

Annual Report 2021



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

Annual Report 2021

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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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Irish Human Rights and Equality Commission

Report to the Houses of the Oireachtas	4
Message from the Commission	5
Who We Are	8
Commission Members in 2021	9
Report of Activity	10
1. Protect the rights of individual persons who face the greatest barriers to justice	12
Providing Information to Individuals on their Rights	13
Providing Legal Assistance to Individuals	15
Tackling Discriminatory Advertising	21
Acting as <i>Amicus Curiae</i>	22
2. Influence legislation, policy and practice	30
Policy Statements and Submissions	31
Legislative Observations	34
Human Rights and Equality on the Island of Ireland	37
Human Rights and Equality Treaty Monitoring	39
National Rapporteur on the Trafficking of Human Beings	40
Evidence to Inform Policy and Practice	43
Promoting Implementation of the Public Sector Equality and Human Rights Duty	45
Equality Reviews and Equality Action Plans	48
Preparing Codes of Practice	49
3. Engage with key organisations to address discrimination and human rights abuses	50
Civil Society Engagement	51
Advisory Committees	52
Using Our Grants Scheme to Support Civil Society and Rights Holders	54

4. Raise the quality and broaden the extent of the dialogue on human rights and equality issues	60
Public Awareness Work	61
The Commission in the Media	62
Engagement in International Networks	66
Corporate Governance and Structure	68
Commission	69
Committees	71
Governance	73
Staff of the Commission	73
Funding and Financial Management	75
Protected Disclosures	75
Disability Act 2005	75
Freedom of Information Act 2014	76
Overview of Energy Use	76
Report under Section 42 of the <i>Irish Human Rights and Equality Commission Act 2014</i> (Public Sector Equality and Human Rights Duty)	77
Appendices	80
Appendix 1: Commission Member Profiles for 2021	81
Appendix 2: Attendance at Commission Meetings	85
Appendix 3: Attendance at Committees	86
Appendix 4: Commission Staff	87
Appendix 5: Additional Financial Disclosures	88
Appendix 6: Publications	90
Appendix 7: Grants	92
Appendix 8: Your Rights Data	102

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 2021.



Sinéad Gibney
Chief Commissioner

Message from the Commission

2021 brought us into the second year of Covid-19, a public health crisis which dominated our lives and continued to present new and difficult challenges, particularly for those in society who are already marginalised. The year was bookended by surges in the virus and Ireland endured one of the longest and most stringent lockdowns in the world.

Throughout the year, alongside Covid-19, we in the Commission continued to witness a steady stream of rights and equality issues, which threaten people's individual dignity, open routes to discrimination, and stifle people's potential.

As we emerge from the pandemic, the problems it partially masked rise again. These include the well-established issues of homelessness and housing provision, of gender-based violence, structural issues of care, historic wrongs, the rights of persons with disabilities, and how those coming here to seek asylum and refuge are treated.

As I write, the war in Ukraine continues to rage, and while a shared humanity to those fleeing conflict has shone through in our national response, we must work to make sure that this common humanity is indeed common to all people fleeing persecution, violence and conflict, no matter where they are coming from or what colour skin they have.

It was a year of significant and positive milestones for us at the Irish Human Rights and Equality Commission:

- » We made more Parliamentary appearances this year than almost all previous years combined, seeking to shape new laws, agencies and processes.

- » Many years of work came to fruition in the shape of access to bank accounts and driving licences for people in the international protection system.
- » We ramped up our new role as National Rapporteur on the Trafficking of Human Beings under EU law.
- » We assumed our membership of the Dedicated Mechanism working group for tackling all-island rights and equality issues stemming from the UK's departure from the EU.

This was my first full year as Chief Commissioner and I'm honoured to work closely with a Commission made up of members who are dedicated and passionate in their commitment to human rights and equality, and with a team that is hungry for change in building a just and inclusive society, led by our very capable Director, Laurence Bond.

In 2021, we were re-accredited at the highest level ("A" Status) by the global body which evaluates the work of National Human Rights Institutions. Retaining this top-tier status reflects our independence and our adherence to the UN Paris Principles, meaning that we are effective in holding the State to account on its human rights and equality transgressions. This status opens doors for us across the UN treaty system in advocating Ireland's adherence to its international human rights obligations.

The significant role which the Commission plays in international networks is shown by the fact that as Commission Member Caroline Fennell completed our term as elected Chair of the European Network of National Human Rights Institutions ('ENNHRI'), our Director was elected to the Chair of Equinet, the network of European National Equality Bodies.

We worked hard in 2021 to set a strategic direction for 2022 to 2024, building on previous Commission strategies, and taking into account the shocks, threats and crises that our world endures. We have chosen to prioritise: Economic Equality; Justice; Respect and Recognition; Futureproofing; and Public Sector Duty.

This report provides a detailed account of our 2021 activities. But I'd like to highlight some features in what was a landmark year for us:

- » For people seeking asylum and international protection in Ireland, we pulled down two major obstacles blocking access to work – the ability to open bank accounts, secured in May, and to apply for driving licences, secured in December. This was the fruit of several years of work by the Commission, as well as many individual activists and NGOs. In both cases, it was a combination of legal work and strategic engagement, which ultimately brought success.
- » Our distinctive public awareness work reached new heights in the shape of our “All Human All Equal” #AllAgainstRacism campaign, and in particular our partnership with Hot Press magazine. We built on our existing anti-racism campaign by sharing the voices of 100 well-known people from across Ireland, including Bob Geldof, Denise Chaila, Sinéad O'Connor, Damien Dempsey, and President Michael D. Higgins, discussing racism in Ireland.
- » On Traveller accommodation, after many months of legal and other engagement we published accounts of equality reviews for Ireland's local authorities, focused on their provision of Traveller-specific accommodation. These reviews included specific recommendations for action by local authorities. We highlighted the chronic underspend in the draw-down

of allocated funds, the evidence of poor information gathering to inform decision-making, and issues identifying Travellers' true accommodation preference. We also provided valuable detail for local groups to pursue accountability from local authorities.

- » We brought forward research targeted at unravelling the use of *Ireland's Emergency Powers During the Covid-19 Pandemic*. This first-of-its-kind evaluation of Ireland's use of pandemic-related emergency powers found that the Government persistently blurred the boundary between legal requirements and public health guidance in its Covid-19 response and often sidelined necessary human rights and equality scrutiny of emergency powers.
- » The need to secure systematic and effective redress for historic wrongs is unfortunately a consistent and ongoing theme of the Commission's work, since our foundation. We used our legal powers to contribute to the High Court in Mary Harney and Philomena Lee's successful challenge of the Final Report of the Mother and Baby Homes Commission of Investigation. Following significant consideration of an invitation from the Minister for Equality, we also took the step to submit our recommendations to the Government's Interdepartmental Group for redress on this issue. The Commission stressed the importance of survivor participation in the design, development, and implementation of any redress scheme, and that all procedures are adopted with a survivor-centric focus.
- » In the sixth year of our equality and human rights grants, €350,000 in funding was made available to support 28 projects nationwide, focused on advancing social and economic rights and equality; combatting racism and racial

discrimination; and progressing the rights of people with disabilities.

- » We have been proactive in our new role as Ireland's Independent National Rapporteur on the Trafficking of Human Beings with a new unit up and running in the Commission. Trafficking in human beings remains a hidden but pervasive crime that predominantly affects people of migrant backgrounds. Ireland is both a destination and transition country for trafficking in persons but yet has significant work to do in successfully tackling this. While we are seeing some State progress, it is clear that Ireland continues to be an international laggard in this area and our role as Rapporteur will be an important one to keep a spotlight and momentum on this issue.

As Chief Commissioner, I also want to put on record my personal thanks, and that of the Commission, to the numerous civil society groups who work with us on a daily basis through direct consultations and events, and for sharing their insights to enrich and empower our work as Ireland's National Human Rights Institution and National Equality Body.

Seven years in, we are seeing a consistent rise in the profile of the Commission, with increasing parliamentary citations of our recommendations, a high-level and consistent national media presence, growing public awareness of key issues, and increasing respect of the contribution we make as the human rights and equality experts in the State.

Despite Covid-19 and the many issues it has brought to the fore, our Commission has stepped up, as many others have, to meet the challenge. This report shows that our output and impact, even through the pandemic, has grown. Our determination

to protect and promote human rights and equality in Ireland and build a culture of respect for human rights, equality and intercultural understanding in the State, remains more than just a mission, but a driving determination.



Sinéad Gibney
Chief Commissioner

Who We Are

The Irish Human Rights and Equality Commission ('the 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 ('NHRI') and its National Equality Body. Since 2020 it is also Ireland's Independent National Rapporteur on the Trafficking of Human Beings.

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 2021



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 final year of the Commission's Strategy Statement 2019-2021. It sets out our activities during 2021 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 *Employment Equality Acts 1998-2015*, the *Equal Status Acts 2000-2018*, section 19 of the *Intoxicating Liquor Act 2003*, the *European Convention of Human Rights Act 2003-2014* and the *Irish Constitution*.

In October 2020 we published revised and updated editions of two information guides:

- » The Employment Equality Acts 1998-2015: a guide to your rights if you are discriminated against in the workplace or in seeking work; and
- » The Equal Status Acts 2000-2018: a guide to your rights if you are discriminated against in accessing goods or services.

During 2021 we translated and published these information guides into Irish, French, Portuguese, Latvian, Lithuanian, Romanian, Polish and Chinese.

In October, we launched the redeveloped 'Your Rights' section of our website to make it easier for members of the public to access information on discrimination under the nine grounds, based on their own situations.

Your Rights is the most visited section of our website, accounting for approximately 21% of all page views (121,836 page views). Approximately 40% of these page views were to the section on issues at work.

During 2021 we also responded to 1,811 individual queries, compared to 1,732 in the previous year.

The infographic on the following page provides highlights of the 2021 queries received and further details are included in Appendix 8.

1,811

queries about human rights and equality law were handled by 'Your Rights' in 2021

521 related to the Equal Status Acts 2000-2018	334 related to the Employment Equality Acts 1998-2015	530 related to Human Rights	6 related to the Intoxicating Liquor Act 2003
Top Grounds Cited		Top Grounds Cited	
46% Disability Ground	34% Disability Ground	28% Health and Bodily Integrity	50% Disability Ground
16% Housing Assistance Ground		14% Right to work/ Decent work	50% Age Ground
13% Race Ground		14% Asylum seekers/ Human Trafficking/ Immigration/Family Reunification/Right to Remain/Freedom of Movement	

420

were beyond our remit and where appropriate, saw 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 Free Legal Advice Centres ('FLAC').

Who is contacting us

42.49% men 5.94% unstated 0.34% other gender 51.23% women



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 (the 'WRC') or the courts. The assistance provided can be legal advice only or legal advice and representation.

At the beginning of 2021, we had 177 individual clients who had been granted legal assistance and whose cases were ongoing. Of these, 28 had been approved for legal advice only and 149 had been approved for

legal advice and representation. A further 31 applicants were awaiting a decision on their application for assistance.

During 2021, 72 new individual applications for legal assistance were received, 29 applications were approved, of which 22 approvals were for legal advice only and 7 for advice and representation, 32 applications were refused and 2 were withdrawn, with 9 awaiting decision at year end.

We completed work on 43 individual client files during 2021, including some that had been opened in previous years. One of these clients was given legal advice only, while 42 individual clients were provided with legal representation. Details of these completed matters are set out in the tables below.

“ Thank you for supporting me in one of my most vulnerable times. I hope and pray that the change we were able to strive for will be a long-term one that will hopefully result in more equality for those seeking housing in the future.”

- Recipient of Legal Assistance

Legal Advice Assistance Completed in 2021

During 2021, one case file in respect of one individual client who was granted legal advice assistance but not legal representation was concluded.

Equal Status Acts 2000 – 2018:

Ground of Discrimination	No. of Clients	
Family Status	1	A single parent was unable to access a supermarket and a pharmacy while accompanied by her child due to signs refusing entry to children stating they were "vectors of Covid-19".

Legal Representation Assistance Completed in 2021

During 2021, 21 cases involving 42 individual clients who were granted legal advice and representation were decided or otherwise concluded.

Cases under the Employment Equality Acts 1998 – 2015:

Case and Ground	No. of Clients	Issue	Outcome
An Applicant v. An Employer <i>Disability Ground</i>	1	The applicant applied for a job as a social care worker with a health care provider. In his application, he disclosed that he is deaf. The employer declined to offer him a face-to-face interview, and suggested that he would not be able to discharge his duties as a social worker owing to his disability. The applicant referred a complaint of discrimination on the ground of disability to the WRC.	The matter was settled in the applicant's favour, including a compensation payment and commitment by his employer to undergo equality training.
Cormac P. Gordon, Richard Duggan – and - Michael Murphy AND Minister for Justice and Equality – And - The Garda Commissioner <i>Age Ground</i>	3	Three separate clients challenged the mandatory retirement age by which their employment was terminated in 2008, when they reached the age of 60, on the basis that this amounted to direct discrimination on the grounds of age. The Minister for Justice and Equality and the Garda Commissioner denied that the mandatory retirement amounted to discrimination on the grounds of age and appeared to be asserting that the retirement age in question is objectively and reasonably justified and is proportionate. The complaint was originally lodged in March 2008 but, due to jurisdictional issues, travelled through the Supreme Court to the European Court of Justice (the 'CJEU') for a decision on the preliminary issue concerning the jurisdiction of the WRC. In January 2019 the CJEU ruled on the jurisdiction of the WRC to hear the complaints and accordingly the case was re-listed for hearing by the WRC.	In its decision the WRC Adjudication Officer considered that the applicants had established a prima facie case of discriminatory treatment on the age ground, but nevertheless found for the respondents (i.e. the Minister for Justice and Equality and the Garda Commissioner) stating that they had established an objective justification for having a legitimate employment policy with a legitimate aim and the means to achieve the aim were appropriate and necessary at that juncture.
Robert Cunningham v. Irish Prison Service <i>Disability Ground</i>	1	Mr Cunningham became disabled as a result of assault while performing duties as a prison guard. The Irish Prison Service ('IPS') refused to provide reasonable accommodation to facilitate a return to his old role, full time. He won a complaint of discrimination on the ground of disability in the WRC. However, IPS won on appeal to the Labour Court. The applicant successfully appealed a point of law to the High Court with legal assistance from the Commission.	IPS appealed to the Court of Appeal, but withdrew shortly before the hearing. The matter has been remitted to the Labour Court for hearing in 2022.

An Employee v. An Employer <i>Sexual orientation ground</i>	1	The applicant referred a complaint of harassment on the ground of sexual orientation to the WRC. He complained that the employer had not taken steps to prevent work colleagues harassing the applicant on social media.	The employer agreed to mediation, and the matter was resolved in the applicant's favour, to the satisfaction of the parties.
An Employee v. An Post <i>Age Ground</i>	1	The applicant worked for over 20 years with An Post and upon reaching the age of retirement, sought an extension of her employment contract. The applicant was offered a 12-month fixed term contract, which contained the term "on a month-by-month basis". The applicant accepted the contract and was subsequently terminated before the end of the 12-month period, on the basis of the aforementioned term. A complaint to the WRC was successful. The Adjudication Officer held the offering of a fixed term contract on the ground of age may be discriminatory, unless objectively justified in satisfying a legitimate aim. An Post appealed the decision of the WRC to the Labour Court. The Commission granted legal advice and representation before the Labour Court. An Post withdrew the appeal following the receipt of the applicant's written legal submissions.	The applicant received the award made in the WRC decision of €18,000.
An Employee v. An Employer <i>Age Ground</i>	1	The applicant, a former employee, alleged discrimination on the age ground in relation to his retirement from the employer and the refusal of the employer to renew his fixed term contract. A complaint to the WRC was successful. The Adjudication Officer found that the law required an employer to examine the actual circumstances of the applicant's position and to ascertain what was "proportionate and necessary." In this case, the employer had only considered the applicant's age and not his particular circumstances. The employer appealed the decision of the WRC to the Labour Court.	The Commission granted legal advice and representation for the Labour Court appeal. Legal submissions were filed and the day before the hearing, the employer withdrew the appeal. The employer made payment of €22,000, as awarded by the WRC.

“ I will be forever grateful for the very professional manner in how IHREC represented me. I could not have been capable of representing myself. I felt vindicated by the outcome and was quite amazed at the amount of work and research that the legal team put into this appeal. IHREC could not have done more. It was a truly professional process from beginning to end”

- Recipient of Legal Assistance

Cases under the Equal Status Acts 2000 – 2018:

Case and Ground	No. of Clients	Issue	Outcome
An Applicant v. An Estate Agent <i>Disability Ground</i>	1	The applicant complained that she had been discriminated against in relation to the provision of housing assistance services on the grounds of disability when she was not afforded a viewing of a rental property that would have suited her needs.	The dispute was resolved at mediation with a favourable outcome, including financial compensation and agreement by the estate agent to implement equality systems and training.
A Tenant v. A Landlord <i>HAP Ground</i>	1	The applicant was a tenant in a rental property paying rent and following a change in the family's financial circumstances, she asked her landlady whether she would accept Housing Assistance Payment ('HAP') payments. The landlady refused HAP payments and because the applicant complained, served the applicant's family with Notice to Quit. The applicant referred a complaint of discrimination on the ground of HAP and victimisation to the WRC.	The WRC, through the WRC adjudication process, found in the applicant's favour and awarded her a sum of compensation for both the effects of discrimination and victimisation. When the landlady refused to pay the compensation due, the applicant sought to enforce the WRC Order with help from the Commission and the Sherriff's office. The Sheriff's office were ultimately unsuccessful in enforcing the debt and the applicant decided not to proceed with District Court enforcement proceedings.
A Tenant v. A Landlord <i>HAP Ground</i>	1	The applicant moved to Dublin and viewed a rental property shown by an estate agent on behalf of a landlord. When the estate agent informed the applicant that the landlord would be happy to let the property to him, the applicant then informed the estate agent that he was in receipt of HAP. Shortly afterwards, the estate agent informed the applicant that the landlord had unilaterally decided to rent the property to someone else. The applicant referred complaints of discrimination on the ground of HAP to the WRC against both the landlord and the estate agent.	The Applicant was able to secure judgment against the estate agent in 2020, however, the landlord frustrated his attempts to do so by concealing his identity. In 2021, having confirmed the landlord's identity with assistance from the Commission, the applicant settled his complaint against the landlord to the satisfaction of both parties.

A Tenant v. A Landlord <i>HAP Ground</i>	1	The applicant applied for a rental property that she had seen online. The estate agent informed her that landlord had agreed to let the property to her. The applicant disclosed that she was in receipt of HAP. The estate agent informed the applicant that the landlord was not happy to proceed. The applicant referred a complaint of discrimination on the ground of HAP to the WRC.	The matter was successfully resolved, including a sum of compensation in the applicant's favour, through the WRC mediation process.
An Asylum Seeker v. A Statutory Agency <i>Race Ground</i>	1	The applicant, 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 the applicant that she needed to provide evidence of 'residency entitlement.' As an asylum seeker, by definition she could not provide such evidence. When she was unable to provide the requested documentation, the agency refused her application. The WRC found the statutory agency had indirectly discriminated against the applicant on race ground. The WRC decision was subsequently appealed to the Circuit Court which overturned the decision of the WRC.	The Commission provided legal representation to the applicant to appeal the Circuit Court decision to the High Court. The High Court affirmed the Circuit Court decision, finding that the requirement to prove 'residency entitlement' had been incorporated into law.
An Asylum Seeker v. A Statutory Agency <i>Race Ground</i>	1	The applicant, an asylum seeker, with 20 years' experience as a professional chauffeur, applied for a driver's licence when his international licence expired in Ireland. He was refused on the grounds that he could not prove his residence in the State. The applicant referred a complaint of discrimination on the ground of race to the WRC.	The applicant withdrew his case from the WRC before it was heard as he had received full residency rights in Ireland and could now apply for a driver licence.
A Member of the Roma Community v. A Shop <i>Race Ground</i>	1	The applicant was granted legal assistance in relation to his complaint against a shop for discrimination on the race ground, in circumstances where the client and his young daughter were followed out of a shop by its security guard, who forcibly removed the items purchased by the client from him and returned back inside the shop, returning the items to the client only after the cashier confirmed payment.	The matter was resolved successfully through the WRC mediation process in May 2021.

“ Thanks so much. I really appreciate all your work and perseverance throughout.”
- Recipient of Legal Assistance

Cases relating to Human Rights:

Case and Ground	No. of Clients	Issue	Outcome:
An Applicant v. A Statutory Body <i>Statutory appeal of a decision</i>	1	The applicant was granted permission to remain in the State under the <i>International Protection Act 2015</i> . She has two children. She applied for One Parent Family Payment after being granted permission to remain. The application was refused and the applicant appealed to the Social Welfare Appeals Office, which upheld the decision of the Deciding Officer. The decision letter stated the refusal was on the basis of conditions of her residency status, stating that the applicant is not to become a burden on the State. The Commission granted advice and representation to the applicant to challenge this decision.	The Commission wrote to the Social Welfare Appeals Office requesting a review of the decision under section 318 of the <i>Social Welfare Consolidation Act 2005</i> . The review was successful on the basis of a change of circumstances.
An Applicant v. A Local Authority <i>Access to Housing and Fair Procedures</i>	1	The Commission granted advice and legal representation to a woman who was evicted from her temporary accommodation (provided by a Local Authority). She has health difficulties and had been living in the temporary accommodation for a number of years. She was not given effective notice and fair procedures were not followed in terms of the eviction. She was offered unsuitable alternative accommodation.	The Local Authority engaged with the Applicant in sourcing appropriate accommodation taking into account her health needs.
Members of the Traveller Community v. A Local Authority <i>High Court Judicial Review re: refusal by local authority to provide Traveller appropriate accommodation – housing – Constitutional rights</i>	25	The Commission granted legal assistance to this extended Traveller family to challenge the decision of a local authority not to provide them with Traveller appropriate accommodation. The family had been living in conditions unsuitable for human habitation for sixteen years, without connection to electricity, sanitation or running water. Their unofficial halting site had been described as “a fire hazard” by the local Fire Brigade, and “thick with rats”.	The matter was listed for hearing in the High Court and on the morning of the hearing the parties signed an agreement that committed the local authority to upgrading the unofficial site in the short term, and to applying for permission to build an official site nearby in the medium to long term. Under the terms of the agreement, if the Council fails to honour its long-term commitments, and/or if it fails to take any of the required steps set out in the Agreement, the matter may be listed before the High Court at 24 hours’ notice.

“ My experience in accessing your services was excellent.”
- Your Rights Service User

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.

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.”

Daft Media Limited appealed the WRC decision to the Circuit Court.

The parties agreed terms of settlement and, in July 2021, the Court ruled on the form of Order agreed between the parties. Daft Media Limited has agreed to expand and develop practical methods to identify, investigate, review and take down discriminatory advertising on the daft.ie website, and has also committed to reviewing and, where necessary, improving the system on a continuous basis.



Acting as *Amicus Curiae*

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 2021, the Commission was involved in four cases as *amicus curiae* in the Superior Courts, including one in which a judgment had been delivered but proceedings were ongoing as to the form of the Order, one awaiting judgment, and two awaiting hearings. Two of these pre-2021 cases concluded during 2021 and two were still ongoing at the end of the year. In addition, at the start of 2021 the Commission was involved as a third party intervener in a case in the European Court of Human Rights in which judgement was still awaited at the end of the year.

During 2021, the Commission sought and was granted liberty to intervene as *amicus curiae* in eight cases. Of these, four had been completed during the year and four were ongoing at the end of the year. At year end therefore, the Commission was involved in eight ongoing cases as *amicus curiae* or as a third party intervener

In a further case (involving a minor), the Commission commenced the process of applying to the Supreme Court for liberty to intervene as *amicus curiae*. A decision on the leave application was pending as of 31 December 2021.

Please note that the reporting period covered here runs to 31 December 2021. 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. The Commission's *amicus* submissions are published on the Commission's website once the hearing of the matter has completed.

Amicus Cases Completed during 2021

Work completed on six *amicus* cases during 2021. Details of the completed matters are set out in the tables below:

AMICUS CASE: ALI CHARAF DAMACHE V. THE MINISTER FOR JUSTICE AND EQUALITY, IRELAND AND THE ATTORNEY GENERAL AND THE IRISH HUMAN RIGHTS AND EQUALITY COMMISSION – 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. In January 2020 the Supreme Court granted the Commission liberty to intervene as *amicus curiae* in this matter.

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 its judgment, the Court invited submissions from the parties as to the form of Order to be made. Thereafter a hearing was held in January 2021 on the form of the Order.

Outcome: In its ruling on 10 February 2021, the Court found that sections 19(2) and 19(3) of the *Irish Nationality and Citizenship Act 1956* were unconstitutional. Before any revocation of citizenship could take place, the State was required to put in place a new system that would meet the requirements of natural justice.

AMICUS CASE: IN THE MATTER OF JJ (A MINOR REPRESENTED BY HIS GUARDIAN AD LITEM) – SUPREME COURT

This case focused 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.

In December 2020 the Supreme Court granted the Commission liberty to intervene as *amicus curiae* in this matter.

Outcome: The matter was heard by the Supreme Court in December 2020. The Supreme Court handed down its judgment on 22 January 2021. It addressed the Constitutional rights of the child and family, made orders regarding the child's treatment and welfare and contributed to the reform of the wards of court system.

AMICUS CASE: STE, AA AND ZNT (A MINOR SUING BY HIS FATHER AND NEXT FRIEND STE) V. THE MINISTER FOR JUSTICE AND EQUALITY, ATTORNEY GENERAL AND THE IRELAND AND IRISH HUMAN RIGHTS AND EQUALITY COMMISSION – SUPREME COURT

This case involved a challenge to a decision by the Minister for Justice and Equality to deport a Cameroonian national, who had family in Ireland, including his partner and his child with residency rights. The Court of Appeal had overturned a decision of the High Court, which found that the Minister was required to take a 'holistic view' of the family unit.

In February 2021 the Supreme Court granted the Commission liberty to intervene as *amicus curiae* in this matter.

Outcome: When the matter came before the Supreme Court on 2 March 2021, the Supreme Court was informed that the second named Applicant, being the partner of the Cameroonian man and mother of their child, had become an Irish citizen. The Court found that the matter was moot as such and struck it out.

AMICUS CASE: LANDSBERG AND BREETZKE V. ROAD SAFETY AUTHORITY, THE MINISTER FOR TRANSPORT, TOURISM AND SPORT, IRELAND AND THE ATTORNEY GENERAL, IRELAND AND THE IRISH HUMAN RIGHTS AND EQUALITY COMMISSION – HIGH COURT

This case concerns a challenge by a South African couple, who were asylum seekers, to a decision by the Minister for Transport, Tourism and Sport and the Road Safety Authority to refuse them permission to exchange their South African full driver licences for Irish ones. In February 2021 the High Court granted the Commission liberty to intervene as *amicus curiae*.

Outcome: On 5 November 2021 the High Court handed down its judgment and found that, as asylum seekers, the applicants had lawful residence in the country, and were therefore eligible to apply for driver licences.

AMICUS CASE: MARY HARNEY V. MINISTER FOR CHILDREN, EQUALITY, DISABILITY, INTEGRATION AND YOUTH, THE GOVERNMENT OF IRELAND AND THE ATTORNEY GENERAL – HIGH COURT

- and the related case of:-

PHILOMENA LEE V. MINISTER FOR CHILDREN, EQUALITY, DISABILITY, INTEGRATION AND YOUTH, THE GOVERNMENT OF IRELAND AND THE ATTORNEY GENERAL – HIGH COURT

These cases concerned a challenge to the Final Report of the Mother and Baby Homes Commission of Investigation, published in early 2021. The cases focused on the requirements of sections 34 and 35 of the *Commission of Investigation Act 2004*. In taking their cases, Mary Harney and Philomena Lee argued that they are identifiable in the Final Report, despite not being named, and accordingly, they should have been provided with the relevant extracts of the draft report and had the opportunity to make submissions before it was finalised.

In October 2021, the High Court granted the Commission liberty to intervene as *amicus curiae* in this matter.

The hearing took place in November 2021.

Outcome: This matter settled before judgment was delivered. The terms of settlement are as follows: the State consented to a declaration in each of the cases that it had failed in its duty to provide the parts of the report relevant to each woman in advance of the finalisation of the report; the settlement included an acknowledgement by the Minister for Children, Equality, Disability, Integration and Youth that each of the women takes issue with parts of the report; and this acknowledgement is to be published alongside the Commission of Investigation's Report, as well as online and in the Oireachtas Library.

Amicus Cases ongoing at end 2021

At year end, the Commission was involved in eight ongoing cases as *amicus curiae* or as a third party intervener. Details of ongoing matters are set out in the tables below

AMICUS 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) - HIGH COURT

This 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 European Convention on Human Rights (the 'ECHR').

Outcome: The proceedings were ongoing at the end of the year.

AMICUS CASE: V V. MINISTER FOR HEALTH, THE MINISTER FOR JUSTICE, IRELAND AND THE ATTORNEY GENERAL AND THE IRISH HUMAN RIGHTS AND EQUALITY COMMISSION – HIGH COURT

This case centres on a man, Mr 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 Mr V made a ward of court. The High Court granted an injunction to prevent the ceremony from going ahead. Concerns about Mr V's capacity to marry were raised before the High Court.

Mr 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. They argued that if Mr V was made a ward of court, the *Marriage of Lunatics Act 1811* would prevent him from marrying his fiancée. Accordingly, he would be prevented from marrying his fiancée before it could be determined whether he has the capacity to marry. Mr V challenged the High Court's decision to hear the wardship inquiry before determining whether or not he had capacity to marry.

Mr V's legal team is challenging the constitutionality of the High Court's wardship jurisdiction, as well as its compatibility with the ECHR. Furthermore, he is challenging the constitutionality of the *Marriage of Lunatics Act 1811* and its compatibility with the ECHR.

In November 2020 the High Court granted the Commission liberty to intervene as *amicus curiae* in this matter.

Outcome: On 22 June 2021 the High Court adjourned the wardship inquiry, as well as the constitutional proceedings, for twelve months in anticipation that the *Assisted Decision Making (Capacity) Act 2015* would commence in or around June 2022.

AMICUS CASE: IN THE MATTER OF SECTION 34 OF THE CRIMINAL PROCEDURE ACT 1967 (AS AMENDED BY SECTION 21 OF THE CRIMINAL JUSTICE ACT 2006 AND SECTION 47 OF THE COURT OF APPEAL ACT 2014) THE PEOPLE (AT THE SUIT OF THE DIRECTOR OF PUBLIC PROSECUTIONS) V. JD – SUPREME COURT

In this case, the Defendant, Mr JD, was charged with several offences, where only one (a count of endangerment) was an indictable offence. In November 2017, in Longford Circuit Court, the trial judge considered that fair procedures had not been observed by the Gardaí, in failing to interview Mr JD in relation to the indictable offence. The trial judge directed the jury to find Mr JD not guilty in respect of that charge (though not in respect of other matters).

The DPP successfully appealed the decision of the trial judge in the Court of Appeal and, thereafter, Mr JD appealed to the Supreme Court. In October 2021 the Supreme Court granted the Commission liberty to intervene as *amicus curiae*.

The hearing took place in October 2021.

Outcome: The Court had not delivered judgment in this matter by the end of the year.

AMICUS CASE: ROBERT AND HENRY DONNELLY (SUING BY HIS FATHER AND NEXT FRIEND ROBERT DONNELLY) V. MINISTER FOR SOCIAL PROTECTION, IRELAND AND THE ATTORNEY GENERAL – SUPREME COURT

This case concerns a father who was deemed ineligible for Domiciliary Care Allowance while his severely disabled child was resident in hospital for periods of time that were longer than specified in the relevant legislation grounding the payment.

In October 2021, the Supreme Court granted the Commission liberty to intervene as *amicus curiae* in this matter.

Outcome: The hearing of this matter is scheduled for January 2022.

AMICUS CASE: ROBERT O'BRIEN AND LORCAN O'BRIEN AMIGO (SUING BY HIS FATHER AND NEXT FRIEND ROBERT O'BRIEN) V. THE HEALTH SERVICE EXECUTIVE AND THE IRISH HUMAN RIGHTS AND EQUALITY COMMISSION – COURT OF APPEAL

This appeal before the Court of Appeal concerns a six-year-old child who was referred to the HSE for a disability assessment under the Disability Act 2005. Operating under a new Standard Operating Procedure, the HSE diagnosed the child as having a disability, described the symptoms and referred the child to appropriate services. The HSE did not, however, diagnose the disability, saying that it was not required to do so under the *Disability Act 2005*. The child's father challenged this decision in the High Court, which found in favour of the HSE.

In November 2021, the Court of Appeal granted the Commission liberty to intervene as *amicus curiae* in this matter.

Outcome: The hearing of this matter is scheduled for January 2022.

AMICUS CASE: CLARE COUNTY COUNCIL V. BERNARD MCDONAGH AND HELEN MCDONAGH AND THE IRISH HUMAN RIGHTS AND EQUALITY COMMISSION – SUPREME COURT

In this case the McDonagh family is seeking Traveller-specific accommodation, as members of a recognised ethnic minority. Clare County Council argued that their occupation of the land, which is the subject of this case, constituted unauthorised development under planning law. The High Court granted injunctive relief against the McDonaghs and this was upheld by the Court of Appeal, however the Supreme Court granted a stay on these orders while an appeal was heard.

In November 2021, the Supreme Court granted the Commission liberty to intervene as *amicus curiae* in this matter.

Outcome: The Supreme Court heard this case in December 2021 and judgment was reserved.

AMICUS CASE: UM (A MINOR SUING BY HIS NEXT FRIEND MM) V. THE MINISTER FOR FOREIGN AFFAIRS AND THE IRISH HUMAN RIGHTS AND EQUALITY COMMISSION – SUPREME COURT

In this case, UM, a minor, is challenging the decision of the lower courts that held that the revocation of his father's refugee status and related residency permission had the effect of depriving UM of citizenship by birth, as he relied on his father's residency for his assertion of that citizenship. The lower courts held that fraud with respect of the father's refugee status meant that any assertions of residency or citizenship subsequently made, were essentially void, even though UM, as a minor, had no involvement in that fraud. The case raises significant questions regarding the impact of retrospective application of a decision to revoke refugee status, and the impact of that decision on a child who is a citizen by birth, not having an Irish parent. The case examines the powers of the State to refuse to recognise a person's Irish citizenship years after that person asserted such citizenship by birth, and considers if that power must be used in a proportionate manner.

In December 2021, the Commission filed papers with the Supreme Court seeking leave to intervene as *amicus curiae* in this matter.

Outcome: These proceedings were ongoing at the end of the year.

THIRD PARTY INTERVENER 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*. The case is a significant one focusing on the rights of members of the Traveller community to accommodation, legal aid and a fair trial.

In December 2020 the European Court of Human Rights granted the Commission liberty to intervene as a Third Party Intervener in this matter. Submissions were filed in February 2021.

Outcome: These proceedings were ongoing at end 2021.

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.

Policy Statements and Submissions

Making recommendations to Government, the Oireachtas and policy makers to uphold and strengthen human rights and equality in the State is central to our mandate. During the year the Commission made the following policy statements and submissions.

Key Issues affecting the Traveller Community

In February, the Commission made a submission to the Joint Committee on Key Issues affecting the Traveller Community, in which it outlined its concern over the demonstrable history of chronic racism and discrimination against Travellers in Ireland. The submission focused on ongoing violations of the right to adequate and culturally appropriate accommodation, drawing in particular on the Commission's legal casework, the Equality Reviews of the 31 Local Authorities in Ireland, and outstanding recommendations across international human rights treaty bodies. The Commission additionally highlighted the significant impact of the Covid-19 pandemic on the Traveller community, and the important and interdependent role of housing on the rights to health and to life, amongst others.

Restorative Recognition Scheme for former residents of Mother and Baby Homes and County Homes

In April, the Commission submitted its Advisory Paper to the Interdepartmental Group on the Government's planned development of a 'Restorative Recognition Scheme for former residents of Mother and Baby Homes and County Homes.' The Commission stressed the importance of survivor participation in the design, development, and implementation of

the Scheme, and that all procedures are adopted with a survivor-centric focus. The Commission further highlighted the equality and human rights standards that must be met by the provision of compensation, the procedural rights of survivors, and advised against the establishment of a Scheme which would deny or limit liability for historic abuse. This paper was subsequently published in November.

Covid-19 and Civil Liberties

In May, the Commission made a submission to the Oireachtas Committee on Justice in relation to Covid-19 and civil liberties. The Commission set out the need for clarity, transparency and adequate scrutiny of the emergency measures, as well as transparency in the exercise of powers by An Garda Síochána. The Commission also outlined how the pandemic both exposed and exacerbated existing inequality in Ireland. Subsequently, in June, Commission Members Prof. Caroline Fennell and Tony Geoghegan appeared before the Oireachtas Joint Committee on Justice as part of their engagement with stakeholders on the topic of Civil Liberties during the Covid-19 Pandemic.



Commission Member Prof. Caroline Fennell appearing before the Oireachtas Joint Committee on Justice speaking about civil liberties during the Covid-19 Pandemic

Implementation of the UNCRPD

In June, the Chief Commissioner and Commission Member Adam Harris appeared before the Joint Committee on Disability Matters to discuss the United Nations Convention on the Rights of Persons with Disabilities (the 'UNCRPD') implementation and ratification of the Optional Protocol. They set out the need for the State to bring forward ratification of the Optional Protocol, which establishes an individual complaints mechanism directly to the UN. Ireland at the time, was one of only three EU States not to have either signed or ratified the Optional Protocol.

Developing a National Action Plan Against Racism

In August, the Commission made a submission to the Anti-Racism Committee to inform its development of Ireland's forthcoming National Action Plan Against Racism, detailing over 130 priority recommendations for State action in areas such as policing, education, media, politics, employment and healthcare. The submission focused on the need for anti-racism to be promoted across the political and public institutions of the State through systematic training and more diverse recruitment in our police, courts, healthcare and teaching professions. Observing the substantial presence of migrants in high-risk environments for trafficking, the Commission also made specific contributions from our perspective of the National Rapporteur on Trafficking in Human Beings in our submission to the Anti-Racism Committee. We maintained that the State frameworks for combatting racism and gender-based violence, and for promoting equality are highly relevant to responding to the crime of trafficking in human beings. To be effective, the Commission underlined that the Plan will need to be structured to include clear targets, indicators, outcomes and timeframes,

and have its own specific budget line and designated leadership within Government. The Commission recommended that the principle of participation be evident in the involvement of all ethnic minority communities in leadership and strategic oversight, evaluation, monitoring, review and implementation throughout the lifetime of the National Action Plan Against Racism and called for the establishment of a participatory annual public forum on the advancement of anti-racism. In September, Commission Members met with the Committee to discuss our submission and recommendations further.

Direct Provision

In September, the Chief Commissioner and Commission Members Prof. Caroline Fennell and Colm O'Dwyer appeared before the Oireachtas Joint Committee on Public Petitions to discuss Direct Provision Policy and Related Matters. They welcomed the White Paper on Direct Provision, but noted that some commitments were slipping, speaking about administrative barriers to employment for people in International Protection, and the need to ensure a trauma-based approach and wrap-around supports are available.



Commission Member, Colm O'Dwyer appears before the Oireachtas Joint Committee on Public Petitions to discuss Direct Provision

Review Group on the Offences Against the State Acts

In November, the Commission made a detailed submission to the Independent Review Group on the Offences Against the State Acts. The submission outlined the significant human rights and equality issues arising from the continued operation of the Acts and the Special Criminal Court. The Commission recommended that the State abolish the Special Criminal Court, and declare that the ordinary courts are adequate to secure the effective administration of justice and the preservation of public peace and order.

Public Consultation on the Review of the Rules and Code of Practice governing the use of seclusion and restraint

In November, the Commission made a submission to the Mental Health Commission's Public Consultation on the Review of the Rules and Code of Practice governing the use of seclusion and restraint. Given the human rights engaged in the use of seclusion and restraint in all inpatient mental health services in the public, voluntary and independent sectors, including services for children and adolescents, adults, older persons, persons with an intellectual disability and a mental illness, and forensic mental health services, the Commission highlighted that both the process and outcome of the review must be grounded in human rights. The Commission expressly called for the close consultation and active involvement of all impairment groups throughout the review, including the organisational structures, in fulfilment of the State's obligations under the UNCRPD.

Review of the Equality Acts

In December, the Commission made its submission on the Review of the Equality Acts to the Department for Children, Equality, Disability, Integration and Youth. The Commission made over 70 recommendations which covered procedural and jurisdictional issues, grounds of discrimination, access to justice, transposition of EU law, exemptions, and the overall effectiveness of the Acts. The Commission also partnered with FLAC for a dedicated programme to support the engagement of civil society with this important consultation on the future of Ireland's equality laws.

Legislative Observations

During the year the Commission also provided its observations on a wide range of proposed legislation of relevance to equality and human rights in Ireland.

Dying with Dignity Bill

In February, the Commission submitted observations on the Dying with Dignity Bill 2020 to the Committee on Justice outlining human rights and equality concerns relevant to the proposed legislation. In particular, it outlined the need for adequate safeguards to protect the right to life, especially where particular groups may be at heightened risk, the human rights and equality obligations engaged by a dignified end of life, and the sufficiency of current health and social services.

Electoral Reform Bill

In April, the Commission submitted observations on the Electoral Reform Bill to the Committee on Housing, Local Government and Heritage. The Commission set out the equality and human rights standards that must be addressed by the reforms to the law, including standards in political discourse during election and referendum campaigns, and the functions and mandate of the proposed Electoral Commission.

Certain Institutional Burials (Authorised Interventions) Bill

In February, the Commission submitted observations on the General Scheme of the Certain Institutional Burials (Authorised Interventions) Bill to the Committee on Children, Equality, Disability, Integration and Youth. In its submission, the Commission emphasised the State's obligation to retrieve, identify and return remains to family

members and to engage meaningfully with affected people. The Commission also raised concerns about any exclusion of mass grave sites which are subject to ongoing criminal investigation and the exclusion of burials which were the result of 'informed family consent'. In April, Commission Member Prof. Ray Murphy and Senior Policy and Research Officer Sinéad Fitzpatrick appeared before the Committee on Children, Disability, Equality and Integration.

Online Safety and Media Regulation Bill

In March, the Commission submitted observations on the General Scheme of the Online Safety and Media Regulation Bill to the Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht. In particular, the Commission raised concerns about the absence of detail regarding the proposed Online Safety Commissioner and the lack of legal certainty and precision in the definition of harmful online content. The Commission recommended that both children and disabled people are directly consulted on the draft proposals by lawmakers. In May, the Chief Commissioner and Commission Member Dr Lucy Michael appeared before the Oireachtas Committee during their pre-legislative scrutiny of the Bill.



Commission Member Dr Lucy Michael appearing before the Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht on the Online Safety and Media Regulation Bill

Criminal Justice (Smuggling of Persons) Bill

In March, the Commission submitted

observations on the General Scheme of the Criminal Justice (Smuggling of Persons) Bill 2020 to the Committee on Justice. The Commission raised a number of human rights and equality concerns with the proposed legislation including the rights and protections of smuggled persons, the need for a robust identification procedure and the provision of support and assistance to smuggled and trafficked persons.

Judicial Appointments Commission Bill

In April, the Commission submitted observations on the General Scheme of the Judicial Appointments Commission Bill 2020 to the Minister for Justice. The Commission recommended that gender balance and diversity of the Judicial Appointments Commission should be ensured as a matter of priority. The Commission further recommended the accessible, transparent advertising of vacancies, along with an objective mandatory recruitment process that ensures candidates are well equipped for the role. It also urged that the Government ensure the legislation and resulting processes are in line with international standards on judicial independence.

Birth Information and Tracing Bill

In July, the Commission submitted observations on the General Scheme of the Birth Information and Tracing Bill 2021 to the Oireachtas Committee on Children, Equality, Disability, Integration and Youth. The Commission outlined a number of concerns with the provisions of the Scheme, including the right of access to birth certificates and early life information and the access rights for children and relatives of deceased relevant persons. The Commission also highlighted the human rights and equality concerns relating to the 'no contact' preference and the proposed mandatory

information session. The Chief Commissioner, Commission Member Prof. Ray Murphy, and Maria Mullan of our Policy and Research team appeared before the Oireachtas Committee.



Commission Member, Prof. Ray Murphy appears before the Oireachtas Committee on Children, Equality, Disability, Integration and Youth on the Birth Information and Tracing Bill.

Family Court Bill

In August, the Commission submitted observations on the General Scheme of the Family Court Bill 2020 to the Committee on Justice. In its submission, the Commission highlighted a number of issues the legislation will need to address including the administration of cases, inconsistencies in how cases are handled, inadequate professional training and the physical conditions and facilities of the courts. The Commission's recommendations sought to address these issues in a manner which places human rights and equality at the centre of the family justice system.

Criminal Justice (Exploitation of Children in Commission of Offences) Bill

In October, the Commission submitted observations on the General Scheme of Criminal Justice (Exploitation of Children in the Commission of Offences) Bill 2020 to the Department of Justice. The Commission outlined a number of human rights and equality concerns that must be addressed by the legislation. The Commission's recommendations addressed the minimum

age of criminal responsibility, the importance of a child and family-centred approach, as well as the specific rights of the child, adults who may also be exploited, and the accused.

Protected Disclosures (Amendment) Bill

In November, the Commission submitted observations on the General Scheme of the Protected Disclosures (Amendment) Bill 2021 which seeks to transpose the EU Whistleblowing Directive into Irish law. In its submission, the Commission raised concerns over the rigid adherence of the proposed legislation to the minimum standards set out in the Directive and highlighted that aspects of the Scheme have the potential to reduce existing protections in national law. The Commission urged the Government to ensure that the resulting legislation

will protect workers who make protected disclosures to the greatest extent possible.

Housing and Planning and Development Bill

In November, the Commission submitted observations on the General Scheme of the Housing and Planning and Development Bill. The Commission considers that judicial review is an important accountability mechanism that encourages better administrative decision-making and provides an opportunity for decisions of the State, its organs and its public bodies to be challenged. It is essential that access to justice is as broad as possible to allow the individuals, groups and communities who may be affected by decisions to bring judicial review proceedings, where relevant.

Human Rights and Equality on the Island of Ireland

The 1998 Belfast (Good Friday) Agreement provided that there would be a joint committee of representatives of the two Human Rights Commissions, north and south, as a forum for consideration of human rights issues in the island of Ireland. Over recent years, the key focus of the Joint Committee has been the human rights and equality concerns arising from the withdrawal of the United Kingdom ('UK') from the European Union.

The UK left the EU on 31 January 2020 and following an initial transition period, which ended on 31 December 2020, the full provisions of the Withdrawal Agreement - including the Northern Ireland Protocol - came into operation.

In accordance with Article 2(1) of the Protocol, the UK committed to ensuring:

"no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination."

Also in accordance with Article 2(2) the UK is required to:

"continue to facilitate the related work of the institutions and bodies set up pursuant to the 1998 Agreement, including the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland, in upholding human rights and equality standards."

To assist it in fulfilling its obligations under Article 2(1) the UK further committed to:

"implement this paragraph through dedicated mechanisms."

These mechanisms include the provision of new statutory powers and related resources to the Northern Ireland Human Rights Commission ('NIHRC') and the Equality Commission for Northern Ireland ('ECNI'). In addition, it is provided that the ECNI, NIHRC and the Commission will work together to provide oversight of, and reporting on, rights and equalities issues falling within the scope of the commitment that have an all-island dimension.

In early 2021 the three Commissions formally agreed, in the context of the Article 2 commitment, that:

- » the Commissions will work together to provide oversight of, and reporting on, rights and equalities issues falling within the scope of the commitment that have an island of Ireland dimension;
- » the Commissions will report separately to the Governments of the UK and Ireland, as appropriate, on any issues with an island of Ireland rights and equalities dimension that they have jointly addressed in the context of monitoring the Article 2 commitment; and
- » the NIHRC, ECNI and the Joint Committee of NIHRC and IHREC will bring any matter of relevance to the Article 2 commitment to the attention of the Specialised Committee on the Ireland/Northern Ireland Protocol, as appropriate.

To fulfil this new role, a set of working arrangements has been agreed between the three Commissions under which an Article 2(1) Working Group has been established,



which will normally meet four times a year. It has also been agreed that there will be an annual meeting of all members of the three Commissions and relevant staff to review progress and issues together.

It should be noted that these new arrangements do not alter the constitutional status of the Joint Committee, which may additionally and separately pursue any other matters within its mandate.

The working group of the three Commissions met four times in 2021 to progress this work.

The three Commissions engaged with the Northern Ireland Assembly Committee for the Executive Office twice throughout the year - in April and in December - to discuss their work to ensure the protection of equality and human rights following Brexit.

In May, the Chief Commissioners of the three Commissions appeared before the Seanad Special Select Committee on the Withdrawal of the UK from the EU to discuss citizens' rights in Northern Ireland post Brexit.

Also in May, the three Commissions held an 'Equality and Human Rights After Brexit' event in partnership with the Centre for Cross Border Studies. The event saw the Commissions outline the new roles and responsibilities for each organisation post-Brexit, including joint work on all island oversight arrangements, and discuss the impact of Brexit with a number of cross-border civil society and local community groups.

The first annual meeting of all the members of the three Commissions took place in Louth in November 2021. The meeting included input from Minister for Foreign Affairs, Simon Coveney and Minister of State Conor Burns, who both made reference to upholding the Article 2 commitment on equality and human rights, and supporting the work of the three Commissions in this.

In December, the three Commissions wrote to both Minister of State Burns and Minister Coveney to welcome their engagement with the three Commissions and to continue highlighting joint work on equality and rights issues with an all-island dimension.



IHREC Chief Commissioner, Sinéad Gibney, ECNI Chief Commissioner, Geraldine McGahey and NIHRC Chief Commissioner, Alyson Kilpatrick at Equality and Human Rights after Brexit event

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 Universal Periodic Review

In March, the Commission made a submission to the UN Human Rights Council to inform its third periodic review of Ireland. The Universal Periodic Review ('UPR') process aims to assess States' human rights records, address human rights violations wherever they occur, provide technical assistance to States, enhance their capacity to deal effectively with human rights challenges, and share best practices. The submission focused on a number of thematic areas, including Ireland's human rights and equality framework; the rights of disabled people; policing and detention; access to justice; racial discrimination; gender equality; the Traveller community; immigration policy and international protection; and housing.

Revised European Social Charter

In June, the Commission made a submission to the European Committee of Social Rights to provide an update on Ireland's implementation of the Revised Charter. The submission addressed issues relating to specific collective complaints against Ireland, including the State's failure to provide sufficient and appropriate accommodation for Travellers and social housing tenants, despite repeated findings of non-conformity by the Committee. The submission additionally noted the impacts of the Covid-19 pandemic on the right to adequate

and culturally appropriate housing. The Commission called on the State to accept all the provisions under the Revised Charter, including Article 27(1)(c) on the provision of child care services and Article 31 on the right to housing.

European Commission against Racism and Intolerance

In September, the Commission made a submission to the Council of Europe's European Commission against Racism and Intolerance ('ECRI') to inform its interim follow-up process as part of Ireland's fifth monitoring cycle. The submission provided detailed updates and information on two specific recommendations by ECRI relating to Traveller accommodation and hate crime and hate speech legislation.

UN Committee on Economic, Social and Cultural Rights

In December, the Commission made a submission to the UN Committee on Economic, Social and Cultural Rights to inform its preparation of the List of Issues for Ireland's fourth periodic review. The submission highlighted ongoing concerns about Ireland's implementation of the Covenant on Economic, Social and Cultural Rights, particularly in relation to the national human rights and equality infrastructure, the development of equality data, the impact of Covid-19 on social rights, social inclusion and poverty, employment, housing, care, racism and racial discrimination, Traveller rights, disability rights, gender equality and international protection.

National Rapporteur on the Trafficking of Human Beings

The Commission's new role as Ireland's Independent National Rapporteur on Trafficking in Human Beings was established by Statutory Instrument No. 432 of 2020 – European Union (Prevention and Combating of Human Trafficking) (National Rapporteur) Regulations 2020.

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), for the purpose of assessing trends, measuring results, gathering data and reporting.

Among the Commission's priorities as a National Rapporteur is to monitor Ireland's performance against the State's regional and 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.

Monitoring and Reporting

In May, the Commission contributed its first independent update to the forum of EU National Rapporteurs and Equivalent Mechanisms ('EU NREM'), reporting on the urgent need for a new National Referral Mechanism that includes multiple expertise, primarily focused on victims' protection. Later that same month, the Commission welcomed the State's announcement for upcoming legislation, giving effect to a new identification and referral mechanism, involving multiple statutory bodies and independent services. Later in the year, also as part of the EU NREM, the Commission contributed to the Roadmap/Inception

Impact Assessment charting the revision process of the Anti-trafficking Directive at the EU, which is currently underway.

Early in the year, we responded, as Rapporteur, to the US Department of State Trafficking in Person's Report annual questionnaire. This report, which was published in June, maintained Ireland's low ranking on the 'Tier Two Watch List', reflecting the low level of prosecution and chronic deficiencies in victims' assistance. Commenting on this publication, the Commission called for a new national action on trafficking, and recommended gender-specific safe accommodation for victims of trafficking - separate from the direct provision system. In addition, the Commission used this opportunity to welcome the State's proposal for expunging of criminal records for solicitation, which aligns with the non-punishment principle required by EU law.



Ireland's Actions Against Trafficking in Human Beings report

In October, the Commission made a detailed submission addressing the country-specific questions raised by the Group of Experts on Action against Trafficking in Human Beings ('GRETA') for its 3rd evaluation round review of Ireland. The submission demonstrated that trafficking in human beings remains a hidden, but pervasive crime that predominantly affects people of migrant

backgrounds. Ireland is both a destination and transition country for trafficking in persons. Overall, more women than men are trafficked in Ireland, and almost all are migrants. Certain sectors, such as hospitality, fishing, agriculture and construction may rely on a workers, primarily migrant men, who are in a vulnerable situation. At the same time, victims of trafficking for sexual exploitation are almost exclusively migrant women, who can be hidden within mixed populations of independent, exploited and coerced prostitutes and in mixed migration flows. Human trafficking is a highly gendered and racial act. During a country visit in December, the Commission hosted a delegation of experts of the Council of Europe GRETA committee, for an in-depth discussion on the current priority areas in the Council's evaluation.

In October, the Commission contributed to the OSCE briefing on the Role of National Rapporteurs in enhancing State's anti-trafficking responses. The Commission also contributed to the European Migration Network study on detection, identification and protection of third country national victims.

Representation

In July, the Commission had the honour of addressing the UN Multi-Stakeholder hearing on the Global Action Plan of Action to Combat Trafficking in Persons in New York. Chief Commissioner Sinéad Gibney raised the increased role the internet plays in trafficking crimes and spoke about the persistent role that trafficking and labour exploitation play in our global supply chains, calling for a more explicit link between the UN Guiding Principles on Business and Human Rights, and a renewed Global Action Plan.

In her keynote presentation at the AkiDwA conference 'Lifting the Stigma against

Migrant Women', in September, the Chief Commissioner referred to trafficking of migrant women for sexual exploitation as 'one of the most harmful forms of gender-based violence' and called for 'gender-specific and exploitation-specific approach' in the implementation of anti-trafficking measures to counter this harm.

Addressing the International Organisation for Migration webinar 'Myths and Misconceptions surrounding Human Trafficking' in October, the head of the Commission's Anti-Trafficking Unit, Dr Nusha Yonkova highlighted the fact that the EU Directive provided for new forms of human trafficking such as forced marriages and illegal adoptions, stating further that exploitation centred on the sexual and reproductive rights of migrant women is among the emerging forms of trafficking in the EU that needs to be anticipated and monitored, in order to be successfully curbed.

In November, Dr Yonkova spoke of the economic and social costs of human trafficking at the launch of the joint Community Foundation of Ireland, UCD and HSE research report 'Confronting the Harm'. Dr Yonkova warned that sex trafficking brings high economic, social and human costs to the society and to the individual involved, according to the EU, which is linked to greater use of health services and social protection, in addition to greater loss of economic output and quality of life. She stressed that anti-trafficking measures require exploitation-specific investments in the recovery of individuals, whose trafficking includes sexual violence.

Engagement with Stakeholders

Since its establishment as a National Rapporteur, the Commission has intensified its close liaison and consultations with relevant stakeholders.

Of particular note is the ongoing engagement with survivors of human trafficking, which is an element of best practice in anti-trafficking efforts. We convened consultations and discussion forums with survivors of various forms of human trafficking exploitation, who have first-hand experiences of the system of assistance and protection.

In May, the Commission participated in forums organised by the Department of Justice that triggered the work on a new National Anti-Human Trafficking Action Plan. As a designated National Rapporteur, the Commission established a working relationship with the National Coordinator of Human Trafficking, which is the Department of Justice. Similarly, working meetings and exchanges have been organised with all relevant State agencies, including the HSE, Tusla, An Garda Síochána, WRC, International Protection Accommodation Service, International Protection Office, and others, with a view to establishing collaborations.

Similarly, working contacts and meetings have been maintained throughout the year with other international and regional monitoring bodies, such as the US Embassy Trafficking in Persons office and the Special Representative for Combating Trafficking of the Organisation for Security and Cooperation in Europe ('OSCE').

In September and October, the Commission hosted two roundtable discussions with specialist service providers, expert organisations, and representatives of academia, including: Doras, Immigrant Council of Ireland, Migrant Rights Centre

of Ireland, International Transport Workers Federation, MECPATHS, Ruhama, University College Dublin and Maynooth University and others; with a view to informing the recommendations of the National Rapporteur regarding the submission under the 3rd evaluation cycle of the Council of Europe, and more broadly to gather opinions on strengths and weaknesses in the current national referral mechanism for victims.

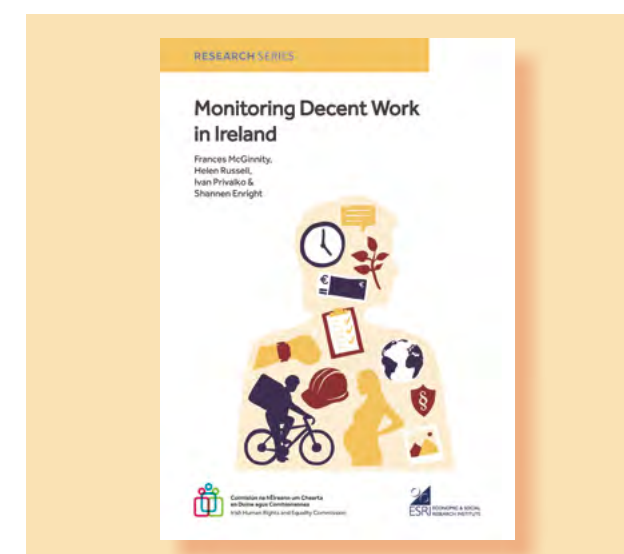
The Commission's Anti-Trafficking Unit also attended a range of capacity-building events and conferences over the year, which included special forums for National Rapporteurs hosted by the OSCE and the Council of Europe, as well as launches of research on issues such as cyber-enabled trafficking, forced labour tackling strategies, demand reduction strategies, child trafficking, sexual exploitation, and others.

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

2021 saw the publication of two final reports arising from the Commission's Research Programme on Human Rights and Equality with the Economic and Social Research Institute ('ESRI').



Monitoring Decent Work in Ireland

'Monitoring Decent Work in Ireland' by Frances McGinnity, Helen Russell, Ivan Privalko and Shannen Enright was published in June. Following a review of international approaches and a consultation process with 33 organisations, the report analysed six key dimensions of decent work in Ireland: access to work; adequate earnings; employee voice (representation and job control); security and stability of work; equality of opportunity and treatment in employment; and health and safety. It found that young people, disabled

people, Travellers, and East European migrants are at much higher risk of disadvantage in the context of employment, and have less access to what the International Labour Organisation defines as decent work.



Monitoring Adequate Housing in Ireland

'Monitoring Adequate Housing in Ireland' by Helen Russell, Ivan Privalko, Frances McGinnity and Shannen Enright was published in September. The report looked at six dimensions of housing adequacy: accessibility, affordability, security of tenure, cultural adequacy, quality, and location. It developed a tool to monitor adequate housing by identifying indicators for measuring progress. It also provided baseline figures on the housing situation of a range of social groups before, or in the early part of, the Covid-19 pandemic. This study was the subject of a debate in Dáil Éireann, which took place on the 4th of November.

Partnership with the Irish Research Council

Arising from a research call in 2019, the Commission and the Irish Research Council are co-funding a study on 'Irish Travellers' Access to Justice' which is being carried out by University of Limerick researchers, Dr Sindy Joyce, Dr Amanda Haynes, and Dr Jennifer Schweppe. Due to Covid-19, the project did not commence until December 2020 and it is due to be completed in 2022.

Other Commissioned Research

The Commission contracted Amárach Research 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. The poll was published in December.

A number of other commissioned studies were ongoing at the end of 2021. These included studies on: discrimination on the housing assistance ground; and on issues facing second generation minority ethnic people in Ireland.

In Focus – Ireland's Emergency Powers During the Covid-19 Pandemic

In February, the Commission published a research report on 'Ireland's Emergency Powers During the Covid-19 Pandemic' by Connor Casey, Oran Doyle, David Kenny and Donna Lyons from the Covid-19 Law and Human Rights Observatory in Trinity College Dublin.

While, in the main, such measures can be justified by the obligation on the State to protect public health, the report identified some areas of particular concern which are shared by the Commission.

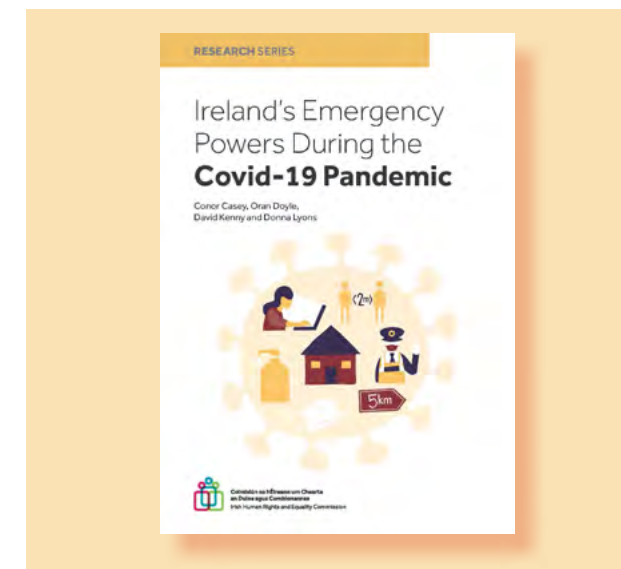
These include:

- » The blurring of the boundary between legal requirements and public health guidance – something which is fundamentally out of step with the principle of the rule of law;
- » The potential for emergency measures and their enforcement to disproportionately affect certain disadvantaged and more vulnerable groups, including the significant effect of indirect enforcement. Of particular and urgent concern is the relaxation of procedural safeguards for detention on mental health grounds; and
- » The lack of human rights and equality expertise in the decision-making structures put in place to tackle the pandemic, or in the systems that implement and scrutinise these decisions. This also encompasses a notable lack of consultation with groups likely to be particularly impacted.

The Commission also welcomed:

- » The authors call for greater scrutiny and human rights proofing of regulations, including through the establishment of a Joint Oireachtas Committee on Equality, Human Rights and Diversity; and
- » The authors' focus on the importance of adequate collection of disaggregated data – fundamental to understanding the differentiated impact of the emergency measures on different groups.

The findings of the study were covered widely across national print, broadcast and online.



Ireland's Emergency Powers During the Covid-19 Pandemic

Promoting Implementation of the Public Sector Equality and Human Rights Duty

All public bodies in Ireland are required to have regard to the need to eliminate discrimination, promote equality 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 (the '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 2021, the Commission continued its work to support effective implementation of the Duty across the Irish public sector, through guidance and support. There was constructive engagement with different sections of the Department of Public Expenditure and Reform, including the Civil Service Human Resource Division, Reform Delivery Office and OneLearning. The Chief Commissioner participated in the launch of Our Public Service Action 16 publications and toolkits which focused on promoting equality, diversity and inclusion in the civil and public service. The Commission was invited to participate in a workshop with the Reform Delivery Office to prepare for the development of the successor framework to Our Public Service 2020, where we raised the importance of the Public Sector Duty in the successor framework as the key mechanism to achieving a more equal, diverse and inclusive public service.

The Commission was represented on the Steering Committees of the National Strategy on Women and Girls, National Traveller and Roma Integration Strategy, Migrant Integration

Strategy and the National LGBTI+ Inclusion Strategy and provided input to public bodies and civil society representatives on the Duty in these fora. The Commission also participated in the Steering Group overseeing the implementation of the National Action Plan on Business and Human Rights.

Commission representatives sit on the Monitoring Committees 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's role is to monitor adherence to the horizontal principle on equality and non-discrimination in the implementation of the funds.

The Commission also participated in the Peace IV Programme Monitoring Committee, the Interreg VA Programme Monitoring Committee and the Peace Plus Programme Development Steering Group to monitor adherence with and advise on implementation of the horizontal principle on equal opportunities and non-discrimination.

In Focus – Guidance Tool on Equality and Human Rights in EU Funds 2021-2027

The Commission continued its representation on the Partnership Process Steering Group to plan for the next round of European Structural and Investment Funds ('ESIF') 2021-2027. The Commission worked to ensure adherence to the enabling conditions relating to equality and human rights and the horizontal principle on equality and non-discrimination in the forthcoming Funds. The Commission and the Department of Further and Higher Education, Southern Regional Assembly and the Northern and

Western Regional Assembly, the Eastern and Midland Regional Assembly, the Department of Environment, Climate, and Communications, the Department of Agriculture, Food and the Marine and the Department of Children, Equality, Disability, Integration and Youth developed a Guidance Tool on "Equality and Human Rights in EU Funds, 2021-2027". This guidance tool is a practical support for all bodies implementing and benefiting from the funds which seeks to enable them to effectively advance equality and human rights in the planning, implementing, monitoring, reporting and evaluation of their programmes in assisting public bodies involved in EU funded programmes to comply with EU regulations, where these pertain to equality and human rights. The guidance tool includes a focus on the Public Sector Equality and Human Rights Duty. The guidance was published in November and is available on the EU Funds website <https://eufunds.ie/regulations-guidance/>



ESIF Document

Resources to Support Effective Implementation of the Duty

The Commission continued to work with OneLearning, the Learning and Development unit within the Department of Public Expenditure and Reform, who are responsible for all training that is common across the Civil Service. The Commission is a Subject Matter Expert for OneLearning and worked with them during 2021 to include a strand of learning on equality, human rights and the Public Sector Equality and Human Rights Duty in their next course offering to the civil service.

In 2021 the Commission progressed the development of an introductory eLearning module on 'Equality and Human Rights in the Public Service' to support government departments and public bodies in their understanding of equality and human rights and to support implementation of the statutory Public Sector Equality and Human Rights Duty in their daily work. The eLearning was piloted with public sector staff in its development and the response to the resource was very positive. It will be launched in 2022.

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. In 2021 a total of 70 applications were received and 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 Administration ('IPA'). Bursary recipients came from a range of organisations namely the Irish Penal Reform Trust, Nasc Migrant And Refugee Rights Centre, Shine, National Youth Council of Ireland, EPIC (Empowering People in Care) and Inclusion Ireland.

Monitoring and Compliance

In September, the Commission conducted a survey to monitor compliance with the Public Sector Duty by public bodies. Seven years since the introduction of the Public Sector Duty into Irish law, the survey aimed to provide information on the level of implementation within the civil and public service. There was a positive response to the survey by public bodies and its findings have informed the Commission's future work on the Public Sector Duty.

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*. An account of each of these Equality Reviews is published on our website: ihrec.ie/our-work/equality-review. 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.

Action Plan: Asylum Seekers and Refugees Accessing Bank Accounts

In June 2019 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, following concerns that high street banks were denying asylum seekers and refugees access to financial services. Accounts of these reviews were published with our 2020 Annual Report. In April, the Commission invited Permanent TSB to complete an Action Plan. In May, the Banking and Payments Federation of Ireland and the five retail banks announced that they would begin to facilitate access to financial services for asylum seekers and refugees using alternative documentation. Accordingly, this matter has resolved.

Action Plan: 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. During 2021, the Commission was informed by the HSE that completion of this Equality Action Plan had been delayed due to the pressures of the ongoing Covid-19 pandemic and the disruption of the cyber-attack on HSE services. Notwithstanding, the Commission was apprised by the HSE of progress on the Equality Action Plan during the course of 2021 and was advised that a completed plan would be furnished to the Commission in 2022.

Engagement on Equality Reviews on Traveller Specific Accommodation

In July, we published, with our Annual Report 2020, accounts of equality reviews for Ireland's local authorities, focused on their provision of Traveller-specific accommodation to Members of the Traveller Community, including specific recommendations for action by local authorities.

In July and September, the Commission held meetings with national and local Traveller organisations on these equality reviews. The first meeting set out the broad themes emerging from the Commission's analysis of the reviews. The purpose of the second meeting was to offer Traveller organisations an opportunity to ask questions about the content of the Equality Reviews and the related recommended actions (the previous briefing having taken place prior to publication) and to update them on the ongoing process and next steps.



Commission Member Dr Rosaleen McDonagh appears before the Oireachtas Joint Committee on Key Issues affecting the Traveller Community

In July, the Chief Commissioner, Commission Member Dr Rosaleen McDonagh and Commission Head of Legal Michael O'Neill, appeared before the Oireachtas Joint Committee on Key Issues affecting the Traveller Community. Other stakeholders updated at the time of launch included national and local Traveller organisations, the National Traveller and Roma Integration Strategy Committee, the National Traveller Accommodation Consultative Committee and the Local Government Management Agency, County and City Management Association and Association of Irish Local Government.

The Commission received widespread national and regional media coverage across TV, radio, print and online including a print opinion editorial by the Chief Commissioner in the Irish Examiner, an Irish Times front page article and an Irish Times Editorial.

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 WRC or the Labour Court.

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

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

During 2021, the preparation of Codes of Practice on Reasonable Accommodation in Employment and on Family Friendly Measures in the Workplace was also progressed.

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

During 2021, the Commission continued to bring together individuals and organisations to exchange information and experiences on key equality and human rights concerns.

IHREC and UNHCR Families Together – Seminar on Family Reunification

The Commission co-hosted a successful seminar on Family Reunification with UNHCR, the UN Refugee Agency Ireland in March. Speakers at the event included Chief Commissioner Sinéad Gibney, Commission Head of Legal Michael O'Neill, Michael Lynn SC and Managing Solicitor Catherine Cosgrove from the Immigrant Council of Ireland. The seminar also heard from Safa Kharita, a Syrian Refugee, who told her story as displaced person and the importance of family reunification in Ireland to her and her family. More than 75 participants attended the event including officials, legal professionals and civil society organisations. The event received media coverage.

Conversations on Racism

The Commission held two conversations on racism with members of the African-Irish community and youth leaders of African descent in March.

A Commission conversation with 19 African Irish community leaders from the greater Dublin area took place in March. It was a very rich and at times difficult discussion on racism and racial discrimination, including discrimination experienced in education and employment and in accessing other public services. There were calls for more investment in integration and inclusive community policing. There was concern about a lack of understanding of the needs and specific experience of African Irish people, which should be addressed

in a much-needed National Anti-Racism Strategy.

A Commission Conversation on Racism with African Irish Youth Leaders in the greater Dublin area took place 31 March. It was a very rich discussion on a range of issues including microaggressions they experience on a regular basis, as well as tackling racism and racial discrimination in education, employment, and access to goods and services, as well as lack of representation in politics and public life. The youth leaders put forward a range of practical recommendations for change. Youth leaders who were under 18 were supported to participate by their youth organisations: Foróige, and Blakestown and Mountview Youth Initiative.

Consultation on the Commission's next Strategy Statement 2022 – 2024

The Commission held a consultation on its next Strategy Statement 2022-2024. The purpose of the consultation was to seek input to inform its priorities for the coming three-year period. The consultation process had three parts. Organisations and the wider public were invited to make written submissions. 67 submissions were received. A consultation seminar was held with civil society organisations in July. It was attended by over 60 participants, who actively contributed their perspectives and concerns. A report of the consultation was written up and it too informed the Commission's deliberations. Finally, the Commission held a consultation meeting with young people from diverse backgrounds in September to gather their views. They named a range of human rights and equality issues that were of concern to them for consideration as part of our Strategy Statement.

Equality ACTion

From October, we collaborated with Free Legal Advice Centres ('FLAC') to deliver a joint project to strengthen civil society engagement with the current review of the Equality legislation. Briefing documents were prepared to inform organisations about equality legislation and the review process. A general information event was held in November, followed by five other targeted events, on specific grounds, to support organisations to prepare their submissions in advance of the December submission deadline. Over 100 representatives of civil society organisations attended the general information event and over 80 representatives attended the thematic events. The Project Co-ordinator also gave individual advice and support to organisations preparing submissions. This raised awareness of the review (and the equality legislation generally) and strengthened civil society's engagement with the review consultation.

Advisory Committees

Section 18 of the *Irish Human Rights and Equality Act 2014* provides that for the purpose of establishing and maintaining effective co-operation with representatives of relevant agencies and civil society, the Commission may appoint Advisory Committees, as it thinks fit, to assist and advise it on matters relating to its functions.



Members of the Disability Advisory Committee meeting online

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:

- » 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
- » to advise the Commission on the fulfilment of its independent monitoring role under the UNCRPD.

The Committee met five times during 2021 and in its work has considered a range of disability rights issues, including:

- » Commission Submission on the Dying with Dignity Bill;
- » Access to Justice;
- » Women with disabilities;
- » Participation in decision making; and
- » Disability hate crime.

The Committee also provided input into the Commission's development of its *Strategy Statement 2022-2024*.

The Worker and Employer Advisory Committee

The Commission's Worker 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.

The Committee met five times in 2021, in March, June, September, November and December.

Members provided very useful inputs on their own work in the area of workplace equality and provided input into relevant Commission's work and into the Commission's development of its *Strategy Statement 2022-2024*.

During the year the Committee also supported the development and delivery of a major Commission conference on Achieving Race Equality in the Workplace and a guidance for employers on 'Employing International Protection Applicants'.



Employing International Applicants booklet

Using Our Grants Scheme to Support Civil Society and Rights Holders

In 2021, €350,000 was made available to support projects, nationwide, focused on Advancing Social and Economic Rights and Equality; Combatting Racism and Racial Discrimination; and Progressing the Rights of People with Disabilities.

The scheme was launched in March. In total, 147 applications were received.

28 projects were awarded grant support, encompassing a range of issues; social exclusion and socio-economic discrimination; racism and discrimination experienced, in particular, by ethnic and minority communities; and empowering people with disabilities to advocate for their rights.

Organisation	Partner(s)	Project Title	Summary
Clare Public Participation Network		Developing a Participative County Level 5-Year Anti-Poverty Strategy for Clare	This aim of this project is for groups representing and comprised of those affected by socio-economic exclusion to collaborate together to devise an action based anti-poverty strategy to advocate effectively for the progressive realisation of social and economic rights in Clare. The strategy would be used as a framework to inform all policy submissions to the Local Authorities in Clare.
Irish National Organisation of the Unemployed		The Impact of Stigma on Unemployed People Accessing their Rights	The aim of this research project is to gain a greater understanding of the impact of the stigma associated with unemployment on people's ability to exercise their social and economic rights, and to engage with Duty-bearers to address the issue and support unemployed people to access these rights more fully.
The Rights Platform	St Kevin's Family Resource Centre, Tallaght and North Clondalkin Community Development Project	Living Our Rights	The aim of this project is to seek to address endemic poverty and social exclusion in four disadvantaged public housing areas in South County Dublin by developing awareness within disadvantaged communities of their social and economic rights and build community leadership to engage with duty bearers from a rights perspective.
South Leinster Citizen's Information Service		Equal Access to Information, Advice and Advocacy Services	The aim of this research project is to promote equality of access to State Services and to clear, accurate and professional information, advice and advocacy services for the prison population.
Empower	Musicantia Roma Group	The Roma Intergenerational Programme – Identifying Health Inequalities experienced by Roma Women and Children	The aim of this research project is to empower Roma women to act as peer researchers to identify the health issues of Roma women and children in the Fingal area in order to establish response pathways to reduce the health inequalities they experience and inform national policies and strategies.
All Together in Dignity		Through Our Lens: A Peer Led film on Socio-Economic Discrimination	The aim of this project is to bring together a core group of people with lived experience of socio-economic discrimination to produce a film about socio-economic discrimination in Ireland through their own lens and use to advance the public campaign for the recognition of socio-economic discrimination as a ground in the Equality legislation.

Organisation	Partner(s)	Project Title	Summary
Youth Work Ireland		The Story of My Life: Empowering Young People in Direct Provision Centres to become Leaders and Advocates	The aim of this project is a campaign to advance the social and economic rights of young people living in Direct Provision centres by empowering them to share their stories in an animated format, advocate for themselves and seek to influence change, particularly in the context of the White Paper to End Direct Provision.
NASC Migrant and Refugee Rights Centre		Ending Direct Provision: One Year on	The aim of this project is to examine progress achieved in strengthening the economic and social rights for people seeking international protection by delivering a report, which will include an evidence-based score card monitoring the implementation of the White Paper on Ending Direct Provision.
One Family		Human Rights and One Parent Families	The aim of this project is to build capacity of parents to recognise rights infringements and discrimination in their interaction with state bodies and provide the information they need to challenge these infringements and seek appropriate support. In tandem to reduce incidence of rights infringements and strengthen the upholding of the Public Sector Duty by providing information to public sector staff on the rights and experiences of one-parent families.
European Anti-Poverty Network		An analysis of the increased demand for basic necessities as provided by the community and voluntary sector	The aim of this research project is to provide an analysis of the increased demand for supports to meet basic necessities as provided by the community and voluntary sector and the root causes behind a demand that has been rising and exacerbated by Covid-19.
ICTU – Irish Congress of Trade Unions		Bargaining for Equality – Harnessing the power of collective bargaining to tackle the gender pay gap	The aim of this project is to build trade union capacity to integrate a gender perspective into all negotiations and collective agreements, ensuring the implementation of pay transparency measures that contribute to tackling the gender pay gap.
Free Legal Advice Centres		Human Rights and Equality in Social Welfare Decision-making: A Roadmap to a Rights-Based Approach	The aim of this project is to develop a report that examines social welfare decision-making from a fair procedures and equality perspective informed by engagement with groups through its casework in particular its Roma Legal Clinic. The report aims to ensure better enforcement of equality and human rights in the administration of social welfare claims, in line with obligations under the Public Sector Equality and Human Rights Duty.

Organisation	Partner(s)	Project Title	Summary
Sage Advocacy		Establishing an Observatory on Rights-based Long-term Care in Ireland	The aim of this project is to establish and consolidate an Observatory on rights-based long-term care to influence policy and public discourse about long-term care. Its purpose is to influence the proposed Commission on Care to ensure that the social and economic rights of people in long-term care including old people are central to its deliberations. An output will be a Good Practice Guide based on participatory approaches to inform policy related to long-term care.
Mayo Travellers Support Group		Radio Broadcasting Training for Travellers	The aim of this project is to invite discourse between all communities on equality for all. By training members of the Traveller community in presenting and producing, they will have the means to produce their own radio shows. The goal is to give Travellers agency and the ability to create new spaces where their voice can be heard and cross-community dialogue can occur.
LGBT Ireland	National LGBT+ Traveller and Roma Action Group	Unveiling inequality experiences of LGBT+ Travellers and Roma	The aim of this peer research project is to unveil the isolation experienced by LGBT+ Travellers and Roma due to a fear of/experience of homophobic, biphobic, transphobic discrimination and attitudes within their own ethnic communities. It will explore and make visible the experience of exclusion and marginalisation of LGBT+ ethnic minorities due to a fear of/an experience of racism within the mainstream LGBT+ community and services and will also inform policy and service delivery.
Travellers of North Cork	Centre for Criminal Justice and Human Rights ('CCJHR')	Implementing the Public Sector Equality and Human Rights Duty for the Traveller Community in Ireland	The aim of this project is to promote the accountability of public sector bodies regarding their statutory obligations to ensure non-discrimination against members of the Traveller Community by producing an evidence-based analysis of the implementation of the public sector duty and how the specific needs of the Traveller Community have been incorporated into public services.
Cultúr Migrants Centre, Meath		Building Advocacy Capacity of Migrant Community Leaders	The aim of this training project is to build the capacity of migrant community group leaders to challenge racism and Islamophobia, promote intercultural understanding in their local schools and communities and be peer human rights mentors that can support their respective groups to advocate for change.

Organisation	Partner(s)	Project Title	Summary
INTO – Irish National Teachers Organisation		Creating Inclusive Anti-Racist Schools	This project aims to empower and enable educators in the primary school sector to proactively create more inclusive, racially embracing and anti-racist schools. It will do this by building the capacity of teachers, principals and deputy principals to understand racism and race/ethnicity/cultural bullying, harassment and discrimination as well as in understanding how they can create a more inclusive racially embracing and anti-racist school. It will work with Migrant teachers to support them in securing teaching positions within the education sector.
ICCL – Irish Council for Civil Liberties	Irish Network Against Racism	Strengthen Evidence, Awareness and Advocacy on Racial Profiling	This community-based participatory research project aims to gain a better understanding of racial profiling, and prevent it by equipping people impacted with the resources, know-how and evidence base to advocate so that their rights are upheld in a policing context.
Women for Election	National Traveller Women's Forum	Traveller Women for Election – Changing the Face of Irish Politics	This project aims to inspire, equip and support Traveller women to run and succeed in Irish politics, while also working to combat gendered and racist barriers which to date impeded Traveller women's full participation in Irish Politics. This will be delivered through bespoke training and mentoring for Traveller women participants, and anti-racism and cultural awareness training for staff and officials in political parties.
Foróige		The Foróige North Dublin Equality and Inclusion Seminar	The aim of this project is for young people of minority ethnic backgrounds from North Dublin to organise an event to promote the findings of research they carried out to an audience of influential decision-makers to have their voices heard on racism, inequality, inclusion and integration.
SHEP – Social and Health Education Project, Cork	ORAM (Our Rights and Medication Advocacy Group)	Progressing the Rights of People with Intellectual Disabilities: Informed Decision-Making and Medication	The project aims to progress the rights of people with intellectual disabilities by empowering them to advocate for their rights and to have a voice in decisions about the medication prescribed to them. It will also place human rights and equality at the heart of a dialogue with professionals and service providers in relation to the implementation of the Assisted Decision Making (Capacity) Act 2015, the National Consent Policy and best practice in prescribing, reviewing, monitoring, adjusting and de-prescribing medication.

Organisation	Partner(s)	Project Title	Summary
Acquired Brain Injury Ireland		#RighttoRehab	The project is an advocacy campaign that puts the voice of brain injury survivors at its core and aims to empower them with the tools to advocate for their right to access essential rehabilitation services and to influence public policy and increase State provision for rehabilitation.
Gheel Autism Services	WALK and AslAm	IMPACT – Inspiring Meaningful and Progressive Autistic Career Progression	The aim of this peer led participatory research project is to examine the barriers faced by Autistic people in progressing in further education and employment and to develop models of best practice support that can be replicated across the country.
Inclusion Ireland		Media Matters – Promoting the effective participation of people with intellectual disabilities in political and public life	The aim of this project is to build the capacity of people with intellectual disabilities to be media spokespersons on issues that affect them. In tandem, it will develop a code of practice for journalists and broadcasters on interviewing people with intellectual disabilities, as well as a guide for people with intellectual disabilities themselves, to support them in navigating media interviewing.
Ability West	Centre for Disability Law and Policy, NUI Galway	What Happens When They Are Gone?	This research project aims to give a voice to the experience of persons with an intellectual disability in Galway City and County who seek access to residential services. It will highlight a human rights and equality perspective to access to supported living, and housing, from the viewpoints of people with an intellectual disability as rights holders and their family networks as rights holders.
EPIC - Empowering People in Care		Progressing the Rights of children and youth with disabilities in the care system and aftercare	The aim of this research project is to improve awareness and understanding of children and young people in care with disabilities to ensure their rights are upheld in policy and practice and in line with the provisions of the UNCRPD.
Irish Penal Reform Trust		Access to rights for people detained in secure forensic mental health facilities	The aim of this research project is to scope the need for a national policy advocacy strategy to promote the rights of people with disabilities detained in secure forensic mental health facilities in Ireland.

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 December 2020 and January 2021 and again in November and December 2021, we ran a 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 across TV, radio, social media and online.

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 collaboratively with an advisory committee, comprised of people from different ethnic backgrounds, with expertise across migrant rights, employment, gender, religion, sport, direct provision, youth and racism experienced by Traveller and Roma communities. We also entered into a partnership with Hot Press Magazine, who in October and November ran a two-issue feature, entitled ‘100 Voices: All Against Racism’ to coincide with, and enhance the campaign.



Hot Press 100 voices

In Focus – 100 Voices: All Against Racism

To extend the reach, and to make people more aware of the overall All Against Racism campaign, we partnered with Hot Press magazine to deliver a multi-platform, complementary feature, entitled ‘100 Voices: All Against Racism’.

Demonstrating their support for equal rights and opportunities for all in Ireland, Hot Press decided to extend the campaign and feature more voices across their print and online platforms. They ran approximately 60 of the contributions in the October issue of Hot Press, and followed through a month later with the additional 40 or more in the November issue. The effect was to extend the campaign for an additional month, as all of those articles were run online.

The feature was a mix of editorial contributions, which were long and detailed, alongside shorter pieces of varying length, giving a balanced mix of approaches. The campaign was also the cover feature on both issues of Hot Press. Contributors communicating first-hand experiences was a priority, allowing people from many different ethnic backgrounds to open up and share what they have been through – and what they aspire to, as residents, and increasingly as citizens, of Ireland.

Numerous high-profile artists and individuals contributed, most notably the President of Ireland, Michael D. Higgins, as well as Damien Dempsey, Denise Chaila, Maverick Sabre, Bob Geldof, Lyra, Geraldine McTavish (GAA Diversity and Inclusion officer), Gary Lightbody, Joy Crookes, Jackknife Lee, Sinéad O’Connor and Demi Isaac Oviawe.

The collaboration resulted in a three-month sustained campaign, which resulted in:

- » Two covers of Hot Press magazine;
- » Over 110 contributors and articles;
- » Hundreds of social media posts;
- » Direct mail to cumulative audience of almost 300,000; and
- » High levels of engagement and support from artists and contributors.

In total, the campaign had a reach of approximately 1.4 million between Hot Press, hotpress.com and social channels.



Hot Press covers

The Commission in the Media

The Commission's engagement with the local, national, international and online media continues to be an intrinsic part of our work in communicating key issues of human rights and equality.

Much of our media coverage was proactive in its nature and largely stemming from the Commission's own outputs across our legal, policy and research work as well as our Oireachtas engagement. The Commission issued 61 press releases through 2021 and some particular focuses included: access to adequate housing; Traveller accommodation; the right to work for people in Direct Provision; disability rights; decent work; and Mother and Baby Home redress.

Resulting media coverage included front page stories and editorials in our national newspapers. The Commission also contributed opinion-editorial articles and provided interviews to national newspapers on the issues of Traveller accommodation, access to bank accounts and drivers licences for people in Direct Provision, and on adequate housing provision.

Broadcast media coverage of our work saw the Chief Commissioner appearing in live interviews across RTÉ TV and radio, with Victoria Derbyshire on BBC TV, on Newstalk radio and across regional radio stations. The goal of this work is to seek to explain our work and recommendations to as wide a national audience as possible.

Our online and digital media engagement and growth has continued this year with high levels of activity across our Twitter, Instagram and LinkedIn channels and through our website and e-newsletter to a combined total audience of over 29.5K followers.



Redress scheme for school abused is failing survivors, Council of Ministers is told

Irish Human Rights and Equality Commission tells council that Ireland is taking a defensive position 'informed by suspicion and distrust' in relation to redress for those abused in the school system

BY CATHERINE SANZ

An anti-redress scheme for victims of abuse in school continues to fall short on several years after a judgment was issued by a Cork woman, the Council of Europe's highest body has been told.

The Irish Human Rights and Equality Commission (IHREC) wrote to the Council of Ministers, a senior body within the Council of Europe, earlier this month to say that more redress schemes had failed earlier this year was "negative, insensitive, and unfair".

In a letter seen by the Irish Post, IHREC urged the council to transfer the case to an "enhanced supervisory" process which would involve the state being closely monitored on its execution and implementation of a 2014 European Court of Human Rights (ECtHR) ruling.

Louise O'Keefe, a Cork woman who was sexually abused by her primary school principal in the early 1970s, won a €300 case in 2011 which found that Ireland had failed to protect her. O'Keefe had initially brought a case but damages had been refused. The Irish Human Rights and Equality Commission (IHREC) said that the Department of Education was not liable because the school was run by the Catholic Church.

After the ECtHR ruling, the state set up a redress scheme, which was launched in July 2020, consisting of a number of measures.

"I said it is only open to those who seek the state before July 1, 2021, a date which IHREC argued, is extremely low given the high cost of initiating proceedings in Ireland. It said this would result in awards being used to cover legal bills.

The IHREC also said the scheme requires those applying to complete the forms caused by the abuse would have been mitigated if certain Department of Education guidelines had been in place at the time. "There can be no objective justification for subjecting people whose childhoods were shattered by sexual abuse to such an onerous exercise, which can be based on no more than a superficially technical," IHREC wrote in the letter.

"In IHREC's view, evidence that a person was sexually abused at school ought to be sufficient to ground the redress claim." It added, noting that other schemes, such as those for survivors of Magdalene Laundries, operated without the same restrictions.

IHREC said the scheme should be monitored by the Commission of Ministers, with support interventions as may be required.

which it said is arbitrary and implies that those who need are more deserving than those who do not. It also said applicants are only entitled to €1,000 toward legal costs.

THE IRISH TIMES

An unacceptable blurring of lines

Yesterday the Government changed public health guidance, causing a number of measures that were in place to help reduce transmission of Covid-19. But most citizens would be hard pressed to say which of these measures are those that are essential and which are advisory. It is a problem the Government is making worse with what is being a watering down of these measures. It is essential that the Government is making these measures as legal obligations when it fact is not. On March 20th, the Government announced that with immediate effect vaccinated people could meet with other vaccinated people indoors. However, as First Officer David and David Keating from the law school at Trinity College Dublin pointed out, it remained a criminal offence for almost two weeks after that to invite people from another household to visit your home even if everyone involved had been vaccinated. In other words, the Government was advising people they could do something that was still a criminal offence. On other occasions, different arms of the State cannot agree on the legal status of restrictions. This was the case with the holding of religious services, which the Minister of Health last October said was not a criminal offence while the Garda continued to prosecute people for it.

This was a well-established pattern. A report for the Irish Human Rights and Equality Commission, produced by the Covid-19 Law and Human Rights Observatory at Trinity College Dublin, found that the Government was blurring the lines between legal obligations and advisory measures. It said that the Government was "blurring the lines between legal obligations and advisory measures" and that this was "a worrying trend".

Traveller supports Failure and neglect

Publication by the Irish Human Rights and Equality Commission (IHREC) of a raft of "equality reviews" of local authorities' compliance with their human rights obligations to Travellers should be a watershed moment. The 31 council-by-council reports were instigated in 2019 in the face of consistent under-spending of Traveller accommodation budgets. Between 2008 and 2018, of €168.8 million allocated for Traveller-specific accommodation, just two-thirds (€110.6 million) was drawn down.

Coming from an oversight body of international standing, with the left and authority of the United Nations behind it, the reviews reveal varying degrees of engagement by local authorities with their Traveller populations. There is evidence in some councils of committed and thoughtful public servants doing their best. In others, however, a depressingly familiar picture emerges – of a lack of interest, urgency or even understanding.

None of the councils is gathering accurate data on how many Travellers are in their areas nor recording the ethnicity of social-housing applicants. There is a dearth of transparency on decision-making around how, or whether, to spend Traveller accommodation budgets.

The findings are no surprise to Travellers living with the results of this statutory neglect. They come two months after a damning report from

Growing wealth gap in access to housing

■ Lone parents, minorities, people with disabilities most affected

While 14pc of the general workforce in Ireland had a professional or managerial job, this fell to 10pc for eastern Europeans working here. The employment rate for people with disabilities was 10pc, 12 percentage points below the national average. The report also used census data on ethnicity and religion for 2016. These figures show high unemployment rates among black and Muslim respondents relative to others, although the unemployment rates among Irish Travellers, at 10pc, were the highest of the groups measured.

In addition, one in five ethnic minority workers reported discrimination in the workplace, with 14pc reporting discrimination in the workplace.

One in three workers between the ages of 18 and 24 had a temporary contract compared with only 6pc of 25 to 44-year-olds in 2016, according to the findings.

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Young workers 'more likely' to be on temporary contracts – study

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Opinion&Analysis

Fintan O'Toole

Suspicion of Government is fuelled by lack of scrutiny

66

For the first time in a long time, the Government is being held to account. This is a good thing. It is a sign that the Government is being held to account. This is a good thing. It is a sign that the Government is being held to account.

Watchdog says AG should have no say in the selection of judges

Shane Phelan

THE State's human rights watchdog has asked Justice Minister Helen McEntee to exclude the Attorney General from a new body being developed to advise on the selection of judges.

The Irish Human Rights and Equality Commission (IHREC), led by Sinead Gibney, has expressed concerns the Government could arguably wield influence during a proposed independent advisory process if the Attorney General is allowed to participate.

The Government's chief legal adviser is currently a member of the Judicial Appointments Advisory Board, which recommends candidates, and also gets informed in advance by the minister of proposed appointments.

Under proposals put forward by Ms McEntee, the Attorney

General would remain a member of a new slimmed-down Judicial Appointments Commission (JAC), but would not have a vote.

However, the proposal has been objected to by IHREC in a submission to the minister and the Oireachtas Justice Committee. It claimed the rationale for retaining the Attorney General on the commission was "unclear" and while he or she would not have a vote they could exercise influence over the decision-making of the JAC.

The Attorney General is the Government's chief legal adviser, and arguably this

provides a means of executive involvement in the JAC's proceedings. This is particularly so, given the Attorney General also sits at Cabinet, including at Cabinet meetings where decisions on judicial appointments are made," it said.

IHREC said the inclusion of the Attorney General would present "the obvious risk of double counting" as their view could be taken into account both at the JAC stage and when recommended candidates are later considered by the Cabinet.

Proposals for the JAC to rank judicial candidates before they are considered by the Government were scrapped last year by Ms McEntee. These had been pushed for by former transport minister Shane Ross, who claimed it would restrict political patronage and lead to the most qualified people being picked.

20 News Focus

The Sunday Interview Sinead Gibney

"I think our own attitudes about poverty and blame are problematic, and the idea that social mobility is open to all is a myth"



BoI move allows asylum seekers to open accounts

BY ROSANNA COONEY

Asylum seekers will be able to open bank accounts in Ireland for the first time, following a move by Bank of Ireland to accept state-issued identification documents.

From next month, Bank of Ireland will accept an in-date temporary residence certificate for asylum seekers and a stamp of Irish residence permit or refugee travel document for

money laundering and other illegal activity, and is set out in a range of legislation and regulation.

"However, we're very aware that in some specific circumstances a customer may not have access to the required documentation. That's why we have tailored our current account opening requirements so that we don't exclude customers such as asylum seekers from the financial system."


People living in direct state-issued paperwork, which all asylum seekers and refugees hold, will allow them direct access to basic financial services for the first time.

IHREC is now calling on all of Ireland's high street banks to accept state-issued documents from asylum seekers for the purposes of opening a personal bank account.


"Bank accounts are an essential societal service that must be available to

Social media highlights 2021

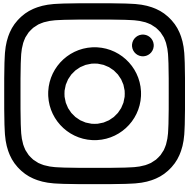
Website highlights 2021



Twitter
6,135,200
impressions
an average of 511,267
per month.



LinkedIn
63%
increase in followers
from 4,748 to 7,756
by year end.



Instagram
52%
increase in followers
from 1,407 to 2,139
by year end.



580,665
page views
on the commission
website www.ihrec.ie
in 2021. An average of
48,388 per month.



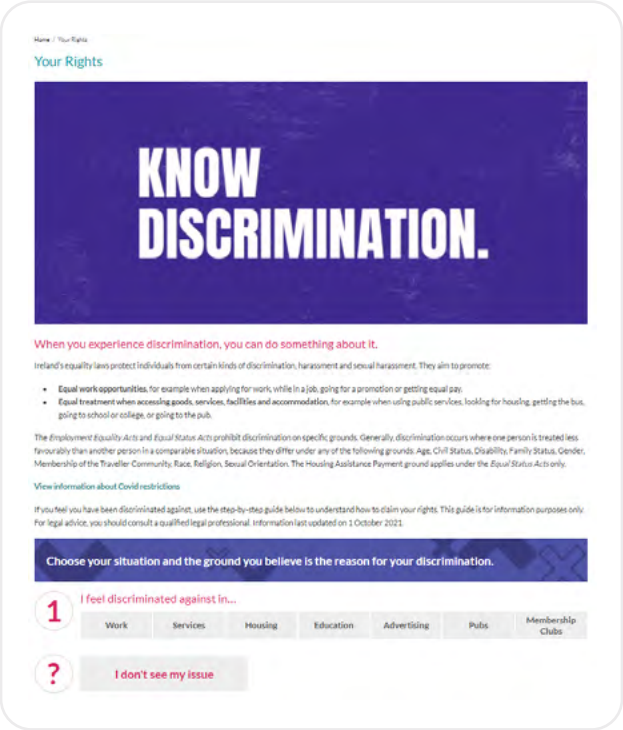
Most visited pages
after our homepage, focused
on equal treatment in access
to services (34,280 page
views), our 'Your Rights' landing
page (24,551 page views)
and information about the
Employment Equality Acts for
employers (18,003 page views).



Website traffic
peaked in March 2021,
with 67,194 page views.
Human rights and equality
in the provision of goods
and services was the most
visited webpage during
that time.

Followers/subscribers at the end of 2021

Twitter	16,600
Instagram	2,139
LinkedIn	7,756
Newsletter	3,080
Total	29,575



Head of Strategic Engagement, Brian Dawson, presenting on our Public Awareness Campaigns at the Fundamental Rights Forum in Vienna in October

Revamped Your Rights section of website

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 2021, we continued to contribute to, and benefit from active engagement in these networks.

ENNHRI

Professor Caroline Fennell served as Chair of ENNHRI on behalf of the Commission throughout 2021. In its role as Chair, the Commission led ENNHRI's Board and General Assembly meetings. ENNHRI represents forty-six national human rights bodies across Council of Europe Member States.

During 2021, 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. Commission Director Laurence Bond has served on the Board of Equinet since 2018, and in November he was elected as Chair of the Board.

During 2021, 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.

GANHRI

In its role as Chair of ENNHRI, the Commission also participated as a member of the Bureau of GANHRI as a Regional Chair.

In Focus – "A" Status Re-accreditation

NHRIs are independent bodies established by States, with a specific mandate of promoting and protecting human rights at the national level. They are established by the State but operate independently from Government.

They occupy a unique space in the human rights protection framework, in that they are neither a government body nor a civil society organisation, and, as such, do not have a defined constituency of vested interest other than the public interest, in line with international human rights norms and standards.

By virtue of their mandates to promote and protect human rights, NHRIs are acknowledged by the international community to be an important means to bridge the implementation gap between the State's international human rights obligations and the actual enjoyment of human rights by the people domestically.

In order to ensure that NHRIs can do so in an effective way, the international

community recognized that it would be beneficial to establish a set of universal "standards" for NHRIs.

The Paris Principles are the standards governing the independence, jurisdiction, mandate and composition of NHRIs. They provide the international community, including Member States, the UN and NHRIs themselves, with the minimum requirements for the establishment and functioning of NHRIs.

Key to the mandate of GANHRI is to accredit NHRIs based on their compliance with the Paris Principles. GANHRI's accreditation process is unique in that it is a peer review of NHRIs that is supported and serviced by the UN through the Office of the High Commissioner for Human Rights.

Accreditation signals international acceptance of an NHRI and its compliance with the Paris Principles. As such, it confers substantial legitimacy on an NHRI. The accreditation process is administered by the Sub Committee on Accreditation ('SCA').

Following a detailed review of the Commission's work, achievements, institutional independence and processes and an examination by the SCA in June, IHREC was successfully re-accredited as an "A" Status National Human Rights Institution.

This continued recognition underlines the Commission's domestic and international standing and institutional independence, with the SCA commending:

"the efforts of the IHREC to promote

and protect human rights in the Republic of Ireland and encouraging the institution to continue these efforts."

Only those awarded an "A" Status are fully compliant with the Paris Principles and, as a result, are accorded voting, speaking and seating rights at human rights treaty bodies or other UN organs.

EU Commission

In 2021, 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 meets annually in January 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.

Corporate Governance and Structure

The 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 and National Equality Body.

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, this "A" Status tier was reaffirmed with our re-accreditation in 2021.

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 2021 on the following dates:

- » 26 January;
- » 9 March;
- » 20 April;
- » 1 June;
- » 13 July;
- » 7 September;
- » 19 October; and
- » 30 November.

12 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:

- » 7 January;
- » 20 January;
- » 8 February;
- » 17 February;
- » 7 April;
- » 24 June;
- » 19 July;
- » 10 September;
- » 17 September;
- » 6 October;
- » 9 November; and
- » 9 December.

A Schedule of 2021 Attendance, Fees and Expenses is set out in Appendix 3.

The Commission must publish, every three years, 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 Commission agreed, at the end of 2021, its third three-year *Strategy Statement 2022-2024* which was laid before the Oireachtas in December. The 2022-2024 Strategy

Statement was informed by an extensive consultation process involving a broad range of both internal and external stakeholders.

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 *Irish Human Rights and Equality Commission Act 2014* 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 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 in 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 and Risk Committee, Legal Casework Committee and Policy and Research Committee.

The Commission may also establish Advisory Committees under Section 18 of the Act.

In 2021, these included a Disability Advisory Committee and a Worker and Employer Advisory Committee.

Membership of each of these Committees, and attendance during 2021 is included in Appendix 3.

The Audit and 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 six meetings held in 2021: 3 March, 29 March, 21 May, 28 May, 10 August and 12 October.

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 15 meetings held in 2021: 19 January, 8 February, 12 February, 4 March, 12 April, 19 May, 24 May, 5 July, 30 August, 9 September, 17 September, 11 October, 9 November, 22 November and 9 December.

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 five meetings held in 2021: 4 March, 17 May, 6 July, 31 August and 8 November.

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 ICTU and by Ibec.

There were five meetings held in 2021: 30 March, 18 June, 9 September, 5 November and 14 December.

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 five meetings held in 2021: 23 February, 28 April, 23 June, 15 September and 3 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 Role and Responsibilities of Accounting Officers;
- » Public Financial Procedures 2012.
- » Public Spending Code 2013.

The Commission has a Corporate Governance Assurance Agreement in place with the Department of Children, Equality, Disability, Integration and Youth.

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 2021, the Commission had 72 staff (see Appendix 4). The National Shared Services Office 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 five sections:

- » Legal;
- » Policy and Research;
- » Strategic Engagement;
- » Corporate Services; and
- » Anti-Human Trafficking.

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

Senior Management at
31 December 2021

- » Director: Laurence Bond;
- » Head of Legal: Michael O'Neill;
- » Head of Policy and Research: Iris Elliott;
- » Head of Strategic Engagement: Brian Dawson (Acting);
- » Head of Corporate Services: Niall Kelly; and
- » Head of Anti-Human Trafficking: Nusha Yonkova.



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 2021 was submitted to the Comptroller and Auditor General for audit by the statutory deadline of 1 April 2022. As required, this included the Accounting Officer's statement on the Commission's systems of internal financial control.

The 2021 gross estimate provision for Vote 25 Irish Human Rights and Equality Commission was €7.014m of which €4.002m was allocated for pay related expenditure, and €3.012m of which was allocated to non-pay expenditure. The provisional (prior to audit) expenditure outturn was €6.817m of which €3.642m was pay and €3.175m was non-pay. At year end, a surplus of €0.192m 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 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 2021 – 31 December 2021.

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 showed that the Commission exceeded the 3% target for employment of people with disabilities in 2021. This information was provided to the National Disability Authority in March.

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 2021

Granted	8
Part-granted	5
Refused*	11
Withdrawn/Handled outside FOI	1
Total	25

*One was refused because the information sought was already published on the Commission website, one was refused because the release of the information would be prejudicial to the functions of IHREC (Sec 30 FOI Act 2014), one was refused because the release of the information would have released information received in confidence by IHREC (Sec 35) and financial and commercially sensitive information (Sec 36), eight were refused because after conducting all reasonable searches of our records and files the information sought did not exist or could not be found.

Types of Request 2021

Journalist	7
Business/Interest Group	0
Client	0
Member of Public	18
Total	25

Willing Able Mentoring Programme

In 2021 the Commission again engaged with the AHEAD Willing Able Mentoring programme, a paid work placement programme that aims to promote access to the labour market for graduates with disabilities. In 2021, the Commission employed two graduates 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.

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	110,320 kWh
Fossil Fuels	0 kWh
Renewable Fuel	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 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 and through 2021 this space remained closed to internal and external users. However, the Commission continued through 2021 to deliver its events online, and has taken a lead in ensuring full accessibility of the online space for people with disabilities. Through our digital engagement we have focused on ensuring captioning, ISL interpretation and other accessibility tools are put in place as an intrinsic part of our online events.

Accessibility of our external communications also continued to be a feature of our work in 2021 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.

In 2021 we completed a fundamental review and restructure of our Your Rights webpages, to make information on discrimination more easily accessible to people, more understandable, more intuitive and more user friendly. Furthermore, we translated our information booklets on the Employment Equality Acts and the Equal Status Acts into key languages spoken by a diversity of communities in Ireland and these were made available online and in print format.

In 2021, we have also focused attention on the broader accessibility of our website and commissioned an external review of the accessibility of our website ihrec.ie. The recommendations of this review are being implemented, and we are working with the National Disability Authority to improve the accessibility of our website, in line with the EU's Web Accessibility Directive.

Progressively improving accessibility for staff, members of the Commission, and its advisory committees also forms part of our commitments. The Commission hosted two work placements under the Willing Able Mentoring programme in 2021. Our role as host and mentor since 2018 has informed accessibility actions for our workplace.

A number of human rights and equality issues were identified as pertaining to Commission 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, the Commission continued its engagement with the Office of Government Procurement and welcomed their inclusion of the Public Sector Equality and Human Rights Duty in the new Human Rights Section of its website in December 2021. The Commission further developed its internal procurement function and processes, including equality and human rights considerations as a key part of our procurement contracts, 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 2021 on a competitive basis. Training on equality and human rights was delivered to all staff in 2021 alongside inclusive leadership course for senior management. A significant number of staff across grades also engaged in ISL training.

In 2021 Legal/Your Rights provided accommodations to service users (across online consultations, meetings and hearings and in person) such as language

interpretation services; languages including: Portuguese, Kurdish, Roma, Arabic and Ukrainian; the Translation of documents into larger text and/or Braille where required; the use of Sign language interpretation services; Digital/electronic accommodations to facilitate communication with clients and practical assistance with understanding documents (online consultations and calls) and with filling out forms.

In 2021 the Commission, as part of its planning for the new strategic period 2022-2024, undertook an equality and human rights assessment across its functional areas. To inform this assessment a survey was conducted with staff and persons to whom we provide services to help identify equality and human rights issues. A focus group was also held with staff. The results from this survey greatly informed our Section 42 statement, which was published in December 2021 within our new Strategy Statement 2022-2024.

A Customer Charter was developed in 2021 and is now available on our website. A complaints procedure was also established alongside the Charter.

The Commission reviewed and strengthened its equal opportunity statement as part of its recruitment process to encourage and attract applications from more diverse communities.

Appendices

Appendix 1: Commission Member Profiles for 2021

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. She also has a number of postgraduate qualifications, including in the areas of Equality and Human Rights Law.

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 and 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 and 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

Professor Caroline Fennell

Professor Caroline Fennell is Professor Emerita 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 appointed Chair of the independent Anti-Racism Committee in 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 the Principal Solicitor at his Dublin-based law firm, which specialises in criminal defence and human rights litigation. He is a former Chairperson of the Human Rights Committee of the Law Society of Ireland and a former Co-Chair of the Irish Council for Civil Liberties. Michael is also a consultant and trainer with the SUPRALAT Solicitor Training Project incepted by Dublin City University and the 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 ('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 was 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 May 2018 – 30 May 2023

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 Professor of Equality Studies (Emerita) at UCD where she is also a Full Professor (Adjunct) in the School of Education. A visiting Professor in many of the world's leading universities, she played the lead role in establishing both the Equality Studies Centre and the School of Social Justice in UCD. She has authored several books and articles on all types of equality and social justice issues. Her most recent book, *Care and Capitalism: Why Affective Equality Matters for Social Justice*, was published by Polity Press, Cambridge in 2022. She was awarded the UCD Medal for Pioneering Change, in 2018, and the Irish Research Council, President of Ireland Prize for her Scholarly Work promoting Equality and Social Justice, in 2019.

Term of Office: 31 July 2020 – 30 July 2025

Dr Salome Mbugua

Dr Salome Mbugua is the CEO of AkiDWA -The Migrant Women's Network Ireland 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. Dr Mbugua is the co-president of European Network of Migrant Women, she sits on the European Women's Lobby's expert group on violence against women and on the EU's expert group on economic migration. In September 2018 she was appointed by the Tánaiste to chair the working group developing Ireland 3rd National Action Plan on Women, Peace and Security. She also serves as chair of the Public Appointments Service's Equality, Diversity & Inclusion project board.

Dr Mbugua holds a Doctorate from TCD with her research focusing on integrating women into peacebuilding in the DRC, she also holds a master's degree in Equality Studies from UCD.

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 and 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 SC

Sunniva McDonagh is Senior Counsel who practices mainly in the areas of fundamental rights, administrative and constitutional law. Sunniva has a particular interest in fundamental rights and the Rule of Law. She is a former 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/ administrative law. He regularly pleads before the superior courts in Ireland, and has represented clients before the Court of Justice of the European Union and the European Court of Human Rights. 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 2021. Twelve 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.

In 2021, three members, Frank Conaty, Caroline Fennell and Ray Murphy, did not receive any fee under the One Person One Salary principle.

Ordinary Meetings:

Commission Member	Meetings Attended
Sinéad Gibney	8 of 8
Heydi Foster Breslin	8 of 8
Jim Clarken	8 of 8
Dr Frank Conaty	7 of 8
Prof Caroline Fennell	7 of 8
Michael Finucane	8 of 8
Tony Geoghegan	7 of 8
Adam Harris	8 of 8
Prof Kathleen Lynch	8 of 8
Dr Salome Mbugua	8 of 8
Dr Rosaleen McDonagh	7 of 8
Sunniva McDonagh SC	8 of 8
Dr Lucy Michael	8 of 8
Prof Ray Murphy	8 of 8
Colm O’Dwyer SC	7 of 8

Extraordinary Meetings:

Commission Member	Meetings Attended
Sinéad Gibney	11 of 12
Heydi Foster Breslin	3 of 12
Jim Clarken	6 of 12
Dr Frank Conaty	8 of 12
Prof Caroline Fennell	6 of 12
Michael Finucane	8 of 12
Tony Geoghegan	4 of 12
Adam Harris	7 of 12
Prof Kathleen Lynch	10 of 12
Dr Salome Mbugua	7 of 12
Dr Rosaleen McDonagh	6 of 12
Sunniva McDonagh SC	7 of 12
Dr Lucy Michael	6 of 12
Prof Ray Murphy	11 of 12
Colm O’Dwyer SC	11 of 12

Appendix 3: Attendance at Committees

Casework Committee Meetings

Member	Meetings Attended
Colm O'Dwyer (Chair)	14 of 14
Sinéad Gibney	13 of 14
Professor Caroline Fennell	8 of 14
Michael Finucane	10 of 14
Sunniva McDonagh SC	9 of 14
Dr Lucy Michael	7 of 14
Professor Ray Murphy	13 of 14

Policy and Research Committee Meetings

Member	Meetings Attended
Dr Lucy Michael (Chair)	5 of 5
Sinéad Gibney	5 of 5
Dr Frank Conaty	3 of 5
Professor Caroline Fennell	2 of 5
Adam Harris	2 of 5
Prof Kathleen Lynch	4 of 5
Dr Salome Mbugua	4 of 5
Dr Rosaleen McDonagh*	3 of 4
Colm O'Dwyer SC	4 of 5

*Rosaleen McDonagh was appointed to the Policy and Research Committee in March 2021.

Audit and Risk Committee Meetings

Member	Meetings Attended
John Maher (Chair)*	4 of 4
David Scott (Vice-Chair)	5 of 6
Heydi Foster Breslin	6 of 6
Jim Clarken**	1 of 1
Dr Frank Conaty	6 of 6
Adam Harris	5 of 6
Dr Rosaleen McDonagh***	0 of 1

*John Maher resigned on 16 July 2021

**Jim Clarken appointed Interim Chair on 7 September 2021

***Dr Rosaleen McDonagh resigned from the Audit and Risk Committee in March 2021

Disability Advisory Committee

Member	Meetings Attended
Dr Rosaleen McDonagh (Chair)	5 of 5
Adam Harris (Vice-Chair)	3 of 5
Sinéad Gibney	4 of 5
Dr Frank Conaty	4 of 5
Gary Allen	3 of 5
Dr John Bosco Conama	3 of 5
Bernie Bradley**	3 of 3
Jacqui Browne	5 of 5
Adrian Carroll	5 of 5
Michelle Gaynor	5 of 5
Eliona Gjeczaj	3 of 5
Brian Hayes	5 of 5
Kieran Murphy*	1 of 1
Dr Vivian Rath	4 of 5

*Kieran Murphy resigned in February 2021

**Bernie Bradley resigned in August 2021

Worker and Employer Advisory Committee

Member	Meetings Attended
Tony Geoghegan (Chair)	5 of 5
Kathleen Lynch (Vice-Chair)	5 of 5
Sinéad Gibney	5 of 5
Jim Clarken	5 of 5
Ethel Buckley, SIPTU	3 of 5
Brian Callinan, Ibec*	1 of 4
Meadbh Costello, Ibec	5 of 5
Dr Michelle Cullen, Accenture*	1 of 1
Seamus Dooley, NUJ	2 of 5
Norman Harte, Irish Rail	2 of 5
David Joyce, ICTU	5 of 5
Dr Kara McGann, Ibec	3 of 5
Deirdre O'Connor, INTO	2 of 5

*Dr Michelle Cullen replaced Brian Callinan in December 2021

Appendix 4: Commission Staff

The staff complement of the Commission as at 31 December 2021 was 72, with grading structure as follows:

Grade	No. of Staff
Director	1
Principal Officer	5
Professional Accountant Grade I	1
Assistant Principal Officer	9
Higher Executive Officer	12
Administrative Officer	13
Higher Legal Executive	2
Legal Executive	3
Executive Officer	12
Clerical Officer	14
Total	72

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 2021.

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	2021
60,000-69,999	2	3
70,000-79,999	6	4
80,000-89,999	2	1
90,000-99,999	1	3
100,000-109,999	-	-
110,000-119,999	2	2
120,000-129,999	-	-
130,000-139,999	-	-
140,000-149,999	-	1*

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.

*Salary of the Chief Commissioner, who is excluded from staff numbers in Appendix 4.

Key Management Employee Benefits	2020 €	2021 €
Commission Member Fees	54,476	86,569
Salary (Including Chief Commissioner)	572,360	703,139
Allowances	-	-
Termination benefits	-	-
Health Insurance	-	-
	626,836	789,708

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* €	2021 €
Basic Pay	56,844	144,859
Health Insurance	-	-
Total	56,844	144,859

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

Director Salary	2020 €	2021 €
Basic Pay	115,953	118,607
Health Insurance	-	-
Total	115,953	118,607

Consultancy Costs	2020 €	2021 €
Legal fees	-	-
Advisory	6,775	76,458
Total	6,775	76,458

Travel and Subsistence – Domestic and International	2020 €	2021 €
Domestic Travel		
- Commission	1,669	177
- Employees	11,345	2,083
International Travel		
- Commission	1,507	
- Employees	2,439	1,247
Total	16,960	3,507

Legal Costs and Settlements

There were no such costs in 2021

Hospitality Costs

Staff Hospitality

Third Party Hospitality

Total	Nil	Nil
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Appendix 6: Publications

Corporate Publications

- » Annual Report 2020/ Tuarascáil Bhliantúil 2020, July 2021
- » Strategy Statement 2022-2024/ Ráiteas Straitéise 2022-2024, December 2021

Information Guides

- » 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, Irish, French, Portuguese, Romanian, Polish, Latvian, Lithuanian, Chinese, September 2021
- » The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services, 2nd Edition, Irish, French, Portuguese, Romanian, Polish, Latvian, Lithuanian, Chinese, September 2021

International Reporting

- » Submission to the Third Universal Periodic Review Cycle for Ireland, March 2021
- » Communication of the Irish Human Rights and Equality Commission with regard to the Information submitted by Ireland on 8 June 2021 on the execution of the judgment of the Grand Chamber in O’Keeffe v. Ireland, July 2021
- » Ireland’s Actions Against Trafficking in Human Beings – IHREC Submission to GRETA, October 2021

Policy Statements and Submissions

- » Submission to the Committee on Justice on the Dying with Dignity Bill 2020, February 2021
- » Submission to the Committee on Housing, Local Government and Heritage on the Electoral Reform Bill, February 2021
- » Submission to the Joint Committee on Children, Disability, Equality and Integration on the General Scheme of a Certain Institutional Burials (Authorised Interventions) Bill, February 2021
- » Submission to the Joint Committee on Key Issues affecting the Traveller Community, March 2021
- » Submission to the Joint Committee on Justice on the General Scheme of the Smuggling of Persons Bill 2020, March 2021
- » Submission to the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht on the General Scheme of the Online Safety and Media Regulation Bill, March 2021
- » Submission to the Minister for Justice on the General Scheme of the Judicial Appointments Commission Bill 2020, April 2021
- » Submission to the Oireachtas Joint Committee on Justice, COVID-19 and Civil Liberties, May 2021
- » Submission on the General Scheme of the Birth Information and Tracing Bill, July 2021
- » Submission on the General Scheme of the Family Court Bill (2020), August 2021
- » Developing a National Action Plan Against

Racism – IHREC Submission to the Anti-Racism Committee, September 2021

- » Observations and Recommendations on the General Scheme of the Criminal Justice (Exploitation of Children in the Commission of Offences) Bill 2020, October 2021
- » Observations and Recommendations on the General Scheme of the Protected Disclosures (Amendment) Bill 2021, November 2021
- » Advisory Paper to the Interdepartmental Group on the Government’s Planned Development of a ‘Restorative Recognition Scheme for former residents of Mother and Baby Homes and County Homes’, November 2021
- » Submission to the Independent Review Group on the Offences Against the State Acts, November 2021
- » Submission to the Mental Health Commission’s Public Consultation on the Rules and Code of Practice governing the use of seclusion and restraint, November 2021

Research Reports

- » Ireland’s Emergency Powers During the COVID-19 Pandemic, February 2021
- » Monitoring Decent Work in Ireland, June 2021
- » Monitoring Adequate Housing In Ireland, September 2021

Appendix 7: Grants

In 2021, the Commission continued to provide support for projects under its Irish Human Rights and Equality Grants Scheme. Set out below are grant projects awarded in 2021 including projects closing in 2021.

Organisation	Project Summary
Clare Public Participation Network	This aim of this project is for groups representing and comprised of those affected by socio-economic exclusion to collaborate together to devise an action based anti-poverty strategy to advocate effectively for the progressive realisation of social and economic rights in Clare. The strategy would be used as a framework to inform all policy submissions to the Local Authorities in Clare.
Irish National Organisation of the Unemployed	The aim of this research project is to gain a greater understanding of the impact of the stigma associated with unemployment on people's ability to exercise their social and economic rights and to engage with duty-bearers to address the issue and support unemployed people to access these rights more fully.
The Rights Platform	The aim of this project is to seek to address endemic poverty and social exclusion in four disadvantaged public housing areas in South County Dublin by developing awareness within disadvantaged communities of their social and economic rights and build community leadership to engage with duty bearers from a rights perspective.
South Leinster Citizen's Information Service	The aim of this research project is to promote equality of access to State Services and to clear, accurate and professional information, advice and advocacy services for the prison population.
Empower	The aim of this research project is to empower Roma women to act as peer researchers to identify the health issues of Roma women and children in the Fingal area in order to establish response pathways to reduce the health inequalities they experience and inform national policies and strategies.
All Together in Dignity	The aim of this project is to bring together a core group of people with lived experience of socio-economic discrimination to produce a film about socio-economic discrimination in Ireland through their own lens and use to advance the public campaign for the recognition of socio-economic discrimination as a ground in the Equality legislation.
Youth Work Ireland	The aim of this project is a campaign to advance the social and economic rights of young people living in Direct Provision centres by empowering them to share their stories in an animated format, advocate for themselves and seek to influence change, particularly in the context of the White Paper to End Direct Provision.
NASC Migrant and Refugee Rights Centre	The aim of this project is to examine progress achieved in strengthening the economic and social rights for people seeking international protection by delivering a report, which will include an evidence-based scorecard monitoring the implementation of the White Paper on Ending Direct Provision.

Organisation	Project Summary
One Family	The aim of this project is to build capacity of parents to recognise rights infringements and discrimination in their interaction with state bodies and provide the information they need to challenge these infringements and seek appropriate support. In tandem to reduce incidence of rights infringements and strengthen the upholding of the Public Sector Duty by providing information to public sector staff on the rights and experiences of one-parent families.
European Anti-Poverty Network	The aim of this research project is to provide an analysis of the increased demand for supports to meet basic necessities as provided by the community and voluntary sector and the root causes behind a demand that has been rising and exacerbated by Covid-19.
ICTU – Irish Congress of Trade Unions	The aim of this project is to build trade union capacity to integrate a gender perspective into all negotiations and collective agreements, ensuring the implementation of pay transparency measures that contribute to tackling the gender pay gap.
Free Legal Advice Centres	The aim of this project is to develop a report that examines social welfare decision-making from a fair procedures and equality perspective informed by engagement with groups through its casework in particular its Roma Legal Clinic. The report aims to ensure better enforcement of equality and human rights in the administration of social welfare claims, in line with obligations under the Public Sector Equality and Human Rights Duty.
Sage Advocacy	The aim of this project is to establish and consolidate an Observatory on rights-based long-term care to influence policy and public discourse about long-term care. Its purpose is to influence the proposed Commission on Care to ensure that the social and economic rights of people in long-term care including old people are central to its deliberations. An output will be a Good Practice Guide based on participatory approaches to inform policy related to long-term care.
Mayo Travellers Support Group	The aim of this project is to invite discourse between all communities on equality for all. By training members of the Traveller community in presenting and producing, they will have the means to produce their own radio shows. The goal is to give Travellers agency and the ability to create new spaces where their voice can be heard and cross-community dialogue can occur.
LGBT Ireland	The aim of this peer research project is to unveil the isolation experienced by LGBT+ Travellers and Roma due to a fear of/experience of homophobic, biphobic, transphobic discrimination and attitudes within their own ethnic communities. It will explore and make visible the experience of exclusion and marginalisation of LGBT+ ethnic minorities due to a fear of/an experience of racism within the mainstream LGBT+ community and services and will also inform policy and service delivery.
Travellers of North Cork	The aim of this project is to promote the accountability of public sector bodies regarding their statutory obligations to ensure non-discrimination against members of the Traveller Community by producing an evidence-based analysis of the implementation of the public sector duty and how the specific needs of the Traveller Community have been incorporated into public services.
Cultúr Migrants Centre, Meath	The aim of this training project is to build the capacity of migrant community group leaders to challenge racism and Islamophobia, promote intercultural understanding in their local schools and communities and be peer human rights mentors that can support their respective groups to advocate for change.
INTO – Irish National Teachers Organisation	This project aims to empower and enable educators in the primary school sector to proactively create more inclusive, racially embracing and anti-racist schools. It will do this by building the capacity of teachers, principals and deputy principals to understand racism and race/ethnicity/cultural bullying, harassment and discrimination as well as in understanding how they can create a more inclusive racially embracing and anti-racist school. It will work with Migrant teachers to support them in securing teaching positions within the education sector.

Organisation	Project Summary
ICCL – Irish Council for Civil Liberties	This community-based participatory research project aims to gain a better understanding of racial profiling, and prevent it by equipping people impacted with the resources, know-how and evidence base to advocate so that their rights are upheld in a policing context.
Women for Election	This project aims to inspire, equip and support Traveller women to run and succeed in Irish politics while also working to combat gendered and racist barriers which to date impeded Traveller women's full participation in Irish Politics. This will be delivered through bespoke training and mentoring for Traveller women participants, and anti-racism and cultural awareness training for staff and officials in political parties.
Foróige	The aim of this project is for young people of minority ethnic backgrounds from North Dublin to organise an event to promote the findings of research they carried out to an audience of influential decision-makers to have their voices heard on racism, inequality, inclusion and integration.
SHEP – Social and Health Education Project, Cork	The project aims to progress the rights of people with intellectual disabilities by empowering them to advocate for their rights and to have a voice in decisions about the medication prescribed to them. It will also place human rights and equality at the heart of a dialogue with professionals and service providers in relation to the implementation of the Assisted Decision Making (Capacity) Act 2015, the National Consent Policy and best practice in prescribing, reviewing, monitoring, adjusting and de-prescribing medication.
Acquired Brain Injury Ireland	The project is an advocacy campaign that puts the voice of brain injury survivors at its core and aims to empower them with the tools to advocate for their right to access essential rehabilitation services and to influence public policy and increase State provision for rehabilitation.
Gheel Autism Services	The aim of this peer led participatory research project is to examine the barriers faced by Autistic people in progressing in further education and employment and to develop models of best practice support that can be replicated across the country.
Inclusion Ireland	The aim of this project is to build the capacity of people with intellectual disabilities to be media spokespersons on issues that affect them. In tandem, it will develop a code of practice for journalists and broadcasters on interviewing people with intellectual disabilities, as well as a guide for people with intellectual disabilities themselves, to support them in navigating media interviewing.
Ability West	This research project aims to give a voice to the experience of persons with an intellectual disability in Galway City and County who seek access to residential services. It will highlight a human rights and equality perspective to access to supported living, and housing, from the viewpoints of people with an intellectual disability as rights holders and their family networks as rights holders.
EPIC - Empowering People in Care	The aim of this research project is to improve awareness and understanding of children and young people in care with disabilities to ensure their rights are upheld in policy and practice and in line with the provisions of the UNCRPD.
Irish Penal Reform Trust	The aim of this research project is to scope the need for a national policy advocacy strategy to promote the rights of people with disabilities detained in secure forensic mental health facilities in Ireland.

Organisation	2020-21 Projects
SVP - Saint Vincent De Paul, Monastery Hostel, Carlow	This project aims, through a series of workshops, 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 and Waterford County Council	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	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	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 and Association of Bolivian Residents, Dublin	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	This project aims to enable and empower older women and migrant women, through workshops, 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 at a seminar, to bring about change.
NASC, Cork	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	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	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.

*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.

Organisation	2020-21 Projects
The Federation of Irish Sport, and UNESCO Chair and Munster Technological University, SARI – Sport Against Racism Ireland, Gaelic Athletic Association ('GAA'), Central Statistics Office ('CSO') and Sport Ireland	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 LGBTIQ+ 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 right 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	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 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 and Kerry Rape and Sexual Abuse Centre	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	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 and Limerick Community Development Project, and Paul Partnership	This project 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	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.

Organisation	2020-21 Projects
Irish Traveller Movement	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.
Disability Equality Specialist Support Agency and The Coalition of Disabled People's Organisations	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.
All Ireland Institute of Hospice and Palliative Care ('AllHPC') and University of Limerick 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	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.
Independent Living Movement Ireland, Dublin and South Dublin County Council	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.
Children's Rights Alliance, Dublin	This project aims to carry out baseline action research to establish what children and young people know about their rights, determine the best ways to educate them about their rights, with a focus on: children in care, children with disabilities, migrant/refugee children, LGBTIQ+ children and children in conflict with the law. Its findings will inform the development of human rights education programmes, the next National Children's Strategy and Ireland's forthcoming review under the UN Convention on the Rights of the Child in 2021.

Organisation	2020-21 Projects
Free Legal Advice Centres, Dublin and National Traveller Women's Forum	This project aims to build the capacity of Traveller Women equality advocates on the Equal Status Acts, with a particular focus on the intersectional grounds of gender and the Traveller community grounds. The training programme will lead to a network of Traveller women equality advocates who will provide information and skills to other Traveller women and girls necessary to vindicate their rights and who may provide representation in claims of discrimination before the Workplace Relations Commission in the absence of civil legal aid.
Blanchardstown Traveller Development Group	The project aims to carry-out a participatory research analysis by Travellers as peer researchers to identify how Fingal County Council is implementing the Public Sector Equality and Human Rights Duty and hold a roundtable with Fingal County Council Housing Department and Traveller groups to share the findings.
Irish Council for Civil Liberties and Irish Refugee Council	The project aims to work directly with international protection applicants through focus groups to identify gaps in the rights knowledge of people who are seeking international protection, including those living in Direct Provision accommodation. The project aims to develop a relevant and accessible 'Know your Rights Guide' in five languages to assist people seeking international protection to understand the entire spectrum of human rights they are entitled to in Ireland. ICCL with the Irish Refugee Council will work with leaders among those seeking international protection to promote and disseminate the guide.
Pavee Point Traveller and Roma Centre and St. Catherine Community Services Centre, Carlow, Traveller Visibility Group, Cork and Wicklow Travellers Group	This project aims to promote increased access to justice for Traveller women who experience domestic violence by empowering women with knowledge, information and skills to access and use legal protections in relation to domestic violence, and raising awareness of complaint mechanisms to report shortcomings in the justice system.
Galway City Community Network and Galway City Partnership	This project will build the collective capacity and engagement of rights holders through the development of a civil society panel in Galway City to facilitate and support the effective and transparent implementation of the Public Sector Equality and Human Rights Duty by duty bearing organisations and agencies in Galway City.
Central Remedial Clinic, Dublin and Disability Federation of Ireland	This project aims to empower people with disabilities to carry out rights-holder centred research and a series of focus groups to capture their experience in accessing their right to education, employment and independent living, identifying gaps and developing a roadmap to address these issues.
Robert Emmet Community Development Project, The Liberties and Community Action Network (CAN)	The project aims to support and empower Oliver Bond Residents Group to understand and claim their rights as well as the knowledge to engage with relevant statutory bodies to ensure that these rights are respected.

Organisation	2020-21 Projects
Inclusion Ireland, Dublin	This project aims to hold a series of consultations around the country to get the views and experiences of people with intellectual disabilities and to compile them into a submission to inform the civil society shadow reporting on the UNCRPD.
Dolphin House Community Development Association	This project aims to facilitate a meaningful process of informed resident engagement in the ongoing physical and social regeneration of Dolphin House with the purpose of empowering residents to frame their issues in human rights terms and offer leadership and create a unified community voice to engage with Dublin City Council on the next phase of regeneration.
Cheeverstown House	This project aims to equip people with intellectual disabilities, framed within the UN Convention on the Rights of Persons with Disabilities, with the skills to gather a range of voices and experiences of how the Covid-19 Pandemic has directly affect their lives, using spoken word, pictures and other multi-media platforms. This will provide insight into how the pandemic has impacted on individual's rights including not having access to services and having to leave their house to isolate, with the aim of raising awareness among policy makers and affecting change.
Age Action	The aim of this project, through a series of participatory dialogues with older people and people working in public bodies with responsibility for administration and procedural aspects of public policy decision making, is examine the extent to which digital exclusion experienced by older people impacts their capacity to realise their rights in this context as mandated in the Public Sector Equality and Human Rights Duty and make recommendations for changes that will enable the participation of older people in public policy design and implementation.
Irish Refugee Council, Dublin and Spirasi	This project aims assess the barriers that people seeking international protection face in accessing their rights and accessing justice, documenting those barriers in the context of relevant international human rights law. It will be guided by an advisory committee of people seeking international protection and refugees with recent experience of the international protection process and who will also act as peer facilitators. The project report will provide an evidence base.
Good Shepherd, Cork	The aim of this project is to build the confidence of people who face injustice or discrimination, using participatory budgeting, to decide democratically how a specific budget should be used, and to give them real power over real money to make decisions that affect their own lives.
South Leinster Citizen's Information Network	The project aims to run three workshops over two regions and eleven service areas which will enable the CIS network to build capacity to support vulnerable people to access justice remotely as a consequence of the working arrangements put in place as a result of Covid-19, mainly before and in cooperation and in agreement with the Workplace Relations Commission, the Labour Court, the Social Welfare Appeals Office and the Residential Tenancies Board.

Organisation	2020-21 Projects
Places of Sanctuary Ireland	The project aims to run Sanctuary Ambassador participatory training courses in the Midlands and South East for refugees and asylum seekers to inform and empower them to understand human rights, find and use their voice effectively and engage with decision-makers. The training teams will include refugees and asylum seekers who have benefited from the training in the past. The training will provide practical outreach to raise awareness of the human rights issues affecting refugees. The project will culminate in submissions and manifestos on refugee rights being presented to local councils and the Oireachtas.
Irish Penal Reform Trust	This project aims to empower and promote access to rights and access to justice for migrants, foreign national prisoners, and ethnic minorities in the penal system. It will create a sound evidence base and raise awareness of inequality and human rights breaches against migrants and ethnic minorities in probation and prisons in Ireland. It will build the capacity of rights holders, civil society organisations and state bodies to recognise and address discriminatory practices.
Kenmare Community Development Association and Disability Equality Specialist Support Agency	The aim of this project is to carry out participatory research with parents and children to identify barriers to accessing mainstream education in the Greater Kenmare area, it will be complemented by workshops to build the capacity of rights-holders to understanding their rights under human rights, disability and equality law and be empowered to engage with local schools and the education system.
National Youth Council of Ireland	This project aims to create a pool of rights-holding young facilitators and speakers, with lived experiences of injustice - racism, homophobia, classism, disablism and gender discrimination - who will facilitate workshops, and information sessions on the issues that affect them and their communities. In doing so they will strategically advocate for their communities and stand in solidarity with each other in accessing their rights.
RADE	The project's aim is to focus on the exploration of rights issues which directly and adversely affect substance-dependent people, and to engage them in the creative process of producing murals to communicate their perspectives on human rights issues that concern them. It further aims to challenge the stigma and commonly-held negative perceptions of the abilities and skills of substance-dependent people, and to build their capacity and confidence to assert their rights.
The Alzheimer's Society of Ireland	This project led by the Irish Dementia Working Group ('IDWG') supported by The Alzheimer Society of Ireland, aims to empower people living with dementia to know what human rights are and to make those rights real and applicable in their lives. The project will build the capacity of the IDWG members to facilitate awareness sessions for their peers living with dementia. It will build on the advocacy work of the group and offer a unique opportunity for people living with dementia to understand human rights.

Organisation	2020-21 Projects
Ferns Diocesan Youth Service and Waterford and South Tipperary Community Youth Service, and U-Casadh CLG	The aim of this project is to support and empower young people from the Roma Community in the South East of Ireland (Wexford and Waterford) to become champions of equality and human rights in their own communities and support them to realise their own rights. It will culminate with the production of a Human Rights and Equality Statement and a final event where the young people will present their views to public bodies in the context of the Public Sector Equality and Human Rights Duty.
Citywide Drugs Crisis Campaign	This project addresses the serious gap in training for health care professionals when engaging with people with experience of drug use. A human rights-based participatory training programme will be developed with people with experience of drug use. It will be piloted with healthcare professionals (co-delivered by people with experience of drug use). A revised approach will inform the development of a train-the trainers' model and resources.
Doras, Limerick	Doras Luimní, funded in 2019, is finalising research to analyse what employment supports are most needed and most effective for supporting people in the direct provision system, and for other eligible migrants to secure decent work in Ireland. The research findings aim to contribute to the development of more tailored employment supports that are evidence-based and informed by best practice.
Laois Traveller Action Group and Offaly Traveller Movement, Longford Community Resources Ltd, Meath Primary Health care, Westmeath Community Development Primary Healthcare	Travellers Connecting for Better Service is a collaborative project, funded in 2019, that is developing the capacity of Travellers in five counties to facilitate modules on Cultural Awareness and the Health Inequalities to services and agencies such as the HSE. These modules will highlight the disparities in Traveller Health and allow services to become more aware and build cultural competency in relation to service delivery and access to information.
UCC School of Applied Social Studies and Cork Deaf Association and Kerry Deaf Resource Centre	This project, funded in 2018, is completing the design of an auditing template for use by public sector bodies for the purposes of identifying deficiencies in Deaf cultural awareness and exposing audist systems and practices. Use of the templates will allow public sector bodies to assess their capacity to fulfil their duties as set out in the IHREC Act 2014 (Section 42) and to support the effective and meaningful implementation of the Irish Sign Language Act 2017.

Appendix 8: Your Rights Data

Protected Ground	Equal Status Acts 2000 - 2018	Employment Equality Acts 1998 - 2015	Intoxicating Liquor Acts 2003 – 2008	Total
Age	32	31	3	66
Civil Status	9	1	0	10
Disability	240	114	3	357
Family Status	11	17	0	28
Gender	32	85	0	117
Housing	82	N/A	0	82
Race	67	47	N/A	114
Religion	6	3	0	9
Sexual Orientation	8	4	0	12
Traveller	6	6	0	12
Not Stated	28	26	0	54
Total	521	334	6	861

Human Rights Topics 2021	HR Queries
Homelessness/Social housing and Living conditions	29
Inhuman and Degrading Treatment and Punishment. Prohibition of Torture - Art 3	9
Unlawful detention/ Conditions of detention (prisons, other institutions)	31
Historical Institutional Abuse	8
Administration of Justice/Fair procedures/ Fair trial - Art 6/ Effective investigation	28
Private, Family Life, Home and Correspondence - Art 8	31
Right to Life - Art 2	4
Freedom of Thought, Conscience and Religion - Art 9	1
Freedom of Expression - Art 10	1
Rights relating to Health, and Bodily Integrity	146
Freedom of Assembly and Association - Art 11	0
Asylum seekers/Human Trafficking/ Immigration/Family Reunification/Right to Remain/ Freedom of Movement	72
Equality/Non-discrimination - Art 40.1/Art 14	31
Children's Rights	12
Protection of Property	2
Prohibition of Slavery and Forced Labour - Art 4	0
Right to Education	4
Right to work/Decent work	75
General /Misc. (inc. movement)	46
Total	530

