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| **Submission to the Irish Human Rights and Equality Commission’s (IHREC) Public Sector Duty Code of Practice Consultation**  **3 July 2023** |

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1. **Mercy Law Resource Centre Limited is a company limited by guarantee and not having a share capital, registered in Dublin, Ireland. Co.Reg No:471072.  It is also a registered charity, Chy No:18698. Directors: Edward Gleeson, Catherine Dooley, Cara Nagle, Ciara McGrath, Deirdre Quigley, Stewart Reddin, Gerry Whyte, Liam Twohig and Eamonn Casey**
2. Is the information contained in the draft code accurate? If there are inaccuracies, please identity these by referencing a page and paragraph number.

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| The information in the draft code is accurate. |

1. The purpose of the draft code is to reflect the relevant law and the definitions within the law. The Code explains the different definitions of “public body”, “human rights”, “discrimination” “equality of opportunity and treatment” within the relevant laws including the Irish Human Rights and Equality Act 2014. Do you have any comments on the explanation of the various definitions in the draft code?

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| The definitions are explained clearly. |

1. The purpose of the draft code is to reflect the relevant law. The draft code outlines the scope and effect of the Duty referring to the obligations under Section 42 (1) and Section 42 (2)”. Do you have any comments on the explanation of these provisions in the draft code?

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| The mandatory nature of the obligations under S. 42 (1) and S. 42 (2) are clearly described. |

1. The draft code includes guidance on the development of performance measures, operational standards and written preventative strategies and appropriate processes and procedures to record, and demonstrate, compliance with the Duty. Do you have any comments on the guidance in the draft code?

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| The obligations under S.42 (2) require a public body to assess their own performance, address their own shortcomings and report on their own actions and policies to implement the duty and it is left to the public body itself to decide which issues are relevant to it and how to implement the duty.  While, understandably, some flexibility in implementation standards is required to reflect the huge variety of organisations, functions and resources of the public bodies that come under the remit of S.42, in our view this must be balanced against the need to ensure consistency of outcomes. Our work in MLRC focuses on engagements with local authorities in respect of delivery of social housing and homeless services. While each local authority will have unique challenges, there are broad similarities in the human rights issues that arise in relation to housing / homelessness matters. We have observed huge variation across local authorities in terms of their understanding of and focus on the human rights dimension to their housing functions, and awareness of S. 42 generally among decision makers. In that context, we feel that stronger guidance may be required and suggest that consideration be given to more granular sector-specific guidance being developed under the Commission’s section 42(3) powers for key areas such as housing. |

1. Are there aspects of implementation of the Duty which are not fully covered in the draft code? If so, please specify what extra information should be included.

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| It would be useful to get some clearer guidance in the code as to what constitutes a failure of compliance, notwithstanding its absence from the act itself. |