March 2020
- » Legal analysis of incorporating into UK law the birthright commitment under the Belfast (Good Friday) Agreement 1998, Alison Harvey, March 2020
- » Hidden Versus Revealed Attitudes: A List Experiment on Support for Minorities in Ireland. Frances McGinnity, Mathew Creighton and Éamonn Fahey, July 2020

Appendix 7: Grants Scheme

In 2020, the Commission continued to provide support for projects under its Irish Human Rights and Equality Grants Scheme. Grants awarded by the Commission in 2018 and 2019 saw the following projects delivered during 2020:

Organisation	Project
Galway City Local Community Development Committee (LCDC)	This project built on work done by the LCDC on the Public Sector Duty, aimed to strengthen a culture across the public sector that is committed to proactively promote equality, prevent discrimination and protect human rights.
Community Law & Mediation	Following Ireland's recent recognition of Traveller Ethnicity, the project undertook a legal review of the appropriateness and adequacy of the Caravan Loan Scheme.
Free Legal Advice Centres	Providing a detailed report to support the implementation of the Public Sector Duty in a number of public bodies which play a central role in the Irish justice system.
Inclusion Ireland	Delivering awareness and capacity building training to staff in Local Authorities on their obligations under the Public Sector Duty. Delivering training to persons with disabilities and their supporters on understanding and vindicating their rights under the Duty.
Community Action Network CAN	Promoting awareness and understanding among service users of their human and equality rights and of Public Sector Duty, supporting this vulnerable group of rights holders to know how to use the complaints system and to address the issues they have named to be of concern to them.
Chester Beatty	Promoting intercultural understanding and diversity through a new innovative onsite Intercultural School Programme as well as digital learning resources designed to contribute to social cohesion and the individual and collective wellbeing of every child in Ireland, irrespective of geographical restrictions. Raising awareness, providing training for teachers and delivering sustainable learning resources that can be shared with schools to inspire and support intercultural learning as reflected in the culturally diverse populations that now exist in Irish schools and communities.
Dublin City Interfaith Forum	Develop an interfaith Hate Crime reporting, recording and responding initiative to augment and encourage social cohesion in an intercultural & multi-faith Ireland.
Nasc the Migrant and Refugee Rights Centre	Conducting a research to promote greater integration and inclusion of refugees and their families into Irish society by highlighting the need to provide additional supports and services to families arriving through family reunification.

Organisation	Project
Irish Family Planning Association (IFPA)	Putting the Public Sector Equality and Human Rights Duty into practice through advancing a rights-based and patient-centred approach to the provision of abortion care in Ireland.
Irish Council for Civil Liberties	Examining how the Public Sector Duty can be used to ensure that the human rights are respected within the Coroner system, with resulting activities, training and recommendations for legislative reform.
Carlow College – St Patrick’s (Collaborative Project)	Recording the stories of ethnic minority women (including Traveller women) living in the Carlow area to create a secondary school resource which aims to raise awareness and visibility of cultural diversity in the community.
Institute of Technology Carlow*	Providing a Certificate in Building Capacity and Enhancing Leadership in Intercultural Understanding and Diversity programme to public bodies in order to support them to identify and address specific or multiple human rights and/or equality issues of relevance to their work for people accessing their services and for staff.
Tipperary Rural Traveller Project	Empowering young Travellers to build a better future for themselves by creating with them a space where they can come together to unlock their potential, come up with solutions to their challenges, and develop their own unique voices
Dublin City University, Anti-Bullying Center	Developing a set of guidelines for Religious Education teachers who work with minority faith and other students in Irish Post Primary schools, aiming to build research evidence and raise awareness and understanding of challenges and opportunities impacting on the provision of equality and respect for the human right to freedom of minority beliefs.
An Cosán - The Shanty Educational Project Limited*	Educational Project: Partnering with International Protection Applicants (IPAs) in Direct Provision to co-create a blended learning programme to address participants’ employment rights, civic participation, and social inclusion.
Disability Federation of Ireland*	Promoting awareness and understanding among service users of their human and equality rights and of Public Sector Equality and Human Rights Duty; supporting this vulnerable group of rights holders in using the complaints system and addressing the issues they have named to be of concern to them.
Age Action	It’s My Life: Informing a Human Rights & Equality Perspective on the Design & Implementation of Home Care Supports and Assisted Decision Making Developing a report on participatory dialogues with older people that provided an evidence base for two policy position papers, which applied a human rights and equality perspective to the provision of the Home Care Scheme (home support) and the implementation of Assisted Decision Making (Capacity) Act 2015.
All Ireland Institute of Hospice and Palliative Care (AIHPC)	Collaborative project creating understanding of the human rights challenges associated with palliative care and carried out research to identify competence needs of health care professionals in palliative care on human rights and autonomy in shared and ethical decision-making at the end of life and delivered workshops to health care professionals based on the needs identified in collaboration with people with palliative care needs and carers.

Organisation	Project
Amal Women Association	Conducting a qualitative research from a human rights and equality perspective on the barriers faced by Muslim women in accessing maternity services in Ireland with the goal of producing findings that inform AMAL's responses to the issues raised and the work of health service providers.
Blanchardstown Traveller Development Group	Strengthening Travellers capacity to advocate for accommodation rights This project aimed to provide training on accommodation rights to Travellers in the Greater Blanchardstown area and to enable them to provide confident peer support to other Travellers in the area on their rights.
Cairde	Mental Health Peer Advocates for Minority Ethnic Communities Mitigating the inequalities in the area of access to mental health services and mental health outcomes for minority ethnic communities and capacity building of the communities to address the issues of accessibility of mental health services, through a community development and rights training programme for Mental Health Peer Advocates.
Community Action Network	Building a Rights-based research engaging procurers, contractors, beneficiaries and communities who are part of its Community Benefits Forum projects and documented the successes and challenges of the inclusion of a social clause in public procurement contracts for the purpose for making jobs available to people far from the labour market and made recommendations in the context of EU fundamental rights law and the Public Sector Equality and Human Rights Public Sector Duty.
Early Childhood Ireland	Delivering decent work, terms and conditions for early childhood workers analysing of the professionalization, unionisation and formalisation of pay & conditions within other sectors in Ireland. Documented a baseline of where the early childhood care sector and identified key milestones to ensure staff have stable and secure employment and take into account the role of the Public Sector Equality and Human Rights Duty.
European Anti-Poverty Network (EAPN) Ireland CLG	A Community Approach to developing Health Inequalities focusing on the right to health and strengthening how national health strategies address health inequalities informed by conversations with communities and groups who experience or are most vulnerable to health inequalities.
Focus Ireland	A collaborative policy research project explored how the Public Sector Equality and Human Rights Duty could be better used to eliminate inequality and discrimination faced by migrant households, in terms of accessing housing, and homeless services.
Galway Simon Community	Amplifying voices: Developing a system to strengthen the capacity of homeless people to advocate for and vindicate their rights; and enable them to engage with statutory agencies and public bodies to ensure they meet their obligations under the Public Sector Equality and Human Rights Duty.
Garryowen Community Development Project	Raising awareness of homelessness and housing as a community and human rights issue by commissioning a report on Homelessness and Human Rights in Limerick taking into account the obligations set out in the Public Sector Equality and Human Rights Duty and the lived experience of people.

Organisation	Project
Ifrah Foundation	Producing a leaflet on Female Genital Mutilation (FGM), in Somali, outlining the services available at the Irish Family Planning Association's HSE-funded free FGM Treatment Service. It also trained volunteer ambassadors to increase awareness among Somali women of the negative health consequences of FGM, the law in Ireland prohibiting it, and the services available for survivors.
Inclusion Ireland	Promoting the Right to Housing for People with Disabilities A development of a policy paper on housing, informed by an equality and rights analysis, and incorporating the voice of persons with disabilities which led to accessible resources for people with disabilities to claim their right to housing and a conference to share the learning.
Irish National Organisation of the Unemployed (INOUE)	Raising awareness of the right to decent work through regional workshops and seminar, which facilitating dialogue on decent work and built people's awareness and understanding of their right to decent work and how it relates to other rights. The learning fed into the development and implementation of policies underpinning activation and employment services.
Irish National Teachers' Organisation (INTO)	Emphasising the right to equal opportunity and treatment of LGBT+ teachers in their workplace through the expression of the concerns, tensions and subtle discrimination on sexual orientation grounds through the medium of a docufilm. The docufilm was use in building capacity and raising awareness events engaging all education stakeholders, most particularly school leaders/principals and school patrons, as well as galvanising support of other teachers.
Kilkenny Traveller Community Movement (KTCM)	A research report identifying the scope and root cause of Traveller unemployment in Kilkenny city & county, in particular to map the typical journey though the educational/training process of members of the community and identifying possible weaknesses to identify possible long-term strategies towards improving access to employment for the Traveller community in Kilkenny and develop a long-term strategy to achieve this.
Mental Health Reform	A human rights-based capacity-building training to 30 people who have experience of mental health difficulties and/or family members/supporters aiming of empowering participants to be able to advocate for improvements in the mental health system.
Mercy Law Resource Centre (MLRC)	Overcoming barriers to accessing adequate housing and homeless provision for minority groups Mercy Law Resource Centre produced a research report informed by its own case and policy work, setting out the barriers experienced by minority groups to accessing housing and homelessness entitlements and producing a set of positive recommendations for local authorities and Government departments within the context of the Public Sector Equality and Human Rights Duty.
Migrant Rights Centre Ireland	Decent work: Promoting the progression of migrant workers in low paid work and their horizontal integration into the labour market aiming to conduct a research to address discrimination faced by migrant workers and promoted increased labour market integration by better understanding access, retention and progression routes for migrant works and documenting their needs.

Organisation	Project
National Family Support Network CLG	Health Outcomes of Families of Drug Misusers Conducting a research to outline the impact of substance misuse on the health outcomes of affected family members, in particular mental health, stress and anxiety issues.
National Women's Council of Ireland	Workplace Equality, Economic Security and Decent Work for All Women Expanding access to legal protections for women in the workplace by establishing a dedicated legal clinic on a pilot basis to advise women in matters directly related to employment discrimination and collated information given on the issues they face, drew out key learnings, commission legal research to identify gaps in employment law and launched a Working Women's Bill of Rights at a closing event.
National Youth Council of Ireland	Supporting Mental Health of Minority-Ethnic Youth Leaders Organising two short seminars to support ethnic-minority youth leaders to overcome the challenges they face in relation to their own mental health, as they respond to the diverse needs of their community, and the difficulties they face especially on racial discrimination.
The National Platform of Self Advocates	Improving Access to Paid Employment for People with Intellectual Disability Participatory approach of rights-holders guiding, development and delivering a research report with the support of a lead researcher, which established the barriers to paid employment for people with intellectual disabilities from the perspective of both the rights holders and employers in three specific industries: retail, information technology and hospitality.
Youth Work Ireland	Young People's Rights to Sexual Health Information and Education. Organising a national youth conference raising awareness of the rights of rights of young people to accurate and inclusive sexual health education and information and giving a voice to young people on these issues and have a particularly focusing on the sexual health rights of young LGBTI+ people, and young people with disabilities.
ETBI	Development of a framework of supports for implementing the Public Sector Equality and Human Rights Duty across the Education and Training Boards Sector.
Fingal County Council*	Develop training resources for key staff in Fingal County Council, focussing upon implementation of the Public Sector Equality and Human Rights Duty and on interculturalism.
HSE	Developing a collaborative approach to the Public Sector Equality and Human Rights Duty working with service users in relation to addiction and treatment and service provision.
UCD	Putting the Public Sector Equality and Human Rights Duty into practice in the Third Level Sector by raising awareness, sharing learning, identifying priorities and developing guidelines.

*These projects were completed in 2019 but received their final grant instalment in 2020. Therefore they are reflected in both the 2019 and 2020 Annual Reports.

Appendix 8: Your Rights Data

Protected Ground	Equal Status Acts 2000 - 2018	Employment Equality Acts 1998 - 2015	Intoxicating Liquor Acts 2003 - 2008	Total
Age	49	35	2	86
Civil Status	7	2	0	9
Disability	207	112	0	319
Family Status	35	15	1	51
Gender	49	67	0	116
Housing Assistance	118	0	0	118
Not Stated	19	26	1	46
Race	92	55	0	147
Religious Belief	8	2	0	10
Sexual Orientation	7	9	1	17
Traveller Community	19	5	4	28
Total	610	328	9	947

Human Rights Topics 2020	Human Rights Queries 2020
Administration of Justice/Fair procedures/ Fair trial - Art 6/Effective investigation	41
Asylum seekers/Direct Provision	28
Children's Rights	2
Equality/Non-discrimination – Art 40.1/Art 14	26
Freedom of Assembly & Association - Art 11	1
Freedom of Expression - Art 10	1
Freedom of Thought, Conscience & Religion - Art 9	1
General /Misc.	62
Historical Institutional Abuse	4
Homelessness/Social housing & Living conditions	52
Immigration/Family Reunification/Right to Remain/Freedom of Movement	35
Inhuman and Degrading Treatment & Punishment/Prohibition of Torture - Art 3	4
Private, Family Life, Home and Correspondence - Art 8	28
Prohibition of Slavery and Forced Labour - Art 4	0
Protection of Property	2
Right to Education	6
Right to Life - Art 2	4
Right to work/Decent work	67
Rights relating to Health, & Bodily Integrity	22
Unlawful detention/ Conditions of detention (prisons, other institutions)	36
Total	422

