

# SUBMISSION TO THE WORKING GROUP ON PARLIAMENTARY PRIVILEGE AND CITIZENS' RIGHTS

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## SUBMISSION TO THE WORKING GROUP ON PARLIAMENTARY PRIVILEGE AND CITIZENS' RIGHTS

This submission has been prepared by Nasc, the Migrant and Refugee Rights Centre as a contribution to the Houses of the Oireachtas' Working Group on Parliamentary Privilege and Citizens' Rights, as it reviews the Houses' procedures. Nasc welcomes the invitation to make a submission to the Working Group on Parliamentary Privilege and Citizens' Rights on our experience of appearing before Oireachtas Committees.

### About Nasc

Nasc, the Migrant and Refugee Rights Centre is a non-governmental organisation based in Cork. Nasc, the Irish word for 'link', empowers migrants to realise and fulfil their rights. Nasc works with migrants and refugees to advocate and lead for change within Ireland's immigration and protection systems, to ensure fairness, access to justice and the protection of human rights. Our goal is to realise the rights of all migrants and refugees within Irish society.

Nasc has almost two decades of experience supporting refugees, asylum seekers and ethnic minority communities in Ireland. Through our free legal service, Nasc provides information, advice and support to over 1,300 people annually. Our policy and campaigning work are directly informed by our day-to-day experiences working with migrants, refugees, asylum seekers and ethnic minorities living in Ireland. More information on our service is available at [www.nascireland.org](http://www.nascireland.org).

### Appearances before Oireachtas Committees

Nasc has made seven appearances before Oireachtas Committees since March 2011:

- On the 12<sup>th</sup> June 2019, Nasc's Fiona Finn and Fiona Hurley appeared before the Oireachtas Joint Committee on Justice and Equality hearing on Direct Provision and the Protection Process.
- On the 06<sup>th</sup> February 2019, Nasc's Fiona Finn and Fiona Hurley appeared before the Joint Oireachtas Committee on Justice & Equality on the International Protection (Family Reunification) (Amendment) Bill 2017.
- On the 16<sup>th</sup> November 2016, Nasc's Fiona Finn appeared before the Joint Committee on Justice and Equality debate on the Migrant Crisis.
- On the 25<sup>th</sup> February 2015, Nasc's Fiona Hurley appeared before the Joint Committee on Public Service Oversight and Petitions debate on Person Or Number?2.
- On the 24<sup>th</sup> June 2014, Nasc's Claire Cumiskey appeared before the Joint Committee on Jobs, Enterprise and Innovation debate on the Employment Permits (Amendment) Bill.
- On the 26<sup>th</sup> February 2014, Nasc's Fiona Hurley, appeared before the Joint Committee on Justice, Defence and Equality debate on Domestic and Sexual Violence.
- On the 12<sup>th</sup> December 2012, Nasc's Fiona Finn appeared before the Joint Committee on Justice, Defence and Equality debate on the Review of Legislation on Prostitution.

Nasc's experience of presenting before Oireachtas Committees has largely been very positive. However, we must note that on each occasion that Nasc, the Migrant and Refugee Rights Centre has appeared before the Committee, it has been as an invitation to share our specific expertise and knowledge on matters relating to migrants or refugees. Nasc has never been compelled to appear before a Committee.

Nasc's appearances before Oireachtas Committees have most recently been in front of the Oireachtas Joint Committee on Justice and Equality in respect of work that Nasc has been directly engaged in, such as Direct Provision and the Protection Process and Family Reunification. Nasc has also made detailed written submissions to the Committee in advance of our appearances. We believe that it is important that **the terms of reference of the Oireachtas Committee are clear** and that that the Committee remains within them. Nasc's experience has been very positive in this regard. Clarity around the terms of reference is essential for organisations or individuals preparing to appear before the Committee.

The **invitations** received by Nasc to appear before the Committee have been clear and precise. It has been our experience that the Committee Clerks have been very helpful in answering any questions or providing any additional information or clarifications requested. We have generally received several weeks' notice in advance of a requested Committee appearance, which we believe is necessary in order to adequately prepare for the Committee hearing. This is particularly important for smaller organisations who may not have the resources to prepare for an appearance on short notice.

It is however unclear on what basis the Committee decides to select witnesses to appear before them. More transparency on this would be welcomed. This would also assist organisations who do not have dedicated advocacy or policy functions but who would welcome the opportunity to appear before a Committee on an issue relevant to their work.

The **conduct of meetings by the Committee as a whole, and the supervision of such hearings by the Chair** has been very positive. The importance of the Chair and their contribution to the conduct of the hearing cannot be overstated. In our experience the Chair has ensured that the meetings have run in a timely and efficient manner, witnesses are at ease and have an opportunity to fully answer any questions asked of them. The Committee Chair has also explained the departure of any Committee members (eg to vote) to witnesses present.

Our experience has however seen that there can be poor attendance at the Committee hearings, particularly when the matter relates to an initiative that the Government opposes. By way of example, when Nasc presented before the Joint Oireachtas Committee on Justice & Equality on the International Protection (Family Reunification) (Amendment) Bill 2017 on the 09<sup>th</sup> February 2019, no elected representatives from the Government party were present. No officials from the Department of Justice appeared before the Committee in respect of the matter. We believe that this failure to engage with the Committee can undermine the work of the Committee.

Nasc has not experienced any situations where we believed that the **rights of the witness** appearing before the Committee were breached. Nonetheless, it is of the utmost importance for the constitutional rights of all citizens appearing before a Committee to be protected and there should be clear and open remedies for citizens who believe that those rights have been infringed on.