



Feedback report on the public consultation process 2015

**Developing the Irish Human Rights
and Equality Commission Strategy
Statement 2016-2018 2015**



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



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Introduction



This document presents the detailed results of the public consultation exercises undertaken to inform the development of the Irish Human Rights and Equality Commission's (IHREC) Strategy Statement.

According to its founding legislation the Commission was tasked to produce a three year strategy statement, setting out key objectives and related strategies. The first stage of preparing the strategy statement was to articulate a draft set of goals. While these may be modified, at the time of the public consultation exercise, the five goals were:

Goal 1: Be a Leader - IHREC acts as an independent, authoritative and influential institution in the promotion and protection of human rights and equality.

Goal 2: Pro-active Approach to Monitoring & Compliance - IHREC uses its full range of powers for the monitoring of and compliance with equality and human rights obligations.

Goal 3: Interdependence of Civil, Political, Economic, Social and Cultural Rights - IHREC will give equal weight to civil and political rights and economic, social and cultural rights.

Goal 4: Make Rights Real - IHREC will give human rights and equality real meaning to people.

Goal 5: Intercultural Understanding: - Positive intercultural relations are enhanced.

In preparing this strategy statement, the Act specifies that the Commission should:

“consult in such manner as the Commission considers appropriate with such bodies and groups as it sees fit including but not limited to educational institutions, representatives of relevant agencies and civil society, Departments of State and other public bodies (IHREC Act, 2014 S. 25.3)”.

Thus, in preparing the Statement, the Commission has been conscious of ensuring that it would be informed by input from a number of different sources. These include:

- IHREC's founding legislation;
- Public Consultation;
- Other key stakeholder inputs e.g. public service bodies;
- IHREC Commissioners inputs;
- Staff inputs;
- Existing commitments and obligations.

Clearly, the public consultation is a hugely significant element of this process. However, it is important to emphasise that the final strategic plan will be informed, not just by the public consultation findings, but by these other inputs. The purpose of this document is to demonstrate how the public consultation findings have been analysed with a view to later being able to demonstrate how they informed the shape of the final plan.

What this report contains:

This report presents in unedited form the feedback from the public consultation process. As such, it represents the direct views of those involved in the public consultation process. It has been presented in this way for two reasons:

- i. So that the Commissioners and Commission staff, tasked respectively with preparing and implementing the Strategy would be able to access the direct views of participants rather than a summary or interpretation of them;
- ii. So that those who made submissions and others could clearly see how their inputs were being analysed and fed into the process of developing the Commission's Strategy.

How the document is organised:

Following this introduction the next section of the document describes how the public consultation process was undertaken. It describes the different components of the process; the questions asked during the consultation exercise; and how the feedback was analysed and presented to the Commission for consideration.

Following this, the consultation feedback is presented under each of the five goals. Each goal is broken down into a number of more specific impacts and outcomes and associated strategies and potential barriers are identified.

The next section contains group/issue specific feedback. While undertaking the detailed analysis it became clear that certain group/issue specific concerns were raised. Where it was considered that the volume of reference merited it, these group/issue specific reference have been separately categorised and are presented alongside the Goal based analysis. This does not mean that the concerns relevant to these groups / issues are not included under the goals, simply that more substantive comment has also been presented separately.

The final section contains feedback from a number of meetings organised by the Community Action Network. These have been presented as distinct reports due to their context specific nature.



I. Background to the public consultation process

How was the public consultation process organised?

The public consultation process undertaken by IHREC was comprehensive and multifaceted. It included:

- Eight public meetings held in Cork, Waterford, Limerick, Galway, Sligo, Longford, Dublin and Letterkenny. These meetings were publicly advertised in local media and attended by almost 300 people. These meetings were run using a World Café methodology in which respondents themselves produced a written record of their individual and collective perspectives and opinions. All such records were gathered and transcribed for later analysis.
- Written responses to an anonymous online qualitative survey designed to enable an accessible means of offering written comment. 58 responses were made in this way from individuals and organisations.
- More detailed submissions from organisations and individuals. 61 such submissions were received.
- Feedback from a targeted meeting attended by 40 young people.
- Six meetings with groups of rights holders – both geographical and issue specific – organised by the Community Action Network (CAN). These were attended by 45 people.
- Engagement with almost 200 attendees at the Ploughing Championships.

What questions were asked at the consultation?

In each of the different consultation processes a series of questions were asked, depending on the time available to participants to respond.

So, for example, at the public consultation meetings, participants were asked to identify what changes they would like to see occurring in the human rights and equality landscape; what strategies might be put in place to bring those changes about and what barriers might exist to impede the realisation of those changes.

In the online survey participants were asked to identify what was needed to promote human rights and equality in Ireland; what barriers/obstacles might exist; how greater awareness and quality could be promoted and what kinds of indicators might be used to judge whether the Commission has been more or less successful in fulfilling its legal mandate.

Meanwhile, the more substantive submissions included either organisations' own chosen format or submissions that followed the IHREC guide for submissions which provided prompts to a longer series of questions. These related to: the promotion of human rights and equality; barriers and obstacles; specific views on the five IHREC goals or other potential goals; strategies for engagement with organisations interested in promoting human rights and equality and finally, indicators to judge the success of the Commission in years to come.

The meetings with young people and with rights holders were more generic and in some cases were context specific.

Finally, participants at the public meetings, at the Ploughing Championships and a group of equality students in UCD were offered the opportunity to complete 'Burning Flames' to register their views in shorter, more concise form. Approximately 200 'Flames' were completed at the Ploughing Championships and the main themes of these flames have been presented in mind map format in section 5 below.

What happened to all of the feedback from the consultation exercise?

As might be imagined, the extensive process described above produced a very large amount of information, all of which had to be processed, analysed and presented in a format that would enable the members of the Commission to assess and identify how it could inform the development of the Strategic Plan. The Commission has been very mindful of the time taken by individuals and organisations to provide inputs to the development of the Strategy and is conscious of its responsibility to fully and properly examine it. To ensure that this would happen, a detailed analysis of the information gathered has been undertaken. This analysis has been informed by a results based approach to strategic planning. This, simply put, involves the identification of different levels of results that could be achieved in order to address the Commission's overall mission.

This consultation feedback has been broken down in considerable detail¹. A number of different levels of analysis were undertaken.

- i. In the first instance, the feedback was organised or themed under each of the Goals² which were presented during the public consultation process and as agreed by the Commission³.
- ii. Next, the feedback was broken down further according to whether it:
 - suggested an Impact or change to be achieved⁴;
 - identified a strategy to achieve the impact / change or
 - identified a barrier towards achieving the impact / change.
- iii. The next stage involved breaking down the information provided under each goal into sets of more specific impacts that could be achieved in order to realise the larger Goal. The feedback on barriers and strategies was broken down accordingly.

¹This was done by categorising or 'coding' all of the information provided. A qualitative data analysis software package known as NVivo was used to carry out this coding exercise.

² Goals can be understood as results to be achieved over a longer term, possibly 15 to 20 years. Goals will not be achieved over the period of a three year strategy statement so in preparing such a strategy statement, a longer term view always needs to be taken.

³ Anything that did not relate to the goals was added to an 'other' category but this contained very few references.

⁴ Impacts are results which contribute to realising a goal but are also only likely to be achieved over a longer time period, possibly 10-15 years.

- iv. The final stage focused on each of the individual impacts and further broke them down into a series of Outcomes. Again, the feedback on barriers and strategies was broken down accordingly.

All of the material from the public meetings and the submissions provided has been analysed in this way and is presented in the sections that follow. Each section is introduced by a summary table which contains a statement of the goal; impacts that might be pursued in order to achieve it and outcomes that could be pursued in order to produce the desired impact.

From Analysis to Strategy

Having analysed all of this data it is important to understand its subsequent journey.

In the first instance, all of the content below has been provided in this exact format to the members of the Commission. This has formed a very significant component in their consideration of the Strategy components.

Beyond this however, once the Strategy has been developed, this material will continue to provide a rich source of guidance for the subsequent development of an implementation plan to translate the goals, impacts and outcomes into more concrete outputs and actions.

Final comments on the content

When reading the material below a number of points should be borne in mind:

- i. In some cases, information was provided that offered commentary on the broader state of the country or on issues not directly related to the consultation process. These have been recorded as such but are not presented in this analysis.
- ii. The sources of the different inputs have not been identified so that the focus is on the ideas offered rather than on those supplying them.
- iii. It has to be emphasised again the possible impacts and related outcomes identified below are preliminary and were drawn from the analysis of the views gathered during the public consultation process. They do not represent a final statement of the contents of the Commissions strategy statement.



I. Feedback on the IHREC Goals



Goal 1: Leadership

IHREC acts as an independent, authoritative and influential institution in the promotion and protection of human rights and equality.

This section presents the feedback from the public consultation process that relates to Goal 1 – Leadership

It illustrates the rationale for identifying possible strategic impact areas and possible outcomes and organises the public consultation feedback accordingly.

These impacts / outcomes are drawn from the consultation feedback.

Each individual strategic impact heading is colour coded and includes the following sub-sections based on the coding process:

- *an articulation of desired impacts under this goal and related outcomes;*
- *some potential strategies associated with each impact;*
- *an outline of possible barriers that might impede its achievement.*



Summary of feedback for Goal 1: Leadership

Possible Strategic Impacts		Possible Outcome Areas <i>Suggested by Public Consultation Materials</i>
I.1	<p>IHREC accepted and referenced as an authoritative, independent and influential institution by state actors, civil society, the media, and the general public.</p> <p><i>See pages: 13-21</i></p>	<p>IHREC independence maintained [be a watchdog]</p> <p>Strategic partnerships / alliances developed</p> <p>High level arenas created to further equality and human rights understandings</p> <p>Human rights and equality standards for public / private / civil society sector established.</p>
I.2	<p>Leadership capacity enhanced in the field of human rights and equality amongst policy makers, within the public sector and in civil society, at national and local level.</p> <p><i>See pages: 22-35</i></p>	<p>Public Duty embedded within policy makers and public bodies</p> <p>Public Duty enabled in public bodies</p> <p>Public Duty evaluated / monitored</p> <p>Collaboration with/by CSOs strengthened</p> <p>Application of human rights& equality approaches with CSOs enabled</p> <p>CSOs adequately resourced to support Human Rights and Equality based actions.</p>
I.3	<p>High quality research and analysis produced using the most up-to-date legal and social policy data</p> <p><i>See pages: 36-37</i></p>	<p>Evidence based research produced</p>

Goal 1: Leadership; Strategic Impact 1: IHREC Leadership

IHREC accepted and referenced as an authoritative, independent and influential institution by state actors, civil society, the media, and the general public.

Strategic Impact 1.1: Desired IHREC Leadership Impacts

Maintaining independence / watchdog

That equality authority is a vigilant and effective watchdog

It is essential that the IHREC retains and defends its independence. Ideally it should report to and be accountable directly to the Oireachtas. It should resist political and governmental pressure to dampen its strategies and priorities.

Also, IHREC will need to be 100% independent, which will be proactively challenge cases of inequality and discrimination in the face of opposition from government departments and elected representatives.

IHREC will need to develop the trust and respect of not only those who are marginalised but broader society by presenting the promotion of human rights and equality as something to be cherished and not feared- especially for sectors of society who already feel disempowered.

The realisation of goals set out

The Commission is working for the people and acts independently

The Commission is transparent in all its endeavours

That IHREC act as an independent, authoritative, and influential institution in the promotion and protection of human rights and equality

The IHREC will be a stronger leader if it speaks to the people and to the government in ways that they do not wish to hear.

While we think more strongly about telling the government things they do not want to hear, we have mentioned a few things that some people mistake for rights, and it is important to confront people as well as confront the government.

Amnesty International welcomes this goal. Given the difficulties experienced by the Irish Human Rights Commission and Equality Authority, it is very important that Ireland's new NHRI is seen as independent and authoritative. Key to these will be the adequacy of the financial and other supports provided by the Government. IHREC's being influential will of course depend on the attitude of the Government and public sector to its recommendations and advice.

Demonstrated independence - structurally and intellectually - from the establishment. or the Commission to continue with what has been started already and allow – encourage more groups to participate in this exercise

In five years – to be able to see the Commission being 100% totally independent (as the CEO said).

Be a champion public independence

Leadership -champion public (not behind closed doors) independence

Representative of diversity and all marginalised communities

Is the Commission really independent QUIS CUST ODIET CUS TODES IPORS?

Who decides the remit and limit of the Commissions role and powers. Has the Commission any teeth? Why not? Will the Commission investigate the rendition of people and the transport of arms(international human rights abuses) via Irish ports and airports. Use of special criminal courts is a human rights abuse in a democracy will the Commission have the balls to challenge the government.

Leadership role for IHREC that is visible to the public and strongly influences governmental, media and other commentators use of language etc. That the Commission shows leadership with integrity.

IHREC not watered down, yes inclusive - we need TRANSPARENCY! WE NEED ACCOUNTABILITY ! GOVERNMENT & PUBLIC DISCUSSION. HELP US LEARN TO ROCK THE BOAT

I believe that the delivery of this goal will, at least in part be, achieved by maintaining a respectful and dignified stance on equality, but at the same time being unapologetic for adopting this approach in promoting human rights and equality in Ireland.

The promotion of human rights and equality needs a voice which can be heard, a body to make representation. Action needs to be taken and the independence of the institution preserved so that political decisions can be open to criticism and scrutiny.

IHREC is in a unique position in that its equality remit covers all of the equality grounds covered by Irish legislation: gender, age, family status, civil status, ethnicity/nationality, disability, LGBT, religion, membership of the Travelling Community.



IHREC having been a consistent and vocal advocate for improved human rights & equality legislation, for compliance with the (limited) existing legislation. IHREC being (presumably) a `thorn in the side` of government, internationally & in the media, without `fear or favour`.

A complete impartial commission not affiliated with any political party. A commission willing to hold government to account for lack of due care in dealing with rights and equality of the general population.

Ignore politics, be brave enough to state the facts even if it means political figures are embarrassed.

STAY INDEPENDENT- SHOW US THAT YOU ARE ADDRESSING THE ISSUES
SHOW US WHO IS LIGHTING YOUR FIRE? GOVERNMENT? CAPITAL

Will be seen as a voice beyond politics - not playing political games.

That equality commission keeps its independence and is not undermined.
Reassuring the public about the need of an organization (ACT) they can rely on the Commission.

That the organization is not just on paper but seen and felt by the people.

Given the past history of the Equality Authority it would be important for IHREC to maintain its independence. Ideally, it should be accountable to the legislature rather than a department

Establishment of the organisation as a strong and vocal human rights watchdog

Building partnership / alliance building

For older people it would be important that IHREC has engaged with them as a group on their rights and equality issues. The impact of that would be that more older people understand their rights and are empowered to claim their rights if and when they are being infringed

The Irish Human Rights and Equality Commission would need to have a more visible presence and a more coherent approach to work across the sector would need to be developed.

The IHREC has a key role to act as a strong driver for cultural change with a particular focus on securing a valuing of equality and human rights in workplaces and wider society. We obviously have a particular interest in equality and respect for human rights in the workplace. We feel that a strategic partnership between ourselves, employers and IHREC – building on the work of the Equality Authority and incorporating a wider human rights focus, could be a key a driver for this ambition

IHREC having been one catalyst for improved meetings and joint actions by members & advocates of different minority groups.

Stimulating high level public debate platforms to further equality and human rights understandings

By promoting and engaging in public debate on equality issues, IHREC can become a more vocal advocate for equality of opportunity across equality grounds. Ireland needs a strong, active and focused Human Rights and Equality Authority to promote equality and human rights. The Commission needs to be the standard bearer for equality and human rights and that gives a parity of focus to the dual agendas. In order to promote a culture of respect for human rights and equality in Ireland, it must make rights real in a very concrete manner, enumerating and addressing those situations where there is a human rights violation. It must be dynamic, progressive, challenging. The merger of equality and human rights functions in the IHREC gives the new body a potential to pursue both agendas in an integrated manner for maximum impact. The IHREC must ensure parity across the equality and human rights agendas in the deployment of its functions and powers.

The Commission needs to play the lead role in mainstreaming human rights and equality in Irish legal and public life (see goal 1 below) to ensure that duty bearers understand how respect, fulfil and protection human rights.

Much more prominence in the media, to be seen as the leading authority on issues related to equality and human rights by the public

Joint Dáil committee, specifically dealing with IHREC. A Way needs to be found to bring public debate minority issues which are not being sponsored by Ireland's Human Rights Lobby ie, Human Rights XXXX organisations.

It needs to establish an effective method of Communication to government and political bodies of their obligations to recognise & legislate to give effect to human rights

GO TO THE ROOT OF THE ISSUES! CLARITY/COMMUNICATE/CHANGE (DON'T JUST PLASTER IT)

I guess you have two questions in that. First is about what you are doing. Second is how visible and engaging that activity is. The second requires the first to be authentic and effective, but also requires sustained story-telling and opportunities for the average person to participate meaningfully (ideally including fun) in promoting your programme agenda at the local level. It would help to update your visual image as well. It is very institutional (fair enough, that's what you are), but really doesn't make one want to connect or participate. It smacks of form-filling and government tedium. As for the first part, you will be directly judged by the rate of improvement within Ireland first, and with respect to foreign policy second. If you don't have enough punch to impact policy delegated to other departments and sectors, then ask the public to help you lobby to get there. You should be at the top of the pecking order, alongside sustainability and environment. When humans and our ecosystem are being taken care of, the rest flows

toward improvement. Raise the profile of all the "usual suspect" campaigns, and don't moan about lack of budget. Put the call to action out and people will rally to donate services that augment what's needed for successful campaigns. Make it a truly Irish agenda by involving as much of the Irish public as you can. People love to give and make a difference if they understand the need and see the result. Let them help. In five years I'd hope to see substantial progress in terms of understanding and in terms of programmes being developed and cross linked with other bodies to address at home: bullying, reproductive health including access to abortions, homelessness, racism, migrant rights and dignified, genuine support for refugees, LGBTQ, child abuse, equal pay and equal access to all levels of work for all genders, parental leave, Irish Travellers, economic marginalisation.

IHREC known nationwide and recognised

Public ownership/ people see the Commission as representing their interests effectively
COMMISSION SPEARHEADING CHANGE

STRONG VISIBLE ORGANISATION + SPOKESPERSON /PEOPLE FOR HUMAN RIGHTS; FUNDAMENTAL CHANGES IN IRISH HUMAN RIGHTS à e.g. ending direct provision, repeal of 8th amendment, rural transport, accessible buildings/transport

Organization would be disbanded

Establishing standards for public / private / civil society sectors...

Proper funding for the IHREC



Strategic Impact 1.1: Potential Strategies for IHREC as a Leader:

Maintaining independence / watchdog

IHREC should act as if it is accountable to the people through the legislature.

IHREC will need to promote themselves to the general public in order to gain support for their work. Also, IHREC will need to be 100% independent, which will be to proactively challenge cases of inequality and discrimination in the face of opposition from government departments and elected representatives.

Although the IHREC should remain independent it can demonstrate its leadership by not remaining neutral. It should take a critical stance on human rights violations and discriminatory practices of the State. For instance Pavee Point welcomes IHREC's calls for the recognition of Travellers as an ethnic group. IHREC should play a role as a watchdog to challenge the State on its curtailment of rights within domestic law. It should do this through engagement with civil society organisations who are working on these issues.

By staying resolutely true to the Commission's independent role.

Furthermore, being quite clear that the Commission stands for and by the most marginalised groups/individuals in Irish society.

Formerly, the Irish Human Rights Commission and the Equality Authority were separate organisations with specific yet complementary remits and were amalgamated following merger and rationalisation recommendations of the McCarthy Report (2009a, p. 64, 2009b, p. 156) commissioned by the Department of Finance. It is important that the work of both bodies isn't scaled back due to the amalgamation and that their joint role in public education and awareness raising in relation to human rights and equality remain.

The promotion of human rights and equality needs a voice which can be heard, a body to make representation. Action needs to be taken and the independence of the institution preserved so that political decisions can be open to criticism and scrutiny.

Changed landscape in terms of current issues and concerns. IHRC as a strong WATCHDOG nationally; Ireland has a strong voice in speaking on HR + Equality Issues at UN + International level.

Regulatory role also important need to be seen to be doing, getting visible wins. Get beyond perception of further red tape. Political system don't see it as a vote getter

BARRIER – IHREC silenced ! don't be a poodle be a watchdog !

Building partnership / alliance building

Seek to build alliances with intermediary bodies and gate keepers into the community and voluntary sector, such as Pobal, the Local Government Management Agency for Public Participation Networks and Community Development Committees. For example,



hosting a joint seminar to raise awareness of the IHREC Act and reflect on the role of the community and voluntary sector and in particular Pobal supported organisations in undertaking positive and public duty as outlined in section 42 of the Act.

IHREC to continue to be a catalyst for promoting Human Rights Based Approaches, promoting more partnership and strategic alliance approaches, opening channels of communication, as opposed to fulfilling a mediating role between citizens, groups and statutory bodies, departments or other organisations.

Focusing equal effort on the process as much as the final outcome in relation specific human rights issue. The process of building relationships will contribute to better longer term goals of inclusion and equality.

Maximise participation in human-rights based solutions. Participation must be active, free and meaningful. Public debate, organising of interest and representative groups, representative and open decision making are essential ingredients

IHREC needs to be visible & accessible to those who need it most. Those who are treated unequally or have their rights denied need to know that IHREC is very much their organisation that they can turn to for legal advice or for their voice to be heard & Championed. For that, working with representative groups such as the ITM, IHREC needs to have targeted approaches to build links with those it seeks to represent.

The recent public consultations held by the Commission could be a useful model to use into the future to keep linked in with NGO's and members of the public in order to keep abreast of human rights and equality issues at grass-roots level.

Strengthened local HR based organisations regionally.

High level public debate platforms to further equality and human rights understandings

Presence outside of DUBLIN , “ optics” regularly . Board meetings events in Richmond Court – direct from centre.

highlighting the benefits of promoting dialogue and discussion with citizens, the active participation of citizens ultimately improving the social inclusion of poor and marginalised individuals and communities.

Over the last number of years the Commission's website has not contained up to date content and information for the public - this might have been due to the proposals to join it with the Equality Authority. The website should be constantly updated and be suitable for use by users from different backgrounds- the fact that the Commission consulted with children on this occasion is to be welcomed and the website should be capable of use and understanding by children and others.

The IHREC needs to improve its visibility. Well done on the public consultation, more of the same please.

In its public statements the IHREC must give a lot of attention to the State's failure to count people with no religion as having the same rights as people of the larger religions



Establishing standards for public / private / civil society sectors

Clarify principles, concepts and standards expected in relation to Human Rights Based Approaches, which will contribute to structural and institutional changes that and therefore improve the long-term sustainability of the changes or improvements that have been achieved.

Clarify and highlight mechanisms for influencing, protecting and promoting Human Rights and Equality e.g. facilitating and building the skills and confidence of citizens and organisations to effectively access decision-makers.



Strategic Impact I.1: Potential Barriers to IHREC as a Leader

Belief on behalf the general public that they don't have the power to affect meaningful change --apathy, disillusionment

People do not care. Elected reps should be challenged on inequality.

Resistance to change aversion to making waves /causing trouble, a fear of speaking out of turn, of being challenged

Confrontation the fact that some things are enshrined in the constitution means that referenda are required for change are practically difficult e.g. # repeal the eight

Accountability of the new IHREC to government ? to the people? Public duty? The media?

Impact of austerity is significant and undermines the human rights and equality agenda.

Lack of vision or the 'wrong' vision à neo-liberal /marked ideology Vs. social solidarity à pits groups against one another.

Regional recognised rights access to information targeted funding, frustration of engaging with the state.

Lack of initiative, innovation/ intervention

Lack of taking responsibility

If IHREC too successful budget might be cut, law changed e.g. combat poverty agency/ equality authority.

Money for IHREC. Don't like your logo or name.

Lack of interest from the government. Lack of ethics, morality and corruption.

Lack of political will /interest in human rights ; Lack of political appreciation /understanding of theme of equality .

Political choices informed by an ideology that moves away from rightsà liberal market of deregulation

Lack of women in political decision making structures. Changes to political structures. lack of female representation at government level means issues that affect women specifically are overlooked



Goal 1: Leadership; Strategic Impact 2: Policy Makers and Civil Society as Leaders

Leadership capacity enhanced in the field of human rights and equality amongst policy makers, within the public sector and in civil society, at national and local level.

Strategic Impact 1.2: Desired Impacts for Policy Makers and Civil Society as Leaders

‘The IHREC should be especially alert and resistant to the understandable tendency of bureaucracies to apply a brake to changes that impinge on their existing modus operandi’

A. Public Sector

Embedding positive duty

That there would be a commitment across Government Departments which is fed down to government agencies, and that the Positive Duty would be embedded in the work of Government Departments, state agencies and those businesses and organisations which they contract work out to. (Perhaps a number of ‘whole organisation’ pilot projects could have taken place, for example, a local authority having been supported to implement the Positive Duty).

Positive Duty could provide a mechanism to move forward on these issues but will require strong leadership to become a working tool and avoid the danger of becoming a paper exercise

To achieve this goal IHREC must work with policy makers and service delivers to impress upon them the value of incorporating human rights and equality into their work, the invaluable tool such incorporation would make, how it would lead to more effective use of resources, and would assist over the longer-term in addressing structural issues e.g. housing.

Forward thinking, embedded in decision making and institutions—stronger, better reactions

Equality and Human Rights actually embedded in public sector organisations not just lip service.

DUTY OF CARE IN HSE & Government Jobs covers health issues as I understand it not human rights



To promote change within government departments in the culture of working for all people equally rather than the system e.g. that they really understand mainstreaming as way to do business rather than something that belongs to expert groups

I would like to see buy-in by government departments into the value of human rights and equality/ cultural change amongst civil servants/ especially people with disabilities.

Public representatives should promote equality with Irish society. Example media as a campaign tool.

Public services with a strong knowledge and commitment and duty to realisation of rights/ accommodation.

Equality and Human Rights actually embedded in public sector organisations not just lip service.

Need for transparency in public sector duty provisions. Appraisals within public sector employees.

Need to get government departments really behind IHREC

IHREC NEEDS TO BE TAKEN SERIOUSLY BY GOVERNMENT DEPARTMENTS.

Enabling positive duty

IHREC should support public bodies in the development of their plans to implement the duty. Plans must encompass how the duty will be embedded into the body's work processes, and secure participation of people experiencing inequality and human rights issues.

A comprehensive human rights and equality training project should be developed utilising expertise across civil society and minority groups experiencing inequality. This training should focus on the civil and public service but also be offered to other sectors.

IHREC should develop and implement a comprehensive strategy for the implementation of positive duty with specific supports for public sector bodies. This should include a structured and participatory approach to the implementation of the public sector duty between civil society and public authorities.

Foster greater accountability by encouraging and supporting statutory bodies, departments, local authorities (duty bearers) and civil society to be more open and communicate their obligations and responsibilities in relation to the human rights and equality.

That human rights training is part of civil service entrance training and compulsory CPD

Evaluating positive duty



Monitoring and evaluation of outcomes on an ongoing basis is crucial with a clear public accountability mechanism for reporting progress with a particular focus on dialogue with representative organisations of people experiencing inequality or human rights issues.

For this implementation to be effective it is crucial that IHREC champions and supports the mainstreaming of ethnic data collection, analysis, disaggregation and dissemination in order to have data to facilitate equality reviews and positive duty analysis. Effective co-operation from each area of the public services would be great.

Leaders and public figures being more open and transparent and feeling safe to do so. (eg mental health issues, sexual orientation, women in the workplace).

Local development companies should be advised to promote human rights approach in social inclusion (SICAP)

Government takes domestic human rights seriously and engages with advocacy organisations with how to deliver them.

B. Civil society leadership

Collaboration

Onus on civil society to help and support IHREC but also to push it.

Be open to collaboration, perhaps through the IHREC Public Engagement Team, with community organisations in modelling and setting down good practice.

Work in partnership with advocacy organisations to build a network of strong support and have the required expertise and hand for the various contexts of discrimination

Partnership with CV sector + NGOs that is a funded awareness + advocacy programme.

Increased development of NGO networks who are delivering services in Ireland

IHREC involved in training NGOs and LCDPs

A thriving civil society and acknowledgement of key role it plays in the promotion and protection of human rights and equality

Application of Human Rights and Equality Principles

Community organisations using human rights frameworks in their work.

The provision of Leadership from national organisations and networks to proactively provide information and supports to their members and target groups, so that they can understand, actively adopt and implement human rights principles in their work practices, highlight issues and contribute to implementing positive change to address such issues.



Community groups should also be supported to identify their human right based standards and to clearly communicate them and which can be subsequently monitored and evaluated against.

Support NGOs, statutory bodies on how the principles of HRBA can be integrated over time into their policies and work practices, including quality standards and realistic expectations.

Evidence of enabling NGOs, authorities and statutory bodies to embrace and embed HRBA

Need civil society flying the flag for human rights + equality.

Participating of Leadership in every aspect from global to local.

Meaningful and structured engagement with civil society

Resourcing

That the Government would have been convinced about the importance of an independent and well-resourced community sector whose remit it to advocate for human rights and equality.

Funded Independent Community Work

Adequately funded civil society organisations who can advocate on behalf of disadvantaged and marginalised people.



Strategic Impact 2: Potential Strategies for Policy Makers and Civil Society as Leaders

A. Public Sector Strategies

Embedding

Foster greater accountability by encouraging and supporting statutory bodies, departments, local authorities (duty bearers) and civil society to be more open and communicate their obligations and responsibilities in relation to the human rights and equality

Respect: A society where individual human rights are understood and respected by those whom they come in contact with at all levels of society. For that to be achieved, we would respectfully encourage that all statutory and publicly funded bodies are engaged with carefully via their parent departments and the Commission and a pathway is laid out in agreement for making rights real and visible in the programmes and services they offer

A wider range of Government departments and agencies engage in consultation processes, these should include a human rights and equality dimension, and should result in proper feedback to the public including civil society organisations on how their ‘asks’ will be incorporated or not, and if not, why not, and be particularly clear if the ‘ask’ was not acceptable because it would lead to the infringement of some other group’s rights.

Creating meaningful dialogue with State bodies, from Senior Civil Servants to frontline staff in relation to this, without alienating key officials, will be challenging but is a pre-requisite for systemic change. The lack of political will for most mainstream political parties, post-crash, to even use the language of rights or equality will be a challenge. The language of “austerity” and “pragmatic tough choices” suggests that genuine belief in most parties about the importance of equality is lacking. It will be extremely challenging for a political/Statutory nexus which has championed an extreme form “trickle-down” neoliberal economic theory to engage in issues of poverty, economic and housing rights, all of which are the result of economic and political choices.

Meaningful implementation of public sector duty

Leadership by National Government

This would require the state being pro-active in promoting human rights and diversity in the interest of stability, equality and growth. It would subsequently require the state being pro-active in dealing with the root causes of inequality and necessitate a redistribution of power and resources. The state would need to:-

- Adopt and strengthen legislation and legal mechanisms (particularly with regard to economic, social and cultural rights).
- Ensure that Government Departments and state agencies understand what human rights and equality are really about.



Define the role and remit of Government Departments and state agencies regarding human rights and equality, particularly in light of the Positive Duty. For example, in terms of economic, social and cultural rights this would involve identifying the rights around which each Government Department has a remit, establishing the substantive content of the particular right(s) and secondly, defining the legal duties (if any) imposed by the right(s).

Provide resources - Resources to enable Government Departments and state agencies to build their capacity regarding human rights and equality; resources for community development and civil society groups (see below); and most significantly, a redistribution of resources in order to address human rights concerns and inequality.

Government Departments and state agencies would need to develop their organisational capacity to ensure that plans, policies, procedures, monitoring systems, and the delivery of services are based on human rights standards and principles and accord with equality legislation. They would have to carry out situation analysis, using human rights standards and principles, including using data disaggregated by gender, ethnicity, location, and economic status in order to assess inequality and discrimination. This would require training to nurture a comprehensive understanding of human rights principles and the values which underpin them, and of equality.

Developing the organisational capacity would also involve putting in place mechanisms for the on-going, meaningful, participation of rights holders. This would mean going beyond tokenistic engagement and instead involving people and the groups that represent them at all stages of planning and implementation of actions and, in adherence to human rights principles, seeking to engage the views and experience of the most marginalised and discriminated members of society.

All of the above would require strong leadership, a whole organisation approach, and ownership by the organisation involved.

Promote best practice public awareness campaigns for positive duty third level institutions.

Enabling

Sharing and learning: Courses and training in Human Rights Based approaches can only go some ways to achieving a better understanding and improving capacity of individuals and organisations in this regard. Opportunities for sharing approaches, information, what worked well and what didn't in the current context must be part of any strategy to promote human rights and equality. As well as the how to of identifying, measuring and evaluating rights based indicators for organisations, their projects or activities.

Co-develop relevant web-based materials with NGOS, interest groups, statutory bodies to increase awareness of Human Rights Based Approaches to social inclusion, equality and peace-building. What Human Rights Based Approaches mean in practice
Provide support and guidance to institutions, bodies, departments and others how to respond to issues raised in a way which ensures accountability and transparency but also



is realistic, acknowledges and demonstrates understanding and outlines the process for fulfilment of their obligations.

Host a series of engagement meetings and capacity building workshops with all stakeholders to discuss approaches, methodologies, better practice in the area of planning and implementing human rights based approaches.

Support NGOs, statutory bodies on how the principles of HRBA can be integrated over time into their policies and work practices, including quality standards and realistic expectations.

Training on legislation; equality mainstreaming; IHREC Act; positive duty; Equality proofing, should be provided to all State agency staff

IHREC should develop and implement a comprehensive strategy for the implementation of positive duty with specific supports for public sector bodies. This should include a structured and participatory approach to the implementation of the public sector duty between civil society and public authorities. IHREC should support public bodies in the development of their plans to implement the duty. Plans must encompass how the duty will be embedded into the body's work processes, and secure participation of people experiencing inequality and human rights issues.

Provide support – led by the IHREC.

National programme of human rights and equality education for public sector

Mainstreaming of equality in the workplace ☐ embedding equality.

Government Agency Training in Human Rights respect and dignity of individuals.

Evaluating and monitoring

Monitoring and evaluation of outcomes on an ongoing basis is crucial with a clear public accountability mechanism for reporting progress with a particular focus on dialogue with representative organisations of people experiencing inequality or human rights issues. For this implementation to be effective it is crucial that IHREC champions and supports the mainstreaming of ethnic data collection, analysis, disaggregation and dissemination in order to have data to facilitate equality reviews and positive duty analysis.

Creation of a full Oireachtas Committee on Human Rights and Equality (currently a sub-committee of the Committee of Justice, Defence and Equality)

Monitor compliance – led by the IHREC.



B. Civil Society Strategies

Collaboration and engagement

Support and facilitate collaborative approaches to highlighting and involving relevant NGOs, statutory bodies and community groups on specific rights and the use of such bodies for the dissemination of information e.g. conferences, workshops, mentoring, developing quality standards, indicators and frameworks for Human Rights Based Approaches - highlighting professional knowledge, co-ordinating and engaging with policy maker knowledge, subject and experience knowledge, lessons learnt;

Encouraging collaboration and strategic alliances amongst NGOs, community groups and businesses to lobby, advocate and dialogue and engage with relevant stakeholders for policy changes to achieve positive outcomes local communities and marginalised individuals.

Encouraging appropriate, meaningful and maximum participation in issues of Human Rights by supporting, training and empowering individuals to actively advocate and assist in bringing about positive changes in their own lives and others in facing similar issues or situations. It is important that those most marginalised can participate in a way which is meaningful and appropriate e.g. by providing skills training to those with responsibility for engaging with individuals and groups who are discriminated against or socially excluded, being careful to ensure that individuals are not feeling more isolated or discriminated against as a result of highlighting violations or issues.

Regular interfaces between the IHREC and civil society organisations

Application of Human Rights & Equality Based Approaches (HREBA)

The provision of Leadership from national organisations and networks to proactively provide information and supports to their members and target groups, so that they can understand, actively adopt and implement human rights principles in their work practices, highlight issues and contribute to implementing positive change to address such issues.

More information, training and supports to assist NGOs to use Human Rights to support their work to eliminate inequalities, discriminations and support social inclusion and reconciliation e.g. the preparation of shadow reports or contributing to shadow reports about specific issues; how to effectively engage with policy makers and the political system to contribute to change; to support organisations to become more familiar with Human Rights Conventions and articles that are most relevant to the issues to be addressed; supporting the synergies between community development approaches and human rights based approaches; identifying indicators for rights based approaches within their organisation and the projects or activities they implement.

More supports for voluntary and community groups to understand, identify and use human rights in their work practices, policies and procedures and engage with policy makers and political system to affect change; identifying and measuring rights based



indicators. Supportive learning for staff and members of their organisations in this regard.

Community groups should also be supported to identify their human right based standards and to clearly communicate them and which can be subsequently monitored and evaluated against

Community organisations and non-governmental organisations are crucial in mediating social change linked to human rights and social justice. Community organisations working at local and national level in pursuit of social inclusion and equality are in effect the front line proponents and defenders of human rights. Such forms of associational life are a vital component of a functional democracy and should be recognised for the important role that they play in creating a society where respect for human rights are a component part of active citizenship

There is also a need to educate key stakeholders on the concept and practice of human rights, including older people themselves, organisations representing older people and service providers

Work in partnership with advocacy organisations to build a network of strong support and have the required expertise and hand for the various contexts of discrimination

IHREC could also widen the human rights literacy of disadvantaged groups by adopting methodologies such as human rights based approaches to working with disabled people and other marginalised groups. One example of a good methodological approach is the Participation and Practice of Rights project, which the IHRC previously collaborated with via the Rialto Rights in Action group. PPR work with human rights indicators and translate these for civil society organisations and residents to hold governmental agencies to account for failures to progressively address their rights

Those experiencing inequality of denial of their rights need to be adequately supported to lead these campaigns. Where local strategies are in existence, the work of IHREC needs to compliment them.

IHREC needs a clear strategy to engage the public, specifically with organised aspects of public life (trade unions, community groups, sporting bodies, residents associations) in terms of their understanding of human rights and equality locally and nationally and what role organised sectors of Irish society have a role for making Ireland more equal.

Fundamental to this role will be the support of local and national representative NGOs to engage & bridge distances between communities. Therefore the Commission will have a key role to play in building a culture of rights compliance by organisations across Ireland. This can be achieved by bringing together organisations that are already committed to rights through our existing work, and to act as champions for human rights and equality, and to provide advice guidance to others. Ireland has the advantage of being a small nation - therefore it is possible to achieve significant institutional and culture change through effective use of networks. The ISPCC is happy to support this work, and will play whatever part is required to ensure that the practical application of rights standards has a meaningful impact on people's lives. The ISPCC would envisage starting at

a very young age with a programme or school curriculum which develops with the child as they progress.

Civil society organisations play an integral role in promoting and furthering the realisation of human rights and equality. To do so civil society space needs to be protected so organisations can campaign on human rights and equality issues without fear of reprisal. As such civil society should be autonomous and independent of the State. Adequate funding should be made available for civil society organisations to promote human rights and equality issues

IHREC should support, strengthen and amplify the work of civil society organisations. This includes supporting specific civil society asks which align with international human rights standards. There should also be ongoing dialogue and engagement with civil society with engagement strategies developed which recognise the challenges of engagement for organisations operating on significantly reduced budgets. Mechanisms should include the establishment of a civil society consultative forum alongside ongoing reciprocal engagement including reviewing IHREC strategic plans and work plans. There should also be opportunities for meaningful participation through working groups where civil society organisations' expertise is recognised and valued.

IHREC should establish processes to facilitate engagement of groups with a particular focus on groups experiencing inequalities and human rights issues. IHREC should utilise approaches which have successfully engaged with marginalised communities for example community development approaches.

Ongoing reciprocal dialogue and structured engagement is key in supporting our work on promoting and protecting human rights and equality including participation in consultative fora. Clear avenues for participation with IHREC is also critical including through working groups or advisory groups.

Pavee Point has built extensive knowledge and expertise over the last 30 years which IHREC should utilise for example in the development of submission for human rights processes. Civil society organisations such as Pavee Point are also well placed to develop evidence based responses to human rights and equality issues

Resourcing

Evidence of enabling NGOs, authorities and statutory bodies to embrace and embed HRBA

Provide funding for NGOs promoting human rights or co-fund innovative projects

Adequate resourcing of organisations to carry out work will be a challenge, not only for IHREC, but for the groups who work with those who are marginalised and oppressed. There has been a trend that human and equality rights have been seen as aspirational at best, and at worst, something that can be jettisoned for “the good of the country” as budgets (which have targeted the poor and oppressed and safeguarded those with political and economic power) take precedent over people's lives. Moreover than that, a fully functioning, well-resourced civic society voice needs to be funded by the exchequer

whilst not being directed by the State (including onerous reporting and administrative demands without

IHREC should establish a human rights fund to facilitate groups' engagement in human rights processes. Funding should also be available to support capacity building including supporting groups to report and act as representatives.

Funding for projects which address human rights and equality issues and support the development of innovative responses

An Adequately Resourced and Independent Community Development and Civil Society Sector

As it is the process of rights claiming by affected individuals, groups and communities which shapes the content and meaning of rights, it is vital that those people who are denied their rights or who are directly affected by inequality are empowered to articulate their rights and have their voice heard. Therefore, it is vital that community workers with a knowledge of human rights and equality are active in enabling people to identify issues, develop critical consciousness, and collectively engage with Government Departments and agencies in addressing human rights violations and inequality. This would mean resourcing community development work on the ground, and community sector organisations at national level to provide a collective voice for people who experiencing poverty, inequality and injustice.

Well supported and resourced community development sector



Strategic Impact 2: Potential Barriers for Policy Makers and Civil Society as Leaders

Lack of accountability

No accountability at governments and departments. Taoiseach and ministers are all “farming” responsibility out . Health care not a government e.g. regional health groups. Not recognized in Donegal.

Local authorities do not even use funds at their disposal. No consequences for discriminatory behaviour.

The government—structures—lack of accountability and transparency/political parties and their power pyramid structures.

Systematic failure, institutionalised abuse from centres that are typically supposed to rehabilitate people, e.g prisons, youth detention centres, governments violating citizen's rights etc.

Lack of transparency and no accountability - decision makers are protected . Who you know structure.

Short history of being and intercultural society

Lack of independence in government departments to be accountable.

Lack of accountability

Lack of accountability + transparency in Statutory bodies (i.e. Soc Protect.)
Institutional racism. E.g. Gardaí and service providers. For example the Lawrence inquiry.

Lack of political / administrative will

Leaders and public figures not being open and speaking out more

Reluctance by the government to broach any controversial issue of political fears
Lack of political will due to few people making voting decisions on human rights/equality issues and also lack of funds to provide and protect, in particular, the economic social and cultural rights of the poorest in society.

Apathy of the civil service lack of understanding of citizens insufficient legal aid to effectively litigate important cases misrepresentation by media

A lack of conviction in many cases also inhibits tackling State level human rights violations, e.g a finding from the U.N Special Committee on Torture doesn't hold power to take action, simply offers an advisory role



Lack of political will to make rights real and a lack of candour/hypocrisy as to what is intended to be achieved in practice - whether at constitutional reform level, implementation of existing legislation (e.g. Citizens Information Act/Special educational needs act/Disability Act), failure to strive to achieve equality in the application of schemes, avoidance of providing rights based and equitable criteria for the distribution of scarce resources on the basis of need - for example in social care availability. Lack of imagination.

Political system fear of church groups nepotism in government being in a minority group.

Existing structures and policies

Lack of political leadership

Bunreacht Na hÉireann- The Irish Constitution states:- the people have a right /say in the policies and issues relating to the the Irish citizens i.e. they must enagge with us through forums etc. But the gov't and politicians rarely do so ! Thank You great consultation with Emily and staff

Giving equality and tackling discrimination equal prominence; lack of political support/will especially when it comes to economic and social rights □ fear of cost and wider public response e.g. taxation, adequate welfare supports etc. Over emphasis on trickle down benefits continues, i.e. deal with bigger issues and poverty, inequality issues of discrimination can be focused on later □ not integrated as core part of policy making. Breaking the line between charity /rights □ deserving and undeserving. Impact assessment is not taken seriously needs to be brought to the core of policy making but in way that is implementable,

Political recognition; political will ; strata in society not discussed

Political will to address socio-economic inequality

Lack of political will - political objections

The continuing influence of the Church on politicians and older voters
Class; Government will to change

Government reluctance to engage with human rights. Departments passing the buck when it comes to human rights.

Knowledge of resources, lack of connection/ coherence between government departments. There is no sense that it is relevant, or that you have a right to know that it is relevant.

Different rules for different groups and belief that there should be.
Politicians behind the people—not as progressive

Barriers government institutions - don't want to know.



Anybody working in the public sector needs to understand they are a duty bearer and what that means they do not see it as their positive duty. For positive duty: go into CMAS local authority.

Lack of belief that they can make a difference, Lack of information/awareness of avenues available to make opinion known

OVERPAID TD'S - POLITICAL REPRESENTATIVES

No will (including Political will) to Challenge status quo; Elite protecting each other; Flawed democratic process

Unconcerned TDs à rethinking needed

Politicians + local authority politicians - too AUTOCRATIC in decision making

Political Fear à of change and what the voters will think

Political Factors and priorities of the government

Decision making happening in Brussels. “ Politics” and politicians/ key barrier

FEAR—afraid of change –fear of finding out. Lack of willingness on behalf of those working in the system to understand the experience and cultures of people they are working with/ health professionals, educators

Concept of subsidiarity central government becomes bottle neck for true realisation of rights.

Discrimination against groups. We are not seeing leadership at the statutory level. Lack of engagement in community matters.

Inadequate resources

Overstretch on resources in public services, human rights and equality policies not a priority

Funding, government ignorance and media fairness in broadcasting/printing unbiased stories

Perspective that state can't afford Human Rights /Equality in austerity as if Human Rights/Equality is an optional add on. Nine grounds of equality socioeconomic rights not included. / Can't afford human rights, not advocates for all treaties equality grounds

Community development approaches are under resourced / Community and voluntary sector dismantled and no resources. / Need for greater community development “ vibrant civil society”. EDUCATION or lack thereof !!! e.g. “ FOR deaf people” /”about” deaf people. .



Goal 1: Leadership; Strategic Impact 3:

Research

High quality research and analysis produced using the most up-to-date legal and social policy data

Strategic Impact 3: Desired Research Impacts

Evidence based research demonstrating the impact of HRBA on specific thematic areas highlighting how the quality of life for those most vulnerable and marginalised has actually improved in the last 5 years

Strategic Impact 3: Potential Research Strategies

Evidence based research demonstrating the impact of HRBA on specific Thematic areas highlighting how the quality of life for those most vulnerable and marginalised has actually improved in the last 5 years

One area which could be expanded on in the Strategy is data collection on human rights and the use of indicators giving specificity to particular human rights concerns, tied to specific strategic goals, objectives and activities.

Some consideration should be given in this regard to the good practices of other National Human Rights Institutions in developing appropriate human rights indicators in consultation with communities. The National Human Rights Commission of Nepal convened working groups that included human rights activists to create indicators to enable the NHRI to effectively monitor economic, social and cultural rights. (Office of the High Commissioner of Human Rights, "Human Rights Indicators, A Guide to Monitoring and Implementation" 117 (2012). Available at http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf).

If we are trying to bring about systemic change in Irish society to ensure sustainable change in relation to human rights & equality, IHREC, in conjunction with NGOs and key political allies, needs to foster an understanding of the impact of previous institutional policies and the cost to individuals and communities. It will be a challenge for State agencies and the individuals to see that their work, with the best of intentions, may have had a deleterious effect on the lives of Irish people, in fact generations of people, with the consequences still being felt.

Establish a mechanism whereby civil society can submit enquiries requesting IHREC to undertake a human rights and equality analysis of an issue or a review of the human rights and equality implications of legislation or policies.

IHREC should prioritise substantial action on under reporting of racism. It should work to ensure a critical mass of cases is supported through the new workplace relations commission. IHREC should examine other successful initiatives and good practice in this area including the work of the National Consultative Committee on Racism and Interculturalism (NCCRI). Initiatives should be developed within an intercultural and anti-racist framework and be piloted in collaboration with organisations working with ethnic minority groups

Specific support for the collection of disaggregated data to monitor measures to promote non-discrimination and to monitor progressive realisation of rights. An analysis this data should be used to plan for the realisation of human rights, the introduction of targeted measures where needed and monitoring implementation of plans. This data can help to track outcomes and support substantive equality

Strategic Impact 3: Potential Research Barriers

Lack of data + evidence based policy to underpin government decisions.



Goal 2: Pro-active Approach to Monitoring & Compliance

IHREC uses its full range of powers for monitoring of and compliance with equality and human rights obligations

This section presents the feedback from the public consultation process that relates to Goal 2 – Monitoring and Compliance

It illustrates the rationale for identifying possible strategic impact areas and possible outcomes and organises the public consultation feedback accordingly.

These impacts / outcomes are drawn from the consultation feedback.

Each individual strategic impact heading is colour coded and includes the following sub-sections based on the coding process:

- *an articulation of desired impacts under this goal and related outcomes;*
- *some potential strategies associated with each impact;*
- *an outline of possible barriers that might impede its achievement.*

Summary of feedback to Goal 2: Pro-active approach to monitoring and compliance

Possible Strategic Impacts		Possible Outcome Areas <i>Suggested by Public Consultation Materials</i>
2.1	<p>Accountability and Transparency</p> <p>Increased accountability and transparency of human rights and equality within public institutions and within private companies.</p> <p>See pages: 40-48</p>	<p>Legal testing of accountability obligations undertaken</p> <p>Accountability and transparency enabled and encouraged</p> <p>Public and private actors held to account through IHREC initiatives.</p> <p>Legal testing of accountability obligations undertaken</p>
2.2	<p>Legislative powers</p> <p>Legislative powers applied, reviewed and where necessary, identified for expansion</p> <p>See pages: 49-58</p>	<p>Legal cases taken to ensure compliance</p> <p>Expansion of powers / legal protection of human rights and equality</p> <p>Potential for legislating for Economic and Social Rights explored</p> <p>IHREC powers of inquiry and investigation utilised</p> <p>Legal cases taken to ensure compliance</p> <p>Expansion of powers / legal protection of human rights and equality</p>
2.3	<p>Access to redress</p> <p>Access to redress mechanisms for individuals facilitated</p> <p>See pages: 59-62</p>	<p>Simplified access to redress routes identified</p> <p>Appropriate supports provided to seek redress</p> <p>Alternative forms of redress identified</p>

Goal 2: Pro-active Approach to Monitoring and Compliance; Strategic Impact I: Transparency and Accountability

Increased accountability and transparency of human rights and equality within public institutions and within private companies.

Strategic Impact I: Desired accountability and transparency impacts

Legal testing

Some test cases in the High Court against system exclusion and inequality (i.e. taking the state to task)

Enabling and encouraging compliance

The promotion of human rights is best achieved in practice. Therefore the Commission will have a key role to play in building a culture of rights compliance by organisations across Ireland.

Ensuring public and private institutions are fully aware of their legal and moral obligations to promote and abide by human rights and equality law and standards.

Proofing all policy documents/plans etc. for human rights element not just equality For Irish Government to deliver on all Covenants that we have signed up to.

Human rights and equality impact assessments are routine and systematic using the public sector duty powers of IHREC.

All government policy to be equality and human rights proofed as a matter of course / core requirement.

Better human rights proofing of state budget processes.

Human rights and equality proofing equality impact assessment;

A long term plan in place that cannot be changed by subsequent governments to ensure equality for everybody

At the same time, it is important that mechanisms are in place for rights holders to hold duty bearers to account and that community sector organisations are pro-active in monitoring compliance

Holding to account

Ensuring where violations or non-compliances occur that sanctions are robust and implemented in a timely manner.

The reports of the Ombudsman for Children highlight the volume of complaints received in respect of breaches of children's rights by public bodies. It is essential for the children and young people that the IHREC utilises all its powers in relation to the public sector duty to prevent future breaches.

The Commission has extensive powers for monitoring of and compliance with equality and human rights obligations that need to be strategically deployed for maximum effect. The Commission needs to take a public stand for human rights in Ireland and should react to events which reveal systemic human rights concerns. This work, while important, should not dominate time and resources, which should be devoted towards achieving long-term goals in a strategic manner

Firm compliance with ECHR and implementation of UPR recommendations would be of benefit.

Less of a tolerance for human rights violations and inequality

We agree that a proactive approach to monitoring and compliance is important and that arrangements, opportunities and the full range of powers for monitoring of, and compliance with, equality and human rights obligations are strategically utilised and strengthened.

Human rights and equality issues specific to older people should also be included in the IHREC's work in this area.

The monitoring role the IHREC can lead to the better realisation of older people's rights. One area where we think reporting and monitoring would be beneficial is in the area of right to health

Greater accountability of public institutions including IHREC to ordinary people especially where they have been mistreated or suffered injustice. The example --people who have experienced child abuse

More accountability with statutory bodies and better customer services relations so that people involved in these services have faith in the system of things and that they are treated fairly.

More sanctions against politicians and media key figures when racist, discriminatory opinions against a particular group (under nine grounds of equality) are being voiced and published.

Consequences of not promoting human rights and equality are not doing what they said they would do in their plans accountability, responsibility.

Commission will have publicly highlighted violations and have demanded and pushed for response.

Discrimination challenged more strongly

Full and fearless use of all powers of the Commission regularly and across issues!
Increased enforcement of recommendations. Government budgets “human rights proofed” so rational connection between statements of principle and resource distribution.

Ratification of OPCAT

To have acted on reported breaches of human rights once they are reported to you; to be able to demonstrate that you monitored and addressed any adverse situations.

Firm compliance with ECHR and implementation of UPR recommendations would be of benefit

Results in improving Ireland's position on the scale of Human Rights through Universal Periodic Review system.

Hate crime legislation and monitoring

Guidelines; watchdog; proofing tools; own standards for public body

Duties need to be enforceable (rights need to be made real).

Robust monitoring of implementation of human rights that gives meaningful and human voice to people



Strategic Impact I: Public / Private Accountability Strategies

Legal testing

Some test cases in the High Court against system exclusion and inequality (i.e. taking the state to task)

Including strategic test cases to change the culture and hold people responsible .

Test cases identify responsibilities and duties

Encouraging / Enabling Compliance

Some good learning from the Equality Authority in this respect. Especially important to ensure that policies, including government's annual Budget, are monitored for their impact on human rights.

Equality Proofing, human rights budgeting, See Spanish approach, Connect rights to remedies.

Identify tools for planning, monitoring and evaluation of HRBA, from organisational to project level. How can organisations and projects test the assumption that by implementing the HRBA increases the impact of a programme or service or activity and we can demonstrate this increase?

Identify and set realistic timeframes and resources for monitoring and compliance of HRBA; encourage small incremental steps in this regard , which will facilitate the learning process and capacity building whilst gathering relevant data

While we think more strongly about telling the government things they do not want to hear, we have mentioned a few things that some people mistake for rights, and it is important to confront people as well as confront the government.

If Government Departments and state agencies were supported to take ownership of the promotion of human rights and equality within their organisations, then as part of this they would be encouraged to put in place their own mechanisms for monitoring their own performance in this regard.

Therefore, is important the IHREC provides guidance to both Government Departments and state agencies and the community sector on monitoring and compliance.

At the same time, it is vital that IHREC maintains its authority as the external body monitoring compliance.

As above, measurable outcomes and a framework for ongoing monitoring are crucial for monitoring progress on equality. Outcomes might include employment rate, educational achievement and occupational status of groups at risk of discrimination. In any strategy, it is crucial to have a starting point benchmark against which progress can be assessed. This ensures that goals are given real meaning and are meaningful to people's lives. Examining case law and compliance is inadequate to assess progress on equality.

A regular system for monitoring progress towards equality and human rights goals. Start with public authorities and public servants. Issue clear guidelines for Human Rights and Equality Compliance and place the onus on the individual to demonstrate compliance as a positive – like a quality tick displayed by businesses.

Doesn't initially have to be a public shaming but rather a lets all learn together approach.

Respect for human rights and equality should be embedded in the public service. This requires more than training - meaningful implementation of the public sector duty to have regard to human rights and equality, as set out in the Irish Human Rights and Equality Commission Act 2014, would be important, as would monitoring its implementation and linking this to ongoing learning and development needs analyses.

The Commission should develop human rights impact assessment tools and support those that deliver services in using them. These tools should enable public, private and non-governmental bodies to take human rights into account in decision making. The Commission should work with the private sector to encourage the integration of human rights in their operations and in particular should promote and provide practical guidance on the use of human rights impact assessments

Even in areas where law and policy are well developed and consistent with international human rights standards, they are still not always applied in practice. The Commission needs to ensure that it is not just legal and policy focused but engages in human rights and equality mainstreaming with public bodies through training, the use of impact assessments and the new public sector duty.

The Commission should adopt a witness/observer approach generally and specifically in relation to how legislation/policy relating to rights, equality, social inclusion is/is not implemented.

There is a need for the Commission to lead a move from the current practice in health and social care provision of focusing on meeting minimum standards to a focus on the right of individuals to exercise choice and act autonomously.

Better data collection sharing

Working tool - monitoring compliance - spell out how they addressing human rights and equality issues-

Public sector duty - this is a tool to assist public sector to maximise resources- human rights and equality impact assessment, housing is a rights issue, responsibility of the state to tackle particular issues.

Identifying duty holder – accountability - integrated approach use public sector duty to influence the system from day one

Making impact assessment live part of positive duty ensure policy and implementation is inclusive. Commission and carry out detailed reports on areas and publicise findings.

Accreditation system - we are human rights compliant / Compliance praise those who make progress.

Services being equality proofed through training on equality, discrimination

Link different government department/ people/ departments pass the buck

Translation of national strategy to local level and monitoring and implementation.

Equality and Human Rights Proofing

Holding to account

A change of culture and approach is required: desired outcomes are generally well defined in legislation and policy, but there is little or no accountability, and no framework for monitoring outcomes or sanctioning non-compliance. The process around the most recent National Disability Strategy Implementation Plan 2013-15 is an obvious case in point.

Furthermore, IHREC can use its monitoring powers at domestic level to investigate and report on widespread or systematic human rights abuses, as well as to highlight particular issues of human rights concern. In the context of disability, following a number of exposures of institutional abuse, IHREC can complement the work of other agencies such as HIQA and the HSE by bringing human rights scrutiny to bear on the relevant duty holders. IHREC can also play a key role in monitoring existing legislation and policy implementation structures, such as the National Disability Strategy Implementation Group

This can be achieved by bringing together organisations that are already committed to rights through our existing work, and to act as champions for human rights and equality, and to provide advice guidance to others

Publish a list every year of human rights that the State still infringes, and that people still infringe.

Incident Reporting A further barrier is the lack of mechanisms to report incidents of inequality and human rights violations which have public confidence and visibility. In the past the National Consultative Committee on Racism and Interculturalism (NCCRI) gathered data on the incidences of racist attack or racial abuse and published regular reports. However, NCCRI was the victim of cuts. Similarly, the Equality Authority gathered data on reported incidences under the 9 grounds. Obviously such complaints should be gathered and separately classified by the responsible authorities i.e. An Garda Síochána

Monitor compliance – led by the IHREC.

Given resource constraints the onus should be on each organisation and public servant – sanctions should be imposed for non-compliance and those in public positions should be advised when their actions or comments are non-compliant. After an initial ‘learning’



period there then should be penalties for public statements that do not comply for example.

Transparency and Accountability. All organisations and institutions in and of the State should be able to demonstrate their working practises respect basic human rights; they must be accountable for breaches of human rights and be able to demonstrate appropriate changes to their working practises.

Strategic and judicious application of the Commissions' enquiry, compliance and monitoring powers in ways that can publicly add value and recognition of the protection of human rights.

Sanctions on Public Sector Bodies that do not want meet obligations on equality
Civic society bodies should be human rights compliant and monitored to ensure that public money goes to human rights compliant bodies

County Council should be held accountable by a government policy. Policy in all counties should be the same when addressing issues i.e. homelessness

Funding/Cultural Attitudes - changing of cultural attitudes by agents of the state.

Whistleblowing—who tells, follow up mechanisms over time

There should be a review after one year, two years etc. when an equality decision has been issued. A formal way of insuring that equality decisions have in fact been implemented and that victimisation has not taken place.

Index accountability

Human rights compliance becomes a performance indicator for public servants.
leadership naming duty holders and holding them to account.

Monitoring also to include impact assessments.

Proactive fines, auditing compliance. Public shaming, self check before, politically correct.

Enforcement officers. Publish reports. Name and Shame.

Hold all state services & agencies to account for their legal obligations, e.g. DSP for providing employment supports for all people with disabilities (PWD), Education providers delivering on their responsibilities to provide equal access and reasonable accommodations and HSE for desegregation of congregated residential institutions (where some 4,000 people with intellectual disabilities still languish).

IHREC can effectively deliver on this goal at two levels: internationally and nationally. At an international level, IHREC's role in monitoring Ireland's international human rights obligations is crucial – and its involvement in shadow reporting and dialogues between the Irish Government and UN treaty bodies in Geneva is particularly important. From a disability perspective, IHREC can highlight disability issues as part of Ireland's general obligations in the treaties it has ratified to date. Domestically, IHREC can also be involved

in monitoring Ireland's obligations, for example, following Ireland's ratification of the CRPD, the CDLP believes that IHREC would be the appropriate independent mechanism to monitor compliance with the convention at a national level under CRPD

b. Engaging with international Human Rights monitoring bodies

A key responsibility of the Commission should be the monitoring and reporting to UN bodies on national compliance with ratified human rights treaties. The Commission's role should include advising UN bodies about the domestic human rights context, so their recommendations acknowledge human rights progress and more effectively identify steps required to further strengthen human rights in Ireland.

An extremely successful example of this is the work done by the IHREC in relation to the ICESCR hearings earlier this year. It is of vital importance that the Commission adds its significant weight as the national human rights and equality body as both in the upcoming UNCRC and UPR examinations of Ireland

Providing for sanctions at individual and institutional level where there is non-compliance with defined outcomes. A simple example: HIQA are responsible for monitoring residential centres for people with disabilities and ensuring compliance with their National Standards. These Standards include clear outcomes in terms of communication, yet HIQA Inspectors ignore these outcomes in instances where the Standards are not being met for Deaf residents. When this is pointed out to HIQA, they ignore the representations and say they do not deal with individual cases. The result: no accountability to the individual citizen from the individual (inspector) or the institution (HIQA). The outcome for the Deaf person: no change.

Strategic Impact I: Potential Public Private Accountability Barriers

General

The failure of the Irish Government to date to respond to and implement the recommendation of the Convention on the Constitution for the incorporation of SEC Rights into the Irish Constitution. This is coupled with an often-perceived official reluctance on the part of Government Departments and statutory agencies to wholeheartedly endorse a human rights agenda and approach to addressing genuine citizen concerns. Many people / families living in poverty tell us of their stories of alienation, powerlessness and helplessness in engaging with public services to vindicate their basic rights.

People don't know they have a right to access their rights. Older people are afraid to say or do anything because they think by complaining they will eventually be the target of poor or no service

Disturbance of status quo. Fear of retaliation

Inadequate internal complaints process in statutory agencies (not welcome).

Budget decisions not proofed for human rights and equality before they happen

Reluctance to use tougher inquiry powers.

Rights can be meaningless if legal enforcement is not possible e.g. public sector duty? It is very hard to access rights on the ground - focus on enforcement and compliance.

Lack of Transparency + lack of *accountability *for policing discrimination.

Disposition

Threatening /Negative attitude from civil service currently

No data, stats and monitoring indexes.

“Mental barriers “ lack of feeling of responsibility , “ self involved “ culture / Mentality

Attitudes of staff in Government Departments (“ customer facing”) - You can change attitudes with understanding à not expensive / Attitudes and behaviour of frontline staff.

Some key service providers have set attitudes against certain categories of individuals.

A general reluctance towards using human rights language – a reluctance or shyness to speak about rights and to use more perceived softer tones of needs requiring support and assistance.

Lack of enforcement and accountability . Public servants work practices improvement /
Lack of accountability on equality in public sector bodies
NO sanctions if UN conventions not implemented

Goal 2: Pro-active Approach to Monitoring and Compliance; Strategic Impact 2:

Legislative powers

Legislative powers applied, reviewed and where necessary, identified for expansion

'This is a very important goal which will validate the effectiveness of IHREC'

Strategic Impact 2: Desired Legislative Powers Impacts

Taking cases

The Commission would be seen as more pro active if it took the approach to engage in more legal challenges as suggested earlier

Additionally, the Commission would need to have brought many new cases before the Courts on its own initiative so that it could convince the public it has the competence and desire to protect human rights

Constitutional and legal changes will have been made to strengthen human rights and equality, including through separation of church and state, and IHREC will be publicly associated with the political pressure for those changes

The Ombudsman for Children (OCO) has been extremely successful in fulfilling its duty to promote the rights and welfare of children through its advisory function and complaints mechanism. However, the Commission has a broader set of powers for the protection and monitoring of children's rights including the public sector duty function, in its role as amicus curie and the ability to take legal cases. We would urge the Commission to work in conjunction with the OCO and be proactive in taking cases for children and young people whose rights have been violated.

Fewer claims of discrimination in the courts.

Decrease in instances of discrimination based on the nine ground on the equal status act

Successful legal challenges to cases of discrimination

Protection of democratic institutions, vulnerable people, Irish Constitution.



Need the powers to act and not be deflected by government interference because it challenges some of their constituency – a legacy of populism

That human rights and equality would be further embedded in legislation.

IHREC having been a consistent and vocal advocate for improved human rights & equality legislation, for compliance with the (limited) existing legislation.

Strengthened legislation (including an effective system of sanctions) will be there to ensure that there is no slippage or turnaround.

Equality legislation to be strengthened: licensed premises to be brought back under legislation. Expand legislation to cover Gardai more. Expand the nine grounds to include social class trade union membership etc. Amend legislation to prohibit discrimination currently allowed e.g. LGBT teachers.

Criminal trespass legislation to be got rid of. National action plan against racism to be reintroduced. Public duty !! Duty difficult to enforce in the absence of sanctions in a context where stereotypes and discrimination is widespread. Traveller accommodation agency introduced. END to austerity especially targeted at marginalised groups (see Brian Harvey research).

UN legislation on disability ratified and signed into law in Ireland

Legislation that has been ratified but has not been acted on in reality, UN Bill of Human Rights

Domestic abuse defined as a crime

HATE CRIME LAW INTRODUCED

A statement of individual rights drawn up, similar to the USA Bill of Rights, and accepted

Domestic Violence—treated as violence and prosecuted as such.

Clarity within legislation

Ireland supports stronger human rights instruments on international stage including Convention on Rights of Older People.

Quicker enactment of legislation

Quantifiable measures might include legislation/schemes enacted

Economic and Social Rights

IHREC pushing for government response on constitutional convention on economic, social and cultural rights and push for ratification of OP-ICESCR.

ESC Rights made justiciable in the constitution.

That legislation has been passed , which addresses the barriers to community and health care in Ireland.

Lobbying for a socio economic ground in equality legislation.

Campaigning for the justiciability of economic, social and cultural rights, in line with the recommendation of the Constitutional Convention

Actually to do something about inequality rather than hiding behind exemptions to the equal status act

Constitutional recognition of socio-economic rights

Progressive legislation in relation to hate crime and recognition of economic, social and cultural rights

Investigating

Have made greater use of power compellability through enquiry

Inquiry power of IHREC

Strategic Impact 2: Legislative Powers Strategies

Taking cases

Laws and mechanisms must be put in place that prevents the violations of human rights. If and when violations do occur, the State and the Commission must guarantee access to legal remedies. Do right holders know who their duty-bearers are and can they be supported to hold them to account?

IHREC needs to take some test cases to the courts in order to affirm their role as monitors of compliance of our extensive Equality laws. Without success in some serious test cases (more likely against our own state agencies) there will be no pressure to deliver services with equity.

Some test cases in the High Court against system exclusion and inequality (i.e. taking the state to task)

Coupled with a progressive public engagement on human rights and equality is the need for a robust defence of same, whether through legal means, positive action measures to address historical inequality, clear targeted policy measures (through, for example, the National Traveller Roma Integration Strategy) or, where legislation does not exist or is too weak to protect, the introduction of measures which do protect (for example, replacing the outdated Incitement to hatred act). We feel that Section 42 of the IHREC Act, Public Sector equality and rights duty, needs to be extended from mere compliance to positively engaging with groups experiencing disadvantage. We in ITM feel that given the failure of Local Authorities to deliver Traveller-specific accommodation that IHREC should have a role in examining the performance of Local Authorities and the Department of Environment, given the Statutory duty to provide Traveller Accommodation since 1998, yet without an external investigation or sanction, there appears to be no political will to meet the most basic needs of Travellers across the country

IHREC should challenge the State when it is not making progress on key human rights issues despite pressure from international bodies. IHREC should not allow the State to use domestic law as a barrier to progression and to signing and ratifying conventions. IHREC to utilise all legal avenues available in these circumstances including act as an amicus curiae in cases. For example IHREC should utilise these combined powers including litigation to ensure recognition of Traveller ethnicity.

The idea that the Commission will now provide legal advice and take Court proceedings on its own initiative is welcomed and this should be at the forefront in promoting human rights. It is only by such direct and constant legal challenges that administrative and governmental action which is perceived as wrong can be conclusively determined under the focus of the

Courts. There seems to have been a lack of such direct challenge by the previous commission. Being simply an 'amicus curia' does not seem to carry the same weight.

Judicial review would remain as an additional level of challenge to administrative decisions but environmental cases would not be held in the commercial court as it disadvantages citizens and is not an effective remedy

Acceptance of cases under IHREC's function of amicus curiae relating to issues concerning the mental health of an individual.

Amicus Curie

Under section 10 of the Human Rights and Equality Commission Act 2014, the Commission can offer its expertise in human rights law to the High Court or the Supreme Court in suitable cases involving human rights and equality issues. We would urge the Commission to be strategic in the use of this function and to ensure that it used in cases which highlight systematic rights breaches for children and young people in Ireland.

has overall responsibility to promote, respect and protect human rights and equality in Ireland. The Commission through its public duty, amicus curie and legal functions should focus its efforts on creating cross cutting institutional change

Legal Change: A key indicator of the success of the Commission will be on the legal change that it has been successful in securing for the promotion, protection and respect of human rights and equality in Ireland. This should be achieved through the Commission using its advocacy, amicus curie and legal functions.

The litigation powers of the IHREC are important and must be used to maximum effect. Congress also plays a supportive role with affiliate trade unions in terms of building capacity to bring legal cases where necessary to ensure people fundamental rights at work are respected. A mutually beneficial relationship in this regard would be worth exploring together. Casework and inquiries need to form part of the IHREC menu of actions.

A proactive approach - in particular vis a vis gender discrimination in the workplace as is evidenced by cases going through the Tribunal in the past 6 to 7 years

Enforcement Identify key test cases on strategic human rights and equality proofing tools - holding duty holders to account.

Take legal challenges to discrimination

Strategic litigation, own volition

The Commission should assert its leadership through the full and effective use of its unique statutory powers. The litigation powers of the Commission are unique and must be used to maximum effect. Casework and inquiries need to be a priority in the actions of the Commission. The Commission needs to engage in strategic litigation where there are repeated breaches of human rights and equality.

Expansion of powers / legal protection of human rights and equality

To ensure leadership in the promotion and protection of human rights, FLAC suggests that IHREC assist the State in progressing towards ratification of those international human rights instruments which Ireland has signed but not yet ratified. IHREC could

assist relevant Government departments in determining what the relevant issues are, the implications of ratification and the scope of the obligations they are assuming. IHREC could also help in identifying which laws, policies and practices, if any, are inconsistent with the international human rights instrument the State intends to ratify.

Such assistance could be facilitated through the Inter-Departmental Committee on Human Rights, which was established to, *inter alia*, assist in progressing towards the ratification of international human rights treaties.

The ITM feels that the transfer of equality cases from the Tribunal to the District Court in relation to licenced premises has reversed Travellers' faith in the judicial system to remedy acts of discrimination. Belief that justice will be served through the Equal Status act has further been diminished by lack of resourcing for the Tribunal, with huge delays leaving many Travellers feel that they will never be able to get justice. We feel that IHREC needs to look at the legislation and analyse where groups have reduced their demands on the equality infrastructure and whether additional resources are needed

As mentioned earlier, the outdated Incitement to Hatred Act needs to be reviewed to act as a deterrent for Hate Crime IN Ireland, including online hate crime.

More robust policies and legislation to protect against human rights and equality violations is needed. Current support for policies that already exists could be better. Article 17 Section 1 of the European Social Charter (Right of children and young persons to social, legal and economic protection) in terms of corporal punishment needs to be addressed. It cannot be acceptable that children are subjected to such a regime in the family home or indeed in other care settings. While ISPCC acknowledges the government is currently examining this, all children have a right to be protected, regardless, and it is imperative the Commission reminds the government of their responsibilities to children.

That IHREC be pro-active, that arrangements, opportunities and full range of powers for monitoring of and compliance with equality and human rights obligations are strategically utilised and strengthened

Contradictory legislation is a key barrier in achieving progress on human rights and equality. The Irish Human Rights and Equality Commission Act 2014 (Section 42, IHREC) "positive duty" obligations places a commitment on public bodies to be proactive and advance equality and human rights practices within the public sector. However there is discriminatory legislation which contradicts and conflicts with this duty. Section 24 of the Housing Miscellaneous Provisions Act (2002) continues to criminalise nomadism and disproportionately impacts upon Travellers. Public bodies actively discriminate against Traveller by implementing this legislation. Legislation which prioritises the protection of human rights and equality is at odds with legislation which prioritises the protection of property. IHREC should review these issues.

The State should seek expertise from IHREC when interpreting international law into domestic law. IHREC should also play a key role in human rights and equality proofing legislation, national budgets and policies and also ensure human rights and equality impacts assessments are undertaken in these areas.

The IHREC should utilise its membership of the European Network of National Human Rights Institutions (ENNHRI) to address human rights violations on a European level including challenging discriminatory EU Directives.

A 'mainstreaming' of equality so that proposed legislative and policy changes routinely involve an equality impact assessment

Review of the equality legislation to ensure that it is adequate for people with mental health difficulties.

Mainstreaming equality and human rights concerns in new legislation, policies and national budgets should be a key concern of the IHREC. Human rights impact assessment can be an effective means of increasing the ability of service providers and decision makers to take human rights into account in the development of law, strategy, policy and practice

The Commission should engage in a timely analysis of how law, policy and practice can better respect and protect rights and freedoms. The Commission should scrutinise domestic legislation and policies for human rights compliance and, where appropriate, participate in select committee processes. The Commission should integrate statistics and the 'lived' experiences of those who have had their rights breached. It should adopt an integrated approach across the dual mandates of human rights and equality.

Gaps in equality and human rights laws should be articulated, pursued and addressed.

The second thing that needs to be done is to oblige the President to account for every decision, in a completely transparent way, when he or she decides to refer, or not to refer, a Bill to the Courts to test its constitutionality; and in like manner, the advice of the Council of State as expressed should be open to public scrutiny

Clear legislation and means to hold those who fail in their obligations to account. If it isn't written in, monitored, and kept updated in policy and law, it won't be driven forward. So we need all three measures.

Laws put in regarding racism etc. on social media ie. Facebook.

Defend the language don't be afraid or apologetic in its use. Incorporate all of the grounds in international covenants into Irish law policy and practice.

Goal 2à See Good Friday agreementà "Human Rights & Equality impact assessments mandatory for legislation and policy as in Northern Ireland.

Breach 1 legislation; Gap 2 legislation required; 3 Actions

Guidelines for judges on human rights on sexual offences / sentences etc. Sign and ratify Faro convention

Ratification of the CRPD and compliant legislation and resources

Capacity legislation and UN Treaty for rights of older people – advanced care directives.

Legislation be enacted: capacity legislation; right to advocacy – statutory powers, govt policy implemented

Lack of Protection by Constitution or law re: Active Discrimination Clear Guidelines regarding legislation that can be understood by all people more aware of their human rights

Enacted change & exploration of legislation Clarity regarding current legislation that provides guidance but does not specify particular requirements

Get some teeth- be able to block legislation that undermines human rights

Monitor judiciary

Support changes/campaigns for legislation

How many of the International / EU Conventions have been adopted and ratified into law? à identify commonality with Irish principles /conventions. 8. Equality in practice not just protocols, 9

RATIFY MORE TREATIES

Equality proofing of domestic legislation

Legislation being enacted should also have a statement of human rights compliance attached

A visible, robustly independent contribution by IHREC to achieving mental health legislation that fulfils the UNCRPD.

It would be most useful if IHREC could set out a time frame for both it and the Government reviewing the actual or potential impact of section 29 on IHREC's mandate and effectiveness in this regard.

Economic and Social Rights

A strengthened human rights legal base, particularly the integration of the ICESCR into domestic law - preferably by a referendum to amend the constitution

IHREC should work to ensure recognition of economic, social and cultural rights and their incorporation into domestic law. It should also work to promote an understanding of the indivisibility of the two covenants and a more holistic understanding of human rights as a whole

This would require the state being pro-active in promoting human rights and diversity in the interest of stability, equality and growth. It would subsequently require the state being pro-active in dealing with the root causes of inequality and necessitate a redistribution of power and resources.

The state would need to: Adopt and strengthen legislation and legal mechanisms (particularly with regard to economic, social and cultural rights).

This issue was indeed raised as a concern by CESCR in its 2015 concluding observations on Ireland (and by the UN Human Rights Committee in 2014) which concluded that “the

limited scope of human rights provided in Section 29 of the IHREC Act, coupled with the lack of recognition of economic, social and cultural rights in domestic law, is a major factor in preventing the IHREC from covering and applying the full range of Covenant rights in exercising its mandate”. The Committee recommended that Ireland “review the Act with a view to ensuring that the IHREC covers and applies all rights enshrined in the [ICESCR] in exercising its functions”.

This is an important goal in terms of turning away from a two-tier system of rights. We believe that one of the ways to achieve this goal is making economic, social and cultural rights justiciable. We refer the commission to the excellent research carried out by Amnesty on this topic (<https://www.amnesty.ie/escrights>).

CLM is part of the ESC Rights Initiative, which works on the justiciability of economic, social and cultural rights. This is an umbrella group comprising many interested organisations, such as the Irish Heart Foundation, Focus Ireland, Age Action and Mercy Law Resource Centre and may be a good contact point for IHREC in relation to this issue.

constitutional change enshrining socio-economic rights

Extend the grounds of equality legislation based on socio-economic status/background

Housing for all extend nine grounds to include socioeconomic status, increased access to education,

Access to education right

Move towards ESC rights and constitution. Commission will have publicly highlighted violations and have demanded and pushed for response

Insertion of socio economic rights in the Constitution “ right to housing”.

In particular, there is a need to redress the imbalance in the constitution whereby civil and political rights, while neither complete nor perfect, are clearly stated and justiciable, while economic social and cultural rights are, with some exceptions, stated as guiding principles and are therefore not justiciable

Constitutional recognition of socio-economic rights

Strategic Impact 2: Legislative Powers Barriers

Legislation; -> racism on an institutional level regulations that disproportionately discriminate certain groups of people and increases inequality in society.

Current equality grounds Age restrictive and do not take into account socio-economic status.

Lack of development of public interest litigation/ no class actions in Ireland.

A particular barrier relates to the limiting of the IHREC enforcement functions and powers to 'rights, liberties and freedoms' that have 'been given the force of law in the state'. This excludes the majority of the economic, social and cultural rights set out in the ICESCR.

Obstacles to legal powers: No class action possible; courts/judges not always open to amicus curiae + human rights standards; Delays in court system makes it difficult to take cases; state often settles at the last minute



Goal 2: Pro-active Approach to Monitoring and Compliance; Strategic Impact 3:

Redress

Access to redress mechanisms for individuals facilitated

Strategic Impact 3: Access to redress Impacts

Simplicity of access to redress routes for individuals

Easier accessibility to legislation and legislation that is easier to understand

Clear and accessible rights based legislation aimed at equality before the law and equality of outcome for all residents of the State.

Transparency for individuals dealing with bodies dealing with abuse cases

Accessing redress needs to be made more easy and straightforward—remove the barrier.

would to see that it is no longer as difficult for an individual to take a gender equality case - after all it would be in the best interest of our country to be optimising our entire population's skills

Prosecution of any violations of rights by persons or institutions.

There has to be a mechanism to force government to deal\legislate with human rights issues, without requiring individuals to go to court to force legal action(implementation). Human Rights are prohibitive to individuals E.G. cost , accessibility and proper help and assistance.

Invoke the powers that exists

2020 more complaints in Ireland about human rights

Strategic Impact 3: Access to Redress Strategies

Simplicity of access to redress routes

Clear and easy to navigate redress processes for citizens who are treated unequally or have their basic rights denied

There is a significant suite of complaints and remedy mechanisms in Ireland for people to engage with when their rights have been breached which do not necessitate litigation. There is little public awareness of these mechanisms and how to use them. The Commission should provide an accessible, high quality enquiries and complaints service that assists individuals and groups to resolve human rights complaints, including those of unlawful discrimination, efficiently and effectively. The Equality Authority had a successful information referral service that it was able to use very effectively as a filter to pick up on reoccurring legal issues for potential litigation. Parallel to this, the Commission should engage in training for second tier advice givers on human rights and equality, and develop information guides on rights and remedies to support this work.

Ireland has the equality laws in place BUT they are not applied/enforced.

Supports to access redress

Supporting minority groups (offering legal support)

Issue of Legal AID who can take a human rights /equality case? You need an advocate to get an advocate not just pro bono lawyers.

This goal needs to be cognisant of the important work of legal aid organisations in opening up access to justice and mediating the resolution of rights infringements. The IHREC needs to liaise with these organisations in operationalising this goal. For all these reasons, FLAC would like to see both the Social Welfare Appeals Office and the Legal Aid Board as key frontline access to justice bodies prioritised in IHREC's future work on the new public sector human rights and equality duty.

IHREC could also provide support to individuals claiming human rights violations who are at risk of retaliation – (e.g. from service providers) – for disclosing or challenging potential human rights abuses. Finally, collaboration between IHREC and the Citizens Information Centres and other voluntary community legal centres (e.g. the NUI Galway Disability Legal Information Clinic) could be established to provide more accessible information and access to IHREC for individuals. This could also be a way for the IHREC to identify cases needing legal assistance.

Rights involves the risks, personal sacrifices, costs and long timeframes involved for people seeking to have their rights vindicated in law (for example the O'Keeffe v Ireland 2014 case which took many years to finally bring to satisfactory conclusion in the

European Court of Human Rights (2014). People are reluctant to bring their cases of complaint of inequality before a justice system that is marked by delay after delay after delay. Justice delayed is justice denied. Members of the public should feel confident that they can approach the Commission and receive guidance and advice in a free and professional manner and to this end there should be locally based information centres in rural areas

”clinics’ outside of Dublin; Offices in all major towns & cities to encourage access, (similar, or build on, to this outreach process?). Regional offices and monthly clinics (FRC and CICS) take burden off FLAC.

Panel of legal professionals around the country accessible to groups and individuals;

Effective campaign to strengthen and expand the civil legal aid scheme, thus removing a serious obstacle to access to justice

Legal Aid - Ability to enforce rights Social Welfare Appeals Board Representation

Cost of access to legal redress (+other access hurdles) / Access to rights (eliminate costs)

Support for people to take cases. IHREC needs to work with groups to enforce their rights proactively

Alternative forms of redress

Some alternative form of recourse would be preferable. Note: the idea of pursuing something through the legal system is terrifying in terms of lack of compassion, potential to take an inordinate amount of time; and on top of that the inexplicably high costs (prohibitively).

This will mean having creative means and mediums to raise awareness of rights and redress. It will mean not only ensuring different languages, cultures are incorporated into rights discourse but also different means of communicating rights that is not just reliant on verbal communication.

An accessible dispute resolution process/with public (anonymised) case reporting to encourage public awareness& encourage discussion.

Public interest litigation, campaign for class actions, expansion of civil legal aid scheme so that people can assert their rights.

Develop a advocacy service for those affected by equality issues to assist ordinary citizens who are generally not equipped (are not safe enough) to take on state actors.

Strategic Impact 3: Access to Redress Barriers

The lack of both formal and informal models and processes whereby the intelligence, skills and experience of people living in extreme poverty can be listened to and their voices brought forward to contribute to and influence anti-poverty and human rights / equality approaches and solutions at official, policy, advocacy and research levels.

Workplace legal and ethical constraints.

The lack of proper penalties and follow through for those who fail to respect the basic rights of others. Nowhere is this more profoundly experienced than in the workplace. In recent years the scarcity of jobs has meant that those in jobs and on activation schemes are subject to the whims of employers, managers and supervisors. Workplace bullying and abuse of authority is never addressed effectively, the onus is on the employee to deal with and it is only the 9 Grounds that are considered relevant or deserving of attention when it comes to training staff or drafting legislation. Those on the receiving end are often labelled difficult, forced into taking time off work and referred to counsellors or doctors whereby they are deemed mentally ill. This is an abusive process. If someone were assaulted in the street by a stranger they would not be told when reporting it to the police that it was their fault, to deal with it themselves, that it didn't really happen or asked to engage in mediation with the person responsible. Workplace bullying is a serious issue for employers, it is disruptive and tends to drive the best employees away while those who engage in bullying are often promoted to positions of authority, compounding the problem and repeating the cycle. Workplace bullying and abuse of authority particularly in the public sector needs to be made a criminal offence punishable by law and effectively prosecuted

There is a difficulty in pursuing gender equality cases as there is very limited support now available in the Equality Authority. This support should not be as restricted as it is at present.

Absence of a “service model” guiding people to empower them to vindicate their rights (use of advisory committees in this respect)

Systems as barriers set up to exclude access to rights.

Lack of legal aid to assist people access their rights.

Equation of people asserting rights with financial payments—negative connotations

International vs. domestic à double standards

Poor enforcement mechanisms for rights + pointless exercises try to access rights e.g. employment law

Huge barriers in the system (courts, tribunals, state bodies) for people asserting or claiming their rights or challenging discrimination



Goal 3: Interdependence of Civil, Political, Economic, Social and Cultural Rights

IHREC will give equal weight to civil and political rights and economic, social and cultural rights

This section presents the feedback from the public consultation process that relates to Goal 3 – Interdependence of Civil, Political, Economic, Social and Cultural Rights.

It illustrates the rationale for identifying possible strategic impact areas and possible outcomes and organises the public consultation feedback accordingly.

These impacts / outcomes are drawn from the consultation feedback.

Each individual strategic impact heading is colour coded and includes the following sub-sections based on the coding process:

- *an articulation of desired impacts under this goal and related outcomes;*
- *some potential strategies associated with each impact;*
- *an outline of possible barriers that might impede its achievement*

Summary of feedback to Goal 3: Interdependence of Civil, Political, Economic, Social and Cultural Rights

Possible Strategic Impacts		Possible Outcome Areas <i>Suggested by Public Consultation Materials</i>
3.1	More and better-informed debate generated about the potentials and parameters of realising economic, social and cultural rights. <i>See pages: 65-69</i>	Opportunities created to enable informed discussion on the place of ESRC in Ireland's Human Rights and Equality infrastructure
3.2	Public awareness on economic, social and cultural rights increased. <i>See pages: 70-71</i>	Collaborative relationships built with state and civil society organisations to explore understandings of ESRC and to raise awareness about them. Understandings (language and literacy) of ESRC deepened
3.3	Robust research available on approaches to realisation of non-justiciable rights, state cost implications of ESC rights and global best practices and learnings. <i>See page: 72</i>	Programme of research and investigation developed, funded and implemented.

Goal 3: Interdependence of Civil, Political, Economic, Social and Cultural Rights;

Strategic Impact I: Informed debate

More and better-informed debate generated about the potentials and parameters of realising economic, social and cultural rights

Strategic Impact I: Desired ESCR 'Informed Debate' Impacts

Economic, Social, Cultural Rights Aspirations

I would like to be living in a more egalitarian society where the disparity in wealth between the "haves" and "have nots" has been reduced and where the real causes of social deprivation have been publicly acknowledged and tackled.

In particular, there is a need to redress the imbalance in the constitution whereby civil and political rights, while neither complete nor perfect, are clearly stated and justiciable, while economic social and cultural rights are, with some exceptions, stated as guiding principles and are therefore not justiciable

We see problems with IHREC's goals – interdependence of rights, and – achieving understandings of cultures. On cultural rights, and possibly also on social rights, some people interpret these to support the supposed rights of social and cultural groups, or "rights" of a culture. This may not be what IHREC intends by those words. If the IHREC do mean that cultures have rights, this should change.

If the IHREC proposes that those 3 declarations in the Constitution be changed, the correct change would be to one declaration for each post, not mentioning a god or a religion.

Removal of basic income requirement for getting a medical card/ how can we talk rhetoric of rights when we are not protecting the right to health of the most vulnerable.

End austerity !! Government should be getting more people involved in voluntary organizations and groups so that voices can be heard, empower communities !!

Quality of education and schools in disadvantaged areas does not compare to that of middle class areas - issue of social and economic disadvantage - à visual impact in community/ environmental health/ impact of environment on people's health. Experience of social and economic disadvantage - social class and discrimination and inequality is not being addressed/ stark inequality in this area with no progress being made. Educational disadvantage while young people from disadvantaged areas are staying in school longer

national attainment in education is increasing / so gap is still widening between rich and poor. People continue to be discriminated against in employment based on socio-economic background and address

Nobody homeless

Targeted policies - focus on marginalisation, class issues, socio-cultural, socio-economic, structural issues, education system from day one.

Agree that equality is an overarching theme rather than a “department” which can be dealt with by certain people. We need all people and all agencies, organisations and government to deliver in a manner that is equal to all.

Strategic Impact I: Potential ‘Informed Debate’ Strategies

Exploring implications and consequences

The IHREC should explain the consequences of this supposed right of groups. This supposed right would at least occasionally take priority over at least one right of at least one individual. (If it did not have any such practical consequences, it would not be a right at all). Therefore, as it would conflict with and so reduce the rights of persons, there is no right attached to any group.

We suggest frequent public discussion on what makes a human right. This could extend to discussion on the connections between various rights including the 5 types mentioned.

Provide resources - Resources to enable Government Departments and state agencies to build their capacity regarding human rights and equality; resources for community development and civil society groups (see below); and most significantly, a redistribution of resources in order to address human rights concerns and inequality

Use existing structures/networks/outlets to promote equality in the wider community, public services/retail services etc

Map out practical mechanisms through which socio-economic rights, specifically the right to housing, can be promoted through legislative or constitutional reform.

There is a strong momentum in Ireland in support of a stronger legal and constitutional expression of Economic and Social Rights, but there is no clarity about how best to proceed to deliver this. The IHREC is ideally placed to map out for Government and civil society organisations practical steps that might be taken.

The Convention on the Constitution recommended that Economic, Social and Cultural Rights (ESCR), which includes a right to housing, should be included in the Irish Constitution. The members also voted to explicitly state the right to housing in the Constitution. Focus Ireland's belief is that the strong support shown by the convention delegates is based on the fact that stable and safe accommodation is a right upon which many others are contingent. While we acknowledge the indivisibility of rights, the right to housing is one of the most tangible and reckonable allowing it to be usefully explored by IHREC.

The Children's Rights Alliance welcomes the inclusion of this proposed goal for the strategic plan of the IHREC. The interdependence of civil, political, economic, social and cultural rights is not widely recognised in Irish law, policy and practice. The Commission needs to promote and protect all rights (economic, social, and cultural rights, and civil and political) in an equal manner without giving primacy to one at the expense of the other. The principles of the indivisibility and inter-relatedness of rights need to be forefronted so the Commission can focus on ensuring genuine realisation of economic and social rights.

There must be a greater focus on economic, social and cultural rights and the Commission must develop a voice to challenge the current economic approach. Government policies of austerity urgently need to be framed in light of the human rights

and equality. Economic recession and austerity measures have led to unemployment and budget cuts that impact deeply on the enjoyment of human rights, including the right to an adequate standard of living, rights to housing, health and education. While those who are already at a disadvantage suffer the most, it has to be recognised that recession impacts for the human rights of all the people of Ireland. In particular, in the current economic climate, the Commission must ensure budgetary decisions give due weight to economic, social and cultural rights, prioritise the most marginalised, are non-discriminatory, and do not result in other breaches of human rights.

Be involved in the public debate on the 'living wage' (and similar issues). Promote all rights equal. Need to make ESC rights in Ireland understood and accepted. Shift public debate away towards rights and justice away from charity.

Rights that are not enforceable because of underdeveloped enforcement mechanisms may in effect be meaningless. Therefore, rights implementation should become a key area of discussion and debate and included as a core component of the IHREC Strategy.

The approach taken to rights enforcement should be governed by the following principles:

- A need to transform economic, social and cultural processes which result in specific social groups, e.g., people with disabilities, older people, Travellers, ethnic minorities, being treated less favourably than other groups
 - A focus on the rights of both individuals and specific population sub-groups/minorities
 - The availability of full and transparent information about the implementation (or not) of existing law and the monitoring of same
- Access to independent advocacy

It is important that IHREC goes about its work in a manner that explicitly promotes this notion that the enjoyment of all human rights is interlinked.

Human rights budgeting / following on from CESC recommendations use example from budgetary process in Scotland. Scottish Human Rights Commission engages on this.

Indivisibility is strongly embedded in both of the 2 great international covenants and has been underpinned in subsequent authoritative elaboration by the UN. This point should be driven home through the national reporting process (UPR, ICESCR etc) by IHREC.

Assist in disseminating CESC recommendations. Greater focus on ESC rights especially in terms of accountability.

Strategic Impact I: Potential Barriers to Informed Debate

This situation weakens existing civil and political rights since both sets of rights, as set down in the 1966 UN covenants on civil & political rights and economic, social & cultural rights, were always intended to be indivisible, since one set of rights facilitates the vindication of the other set of rights.

The reluctance of successive Irish governments to integrate the International Covenant on Economic, Social and Cultural Rights in domestic law

The reluctance of the judiciary to progressively interpret and apply the limited constitutional protection afforded to ESC rights. This is in contrast to the practice in countries with a similar constitutional construct as Ireland.

Property rights in the Irish constitution are a key impediment to social and economic rights. IHREC should develop a long-term strategy to call for a constitutional referendum on this issue

Lack of constitutional or legislative status for many human rights, and reluctance to see some rights – economic, social and cultural rights in particular – as real rights deserving of legislative protection, is a very definite obstacle to their realisation.

There is also a lack of understanding of and trust in the UN human rights treaties and treaty monitoring bodies by some in the civil service and public sector.

Socio-economic rights are not justiciable due to constitutional position

Habitual residence needs to be reviewed

Income inequality and living wages- income

Lack of accountability for lack of rights delivery with services e.g. housing crisis.

Goal 3: Interdependence of Civil, Political, Economic, Social and Cultural Rights;

Strategic Impact 2: Public awareness

Public awareness on economic, social and cultural rights increased.

Strategic Impact 2: Desired ESCR Awareness Impacts

IHREC needs to message the impact on people's lives of the denial of their rights and promote what an inclusive more equal society could look like, not only in abstract legal terms. Whilst there can be very solid economic reasons for equality, the message needs to be based on people's lives and reach out the wider public to generate empathy and understanding and finally, an acceptance that change is needed in Irish society.

Economic Social and Cultural Rights need to be more explicitly promoted.

Promote civil + political rights+ ESC rights equally.

Strategic Impact 2: Potential ESCR Awareness Strategies

Collaborations to promote awareness

Community organisations working at local level on issues of poverty, discrimination and inequality are a key force in promoting human rights. Such activity should be promoted and resourced by the state through an intermediary agency or structure – because the state has demonstrated its resistance to being pressed on matters of rights, especially ESC Rights. Locally based groups should also be supported to adopt a rights based approach to their work. This would enable activists to frame the issues they are focused on in explicit human rights terms.

Get various agencies involved across the spectrum working or advocating for different rights or different causes to work in collaboration with regard to this goal.

Define the role and remit of Government Departments and state agencies regarding human rights and equality, particularly in light of the Positive Duty. For example, in terms of economic, social and cultural rights this would involve identifying the rights around which each Government Department has a remit, establishing the substantive content of the particular right(s) and secondly, defining the legal duties (if any) imposed by the right(s).

Use existing structures/networks/outlets to promote equality in the wider community, public services/retail services etc

Rights are interconnected but make it more real to the public e.g.; women with disability

and members of Travelling Community. Not passing trend but continuous topic and need.

A strong public awareness campaign linked to particular areas of difficulty, e.g. housing, employment & education

ESRC Language and literacy

Civil, political, economic, social and cultural rights variously include; right to survival, right to vote, right to work, right to a home, freedom of assembly, right to social security, right to health, right to leisure, freedom from cruel and degrading treatment and right to equality among many other rights in these categories.

These rights need to be foregrounded in plain language so that everyone in Ireland will be aware of these rights. There is a need that in Ireland where we generally enjoy basic human rights, that we do not take them for granted on the one hand, and that we proactively seek to promote and vindicate these rights among sections of the community who do not enjoy these rights both within Ireland and internationally.

The interdependence of civil, political, economic, social and cultural rights needs to be clearly defined and articulated and public information around this issue is required.

The Commission could set out an understanding of rights at the outset which includes core principles of citizenship, including social inclusion, the recognition of all people as rights-bearing individuals, the importance of 'voice' and the need to support people in exercising their will and preferences in the context of existing social values and norms.

There is a crucial difference between rights 'talk' and rights 'action'. To possess a right, an individual or group must be able to claim or enforce it, to make it happen, e.g., right to adequate housing, right to equal treatment before the law, right to live independently, the right to self-determination (and a related right to have supports to enable autonomous decision-making) as well as access to education, health and adequate housing.

Language - change from 'C.P.E.S. + cultural to 'Interdependence of lived experiences.

Strategic Impact 2: Potential ESCR Awareness Barriers

Where does equality fit into this goal? Should this goal also consider the relationship between social, economic and cultural disadvantages across the groups identified in the equality legislation?

Financial and political impact appears to be the government's priority with little regard to expert analysis and lack of understanding/interaction of people's needs and requirements within a human rights context. The level of inequality in terms of sentencing for financial debts is appalling given that custodial sentencing for non-payment of debt is a right under the ECHR eg jail for non-payment of a TV licence but not for banking fraud.

Goal 3: Interdependence of Civil, Political, Economic, Social and Cultural Rights;

Strategic Impact 3: Public Research

Robust research available on approaches to realisation of non-justiciable rights, state cost implications of ESC rights and global best practices and learnings.

Strategic Impact 3: Desired Research Impacts

Frameworks developed and implemented for reducing poverty and promoting equality must take account of this interdependence

It would be important to link with community sector organisation who have expertise in this area and with them analyse the structural causes of racism and together look at ways of addressing it.

Strategic Impact 3: Potential Research Strategies

Frameworks developed and implemented for reducing poverty and promoting equality must take account of this interdependence

The IHREC should explain to the public explicitly once per year, and continuously on its website and leaflets, all aspects of rights, particularly those we mention in the reply to AI

The IHREC needs to explode the myth that implementing ESC rights will involve additional costs to the state. This ignores the reality that the realisation of ESC rights has always been subject to progressive realisation, reasonableness and the constraints that the state is subject to in how it can respond.

The Commission also needs to challenge the view that while political and civil rights should be constitutionally enshrined, ESC rights are a matter for the legislature because they interfere with the distributive role of the state and therefore impinge on the processes of democracy.

Analysing budgets is particularly relevant for monitoring efforts towards the progressive realisation of ESC rights, including the extent to which the most efficient use is made of the available resources. Other benefits include helping to identify certain measures which may need to be taken to more effectively benefit specific groups and to avoid or mitigate particular negative impacts.

Highlight case studies of individuals discriminated against on several grounds and how the discriminations interrelate.

Strategic Impact 3: Potential Research Barriers: None Identified

Goal 4: Making Rights Real

IHREC will give human rights and equality real meaning to people

This section presents the feedback from the public consultation process that relates to Goal 4 – Making Rights Real

It illustrates the rationale for identifying possible strategic impact areas and possible outcomes and organises the public consultation feedback accordingly.

These impacts / outcomes are drawn from the consultation feedback.

Each individual strategic impact heading is colour coded and includes the following sub-sections based on the coding process:

- *an articulation of desired impacts under this goal and related outcomes;*
- *some potential strategies associated with each impact;*
- *an outline of possible barriers that might impede its achievement.*

Summary of feedback to Goal 4:

Making Rights Real

Possible Strategic Impacts		Possible Outcome Areas <i>Suggested by Public Consultation Materials</i>
4.1	<p>Awareness raising: Profile of human rights and equality issues raised amongst the broader public and within public sector institutions.</p> <p><i>See pages: 75-87</i></p>	<p>Broader, popular understanding of the meaning of human rights and equality increased</p> <p>Public education / information generated about human rights and equality (including about the role of the IHREC)</p> <p>Greater contact with citizens and their organisations achieved through participation and outreach initiatives.</p> <p>Capacity building undertaken to enable a broader involvement in raising awareness about human rights and equality.</p> <p>Deeper and more regular engagement with a range of media on Human Rights and Equality issues</p>
4.2	<p>Education: Visibility of human rights and equality issues strengthened at all levels of education</p> <p><i>See pages: 88-92</i></p>	<p>Content / materials developed and delivered for/at different levels of the education system</p> <p>Capacity building undertaken with education personnel / institutions to deepen understandings of human rights and equality issues.</p>
4.3	<p>Human Rights & Equality Conscious Policy Making: Increased visibility and evidence of human rights and equality conscious policy making, at national and local levels.</p> <p><i>See pages: 93-102</i></p>	<p>Increased knowledge awareness about Human Rights and Equality in Ireland and elsewhere generated for/in the public administration system and with policy makers</p> <p>Increased engagement with policy makers and officials to enhance disposition towards embedding Human Rights and Equality approaches in policy and practice.</p> <p>Capacity building and skills development undertaken to enable integration of Human Rights & Equality into policy making and policy delivery.</p>
4.4	<p>Recourse: Increased knowledge and understanding of routes available to protect human rights and equality. <i>See pages: 103-8</i></p>	<p>Group specific and targeted outreach undertaken to raise awareness of recourse options</p> <p>Collaboration with civil society groups undertaken to broader awareness of recourse options.</p> <p>Information material produced on avenues of recourse</p>

Goal 4: Making Rights Real

Strategic Impact I: Awareness Raising

Profile of human rights and equality issues raised amongst the broader public and within public sector institutions.

Strategic Impact I: Desired Awareness Raising Impacts

Understandings of Rights – Language and Literacy

Enhanced public awareness i.e. people using the language freely and comfortably

A more widespread vision and sharing of knowledge, practices, models and learning in HRBA

A greater awareness and use of human rights by NGOs and community groups in approaches to poverty and social exclusion

The value of human rights and equality (HRE) being seen as fundamental to the well-being of all individuals and groups in society is crucial

That IHREC make rights become real, make the public more aware of human rights and equality obligations and of the avenues of recourse

By reminding the people and the state each year which rights the people and the state continue to infringe.

By promoting the idea that human rights are a subject for every person, not only just when you or some person you know or value has a particular difficulty. If you work to help other people whom you don't know have better human rights, human rights will be better when it becomes crucial for you

People would talk less than now about rights of cultures or groups. People would talk freely with strangers in queues and in cafés about human rights, and about their own religion or their not having a religion. People would say less things critical about other groups, and more things critical about ideas.

There would need to be a greater awareness of human rights and equality issues in the public domain

That there would be greater public awareness of and support for human rights and equality

Greater understanding in the country of inequality and how it impacts of someone life

Greater tolerance

I think that we should make people proud of our achievements and try to integrate human rights and equality compliance into our notion of being Irish

An Ireland, which values equality & human rights much more then, than it does now

Promotion will have created a better understanding & `buy-in` into a human rights/equality culture

A new narrative where much of the current `rights talk` has translated into meaningful actions

Human Rights and Equality would be to the forefront of people's, institutions' and public bodies' policy-making and plan-making as well as in their public utterances and behaviour. The language and practice of Equality and Human Rights would be widely used and deeply embedded

General public using human rights and equality principles in their every day language ☐ greater understanding that everyone has human rights.

Broader public understanding of rights and the consequences of having a right

Classification language / only ! - discriminatory? - undocumented migration. Five years a success would be a change in language – lingo and discourse has to change e.g. refugee? Migrant? A change in language. A greater awareness of how we use words that have changed or morphed meaning and how they include or exclude-e.g. dumb . retarded or I am not just deaf in one ear I am deaf and dumb in one year-> so super challenged. # ableism / what words permeate our language that are discriminatory how can we change our language so that all spaces and conversations are safe for people of every creed and level of ability

Better understanding of our human rights and open conversation about the future

More open and accepting social climate - Less stigma relating to HIV status& testing - Using terms such as open & acceptance.

Less fear of openness and opinions; less judgement;

Culture of human rights à- part of our everyday language.

The invisible becomes visible. No-one able to say I did not know “it was happening.”

From youngest to oldest “awareness”. Not afraid to educate our children they can be great “leaders” in the “new”. Chains broken

Access to materials / knowledge of rights . Access to justice



That the language of equality and rights becomes part of our policy discourse and that people with dementia and their carers start to use this language of rights as a basis to demand services and supports.

Information provision / public awareness (including about IHREC)

Until today I did not know you existed!! Five years from now I would like to think that I would be a regular visitor to your internet site.

Everyone knows about the IHREC role/function etc. HOW IT CAN HELP + Their Human Rights à UN + HR - Incorporation of UN Conventions on par with EU Directives.

Language hurts and heals. The pen is mightier than the gun

Men aware of equality. Men making this change for themselves and everyone else

People on the ground understand the IHREC and what it means to them in plain simple English

Participation and Outreach

Human rights and equality are not just an international issue but an issue for Irish people in Ireland. Engage Irish people.

IHREC could also widen the human rights literacy of disadvantaged groups by adopting methodologies such as human rights based approaches to working with disabled people and other marginalised groups. One example of a good methodological approach is the Participation and Practice of Rights project, which the IHRC previously collaborated with via the Rialto Rights in Action group. PPR work with human rights indicators and translate these for civil society organisations and residents to hold governmental agencies to account for failures to progressively address their rights.



Strategic Impact I: Potential Awareness Raising Strategies

Understandings of Rights – Language and Literacy

Rebalance the focus on defining rights as solely a legal matter, although law and lawyers are important in this work. This prevents a more comprehensive engagement by civil society groups and almost totally excludes community organisations who often feel intimidated by the technical expertise of ‘legalitarians’. FLAC has put down some good work in this respect.

Develop material which we can use in our daily work.

Explaining Human Rights language thus making it more real and relevant to the work of NGOs, community groups and organisations. Anecdotally, the legal and litigation terminology may sometimes be a barrier to applying human rights based approaches e.g. providing legal advice and demystification of the statutory rights.

While it might be politically sensitive, campaigns aimed at the public need to include a reference to the type of society we need to create - i.e. where everyone has a right to housing, healthcare, education, an adequate income and employment rights. It is imperative, however, that IHREC takes into consideration that not all older people live within the community. To this end any public awareness campaign must also target those residing in nursing homes and within community care settings.

The IHREC has a key role in educating the public about human rights standards and equality principles and we recommend sufficient resources and attention is given to building public knowledge. While this is a significant challenge, it will lay the groundwork for progress later on. We believe it is possible to build public knowledge by being strategic in application of your powers, so that all interventions are in a broad public interest

Attitudinal change, social acceptance and integration will be the ultimate promoter of human rights & equality. The Commission could have the main role in leading this by promoting how the language of human rights can be embedded in everyday communications – not just focusing on an issue when a problem arises.

I also think that human rights organizations and watch dogs can at times speak in a language that is not consistent with the average citizen. They need to appeal more to the typical Irish citizen to become more inclusive. A key example of this was the YesEquality campaign and the gay marriage referendum.

Shared language and “shared languages” of human rights facilitated by cross sectoral dialogue in created by IHREC

Educate citizens on the language of rights

Balanced the need to be diplomatic with the public's right to know the truth. Please don't use jargon. Human rights becomes a public discussion.

Society to become familiarised with gender terms; Education on sexual orientation and gender identity in the education system; To move away from the presumption of heterosexuality; To notice that people in society through media, school, dress toileting etc. are raised to be heterosexual.

Clarity of language for literacy issues + different communication à challenging of the term “tolerant”

It would be important to challenge the commonly held perceptions of human rights and equality:-

- For human rights and equality to be understood as more than just a legal issue.
- For human rights and equality to be seen to be relevant to people’s lives (for example, for human rights to be understood as being about more than victims of torture or political prisoners).
- For the communal nature of human rights to be understood.

Information provision / public awareness (including about IHREC)

Relate rights to the issues that people are engaging with – i.e. housing, health, poverty etc.

The use of thematic areas to provide specific and bespoke briefs, tools and guide to all stakeholders and avenues of recourse for the individuals or groups. Highlighting what has been done by others in this regard.

Given the role of National Human Rights Institutions in engaging with a wide range of stakeholders and increasing public awareness about human rights, FLAC suggests that IHREC could play an important role in assisting the Government to disseminate these important findings. FLAC observes that IHREC has a number of tools at its disposal to address this issue, such as the provision of information to the public on the promotion and protection of human rights as well as the delivery of human rights training to officials in the civil and public service

IHREC will need to promote themselves to the general public in order to gain support for their work

Regular awareness raising campaigns linked to specific rights issues, e.g. the current immigrant challenge is generating some very negative reaction, or the situation in residential institutions for people with intellectual disabilities needs to be called out publicly by IHREC

An annual campaign of awareness raising in place (budgeted as part of the strategic plan)
Making information on the IHREC website available in different formats could also help this, including through the use of plain language materials and the development of information in easy to read formats accessible to people with learning disabilities. Thematic consultations on human rights issues of contemporary relevance could also be carried out as issues arose, and human rights education and training of key decision-makers and duty bearers could be undertaken.

Media and social media can play a strategic part in the promotion of human rights & equality. The engagement by the public with the recent Marriage Referendum is an example, with their #HomeToVote campaign

The need for a media campaign to raise people's awareness is obvious. Previously, this was undertaken by NGOs, who achieved a lot with limited budgets. An IHREC campaign should be more comprehensive and sustained. A focus on the impacts of not having human rights might be very effective in getting attention on the importance of human rights

A 'Know Your Rights' Public Awareness Campaign could be rolled out – utilising billboards, television, NGO's working with children and families, social media, public spaces and via the education system. Any awareness campaign would be strengthened by having buy - in from the whole community, not just services. The promotion of human rights and equality issues in the media by incorporating the theme into storylines in television programmes, case studies in newspapers, etc. could engage the public with the theme. The ISPC would also recommend creating more ways for people to get informed about their rights, perhaps in forums. It would be important that strong and evident resolutions of human rights and equality violations are promoted outside of the court room to create further awareness of such violations, and indeed vindications.

I think a lack of awareness is a major barrier. I think that public consensus is the most important means to achieving human rights goals, this can only be achieved through informed and aware citizens.

The promotion and protection of human rights must start and be sustained locally and I believe the best way to do this seems to be through our institutions, specifically in education, media and government. Creating boards to identify, evaluate, chastise, fine, recommend, etc is great, but it is also important to empower people to stand up for themselves and care for each other.

Accessible information should be developed which makes the link between human rights and the lived experiences of older people.

We think that it is vital that IHREC conducts a high profile public awareness campaign showing how human rights relate to people's daily lives. A public awareness campaign or workshops targeted towards older people's groups on human rights and equality in their communities would be useful.

It is imperative, however, that the IHREC appreciates that not all older people live within the community. Any public awareness campaign must also target those residing in nursing homes and within community care settings

Increased Focus on International Human Rights Day 10th December each year.

In the past Family Friendly Workplace Days/ Week were held and other days to focus on an equality ground at different times in the year.

Creation of a Rights, Duties and Responsibilities Minister at Minister of State level in Government.

Campaigns in public places would be an idea, like public transport and also using social media.

Over the last number of years the Commission's website has not contained up to date content and information for the public - this might have been due to the proposals to join it with the Equality Authority. The website should be constantly updated and be suitable for use by users from different backgrounds- the fact that the Commission consulted with children on this occasion is to be welcomed and the website should be capable of use and understanding by children and others.

Any public awareness campaign on human rights and equality has to appeal to people's values and resonate with their lives. It would be important to promote human rights and equality as being hugely positive for society and show the vision of how things could be (see below).

As mentioned above, public awareness could be raised through the educational system, through the media (particularly the tabloid press and local radio stations, as well as national and social media), and through community groups working with the more marginalised members of society

A prominent role in public debates on equality and human rights: We are starting from a very low knowledge base around human rights and so I think a first step is to start education across society from children to older adults. We need to make human rights relevant to Ireland as believe that human rights breaches occur only in other countries. In addition we need to explain that equality is a very broad issue and that it doesn't mean treating everyone the same but involves levelling the playing field to ensure that inequalities are addressed in a practical way.
raising awareness , campaigns

Greater profile for human rights and equality in the public eye, keep performance indicators. Participation in numbers. Campaign (ads) etc.

Using human rights stories/ Trocaire stories very popular/ international / why not Ireland? Fairness as a word information the human rights mechanisms to the public. Respect.

"Myth busting " – to challenge ideas that prevent human rights from being respected.

Information is key, importance of how it is presented. Audio, picture stories, Irish language, graphic harvesting, animation, plain language, further broken down, accessibility of language (English/Irish/ISL) reasonable accommodation (form filling)

Clear information for all citizens not just those involved in NGOs / affected by a situation, news reports, newspapers.

Communication strategy that addresses the public in an accessible way/ not just a formal report.

Communication by IHREC with social groups on the ground

That all organisations are supported to include equality in policy and practice.

Educate men on Human Rights and Equality of Women

Participation and Outreach

Much greater outreach.

Ongoing, consistent, meaningful contact throughout

Education and awareness-raising to generate discussion on the issues of equality, discrimination, social exclusion, reconciliation, cultural and economic rights. E.g. Awareness of Human Rights legislation in Ireland, what are our rights relative to specific issues, and situations e.g. migrants, health, travellers, education, housing etc.? How best to communicate and use social media to raise and discuss issues. Support organisations to become more familiar with Human Rights Conventions and articles that are most relevant to the issues to be addressed and disseminate information to their members and client groups

Encouraging appropriate, meaningful and maximum participation in issues of Human Rights by supporting, training and empowering individuals to actively advocate and assist in bringing about positive changes in their own lives and others in facing similar issues or situations. It is important that those most marginalised can participate in a way which is meaningful and appropriate e.g. by providing skills training to those with responsibility for engaging with individuals and groups who are discriminated against or socially excluded, being careful to ensure that individuals are not feeling more isolated or discriminated against as a result of highlighting violations or issues.

Sharing and learning: Courses and training in Human Rights Based approaches can only go some ways to achieving a better understanding and improving capacity of individuals and organisations in this regard. Opportunities for sharing approaches, information, what worked well and what didn't in the current context must be part of any strategy to promote human rights and equality. As well as the how to of identifying, measuring and evaluating rights based indicators for organisations, their projects or activities.

Enable people to realise their rights to participate in, and making it easy to access and understand information relating to decision making processes that affect their lives. It is important to pay attention to the form that participation will take, the expectations and what the process will lead to, who is accountable to whom and for what. Relationship building and linkages between individuals, academics, groups, institutions and statutory bodies will be a critical success factor. Including how institutions and organisations respond to issues raised by individuals or groups, how they will ensure inclusion and equality and effectively address the issues.

A more widespread vision and sharing of knowledge, practices, models and learning in HRBA

Evidence of active reaching out to and capacity building with vulnerable and marginalised communities to engage with decision makers and affect change



The commonalities between community development approaches and HRBA have been built upon to improve the quality of life for all our citizens

IHREC can deliver on this goal by making itself more accessible to the public in general as well as to local communities and particularly marginalised or disadvantaged groups and communities. A number of strategies could be used to achieve this, including the development of a 'human rights hotline', hosting drop-in centres in local communities, using pop up shops in towns and cities which run 'Know Your Rights' sessions to make the IHREC approachable and recognisable for the public and engaging with and commenting on live human rights issues raised through the media

IHREC will need to develop the trust and respect of not only those who are marginalised but broader society by presenting the promotion of human rights and equality as something to be cherished and not feared- especially for sectors of society who already feel disempowered

The recent public consultations held by the Commission could be a useful model to use into the future to keep linked in with NGO's and members of the public in order to keep abreast of human rights and equality issues at grass-roots level.

The IHREC has made a positive and proactive start by taking an inclusive approach to development of its priorities. We would welcome continuation of a similar proactive conversation with stakeholders, and best use of existing sectoral and industry networks

National Action Plan on Human Rights: The development of a National Action Plan on Human Rights utilising a participatory process would also work to promote human rights and equality. However this should not be seen as a panacea or replace targeted or thematic strategies focused on minority groups.

Public Engagement: IHREC's Red C Poll found that 96 per cent of people surveyed believe that laws protecting human rights are important in order to create a fairer, more equal society, while 93 per cent care deeply about making Ireland a fairer place in which to live. This would imply that there is strong public support for addressing human rights and equality issues. However discriminatory attitudes towards Travellers and other ethnic minority groups are still pervasive. 34 per cent of people believe it acceptable for shopping centres and pubs to refuse entry to members of the Traveller or Roma community. This work on public engagement should be built on and include exploring understandings of collective rights rather than Western legalistic conceptualisation of individual human rights. IHREC can use its position to challenge racism and discrimination and utilise its platform to show the impact discrimination has on minority ethnic groups and marginalised communities. A public education campaign could work to illustrate that people's attitudes and behaviours are contributing to inequalities. This work can be done in partnership with Traveller and Roma organisations and organisations working with other ethnic minority groups to build solidarity and increase understanding of cultural identities differing from the majority population.

Run a competition each year to show a right that is infringed, that has had little publicity. The winning entry would need to have strong arguments that it is a human right, and evidence that it has received little attention.

I think that while development and human rights organizations in Ireland are quite accessible, they could be more accessible. They could hold more information seminars and open evenings in schools, universities, town halls etc. While these events are also advertised online etc, I think that they could be better advertised through newspapers, leaflets etc if that was a feasible option.

While organizations like Dóchas exist and there is an element of networking among Irish NGO's. I think that they need to network and co-operate more so towards a common goal and put competition behind them.

Lastly, to reiterate the points made above, I think that human rights organizations and watch dogs could aim to reach out and appeal to the general public more.

Promotion through public bodies and educational institutional at all levels as well as sporting or youth organisations for targeted issues.

How will you engage with elderly persons with no computer access or who are in care homes? – The Commission should be reaching out to every corner of society – it could provide for a monthly project to engage with a particular group and assess human rights compliance for that group. That would be 12 different groups each year!!

Also greater on going public engagement is needed and not just 'public consultations' when something new is being launched

Capacity building for awareness raising

Citizens, organisations and state are encouraged to take joint responsibilities and ownership of rights and fulfil their obligations towards each other, and to implement and oversee the development processes to affect “shared” positive changes. There needs to be a focus on building capacity and competencies to achieve this at all levels within the decision making process i.e. individual, local, regional and national to ensure accountability and sustainability.

Serious training needs to be provided for government departments, agencies and officials to understand that equality is something that should be part and parcel of how they do business and not an after-thought when someone complains. They need to have “equality proofed” methods of planning so that equality is at the beginning of every project and not a tiny piece of budget that is left at the end.

IHREC needs to increase the visibility of Travellers in their campaigns, as leaders, as spokespeople. It needs to look at positive action measures within the Public Services to have Travellers visible not only in accessing, but more crucially in providing services. This should be extended as practice to progressive employers based on successes that will be generated by IHREC's work with the public service.

Visibility of Human Rights and Equality proofing and positive duty processes: IHREC must ensure these processes are made visible to the public at national and local level

Human Rights Community Education Fund A non-formal education budget needs to be set aside specifically for community-based human rights and equality education projects e.g. community development projects, family resource centres, youth projects, women's groups, men's groups, active retirement groups, support groups etc. The fund could be used for the delivery of human rights and equality courses to be run at grassroots local level using a community education model of delivery. This is the only effective way to get people on the ground to really learn about human rights. Whilst public media on TV and Broadsheet and Social Media is somewhat effective, it does not achieve actual engagement of people with the issues of equality and human rights. TV ads don't engage people in deeper consideration of their rights. Community dialogue is more effective.

An Annual Public Human Rights Lecture

More funding is required for activities to promote human rights and equality in Ireland. There needs to be more awareness raising of certain equality and human rights issues. There needs to be support from the government for work in this area and for the issues raised

The Irish Human Rights and Equality Commission could provide training or advise on equality and human rights issues that present themselves within our organisation. They could continue producing resources of value to facilitate work in this area. Given that we are a higher educational institution it would be a way to promote awareness of issues if there was some collaboration.

Engagement with media

A strong media campaign would help to raise awareness, especially if rights are depicted in a familiar form rather than being presented in a somewhat abstract manner, which keeps matters distant and irrelevant. Such campaigns appear to be particularly effective when prominent and respected figures endorse the key messages. There are lots of lessons to be learned from recent events such as Marriage Equality and the (largely) Syrian refugee crisis.

Fairness and balance in reporting on human rights issues.

While freedom of speech is a crucial human right, I think there should be restrictions on the framing of stereotypes by certain outlets, particularly of minority groups. I think outlets should be able to prove that such work is in the public interest.

The creation of news outlets for human rights news (<http://humanrights.ie>) Such an outlet could aim to appeal to typical citizens as opposed to people who are working as practicing lawyers etc.

While government funding is not viewed favourably as a method of achieving human rights awareness due to framing. Ideally a donor magazine or organization could be a more reliable way of achieving such goals.

Also a lack of coverage given to human rights issues can at times be evident. It's a cycle where outlets are willing to cover issues that they think the public will find interesting, meanwhile a lack of awareness increases a lack of desire for human rights stories.

I also think unfavorable stereotypes and ignorance towards minority groups can curb progress towards human rights. Novelist Chimamanda Adichie puts it best: 'Show people as one thing over and over again, and that's what they become....the single story creates stereotypes, and the problem with stereotypes is not that they are untrue, but that they are incomplete.' This again relates to the idea that news outlets should be conscientious in the work that they publish.

News sources have a responsibility in terms of human rights issues in this regard. I think certain outlets have a responsibility to depict certain issues in a truthful manner and to avoid harmful stereotypes. I also think there should be an obligation for certain outlets to actually voice human rights concerns. As discussed above, a donor funded magazine could be another way to do this.

Media campaigns to raise the awareness of the general public

Strategic Impact I: Potential Barriers to Awareness Raising

A lack of understanding and appreciation across society that human rights and equality are of relevance to us all and are integral to societal health and well-being.

Duty bearers need to be aware of their obligations to both children and adults and must do all they can to prevent violations of their rights. It will be important to make 'Rights Real' to every person in society, and not just targeted at particular cohorts of people. The key to 'Making Rights Real' for all will be to publicise the goals of the Commission in a clear and understandable way, keeping the message simple. Sometimes there is a gap in knowledge in what people think their rights are and what they actually are.

For certain issues such as racism greater public awareness is needed – where can I go, what can I do if I am a victim or if I witness an incident? Processes and procedures are not necessarily clear and research shows there is still a gap in this area.

Public sector reluctance to implement the Official Languages Act in full

General and media ignorance of the language and its speakers

The failure of the OLA to be extended to areas of the private sector which forces urban Irish speakers to speak in English, even if it is their second language and they are less competent in that language

Failure to encourage the public and private industry to engage with speakers in their language

Discrimination and inequality in society is mostly due to lack of awareness, lack of information or lack of real understanding on how what inequality is and how it impacts on someone.

- Lack of information/misinformation
- Stereotyping

Lack of awareness among service providers and government services on the issues/difficulties people can and do experience

Goal 4: Making Rights Real

Strategic Impact 2: Education

Visibility of human rights and equality issues strengthened at all levels of education

Strategic Impact 2: Desired Education Impacts

A solid human rights programme operating in schools

Awareness/ education/ school system/ self reflection/ transgender/race/ traveller/ women's roles/ challenging media stereotypes.

As with our earlier discussion, the erosion of cultural or social rights happen, intentionally or not, by the development of systems and institutions that foster different “norms” of national cultural expression. It is important for IHREC to promote that the development of these norms has detrimentally impacted on some groups, such as Travellers, and that discussions on culture and social rights needs to do so on the basis of inclusion and not assimilation.

As with any discussion on rights & equality, ITM contends that these need to be embedded in society and will require our schools to foster discussions, with support, on identity, culture and inclusion.

In terms of promoting awareness, there's some interesting initiatives in schools internationally around 'empathy' - this seems to be a very strategic interjection that, regardless of parental/media/cultural influences, results in a young adult who will be more sensitive to the world around him/her and the people who are not treated fairly. In terms of influence, this seems an extremely powerful one.

Public understanding of human rights - how some rights require to be balanced against each other, and other rights are absolute – is also essential to fostering a culture of respect for human rights and equality. Human rights education should be integrated into the formal school curriculum from the earliest points, but also into informal education systems.

Strategic Impact 2: Potential Education Strategies

Content / Materials development

There is a need to be proactive in schools. This is where an appreciation of human rights and equality should be nurtured. Schools and teachers are almost always welcoming and appreciative of such civic duty initiatives. Be careful of placing too great an additional burden on teachers. Providing practical materials would be of help.

Greater awareness of human rights and equality is needed and this can be achieved through our education system for children and by using rights and equality language in activities they are involved in. Children's rights are a particular interest of the ISPC and we would see an educational element in schools as an excellent starting point. Building on this would be creating an overall ethos based on rights and equality where both become almost cellular for our children and complimented by creating a language of rights. Both equality and human rights need to be promoted from pre-school age.

The ISPC would envisage starting at a very young age with a programme or school curriculum which develops with the child as they progress.

The ISPC would envisage using the education system to teach children about these rights from a young age. It would be important to create awareness of what each of these rights look like for children, along with examples of how they can be violated; this could be through media, social media, infographics, animations, information workshops, etc.

I do believe that more teaching time and resources in schools dedicated to human rights and equality issues is crucial in order to form a positive opinion among people from a young age.

I think you should have a flag, and give one to every school in the country so they can fly it and know that it means something to them.

A national curriculum of human rights and equality education for primary and secondary school students

Public understanding of human rights - how some rights require to be balanced against each other, and other rights are absolute – is also essential to fostering a culture of respect for human rights and equality. Human rights education should be integrated into the formal school curriculum from the earliest points, but also into informal education systems.

Amnesty International sees an appetite for, and interest in, learning about human rights across all ages and social groups. But often, we need to go to them in their communities and environments. Starting from early childhood is best – so imbedding human rights education in the formal school curriculum at primary and post-primary levels, and informal education programmes, is key.

A national curriculum on human rights for primary education.

Citizenship CSPE in secondary. Recognise diversity in education. Flag based schemes for primary schools à no need to reinvent the wheel.

The language of rights became part of our discourse. School curriculum needs to be modernised to incorporate real world learning and personal development
Leadership flags for schools.

Taken seriously –in school –CPSE exam subject à Education on Human Rights

Engagement and Capacity building with education institutions and education personnel

Human rights education in the classroom. Schools play a vital role in socialising future generations. Embedding a framework of values that reflect human rights is vital if we are to promote the practice and progression of human rights in society. Schools and teachers need to be supported and facilitated in this task by an expansion of civic education in the curriculum to include human rights, and by raising its subject status.

Measures to embed an Irish society based on equality and respect for human rights need to recognise the importance of education in creating a pluralistic, inclusive Irish society. The ITM has developed and resourced an innovative inclusive whole-school programme for primary and post primary schools. The Yellow Flag programme needs active support from IHREC to look to see how other schools can adopt this programme. Our aim has been to have the programme mainstreamed and we believe that this programme, with the Support of the Department of Education, could have very real long-term positive impacts for Irish Society in terms of human rights and equality.

As mentioned in our submission, interculturalism is something that needs to be developed. Part of our analysis has been to look at how schools can embed interculturalism into every aspect of their work. We strongly believe the Yellow Flag programme achieves this and that it presents a model of working that benefits the outcomes for schools, teachers, parents, communities, and especially the learners.

Discussions on how best IHREC and other NGOs can support the development of the Yellow Flag programme. The Yellow Flag Programme has been mainstreamed by the Department of Education with support from IHREC

More teaching time and resources dedicated to human rights issues.

Human Rights Education should be included in the formal sector at both primary and post-primary level and should involve schools linking with organisations with a track record on development education and human rights work in the NGO sector as part of the mainstream curriculum.

Human Rights Education should be included in the non-formal and informal education sectors i.e. adult and community education through the Education and Training Boards

(ETBs) nationally and in the Further Education sector generally as well as other adult learning organisations in the NGO non-state sector.

More work could be done through educational establishments at all levels, from preschool to adult education and higher education.

Greater Understanding by the General Public About Human Rights and Equality: This would require education on human rights and equality in all educational settings from pre-school to university level.

Children in schools would be learning about their environmental rights and human rights including the importance of and interconnection between the two.

The Children's Rights Alliance believes that fostering human rights and equality awareness and understanding should be integral to the learning process at all stages: early years, primary, secondary, tertiary, postgraduate and continuous professional development. The Commission should work with key partners to integrate human rights and equality at all levels of education in Ireland. The Commission should support the further development of a human rights and equality ethos in education, which permeates not only the formal curriculum, but the everyday life of the institution, so that human rights are at the heart of education in Ireland.

Education from junior infants level in primary school.

Human rights education part of primary and post primary education

Influencing from day one in education children are born without prejudice, personal development, normalise human rights based approaches

Training for teachers in human rights/culture, better understanding of multicultural society

Human rights taught and discussed in schools. Particularly secondary schools.

Equality & healthy relationships is part of the school curriculum. Best if its delivered /co-delivered by front line services;

More Education in school regarding human rights and equality.

All training of education and health professionals must incorporate training on different cultures and human rights.

Strategic Impact 2: Potential Education Barriers

A general lack of understanding and knowledge of Human Rights and the Human Rights Based Approaches. One of the recommendations in the Respect, Protect and Fulfil - A Human Rights- Based Approach to Peace-building and Reconciliation published by Border Action (Pobal) is that:-

“The Republic of Ireland and the United Kingdom should give consideration to implementing a national programme of human rights education and awareness –raising through education and integration in school curricula”.

There is a need to address the information gap in relation to human rights and older people in Ireland. This cannot be done without taking into consideration older peoples' expressed preferences for the format and manner in which they receive information, and the need to provide information in ways which are meaningful and accessible to people with cognitive impairment or other disabilities.

While accepting the fact that rights are embedded in law, the language can be quite complicated and difficult for people to interpret and therefore they often don't realise their rights are being infringed. Language barriers and literacy issues earlier on can cause inequality issues into the adult life.

There is also a lack of understanding of and trust in the UN human rights treaties and treaty monitoring bodies by some in the civil service and public sector.

inadequate education system, à not conducive to the needs of children with additional needs

Disadvantaged areas- low expectations by education system of students in one school 50% of students do applied Leaving Cert and cannot progress straight to 3rd level /CAO

Education system - Equality law; sex education; Patronage ; need for secular system.

State Barriers lack of incentivized for work and education for new people.



Goal 4: Making Rights Real

Strategic Impact 3: Human Rights & Equality Conscious Policy Making

Increased visibility and evidence of human rights and equality conscious policy making, at national and local levels.

Strategic Impact 3: Desired Conscious Policy Making Impacts

Skills/ Capacity: Developing and applying policy making tools

All policy, including annual budgets, should be subject to assessment of their impact on human rights and equality. The experience from past obligations to proof policy for effect on gender equality and impact on poverty levels was less than inspiring in its application. The positive duty introduced by the IHREC Act is welcome but will require diligent monitoring.

FLAC notes that the Irish Human Rights and Equality Commission Act 2014 places a positive obligation on all Government departments and public bodies to be human rights and equality compliant. Article 42(3) provides that IHREC can, in order to assist public bodies to perform their functions in a manner consistent with this duty, give guidance to and encourage public bodies in developing policies of, and exercising, good practice and operational standards in relation to, human rights and equality. FLAC would like to see two public bodies prioritised under Article 42(3), namely the Social Welfare Appeals Office and the Legal Aid Board, given the importance of both in realising the right of access to justice

Public sector duty must become a working tool/method to make rights real for people. So public sector bodies proactively address discrimination and inequality and becomes inconceivable to have policies and practices that are exclusionary.

Better human rights proofing of state budget processes.

Knowledge /Transparency

Even with the passing of the European Convention on Human Rights Act 2002 it is questionable whether public bodies and governmental actions have embedded the concept of a human rights approach in making decisions. To this end and to further promote human rights \equality public bodies should be required to justify their decisions with reference to human rights standards and provide written confirmation of this. Additionally all legislation being enacted should have attached to it a formal statement as to how the various provisions are human rights compliant.

Disposition

State Bodies better treatment for those already feeling marginalised

The inequality faced by Travellers is caused by systemic institutional racism, which for generations has marginalised Travellers. Institutional racism does not need to be intentional but can have such serious impacts on ethnic minorities (similarly for other groups who are marginalised). This needs to be acknowledge and explored, specifically for policy makers and state agencies to recognise that the inequalities faced by Travellers and others is the result of decisions made in how society is structured through allocation of resources, policies and practices.

Human rights gaps in services identified and addressed

Visible evidence of equality in government, particularly gender and racial representation.

Forward thinking, embedded in decision making and institutions—stronger, better reactions.



Strategic Impact 3: Potential Human Rights & Equality Conscious Policy Making Strategies

Knowledge /Transparency

Developing a central tool-box/ accessible web-based repository of practical tools, guidelines for adopting and implementing Human Rights Based Approaches, which move beyond the boundaries of understanding and highlight effective, realistic, achievable and flexible approaches

In Ireland, avenues for participation in budgetary decision-making are limited. The Department of Social Protection organises a pre-budget forum, certain Government departments accept pre-budget submissions and some Oireachtas Committees allow civil society representatives to deliver pre-budget presentations. However, FLAC would like to see more opportunities for participation in budgetary processes and decisions. The direct input of civil society and other relevant stakeholders, particularly those who are directly affected by policy decisions, provides crucial value to the political decision-making process, enhancing the quality, understanding and longer-term applicability of the policy initiative.

With this in mind, FLAC suggests that IHREC could seek a greater participatory role in budget decision-making. The Equality and Human Rights Commission in Scotland has been very active in this regard and provides evidence of good practice. The Commission consistently advocates for a human rights-based approach to policy-making and budgeting. The Commission is also represented on the Equality and Budget Advisory Group, a body

comprised of Government, civil servant and civil society representatives, which regularly provides advice to the Government on the human rights and equality implications of budgetary decisions across all policy areas.

Furthermore, according to the Committee on Economic, Social and Cultural Rights, another element lacking from Ireland's policy-making process is human rights and equality impact assessments.

If we are trying to bring about systemic change in Irish society to ensure sustainable change in relation to human rights & equality, IHREC, in conjunction with NGOs and key political allies, needs to foster an understanding of the impact of previous institutional policies, and the cost to individuals and communities. It will be a challenge for State agencies and the individuals to see that their work, with the best of intentions, may have had a deleterious effect on the lives of Irish people, in fact generations of people, with the consequences still being felt.

The ISPC has taken this approach to how we have developed our Children's Panels. We began with a clear equality outcome in mind - the inclusion and involvement of children and young people in decisions that affect their lives; in this case, the development and delivery of services. The panels inform and influence how we design and deliver services, and have made a meaningful difference to how we work as an organisation. This approach, rather than taking a compliance led approach, has ensured that we are delivering real change, rather than 'going through the motions'



There remains a significant gap in the availability of disaggregated statistical data regarding the situation of Travellers and Roma across thematic areas including health, accommodation, social protection and violence against women. Currently, ethnicity is not included as an administrative category in official data collection systems. This results in serious gaps in knowledge about the situation of Travellers and Roma and absence of evidence based policies and practices to ensure the needs of ethnic minority communities are met. The lack of data contributes to significant obstacles in gathering evidence about racism and discrimination based on ethnicity, making it difficult for relevant stakeholders to monitor measures to promote non-discrimination and to monitor progressive realisation of rights.

Key pilot initiatives should be developed as part of the implementation process of the duty for example in local authorities and government departments such as the Department of Education, the Department of Health and the Department of Environment, Community and Local Government. Reviews of these pilots can be utilised to develop good practice guidance

More awareness of people's rights. Equality training delivered to service providers

In Ireland, while there is an obligation on all Government departments and public bodies to undertake Social Impact Assessments, only the Department of Social Protection makes its assessment publicly available. Given the impact of budgetary decisions on the promotion and protection of economic, social and cultural rights, FLAC suggests that IHREC could play an important role in analysing budgetary decisions through a human rights lens.

Such a task would seem to fit within IHREC's mandate, given the role of National Human Rights Institutions (NHRIs) in scrutinising existing laws and administrative acts, as well as draft bills and other proposals, to ensure that they are consistent with the requirements of the International Covenant on Economic, Social and Cultural Rights. National Human Rights Institutions also have the scope to identify national level benchmarks against which the realisation of Covenant obligations can be measured. Guidance produced by the UN Office of the High Commissioner for Human Rights on human rights indicators may be relevant in this regard

The ISPCC strongly supports the mainstreaming of equality of opportunity in the development of public policy and importantly, in the design and delivery of services. We recommend an approach that encourages and incentivises proactive measures by organisations to mainstreaming, alongside a compliance-based approach through impact assessments. All organisations should be encouraged to set out clearly how they will deliver outcomes rather than simply show how they are complying with legislation. This proactive approach will enable organisations to ensure that meaningful equality of opportunity arises from culture change and practice across organisations - starting at board level, and working across all aspects of an organisation's remit.

We would recommend that all organisations ought to be in a position to demonstrate the outcomes they expect from their work on equality. Organisations should be able to show the changes they have made to how they consider policy choices and how they design and develop services. We would recommend against an overly prescriptive approach to equality monitoring, as this could inhibit innovation and creative thinking in how services are designed. Demonstrating an attachment to equality principles and standards and the

resulting outcomes is more likely to deliver success, than showing compliance with a process.

Pavee Point has long called for the recognition of Travellers as an ethnic group and for the implementation of an ethnic identifier to provide better services to minority groups. Pavee Point calls for an ethnic identification and ethnic equality monitoring process which will facilitate the collection of data disaggregated on basis of ethnicity (inclusive of Travellers) within a human rights framework. Such data should be used to plan for the realisation of human rights, the introduction of targeted measures where needed and monitoring implementation of plans.

We would strongly recommend that IHREC plays a leading role in mandatory equality proofing of all strategies, policies and action plans of public bodies. This would establish the potential impact (positive and negative) of strategies and policies on Travellers and Roma with regard to achieving equality of outcome. This would involve implementing an equality and human rights review and a human rights and equality impact assessments on programmes and policies. Reviews would assess internal policies, procedures, staff perceptions and practices for their impact on equality and human rights of staff, service users and groups targeted by policy. It must also involve a programme of monitoring changes arising from equality/social impact assessment. All proofing measures should be overseen by a steering or working group comprised of stakeholders, including Traveller and Roma organisation representatives

The Commission should engage with public bodies and require such bodies to provide an independent audit of their compliance with relevant human rights standards. This should be done on an annual basis and the 'compliance audit' should be available to the Commission for inspection and review. The Commission should make available to the public its assessment of each 'compliance audit'. All documents should be available to the public.

Government Departments and state agencies would need to develop their organisational capacity to ensure that plans, policies, procedures, monitoring systems, and the delivery of services are based on human rights standards and principles and accord with equality legislation. They would have to carry out situation analysis, using human rights standards and principles, including using data disaggregated by gender, ethnicity, location, and economic status in order to assess inequality and discrimination. This would require training to nurture a comprehensive understanding of human rights principles and the values which underpin them, and of equality.

Skills/ Capacity: Developing and applying policy making tools

Fulfilment: Ensuring adequate measures and resources must be put in place to realise human rights e.g. priority in public expenditure and administration, capacity building, regulations in terms of services, explicit promotion and priority in decision making

Human rights and equality proofing of legislation, strategies, policies and actions is required to address this structural and institutionalised racism and discrimination. Positive action measures are also needed to address these inequalities. Monitoring access, participation and outcomes is also vital to chart progress in addressing inequalities.

Adoption of human rights and equality proofing of budgets and policy decisions

Disposition / engagement

Identify realistic, tangible and achievable high level annual goals and benchmarks for specific sectors or issues.

A re-active focus on human rights and equality i.e. someone has to take a case, rather than a pro-active focus on how human rights and equality should be incorporated into policy making, design and delivery.

Public Services have moved towards inclusion and are working closely with representatives from The Traveller community to see how best Travellers are included in service delivery, including as employees.

In this way, there is less chance of non- interference in the exercise of rights, assistance in the prevention of violation of rights and there is provision of resources and policies to fulfil obligations.

Comprehensive implementation of positive duty

IHREC should develop and implement a comprehensive strategy for the implementation of positive duty with specific supports for public sector bodies. This should include a structured and participatory approach to the implementation of the public sector duty between civil society and public authorities. IHREC should support public bodies in the development of their plans to implement the duty. Plans must encompass how the duty will be embedded into the body's work processes, and secure participation of people experiencing inequality and human rights issues. Monitoring and evaluation of outcomes on an ongoing basis is crucial with a clear public accountability mechanism for reporting progress with a particular focus on dialogue with representative organisations of people experiencing inequality or human rights issues. For this implementation to be effective it is crucial that IHREC champions and supports the mainstreaming of ethnic data collection, analysis, disaggregation and dissemination in order to have data to facilitate equality reviews and positive duty analysis.

Equality and Rights Teams organised in public bodies with clear Nationally sanctioned remit Annual reporting on number of staff who have undertaken the training by use of performance indicators Training and on-going assessment Research

Economic rights - ministerial decisions - political will. HR=E proofing of legislation on budget- fiscal policy political decisions à provide the tools and education, screening tools. HRBA

Strategic Impact 3: Potential Barriers to Human Rights & Equality Conscious Policy Making

Knowledge / Transparency

In recent years, FLAC has advocated for a human rights based approach to budgeting. It is FLAC's view that human rights principles should underpin the budgetary process. In other words, the budget-making process should ensure a sufficient level of transparency, participation and accountability. Similar views were expressed by the UN Independent Expert on Human Rights and Extreme Poverty during her 2011 visit to Ireland. According to the Independent Expert, failure to ensure transparency, participation and accountability jeopardises the State's ability to respond to its human rights obligations, undermines the effectiveness of budgetary adjustment policies and prevents the needs of those who are most marginalised from being taken into account

The lack of data contributes to significant obstacles in gathering evidence about racism and discrimination based on ethnicity, making it difficult for relevant stakeholders to monitor measures to promote non-discrimination and to monitor progressive realisation of rights.

The lack of data on marginalised groups, and on the effectiveness or impact of government policies on these groups is often an obstacle to respecting and realising their rights. The contested nature of the data underpinning the Government's proposed criminalising the buyers of sexual services in an effort to combat trafficking and exploitation of sex workers, illustrates the difficulties posed by legislating in the context of limited data on the group whose rights are ostensibly being served .

Fear of costs (or used as an excuse).

Skills / Capacity

A lack of sharing of learning and practice opportunities in implementing effective and practical human rights based approaches across the spectrum of human rights and equality issues.

There is also a lack of understanding on how to incorporate human rights and equality into policy making, design and delivery. Human rights standards and equality principles should be used as benchmarks by policy makers and implementers in their work

One of the key barriers is the limited funding received by previous bodies promoting these issues

New Public Management Practices and Cuts in Public Sector Staff

The adoption of New Public Management practices within Government Departments, state agencies and some of the bodies which they contract to deliver services, put the focus on economic efficiency, management systems, targets and indicators which do not necessarily support long-term development goals and accountability to the people they serve.

Many public sector employees are now feeling burdened by the level of bureaucracy which they have to deal with. This burden is compounded in many cases by the added responsibilities which they have had to take on due to the reduction of staff in most areas of the public services. This is likely to make Government Departments and state agencies less receptive to adopting new work practices regarding human rights and equality.

Limited financial and human resources remains a key barrier to realising human rights and equality in Ireland. Amnesty International believes that human rights can help act as a benchmark for, and driver of, the effective and efficient use of resources towards clear outcomes, and that IHREC has a central role in advising the Department of Public Expenditure and Reform, Department of Finance, and other government departments, of the applicability of the human rights framework to state budgeting, policy-making and governance.

The Reduction of Community Development and Advocacy Groups

The massive reduction in government funding to community development and advocacy groups in the past 7 years and the dismantling of the community sector has greatly diminished the capacity of community groups and civil society organisations to advocate on human rights and equality. This has been further compounded by the fact that the funding currently being provided by government to the community sector is largely aimed at service provision and progression of the individual, rather than community development aimed at capacity building and collective action for change.

Disposition / engagement

The uneasiness sometimes between adopting Human Rights Based Approaches and Community Development Approaches e.g. community development approach to focus on meeting needs, rather than emphasising an individuals' right to have assistance and supporting change

Adequate resourcing of organisations to carry out work will be a challenge, not only for IHREC, but for the groups who work with those who are marginalised and oppressed. There has been a trend that human and equality rights have been seen as aspirational at best, and at worst, something that can be jettisoned for "the good of the country" as budgets (which have targeted the poor and oppressed and safeguarded those with political and economic power) take precedent over people's lives. Moreover than that, a fully functioning, well-resourced civic society voice needs to be funded by the exchequer whilst not being directed by the State (including onerous reporting and administrative demands without

Government lack of attention to its legal obligations can be a key barrier to progress. There is a risk that progress towards the realisation of rights has taken a retrograde step in recent years, given the fiscal constraints applied

Government itself has not a model of human rights or equality. We notice how the government has little idea that people with no religion have as much right to equality as people who do have a religion.

Individual, communal and societal reluctance to understand how socio-economic inequalities impede/inhibit progress and how these inequalities interact with other material and cultural inequalities, alongside their impact on the individual/community's lived experience of on human rights and equality

Undue deference to 'culture'/ misuse of religion which not only inhibits progress on human rights and equality, but which may jeopardise the safety and wellbeing of women and girls, as well as that of 'vulnerable' men, such as Gay/Transgender individuals and

others who fail to conform to dominant gender roles and norms across our communities.

With economic issues dominating, particularly during the recession, human rights and equality issues were not necessarily seen as a priority

The Dominance of a Neo-liberal Ideology

The major barrier to achieving progress on human rights and equality is the domination in Ireland of a neoliberal capitalist ideology. The focus on the free market, deregulation, privatisation, individualism and competition, ignores structural inequality. For example, issues such as poverty are viewed as being the result of individuals' behaviour – social constructions which serve to legitimise the marginalisation of certain groups in society.

The Commodification of Essential Services

Neo-liberalism, with its focus on consumerism, has also changed the relationship of people with the state. Where the state should have been intervening in the markets and taking steps to promote social equity through controlling capital accumulation and providing basic services to the people, instead it has taken a more hands off approach and facilitated the commodification of essential goods and services such as health, housing and education. As a result, many state agencies have moved from providing services to contracting others to deliver services.

This will require the state being cognisant of the fact that the state's duty to fulfil human rights is relevant whether it is the state itself providing services directly or whether the state is contracting out (public procurement for example) to commercial companies or community and voluntary organisations to provide services

The Short-term Vision of Politicians

Supporting the realisation of rights and equality requires a long-term approach. This is a particular challenge where elected representatives, both at national and local level, are keen to focus resources on short-term projects that will guarantee re-election. This results in resources being channelled towards projects and areas that will generate electoral support, rather than to ones that they deem to benefit few or poorly organised voters.

It is very concerning to AI that Ireland has still not commenced the process of enacting legislation to enable it to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, despite having signed that convention in 2007. It is also of concern that Ireland has still not completed the enactment of legislation necessary to ratify the UN Convention the Rights of Persons with Disabilities, also signed in 2007. Ratifying both Conventions was amongst Ireland's pledges when seeking election to the UN Human Rights Council in 2012.

Government, Capitalism, and the welfare state that places a requirement on people to be unemployed/unproductive in order to feed and shelter themselves and their family's, In my humble opinion we reside on an Island that is easily capable of feeding and sheltering all it's inhabitants, yet a growing number of our fellow citizens through no fault of their own go hungry and homeless, I think the Political classes are working to enrich the already wealthy and not doing anything to help the vast majority of society who are

either working to barely feed and shelter themselves or stuck on the welfare trap where they can't go out and be productive,

Education—lack of political will, economy used as an excuse at times.

Ireland's human rights obligations not taken seriously despite signing up to human rights treaties voluntarily—state cares about international reputation but not about human rights at home.

ECONOMIC PRIORITIES OVER HUMAN AND SOCIAL PRIORITIES

GREED ! laws to protect money making rather than people Government Policies- putting money before people. Strategy of politicians and government. American - Capitalist Policies - social welfare language used- 'handouts' - turning people against people e.g. no. of welfare fraudulent reports that were fraudulent? Social welfare - safety net for all members of society.

Creating Inequality.

One barrier leads to another e.g. DSP- health- accommodation – education - economic

Failure to sufficiently integrate the International Covenant on ESC Rights in the constitution, despite the fact that both covenants are indivisible – i.e. it is almost impossible to vindicate civil and political rights if ESC Rights are not guaranteed.

Caution against the non-fulfilment of minimum core obligations in the name of making trade-offs

The lack of independence of certain bodies is another obstacle.

The Human Rights of Irish Citizens are being seriously infringed by the flawed policies and actions of the current government.

Lack of constitutional or legislative status for many human rights, and reluctance to see some rights – economic, social and cultural rights in particular – as real rights deserving of legislative protection, is a very definite obstacle to their realisation.

Policy of privatization as a barrier for realizing equality and human rights.

Barriers GPs – disability, medication, carers being cut, no human rights, not entitled to grants services—social welfare

Private Sector Don't Forget.

Income inequality is growing

Lack of investment in communities + community based services e.g. home care for older people.

Goal 4: Making Rights Real

Strategic Impact 4: Awareness of recourse

Increased knowledge and understanding of routes available to protect human rights and equality

Strategic Impact 4: Desired Impacts around Awareness of Recourse

That people would know how to vindicate their rights and how to get redress should take priority. So the process of seeking redress has high priority. Once most people know these, it will be a lot easier to make the rights real and that they apply to most people, as there will be more people working on them.

That IHREC successfully promotes strategies families and individuals on the margins feel that their quest for human rights are being supported and respected, i.e. they feel their rights are real

Barriers to participation are reduced or abolished. That the equality commission service is easily accessed by everyone/at least adopted by a large proportion of the public.

Strategic Impact 4: Potential Awareness of Recourse Strategies

Targeted outreach

Evidence of active reaching out to and capacity building with vulnerable and marginalised communities to engage with decision makers and affect change

Increased access and engagement with services

Ability for people to self advocate

Collaboration with civil society

As stated above, older people need not only awareness and information but also redress and advocacy to utilise this knowledge of rights. The IHREC should utilise the range of community based structures to ensure that older people are engaged in human rights work. For example, Older Peoples' Councils as recognised in the National Positive Ageing Strategy (NPAS) have the potential to become a valuable voice for older people

The loss of philanthropic funding to fund our Independent Law Centre means that Travellers now lack a community specific law centre which they could trust (and which had made strong links with the community). Adequate resourcing of the ITM Law Centre is needed to ensure that Travellers have recourse to justice to challenge discrimination, with a centre focused on their needs.

The Irish Human Rights and Equality Commission can play a leadership role in how older people not only become aware of their rights but how they utilise the mechanisms that are currently in place in relation to the vindication of their rights

Promotion through public bodies and educational institutional at all levels as well as sporting or youth organisations for targeted issues.

Information provision on avenues of recourse

Provision of links to human rights laws, treaties and mechanisms and systems, such as complaints, courts, human rights bodies or interest groups at local, regional, national and international level. Using accessible and plain English guides to signpost and advice on appropriate mechanisms and courses of action. Consider the most effective and innovative way of providing this material so that it is equally accessible to all.

Simplified, and where necessary, supported access to redress for citizens as described above will in itself create greater public awareness on these issues, and encourage a culture of compliance among service providers.

Educating people on the avenues of recourse: expectations of the durations of these avenues and likely outcomes for those who choose these avenues would be important for children and families to be aware of. The ISPC would see the Commission playing a key role in the dissemination of this type of information.

Good communication strategies focusing on avenues of recourse.

These avenues of recourse need to be sensitised and 'proofed' to ensure that the most marginalised groups, generally women and children, are proportionately represented; their concerns appropriately raised in the highest forums and properly addressed. Again, safety concerns may be an issue here.

Members of the public should feel confident that they can approach the Commission and receive guidance and advice in a free and professional manner and to this end there should be locally based information centres in rural areas

Avenues of recourse need to be clearly articulated together with clear and realistic indications of what costs might be involved and what actions might be required. Most

people think court cases and huge costs and this becomes a barrier to them addressing HR and equality issues

Strategic Impact 4: Potential Barriers to Awareness of Recourse

An additional factor is that the judiciary has been loath to progressively interpret what little ESC Rights protection exists in the constitution.

Explaining Human Rights language thus making it more real and relevant to the work of NGOS, community groups and organisations. Anecdotally, the legal and litigation terminology may sometimes be a barrier to applying human rights based approaches e.g. providing legal advice and demystification of the statutory rights.

Since its establishment, FLAC has campaigned for a fairer and more accessible civil legal aid system. It is FLAC's view that Ireland's restrictive legal aid scheme in civil matters, which is administered by the Legal Aid Board, is one of the main obstacles to achieving progress on human rights and equality-related issues. Legal aid enables vulnerable and marginalised groups, in particular those on low incomes, to access justice and to assert their basic human rights effectively.

Since the onset of the recession in particular, the Government has sought to narrow the pool of people eligible for the Legal Aid Board's services. Minimum contributions for legal aid and advice have increased by 200% and 160% respectively. The threshold for assessment of capital has also been significantly reduced, with the inevitable effect of excluding from the scheme some individuals who are on very low incomes but who possess valuable assets, such as land and machinery. Furthermore, changes to the waiver system have made it more difficult for applicants to have their contributions waived or reduced. As a result of these measures, affordable legal assistance for many is now out of reach

Additionally, applicants are encountering severe difficulties in accessing legal services in a timely manner. Under the triage system, applicants are supposed to have a short consultation with a solicitor within the first month of applying for legal services. Statistics released by the Legal Aid Board for June 2015 show that 25 of the 30 Law Centres had waiting times of two months or more for this initial contact. The longest waiting times for a first appointment currently stand at a maximum waiting time of 25 weeks in Clondalkin, with Letterkenny presently having a maximum waiting time of 21 weeks. These delays mean that people on low incomes who are deemed eligible for state-subsidised legal services are being denied effective access to justice.

Another key barrier to progressing human rights and equality is the narrow remit of the Legal Aid Board. The Board is precluded from providing legal aid in cases related to social welfare, employment and most housing issues, in particular eviction proceedings and issues related to local authority housing. These issues disproportionately affect vulnerable

and marginalised groups, and have done so to an even greater extent during the recession. As a result, individuals without the financial means to pay for a private lawyer must self-represent before quasi-judicial tribunals such as the Social Welfare Appeals Office and the Workplace Relations Commission.

Research conducted by FLAC has found that the social welfare appeals system does not conform to domestic and international standards of fair procedures. For instance, the Social Welfare Appeals Office does not satisfy the requirements of actual and perceived independence as it does not have statutory independence and Appeals Officers are appointed by the Minister for Social Protection and may be re-deployed to other sections of the Department.

Problems also arise in relation to equality of arms. Appellants are frequently unaware of their right to access their social welfare files. In addition, there is no right to an oral hearing in appeals cases. Instead, an oral hearing is granted at the discretion of the Appeals Officer. Furthermore, major issues exist in relation to transparency and consistency in decision-making. Decisions of Appeals Officers are not publicly accessible, which means that anyone taking an appeal is forced to work within a knowledge vacuum. Concerns regarding consistency in appeals decision-making are shared by the UN Committee on Economic, Social and Cultural Rights as well as the UN Independent Expert on Extreme Poverty

Hate crime and hate speech legislation

Criminal legislation prohibiting hate speech is essential to ensure the rights of minority groups are protected. The Government's key legislation for dealing with racist crime and speech is the Incitement to Hatred Act, 1989 (art. 20. 1). Criticisms of the legislation include:

- It relates to "incitement" and not racist act in itself;
- It can be difficult to prove intent
- The average number of successful prosecutions since the act was introduced stands at less than one per year;
- The penalties do not reflect the seriousness of the crime;
- Judgments of District and Circuit Courts where these cases are held are not recorded (unless reported in local media), so there is little visibility of outcomes.
- Lack of capacity to tackle incitement to hatred on social media.

No measures have been taken to effectively prohibit hate speech and protect minority groups from hate speech and hate crime. The need for this is clear. In this context, the 2011 report CERD recommended that legislation be passed to declare that racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences. It is vital that robust legislation is developed to prohibit hate speech with provision to take racist motivation into account as an aggravating factor in sentencing practice for criminal offences.

A key barrier is the cost for an individual to take on the might of the State in a legal challenge and the fear of losing financially. There is not much 'equality of arms' in such a

situation. Civil legal aid for challenges to issues considered of public importance should be provided.

At local level, the ability of the community sector to advocate regarding human rights and equality has been further eroded by the alignment of Local Development Companies under the local authorities.

In addition at local level, there is a danger that Public Participation Networks will become the sole mechanism through which local authorities and state funded organisations involve members of the community they serve. This is problematic because without an understanding of equality and human rights principles, there is a danger that the community is once again represented by the stronger, more dominant individuals who do not necessarily represent the voice of people who experience inequality, discrimination, poverty and marginalisation.

If you lose your case and need to request permission to appeal, you have to present your request to appeal the courts decision to the same judge who ruled against you. This is not an independent tribunal and contravenes Article 47 of the Charter of fundamental rights of the European Union, Right to an effective remedy and to a fair trial, “Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented. Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.”

There is a clear absence of Equal Advocacy for ordinary citizens when up against Developers and also Semi State Bodies and State Bodies using State Revenue (citizens money/'our' money) to pay for the best legal team and the best technical consultants in fighting against ordinary citizens who by contrast have to give up much of their valuable free time and personal financial resources.

Access to justice under Article 6 of the ECHR as it is interpreted in Ireland is very restrictive. In the first place people need to know what their rights are before they can exercise them. The *Airey* judgement resulted in huge change, but that change is of little use, for example, to people who are not informed of their right to free legal aid and representation. But this is not just about litigation, this is about people standing up for themselves every day in every way so that they can live their lives in dignity and be secure in the knowledge that if their rights are contravened that they have further options.

Politicians ask for power to legislate for issues but frequently refuse to legislate for human rights issues and to give recognition to issues such as ISL.



These barriers were first identified in Ireland by the Pringle Report published in 1977 . This report acknowledged that the greatest single obstacle facing those living in disadvantage in need of legal services was not lack of finance but the following:

For a variety of social and psychological reasons, poor people were hesitant about approaching lawyers and were intimidated by the legal world. Solicitor's offices were often geographically inaccessible and only open during normal office hours, rather than in evenings or at the weekend. 3Most people are unaware of their rights and lawyers in turn are ignorant of 'poor law' 4. Many of the problems of the poor could only be solved through effective community organisations and development rather than on an individual case by case basis

Goal 5: Intercultural Understanding

Positive intercultural relations are enhanced

This section presents the feedback from the public consultation process that relates to Goal 5 – Intercultural Understanding

It illustrates the rationale for identifying possible strategic impact areas and possible outcomes and organises the public consultation feedback accordingly.

These impacts / outcomes are drawn from the consultation feedback.

Each individual strategic impact heading is colour coded and includes the following sub-sections based on the coding process:

- *an articulation of desired impacts under this goal and related outcomes;*
- *some potential strategies associated with each impact;*
- *an outline of possible barriers that might impede its achievement.*

Summary of feedback to Goal 5:

Intercultural understanding

Possible Strategic Impacts		Possible Outcome Areas <i>Suggested by Public Consultation Materials</i>
5.1	Voices and perspectives of diverse groups of Irish society assisted to emerge and be heard See pages: 111-114	Capacity and potential for engagement in public dialogue by a diversity of groups supported
5.2	Diversity and interculturalism viewed in a positive and constructive way by the public. See pages: 115-119	Opportunities for intercultural education and exchange created
5.3	Increased consciousness and visibility of diversity in the action of public bodies, including policy making, policy implementation, service delivery and recruitment. See pages: 120-123	Public bodies supported to enable them to plan and implement diversity strategies as part of an overall approach to Human Rights and Equality State capacity developed to constructively embrace and celebrate diversity at local and national levels

Goal 5: Intercultural understanding

Strategic Impact I: Voice

Voices and perspectives of diverse groups of Irish society assisted to emerge and be heard

Strategic Impact I: Desired 'Voice' Impacts

Supporting engagement with and by a diversity of groups

Intercultural understanding is a very positive goal. However, it is important to ensure that it is not the most powerful in the communities who are engaged with and listened to, whereby this category become the publically accepted face and voice of the community while 'minority' or less powerful voices and experience go unheard and their concerns ignored.

IHREC having been one catalyst for improved meetings and joint actions by members & advocates of different minority groups.

More active public debate on our shared citizenship

A stronger focus in public discourse and debate on the inherent dignity of every person, irrespective of capacity, character or social class

Open conversations + non-judgemental ones, on challenges of interculturalism

Diversity is a better word than intercultural

Broadening this goal to embrace diversity would also encompass encouraging a greater understanding of people with disabilities and even inter-generational understanding.



Strategic Impact I: Potential ‘Voices’ Strategies

Supporting engagement with and by a diversity of groups

IHREC can provide a coherent platform for all groups who are experiencing inequality and denial of their rights and a focus and strategy for how this can be addressed, with the work of representative groups such as the Irish Traveller Movement. Specific discussions on how Travellers and Roma can be involved in the work of IHREC should be developed from the outset on an ongoing basis to ensure their involvement in any measures to promote HRE in Ireland.

There is a need for targeted initiatives to be developed and implemented utilising a participatory process with Travellers and Roma and Traveller and Roma organisations to address this historical discrimination and combat racism and discrimination. These initiatives should be developed based on the principles of interculturalism and anti-racism.

Linguistic and cultural rights were proposed by the Constitutional convention. This needs to be carried out or we may have an Ireland without Irish speakers within a century. Resources will be a real issue here but harnessing and supporting grants that support activities that involve multiple and cross cultural communities would be helpful.

Shared spaces for groups and advocates of various minority groups (eg those covered under the nine grounds currently) to meet, engage, network, discuss and plan joined actions are always needed. The IHREC is one organisation uniquely placed to convene such joint spaces, nationally, regionally and possibly even locally.

The Commission could start with bodies that work predominantly with or have a large number of black and ethnic minority people in their client population.

In terms of the area of ‘cultural competence’, we are of the view that should be left to duty bearers themselves to ensure that those working with black and ethnic minority people are able to work effectively and sensitively in cross cultural situations.

Interdependence and intercultural - create spaces for different groups to meet (IHREC could be the conduit for this)

Relationship building and linkages between individuals, academics, groups, institutions and statutory bodies will be a critical success factor. Including how institutions and organisations respond to issues raised by individuals or groups, how they will ensure inclusion and equality and effectively address the issues.

Commission should create spaces to discuss + challenge racism, prejudice + “mythbusting” role.

More information, lots of migrant groups & migrant support organisations which can be engaged with.

Some rights will be challenged through the introduction of new cultures we need to bed down what rights we hold dear e.g. women's rights so that we can have that conversation IHREC plays a crucial role here—choose our battles wisely.

IHREC should seek to develop a new impetus in identifying and addressing deficits in our response to the integration of migrant communities. There is a need to cater for the multi-faceted needs of those who remain excluded, including in particular, people who are undocumented, people who have applied for but have been unable to get Irish citizenship and asylum seekers.

Clearly, past efforts were inadequate, therefore, in an even more diverse cultural society, the IHREC needs to lead the development of effective integration strategies based on interculturalism rather than failed models of multiculturalism and assimilation. A partnership approach with long standing and experienced NGOs (e.g. Pavee Point, Migrant Rights Centre Ireland) to model new ways of working is recommended.

Further work in seeking to inform the public about Traveller and Roma communities to combat racism and discrimination should be undertaken

Fostering a sense of belonging in the broad sense of national identity, and in the everyday sense of identifying with the local neighbourhood and the community as a whole

IHREC TO UNDERSTAND IT IS WORKING WITHIN THE CLASS SYSTEM! ALL GROUPS ARE AFFECTED BY THIS SYSTEM.

The commission engages with key representative organisations of intercultural groups and faiths in Ireland as well as ensuring that communication is not a barrier to participation

We also propose that IHREC can act as a driver for discussions to begin at local levels between minority ethnic groups and organised local power structures to ensure intercultural dialogue can be developed, in conjunction with local and national organisations representing those who experience inequality or have their rights denied.

Strategic Impact I: Potential ‘Voices’ Barriers

This is a worthy goal and one which should have been worked through during the years of the Celtic Tiger when there was state funding to resource it. Instead these years were dark years for immigrants to Ireland, especially those who came from non- EU or EEA countries. The state failed to prioritise the integration of new communities with the host communities in Ireland. This was not all the fault of the state alone, civil society, media, business, academia, health and economic sectors share in this failure. This new goal presents an opportunity to advance more positive intercultural relations and to learn from the mistakes of the past.



Goal 5: Intercultural understanding

Strategic Impact 2: Perceptions

Diversity and interculturalism viewed in a positive and constructive way by the public

Strategic Impact 2: Desired 'Perceptions' Impacts

Intercultural education and exchange (including language)

Government should make rights and equality for people with no religion the same as people with (various) religions.

Looking to build a better society that tolerates multiculturalism is aiming too low—should be looking to build a society that embraces and celebrates all cultures

All people to be included in their own community.

Gender recognition bill.

Inclusion for all and move forward and change for the better.

Celebrate diversity. / Celebrate diversity. Cultures not tolerated but celebrated.

Intercultural understanding LEADS TO Making Rights Real.

While freedom of speech is a crucial human right, I think there should be restrictions on the framing of stereotypes by certain outlets, particularly of minority groups. I think outlets should be able to prove that such work is in the public interest.

A move from a focus on 'vulnerable groups' to a focus on shared citizenship and social solidarity

Intercultural Understanding - encourage appreciation of value of diversity

Importance of promoting intercultural understanding

Focus on the positives of other cultures.

The version of cultural rights that I support is that people each have an individual right to have a culture, to join a culture, to create a culture, stay with a culture; and, to leave a culture no matter who or how many people want you to stay with it; and that the state and society support this right and defend against any person(s) who would try to stop you leaving that culture

This is an important challenge in the light of increasing diversity, especially in ensuring greater rights and equality for second generations who will demand equality (e.g. Brixton and France)

Education, mixing with people who have different color skin or ethnic background. supporting each other.

It should be acknowledged that there are other forms of diversity in the State that will require IHREC's attention too.

Five years? Improvement. Celebrate cultures—diversity. Change for better, better access physical—attitude—better education.

Strategic Impact 2: Potential ‘Perceptions’ Strategies

Intercultural education and exchange (including language)

The commission engages with key representative organisations of intercultural groups and faiths in Ireland as well as ensuring that communication is not a barrier to participation

Since the abolition of the Equality Authority and the amalgamation with the Irish Human Rights Commission the PHC Project has been under increasing pressure to provide intercultural training to health and educational services. The Primary Health Care Project has taken part in an award winning programme with SDCC, called the Traveller culture schools project. Community Health Workers have engaged with primary school children on aspects of Travellers lives. The work has been shown to be valuable for the school children and for Traveller pupils, whose identity is positively reinforced. The training ideally should be hosted by trained Travellers with a clear programme and resources. The funding for this project has been sporadic and lacks transparency. It would have been helpful to plan and deliver according to the budget available

IHREC could make information about human rights available in the languages most commonly spoken in Ireland (Polish, French and Lithuanian, according to the most recently available CSO data) languages. Thematic consultations on common human rights interests across different communities (such as the right to choose where and with whom to live, which is of interest to asylum seekers in direct provision as well as people with disabilities) could be hosted to promote diversity and intercultural exchanges on common themes.

Create opportunities for intercultural events/promotion/celebration

Reference Ireland of the past to document how equality has progressed over time

This too is a welcome goal. While Ireland has not seen the sort of anti-Muslim rhetoric and violence seen in other states as a response to the perceived threat from Islamic State and its ilk, IHREC should monitor, identify and counter any such creeping xenophobia and scaremongering.

The best way to educate is through direct contact. We need greater integration in schools not just across religion and cultures but across abilities – there is no reason why people with disabilities should be segregated – how can we ever have fully integrated societies if our children begin life in segregated schools.

A key question to be addressed is the social inclusion and the full participation of migrants in the economic, social, political and cultural life of the country. This requires optimising access to the wealth of skills and experience of migrants some of which has hitherto remained untapped due to language, cultural and attitudinal barriers

Promoting education and public information campaigns to combat racism

WELCOME OFFICERS with INFORMATION , LINKS with DSP- CEAD MILE FAILTE. POTENTIAL AND EACH PERSON RECOGNISED. WELL MANAGED, PROMPT AND VALUE-BASED.

I think it can only be achieved if there is greater intercultural education and exchange among young people in particular. It's important to stress the fact that some of these things need to start right at the basic level where children can exchange ideas and get to know themselves - that is people from all over the world exchanging ideas and knowledge. An example-There is a project called 'One World Youth Project' and one of the aims of this project is the opportunity for young people from different contexts to exchange of ideas, values and knowledge. This is more achievable now than ever before as there is easier access to internet and for instance young people can do group skype learning about the daily lives of each other.

A focus on difference rather than on shared citizenship

We suggest that “diversity” may be a better word to use here. Understanding should be developed and encouraged between cultures, certainly, but also between other groups in society. For example, there is a huge division between socio economic groups, people who are experiencing disadvantage and those who are not.

A general reluctance towards using human rights language – a reluctance or shyness to speak about rights and to use more perceived softer tones of needs requiring support and assistance.

In the human rights workshops facilitated by ATD Ireland referenced above, a prominent theme was the importance of the place and role of community in protecting, supporting and vindicating human rights. Participants spoke of ‘community’ at many levels including immediate and extended families, neighbourhoods with new and old communities, local services and projects, and wider community groupings. Such community-led experiences can be real expressions of solidarity around human rights issues of concern to the day-to-day lives of people struggling against poverty

Sanctions need to be put in place to monitor racism and discrimination within politics and media and recognition needs to be given to how detrimental this is to the advance of human rights and equality in Ireland

Policy to be introduced that all landlords have to sign against discrimination.

Strategic Impact 2: Potential ‘Perceptions’ Barriers

The resistance to change by the people in charge;

A culture of apathy and powerlessness;

Ignorance of rights and responsibilities;

A perception that people choose to live in poverty;

Misogynist, homophobic and racist language;

Lack of access to information and materials on legal rights;

A lack of political will;

An overemphasis on compliance with economic criteria and the side-lining of social principles;

Underfunding of NGO's and civil society which results in firefighting that leaves little or no time for policy development

DIVERSE SOCIETY – FREE FROM DISCRIMINATION /RACISM(GOAL) FROM community upwards* discussion needs to happen (schools, interaction policy, legislation)- hate crime.

Host intercultural and interfaith discussions at national, regional and local level to highlight and understand intercultural sensitivities and build trust, relationships and to identify human rights based approaches and mechanisms to dealing with issues

Using schools/libraries etc develop creative ways to identify and highlight the many cultures now living in Ireland

Goal 5: Intercultural understanding

Strategic Impact 3: Diversity Policy / Practice in Public Bodies

Increased consciousness and visibility of diversity in the action of public bodies, including policy making, policy implementation, service delivery and recruitment.

Strategic Impact 3: Desired 'Policy/ Practice' Impacts

Progress on adherence to international human rights standards

Transgender people having equal access to healthcare, employment, and public services.

Fear of retaliation against people in Ireland freedom of speech? How far can it go?

Leaders in terms of intercultural acceptance

Parity of esteem by the State for all citizens/visitors

Multicultural inclusive society - accepting

Migration raises new issues in relation to human rights because it is outside the paradigm that equates legally binding rights with citizenship of the state. In a modern global context we need to break out of such preconceived notions of rights. However, this will be a difficult debate which the IHREC needs to facilitate and direct.

Recognition of diversified health and cultures

Habitual Residence Clause being –human culture transparency, solidarity.



Strategic Impact 3: Potential ‘Policy/ Practice’ Strategies

Supporting public bodies to plan for diversity

Speaking of rights triggers obligations and responsibilities and accountability for duty. Careful preparation and support should be offered to responsible agencies to allow their successful delivery of rights.

Renewed anti-racist and intercultural infrastructure alongside strategies and action plans to combat racism, discrimination and inequality

Intercultural Awareness and Integration Strategy An appropriately named strategy led by the state and involving all levels of national and local government in partnership with community and voluntary groups and diverse cultural groups should be developed for a five or ten year timeframe. The strategy should incorporate clear practical actions to promote intercultural understanding among public institutions and their staff e.g. health service, Gardai, teachers, lecturers, care providers, financial institutions, shops and restaurants etc. Such actions will include education on intercultural understanding and cultural diversity in the formal, non-formal and informal education sectors. The strategy requires appropriate national level resourcing and funding. It is imperative that this be carried out if we are to avoid race riots or culture wars which have fuelled riots and civil unrest in France, Britain and other countries in the past, not least the conflict between the two traditions in Northern Ireland. The close links with the Northern Ireland Human Rights Commission would be valuable here to inform the strategy.

Lack of any National Action Plan Against Racism for almost the last decade, and notes the recent comments of the United Nations on this matter. We add our voice to the call by European Network Against Racism for a new, overarching National Action Plan Against Racism to be developed with the key stake holders in the Community Sector, and we believe it is an essential ingredient towards a successful NTRIS.

Complexity of HR framework internationally and how it translates into national level . (treaties not ratified by Ireland) or ratified but not implemented. Inaccessibility of European Court of Human rights unless going through domestic legal system.

Discrimination complaints at the equality tribunal taking up to a few years. Licensed premises having exception from equal status act.

Building capacity to constructively embrace and celebrate diversity

Citizens, organisations and state are encouraged to take joint responsibilities and ownership of rights and fulfil their obligations towards each other, and to implement and oversee the development processes to affect “shared” positive changes. There needs to be a focus on building capacity and competencies to achieve these at all levels within the decision making process i.e. individual, local, regional and national to ensure accountability and sustainability.

The office of the Minister for Integration at Minister of State level should be restored following its abolition which had been a recommendation of the McCarthy Report (McCarthy, 2009a, p. 65).

The introduction of Regional Human Rights and Equality Officers, who monitor, inform, promote and implement at local and regional level. They could be based in Local Authority offices, though the idea of a mobile unit that is constantly on the move going from town to town providing law clinics and distributing information really appeals.

Ireland needs to review & radically expand anti-hate crime legislation. The Incitement to Hatred Act has been found to be wholly inadequate in either preventing or prosecuting racism & hate crimes. Anti-hate crime & equality legislation need appropriate structures for access to avail of these & other protections. This requires dedicated funding for independent law centres

In terms of the delivering effectively on this goal, the Commission needs to start with promoting equality and equal treatment for black and ethnic minority people. There is no point in celebrating difference, if a vulnerable family is denied access to a service, education or housing. The key should be addressing these types of inequalities alongside ensuring that duty bearers understand their legal obligations towards black and ethnic minority people

The work of the Social partners, supported by the Equality Authority, on the development of an anti-racist workplace and subsequent development of Action Strategy to support Integrated Workplaces could form a useful starting point for future work in this area. This could help build competence to manage a culturally diverse workplace, and to contribute to and develop an integrated workplace. You can read more about our work on intercultural matters here: <http://www.ictu.ie/equality/race.html>

There is considerable research to demonstrate how a focus on 'inter culturalism' in the absence of a focus on 'race equality' fails to address the underlying human rights abuses and inequalities. The Commission should fulfil its duty under Section 10(2)(k) of the Irish Human Rights and Equality Commission Act 2014 by assisting public bodies to develop equality and diversity policies, including providing training and support. This training should be aimed at ensuring that public servants working directly with black and ethnic minority people are aware of their equality legal obligations towards black and ethnic minority people. It should also tackle any underlying prejudices and support public servants to deliver a high quality function or service. In addition, this training should be part of a whole organisation approach and be provided to public servants at all levels including to top level decision makers. Finally, all training and support should be evaluated to track and learnings and outcomes.

More training in services for cultural awareness and ethnic minorities discrimination in the education system

Interculturalism with national support structures and embedded across all public bodies and services.

Diversify Town Councils

Enforcement of level of cultural competence to work with /help/care for or provide services to differing cultural /ethnic groups. Sexual Orientation etc. Medical, Psychological.

Strategic Impact 3: Potential ‘Policy/ Practice’ Barriers

This is an important area since minorities are more likely to experience inequality and denial of rights and are especially dependent on the protections afforded through a strong human rights regime. However, Ireland has a poor record in protecting the rights of its own indigenous ethnic minority, Travellers, even denying their very ethnicity

Division of society into groups contributes to people perceiving that people in other groups are bad – and so to blaming other groups for trouble in a society, which has led to civil disturbance, and in the worst cases, to genocide and war



2. Group / Issue Specific Feedback

This section contains group / issue specific feedback. While undertaking the detailed analysis of the different elements of the public consultation exercise it became distinct group / issue specific concerns were being raised. Where it was judged that the volume of reference merited it, these group / issue specific reference have been separately categorised and are presented alongside the Goal based analysis. This does not mean that the concerns relevant to these groups / issues are not included under the goals, simply that more substantive comment has also been presented separately.

The group / issue specific feedback focuses on:

- Travellers and Roma
- Religion and the position of the Catholic Church
- Direct Provision
- Children / family
- Disabilities
- Abortion / 8th Amendment
- Irish Sign Language / Deaf Issues
- Mental Health
- Older People
- Environmental Concerns

For each of these groups / issues, extracts from submissions, from the public meetings and from the burning flames have been included.

Travellers and Roma

Extracts from Submissions

This is an important area since minorities are more likely to experience inequality and denial of rights and are especially dependent on the protections afforded through a strong human rights regime. However, Ireland has a poor record in protecting the rights of its own indigenous ethnic minority, Travellers, even denying their very ethnicity

Health status of Travellers and Roma

Of key concern in this submission is the significant gap between the health of the Traveller and Roma Communities; heretofore well documented. In Ireland the gap in the health status of the Traveller community and the general population shows a deficit in the life expectancy for Traveller men of 15 years. The life expectancy of Traveller women is 11.6 years less than the general population. The poor health of Travellers, in comparison to that of the wider population can also be seen in the higher perinatal and infant mortality figures; ie increased incidence of still birth and sudden infant deaths; as evidenced in the All Ireland Traveller Health Study progress report (2010)

These figures are corroborated by smaller studies in the UK. A study in Kent, for example, found stillbirth rates 1.7 and 2.8 times higher, respectively, than in the general population; Sudden Infant Death Syndrome (SIDS) in the Traveller population is 12 times higher than the general population

Traveller children again particularly experience particular disadvantage. This can be seen in the morbidity and mortality data (AITHS 2010); statistics on educational attainment; and data on disadvantage, including family income adequacy.

The EU Framework acknowledges the gap between Travellers and Roma and the wider population and calls on each member state to ensure access to “quality” healthcare; especially for children and women. It also notes the need for “preventive care and social services at a similar level and under the same conditions as the rest of the population”. The AITHS notes the importance of Primary Health Care Projects for Travellers to act as a conduit between the health services and the community; and recognises the importance of empowering the community to take actions to improve their own health.

The PHC projects know that the human right to health means that everyone has the right to the highest attainable standard of physical and mental health. This includes access to all medical / primary care / health promotion services; acceptable sanitation, adequate food, appropriate accommodation, healthy working conditions, and a clean environment. The human right to health should guarantee a system of health protection. The State should provide and finance equitable and accessible health services.

The All Ireland Traveller health Study has shown that Travellers do not have equitable access to hospitals, clinics, medicines, and doctors’ services. These are neither accessible, available in a timely manner, acceptable, and of an acceptable quality to suit Travellers needs:

Universal Access: The two tier health system creates a barrier that prevents universal, accessible health care for Travellers. Travellers with medical cards experience significant difficulties in accessing GPs and wait excessive periods for hospital appointments, despite their lower health status

Availability: The paucity of data does not let us accurately compare access to health services, since there is no standard ethnic identifier applied to the system. However case studies are available documenting the excessive length of time it takes Travellers to obtain a GP; renew a medical card and access screening in hospitals. Furthermore there are significant gaps between the range of services provided to Travellers and those of the general public, eg health promotion or counselling services are rarely offered.

Acceptability and Dignity: Few services have taken the initiative to create culturally specific health programmes for Travellers that respect Travellers ways and aim to respond to them accordingly. Initiatives have been run in conjunction with Primary Health Care projects, however this learning tends to be quickly lost to the institution when staff change, since it is not reinforced by the adoption of policy.

Traveller case studies show they are commonly not asked to identify their ethnicity; or staff misunderstand why they are being asked about their ethnic origins and lack delicacy and confidentiality in obtaining this information.

There is no data available to look at the quality of services provided to Travellers to monitor the delivery of quality standards; control mechanisms, and whether they received a timely, patient-centered service

Non-Discrimination: Travellers are discriminated on a regular basis within the health service. Staff receive little intercultural training and are rarely resourced to tailor practice to meet Traveller's needs. Health care should be accessible and provided without

Participation: Travellers are encouraged to take an active role in improving their own health through the PHC programme, however they are poorly resourced. Health care services; particularly non-emergency services could improve their levels of participation by working with PHC projects or positive action measures e.g. employing Travellers within the sector to improve the service.

The State must fully acknowledge Travellers as an ethnic minority; introduce an ethnic identifier in every public service and provide data to prove that services are equitable and accessible.

Accommodation and health

There is a dearth of public health studies that have investigated the link between health outcomes to accommodation. This despite the Primary Health Care projects reporting high infection; chest infection and asthma rates in the community since their inception. These may be linked to poor sanitation; substandard water provision; poorly built and under-maintained accommodation. Local studies and a national accommodation study are currently underway, aided by the PHC projects. Community Health Workers often volunteer as Traveller representatives on the LTACC committees, in order to progress health related accommodation issues at a local level.

Failures in the provision of local authority accommodation for a number of years; particularly that which is appropriate to Traveller's specific needs; has led to an increase in Traveller families moving into a poorly regulated private rented sector, ill- equipped to deal with social housing (PRTB 2014; CSO Census 2011). This fracturing of a community, by dispersal through-out areas, has led to problems in their access and uptake of health services. The PHC Programme have often been contacted by the H.S.E. to locate a family who have moved and are in need of follow- up medical care. However an integrated approach by the State; across Departments, Health, Environment, Equality and Local Authorities to these issues is needed.

The State should introduce sanctions to penalise Local Authorities that do not implement accommodation plans.

The summary report on the All Ireland Traveller Health Study 2010, mentions the lack of progress in the area of health. The report comments on the lack of an ethnic identifier to record service utilisation and for health data collection.

The EU framework NRIS notes the importance of monitoring the health of the Roma population, citing the Finnish health and welfare survey. Since ethnic monitoring of Roma groups in the past has been used by States to contravene their human rights, the issue is a sensitive one. Use of the Pulse system in the Republic of Ireland to record Traveller children has fostered further mistrust of the Irish State.

Peer education programmes, using Community Health Workers such as the Primary Health Care Projects for Travellers in Ireland or the Health Promotion among Navarre Ethnic Minorities programme in Spain are key to gaining the communities' trust and ensuring accurate data collection (http://www.navarra.es/NR/rdonlyres/D4DFA3BA-F54F-40DE-8C5F-9F24A003868E/233965/2_Spain_06Feb09casopublicado2010.pdf)

The failure of the Irish State to explicitly recognise that Traveller community are an ethnic minority has led to a scarcity in data collection for this most marginalised of minority groups. The collection of data and the recording of ethnicity has been carried out in a piecemeal fashion. Department of Education (2014) has recently asked parents in primary schools to complete a question on the ethnicity of their child. The C.S.O. record Traveller ethnicity. The Department of Health still do not record Traveller ethnicity across their services despite the work of a health question piloted in AMINCH; the Rotunda and the National Maternity Hospital in the early 2000s

The lack of data at a local and national levels prevents local Traveller organisations and Primary Health Care Projects cross checking their information

The health of Roma is similarly linked to social, economic and environmental factors. Those in vulnerable situations have trouble in navigating in the health system. The barriers that the Traveller community have experienced in access and utilisation are mirrored in those experienced by the Roma community. The local Traveller group is ill resourced to aid with improving outcomes for the Roma people, despite their wish to do so.

Issues include

- The mobility of the Roma community and distance from culturally specific health services
- A lack of culturally specific services
- Lack of clarity around entitlement to access services e.g. maternity services
- Distrust of the providers of state services

Whilst the EU report notes the importance of member states monitoring the health of the Roma population; noting the health and welfare survey that Finland is about to develop; it details significant differences among member states starting points.

Role of the PHC Projects

The work and achievements of the Primary Care Projects for Travellers, established twenty years ago has been well documented. It can accurately be stated the all PHC Projects for Travellers hold the market in site work and the delivery of interventions to the Traveller community in the region. Community Health Workers have been key in to the successful delivery of interventions that span the CSO Census completion; the delivery of health related initiatives; the engagement with the Local Authority on L.T.A.C.C. and on the Social inclusion forums.

The PHC projects would welcome the chance to improve the interagency forums to consolidate the work that is currently being carried out on the ground. It would also like to develop the forum as a partnership between statutory and community development sector. This could reflect the links previously exploited in the liaison between HSE and Traveller groups achieved by the Primary Health Care Project.

Highlighted by the High Level Group on Traveller Issues, in their report in 2006 (Department of Justice and Law Reform, 2006), is a recommendation

“that a coordinated inter-agency approach to the delivery of services and supports for Travellers might be a key way of enhancing service delivery. The report further identifies as a priority issue effective consultation between Travellers, Traveller organisations and statutory bodies to support the development of an inter-agency approach and to improve communication at national, regional and local level.”(AITHS 2010).

The PHC Project in Clondalkin, ably supported by an independent Chair Concepta de Brun, has attended the Interagency group held in SDCC for a number of years.

- Primary Health Care Projects for Travellers should be adequately resourced and invited to participate in meeting.

Action on disproportionate cuts to targeted services

- In the All Ireland Traveller Health Study (AITHS) 83% of the Travellers interviewed said they received their health information and advice from Primary Health Care for Traveller Projects and Travellers organisations. Other research also points to the integral role Primary Health Care Projects play in providing information and as a useful model for empowerment and resourcing of people to act as health promoters within their own communities (HSE, 2008: 99). The HSE acknowledged the effectiveness of peer-led approaches and committed to supporting and expanding them in the Intercultural Health Strategy. Despite the integral role Traveller specific supports have played in addressing

discrimination and social exclusion faced by Travellers, these supports have faced disproportionate cuts since 2008. Two of the starkest cuts are an 86.6% to Traveller education and an 85% to Traveller accommodation. There has been a failure to reinvest in these services despite an upturn in the economy. Given the severity of discrimination and social exclusion experienced by Travellers these sustained cuts cannot be justified.

Support for Campaign on Right to Health

A key priority in addressing Traveller human rights is tackling the stark health inequalities between Travellers and the general population. There has been a consistent lack of action by the Irish Government in this area and a lack of priority given to Traveller health. Given the evidence base provided by the All-Ireland Traveller Health Study, which shows the level of health inequalities faced by Travellers, immediate action is required by the Irish state. IHREC should support Pavee Point's campaign focused on Traveller's right to health and support calls for a strategy targeting Traveller health.

Capacity building

- Traveller organisations have established the trust of the community over decades of service delivery. Local Authorities, whose staff may not possess the levels of expertise in community development that these agencies have, should exploit this experience by including Traveller representatives on the “high level” committee in SDCC. Indeed there should be only one committee with a clear Terms of Reference and a membership who are in a position of seniority sufficient to effect change.

At present the project provides training to HSE staff that covers:

- What makes up our own personal and national identity.
 - The term “non national
 - Perspectives of their own place in the world and the Irish diaspora
- Looks at concepts around “race” and “racism” open up the debate on what “race” is and outmoded Victorian colonial concepts of race theory.

Session 3

- Ethnicity
- Look at culture and why we dress and speak the way we do
- What defines culture and ethnicity discuss respect and the difference between ethnicity and nationality and culture

Session 4

- Racism and antiracism in Ireland
- Strong legislation
- Importance of legislation and policy development
- Role of women

Session 5

The Traveller community, identity and customs

- Who are the Travellers?
- Where do Travellers originate from / population/demographics
- Traveller Ethnicity
- What is a cultural practice

- Beliefs and religion
 - Cant - Gammon – Shelta
 - Social determinants and their effect on a marginalised group
 - Health status and the impact of the poor access and uptake of services
- Although difficult at times the Project feels that similar training should be developed for all public service staff.

An ethnic identifier and appropriate staff training in data collection should be rolled out, as standard, across all Departments.

- Funding initiatives, such as Traveller Pride funding for local initiatives, should be agreed in a timely manner and initiatives should reflect national policy.
- An adequate and sensitive mechanism to record Traveller's death by suicide should be developed.

Institutional structures

Traveller Roma Inter-agency Group Powers.

Local government reform, launched in "Putting People First" was announced October 2012. The Government outlined a wide ranging reform of the structures of Local Government. Whilst Minister Hogan's statement that the launch "was the most radical local government reform in the history of the State" to date, the measures have been a largely a structural reform to fulfil the value for money agenda. Historically power has been held at a national level. The Traveller Roma Interagency Groups must be given sufficient powers to effect change at local level. In addition the relationship between local Councillors and the Traveller and Roma Community may be enhanced through intercultural initiatives and training mentioned above.

TRIGs should develop annual work-plans, with clear and achievable strategy, aims objectives, reflecting national priorities. KPI's should be noted and monitoring and delivery mechanisms created.

Shared goals should lead to respectful communication and an improved relationship based on shared achievements.

Attendees should be accountable for delivery of actions to progress work and to act as a catalyst for change in the statutory sector. If there is a failure by the state to achieve outcomes, through inaction rather than for a good reason, sanctions should be employed.

Traveller organisations should be resourced to undertake capacity building with the Traveller community to ensure meaningful participation. Training on role and remit may be needed for local authority and state staff attending the group, particularly on Traveller ethnicity, identity and state policy and engagement with the community.

The Traveller Interagency Fund is a welcome development and a clear, timely mechanism to access the funds at a local level should be developed.

Since this funding is not consistent, it may be more appropriate to extend the Yellow Flag ITM work; which has a longer term remit and is underpinned by policy development. At present CTDG has worked with the local schools and ITM to introduce the Yellow Flag, however is not adequately resourced to carry out this work. The Primary Health care Project in this incarnation cannot continue to fulfil this expanding role.

A national group to inform the practice of local groups should be established. Key themes should include an interagency approach to improving outcomes in health; education; employment; accommodation and justice.

Traveller proofing of all future plans, carried out in a timely fashion with Traveller organisations, should be run as a matter of course.

Interagency work to establish common goals between the Departments of Education and Justice should be investigated.

Political Participation.

The local TRIGs should address the issue of improving political participation by the Roma and Traveller community; drawing on community development expertise and the PHC Project for Travellers ability to engage with the community, and identify and nurture potential community leaders.

Legal issues / protection

Coupled with a progressive public engagement on human rights and equality is the need for a robust defence of same, whether through legal means, positive action measures to address historical inequality, clear targeted policy measures (through, for example, the National Traveller Roma Integration Strategy) or, where legislation does not exist or is too weak to protect, the introduction of measures which do protect (for example, replacing the outdated Incitement to hatred act). We feel that Section 42 of the IHREC Act, Public Sector equality and rights duty, needs to be extended from mere compliance to positively engaging with groups experiencing disadvantage. We in ITM feel that given the failure of Local Authorities to deliver Traveller-specific accommodation that IHREC should have a role in examining the performance of Local Authorities and the Department of Environment, given the Statutory duty to provide Traveller Accommodation since 1998, yet without an external investigation or sanction, there appears to be no political will to meet the most basic needs of Travellers across the country.

There exists a raft of legislation and policies in relation to Travellers in Ireland. The ITM feels that while policy is not lacking, delivery and monitoring is sorely needed. ITM would like to see IHREC play a role in specifically monitoring the outputs & outcomes in order that State Agencies, and specifically Local Authorities, meet their statutory obligations in relation to Travellers. At present, there are severe consequences for Traveller families who do not have their accommodation needs if a council fails to deliver culturally appropriate housing. Yet there are no consequences for Local Authorities in this failure of delivery. ITM would like to see IHREC treat the accommodation issue for Travellers as part of a denial of Traveller's rights and failure of the State to comply with Statutory obligations. ITM feels that the Housing (Traveller Accommodation) Act needs to be

reviewed given the successive failures of Traveller Accommodation Programmes to deliver Traveller-specific accommodation, even in times when Exchequer Funding was available.

The Housing (Traveller Accommodation) Act effectively criminalises nomadism, which makes a key part of Traveller identity almost impossible for Travellers to access. Any aspect of monitoring and compliance in relation to rights needs to address this as soon as possible as it completely undermines any aspects of supporting Traveller identity.

The loss of philanthropic funding to fund our Independent Law Centre means that Travellers now lack a community specific law centre which they could trust (and which had made strong links with the community). Adequate resourcing of the ITM Law Centre is needed to ensure that Travellers have recourse to justice to challenge discrimination, with a centre focused on their needs.

The ITM feels that the transfer of equality cases from the Tribunal to the District Court in relation to licenced premises has reversed Travellers' faith in the judicial system to remedy acts of discrimination. Belief that justice will be served through the Equal Status act has further been diminished by lack of resourcing for the Tribunal, with huge delays leaving many Travellers feel that they will never be able to get justice. We feel that IHREC needs to look at the legislation and analyse where groups have reduced their demands on the equality infrastructure and whether additional resources are needed

- Research into the experience of the Traveller and Roma community of the justice system and prison, the possibility of developing “spent convictions” and an adequately resourced community return programmes.
- Traveller loss of faith in the equality institutions was further reduced by amendments to the Intoxicating Liquor legislation, removing easy, informal access to redress in a non-court setting for cases taken against licensed premises. As a consequence complainants now have to employ costly solicitors, and any option for mediated solutions is removed. This regressive legislation needs to be reversed, and licensed premises need to be returned within the remit of the Equality Tribunal.
- Ultimately, constitutional/legislative status for all human rights would be the optimal framework to guarantee the promotion of human rights and equality in Ireland. The lack of recognition by the Irish Government or public of the situation of many people in Ireland – members of the Traveller community, many residents in Direct Provision, people experiencing homelessness – as violations of their economic, social and cultural rights, and violations that have been systemic for years, reflects the lack of legal recognition and enforceability of these rights.

Institutional racism

The inequality faced by Travellers is caused by systemic institutional racism, which for generations has marginalised Travellers. Institutional racism does not need to be intentional but can have such serious impacts on ethnic minorities (similarly for other groups who are marginalised). This needs to be acknowledge and explored, specifically

for policy makers and state agencies to recognise that the inequalities faced by Travellers and others is the result of decisions made in how society is structured through allocation of resources, policies and practices.

For example, the Report of the Commission on Itinerancy, 1963- which set out State policy in relation to Travellers, which was set up “to enquire into the problem arising from the presence in the country of itinerants in considerable numbers” and “to promote their absorption into the general community” and “pending such absorption, to reduce to a minimum the disadvantage to themselves and to the community resulting from their itinerant habits”.

Travellers’ painful experience of the failed policy of assimilation/ absorption and the denial or resourcing of their identity is only too real and the impacts of this policy, mostly unintentional, are still being felt today.

Decision makers are often removed from the communities with the least power who are most effected by policy change. Often people become abstractions- “Travellers” become a group loaded with stereotypes, mostly negative ones. However, abstractions are never real and can lead to people’s lives simply to be seen as “problems” to the State (in terms of resources, specific needs etc) rather than the fact that Travellers and other groups, experience marginalisation due to how Irish State policies shaped society and created intergenerational disadvantage which has created the multitude of effects the community now faces.

We in ITM feel that there needs to be specific targeted campaigns to promote equality messages. This needs to be a coherent messaging public awareness campaign that would embed HRE in the public and how positive it could be for Ireland to move towards equality

We also created and lead out an annual awards scheme called the Traveller Pride awards that generates positive messages about achievements of Travellers from across the Island of Ireland and we feel that this scheme generates the profile of Travellers who could be champions of human rights and equality issues.

Inequalities experienced by Travellers

Travellers have experienced a history of racism and discrimination and remain one of the most marginalised and excluded groups in Irish society. This disadvantage is evidenced across several areas including health, accommodation, access to education and employment. The All Ireland Traveller Health Study (AITHS) (2010) and the 2011 Census provide startling statistics in these areas:

- Life expectancy at birth for male Travellers has remained at the 1987 level of 61.7 years, which is 15.1 years less than men in the general population, representing a widening of the gap by 5.2 years since 1987. Life expectancy for females is now 70.1 which is 11.5 years less than women in the general population.
- Mortality rates are near 3.5 times the national average for men, women and children

- Traveller suicide rate is 6 times higher than in the general population and accounts for approximately 11% of all Traveller deaths
- 7.6% of Travellers, or 2,753 Traveller men women and children do not have access to running water
- 84% of Travellers are unemployed in comparison to an overall national figure of 14%
- 55% of Travellers leave school before the age of 15 and less than 1% of Travellers go on to third level education

Limited understanding of historical and institutional discrimination

Travellers and Roma have experienced a history of racism and discrimination and are two of the most marginalised and excluded groups in Irish society. Traveller experience discrimination at an individual and institutional level however racism is significantly under reported and there is a lack of action in relation to racism experienced by Travellers. Although public attitudes towards Travellers are mixed, research showed that high levels of prejudice and discrimination still exist; for example, 79.6% of those surveyed responded that they “would be reluctant to buy a house next door to a Traveller.” The All Ireland Traveller Health Study (AITHS) found that approximately 50% of all Travellers experienced discrimination in a range of daily activities. Traveller families often face discrimination, harassment and racist attacks by people who do not want them to live in their area and several politicians have also utilised anti-Traveller rhetoric in their campaigning including committing to prevent Traveller accommodation being build in their constituency. Racism and discrimination towards Travellers in wider society is reflected within the education system and continues to present a significant barrier for Traveller students. The AITHS also found that 62% of Travellers experienced discrimination in schools. This has a hugely negative impact on retention levels of Traveller students and in turn on their future employment opportunities. Travellers also experience discrimination in engaging with health services. The level of complete trust by Travellers in health professionals was only 41% as compared with a trust level of 82% by the general population. Over 40% of Travellers had a concern that they were not always treated with respect and dignity. Over 50% of Travellers had concerns about the quality of care they had received when they engaged with services. This discrimination has a hugely negative impact on Travellers mental health which is evident from the high suicide rate among the community. Roma experience indirect discrimination through existing policies and there is a policy vacuum and a lack of targeted policies at the national level to address substantive discrimination. Due to the lack of targeted policies in Ireland, a history of discrimination throughout Europe and the disproportionate impact of certain policies in Ireland, such as the habitual residence condition, Roma are placed in very vulnerable situations.

Travellers have long experienced structural and institutional racism through the assimilationist policies of the state. Social initiatives in relation to Travellers (for instance, in education and/or training for employment) have clearly failed to eliminate or even to substantially weaken anti-Traveller prejudice among the majority settled population, and have failed to enable Travellers to achieve inclusion in Irish society. There should be recognition that mainstreaming approaches do not address this historical discrimination or address inequalities effectively. Nor do they address the diverse needs of an intercultural population. For example a ‘mainstreaming approach’ in relation to Traveller health ignores disparities in health outcomes and has resulted in a lack of action or a targeted strategy to

implement the recommendations of the All Ireland Traveller Health Study. There is a need for targeted initiatives to be developed and implemented utilising a participatory process with Travellers and Roma and Traveller and Roma organisations to address this historical discrimination and combat racism and discrimination. These initiatives should be developed based on the principles of interculturalism and anti-racism.

Traveller Ethnicity

ITM has long campaigned for Traveller ethnicity to be recognised and has welcomed support from the IHRC and the Equality Authority in the past and the role of IHREC. We are proud of our achievements in bringing the campaign to both houses of the Oireachtas and will continue to seek clear support from IHREC until Ethnicity is formally recognised by the State. We envisage that IHREC will have a role to then monitor policy to ensure that Traveller ethnicity is supported, validated and promoted in any future State initiatives.

The ITM recognises the importance of Social and Cultural rights and feels that IHREC needs to address the imbalance of rights & equality solely being addressed (or partially addressed) through civil and political measures. For too long Travellers' social and cultural rights have been undermined through legislation such as the Control of Horses Act, the Housing (Traveller Accommodation) Act and Market Trading act, that have effectively stopped Travellers from owning horses, living nomadic lives or having employment as traders, which has had seriously detrimental effects on Travellers.

As with our earlier discussion, the erosion of cultural or social rights happen, intentionally or not, by the development of systems and institutions that foster different "norms" of national cultural expression. It is important for IHREC to promote that the development of these norms has detrimentally impacted on some groups, such as Travellers, and that discussions on culture and social rights needs to do so on the basis of inclusion and not assimilation.

We feel strongly that our Yellow Flag programme, which has been developed based on the experience of exclusion of Travellers from schools, provides a much needed model to support parents, teachers, community leaders and learners with the tools to develop anti-racist inclusive school environments that are equipped to talk about and respect all forms of difference.

- Recognition of Traveller ethnicity is vital to promote human rights and equality in Ireland. Despite the recommendation of many UN treaty monitoring bodies (CERD; CEDAW; CRC), and that of a range of European institutions (ECRI, FCPNM; Council of Europe) as well as equality and human rights bodies within Ireland including the Irish Human Rights Commission and Equality Authority, the Government continues to refuse to acknowledge Traveller ethnicity. Various countries also made recommendations for recognition during the UPR process in 2011. This impacts Travellers in many ways. In particular, the Government division responsible for development of anti-racism initiatives does not include Travellers as part of its brief and so Travellers are not included in such initiatives by design. In short, racism against Travellers is not acknowledged by the State.

Ethnic data collection and ethnic equality monitoring

There remains a significant gap in the availability of disaggregated statistical data regarding the situation of Travellers and Roma across thematic areas including health, accommodation, social protection and violence against women. Currently, ethnicity is not included as an administrative category in official data collection systems. This results in serious gaps in knowledge about the situation of Travellers and Roma and absence of evidence based policies and practices to ensure the needs of ethnic minority communities are met. The lack of data contributes to significant obstacles in gathering evidence about racism and discrimination based on ethnicity, making it difficult for relevant stakeholders to monitor measures to promote non-discrimination and to monitor progressive realisation of rights.

Pavee Point has long called for the recognition of Travellers as an ethnic group and for the implementation of an ethnic identifier to provide better services to minority groups. Pavee Point calls for an ethnic identification and ethnic equality monitoring process which will facilitate the collection of data disaggregated on basis of ethnicity (inclusive of Travellers) within a human rights framework. Such data should be used to plan for the realisation of human rights, the introduction of targeted measures where needed and monitoring implementation of plans.

Recognition of Traveller Culture

Recognition of Traveller and Roma culture and Traveller and Roma cultural identity is integral in creating a culture of human rights and equality in Irish society. Travellers and Roma communities have a right to a cultural identity and this should be recognised and reflected in government and public sector bodies' strategies, policies and action plans. Resources should be made available for the promotion and preservation of Traveller culture, in order to inform policy, and in order to develop rich social and educational programmes that promote anti-racism and respect for diversity among settled people, and that promote Travellers' entitlement to explore their own cultural heritage. One key measure is the inclusion of Traveller and Roma culture in education curriculums.

- The state to formally recognise Traveller ethnicity, and thus stop its policy of ethnicity denial. Traveller organisations have been looking for this for 30+ years. With Minister-of-State, Aodhan O'Riordain's public commitment on the matter, the issue is now long overdue. We believe this will be a great boost to the Traveller community as a whole, with the state, finally, acknowledging this ethnicity.

IHREC's Role

IHREC can provide a coherent platform for all groups who are experiencing inequality and denial of their rights and a focus and strategy for how this can be addressed, with the work of representative groups such as the Irish Traveller Movement. Specific discussions on how Travellers and Roma can be involved in the work of IHREC should be developed from the outset on an ongoing basis to ensure their involvement in any measures to promote HRE in Ireland.

IHREC needs to increase the visibility of Travellers in their campaigns, as leaders, as spokespeople. It needs to look at positive action measures within the Public Services to have Travellers visible not only in accessing, but more crucially in providing services. This

should be extended as practice to progressive employers based on successes that will be generated by IHREC's work with the public service.

- IHREC should human rights/equality proof the upcoming National Traveller & Roma Inclusion strategy (NTRIS)

IHREC should support the call to have the Yellow Flag Project mainstream-funded as part of any new NTRIS, as it provides a good opportunity to positively raise Traveller & Roma issues, alongside the issues of other ethnic minorities.

Renewal of the National Action Plan Against Racism

It is vital that the National Action Plan Against Racism (2005-2008) is renewed. Even though the plan has not been renewed it was referenced as part of Ireland's commitment to human rights as a member of the Human Rights Council in 2012. The failure to renew the National Action Plan has been noted as a concern by the European Commission on Racism Intolerance (ECRI) in its most recent report on Ireland, 2013. In 2011, the Committee on the Elimination of All Forms of Racial Discrimination (CERD) noted the importance of the State giving effect to the Durban Declaration and Programme of Action through the National Action Plan and Ireland will be required to include specific information on this in its next periodic report. The Irish Government has noted that it does not intend to develop a new National Action Plan and will instead incorporate anti-racism measures into a new Migrant Integration Strategy. However, an explicit National Action Plan Against Racism is needed, in recognition that there is a wider group in Irish society that experience racism, including Irish Travellers and other non-migrants.

The National Consultative Committee on Racism and Interculturalism (NCCRI) was closed down in December 2008 as an austerity measure. A number of initiatives that were undertaken by the NCCRI were key in tackling and challenging racism. These included development of policies and measures to create an intercultural society e.g. Intercultural Health Strategy, Intercultural Education Strategy, Intercultural Youth Strategy etc. They coordinated the National Action Plan Against Racism and the Know Racism Campaign (Public Awareness) They also developed the reporting and monitoring of racist incidents system. Training in anti-racism and interculturalism and resources were provided to a range of public service bodies and to NGOs. The NCCRI took a very pro-active approach in working with minority ethnic groups including Travellers and Roma and other groups experiencing racism. It was intended that its functions would be transferred to the Office for the Promotion of Migrant Integration but this has not happened. While the office undertakes measures for the promotion of migrant integration it has not absorbed all of the above functions outlined above. Furthermore, its focus on migrants means that it does not include Travellers in its remit and this has had the effect of excluding Travellers from the remit of anti-racism and intercultural initiatives which sit in the Office for the Promotion of Migrant Integration. There is a separate Traveller Policy Division in the Department of Justice and Equality and the particular experience of Roma has not been addressed effectively by either the Traveller Policy Division or the Office of the Minister for Integration.

Lack of progress in adhering to international human rights obligations

There is a lack of recognition of economic, social and cultural rights as they are not incorporated into domestic law. Recognition of Traveller ethnicity is as a key part of progressing Traveller cultural, social and economic rights. This move would signify an acknowledgement of racism as core to the situation of Travellers' exclusion and symbolise a move by the State to respecting Travellers' cultural rights, which are indivisible from their social and economic rights. As previously stated recognition of the Traveller and Roma communities' cultural identity is vital in progressing human rights and equality. Travellers and Roma experience acute social and economic exclusion from Irish society and incorporation of economic, social and cultural rights within domestic law would provide legal protection of these rights and avenues to ensure the realisation of these rights.

Public Engagement

IHREC's Red C Poll found that 96 per cent of people surveyed believe that laws protecting human rights are important in order to create a fairer, more equal society, while 93 per cent care deeply about making Ireland a fairer place in which to live. This would imply that there is strong public support for addressing human rights and equality issues. However discriminatory attitudes towards Travellers and other ethnic minority groups are still pervasive. 34 per cent of people believe it acceptable for shopping centres and pubs to refuse entry to members of the Traveller or Roma community. This work on public engagement should be built on and include exploring understandings of collective rights rather than Western legalistic conceptualisation of individual human rights. IHREC can use its position to challenge racism and discrimination and utilise its platform to show the impact discrimination has on minority ethnic groups and marginalised communities. A public education campaign could work to illustrate that people's attitudes and behaviours are contributing to inequalities. This work can be done in partnership with Traveller and Roma organisations and organisations working with other ethnic minority groups to build solidarity and increase understanding of cultural identities differing from the majority population.

- We are concerned by incidents of racial profiling, and the resultant actions and outcomes. The removal of two Roma children from their families, following false suggestions that the children were not living with their rightful parents come to mind, as does the inclusion of young Traveller children in the Garda PULSE system. Unilateral & oppressive CCTV monitoring of St. Anthony's Park Traveller residents (along with a 24/7 Garda presence for a period of over 12 months) are further examples here in Cork. A lot of discriminatory stereotyping of Travellers & Roma has been through negative media portrayals (The 'Big Fat Gypsy Wedding' - Syndrome). The NTRIS should look at innovative ways work with media organisations to address this issue of media racism. For any such measure to be effective, it needs contaminant measures of sanctions. The NTRIS needs to look at increased powers to sanction anti-Traveller & anti-Roma racism through strengthening the powers of the press ombudsman, the broadcasting authorities and other measures.

Part of this engagement/leadership should be through the IHREC directly, but part of it should also be the IHREC providing a platform for representative bodies of particular, relevant groups (eg the Irish Traveller Movement in relation to Travellers).

Visibility of Human Rights and Equality proofing and positive duty processes

IHREC must ensure these processes are made visible to the public at national and local level.

Evidence shows that since 2008, there has been an extraordinary and disproportionate level of disinvestment by the Irish State in the Traveller community. However, decisions made in the context of austerity have been made without human rights proofing these decisions or working from the principle of non-discrimination.

We would strongly recommend that IHREC plays a leading role in mandatory equality proofing of all strategies, policies and action plans of public bodies. This would establish the potential impact (positive and negative) of strategies and policies on Travellers and Roma with regard to achieving equality of outcome. This would involve implementing an equality and human rights review and a human rights and equality impact assessments on programmes and policies. Reviews would assess internal policies, procedures, staff perceptions and practices for their impact on equality and human rights of staff, service users and groups targeted by policy. It must also involve a programme of monitoring changes arising from equality/social impact assessment. All proofing measures should be overseen by a steering or working group comprised of stakeholders, including Traveller and Roma organisation representatives.

Inquiry on human rights and equality for Roma community

Pavee Point are currently undertaking a Roma needs assessment to address the lack of reliable and accurate data on the Roma community. IHREC should undertake an inquiry on the current situation of Roma and their experiences of human rights and equality issues. This inquiry should include specific recommendations to address inequalities faced by the community and support the communities' overall well being.

Promotion of Intercultural Education

Census 2011 and the All-Ireland Health Study reveal stark inequalities in Traveller access to and outcomes from education. Despite these inequalities since 2008 there has been an 86.6% cut to supports for Traveller education. A targeted strategy to address these inequalities must be prioritised as part of the development of an intercultural education system. An intercultural education system requires a complete re-framing of the education system rather than tokenistic additional curricular to include Travellers, Roma and other ethnic minority groups. Intercultural education must promote diversity in cultural identity and ensure inclusive provision and effective outcomes for Travellers, Roma and other ethnic minority groups.

Intercultural framework in policy and practice

Support the development of intercultural and culturally appropriate programmes in partnership with Travellers and Roma organisations and promote the use of an intercultural framework in policy and practice.

The lack of recognition by the Irish Government or public of the situation of many people in Ireland – members of the Traveller community, many residents in Direct Provision, people experiencing homelessness – as violations of their economic, social and

cultural rights, and violations that have been systemic for years, reflects the lack of legal recognition and enforceability of these rights.

Traveller Accommodation

In view of these stark realities on Traveller accommodation, IHREC should add its voice to Traveller organisations, calling for the need to establish a national Traveller Accommodation Agency; an agency to monitor the adequacy and appropriateness of TAPs, which will be able to step in, if local authorities fail to deliver on their TAPs, or if they adopt inadequate programmes.

The Housing (Traveller Accommodation) Act, 1998 is mostly quoted by the state as the appropriate tool to meet the Traveller accommodation crisis. Unfortunately the experience on the ground is quite different. While the act is quite specific on the content and process for the adoption of Traveller Accommodation Programmes (TAPs), the implementation, i.e. the delivery of Traveller accommodation is barely referred to. Even obligatory elements of the legislation (whether sections of the act or ministerial orders) are frequently ignored, as there are no sanctions for any breaches of the act, and local authorities know this. For instance the Cork City TAP has no annual targets for delivery (in breach of ministerial direction), and the insufficient targets from the draft TAP were entirely removed. Even where Cork City Council provided for new, Traveller-specific accommodation, there has been an underprovision from the outset, as the council failed to plan – as they are required to do by law – for population growth. Though specifically named in the legislation there has been near to no delivery of transient sites across the country (with none in Cork), as local authorities continue their policy of anti-nomadism without effective challenge. Due to the accommodation crisis, many Traveller families have been forced to move into standard housing, increasingly so in the insecure, private sector. As a result these families have been removed from accommodation needs assessment, and prevented from accessing Traveller-specific accommodation. The Traveller organisations' experience of participating on the LTACC has been frustrating, with few positive outcomes, and a frequent ignoring of government guidelines and policies on this matter.

Clearly the Housing (Traveller Accommodation) Act itself needs to be reviewed in view of these deficiencies. Sanctions need to be included in any amendments to the legislation. Such a review also needs to include the Criminal Trespass Legislation, as this draconian legislation continues to be used against homeless Travellers.

Horse Ownership is a cultural trait of many Travellers in both Cork & across the country. Innovative initiatives around Traveller horse ownership (based around extended families) would be an ideal expression of support to Traveller horse owners in their horse ownership.

. Regarding Travellers the Irish Traveller Movement Law Centre needs to be urgently funded as an independent law centre and become operational again. Furthermore addressing issue of racism needs adequate resources for redress in a timely fashion.

- Focus Ireland services have direct experience of continued discrimination against members of the Travelling community by private landlords, with little redress being

available in practical terms. Exploration of this continued problem would provide an ideal study of the interaction between housing rights, anti-discrimination legislation and the lived experience of people. We recommend that IHREC should examine the effectiveness of anti-discrimination legislation for such defined groups and use that learning when seeking to develop and extend to broader groups

Traveller / Roma organisational structures

Recognition of autonomy and self-determination/self-organisation of a vibrant, sometimes dissenting community sector. Mergers of groups should be undertaken at the behest of the groups involved (e.g. Travellers & Roma), and not be part of forced state engineering. State funding should not be misused to force a compliant, toothless sector of representative organisations.

The issues of Austerity & Participative Democracy can arguably be made under Goal 3, but it is worth naming them in a stand-alone manner here too :

The disproportionate cuts in funding to Traveller interventions and the wider Community Sector in particular have been well documented in two research reports by Brian Harvey ('Travelling with Austerity' & 'Downsizing the Community Sector').

The success of future progress in Traveller human rights depends on an adequate resource allocation. SACDI contends that Traveller-specific resources withdrawn during the years of austerity need to be re-invested in new Traveller-targeted programmes. Furthermore the inclusion of Roma clearly implies the need for further, additional resources to meet the needs of this separate target group.

Autonomous Traveller Organisations

The success of any future policy initiative (e.g. NTRIS) depends on a meaningful engagement by all the key stakeholders. Traveller community development organisations are key stakeholders in this process. Power differentials between the different stakeholders need to be openly acknowledged, and redressed to the largest extent possible. Ongoing funding of autonomous Traveller community development organisations is essential to this, if principles of self-determination and 'bottom-up' approaches (as per the recent Department of the Environment discussion document on community & local development policy) are to be safeguarded.

Public Consultation Sessions

- Ethnicity for traveller community recognised. Better equality and transparency in accommodation provision More alternatives to mainstream education.
- Monitoring of specific groups based on races and social classes –racial profiling that Ireland be a land opportunity that Irish travellers young and old will be able to self-identify with pride and without fear of exclusion. # traveller ethnicity. Assimilation of travellers needs to stop ! Language has changed, actions/ practice has not
- Travellers having no difficulties at all to book a hotel or another facility for a wedding or other social event. Traveller ethnicity is recognised by the Irish state.

Discrimination made a criminal offence. Equality Tribunal cases taking months rather than years.

- Awareness of equal status act, human rights awareness—broader incitement of hatred act interpretation by the judges of the court.
- That it will no longer be acceptable to employ OUR “own” rather than people from ethnic minority backgrounds simply because they are OUR “own”. Tolerance of minorities.
- That it will no longer be acceptable to object to someone or discriminate against them or stereotype them because they wear a hijab. Parents of non- catholic children will be able to find a school that doesn’t discriminate against them.
- Travellers are identified as an ethnic group, equal rights, fair housing, have the right to travel, have more choice.
- Unity across the Traveller movement. Address housing crisis in Donegal and the impact it has on health/suicide
- Every Traveller child should have the right to preschool everywhere and same opportunities as all other children. Equality in jobs and education for Traveller community. Young Travellers have the right to go arts and crafts and events for children should be equal.
- Cultural respect for Travellers who want to live in culturally appropriate accommodation.
- Travellers human rights, discrimination, education, accommodation, unemployment, equality, justice, gender, Traveller culture as a human right, ethnic minorities, justice support, education, life-chances for people leaving prison)
- Travellers appeal of trespass legislation promotion of cultural rights including nomadism and recognition of ethnicity.
- Ethnic groups should be recognized and have the same rights as every other citizen. IHREC needs a position on Travellers rights.
- Law as a barrier. Positive duty re; Travellers cultural rights undermined by a raft of legislation—control of horses—casual trading act—trespass legislation. Lack of accountability, direct provision, no transparency in decision making
- Traveller ethnicity
- to prioritise for maximum effect Traveller ethnicity
- Travellers ability to move around;
- Traveller groups trained to take legal cases ☐ DO it for other groups ☐ People with disabilities have lowered their expectations ☐ level of resources + expectations : how IHREC is going to prioritise MAP OUT PROJECTS with groups affected
- Government recognising Travellers as an ethnic group. Equality GTM Galway Travellers Movement for all ! Travellers would not be discriminated against when trying to gain employment in the private sector.
- Accommodation targets met: TAP Traveller Accommodation Programme and sanction if not .

Better service outcomes for Travellers/ Romas

- Traveller ethnicity to be recognised,
- Ireland as a society in whole who are more accepting of our multicultural population can start in the educational system for example Traveller culture, Polish etc..etc.
- Advocate for Traveller ethnicity,
- Equality of access to education for Travellers

- Racism towards travellers. People don't understand that they are being racist. Better implementation of discrimination legislation
- Traveller Community have all their needs met; have their contribution and skills recognized; have their culture accepted/ethnicity.
- Children-Poverty-unequal child; Roma; Capacity building for women/childcare/ Cuts in One Parent Family.
- Traveller rights, ethnicity recognized.

Burning Flames

- Recognise the rights of Travellers as an ethnic group.
- General limited awareness of equality and what it means / education, language, gender and travellers in particular.
- Barriers the Travelling Community face in accessing government services & supports
 1. language registers are a factor, i.e. Failure to understand what they are being told
 2. “ send the fool further” attitudes is how many travellers describe their treatment.
 3. Habitual residence is inherently prejudicial against travellers & other nomads. How can you be habitually resident—a Traveller?
- Traveller ethnicity to be recognised in order to better support a community who are continuing to struggle on the margins of society there is on-going delay in this- why is this the case?

Traveller human rights, health, accommodation, education

- Equality and accommodation rights for Traveller communities in Ireland. More commitment to Traveller specific accommodation provision. Less delays in development of same.
- Equal treatment and provision for Traveller halting sites than other local authority tenants.
- Discrimination against Travellers by licensed premises (hotels,bars,pubs...).
- IHRC to work of the recognition of traveler community as an ethnic group. IHREC to support NIRISG to develop a HR framework and tools to protect resources for Traveller organizations
- Discrimination against members of traveller's community
- The ABSOLUTE NON-ACHIEVEMENT OF EQUALITY FOR TRAVELLERS

Religion / Position of the Catholic Church

Extracts from submissions

- Our concern in the present submission pertains to the lack of equal accommodation of Humanist Chaplains with those departments funded by the state. The government departments in which such religious chaplains are found include the HSE, Universities/Colleges, Defense Forces, Prisons to name a few.
- Currently several government departments have in place a national agreement only with the Catholic chaplains for the delivery of chaplaincy services. The practice whereby some religious chaplains are paid by the HSE has been in place for a considerable period of time. An extension of these practices in a multi-cultural society requires the various government departments to enter into similar agreements with each sending body for the delivery of chaplaincy services.
- We accept the argument that chaplaincy services play a positive role in the well-being of those who request such services. Chaplaincy users typically seek confidential counsel with someone 'on their side' or 'someone who understand them'. A policy whereby Humanist Chaplains are equally accommodated in all government departments where state-funded chaplains currently serve will assure that all citizens, religious and non-religious, will be able to avail of the chaplaincy services of their choice.
- *Some hospitals* are attached to religious orders. Though the State paid for improvements that constitute nearly all the present buildings, the religious organisations run the services according to their ethics, so that people cannot there receive some treatments that are fully legal. The hospitals serve particular areas (sectors), and for the most part a person living in that sector will receive treatment in that hospital, and therefore that person's right to treatment is reduced. This is contrary to human rights.
- Some hospitals in the Health Service (secular, State hospitals), in addition to those attached to the religious orders, on some occasions play religious services on loudspeakers in wards. Patients of all religions and no religion have to listen to this.
- Hospitals employ chaplains. There is a standard contract with the HSE only for a Roman Catholic chaplain. This contract obliges the RC chaplain to see all new in-patients, whether the person asks for the chaplain or not. The contract also allows that some aspects of duties and discipline are in the control of the religious organisation, which is not subject to State control. Under this contract, chaplains approach patients with no religion, who do not wish to meet the chaplain. All of these are contrary to the rights of patients to privacy of religion
- Some people in Ireland think that a religious group has a right to have schools adjusted to fit with the religion and that the State pay to run such schools.
- At present the greatest ill effect on human rights from a State administrative arrangement, to which some people think they have a right as a group, is the segregation of schools by religion. The State runs an arrangement of schools that treats the Roman Catholic group as they think serves their rights, but, because that

group are over $\frac{3}{4}$ of the people, this arrangement makes it extremely difficult for the State to provide schools that serve the human rights of children who are not Roman Catholic.

- The principle, that an official declaration should not force you to reveal your religion (or none), applies also to other declarations, such as for a witness in court or the declaration before the presiding officer that you are indeed the voter named on the electoral register or polling card.
- Put manners on schools under Catholic patronage, so that they are acceptable to pupils of all religions and unwind their imposed 'ethos' which is intent on making churches of schools and preventing education without indoctrination. This is what the report of the Commission on Patronage etc recommended for stand-alone schools; it needs to apply to any that are publicly funded. If you don't do this, or are well on the way to securing this, you are, for me, a waste of public resources.
- Achieving a secular education system; or at minimum, a greater spread of multi- and non- denominational schools to widen choice; with the removal of the ability of religious ethos state funded schools to request a baptismal certificate as a condition of entry.
- Legislation prepared or a call for legislation to be enacted separating Church/State relations and the role of religion in State affairs such as health, education, film&arts etc. A secular State system similar to France would ensure a lack of religious discrimination and creates a higher level of religious equality.
- The most significant unmet human right denied us is the right for a child not to be indoctrinated in any publicly funded school when either the child or its parent doesn't wish that to happen and to allow a child not to attend religious instruction in a way that is not prejudicial towards him or her; that implies paid teaching time in some other subject, not sitting in an RI class as some kind of outcast.
- An environment where church has no power in state (schools/hospitals). Laws that allow people to be open and up front about issues such as mental health issues at work.
- A fully secular education system at primary and secondary school levels.
- State schools should be non-religious. Faith specific education should be external to state schools, its undertaking the decision of a child's guardian.
- Equality. Starting with the removal of religious indoctrination in schools that are funded by the tax payer. Rule 68 should be removed & schools should not be allowed to set their own curriculum on religion
- Religious discrimination in access to schooling should be removed. Schools should not be allowed to prioritise applicants on the basis of religion

Public Consultation Sessions

- The ending of religious indoctrination by teachers who are paid by the state



Group / Issue Specific: Religion/ Position of the Catholic Church

- No religious oath of office. Secular Constitution adopted, with removal of existing sexist wording (+ remove amendment no. 8).
- Success if : Evidence that Irish Society is progressing to being openly secular; with opportunity for women and men equally to experience fairness from all others in society, regardless of sexuality, religion or other differences. That those who speak out are not targetted. That the restrictive medieval mores of Roman Catholicism are rolled back from public life. Success if that a 5 year plan for the removal of all Roman influence from our education system has been formulated & begun implementation.
- Remove indoctrination of religions in education system
- Multidenominational Schooling;

Burning Flames

- Overall domination of 'National' school system of education by a single religion, leading to exclusion & forced conversions, funded by the state.
- Secular education+ health care;
Equal Rights for all Irish citizens including the non religious + minority religious citizens. Specifically in relation to schools + judiciary
Education, that all schools be secular, not tied to a religion
- That Judge, President, Members of Council of State declaration not include GOD; T
- That Government & its organisations NOT receive especial input from religious organisations more than any other type of organisations;
- That State ceremonies not invite chiefs of religious organisations with special place in front or to make speeches.
- Equality for Non-Catholic people in Ireland. As an atheist and humanist I feel that my human rights are violated in terms of the school patronage system in Ireland. The Denomination of schools in terms of over 90% of national schools being controlled by the church groups is wrong and creates social exclusion and discrimination of non-catholic people.



Direct Provision

Extracts from submissions

- We have worked with clients in direct provision what is clear is their basic rights not being met e.g. regarding having their own food, privacy, space to play, a place to bring friends from school and the stress and strain on parents also. One recent case involved a family who in the past year had come out of direct provision following 7 years. The little boy aged 6 had severe social difficulties which improved as a result of the intervention. Mum also presented as traumatised and informed us that she used to scream out loud in the room in front of her two small children on a regular basis, because of her frustration and hopelessness. On a follow-up with her at the end of the intervention, she presented as doing much better and informed us that having their home as well as supports had made a huge difference.
- ISPCC has first-hand experience of working with children and families living in Direct Provision and knowledge of how their rights are infringed. The ISPCC would see the Commission having a role in supporting organisations who work with those in Direct Provision to develop positive intercultural relations.
- Integrated and Humane Immigration Policy. Joined up policy and practice which is consistent across state responses to immigration is an urgent requirement. Contrast the rapid response and resourcing of Ireland's proposed EU Programme to for Refugees from the Syrian Conflict with Ireland's dysfunctional Direct Provision System for other asylum seekers. General reform and alignment of our immigration system and infrastructure to ensure Ireland meets its international human rights obligations vis a vis the right to asylum should be a priority
- IHREC should call for an end to the inhumane and system of Direct Provision for asylum seekers (a system, which is beyond any reform), the right to work for asylum seekers in line with the EU standard, and improved, accessibility to further education of asylum seekers. Furthermore the IHREC should pro-actively engage in the current public debate on the global refugee crisis, calling on the state to increase the number of refugees to be taken in.
- It is essential that human rights and equality obligations are being delivered at the point of entry into the State as well as in State
- IHREC should monitor the Border Management Unit and GNIB units at Terminal 1 and Terminal 2, Dublin airport. In particular, IHREC should monitor whether BMU/GNIB are refusing leave to land to refugees and or/persons with legitimate protections needs; whether they are refusing asylum claims; and whether the rights of persons in detention or in quasi-detention at Dublin Airport are protected.
- It's essential that persons seeking to enter the State are aware of their human rights at point of entry
- Clarify and promote the rights of persons in immigration-related detention at airports, points of entry and etc.
- Call for access of INGO's, NGO's and legal practitioners as well as independent monitors to land and air borders to ensure that the right to asylum is guaranteed in practice as well as in law to land without proper cause. According to recent Department of Justice and

Equality figures, 2147 persons were refused leave to land and returned to where they came from in 2014.

- Furthermore, the Irish Refugee Council is concerned by the conduct of the BMU/GNIB in these situations as reported by our clients to us and by their conduct as experienced by us. It seems that any attempt to engage in a positive and constructive manner with the BMU or GNIB in an emergency is frustrated by one of them claiming that the other is responsible for removals, and vice versa. The delay caused in this way puts the person in immigration-related detention at increased risk of deportation; so too does the lack of available phone numbers, addresses and names of employees/Garda Síochána. The Irish Refugee Council is gaining knowledge and expertise in challenging these illegal deportations; however, we would rather that the situation were monitored by an external body such as the IHREC who might ensure human rights and equality obligations are observed by the Irish authorities at the point of entry.
- Providing additional mechanisms for responding to the specific needs of ethnic minorities and asylum seekers
- Changes in the way Ireland deals with and integrates migrants, in particular
- The current 'direct provision' system for asylum seekers ended
- Provisions made for integrating non-documented migrants currently in Ireland
- Inclusive provisions for refugees who come to Ireland
- Intercultural understanding will be a key issue in the years to come with a culturally diverse workforce already in place in the country and the imminent arrival of 4000 refugees. Congress is deeply disappointed at the failure of the European Union to reach agreement on a humane and effective response to the current refugee crisis. Trade Unions from across Europe echoed this sentiment at the ETUC's 13th Congress in Paris earlier this month while demanding a sound, coherent European asylum policy that reinforces the key principles of solidarity and cooperation and includes full respect for human rights and fair treatment of refugees and asylum-seekers. We have urged the Irish government to ensure that refugees are fully integrated in suitable accommodation and that all necessary support is provided
- Refugees supports!! @ rights campaign @ get people to know their rights
Communication,
- Direct Provision (see graphics attached) integration of refugees/ asylum seekers into communities with the removal of direct provision policy and move away from congregated / segregated settings.
- Immigration non EU immigration Cead Mile Failte !For Real ! Immigration workers knowledge a 100%. Develop trusted transparent equality checked, fair system in the immigration application process for Non EU.
- That is my argument for rights to have and change culture(s), and against any rights whatever for the cultures themselves. As sets of people enter a country from other countries it is likely that their culture will differ from the culture of the destination country. If the society allows many cultures and does not force immigrants to follow the existing culture, there will be many cultures. A society that supports human rights and that receives immigrants into their territory must hold the new people to the territory's existing culture on human rights (section 2). The right of free expression means that the society will not say anything about section 1, so that each new person can keep his or her existing culture or adopt any other culture.

Public Consultation Sessions

- Asylum seekers to be able to represent themselves on issues directly affecting them. Asylum seekers applications to take more faster process and be freed from longterm open prison.
- Asylum seekers to be allowed to be included within society, proper integration process to be in place. Right to proper housing. Right to proper family life. Asylum seekers to be treated with dignity and children to be the same as Irish children.
- Direct Provision to be a thing of the past and asylum seekers to be treated like normal human beings.
- Children born in Ireland should not be forced to seek asylum. Fathers deported and left their family in Ireland should be brought be back. In five years from now changes I can imagine human rights and equality landscape the Commission to be real in refugees and asylum seekers 1. Open the borders 2. End Direct Provision 3. End Deportations. 2004 citizenship referendum to be looked at again because it is discriminating against immigrants and children born inside direct provision institutions. Working group report should be looked up again
- Stop Direct Provision it cannot be reformed
- Ensuring human rights of migrants, refugees and asylum seekers are protected and promoted.
- Oppression isolation asylum seekers not allowed to work for up to ten years no right to education
- Access to private accommodation on leaving DP, divide + rule - struggle for meagre resources, oppression government thinking
- Neo liberalism is a block, censor ship overt and implicit attached to funding and strings attached, fear, greed, deliberate isolation of asylum seekers in DP from inclusion + integration + participation within society, Irish constitution (enshrining property rights, but not equality or accommodation or economic rights
- End to Direct Provision, to view others not as them but as us.
- Independent living for refugees. End direct provision
- Asylum seekers not be housed in direct provision
- Asylum end to Direct Provision, more speed in processing applications, transparency in decision making and appeals process.
- Direct provision disgraceful
- Acceptance of direct provision should not be tolerated ☐ crisis is happening today ☐ we will be facing enquiries in years to come.
- RIGHT to work. Supports needed to get work/ to support family . GNIB cards/ difficulties for some - need passports for getting GNIB cards. For some refugees this is a huge difficulty. College and university admission, very difficult and expensive for newly arrived families with refugee status. ☐ have to be in Ireland for five years.
- Support for reunification of refugee families where one parent has got status in Ireland. I am seven and half years in hostel in 2014. I got refugee status I have not seen my family in eight years they live in a refugee camp in Eritrea.
- No direct provision
- Education of host communities re; refugees coming to their area.

- GNIB /RIA non-covered by legislation what can IHREC do in such a situation? GOVT support in legislation will help IHREC
- End Direct Provision.
- Eradicate direct provision
- That the Direct Provision system in the country will have been addressed with a view to the rights of people, such as the right to work, right to education right to seek accommodation. A consultation process put in place with a view to how Ireland can better facilitate people coming into the country.
- For foreigners in direct provision most people are not much aware
- Maintaining+ implementing human rights within Direct Provision centres and act on the report/recommendations
- LANDSCAPE? NO Direct Provision speedy processing of refugees, asylum seekers to gain status.
- End Direct Provision. Implement viable alternatives - speed up Asylum Decisions.
- Repeal of Direct Provision;
- Repeal of Direct Provision
- Better service provision for those from different cultures. Adequate interpretation facilities in asylum system. Human conditions for people while they are in asylum system/ housing not hotels.
- Intercultural competencies of legal professionals in asylum process.
- Different asylum process:- ☐ faster (much faster)/ right to work/right to education/right to asylum for victims of trafficking. Eradication of child poverty.
- Allow everyone to take part in the conversation around asylum. Make our work is for all people in Ireland not just citizens
- End direct provision. Empowerment /Self Determination for Refugees/asylum seekers
- No more/Stop Direct Provision. Treat all A.S the same and not pigeon hole. D.P. has the same opportunities as everyone else. D.P. is a wasted resource, while the people in D.P. have a wealth of experience and learning. No more pigeon holing groups on how they should be/act
- DIRECT PROVISION :(Sort it out using a value lead approach / Dignity, Autonomy, Participation/Inclusion/Democracy.
- Accredited participation - credits towards regularization.
- Dept Justice - Public Sector Duty - embed values in outcomes/plans (Direct Provision)
- Stop Direct Provision. Treat all people seeking asylum/refuge in the same manner. Application to private sector as well as public.
- End Direct Provision. Empowerment/Self Determination for Refugees/Asylum Seekers.
- End Direct Provision
- Habitual residency conditions reviewed
- End to Direct Provision. Refugees are treated humanely. / Working more on refugee issues. Long stay in direct provision.
- Provision to be able to work even when living in direct provision centre.
- Reverse the process of translation from the beginning of the asylum process.
- DIRECT PROVISION SYSTEM.

- Acceptance /Allowance for Differences
- Info/Induction packs/Welcome Officers / BE PROACTIVE / around State Barriers (D.P Direct Provision)
- System of welcome officers—everyone has potential ☐ approach and attitude.

Burning Flames

- That the evaluation of the status of asylum seekers and refugees is conducted in as fast a time as possible
- REFUGEE CRISIS, EXCLUSION ON SOCIAL & ECONOMIC STATUS, CULTURE EQUALITY; Indivisibility of rights.
- STATELESSNESS – formal recognition procedure.
- People held incarcerated in direct provision centres without being allowed to work or to prepare meals for their children for YEARS , without any certainty when their 'sentence' will end, and they are NOT criminals.
- Children in Direct Provision.
- End Direct Provision.

Changes to immigration system and direct provision

The direct provision system needs to be abolished. Applications for asylum must be processed faster. This is a human right and equality and children's rights issue

- Refugee Crisis
- I am a refugee in Ireland for seven and a half years I need support to have my family brought to Ireland
- No direct provision
- Accessing Education in Direct Provision Centres and Third Level

Ireland's policy on direct provision

Direct Provision

Detention Centres Disaster->implement working group recommendations

Refugees, migrants ,direct provision, integration, multiculturalism, racism and ethnicity

- ISU Right to work for residents living in direct provision centres; access to education for direct provision residents
- International refugee crisis and Irish response. The rights of those in direct accommodation

Refugee Crisis.

Children / family

Extracts from submissions

- I first wrote about this in reply to the request of the then Oireachtas Committee on the Constitution in about 2005, as it was about to examine the Articles connected to relationships, children, and the family. Their advertisement asked for people to give views on, among other items, the relative rights of individuals and groups ("collectives"), (the family). If the family has rights, then such rights will conflict with the rights of some individuals within it. The "family" cannot exercise the rights, as it is not a person. One or several members of the family will choose what way to exercise the family's right (or not use it), and will direct another member to change his or her thoughts, words, or actions. If the family has any rights at all, it must sometimes over-ride the right of the member. So a right given to a family will be against the rights) of some individual(s). I think this means such a right should not receive support from the law. I think that the concept that a family has rights, in the way I have described, has many strong supporters now, only a little less than in 1960.
- In some of the people who come into Ireland from other countries, the concept of "rights" of families is stronger than the strongest that I can recall in Irish native families. It is stronger in those sets of people, who come into Ireland, who have cultures a good bit different from the commonest Irish culture. In many of those cultures they also believe in "rights" for the culture. The set of people who would enforce compliance with the culture, and punish people for not complying, is usually larger than the corresponding set for the family.
- Support from IHREC for cultural rights may mislead people, who come into Ireland, to believe that the existing people in Ireland approve of the dominant person compelling other members of a family, or other members of a culture, to keep to the existing behaviours of the family or the culture.
- Children in Care often don't have any choice regarding the area they are placed in, which as we know is due to restricted foster placements but has a huge impact on the children and young people. We would query the care and consideration that is sometimes given to their voices being heard around the changes to their lives and the impact this has e.g. privacy, new room and being able to put own personality in that space, losing friends, access to birth parents, etc.
- Another case where there is an ongoing custody battle between a mum and dad highlights how the child's best interests are not being taken into account. At the last court hearing it was decided that the children should spend six months with mum and six months with dad. This is not providing them with a stable, consistent home environment. The case is back before the judge again this month and it's only now that a social worker has been appointed to carry out a report, taking into account the views of the children.
- A child made a disclosure which was forwarded to Social Work. When Dad was informed of this he withdrew consent for ISPCC to work with her. (Mum still very much consented) but we did not get to meet with her again to wind things up. The child's right to seek support was not equal to the rights of her parents and thus she was negatively impacted by this.
- There are times in ISPCC when we deliver outreaches to children and young people living in Direct Provision. We get an insight into their lives that highlight all and indeed every inequality and infringement of their rights. Many of the children who are living there have been in the direct

provision system for many years. The families are given food each day from the onsite canteen and the families themselves had no input into what was being cooked. Their homes were mobile homes, there were 100 on site and the campus was in the middle of an industrial estate, quite away from the local town. There was a lot of discussion from the young people regarding bullying and they felt this was due to living in the direct provision facility. They also had built up relationships with other young people who lived there, however as soon as a family was given status they quickly moved out of the facility and these strong ties were broken. Two of the families that we met with recently have been living there for 9 and 10 years; in one of these families there were five children in the family. It is a really awful environment for the young people and families living there. One of the young people, who was really amazing, was involved in making a radio documentary called The Outsiders-Our Teenage Life Behind Bars

<http://www.rte.ie/radio1/doconone/2014/12/12/666539-the-outsiders-our-teenage-life-behind-barriers/>

A 17 year old girl who was born and raised in Ireland but from parents of Sudanese nationality, contacted our Childline Online service to say that her mother's family were keeping her locked in Sudan, after she went there on holidays, without her consent and they physically abuse her. She expressed feeling deprived of her education and life here in Ireland and she wanted help to return

Our Childline services reveal some interesting statistics regarding children's rights and equality issues.

Children's Rights/Issues

- 458 contacts in total (phone and web and text)

Callers talking about being locked in rooms; Callers talking about being "slapped/hit"

Differently-abled children

- 84 contacts in total

Callers living with Tourette's and the impact this has on them

ADHD – being bullied in school because of it

Caller with a bad stutter – others make fun of him

Caller with Autism – has difficulty expressing emotions. People get angry at her a lot.

Caller with a speech impediment – feels embarrassed and sad because of it

Callers whose sibling has Down's Syndrome

Commercial Exploitation

57 contacts in total

Children used for begging by guardians

Children made to engage in sexual activity for money

Caller gets paid to forge signatures. Knows it's wrong but needs money for his family

Children being physically abused ("hit/whipped") if they do not go out begging.

Child Custody Access

30 contacts in total

Children separated from siblings, living with family members – this is very distressing

Caller whose parents have equal custody, does not want to live with Mum anymore because of being abused. She has written to her social worker explaining why she wants to stay full time with Dad. She just wants her voice heard.

Caller who doesn't like parents fighting over him – finds this very distressing

Caller loves living with foster parents – feels "safe" there. If she has to leave them, she will run away.

Caller "tired of everyone making decisions for her without asking what she would like".

- Greater awareness of human rights and equality is needed and this can be achieved through our education system for children and by using rights and equality language in activities they are involved in. Children's rights are a particular interest of the ISPC and we would see an educational element in schools as an excellent starting point. Building on this would be creating an overall ethos based on rights and equality where both become almost cellular for our children and complimented by creating a language of rights. Both equality and human rights need to be promoted from pre-school age.

- Article 17 Section 1 of the European Social Charter (Right of children and young persons to social, legal and economic protection) in terms of corporal punishment needs to be addressed. It cannot be acceptable that children are subjected to such a regime in the family home or indeed in other care settings. While ISPCC acknowledges the government is currently examining this, all children have a right to be protected, regardless, and it is imperative the Commission reminds the government of their responsibilities to children.
- As there is a lack of education on this subject, people tend to be generally unaware of their rights, especially children.
- Gaps in service provision for children from a young age can create inequalities that can become difficult to close, e.g. children being deprived of SNA's where needed; lack of parenting support when children are pre-school age, etc.
- The ISPCC has taken this approach to how we have developed our Children's Panels. We began with a clear equality outcome in mind - the inclusion and involvement of children and young people in decisions that affect their lives; in this case, the development and delivery of services. Ireland passed the Children's Rights Referendum, which is a welcome change to the Irish Constitution, and the ISPCC would view the Commission as taking an active role in promoting the enactment of its provisions.
- A child has a right to meet all his or her peers while growing up, to understand all other children as the same as themselves, and to feel at home in, and have harmony with, the society in which he or she becomes an adult.
- Children have a right to grow up among all the mix of people of varied cultures, close to where they live. A child has the right to come to understand the society in which she or he lives, so as not to feel an alien to it when they become an adult and mix with all types of people.
- The present arrangement of schools, segregated by religion, and sometimes by social class, infringes every child's right to meet other children. The system interferes with every child's right to learn to understand their peers. It interferes with the child's right to live in peace and harmony with their peers, during childhood and adolescence, but also extending decades into their adult lives (possibly all their lives).
- This last interference works by leading children to perceive the people, whom they do not learn to understand because those people attended separate schools, as constituting a separate group or groups. Consciousness of groups promotes the idea that other groups are distinctly different, and promotes the idea that you *can't* understand them. A strong idea of society divided into groups, at a time of some social difficulty, leads people in one group to blame another group for the problem. This has led to social conflict, and, in extreme cases, to war and genocide.
- There is no right to a school adapted to a religion which you support. There is a right of every child to go to a school not far from home, that includes all the children in your district. A child has a right not to be segregated from other children.
- There is another problem with the system of schools divided by religion, in that the system looks to fit with a supposed right of a group, where the State fulfilling that claim of a group "right" results in infringing the human rights of children not in that large group. See Groups, part 4.
- The government in 2015 proposed changing the part of the Employment Equality Act 1998 that lets institutions connected to religions not employ people incompatible with that religion, but *only* to remove sexual orientation from the grounds that could count as unsuitable. The government did not propose removing the discrimination against people not of the institution's religion generally.
- Schools that are attached to religious organisations teach that religion to all children who attend. While the Constitution states that a child attending a school funded from tax (the child has a right to attend) has a right not to receive instruction about religion, most of the schools attached to a religion do not facilitate this for pupils who do not follow that religion. This infringes a child's freedom of conscience.

- The duty of the doctors and other staff to give treatment necessary to save the life of a child, or forestall serious deterioration to the child's health, should be higher than the right of a parent to make choices about their child's medical treatment. The law about this should be clearer, so that the staff do not have to seek the permission of a judge for such treatment
- In part 2 we write that segregation of children in schools infringes another right – a child's right to grow up seeing all their peers as the same as themselves
- If people know the other cultures properly, they will understand the parts of cultures that are compatible with human rights. We mention this in paragraph 2, as a child who was not segregated from other children at school will understand cultures better in adulthood.
- To include a broader definition of 'Family' to reflect the modern meaning of a family within Irish society;
- I think you should set as a target that children and families are assured of freedom from the impact of poverty, exclusion and marginalisation regardless of socio economic status.
- The right to housing has largely been discussed in the context of the experiences of adults. However with the rapid escalation of family homelessness in Ireland there are now over 1,500 children living in emergency homeless accommodation which is universally recognised as being inadequate for their needs. There is an important opportunity for the IHREC to draw together different strands of the human rights debate relevant to this issue: the right to housing, the right to education and the particular rights which apply to family life and to children.
- By embracing the above recommendations, IHREC would be helping families and individuals who find themselves homeless or at risk of homelessness. Research from across the globe has evidenced the catastrophic consequences of homelessness on the individual. In tackling such a complex social tragedy, we must focus on preventative policies. Many of the above recommendations are preventative in nature as we believe that this is where IHREC's involvement could be the most effective. Drawing on the proven track records of the Equality Authority and the Human Rights Commission, as well those of its senior staff, IHREC is a highly respected organisation, and is in a prime position to shape debates on inequality, poverty, and homelessness in Ireland in a way that will lead to real and practical reform.
- In line with the Commission's strategic goals, we also believe that our recommendations will assist IHREC in increasing public awareness around its work and issues relating to human rights and equality in Ireland.
- That those in a same sex marriage had equal rights with regards to adoption in Ireland

Public Consultation Session

- That no child would be refused entry to state funded school on the basis of their parents failed to produce a baptism cert.
- Family in camera rule dropped
- Separated parents to have equal access to the children put into the Constitution.
- 50,000 adopted children from Magadeline laundries to be allowed to find out who there parents are, Parents allowed to find their children.
- Equality, both separated parents to get money from social services for the upkeep of children.
- Separated children to get equal access to both parents& grandparents.
- Separated men to get equal rights of access enshrined in the constitution.
- 8 . Childrens rights to have both parents.
- 50/50 legal rights for separated parents, whatever sex.

- Family – redefine, “any group of people together by love”
- **REMOVE !!** Women’s Role within Family stated within the constitution 41.2.1.
- Recognition of diverse family structure in the constitution. That our community become more inclusive as a result of education.

Burning Flames

- That the constitution is amended to reflect the divergence of structures (family) in modern Ireland/ to support integration of new citizens (new communities) / repeal habitual residency welfare rule.
- That children are free from poverty and exclusion
- Children's counselling – access to services
- Separated Single Parents Rights
- Equal Rights for Separated Parents. The Right of the children to have both Parents in their lives. Social Welfare Payments & children's allowance to be split between both Parents. In camera Family Law to be scrapped
- The Right of the Child to grow up, including at school interacting fully with their peers in the district in which they live-- so schools should not be segregated by religion, income, or any other non-educational reason. (Is that a right now? -- if not, should be).
- Parity of esteem for the state to treat people equally with no special privileges for certain groups in state ceremonies, taxation (i.e in marriage); For these rights to be recognised by the constitution;
- full rights for people over 16;
- Promote equal treatment between parents in case of marital breakdown (with regard to custody+ access).
Children in CARE; In the 'care' system growing the next, 'gaol generation' ? EARLY INTERVENTION is needed
- Supports when leaving care at 18
- Rights of children in the care system needs more efficient monitoring in terms of: access to biological families; one to one intense support and time given to them supporting their individual needs.
Step parents rights are more or less non-existent. Educate people about their rights. Rights of fathers post separation to make reality as good as if not better than it is. Review of family law cases
- Issue: That a baptismal certificate would be required for entrance to any state funded school. Associated issue of labelling children in a way that promotes segregation along religious lines from a very young age. Summarised in the article “ Where do Unbaptised children fit in” by Carlow ET Principal Simon Lewis. See www.anseo.net and the excellent blog post on the Educate Together website. “ We need to radically overhaul the school admissions system.”

Disabilities

Extracts from submissions

- Within disability sector there needs to be a consumer watchdog/ombudsman, a campaign of public awareness, improved statutory provision and greater policy and planning connectivity, i.e. implementation of the current policies
- With regard to people with disabilities, there is no statutory provision for advocacy.
- The health act, under which disability services are managed, is written from a nursing home context. While people with disabilities are viewed in the same context as people who are of declining health, there can be no real progress in the achievement of life goals.
- There is no will and preference based capacity legislation.
- There is no legal prohibition or guidelines on restrictive practice
- While disability services continue to be financed through Health there can be no true regard for the self-determination of the people supported in the disability sector, e.g. with HSE funding education, employment & housing for people with disabilities rather than through mainstream services for the general population. Disability is being dealt with as a “problem that needs to be cured (medical model) rather than as citizens with equal rights living with particular support needs (social model)
- WALK is more than happy to engage with IHREC in any and every way to promote the rights of people with disabilities. Through focus groups, research projects, awareness raising campaigns, as an “expert” advisor or ally, we are happy to be part of the change that IHREC needs to drive
- Specific areas that IHREC could look at regarding people with disabilities are;

Housing

Employment supports

Further Education

The CRPD will be ratified.

- This is an important goal for IHREC. In the context of disability, CDLP suggests that IHREC can act as a leader on key human rights concerns of people with disabilities in Ireland, and be an authoritative voice in engaging with government on the reforms needed to ensure that Ireland can ratify the UN CRPD
- One example of an issue where IHREC’s leadership would be particularly useful is on the right to equal recognition before the law, enshrined in Article 12 CRPD. At a European level, some national human rights institutions have responded negatively to General Comment 1 of the UN Committee on the Rights of Persons with Disabilities (regarding Article 12). By contrast, IHREC can show leadership in this field within the European Group of National Human Rights Institutions and domestically, through articulating the reforms needed to the Assisted Decision-Making (Capacity) Bill 2013 in order to ensure compliance with the UN CRPD.

- IHREC can effectively deliver on this goal by conducting comprehensive human rights impact assessments and equality proofing new legislation and policy. A disability lens can be helpful to demonstrate the interconnectedness of civil, political, economic, social and cultural rights – for example, the right to live independently and be included in the community encompasses both civil rights (such as freedom to choose where and with whom to live on an equal basis with others) and socio-economic rights such as the right to housing and adequate public services.
- Making information on the IHREC website available in different formats could also help this, including through the use of plain language materials and the development of information in easy to read formats accessible to people with learning disabilities
- In 2020, CDLP's vision is that IHREC will have enabled Ireland's ratification of the CRPD, will have supported strategic litigation on core disability and human rights issues, including the right to reasonable accommodation (in employment and access to goods and services), and will be a leader nationally and internationally in demonstrating how Article 12 CRPD can be realised in practice through a legislative framework such as that provided in the Assisted Decision-Making (Capacity) Bill.
- Despite a commitment in the 2011 Programme for Government to promote its recognition,¹ Irish Sign Language (ISL), the indigenous language used by the Deaf community in Ireland, is still not officially recognised.² There are an estimated 40,000 daily ISL users of which 5000 are Deaf people who have difficulty in accessing public services and information in correspondence with their rights and entitlements.³ Despite the clear recognition of native signed languages in the Convention on the Rights of Persons with Disabilities which Ireland has not yet ratified, proposed legislation⁴ to officially recognise ISL was rejected by the Seanad (Senate) in January 2014. The Minister of State clarified that the Government did 'not want to see scarce resources, particularly at this time of extremely scarce resources, used without the service being put in place'.⁵ Coupled with a complete funding cut to the IDS Deaf Advocacy Service in 2014, which was later reversed as a temporary measure,⁶ it is not clear how the State intends to progress this important issue and ensure the rights of the Deaf Community are protected and respected.
- That Ireland has ratified the Convention on the Rights of Persons with Disabilities
- The optional protocol on non-discrimination to the ECHR needs to be signed. There needs to be a push for ratification of the UN Convention on the Rights of Persons with Disabilities and the second Optional Protocol to the UN Convention on the Rights of the Child.
- All people with an intellectual disability and people with dementia in residential care facilities accorded dignity and respect as is their fundamental right as human beings
- Supported decision-making the norm for people with cognitive impairment

Public Consultation Sessions

- Infrastructure is not good enough for people who are disabled—not prioritized by government—seen as a secondary issue—
- People with disabilities to be integrated into broader human rights/community/infrastructure
- Rights for people for people with disabilities put in place with fully enforceable legislation for not only assessment of need but for having those needs met.

- UN legislation on disability ratified and signed into law in Ireland. Funding follows individual they have the autonomy and power to live the life they wish to live in their own community. Economic, social cultural rights / value/ work/ it is not all about work.
- To see an increase in the number of people with disabilities in college and employment after five years/ keep an eye on the CES !!! 2/10/2015. To see a real change in how people with disabilities are supported into and through our further education system and into employment and having careers “i.e. mainstreaming in action !!
- In relation to people with disabilities mainstreaming as part and parcel of what every department does. That the state has procedure regarding the needs of people with disabilities and other groups à IHREC should get the ball rolling on thisà IHREC has levers to get government departments to listen and should be using them
- Not enough being done for disabled people
- Government implement their own policy on individual supports (disability policy review) away from institutional models/ including rights to “age in place” disability policy - promote à individualised funding and the end of institutions
- Recognition of people with Disabilities as sexual being
- Equal access of opportunity for people with disabilities à work/employment; schooling; accommodation; adequate supports
- More provision of equipment for the deaf people and disability people

Burning Flames

- Award for most successful business/ hotel get people thinking, rather than ticking a box, get people with disabilities to judge. Nothing about is without us.
- Change employment law in big business to encourage business to employ people with disabilities.
- Wheelchair accessibility, swimming pools, gyms, shops, shopping trolley and baskets accessibility for wheelchairs.
HIQA people with intellectual disability are experts by experience we want to be part of services and we want to be consulted by part of HIQA inspections, if it is about us, include us at consultation stage and planning stage
- Training and work preparation courses or organisation for people with high needs in an intellectual disability area. They want to work too.
- Closing down institutions for people with disabilities and closing down nursing homes.
- ISU Right to work for residents living in direct provision centres; access to education for direct provision residents
International refugee crisis and Irish response. The rights of those in direct accommodation
- improved rights for people with disability (intellectual & physical);
- People with disabilities are not allowed to marry. People with intellectual disabilities do not want separate laws they want to be the same as everyone
Disability rights—transport, misuse
- Disability awareness/ inclusion. Independent living. Normalise.

Transport- more accessible public transport, trains waiting for ramps. Bus no wheelchair access on inter town and city

- Disability rights and equality



Abortion / 8th Amendment

Extracts from submissions

- The IHREC has a role here, both directly in communicating with the public through traditional media, social media or other communication means, and indirectly through, for instance, engaging with key media outlets to encourage them to cover human rights issues in a considered and responsible manner. For example, it seems that many people believe that international human rights treaties are imposed on states in some autocratic, undemocratic manner, rather than negotiated, adopted and voluntarily ratified by states. Also, it could be better explained to people by independent bodies like IHREC how they can balance their own religious or other beliefs and opinions with the rights of others, and that it is the state's role to ensure the fair balancing of rights. This is particularly important in the context of potentially divisive or socially uncomfortable issues like abortion or LGBTI rights.
- That you had helped push through legal and simple access to abortion for women in Ireland. I would challenge you to change the attitude of people towards human rights. To be more specific... Our society witness the greatest tragedy of letting the most vulnerable people being killed.. People who cannot speak for themselves...People in mother's womb and many elderly people in nursing homes whose 3 basic requirements are denied-food,water and air!!! Take up the challenge if you dare
- Consistency and coherence are essential to leadership. As an independent, authoritative and influential institution in the promotion and protection of human rights and equality, it is incumbent on IHREC as an institution, and of all the Commissioners, to promote the fulfilment of binding international human rights standards. Individual Commissioners' personal beliefs should not stand in the way of the leadership of the Commission in this regard, as has sometimes been the case with regard to the issue of abortion, for example, where, in spite of clear recommendations to the state from two UN treaty monitoring bodies, the IHREC stakeholder report to the Universal Periodic Review noted two dissenting positions. Such a position can dilute the authoritative leadership of the body. Full commitment to international human rights standards should be a core requirement in the appointment of Commissioners
- The Irish State has not always offered fully accurate interpretation of international human rights law. For example, the State has argued before the UN HRC and UN CESCR in the context of abortion that the European Court of Human Rights doctrine of margin of appreciation in relation to the right to privacy extends to human rights obligations generally. IHREC should challenge the State if it uses inappropriate argumentation in its engagement with human rights bodies to defend a failure to fulfil human rights The 8th Amendment has been repealed through a referendum and any regulation subsequently put in place is grounded in reproductive rights and the vindication of a women's right to health.
- Stakeholder report to the Universal Periodic Review noted two dissenting positions. Such a position can dilute the authoritative leadership of the body. Full commitment to international human rights standards should be a core requirement in the appointment of Commissioners.

- Sexual and Reproductive Rights

WHRA notes the concern expressed by the CEDAW Committee in 2005 about the consequences of the very restrictive abortion laws in Ireland. Article 40.3.3 of the Constitution affords a degree of protection in law to a foetus that is equal to that afforded to a pregnant womanⁱ; this is disproportionate and inconsistent with international human rights law and causes well-documented harms to pregnant women. Abortion is unlawful in Ireland except to save a woman's life;ⁱⁱ women in all other circumstances must travel abroad for abortion services.ⁱⁱⁱ The provision of information regarding abortion is strictly regulated and criminalised in certain circumstances by legislation.^{iv} In cases of conflict with foetal existence, doctors are prevented from making clinical decisions in the best interests of safeguarding a woman's health or dignity.^v

- A number of cases of harm to women, including avoidable deaths, arising from Ireland's abortion laws have occurred since 2011.^{vi} UN treaty bodies have criticised the non-compliance of Ireland's abortion laws including its Constitution with international human rights standards.^{vii} The Protection of Life During Pregnancy Act (PLDPA) was enacted in 2013.^{viii} However, there are concerns over the failure to provide adequate services, and cumbersome and discriminatory procedures^{ix} under the Act which can act as barriers to accessing lawful abortion.^x Contrary to the recommendations of treaty bodies, abortion has not been decriminalised and is subject to a maximum of 14 years imprisonment on conviction.^{xi}

- Access to reproductive health services

Cost is a significant barrier to women's access to contraception: while awareness is high compared to other European countries, reimbursement schemes for contraception and availability of sexuality education lag behind. Migrant women and women asylum seekers face particular barriers in access to health services in general,^{xii} and reproductive health services and information, including in relation to abortion, in particular.^{xiii} The legal status of prescribing contraception to young women under the age of sexual consent is extremely unclear, and the lack of clarity can result in young people engaging in sexual activity without protection from unplanned pregnancy for fear of being reported to the police or out of fear that a doctor will insist on informing their parents.^{xiv} Recommendations of the Law Reform Commission in 2011^{xv} that the views of mature minors be taken into account in the context of contraception have not been implemented.

WHRA respectfully suggest that the Committee ask the State:

- Please provide information on how the State reconciles its obligations regarding women's reproductive health under the Convention with its restrictive abortion laws.
- Please provide information on plans to implement the recommendations of the UNHRC and UN CESCR in relation to the repeal of Article 40.3.3 of the Irish Constitution, the decriminalisation of abortion and the repeal the Abortion Information Act 1995.
- What steps are being taken to implement the recommendations of the Law Reform Committee in relation to young people's access to contraception?

- Please provide information on measures to ensure that women asylum seekers, undocumented women, young women, women with disabilities and other vulnerable groups have adequate access to reproductive health information and services, including in relation to abortion.

The man who actually drafted the 1948 Universal Declaration of Human Rights was profoundly opposed to including the right to abortion. Translation: *Every society that recognizes abortion as a human right condemns itself to death.* And now that we have abortion all over Europe are we not seeing Cassin's prediction coming true! Mother Theresa too is on record as having declared over and over again that the greatest threat to peace is abortion. If a person can aggress against a child at any stage, even – or perhaps especially – against the totally dumb and defenceless child in the womb – that person can aggress against anyone. 'Anyone' here means 'you and me'.

"The main conclusion of the report was that fetuses under 24 weeks could not feel pain and therefore did not require pain relief when undergoing surgical procedures (or abortion).

"I criticized the report on this blog at the time suggesting that the RCOG had simply cherry picked experts guaranteed to deliver convenient conclusions in order to justify its historic position that babies killed by late abortion are not really sentient human beings worthy of any respect.

"Ward Platt supports the current abortion law and is not addressing this political debate, but does proceed to take the RCOG to task over the science.

"This raises serious questions for those who would argue that we should treat babies in the womb any differently from babies of the same age in a neonatal unit. It is also relevant to the abortion debate.

Abortion at 20 weeks

Despite the fetus's advanced development at 20 weeks, the following abortion procedures are the most commonly used: Digoxin abortion: A drug called digoxin is injected directly into the baby's heart, giving the fetus a fatal heart attack. The dead baby is then removed from his or her mother by dismemberment. From my own sources in the Pro Life Movement I have learnt that a relatively small number of babies at full term are aborted both in the UK and in the US in a procedure known as 'partial birth abortion.' The baby is delivered feet first, then the skull is punctured, the brain extracted and the head collapsed. Sometimes the baby is born alive and left to die or quietly illegally killed. The object of many full term abortions is a dead baby. • An unborn baby at 20 weeks gestation "is fully capable of experiencing pain. ... Without question, [abortion] is a dreadfully painful experience for any infant subjected to such a surgical procedure. Given the medical evidence that unborn babies experience pain, compassionate people are viewing abortion more and more as an inhumane and intolerable brutality against defenseless human beings. Abortion at 20 weeks

Despite the unborn child's advanced development at 20 weeks, the following painful abortion procedures are used: • Partial-birth abortion (D&X): The unborn baby is

delivered feet first, except for the head, which is punctured at the base of the skull with a sharp object. The brain is then suctioned out, killing the child. (This method was outlawed in the United States in 2007.) • Saline abortion: Salt water is injected into the womb through the mother's abdomen. The unborn baby swallows this fluid, is poisoned and dies in a process that sometimes takes 24 hours. The toxic saline solution causes severe burns over the unborn child's entire body.

MCCL helped to pass Minnesota's Woman's Right to Know law in 2003, which, among other things, informs women that their unborn child can feel pain at 20 weeks gestation. MCCL also strongly supported the Unborn Child Pain Prevention Act, which became state law in 2005. The law requires that abortionists and referring physicians inform women that pain-reducing medication is available for their unborn baby. Pregnant women must sign a form to either request or refuse the administration of pain-reducing drugs to their unborn child prior to an abortion. Mother Theresa who has addressed the United Nations and American government was refused permission to speak on any Irish or Northern Irish radio station, including Highland Radio, in the run-up to the three part abortion referendum in '93.

Public Consultation Sessions

- 8th Advocates nationwide - raising awareness , campaigns
- That women will no longer be required to travel outside of Ireland to secure a medical termination in the case of fatal foetal abnormality. Thirty four thousand women in the last nine years travelled to the UK for a termination for a variety of reasons; on average that is 12 women every day.
- "Women's Right to Choose".
- Eight amendment repealed.
- Gender equality is an important issue. Norms based on traditional gender stereotypes perpetuated in society are harmful to people. Alternatives to the traditional need to be emphasised as acceptable and normal. Abortion should be legalised as it is about a woman's right to her body.
- Abortion will be legalised. (remove amendment no. 8)
- Abortion is legal.
- **8TH AMENDMENT REPEALED**
- Recognising the woman's voice within her own medical/health issues eg: reproductive
- Right to travel for abortion for victims of trafficking, prostitution and rape.
- Repeal the 8th amendment Making Rights Real !!
- IHREC to submit to Government on new legislation, to do this on Abortion Law.

Burning Flames

- Repeal of 8th Amendment.
- Issue: That a woman would be obliged to carry a foetus with a fatal foetal abnormality to full term; or travel to the U.K. or Netherlands to secure a medical termination without support. See @TFMRIRE on Twitter- campaigning for parents to be afforded

the dignity and compassion of allowing medical termination for fatal foetal abnormalities in Ireland

- Prosecution of offences against women. “ Consent” campaign. Accessibility for public services for everyone including easy to read information. Ratification of UNCRPD. Repealing 8th amendment.
- Capacity legislation which is compliant with article 10 of CRPD and ratification of the CRPD.
- Repeal the 8th amendment.
- Access to abortion
- Repeal the 8th
- Sex worker rights a reform of the laws around sex work and extra care to be taken to the safety of sex workers.8th
- Repeal of 8th Amendment.
- Trans rights; Sex worker's rights. Gender equality. Access to abortion.



Irish Sign Language / Deaf Issues

Extracts from Submissions

- Deaf people frequently experience barriers when trying to access public and private services, with negative impact on their health, employment opportunities and wellbeing.
- People with acquired hearing loss have double the rate of depression compared to hearing peers, while the negative impact of hearing loss on their quality of life has been found to be greater than that of cancer or heart disease
- 'Communication represents an essential and very important human need as well as a basic human right' (Fulya, 2015). Within the UNCPRD, Article 2 defines communication as including 'languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain language...' and defines language as including 'spoken and signed languages and other forms of non spoken languages (UNCPRD, 2006). In essence, 'the right to communicate and express personal thoughts, ideas, and opinions, people feel themselves treated equally – in other words: Communication validates human equality' (Fulya, 2015). As the Austrian philosopher Wittgenstein said: The limits of my language means the limit of my world.
- In Ireland today, to a greater or lesser extent, many Deaf and Hard of Hearing people have their human right to communication denied or compromised in their daily lives. A number of examples will illustrate that for some, this has a severe and perverse impact on their lives
- Deaf and Hard of Hearing people who are vulnerable and require supported residential accommodation are frequently placed in services where they have no access to communication in their daily lives. DeafHear is aware of more than 30 Deaf people whose first language is Irish Sign Language, and who are placed in residential services designed for hearing people. This is because the HSE have failed to develop appropriate services for Deaf people similar to all other developed countries. The outcome is that these vulnerable Deaf people regress rather than progress within their placements, and in many cases their ability to communicate is lost or diminished. These people are being denied a basic human right with devastating consequences for their quality of life and wellbeing.
- Deaf and Hard of Hearing people who are given a custodial sentence are extremely isolated and have little or no access to communication in prison. A small number of Deaf people have been given custodial sentences, but while in prison, not only is their liberty taken from them, but they have virtually no opportunity to communicate while in prison. This is both inhumane and a denial of a basic human right. Prisoner supports, such as counselling and educational services, are not accessible to Deaf prisoners because the Irish Prison Service does not provide Deaf prisoners with access to interpreters for these services. This is also an equality issue
- Deaf and Hard of Hearing people have unequal access to health services. While in recent times the HSE have published accessibility guidelines for people with disabilities to access health services and have put in place procedures to arrange for communication support and sign language interpreters on request for Deaf patients,

Deaf people who do not have a medical card must pay for the interpreter themselves when visiting their GP. This means a GP visit could cost in excess of €200. Of course few Deaf people can afford such an expense. The outcome is (as evidenced by RNID research in 2006) that many avoid going to their GP, with a consequent negative impact on their health status

- There are many other examples in daily living where Deaf and Hard of Hearing people have unequal access or no access to services and activities that are fundamental to equality and basic human rights, including employment supports, education, health, information services, and participation in social and public life. DeafHear hopes that the IHREC Strategy will assist in addressing and rectifying these inequalities and denial of basic human rights. The provision of interpreting and other communication supports is key.
- DeafHear believes that there needs to be a greater focus on outcomes and accountability. Citizens who experience inequality and/or have their human rights denied should be supported and encouraged to seek a fair solution to their situation. The present mechanisms are too weak and the sanctions are virtually non-existent. As a result many institutions and public bodies ignore their responsibilities and sweep aside representations – even when they are evidence based and have no resource implications.
- DeafHear believes that Deaf and Hard of Hearing people, along with many others, continue to experience inequality and denial of human rights in Ireland today. Despite the introduction of much laudable legislation and many policy documents, there has been a distinct failure to deliver change. In some instances this may be attributable to resources, but a much greater barrier has been a culture characterised by low commitment and even less accountability. It is to be hoped that the IHREC can play a role in effecting much needed and desirable change in this area. If it is to do so, DeafHear believes it will need to be robust in its use of Sections 35 and 40 of the Irish Human Rights and Equality Commission Act.
link: <http://www.oireachtas.ie/documents/bills28/bills/2013/11313/b11313s.pdf>
- We believe that our right to use ISL as our primary language can be intentionally or unintentionally violated on a daily basis. To understand this, there are two academic journal articles explain this stance: Please read Siegel (2006) and Mullane et al (2013) – Please see appendix I
- There have been a number of developments since September 2014 though they may not be significant but interesting enough to notice the moment. They are:
 - More county councils passed the motion calling on the government to recognise ISL. The wording of the motion which passed by many county councils are: “In an effort to improve the lives and well - being of our deaf and hard of hearing citizens, that this Council calls on the Government to give official recognition status to ISL, Irish Sign Language”
- As we understand the National Disability Authority is researching the possibility of creating a state-funded ‘voucher system’ which enables employers or Deaf workers to cover the cost of the interpretation (Irish Sign Language /English interpretation).

This scheme would remove a barrier where employers see the employment of Deaf people as a burden hence a high unemployment rate among Deaf people.

- On the other hand, Deaf workers tend not to request such services out of fear of being seen as a burden on employers. This kind of scheme exists in several countries including Britain. In Finland, this kind of system extends beyond public services and employment so that Deaf people in Finland can avail of the scheme to cover access to cultural life also. The government recently replied to a parliamentary question, which could be linked to the issue above. (See <https://www.kildarestreet.com/wrans/?id=2015-03-24a.1034&s=Deaf#g1035.q>)
- The funding issues of summer 2014 for the 'Deaf Forward' Advocacy Service represent a challenge to the provision of, and access to services for Deaf people. Fintan O'Toole reported this in his column in the Irish Times on 31 March (<http://www.irishtimes.com/opinion/fintan-o-toole-the-crisis-is-over-so-when-does-the-cruelty-stop-1.2159054>).
- Deaf children are still not formally encouraged to learn ISL, and our concerns can be best described by the following statement by the World Federation of the Deaf and European Union of the Deaf when their representative gave to the UN panel in Geneva this week (see <http://www.ohchr.org/Documents/HRBodies/CRPD/DGD/2015/WFDAndEUD.doc>).
- Advice given to parents of Deaf children still demonizing the ISL as if it brings harm to their children but research shows the contrary. It is clear that withholding ISL from children can bring harm to their subsequent cognitive and physical developments. Academics argue it is unethical to advise parents not to encourage sign language but it is widespread in this country. (See Humphries et al 2012)
- Access to health services is still a haphazard experience for many ISL users...see the UK experience (<http://limpingchicken.com/2015/07/27/andy-palmer-can-we-really-crack-the-deaf-health-problem/>)...as well, Conama and Grehan (2001), as well, <http://www.medisignsproject.eu/MEDISIGNS/Research.html>
- The IDS recommend that the IHREC Statement of Strategy 2016-2018 asserts that public bodies and services will actively support equality and inclusion of Deaf people through quality interpreting services, and use enabling technologies. To this end, government and public services should adopt the Irish Remote Interpreting Service (IRIS). www.slis.ie
- RTE decided to defer the only television programme that transmitted in ISL - 'Hands On' for one year. IDS protested against the decision and organised a petition
- The recent AHEAD (Association of Higher Education and Disability) report states that Deaf people are more likely to drop out of colleges and universities for the want of interpreters (see <http://www.thejournal.ie/less-deaf-people-college-1943320-Feb2015/>. And <http://www.ahead.ie/userfiles/files/shop/free/PARTICIPATION%20RATES%20REPORT%202013-14.pdf>)
- The recent case of the imprisonment of Edward Connors and lack of ISL services in prisons for Deaf prisoners. (See http://www.thejournal.ie/deaf-dawson-st-bus-death-1959030-Feb2015/?utm_source=shortlink)

Key issues for the IHREC Statement of Strategy 2016-2018

Sign Language Interpreting Service (SLIS) has identified a number of key issues the IHREC should consider in developing their strategies.

- Full compliance with legislation and regulation with respect to reasonable inclusion of Deaf people.
- 8% of Irish adults (270,000) people have a significant disabling hearing loss that impacts on their daily lives.
- Government Departments, Public Bodies/Services are obliged by law to ensure their services are accessible to Deaf clients (Equal Status Acts 2000; Equality Act 2004; Disability Act 2005). The Disability Act provides for “Reasonable Accommodation” to Public Services. In the case of a Deaf person, the vagueness of this term, as well as levels of awareness of access and equality issues for the Deaf community, may limit compliance. SLIS encounter issues on a daily basis in relation to Deaf people’s access to public services, particularly in relation to health, education, employment and social inclusion.
- Under the Central Bank’s Consumer Protection Code, regulated entities must ensure that vulnerable consumers are provided with reasonable arrangements and assistance necessary to facilitate their dealings with the entity and their services. Our experience is that this is not sufficiently exercised in practice with Deaf clients.
- Irish Sign Language has no official status in Irish law.
- Irish Sign Language (ISL) is the first and indigenous language of the 5,000 members of the Deaf community, and is used by about 40,000 people. However, Irish Sign Language has no official status in Irish law. SLIS supports the overwhelming view of the Deaf community and of Deaf representative and advocacy organisations that ISL should be recognised by the state as a first step to ensure equality and the full inclusion of the Deaf people in Irish society. The Irish Deaf Society reinforces this point by referencing that 80% of Deaf have significant literacy difficulties in English.
- There is a lack of awareness among service providers and decision makers that ISL is a language in its own right. This is often accompanied by the mistaken belief that an ISL interpreter is there just for the Deaf person.
- Limited availability of qualified Irish Sign Language (ISL) Interpreters restricts equality for the Deaf community and access to entitlements, rights and to public services.
- Despite the introduction of a degree level interpreter training programme in Trinity College Dublin, the limited pool of interpreters remains inadequate to serve the needs of the Deaf Community in Ireland. In 2015, it is estimated that there are less than 50 working ISL interpreters serving a Deaf community of 5,000. These 50 interpreters have different capacities, different training and expertise and differing levels of experience. This curtails the Deaf person’s access and routine use of public, social and health services, and especially in remote or rural areas. This restriction is compounded by the Deaf person’s inability to access the telephone services provided by public bodies to contact services directly.

- Limited use of technology by government and other services to support equality and access of the Deaf community.
- SLIS has sought to address the scarcity of ISL interpreters by the development of our Irish Remote Interpreting Service (IRIS) – which provides an online link to an ISL/English interpreter using programmes such as Skype, ooVoo or Webex. The IRIS interpreter is based in the SLIS offices whilst the clients can be located anywhere in Ireland. However, public services have not adopted this support to communicate with Deaf people, and it remains the case that Deaf people initiate the contact and use of this service.
- Insufficient progress on the implementation of the National Disability Strategy in relation to sign language services.
There are two actions in the National Disability Strategy implementation strategy 2013-2015, one of which is to “Co-ordinate Sign Language Interpreting Service pilot project across government departments”. To date, the Department of Social Protection and the Citizens Information Board have engaged in the pilot of IRIS.
- SLIS believe the IHREC statement of strategy should promote the use and quality of sign language interpretation as a means to underwriting equality and access for the Deaf community to their rights and entitlements, as well as to support social inclusion.
SLIS recommend that the IHREC Statement of Strategy 2016-2018 asserts that public bodies and services should support equality and inclusion of Deaf people through the comprehensive availability of quality interpreting services, and the use of enabling technologies, including the Irish Remote Interpreting Service

Public consultation sessions

- Recognition of ISL rights. “ Direct Provision” (accommodation).
- Better understanding of deaf access issues for public agencies. Knowledge of access rights, access officers etc. ISL recognition –employment discrimination.
- Services - no deaf awareness. Technologies access services for interpreters ISL. Need listen to deaf community and important for ISL recognition third official language. Worry about deaf children in mainstream. Deaf community all life – DEAF—Deaf ? - need listen DEAF specificity.
- ISL Services - technologies, interpreter, ISL, reply on screen communication such as telephone . Government to use tax to provide ISL interpreter for services and access to the public
- Aim to recognise ISL and access to media
- Disabling people through lack of access so providing proper access routes: Deaf access; people are disabled through lack of access (ISL translation) easy to silence an entire group through barriers to communication
- Deaf people should be to access the same jobs as others via the use of sign language from education through to work. Teach ISL in schools/ have access to ISL for deaf children and hearing so that they all learn ISL to build community/ identity. Speech / sign should be equal. More focus on sign language = respect to both

- ISL must be recognised by the government to improve services - equality - as a third national language - in USA sign language is taught in schools so everyone mixes not just individuals.
- Access to sign language interpreters. Access to services !! Important. GP, Hospitals, Education, Health, Info sessions, Public Services, NEWS , RTE, TV, TV3 in ISL not just subtitles.
- Teachers learn sign language, should be able to study ISL in college as a language choice that subject leaving cert ! junior cert !
- IHREC should meet deaf people, go into deaf clubs, visit the deaf community to find out our views.
- Funding made available for deaf to teach ISL to foreign in deaf people arriving in Ireland. Cinema and films in ISL
- Speech and ISL equal status. Signing versus “ boring” subtitles ! Child friendly rights for all children. Need good information flow - greater understanding
- Parents learn sign language. Write notes all the time very wearing better learn in schools and colleges better for deaf people. Older people deaf difficult especially in the country. TV cookery etc. no signing on TV very tiring to read all the time.
- Not enough facilities for deaf people at conferences and meetings. People not aware of deaf people’s sign language, doctors and dentists should learn sign language. No awareness training medical terms not understood, same in hospital. Doctors have no patience with you, don’t like to ask you to write things down. Too busy no time – nurses rushing/ Scotland recognised sign language. Keep campaigning for sign language schools from very early age learn sign language.
- More opportunities to lead on sign language, different styles etc so that a lack of competence is not a barrier to education or other fora.
- Irish sign language should be recognised as the 3rd national language of Ireland. ISL
- Irish Sign language recognition- ISL RECOGNITION 1. Benefit to deaf peoples access in public or private, 2. Benefit to hearings access to deaf, 3. Deaf education.
- ACCESS TO INFORMATION - ISL Language; Visual ‘v’ heard; Availability à True for all languages & literate abilities.
- Special needs of deaf people,
- Irish Sign Language à ISL recognition – identity; culture, community
- Stop campaign for ISL more than 30 years ago ~~Listen~~-them, watch them, What they want.
- ISL USERS - Language. Poverty
- Irish Sign Language Recognition for Deaf Community. Deaf community treated equally to the hearing community. More interpreters in local places e.g. none in Waterford
- More Deaf awareness. Stop Oppression on our Deafness. Communication Barriers for Deaf. More Deaf Awareness. Deaf people are Irish Citizens. Provide Services for Deaf Community e.g. GP, HSE, Media etc. Learn ISL. Focus on our culture , Identity and language (ISL) NOT Hearing Loss/Deafness.
- Issues for Deaf people in communicating
- More provision of equipment for the deaf people and disability people.
- Improve education for deaf peoples.

1. No ISL recognition is a barrier megatime!
 2. Lack of deaf awareness and interpreters.
 3. Attitudes need to be changed.
 4. STOP patronizing deaf people (for example can you talk? Very good!)
 5. Change medical perspective e.g. force hearing aids cochlear implants. We still deaf if we have it !
 6. Change education perspective e.g. provide ISL teachers especially for deaf children not mainstream.
 7. Encourage children of deaf parents not to be ashamed of ISL in public !
 8. Deaf people should have interpreter for public services and not pay for it!
 9. Get a balanced opinion in medical and deaf community. Don't believe in ridiculous myths !
 10. Do not leave deaf people out from community.
 11. Social Participation.
 12. Need more deaf leaders.
- Irish Sign Language Recognition Campaign ->is needed contact Irish Deaf Society for more information
 - Get a deaf person into politics and listen to them
 - Lobby ISL Irish Sign Language Recognition; Contact Irish Deaf Society for More information; Look at twitters and face book and website
 - In terms of mental health and counselling; interpreters are not automatically provided therefore no access. Another example where a Deaf person may wish to have access to weight loss services there are no interpreters. Employment , training, meetings and simple every day activities such as going into a bank often revolves around having to make a phone call, Deaf people cannot make phone calls. It those very types of simple everyday things create barriers for Deaf people. Overall it is as a result of a language barrier, exclusion and attitudes that are the biggest issues that Deaf people experience. Access to education through ISL is not provided therefore Deaf children are delayed as a result.
 - Our service supports and advocates for Deaf people on these issues as many are not aware of their rights due to a lack of provision of information through ISL, Deaf don't hear information over the radio, or learn information through hearsay some are also not able to read information. This is because ISL is their first language.
 - Our service provides all information through ISL so that Deaf people can access information with confidence and make up their own mind to decide for themselves and express their own opinions rather than be reliant on others to tell or decide for them. We have seriously limited financial resources in our service due to continuous governmental cutbacks. Recently we had to close due to lack of funding. There was a huge panic as to how Deaf people would be able to have access to information and advice thankfully funding was secured however is this permanent? Will it continue? What happens if there are more cuts going forward? It would mean that Deaf people's human rights are further seriously marginalised.
 - Education...I have many other points to make but I'm making this brief for the time allowed. A good education is vital for success in life, social inclusion and having a voice that is heard. A poor education results in anxiety in speaking up and uncertainty in understanding what information means. This department DALS provides courses for

Deaf adults giving them a new confidence in second chance learning despite our limited resources. It is imperative that the IHREC see why our work is vital. We are ISL users confidently teaching Deaf people without the use of interpreters. Empowering Deaf people to educate other Deaf people. We need to have more of this. Therefore I would ask the IHREC to promote nationwide for Deaf people to continue their education, avail of second chance learning to confidently enable them to fully participate in society. This must continue and be part of the IHREC strategic plan going forward. Thank you.

The IHREC has a strong position of leadership role in promoting human rights and ensuring funding is in place to meet the Paris principals. There would need to be yearly cross checks to keep Ireland in accordance with Paris principals.

Leaving your questions to one side I've been contemplating that I, personally as an ISL user and what it is to be Deaf? Do I feel I'm treated equally in terms of my human rights? No I don't. Yes I'm able to read and write English and other Deaf individuals can however the vast majority of Deaf people cannot as it's a foreign language to them. We need to be able to express ourselves, our thoughts, our inner most feelings through ISL and not through writing, as a positive duty. In ISL it's all made very clear. On writing, a Deaf person has to rethink what's written to reflect their meaning and seek proofreading to ensure this whereas through ISL there is no need.

Deaf children nowadays in school are permitted to sign but not as a human right but rather as a communication tool, ISL is frowned upon though this is denied by the Cochlear implant department it that view is upheld by parents who come through the programme and this is evidenced in other countries. A newly diagnosed Deaf baby is very quickly linked in with the Cochlear Implant programme in Beaumont Hospital where it is not encouraged that babies learn to develop speech and not sign. Babies with a cochlear implant or not will still need a signed language and this is evidenced by research in other countries yet we continue to see resistance to this. Ethically there are a lot of questions about this as a human rights issue. Language acquisition and culture cannot be acquired at a later age, it cannot be internalised at a later stage. We know with children the earlier is the better.

In terms of service providers when we see the description of what they do... Irish government has a duty to provide information in English and Irish often with additional foreign languages while I applaud this there is actually no legal requirement for these foreign languages. When we ask for information to be provided in ISL there is hesitancy and avoidance citing funding issues followed with questions raised as to our ability to be able to read English? Resources restrictions or not enough people is an issue in ISL provision rather than seeing it as a matter of equality and our rights, they don't see us as Deaf people of Ireland with preferred first language choice of ISL. Other countries do recognise their signed languages.

The one Irish institution that automatically provides Criminal Courts provide ISL interpreters, they are paid by the government and just very recently the HSE has approved the provision of ISL interpreters for those Deaf with medical cards attending their GPs however the same does not apply to those without medical cards. Private health insurers will not provide interpreters for their Deaf patients. We need clearer guidelines on human rights.

So to me ISL provision is linked to human rights: I have a right to decide, to be who I am, to language, to protection, to express my opinions and views, to freedom of speech, to socialise, free from threat. Without ISL those rights cannot be muddled. There are many more

variations of human rights, this is just a few. We have recognition of signed languages as a human right but not yet in Ireland.

Overall I would like to see the IHREC include the language of ISL as a human rights issue. The UN convention has already agreed this but it has not yet been ratified by Ireland. The UN convention on the rights of people with disabilities recognises language on five points, that children have a right to learn through sign language, to cultural and language acquisition and linguistics and the right to be who they are.

Burning Flames

- ISL recognition official 3rd language in mainstream education, employers, services.
- Right to work...
- Everybody's right to education especially direct provision centre occupants
- Deaf community: need Irish sign language recognized to prevent barriers in health services, society and many more even education as well; deaf people need to be equal to hearing community
- Deaf people Barriers; Prevention needed e.g. G.P.. lack of interpreters, Hospital, Social Welfare, Garda, Education, Society, Lack of Irish Sign Language Awareness.



Mental Health

Extracts from Submissions

- Amnesty International considers that there is still unwillingness by legislators to embrace a human rights approach to legislation. For instance, the Assisted Decision-Making (Capacity) Bill 2013, while a welcome and significant improvement on the 2008 Scheme, still reflects a reluctance in some areas to embrace a fully human rights compliant approach to disability, and instead adopts a 'mental capacity' rather than legal capacity approach not in full recognition of the requirement to respect peoples' will and preferences. Substantial progress was achieved through direct engagement by civil servants with human rights NGOs and experts, but their hands were tied by government legal advisers. It will be important that IHREC endeavour to bridge the gap that NGOs cannot.
- An overriding action that must be taken is for the State and its agencies (including IHREC) to ensure a specific focus on people with experience of a mental health difficulty as a marginalised group in Irish society. This is particularly relevant to IHREC. People with experience of a mental health difficulty as a group are one of the least protected in terms of their civil rights under current Irish law. They are also one of the most socially excluded, experiencing prejudice and discrimination in all areas of their life in the community. In keeping with General Comment 14's articulation of the need for State parties to have particular regard to marginalised groups, IHREC should ensure that it takes specific action to strengthen the respect, protection and fulfilment of the rights of people with experience of a mental health difficulty. Specific ways that this can be done are enumerated below
- Amend the Assisted Decision Making (Capacity) Bill so that it is in line with the UNCRPD with respect to the autonomy rights of people with a mental health difficulty. The ICCL's submission to the UPR states that the introduction of mental capacity requirements in 'assisted decision-making agreements' is likely to focus on mental capacity testing. There is concern that assessing capacity will become the focus in assisted decision making rather than understanding and facilitating individual support needs and supporting the individual to make decisions. There is also concern that advance healthcare directives will not apply to people in receipt of mental health care, on par with those in receipt of physical health care, and in particular, that they will not apply to individuals who are involuntarily detained under mental health legislation.
- Review of Ireland's equality legislation. Mental Health Reform has called for a review by Government of the Employment Equality Acts 1998-2008 to ensure that they provide adequate protection against discrimination on the grounds of a mental health disability. Further details on this can be found below.
- Implementation of existing national policy relating to people with mental health difficulties. In order to progress people's right to the highest attainable standard of mental health, there are other pieces of domestic policy that should be fully implemented. Such policies include:

- The Mental Health Commission's Quality Framework (and relevant codes of practice)
- The Housing Strategy for People with Disabilities (includes a dedicated chapter for people with mental health disabilities)
- The DECLG's 20. Action Plan on Homelessness □ The HSE's Intercultural Health Strategy
- The National Children's Framework, Better Outcomes, Brighter Futures
- The Comprehensive Employment Strategy (including the commitment to supporting people with mental health difficulties into work)
- The Suicide Prevention Framework "Connecting for Life"
- There are a number of barriers/obstacles to achieving people's human right to the highest attainable standard of mental health in Ireland, including:
 - Failure to adequately protect individuals' human rights in the context of mental health treatment, as discussed above in relation to the Mental Health Act. Equivalent gaps exist in relation to the Criminal Law Insanity Act which also must be brought in line with the UNCRPD. Mental Health Reform's submission on this latter legislation is available upon request.
 - Failure to fully implement the national mental health policy A Vision for Change, as well as related strategies. Despite recommendations in AVFC, people with mental health difficulties continue to experience significant difficulties in accessing crisis supports; a high proportion of children continue to be admitted to adult inpatient units; and services for specific groups of individuals (including people from ethnic minority groups, people from the deaf community, individuals with co-morbid mental health and intellectual disability and homeless people) remain largely underdeveloped.
 - Despite recommendations in A Vision for Change on the need for service users and family members/carers (where relevant and with the permission of the individual) to act as equal partners in their own care/recovery planning, many individuals with self-experience continue to report that they do not feel that they have choice in their own care.
 - More specifically, in Mental Health Reform's public consultation meetings in 2015, people stated that there remains an over-reliance on medication and a lack of therapies such as counselling supports. In the absence of choices between alternative types of treatment, people are essentially denied their right to make decisions over their own mental health care.
 - A lack of information for individuals with mental health difficulties on their diagnosis and/or on available mental health services and supports often acts as a barrier to the person in their recovery. At Mental Health Reform's public consultation this year people with self-experience described how there is often a lack of communication between staff and service users. People discussed how doctors were often not forthcoming with information regarding an individual's diagnosis and that when clinicians did share information it was explained in language that was not easy to understand. It is also important that individuals are aware of existing complaints processes, in addition to the equality legislation and the Workplace Relations Commission.

- People with mental health difficulties continue to experience significant prejudice and discrimination, including in the areas of employment, access to housing and access to social welfare.
- In recent years the See Change stigma reduction partnership has been an important means of stimulating public discussion about mental health in Ireland and has begun to have an impact in reducing negative attitudes towards people with mental health difficulties. While there has been some improvement in attitudes around mental health generally, attitudes towards people with severe mental health difficulties do not appear to have improved, leading to their continued social exclusion and hindering their recovery.

Employment

- The Employment Equality Acts 1998-2008 expressly prohibit discrimination on the grounds of a mental health disability. However in a study by DCU 36% of participants reported having experienced unfair treatment in finding a job and 43% in keeping a job. Amnesty International Ireland concluded that it is likely discrimination by employers against people with a mental health disability is occurring in Ireland.^{10 11}
- Overall, the current system of supports for people with mental health disabilities has not been successful in facilitating access to employment. Challenges for people with a mental health difficulty in this area include ineffective links between mental health and supported employment services, concerns around the flexibility of welfare benefits, as well as the prejudice and discrimination surrounding mental health difficulties in work environments.
- People with a mental health disability are nine times more likely to be out of the labour force than those of working age without a disability, the highest rate for any disability group in Ireland.^{12 13} Yet, half of adults with a mental health disability who are not at work have said that they would be interested in starting employment if the circumstances were right.

Housing

- Despite the publication of housing policies and strategies little has changed in terms of the actual experience on the ground for people with mental health disabilities who are having increasing difficulties in finding and securing accommodation. In June 2015, Mental Health Reform consulted with a number of mental health social workers operating in mental health services across the country. There was a general consensus among the social workers consulted that people with mental health difficulties are experiencing significant social exclusion in terms of housing due to rent supplement and housing assistance payment caps. Current rent supplement caps are out of line with market rates and rental tenants are competing for limited housing stock.
- In addition, there is currently no dedicated funding stream for tenancy sustainment support for individuals with a mental health disability and no national programme to transition people from HSE to local authority-controlled housing. In 2014 there were approximately 625 residents in HSE medium and low supported accommodation who could probably live in local-authority controlled accommodation, given the right support.

- The Housing Agency's housing assessment report, 2013 identified that 1,034 households in Ireland has a household member where the main need for social housing support is as a result of having a mental health disability. It is expected that this number is largely under-estimated due to under-reporting of mental health difficulties. Between 2012 and 2013 an audit was carried out in an acute mental health unit in Tallaght Hospital in relation to housing need. The study found that 98% of the long stay/delayed discharge inpatients had accommodation related needs and every 9.4 days there was an individual discharged to homeless services.
- A significant barrier to realizing people's right to the highest attainable standard of mental health is the absence in Ireland of an independent route for individuals engaged in mental health services to make a complaint. A number of service users and family supporters have told MHR that they have difficulty making a complaint about mental health services. Of particular concern, some reported being afraid to make a complaint for fear of consequences to their future use of services. There is currently no statutory independent complaints route for people engaged in mental health services in Ireland who must, in the first instance, complain to the public mental health service provider. Only after having made a complaint to the HSE and received a dissatisfactory response, can an individual then seek redress through the Office of the Ombudsman. This is a highly problematic situation given that mental health service users, unlike other health service users, can be involuntarily detained in health services. There is a need for an independent body to be given a direct role in receiving, investigating and resolving complaints about mental health service delivery.
- For individuals engaged in mental health supports there is a requirement for mental health services to make people aware (including family members and carers) of existing complaints mechanisms and advocacy supports.
- Mental Health Reform recommends that the Commission consider the following in its delivery of goal 2:
 - In accordance with its function under section 10(2) of the Act, IHREC should keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights/equality for individuals with mental health difficulties. In particular IHREC should review the adequacy of the current equality legislation. As noted above research suggests that the legislation may not be effective in protecting such individual's right to equal opportunities in employment. Given that people with a mental health disability are nine times more likely to be outside the labour force than people without a disability, it is important to provide every support possible to encourage them to gain employment.
 - IHREC should monitor Ireland's compliance and progress under human rights as it relates to people with mental health difficulties, having specific regard to Article 12 of the ICESCR on the person's right to the highest attainable standard of mental health.
 - IHREC should monitor the State's compliance under domestic legislation, as it relates to the human rights of individuals with mental health difficulties,

- having particular regard to the mental health legislation and the equality legislation.
- In accordance with its function under section 10(2) of the Act, on examining any legislative proposal and reporting its views on any implications for human rights; IHREC should apply this function to legislation pertaining to the human rights of people with mental health difficulties.
 - In accordance with its function under section 10(2) of the Act, IHREC should make recommendations to the Government in relation to measures to strengthen, protect and uphold the human rights and equality of people with mental health difficulties.
 - In accordance with its function under section 10(2) of the Act, IHREC should carry out equality reviews and prepare equality action plans or invite others to do so on Ireland's progress under international human rights law, as it relates to mental health.
 - In accordance with its function under section 10(2) of the Act, on publishing reports (on any research undertaken, sponsored, commissioned or assisted by it or in relations to inquiries carried out) IHREC should consider publishing reports on the human rights/equality issues relating to people with mental health difficulties.
- IHREC should consider the violation of human rights experienced by people engaged in mental health services
 - A significant gap in mental health service provision in Ireland is the lack of culturally competent services and professionals. In its report on ethnic minorities and mental health, Mental Health Reform identifies the barriers that people from ethnic minorities face in accessing and maintaining appropriate mental health care. Some of the biggest barriers include a lack of appropriate communication between mental health professionals and service users and a lack of access to appropriately qualified interpreters. In order for people from ethnic minorities to have their right to the highest attainable standard to mental health realised, services and staff must respect the diverse beliefs and values of people from ethnic minority communities and deliver care and treatment in a manner that takes account of such beliefs. Services must also provide appropriate communication and interpretation services, where necessary and staff must be aware, knowledgeable and skilled in the delivery of culturally competent mental health care.
 - In the context of goal 4 Mental Health Reform recommends the following:
 - The Commission should promote and protect the human rights of individuals from ethnic minority groups as they relate to mental health. The Commission should promote the need for culturally competent mental health service delivery throughout Ireland.
 - In accordance with its function under section 10(2) of the Act on “undertaking, sponsoring, commissioning or providing financial or other assistance for programmes of activities and projects for the promotion of integration of migrants and other minorities, equality (including gender equality) and respect for diversity and cultural difference” the Commission

should consider projects relating to the promotion of ethnic minority needs in mental health service provision.

- Continuous monitoring of Ireland's compliance with human rights as it relates to people with mental health difficulties.
- Enhanced awareness among the public (and in particular people with experience of a mental health difficulty and their family members) and government of human rights as it relates to mental health.
- The provision of legal assistance to people with mental health difficulties relating to human rights issues
- To engage in a research project (or other educational project) on promoting the human rights of people with mental health difficulties.



Older People

Extracts from submissions

- The Human Rights and Older People Working Group was established on the premise that the member organisations, although different in many ways, share a common focus on human rights and older people.
- The members of the Group are The Alzheimer Society of Ireland; Irish Council for Civil Liberties; Age and Opportunity; Third Age; Age Action; Active Ageing in Partnership and Active Retirement Ireland.
- This collaborative submission identifies five key determinants of whether human rights could be meaningfully realised in older people's lives.
 - (Lack of) access to appropriate and timely information
 - (Not) having a voice
 - (Lack of) access to redress
 - (Inadequate) allocation of resources
 - (Lack of) choice.
- There is a need to develop accessible information, which makes the link between the lived experience and human rights in order to enable older people and other members of society to engage in these issues.
- While it can be useful to speak of older people as a group in recognition of common issues faced by many older people, it is critical to recognise that older people are not a homogenous group. It is important to recognise that many other factors interact with ageing to determine the experience of older people. These may include gender, economic disadvantage, educational disadvantage, disability or belonging to another minority (for example, older lesbian, gay, bisexual and transgender people have been described as an "invisible minority within a minority").
- The government also needs to better meet their international human rights obligations. (see Q2 below)
- Stigma and ageism are major barriers for older people. Older people are often seen as recipients of care rather than rights holders. Many older people have themselves internalised ageism and see themselves as burdens rather than people with rights and entitlements. Stigma is multiplied in the case of older people with a disability such as dementia
- There is also a lack of awareness and a perception of irrelevance of rights. Many older people do not perceive human rights as something which is relevant to their day-to-day lives. The language used to speak about human rights can be alienating and can increase the perception that human rights are "something for lawyers."
- Finally, the government does not take their human rights obligations seriously enough. There are many ways in which this happens that affects older people. One such example is under the State's obligation under article 12 of the ICESCR, the right to health. The Nursing Home Support Scheme Act 2009 provides for State financial support for long term care in a nursing home. There are clear eligibility rules regarding the Scheme. However accessing long term care in the community is discretionary, eligibility and types of supports provided are subject to local policies and resources. Hence, many older people are not afforded the



opportunity to remain living in their own homes. There is a lack of statutory provision for financial support for the delivery of aged care in the community. Despite an increase in the number of people aged 85 and over (an 11 per cent increase in the last three years), home help hours have not increased from the 2012 level. The number of recipients has also fallen.

- However, this leadership must be done in partnership with ageing organisations. Older people's organisations in particular have a role to play in supporting people to seek redress when and where it is needed. In many cases, where the person is marginalised, has a disability or cognitive impairment, they need the support of an independent advocate to have their rights upheld. The Citizens Information Board National Advocacy Service for People with Disabilities and the Third Age National Advocacy Programme (TANAP) have the potential to address this need.
- It is worth noting that many of the rights which impact most profoundly on the day-to-day lives of older people in Ireland such as the right to health and the right to housing would traditionally be seen as economic and social rights. Therefore the Irish government's obligations in relation to these rights tend to be more obligations to take steps to bring the realisation of these rights – "obligations of conduct" - than stronger obligations to "respect" and "give effect" to them – "obligations of result". In addition, to date Irish Courts have consistently found that the separation of State powers enshrined in the Constitution means that the executive arm of government must make decisions about the allocation of resources without interference from the courts.
- Economic and social rights are, therefore, fundamental to the realisation of wider rights for older people.
- It is important that positive intercultural relations are enhanced and that this is within the IHREC's remit. This particularly applies to care home settings where many older people are cared for by workers from migrant and/or minority ethnic backgrounds
- Government and aspiring ministers respond more to the views of people who have voted for 25 years before each election, than to the views of those who are now about to vote for the first or second time. Some of this is inevitable, as they have heard the older people's views over those years, and they have heard less of views of more recent origin. Politicians thus are reluctant to believe that the views of the people have changed.
- Voters are likely to argue strongly to the legislators and ministers that they should not lose facilities (which may or may not be human rights) that have existed for decades – these voters are older than average. Voters who seek change are mostly younger, and may think that as their ideas are sensible, those changes will happen; and have not learned that you need to agitate to get change.
- Older people in Ireland they need to know how human rights apply to them in their daily lives and how the issues they face are often human rights issues. For example, we often hear about the challenges faced by older people trying to access adequate and timely health care. During the recession we frequently heard from older people forced to choose between food, medicine and heat due to the cumulative impact of austerity budgets. Many see this as an issue of cutbacks and Government spending. However, we strongly believe that that these issues should be framed within a rights based approach.
- For older people the key barriers to achieving progress on human rights and equality are:
 1. Older people are not aware of their rights and when they bring up an issue with the Government, a public body or a service provider they do not articulate it as a rights issue.
 2. Human rights law does not articulate how human rights apply to older people (see Q1 under supplementary questions for further detail on this).

3. Ageism in society and the view that older people are a burden.

4. The Government does not take their human rights obligations seriously. There are many ways in which this happens that affects older people. One such example is under the State's obligation under Article 12 of the ICESCR, the right to health. The Nursing Home Support Scheme Act 2009 provides for State financial support for long term care in a nursing home. There are clear eligibility rules regarding the Scheme.

However, accessing long-term care in the community is discretionary. Eligibility and the types of supports provided are subject to local policies and resources. Hence, many older people do not have the opportunity to remain in their own homes. There is no statutory provision for financial support for the delivery of aged care in the community.

Despite a rise in the number of people aged 85 and over (an 11 per cent increase in the last three years), home help hours have not increased from the 2012 level. The number of recipients has also fallen

- Many older people admitted to acute hospitals do not receive the therapy they need to continue to live full lives. If an older person suffers a stroke, acute rehabilitation is only available to one in four people or is delayed beyond the point at which it is most effective.
- Older people requiring long-term care, residential or community, remain in acute hospitals, which do not have the resources to meet their basic needs over long periods such as help with eating or privacy. Continuing care and long-term recovery programmes in the community are haphazardly organised or do not exist.
- Often when human rights are being discussed older people are not mentioned. We would see it as important that older people are visible in the work of the IHREC and that the IHREC engages with older people as a group and the human rights issues they face. Further, we believe there are gaps in current human rights infrastructure in relation to older people's rights (see Q1 under supplementary questions for further detail on this).
- The majority of older people want to be cared for in their own homes. However, the absence of care in the community and ageist attitudes on the part of families and professionals means older people with care needs are often excluded from decision-making about where they wish to live when being discharged from acute hospital, resulting in nursing home placement.
- For older people living in congregated settings such as nursing homes, institutional regimes can restrict their opportunity to make genuine choices in their daily lives, affecting their right to privacy and family life.
- It is very important that older people know their rights. We are involved in a series of human rights based approaches workshops with older people through the Human Rights and Older Person's working group. From this experience we find that older people are usually surprised when their issues are framed using human rights and that their issues are human rights issues at all. As well as society often perceiving older people as a burden we often find that older people also see themselves as a burden so it can come as a revelation that they have human

- It is important that positive intercultural relations are enhanced and that this is within the IHREC's remit. This particularly applies to care home settings where many older people are cared for by workers from migrant and/or ethnic minority backgrounds.
- The IHREC can best engage with Age Action by promoting the protection of the rights of older people.
- Older people's rights are not visible in the current human rights infrastructure. While many international human rights instruments are universal by nature, such as the ICCPR and the ICESCR, older people are rarely specifically mentioned, in the Covenants themselves or in the commentary or recommendations made by the Committees established to monitor compliance with the Covenants.
- International human rights law does not articulate or explain, for example, protection from elder abuse or support for older people in care settings in the same way the Convention on the Rights of the Child deals with the unique issues that children face, such as child protection and adoption.
- It is clear there are gaps in protections available to older people in our existing human rights infrastructure. This is worrying given the projections for ageing in Ireland. The Central Statistics Office projects that by 2041 22 per cent of the Irish population will be over 65, today it is 11.6 per cent (CSO 2012a).
- Age Action is supporting a new international Convention on the Rights of Older People, which is currently being discussed at the UN at the Open Ended Working Group on Ageing. We need a common minimum standard set of rights for older people that Governments can sign up to. These would not necessarily be new rights, but the articulation of how each human right specifically applies to older people and what measures Governments must take to comply with it.
- A new Convention would also provide a welcome cultural shift in how older people are perceived. Ageism is too prevalent. Older adults are often seen as a burden rather than the bearers of rights who have helped build the infrastructure of their respective societies and economies, and continue to contribute even when they are no longer in employment, through caring and many other roles.
- We would welcome the IHREC both supporting the process of drafting a new Convention at the UN (including advocating that Ireland actively support this) as well as support to further articulate how current human rights law and standards apply to older people.
- We would also welcome IHREC taking a lead on some of the human rights issues that are particularly affecting older people. See examples above.
- Dementia is a syndrome in which there is deterioration in memory, thinking, behaviour and the ability to perform everyday activities and dementia is one of the major causes of disability and dependency among older people worldwide (WHO, 2015). People with dementia and their carers have the same human rights as every other citizen. However, it is

widely recognised that, in addition to the impact of the illness, they face cultural, social and economic barriers to fulfilling these rights. People with dementia and their carers need a charter that states their rights for a number of reasons, not least of which is the stigma and unmet needs of people with dementia and carers; the inadequate and inappropriate services available and the nature of the illness. It is important that the IHREC recognises people with dementia as rights holders as the IHREC progresses a human rights and equality agenda in Ireland.

- In a report commissioned by the Alzheimer Society of Ireland in 2013, it was concluded that human rights can only be realised when the following issues are addressed: 1. Access to Appropriate and Timely Information 2. Having a Voice 3. Access to Redress 4. Allocation of Resources 5. Choice
- For people with dementia, stigma and ageism pose significant barriers to progressing their human rights. In addition, a lack of awareness of their rights and a lack of resources can also be barriers to achieving rights for people with dementia and their carers.
- The disabling aspects of dementia means that people with dementia face significant barriers to exercising and claiming their rights.
- One of the critical gaps in Irish legislation in terms of rights which directly impact on older people is the absence to date of modern, human rights compliant capacity legislation. It is to be hoped that this is a gap which will shortly be filled by the enactment of the Assisted Decision Making (Capacity) Bill 2013.
- In 2011, Seanad Éireann's Public Consultation Committee invited relevant stakeholders to make submissions on the Rights of Older People. The need for a legislative right to community care came up repeatedly. The Report of the Seanad Public Consultation Committee (March 2012) reflected these concerns. The report identified two major themes emerging from across the submissions heard; the need for the rights for older people to be enshrined in a formal way and recognised and the need to support and encourage independent living at home for as long as possible. The Committee's recommendations "support fully the idea that future policies relating to older people must move away from the 'maintenance' model to the 'rights' model and that future policies should be in step with international best practice and indeed contribute to such best practice."
- The Alzheimer Society of Ireland's pre-Budget submission 2016 has a specific ask for adequate funding of home care for people with dementia.
- People with dementia as well as being aware of their rights need to be able to utilise the mechanisms that are currently in place in relation to the vindication of their rights.
- The Office of the Ombudsman has heavily criticised the NHSS as being poorly drafted and unclear, and disagrees with the Department of Health's interpretation that it has amended the 1970 Health Act to give the State the discretion to provide long term residential care for those who cannot afford it, in place of the original obligation to provide care². Submissions to the 2012 NHSS review also identify the detrimental effect of having a statutory footing for support for residential care but not for care in the community, with anecdotal accounts of people who would have been able to stay at home with some extra support being forced to opt for residential care, as the only option for which financial assistance was available.
- Awareness is only one aspect for people with dementia because, as their condition progresses, advocacy becomes as important to ensure that they can realise their human

rights. The IHREC must utilise the community infrastructure already in place to disseminate information in an accessible manner. The Alzheimer Society of Ireland (ASI) has services in every county in Ireland and has a professional information service. The IHREC should ensure that key organisations, like ASI, are briefed and informed.

- For people with dementia, regardless of cultural origin, communication can become more difficult as they progress and having multiple mediums to raise awareness of rights will offset this communication barrier
- That Ireland has supported the development of a UN convention on the rights of older people.
- Personally I would like to add in the need for more intergenerational interaction. In Ireland we tend to socialise within age cohorts. Ireland is also hugely ageist and there are numerous appalling rights breaches based on age

Public Consultation Sessions

- Older people more recognised and respected, funding is allocated to facilitate independent living value is placed on care and dignity. More sheltered housing projects.

Choices to retire or not include the voice of older Travellers

- Rights to older people to be supported to stay in their homes
- A plan to tackle ageism and address stigma associated with ageing
- Actively tackle sedation of older people in nursing homes as inhumane, degrading treatment
- Lack of transport and exclusion of older people



Environmental Concerns

Extracts from submissions

The issue of environmental rights seems to be missing from the Commissions agenda –it is an issue of importance - the WHO suggests that a big threat to health is noise for some communities in urban areas. What about industrial pollution of lakes and rivers and the lack of enforcement and prosecutions in this area?

There are too many problems with this particular government plan to go into here in detail so I will attempt to give a short summary. Further information can be provided to substantiate these points if you require:

- The Commission for Energy Regulation (CER) initiated the massive nationwide roll-out of the industrial windfarms without the legally required Strategic Environmental Assessment (SEA).
- An SEA of sorts was carried out by Eirgrid for GRID25 but this was only for the first 5 year phase of a 15 year programme, so the full extent of the environmental impact was never assessed, and the public did not even participate in that first phase. That SEA could not take the cumulative impact of the windfarms into account as no SEA had been done for them and it states this clearly.
- By the very nature of this project it is concentrated in the more rural areas of the countryside on a national scale. i.e. there is hardly any part of the rural countryside that will not be affected by this wind & grid project.
- A very high percentage of the Irish population live in rural areas i.e. approx. 38% equivalent to approx. 1,750,000 people. These are the people who will be most directly affected by the current wind energy and pylon plan. The primary culture and livelihoods in these areas are focussed on farming and tourism. About 64% of the total land area is used for farming with about 139,000 family farms with farming accounting for almost 10% of employment in the country.
- An Bord Pleanála (ABP) have stated that SEA's are not part of their remit and as such, there is no effective check on the existence or quality of an SEA or indeed any link between it and final planning permission. In effect, SEA's don't count in any practical way. None of these authorities, ABP, CER or EirGrid, come under the remit of the Ombudsman and as such, are allowed to function without any meaningful accountability regarding the impact their actions have.
- In the cases of Strategic Infrastructure, the only means to challenge projects that are progressed through planning is by Judicial review. These cases are supposed to be heard in the high court but the state authorities often move the cases to the commercial court which shortens the times even further and acts as a barrier to 'wide access to justice' as small communities are under even more time and resource/fundraising pressure. This is not an effective, fair or affordable remedy as is required under the Aarhus convention and EU law as it requires substantial costs upfront due to its technical legal nature and does not allow a full review of the environmental aspects of the permission. Additionally, the

courts are not enabled to impose their decisions on ABP as they are not considered to be experts in planning matters. Also, the time and expert resources are always on the side of the state authorities that are being challenged while the citizens and small rural communities are left unsupported³

- Additionally, the weak and discretionary nature of the cost protection law in environmental cases means that citizens have no legal certainty about their exposure to costs when challenging administrative decisions. In one recent case, (RTS Action Group & EAA-I vs. An Bord Pleanála) this was used to full advantage by two state funded authorities (ABP and EirGrid), to threaten the community with costs in the order of €500,000-€750,000 as a means of getting the community to drop their legal appeal case. In fear of this threat, the community had no real choice but to drop the legal challenge without their concerns or issues being addressed. An effective remedy is now sought for this specific case i.e. the community are seeking that this flawed planning permission be revoked or as an alternative, we are seeking a full and independent review of the planning decision for the Laois-Kilkenny reinforcement project including the information it was based on measured against the requirements of democracy, human rights and EU / International environmental law.
- Evidence is now accruing that Industrial wind turbines are damaging to health for a variety of reasons including shadow flicker and infrasound (below audible hearing level). The Department of the Environment produced a set of windfarm planning guidelines in 2006 which allowed turbines within 500m of a dwelling. These turbines are often 150m high. In Laois⁴ the distance between turbines and dwellings can be a ridiculous 250m. While the health experts and WHO guidelines focus on noise levels as the key measurement rather than distance and the resulting analysis can require turbines to be placed between 1.500-2.5km away from a dwelling depending on variables. See Windnoise website for mapped information. The department of the Environment realised that the existing guidelines required amendment and progressed a revision process. It is widely reported that this is the longest consultation process in the history of the state since the revised guidelines have never been published but in the meantime the development of the turbines continues under the old inadequate guidelines without pause. This is clearly an act by the state which contravenes the rights under the Treaty of the Functioning of the European Union Article 114, 3.

“The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.”

This is further reinforced in Article 15 of the International Covenant on Economic, Social and Cultural Rights i.e.

“1. The States Parties to the present Covenant recognise the right of everyone: (b) To enjoy the benefits of scientific progress and its applications

At a time when there is a homeless crisis and crisis in our health service, there are billions in public funds being directed to an energy plan that has no complete financial assessment,

no health assessment and has not complied with the European and international Environmental Assessment requirements

We are told that our Human Rights are universal, indivisible and unalienable. Throughout the Aarhus convention and the Kiev (SEA) Protocol and the Charter of Fundamental rights of the European Union we can see how the environment and the full and effective public participation in decision-making regarding the environment is embedded in our Human Rights.

On this basis, I believe that there are massive Human Rights Violations being financed and conducted by the Irish State in it's frenzy to develop windfarms and the associated Grid infrastructure and accordingly I would ask that you add Environmental Democracy to the Human Rights issues that you will promote and defend.

BARRIERS to these rights being recognised / realised:

- The Aarhus convention is not part of Irish Law
- The Irish Authorities are typically secretive and there is a consistent culture of avoiding / not adhering to the processes or the spirit of the objectives described in the Environmental and Human rights legislation.
- In some instances, authorities may simply not have the training or knowledge of these rights, in other instances, that knowledge exists and is used to circumvent the processes.
- Politicians appear to exert too much influence on the choices of policy and the measures to be implemented leaving little room for objective analysis and decision-making based on fact.
- There is little or no reliable auditing or monitoring for compliance with legal requirements when it comes to environmental and human rights. Strong and objective processes with independent checking is an absolute necessity.

The IHREC initiate an immediate high level Audit of the Windfarm & GRID25 projects which are interdependent on each other. There will be very significant developments over the next 10 years in terms of defining long term energy policy in particular due to the climate change focus. Indeed, a new white paper on energy is imminent. It is absolutely essential that the procedures to select that policy are robust and decisions are based on full information, transparency and involve effective public participation rather than the usual political manipulation to secure gain for the few.

The IHREC commence an investigation into the review of the wind energy development guidelines which has reportedly stalled permanently while under the responsibility of Minister Alan Kelly thereby allowing the industrial wind farm planning applications and decisions to continue under guidelines accepted as being redundant.

- The IHREC should establish or set in motion an independent scientific compliance verification of windfarms which have been issued with planning permission to establish whether they comply with WHO guidelines for noise
- I am also suggesting that the IHREC carry out an independent review of the recent planning decision for EirGrid's Laois-Kilkenny reinforcement project measured against

the requirements of democracy, human rights and EU / International environmental law. This case study will serve as an indication of the issues that are fundamentally wrong or weak in the current planning system. It is to be anticipated that there will be many similar issues arising in the coming years as those encountered on this project

In general in my opinion it is an Unfair/Unjust Planning System heavily weighted in favour of Developers and Strategic Infrastructure Developments.

There is in my opinion too much political interference via for example political appointees to the Board of An Bord Pleanála and various planning review bodies

There been many breaches of the Aarhus Convention.

What we now have is a Two Tiered planning apartheid system and a Dublin and Rural Divide/Apartheid consisting of gross inequalities.

There is what could at best be described as a Gross Mismanagement of Public Finances.

In the last few years Tens of Billions of Euro of Irish Citizens money in the form of State Revenue have been and are being completely and unnecessarily squandered through several deeply flawed government policies including agriculture but especially energy policy.

Energy happens to receive the largest Annual Capital Expenditure.

Knowing the figures, the amounts squandered on Irish Water are only a drop in the ocean by comparison.

And knowing the figures it is an absolute disgrace and totally unnecessary to have people waiting on trolleys in hospitals for lengthy periods of time.

The same goes for homelessness.

The same goes for the massive cut in resources in rural areas.

The same goes for the huge numbers suffering from fuel/energy poverty.

And to have one in five children in Ireland go to school hungry/malnourished, well that reads just like a third world country.

The policies of the current government are on a path to further indebting and impoverishing a Nation.

We've already suffered enough!

There is a massive 'Energy Bubble' of which too many are unaware of.



5. Meetings with Rights Holders organised by the Community Action Network

- Consultation with undocumented workers and Migrant Rights Centre of Ireland (MRCI) staff
- Consultation with local authority tenants in Bluebell, Inchicore and Dolphin House, Rialto
- Consultation with Balgaddy tenants from Women Together
- Consultation with Service Users Rights in Action
- Care Homes consultation with residents



Rationale for the meetings with rights holders

The need to consider a strategy to engage directly with rights holders as part of the public consultation emerged in the context of proofing the consultation plan in line with the consultation principles and procedures. There was recognition that while public meetings are open to all some particular groups of people may not be in a position to choose to participate. This can be for a variety of reasons including that people from some groups may need additional supports to engage or that people are in institutions.

A meeting was held with Community Action Network (CAN) to identify potential groups of rights holders that may not be in a position to engage with the public consultation. The rationale for linking with CAN was based on the facilitative work that CAN does with a range of marginalised groups, which the Commission became aware of through engagement with the Service Users Rights in Action Forum (a coalition of drug service users, service user representatives and community activists).

The Commission held a briefing meeting with NGOs on 18 June 2015. At this meeting there was a specific request from the Migrants Rights Centre Ireland (MRCI) for the Commission to meet with a group of undocumented workers as part of the public consultation. It was recognised that it would not be possible to meet with all groups of rights holders. However, groups were identified through CAN and MRCI in the context of the work and relationships they have built. CAN and MRCI were in a position to do some ground work to contact the groups, to set up and facilitate meetings between the groups and Commission and to provide a report of the meeting which could feed in to the consultation report. Without the involvement of CAN and MRCI it would not be possible for the Commission to link with the above groups.

Following discussion with CAN and MRCI meetings took place with the following groups:

- Undocumented workers – 12 October 2015
- Bluebell tenants – 21 October 2015
- Balgaddy tenants – 6 November 2015
- Service Users Rights in Action – 10 November 2015
- Care home Residents – 30 November 2015

Attempts were also made to meet with service users with experience of prison but the group had concerns about their anonymity. In addition contact was made with ATD Fourth World who often gather groups of people affected by poverty. However, it was not possible to organise a meeting with any of these groups in the timescale available.

Format of the meetings

The meetings were facilitated by CAN and the MRCI as appropriate. The meetings provided space for participants to highlight their issues of concern from their perspective. The meeting also provided space for feedback on what role participants felt the Commission could play to address human rights and equality concerns in the context of the Commission's role and mandate

Consultation with undocumented workers and Migrant Rights Centre of Ireland

The consultation was requested and organised by Helen Lowry in MRCI and attended by Stefania Minervino and Laurence Bond from IHREC. The participants comprised of two MRCI staff members, one MRCI intern and two students attending community development courses at NUI Maynooth (one doing voluntary work for MRCI and one on work placement).

Seven undocumented workers were in attendance plus two migrant workers who are active on MRCI campaigns and one student whose mother is an undocumented worker.

Outline of meeting:

Introductions (each other, IHREC and human rights/equality)

- Welcome to the IHREC and informal introductions from everyone in the room
- The IHREC and current consultations (IHREC)
- What do we mean by human rights and equality (in pairs and then feedback to the larger group)

Question 1:

What do you think are the key barriers / obstacles to achieving your human rights and equality as migrants here in Ireland?

Question 2:

Imagine yourself five years from now still in Ireland. What changes would you like to see in the human rights and equality for migrants?

Question 3:

What are your recommendations to the Commission?

Brainstorm on Human Rights and Equality: What do we mean by human rights and equality

- Freedom
- Rights/ own power
- Without freedom, we are powerless
- Basic rights: right to education, health, right to life
- Right to access services
- Government should protect every person living in the State
- Access to law and legal representation
- The meaning of citizenship
- People are of equal worth
- Basic standards of living
- Living free from fear
- Living free from fear of being deported, losing your job, etc.
- Women's rights: we have to be strong about our rights

- Individual Rights
- Different people, Equal Rights
- Respecting difference, different beliefs
- Inequalities for domestic workers, especially women. Care work is not valued, and so is child minding, domestic work
- Racism/ discrimination on the basis of skin colour
- Discrimination in accessing rented accommodation
- Rent inequalities if you are non-EU
- Gender discrimination (even within families)
- Discrimination on the basis of sexual orientation
- Discrimination is not only about the government, we discriminate within groups or one group against another
- Concern of never reaching equality

Question 1:

What do you think are the key barriers / obstacles to achieving your human rights and equality as migrants here in Ireland?

- Being undocumented: no access to health, PPS numbers, Bank accounts, Right to get married (no legal status)
- Discrimination in employment, e.g. second generations of migrants discriminated because of their names, even at recruitment stage; exploitation; treated differently (e.g. in nursing homes)
- Access to jobs and work experience in a job
- No right to be reimbursed transport costs – working for nothing just to keep the job
- Not being able to pick the job, the working hours or the shifts, always being given the worse shifts
- No possibility to get work references
- Discriminatory questions at job interviews (e.g. where are you from; Muslim name; you don't know the Irish culture, etc.), even if qualifications are obtained in Ireland.
- No right to feedback after interviews. Applied for 400 jobs, given 50 interviews and no job obtained.
- Racism and hierarchy even within racism (black people are often treated worse)
- Limitations to job progression and promotions with the excuse that we do not know the Irish culture and we need to deal with Irish customers.
- What is the meaning of citizenship? Even obtaining citizenship does not resolve discrimination.
- If you are undocumented and you are exploited, you cannot complain
- No respect of health and safety measures, no safety gear, no insurance for accidents; fired if you refuse to do dangerous jobs
- No equal rights for undocumented workers
- Exploitation – working twelve-fourteen hours per day doing everything: childminding, cleaning, cooking gardening, doing administrative work (such as accounts). Paid 300 Euros per week.
- No right to go home and come back. Two undocumented workers reported not having seen their children for 7 and 11 years respectively.
- Even travelling within Ireland, you may be asked an I.D.
- Cannot travel to Northern Ireland.

- Campaign for young undocumented people: Young Paperless and Powerful (YPP): cannot go to school trips, we have to tell lies to our school; cannot compete in sport tournaments which involve travelling, etc. Ireland is our new home.
- When enrolling into secondary schools, PPS numbers and resident visas are requested by the school.
- Young people children of undocumented workers often cannot go to university to build a better life for themselves, as they are charged international fees.
- It is estimated that there are 5,000 young people children of undocumented workers in Ireland.
- No access to higher education grants.
- Long term residency does not count with regard to university fees (5 years in the country to be charged EU fees)
- Access to health: everything has to be paid for, even maternity services; no access to services for specific health needs.
- Women in women's shelters are required PPS numbers.
- Undocumented women cannot avail of services related to domestic violence.
- There is no right to child benefit
- Children of undocumented workers need PPS numbers.
- No right to subsidised housing
- Access to housing based on immigration or other status but not on a needs-basis
- Most people came as documented, and became undocumented.
- Case of Pakistani worker: came to Ireland, worked seven years seven days a week; no papers no English. Brought his case to the Labour Court which decided in his favour; High Court decided in favour of his employer and Supreme Court in favour of the undocumented worker again. As the employer claims that he has been paying taxes for the worker, the State should also provide compensation. The worker has not received anything from the employer yet who is going free, has not been sanctioned and his business is expanding.
- Campaign on 'Wage Theft' by MRCI, PILA.
- Slavery still exists.
- Issues of safety and freedom: we constantly live in fear, work in fear. Fear of losing the job, fear of getting deported.
- NERA and GNIB do inspections together. NERA is more concerned with immigration status of workers than with employment rights.
- Experience of Muslim women being harassed on the streets.
- Families being threatened in their neighbourhoods, their cars and glasses vandalised – response of the Gardai is that they suggest to move away from a certain area.
- Growing racism
- Work permit holder being mistreated at the airport.
- Bearer of a Refugee travel document mistreated and deported.
- Ethnic profiling in the airport
- Bullying and harassment in the neighbourhood.
- Racial profiling on Dublin buses by Gardai asking for people's ID and immigration status on the basis of their appearance and skin colour.
- Undocumented people cannot do anything if they are victims of crime or hate crime.



Question 2:

Imagine yourself five years from now still in Ireland. What changes would you like to see in the human rights and equality for migrants?

- Human rights are about organisations like MRCI – fighting for our rights; not about the courts.
- Freedom of movement
- Equality in Employment
- No difference because of skin colour
- Easier access to the Law and to Legal Representation
- Equal before the Law: documented or not
- Irish citizenship to recognise multinational and multicultural nature of the country
- Creating conditions for migrant to progress, to have opportunities, equal access to social security, to services
- GNIB to respect people
- A more just and Equal Ireland
- Framing our experience in a human rights frameworks
- Ensure that young people's future is made of real opportunities

Question 3:

What are your recommendations to the Commission?

- IHREC to lobby government, educate the people and govt. departments
- Human rights will be about holding government and politicians accountable on human rights and equality
- Stop the dehumanising of migrants by GNIB – give appointments, no cueing
- Diversity in Politics – Politics need to set an example for the nation
- National Action Plan against Racism
- Address ethnic profiling by police
- Ensure there are guidelines about ethnic profiling in airports
- Continue sharing the human experience and the engagement with us (not only for the Strategic Plan)
- Intercultural plan for Ireland
- The intercultural approach is very important
- Positive actions to promote diversity in power structures
- Not only minimum standards: we have to be able to thrive, not only survive
- Education piece: we can learn from each other
- Stop asylum seekers being pitched against economic migrants
- Tackle institutional discrimination (GNIB, Gardai, etc.)
- Promote on-going dialogue
- Justice for the Undocumented Campaign: will the IHREC support it?
- Limit the government official discretionary powers (social welfare, etc.): need for accountability

IHREC Consultation with Local Authority Tenants. October 21st 2015.

Community Action Network – Peter Dorman / IHREC – Laurence Bond

Background

This meeting was attended by local authority tenants, mostly from Bluebell, Inchicore, with some from Dolphin House, Rialto. Some residents live in flat complexes, some in maisonettes and some in sheltered housing bedsits. These notes consist of the points written out by the residents themselves with some brief explanation from CAN where appropriate.

The meeting began with an explanation of the role of the IHREC and the purpose of the consultation by Laurence Bond.

Participants were then invited to name specific issues which they would describe as violations of their human rights. They discussed and named these in groups of residents in similar housing.

- Anti-social – new apartments. Children climbing walls and throwing stones. We can't open our windows because of anti-social behaviour – Fear – Stuff thrown at windows
- No integration – new tenants⁵
- Having to clean up after other neighbours who make a mess⁶
- DCC won't listen about anti-social.
- Anti –social behaviour prevents us coming out at night.
- No police – people are afraid- lack of resources – DCC not interested.
- Neighbours help each other out.
- Rep in centre useless⁷.
- Lack of Maintenance
- Response time to maintenance very poor⁸
- Sewerage in toilets
- No shelter from rain
- Lack of support from DCC
- Lack of amenities
- Education
- Overcrowding
- Mould
- Dampness
- Coldness
- Gas Meter doesn't work

⁵ A new housing complex was recently opened in Bluebell

⁶ Residents feel DCC do not enforce tenancy agreements regarding keeping gardens in good order.

⁷ This refers to estate management staff

⁸ Residents commonly complain about long waits to have repairs carried out by the landlord – sometimes as long as 12 months. Often residents pay out of their own resources.

- The mantra is constantly – there is no funding.
- Disability access⁹
- Have to live upstairs even though I am disabled – on crutches.
- One room bedsit like a prison cell – not right¹⁰.
- Never suffered from depression before I moved into my bedsit.
- Because we are old we are viewed as being the last stop on the road of life¹¹. So DCC does nothing for us.
- Medical issues being ignored by DCC. Fill in forms¹².

Participants were then invited to address the following questions-

How could the IHREC help LA tenants to know their human rights?

- A handbook on Human Rights and Housing¹³
- Training on estates for residents in Human Rights
- Teach HR in schools
- Build a network of projects using human rights on estates

How could the IHREC get public bodies like DCC to respect Human rights?

- Human rights should be part of the whole plan rather than just add on.
- Local estate managers are trained in the say off school.
- We should be consulted when plans are being devised with Human Rights considered a priority rather than an expensive luxury.
- Organise meetings with the Government and tenants¹⁴.
- Don't accept excuses from DCC

If the IHREC was successful in their work, what would that look like to LA tenants?

- Private renters and LA tenants – the laws would be the same¹⁵.
- If you went to the council they would listen to you.
- Better maintenance – better response
- Better anti-social behaviour policy. Using it as a threat for tenants.
- DCC using their power in a positive way. More humanity from DCC workers.

⁹ One participant had a mobility scooter but was unable to use it as there is no ramp to the unit.

¹⁰ The sheltered accommodation bedsits pre-date modern regulations and so consist of just one room for bedroom, sitting room and kitchen.

¹¹ Senior Citizens

¹² This refers to priority for transfer based on medical need

¹³ The suggestion was theme-based simple handbooks on, for example, Human rights and Housing.

¹⁴ Suggestion that the IHREC organise such events

¹⁵ At the moment Local Authority Housing tenants do not have any independent redress agency such as the PRTB

Consultation with Balgaddy tenants from Women Together – a group of women who meet weekly for social and developmental activities.

Facilitation: Pat Tobin – CAN

Workshop opened with Deirdre Toomey, IHREC outlining the purpose and function of the IHREC. There was a lot of interest in the work and further exploration of the authority of the Commission in being able to make change.

The workshop addressed the following questions:

1. As tenants in what ways are your human rights not being met?
2. The IHREC want people to know about their rights. What suggestions would you have for them about how to inform LA tenants?
3. The IHREC want to make sure that the Government and Public Bodies like South Dublin County Council respect people's rights. How should they go about doing this?
4. Imagine its 2021 – How would you know that IHREC was achieving its goals?

The group had a lot to say about how their rights are not being met and needed the time to talk about this. It was clear that they welcomed the opportunity to be consulted and wanted to make the most of the time that they had to tell their story.

They were very clear in their articulation of how their right to housing is not being met and subsequently this has a very direct effect on their right to health as their living conditions are adversely affecting their health and the health of their children in particular.

The residents described the following features of the estate in general as an infringement of their human rights:

- Location of the estate – the first part of the estate had been built 17 years ago and more recent houses are 12 years old. It is located between Clondalkin and Lucan and as result is on the edge of both and does not have easy access to schools – as schools near the estate were full when people moved in. Many children are now bussed out of the area or have a 40 minute walk to school. All bus stops are at least a 20 minute walk from the estate. Housing design was also referred to in this conversation as most people do not have front gardens thus creating public areas where anti-social behaviour can occur and within which the residents feel vulnerable.

The following housing conditions were highlighted:

- Substandard buildings that has led to leaks through roofs, in through ceilings and electrical fittings, guttering and internal pipes, 'we can't turn on our lights when there is a leak for fear of being electrocuted'. The frequent leaks always have a knock on effect on more than the family whose home within which it occurs as most homes are either apartments or duplexes and water leaks into or floods other people's homes.
- Cracks in buildings and one instance cited a stairs detached from a wall as it hadn't been properly secured.

- Mould and damp from condensation occurring internally throughout the estate— some of those present had brought pictures of very serious mould and damp occurring in bedrooms and letters from doctors confirming serious child illness that is as a direct result of damp conditions. There is now 4 years of complaint recorded regarding mould and damp.
- Door frames and doors not of same standard – shared doors (public hallways) can be easily removed and leave families living in apartments and duplexes very vulnerable to anti-social behaviour
- Infestation of pests such as insects were cited as a regular hazard
- Widespread overcrowding was described. ‘ Family life is not respected – our accommodation is so small that we cannot have a table for family meals’ Many families are confined to 2 bedroom houses and when children get to teenage years this becomes a serious problem – *‘my daughter is being deprived of her teenage years, she can’t spray deodorant in her bedroom because she shares it with her brother who has asthma’ ‘ my 6 year old sleeps with me (Mother) so that his older brother can have some privacy’ ‘my daughter spends most of her time with my Mother – she hates this house and area so much – I feel I can’t be a proper parent to her’*

Response from South Dublin County Council

While people expressed anger at their housing conditions they were equally as angry and upset by how they were treated by the Council when they reported problems.

Overall they felt at there was no respect shown to them and in general they were not believed. They were met with an attitude that shows *‘no respect and that they should be grateful for their house’*

They reported consistent instances of being told that *‘mould and damp was their own fault - they should use bleach as a corrective measure and/leave windows open’.*

In some instances poor quality dry lining was applied that acted only as a temporary measure.

Reports regarding problems have a very slow response rate and it is often the experience of the residents that when council contractors come to do repairs that they are not fully equipped to do so; either because they do not have the authority to do what needs doing as the problem is more serious than they were told or they do not have the authority to spend the amount of money that is needed to do the repair. *‘someone came to fix my shower wall that had completely come away due to dampness and condensation and he brought 5 tiles and had been told that that was all he could do. He told me I should stick the shower curtain to the wall to prevent it getting any worse’*

An additional stress experienced by those present was the denial by the Council that the report had been made in the first instance - some residents have now learned to track their report with dates and subsequent follow up. It is their experience that when they follow up with a reminder or a request that there is no record of the initial report or they are told

that someone called and received no reply at the home. The Council also say that it is not possible for them to give people notice as to when they will call. Residents reported specific instances of when the Council said they did call and the resident was at home on the day and saw no sign of anyone.

Work repairs are often carried out by private contractors and many residents have had feedback from them that what they are contracted to do is largely inadequate in addressing the problem encountered.

As a result of the slow response rate people are doing up their homes at their own expense – this only leads to short term measures and causing people hardship and sometimes debt.

Those residents' whose health is seriously affected by mould and damp may be moved to alternative accommodation on the estate but only after gathering substantial medical evidence some of which must be from a medical consultant.

It is the experience of those consulted that when they leave their accommodation it is given to another family without the necessary work done. They also added that it is usually families from new communities or from the foreign national community that are allocated these houses. In most instances these families are afraid to complain as they fear that they will be evicted or completely ignored. Some of those present described this common practice as '*blatant racism*'.

Environmental Health Office

Some residents have sought to have some independent monitoring from the office of Environmental Health. However because of how it is constituted the office of Environmental health has to have permission from the LA to visit one of its houses and the report goes back to the LA also. People said that this was very frustrating as they know that the report would find in their favour but '*then nothing is done about it because the County Council don't want it known*'

Housing make-up

The estate was designed to have a high percentage of adapted accommodation suitable for families of children with a disability as a result the estate has a high proportion of families affected by a disability. A related instance cited was the death of a young child from pneumonia. The child had a severe disability and suffered with bronchial problems. The heating had broken down in the apartment and the report had not been responded to. The child's pneumonia developed quickly and seriously and death occurred within the 3 days during the family waited for a response from the Council.

It is the belief of the group consulted that families who are not used to dealing with the LA are too afraid to follow through on serious infringement of rights. This family were cited as an example as they are a young family, originally from Poland who were in their first LA accommodation.

The group described Balgaddy as a multi-cultural community. There are families from many different backgrounds living there and building community has proved difficult. In addition there are very few facilities for children and young people and as a result many start getting into trouble from an early age. This has escalated as the years have gone by and there are now many young adults who are involved in serious anti-social behaviour. There is a very high percentage of the community who want to transfer out of the area – they estimate that this could be as high as 80% - so the population is quite transient at times. As a result some families do not want to get involved in the community and either spend a lot of their time outside the area in their area of origin or stay within their own homes.

Some of this is also motivated by fear due to anti-social behaviour. One resident described a knife attack on her as a result of complaining to a neighbour who was throwing dog excrement into her garden.

Residents have grown afraid of making complaints to either Council or the Gardai for fear of retaliation on them. The Council does issue warnings based on their and residents' experience but it takes a long time to bring about any change.

Effect on mental health

There were a number of references to mental health difficulties experienced by residents. They talked about the effect of fear and the pressure of feeling that they can't provide a decent standard of accommodation for themselves and their children. One woman present described the effect on many as having many of the symptoms of Post-Traumatic Stress. The symptoms as felt by residents are symptoms that include - not being able to sleep for fear of what is happening at night or what has happened on other occasions, dependence on tranquilisers, and hyper sensitivity to negative things that might happen.

What could help?

What could the IHREC do to make sure that the Government and other public bodies like South Dublin County Council respect people's rights?

The group consulted felt very strongly that there is no real monitoring on how public bodies deal with the public or how they exercise their role, in this case as a landlord. There is a belief that private landlords are more strictly monitored than LA's and *'really it should be the other way around and the public bodies should be showing the best example'*. People had examples from their experience in private rented accommodation where landlords were quicker to respond to the need for repairs.

They felt very strongly that research is needed to track and to give evidence to people's experience as *'we are worn out going back and forth and telling our story'*.

The experience of not being believed has a very negative effect. The group would really welcome an independent body that would conduct some independent research looking into the experience of tenants. The ultimate aim of this as they see it would be to bring better practice into local authorities where they would be held accountable for their standards.

In addition they believe that independent research should be conducted to count mortality rates and measure health impacts of living in LA accommodation.

They believe that they IHREC could very appropriately fill this role as the experience of many LA tenants is that their human rights are being violated directly as a result of being a tenant.

Information on Rights

The group consulted believe that many people do know that they have rights as they have for so long been made to feel that they should be grateful for their accommodation.

They said that getting information to people in an accessible way can be very difficult. Language is a barrier at a number of levels for English speakers there can be a lot of jargon used and the written word can be very intimidating in itself. If it is to be written it needs to be multi-lingual to provide for the many populations now living in Ireland.

The spoken word was recommended as best – preferably outreach workshops into communities where people are free to talk and ask questions. Radio and television were not considered to be very popular methods.

Consultation with Service Users Rights in Action

Present: Deirdre and Sorchá from the IHREC, Brian, Service User Representative from Blanchardstown; Mary, an ex Service User and volunteer who works with homeless people in the city centre; Ruadhri, Service User and worker in UISCE and member of SURF (national service user organisation); Emily, Service User and worker in UISCE and member of SURF; Helen, ex Service User; Dereck, member of SURF, ex Service User and Service User representative in N.E Regional Drugs Task Force covering Cavan, Louth and Niall, Service User and Service User representative on the Canal Communities Drugs Task Force.

Facilitation: Cecilia Forrestal – CAN

Introduction

Service Users Rights in Action is a coalition of drug service users, service user representatives and community activists. For some years they have campaigned on human rights violations in relation to how people who are on long term methadone are treated. They have a particular interest in three key areas of concern i.e.

- The practice of urine sampling
- The lack of a regular review for each person where there is meaningful engagement and choice
- The lack of real choice for treatment options.

They have made a presentation to the Irish Human Rights and Equality Commission via Mary Murphy and Lawrence Bond, requesting Commission support in holding the drugs services to account. They are still waiting for a response to this request and restated it at this meeting. Attached is a copy of that presentation.

Workshop opened with Deirdre Twomey, IHREC outlining the purpose and function of the IHREC and scope of the consultation.

The workshop addressed the following questions:

5. As service users and service user representatives, in what ways are your human rights not being met?
6. The IHREC want people to know about their rights. What suggestions would you have for them about how to inform service users?
7. The IHREC want to make sure that the Government and Public Bodies respect, protect and fulfil people's rights. How should they go about doing this?
8. Imagine its 2021 – How would you know that IHREC was achieving its goals?

The conversation explored a number of key human rights issues:

Dignity: The following are different direct quotes

- The system takes away the dignity of the individual and some people can come into treatment worse off and more chaotic than before
- It has to do with the mind-set of some service providers
- Depending on your urine results, you can have your take aways stopped. How does this compare to a diabetic who eats chocolate? How are they treated?
- They have no interest in the quality of life for the service users
- Why do urine sampling? Why not ask the patient “how are you” and take it from there? If there was no fear of punishment, people would be honest.
- If it doesn’t work on honesty, it doesn’t work
- The treatment services are coming from a legacy of punishment and stigma which sees drug users as deviant groups who have broken the social agreement. Human rights do not apply to them as a result. The treatment services are characterised by the need to control deviant groups. It is almost as if drug users should be sent to an island
- If people do not know their rights they get punished. Service users can get provoked in treatment facilities, but when they do they get punished. It doesn’t work the other way around. When you start off a therapeutic relationship where you believe you can be punished, there is no scope for rehabilitation. If you step out of line, you will be sent to Trinity Court as a punishment
- This stigma and thinking is internalised within service users themselves
- There is a feeling that services are not worried about our health but about treating crime.
- The manner of giving supervised urine samples is undignified. It is the way you come into treatment – you have to give three positive tests to show you have opiates in your system.
- Some pharmacies still have behaviour contracts which make rules about such things as the use of mobile phones, talking to others, getting only methadone and leaving to return immediately if other purchases are required. These assume you are dishonest, a thief, not normal customer. They are degrading
- Service providers don’t always treat an individual like an individual. Sometimes they do not look you in the eye

Treatment Choice

- There is no choice of treatment. There are alternatives to methadone that are nicer. These are available in some places and not others.
- Recent case of a 23 year old who was taking coke and pills. When he presented for treatment he was put on methadone, which is not appropriate. Two weeks later he came off it with no alternative available.
- When the relationship is bad the service user cannot always go to a different doctor. You cannot force a doctor to let you go even if another one is willing to take you on.
- The values underpinning treatment is that it is rare and precious. You are lucky to have it. But it should be a right.

- How do you get your rights realised? Who is in charge? Recent example where a service decided to introduce heat bottles as a means of urine sampling. This would have implications for the role of general assistants, who refused to take in the delivery of the bottles.
- If you do not produce “clean urines” you are put on harm reduction dose which is dangerous.
- There are even examples of where doctors are powerless to act on behalf of the service user. Recent example of where a pharmacist over ruled a doctor when he prescribed Solpadine for a service user.
- There is no consistency in how urine sampling is done. In Cavan and Drogheda, swabs are used, heat bottles are used in N.E. Region, giving urines that are supervised or supervised with mirrors with varying frequencies happens elsewhere.
- Rehabilitation is about teaching people things they already know. But most addicts never knew many of these things such as emotions. I was 13 when I became an addict- I never knew what emotions were.
- Many people are on methadone for over 20 years – what treatment plan?

Making Complaints

- “Your Service Your Say” is the complaints system in place in the HSE. If you make a complaint it goes to a HSE barrister to be assessed. You expect someone to advocate on your behalf. After a judgement you are assigned a Complaints Officer but it is more about risk assessment. No complaint has ever been upheld that we know of
- Recent example where it was known in N.E Drugs Regional Task Force area that at least 30 -40 complaints had been made. They should have ended up on the Co-ordinator’s desk but did not. Who stopped them? What happened?
- There is no belief in the complaints system and no consistency in how they are dealt with. There is a power imbalance always
- Care Plans should be positive with progression routes. Services may say there are Care Plans but most service users do not have them / know about them / or ever be consulted in relation to them. There is a difference between the service user’s experience of a Care Plan that is on a computer, all up to date and that of the service provider.
- Service users are not allowed to be treated within Primary Care.

Service Users Knowing their Rights

- This would be really welcome. It would help to develop a relationship with service providers.
- Things will continue as they are as long as we continue to accept it.
- It would be great if they were asking you how they could help instead of telling you what they will give you.

- Human rights should be made known at treatment centres, service organisations. There should be a sense that there is someone to advocate for you and places where you can be referred to.
- Service users do not know they have rights. Services differ so much between places and there is a sense that if you step out of line, you will be punished by being sent to Trinity Court.
- If the people who provide the services were focussed on restoring the dignity of the individual, all the rest would follow.

Barriers to Making Rights Real

- Doctors are hiding behind clinical autonomy. Only they have to answer to clinicians.
- How can anyone hold the HSE to account?
- There is an inconsistency in services between geographical areas.
- It is a very personalised service with some people holding great power
- History of change within the service is that it is difficult
- IHREC has credibility and clout. People would listen and give more respect to what you have to say
- Make the service be the same as the Diabetic service
- Help us not to be controlled in a way that is degrading
- There is a need for a specialised treatment facility such as Trinity Court especially for people with mental health issues, but take the rest out to treatment centre.
- People are narrowed down to their addiction but they can do all other things while on drugs. But the mind-set is that my life is on hold because I am a drug user.

Images Of Success in 2021

- Be treated in own community as any other individual
- Clinics gone
- Doctors treat all of my health issues
- Doctors operating from evidence base and treating all of us with dignity
- Allow more freedoms so that people can build structure and routine into their lives
- To believe in success, I have to see it in action. I still see people coming into addiction. I would like to see more of them coming out the other end.
- Have a choice of treatment. Ask me what help I need. We need doctors to hear us.
- See me as bigger than my addiction

Conclusion

The group welcomed the opportunity to be included in this consultation process. And look forward to hearing more from the commission.

Care Homes consultation with residents

Venue: TLC Santry.

Present: Pauline Fitzpatrick, Per Ake Rydberg, Sean Doody (TLC Santry)

Ann Landers (Cara Care) Shelia Brown (Cherry field) Phyllis Murphy (Anam Cara) Phyllis Hyland (Beneavin House) Brenda Quigley (Sage)

Deirdre Toomey IHREC) Maura White (CAN)

Older people knowing their Rights

Before the discussion about their rights began the group introduced themselves and told their story of what happened to them and how they came to be in the care home. They spoke of their experiences which varied from having strokes, Parkinson's disease and other disabilities. This gave a real personal insight into the journey of how some people find themselves living in care homes.

The people that attended this session were not familiar with human rights language. This was briefly explained to them before the discussion began. The group were mainly very positive about their living conditions and felt very fortunate that they had a place to live.

They spoke of how good the staff were and described some of the activities that they really enjoyed. They were asked if they had any issues that they felt was an infringement of their human rights.

The residents named the following

Being invisible

People spoke of feeling invisible as an older person with nothing to offer in society. They shared stories of different incidents that upset them and felt they were not able to do anything about it.

Unsuitable wheelchairs

People with physical disabilities said they are given wheelchairs in the care homes that are unsuitable for their needs which made it very difficult for them to be independent. In some cases where families could afford it had to buy the wheelchairs

The affordability of care homes was discussed. People talked about the fair play deal where 80% of people's income is taken for their care and in some cases 20% of their income goes to pay for activities, prescriptions etc. which are extra charges in the homes. This leaves

some people with very little money and gives them no financial freedom and dependent on others.

Information

Access to information regarding social welfare entitlements was seen as an issue people felt that not everyone had the same information or knew about entitlements.

Health care

Long waiting lists for hospital appointments was another key issue when they do get appointments they can be left for hours sitting in wheelchairs waiting to be seen by a doctor. The carers who are escorting them are then tied up waiting with the person in the hospitals and are away from their duties in the care homes.

Staff shortages

People talked about the shortage of staff and people leaving on a regular basis. They felt this was due to staff receiving low pay and who are leaving for better pay conditions which they understood. This can cause distress for the older people whom have got to know the staff and built up a good relationship with them.

People spoke of the need for more occupational therapists and physiotherapists for older people particularly after strokes. In their view there is a shortage of such professions.

Other issues

It was acknowledged that some staff have to manage a large workload and at times older people in the care homes requests are forgotten about. People gave examples of this in the discussion.

One person commented that *'Some nurses aren't meant to be in the caring profession.'*

People that have physical disabilities spoke of the difficulty of being in the care home with people with dementia and other cognitive disabilities. They said it was difficult sometime to have conversations, do activities and be socially active when a lot of people in the care homes suffered from these illnesses.

One man felt that more scientific search needs to be carried out to prevent people having strokes which leads to people needing 24 hour care and having to be placed in care homes.

Barriers to Making Rights Real

When asked what the IHREC could do to get public bodies to respect human rights for people living in care homes. People thought there was little they could do they felt that no one would listen to them.

It was suggested that the IHREC could listen in and raise awareness of issues.

Images of Success in 2021

Having suitable affordable places for older people should be a priority for government.

Affordable care homes should be put into suitable areas where people living there have access to public amenities for those who can get out and about.

It would be good to have a forum where residents living in care homes have the opportunity to have their voices heard and to be part of creating changes that need to happen into the future. These forums should be attended by residents, the medical profession, government officials etc.

It would be good to have a voice at the planning stage of care homes.

Summary of the Youth Consultation

This section contains a summary of the main issues raised at a consultation session organised with young people in Dublin on June 30, 2015.

What did you people think that the goals of IHREC should be?

- Fighting for rights of people in Ireland
- Promotion of awareness
- Promoting rights and raising awareness
- Promote equality. Ireland where everyone is treated equal and have equal opportunities
- Mainstream religious rights
- Identify what rights are
- Fight the “class” system
- Education everyone on their rights
- Need to talk about more – economic inequality because people will listen to us
- Needs to be proactive rather than reactive
- Structural inequality – response needs to (be) multifaceted
- Women to have better equality
- Education on different issues
- Talk about what’s going on with people (relevant groups)
- Inclusion of everybody
- Promoting positive action – not everyone is the same
- Focus on socio-economic disadvantage
- Look at the present before the future – *‘why not do it now?’*
- No labels – *‘labels are for jars, not for people’*

Attitudes

- Effort to change attitudes

Enabling voice

- Support people who can’t come forward
- Supports are put in place for people
- Different people need different supports
- Give young people a voice and have ongoing engagement with young people

Public Engagement

- More workshops like this
- Work with orgs like Comhairle and be cooperative with other organisations
- Get people talking, involved, embedding equality

Schools and curriculum development

- Go into schools
- School setting:
 - Challenging or highlight structural inequalities that exist in Irish schools.

- More SNAs in classroom
- More resources and even more schools specific to young people's needs – schools for deaf young people, schools for Travellers as an example
- Mandatory module in 2nd/3rd level focusing on equality frameworks. Influence educational curriculum from an evidence base, best practice framework
- Awareness-raising of teachers in religious/cultural customs
- Racism of no documents – more intercultural and racism modules in schools for students and staff
- Lobby for a return of SPHE classes. Young people identity SPHE as a valued subject IF done right by qualified, trained teachers
- Sexual health and education training, teachers/students – lobby for separation of SPHE, CHP (may mean CSPE here), religion and sexual health in schools
- Lobby for Irish schools to cover all and non religious in their curriculum
- Help out in schools, teach schools
- Religious tolerance in schools
- Trans young people in schools – accessing toilets

Engaging Government / state institutions

- Interacting with Government about role they can play and putting structures in place so people can be listened to
- Research piece gathering information which could influence Government policy. Specific themes
- Diversity audit in the Department of Justice
- Human rights audit in Irish prisons

Specific issues

- Non-documented young people
 - Lobbying, research
 - Promotion of intercultural days/events locally, regionally and nationally
- Mental health
 - Lobby for reinstatement of guidance counsellors in schools
 - Lobby for further investment in the area of mental health
 - Lobby for community response to suicides/self-harm. Mental health
 - Improving services on mental health = making education accessible
 - Mental health education at younger age
- Traveller Ethnicity – support Travellers ethnic minority; support young Travellers to self-identify
 - Rural communities – more transphobia, more discrimination
 - Stop inequality in the workplace
 - Investment in services and investment in young people

How should the Commission achieve its goals?

Schools / Education structures

- More education about human rights in schools N.B. Second level
- Training with principals and teachers
- Promote through extra-curricular activities e.g. sport etc.
- Link with anti-bullying week in schools
- Education from young age, different approaches and learning methods
- Have an academic role and link more with Department of Justice
- School talks
- Human Rights Education
- Go to schools
- Transition Year – focus on that
- Education and training in schools for LGBT so that young people have someone to go to who is fully aware and trained in LGBT
- Developing deliberate multicultural efforts in schools. There are many races and background and a lot of schools are not encouraging integration
- Commission could work with Department of Education and advise and change curriculum. Department and Ministry should have more power influencing schools – currently schools don't have to make changes
- Commission needs to work with Minister for Education re school curriculum (kids)
- Commission should provide supports for parents and education them – Family Department, DCYA (adults)

Training / Capacity building

- Group trained to work with other young people and peer group
- Organise workshops for parents about human rights as young people learn from parents
- Mentoring programmes – training for peer-led

Public Awareness

- Much stronger communication role to highlight issues of inequality in Irish society
- Social media
- Video XXXX method in different ways
- Information that is accessible
- Need to be relevant and meaningful
- Codes of Conduct/awareness/workshops to exclusively note and acknowledge and manage LGBT
- Awareness programmes – homelessness/suicide N.B.
- Open issues up to the public more
- Increasing awareness
- Sometimes people are oblivious to issues
- Advise media – produce guidelines?
- Tackle stigma by promotional activities
- Anti-racism campaign

Building networks for co-operation / engagement

- Bring organisations together to see how they can help one another, cooperate, joint work – Help organisations to get together
- Organise event for public e.g. concert- do something that brings people together
- Get more young people to be engaged and actively participate
- Work in solidarity – youth advisory council
- Advocacy - + solidarity/outside Dublin too
- Volunteer programme which would like in and encourage interactions with groups/people with disabilities
- IHREC – organise events/ongoing consultation/workshops on current issues. Brings people together, people coming from different (multiculturalism) backgrounds. Issues are constantly changing
- Empowering young people/Peer education - young people can learn very effectively from other young people.
- Encouraging young people to get involved and aware
- How to/when to/register to vote.
- Young people can work, pay taxes, but can't vote.
- Awareness of politics/government/political parties
- Youth representation Forum – County/Provincial/National representation (similar to Comhairle structure). Bring issues to the fore (Participation Structure)
- Consult with young people when it suits them – i.e. evening/weekends – not during school
- If IHREC could set up a youth advisory panel (a constant reference point)
- Community activation
- Work with minority groups as well as majority to apply human rights and equality
- Changes starts with young people
- Commission a Report – Research on creating a platform for equality/human issues. A platform can inform various organisations of what current issues are and be more powerful together – collective action! Rather than each efforts being diluted

Promote the Commission

- Promote IHREC – can do this through organisations as well
- Social media – Facebook, Twitter, website
- Media promotional work to highlight their presence
- Advertise and make ourselves known – people don't know about us
- Leaflet – how we can help
- for change to happen needs to be high level of awareness of IHREC

Specific issues

- Organisational audits
- Structural audits – Sports
- BeLonGTo – class
- Rent Allowance – investigate research
- Discrimination in accessing health services
- Action – very little action has happened
- Voting age – so young people have power of influence over issues which affect them
- Homelessness: support – how do people 'get out' of homelessness aftercare or prisons/residential care? Drug awareness



- Can IHREC lobby on behalf of young people?
- Commission to guarantee equal opportunities, sports, arts (Arts Council, Sponsorships), college places (equality of opportunity) – work with colleges
- Commission should ensure all languages are equally respected

Challenges and Opportunities

- Economy
- Funding
- Election – can campaign for change
- Social media
- Construction industry – building houses
- International developments e.g. Ireland passed marriage referendum – this can put pressure on other countries
- Already formed opinions
- Stigma behind rights – balance rights and responsibilities
- Government says ‘no’
- Groups can be racist about each other
- Older generation unwilling to change
- Funding
- Too big to solve at one time
- Young people may be scared to speak up/may have no one to talk to (could be helped by ‘days like this’ to be advertised more)
- Resources – not enough people to carry out this work
- How much say does the Commission have over Government?
- Social norms/stereotypes (perpetuated by media)

What type of things could help the Commission?

- Volunteers
- Education older and younger generations
- Advertising
- Commission should go to groups and people
- Get more people involved in Commission and in funding
- Youth support, family support – getting message out
- Education: IHREC has to educate all, especially older people – stop gender/LGBTQ inequality
- Mental health in schools
- Religious tolerance in schools
- Speak to education authorities
- Youth voice has to be heard
- All people recognised and heard
- Youth representation on IHREC.
- Information on who they are and how to contact them
- Class issue
- Lack of things outside Dublin, especially for LGBT
- Change needs awareness



- Collective action: youth council in IHREC from all countries – majority and minority communities
- Ongoing consultation (not one-off) as problems changes regularly
- Workshops to promote interculturalism
- Programmes to education teachers/leaders how to support young people
- Training to organising campaigns (if IHREC can't run campaigns)
- LGBTQ rights/info on education curriculum
- Teach human rights and equality to people from a young age
- Education: IHREC has to educate
- Through peers, teachers, parents *'No one is born racist, it's learned from those around you'*
- Educate minorities where stigma is between groups
- Responsibility not to hinder rights
- More events like this
- Promote more community spirit/aspect
- Proper SPHE, sex education, relationships, LGBTQ+
- Separate religion from SPHE and CSPE (same teachers)
- Religious education should focus on world religions
- Raise awareness of teachers on racism

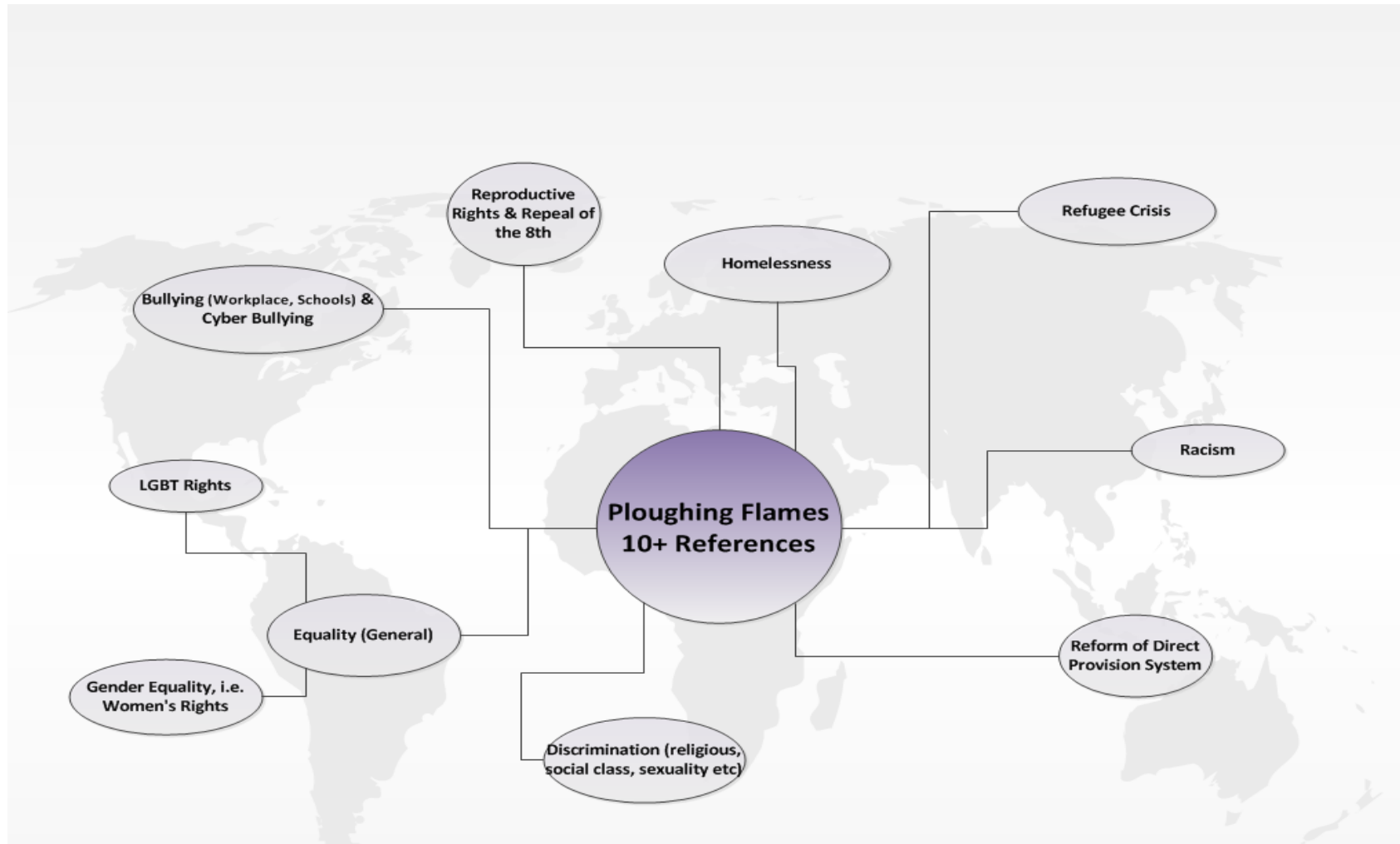
'How can I make a difference?'

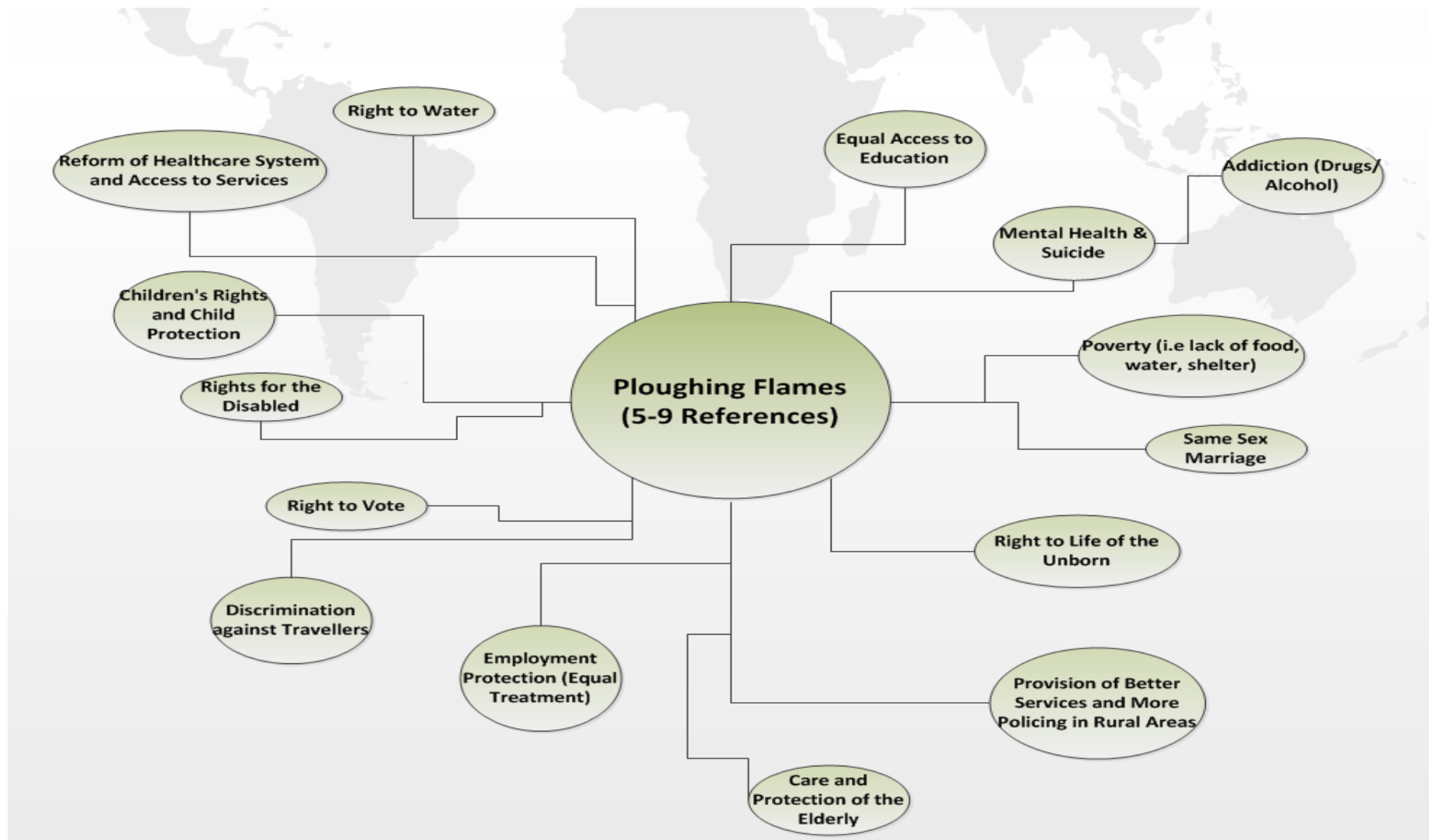
- Promise to endorse the work of IHREC
- Practice compassion and understanding in everyday life
- Be yourself but help people along the way
- Spread the word to all my friends
- Give information and spread the word
- Spread info through youth groups
- Become more involved in community discussion/activities
- Help out / Help other people!
- Highlight discrimination when safe to do so
- By helping to promote the campaigns and human rights
- I would like to be trained as a youth facilitator
- To help whenever is possible
- I will go back to my organisation BTG with the info gained today and write an article in our next newsletter so the word can spread
- By knowing my rights and standing up for them
- By getting involved myself
- Be more involved in organisations and speaking out about 'issues'
- We can work together by being committed to what we plan on achieving
- Can tell people about the next event held by IHREC
- By taking in what we said and acting upon it – also get others involved to spread the work with us
- Feedback
- Encourage others to get involved
- Everyone from each sector, region, organisation, gathering information. Being a unit working together to improve or face the issue

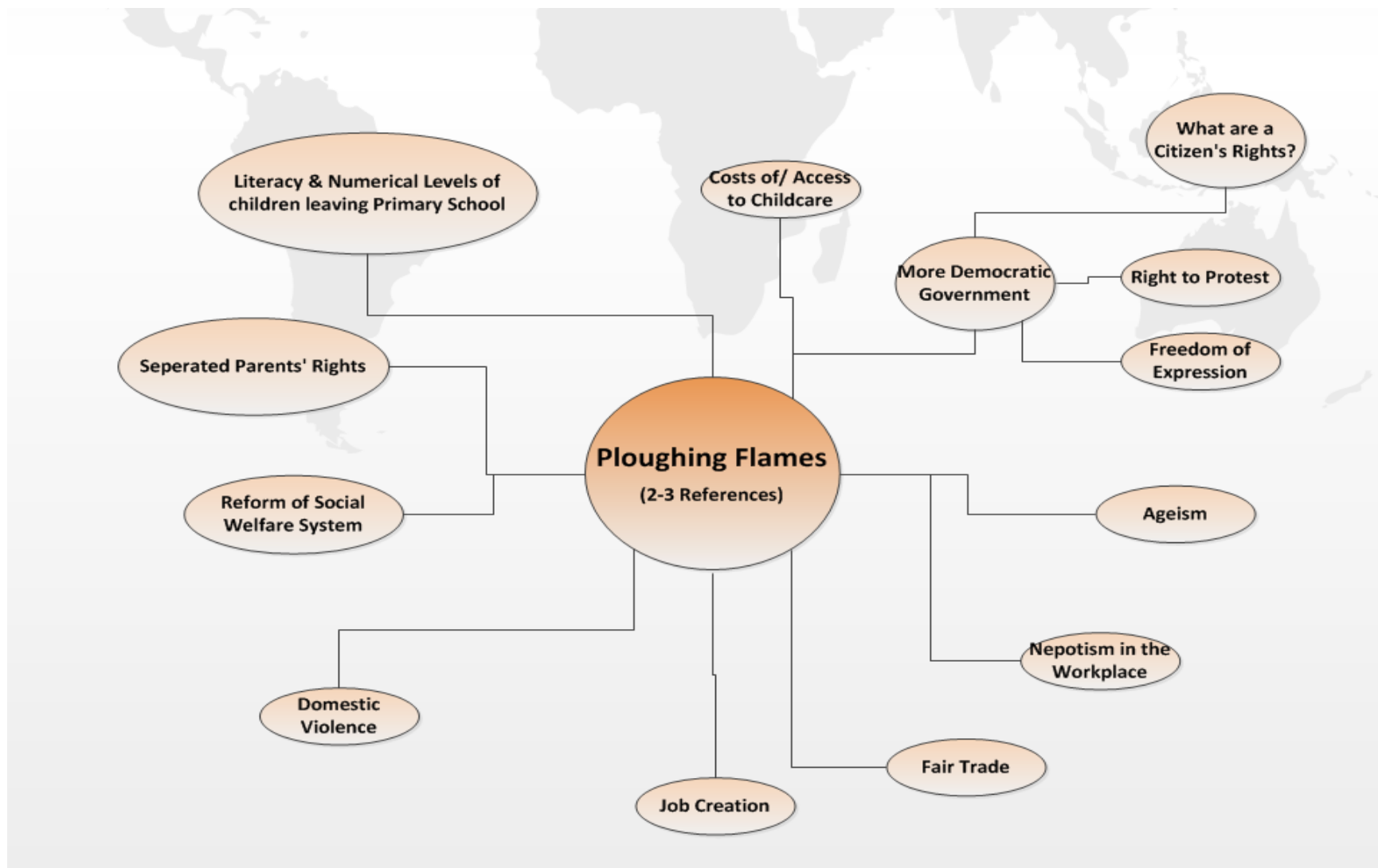
- Share our skills and knowledge and LISTEN!
- Youth Ambassador programme/Award (promotion and interest)
- Take action from what you heard from the young people today
- Youth counsel (note: council?) /
- Youth commissioner
- By encouraging others to learn about their human rights
- Stand together as a team
- Inform the minority and majority of your work
- Start supporting one another! Work together on a matter
- Promote awareness in schools and extra-curricular
- Give our time to make change happen
- Tell on social media and community about this
- If the IHREC hold events, I'd love to volunteer and help out
- Constant communication
- Research standard income for EVERY Irish citizen (see Switzerland)
- Promotional campaign
- Keep in touch and involved
- Create safe, non-sexualised places for LGBT and young people
- Set up a group and work together
- Tell them what we think and our effective methods to solve the issues
- To leave (let?) young people have a huge involvement
- By getting other young people involved
- Use new government youth participation strategy
- IHREC can set up a youth forum to continually get young people's opinions

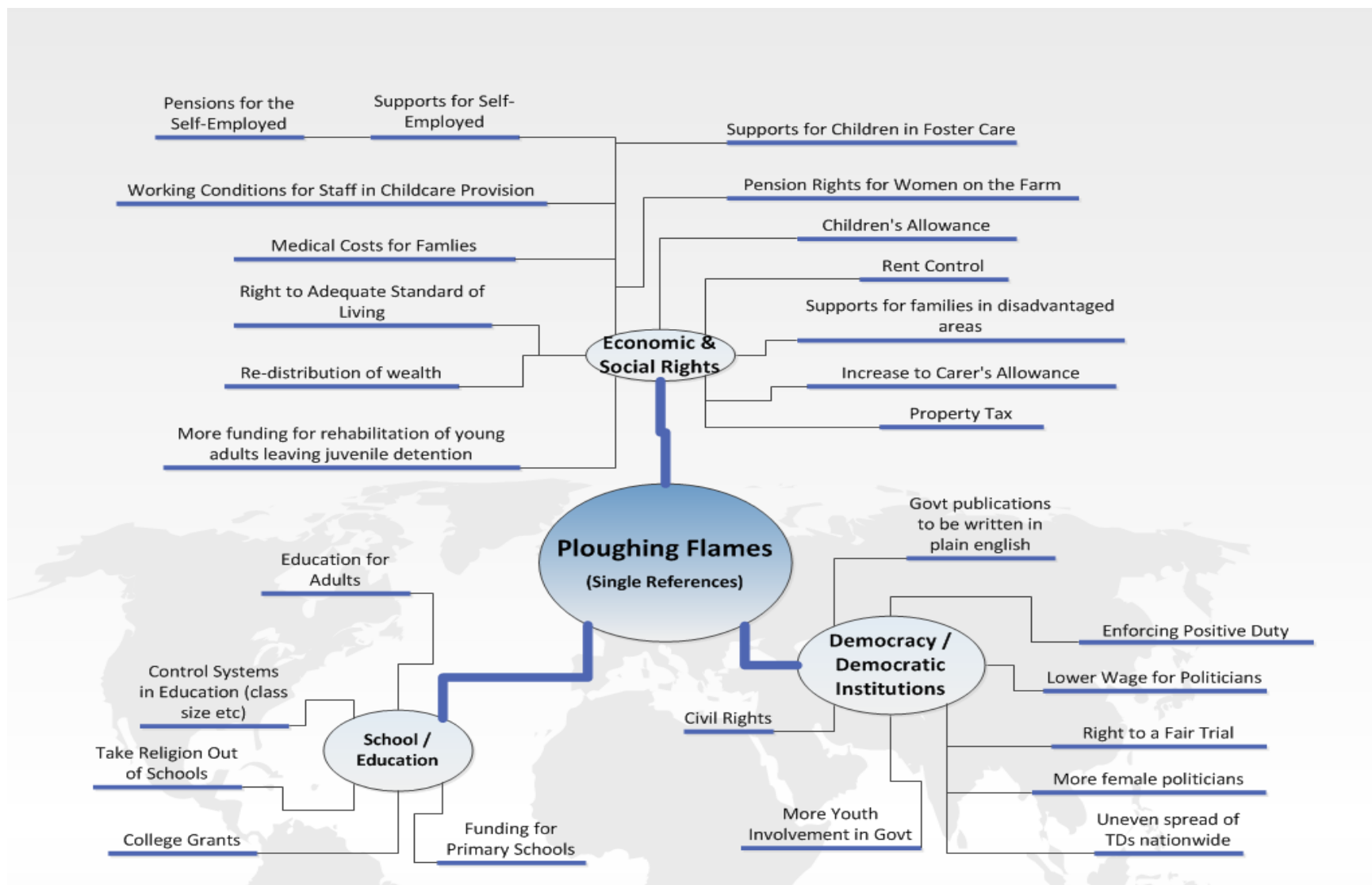


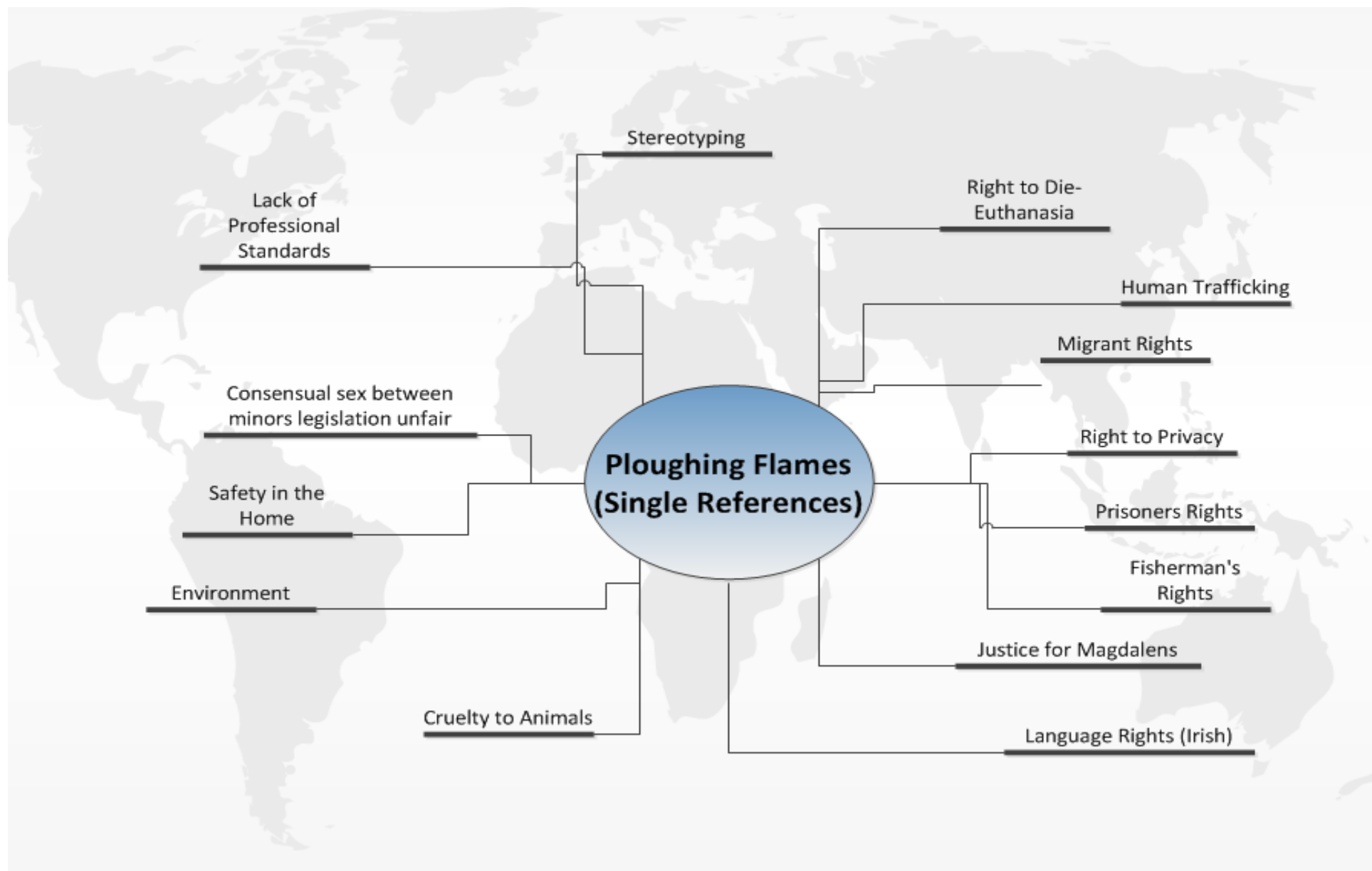
Thematic analysis of key issues raised at the Ploughing Championship











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



Annex I: List of written submissions received

1. Age Action
2. All Together In Dignity
3. Alzheimer Society Of Ireland
4. Amnesty International
5. Atheist Ireland
6. Blanchardstown IT
7. Centre For Disability Law & Policy NUIG
8. Childrens Rights Alliance
9. Citizens Information Board
10. Clare County Council
11. Clondalkin Travellers Development Group
12. Community Law And Mediation
13. Cork Institute Of Technology
14. Culture Of Peace
15. Deaf Hear Society
16. Donegal Action For Cancer Care
17. ESC Rights Initiative
18. ESRI
19. FLAC
20. Focus Ireland
21. Human Rights And Older Persons Working Group
22. ICTU
23. Irish Deaf Society
24. Irish Refugee Council
25. Irish Traveller Movement
26. ISPCC
27. Longford Community Resources
28. MEAS
29. Member Of The Public
30. Mental Health Reform
31. Mid West Humanists
32. Monaghan County Council
33. MRCI
34. NALA
35. National Collective Of Community Based Womens Network
36. One Family
37. Pavee Point
38. Pobal
39. Royal College Of Surgeons

- 40.Shell To Sea
- 41.Sign Language Interpreting Service
- 42.South Dublin Community Platform
- 43.St Anthonys Park Community Development Initiative
- 44.Tallaght Travellers
- 45.The Humanist Association Of Ireland
- 46.Trinity College
- 47.Walk

Notes:

ⁱ Article 40.3.3, Bunreacht Na hÉireann, 1937, - “*The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.*” Available from:

< https://www.constitution.ie/Documents/Bhunreacht_na_hEireann_web.pdf > [Accessed 21 September 2015].

ⁱⁱ As distinct from her health. See *Attorney General v. X*.

ⁱⁱⁱ At least 3700 women annually. Abortion in Ireland: Statistics. Irish Family Planning Association <<https://www.ifpa.ie/Hot-Topics/Abortion/Statistics>> [Accessed 21 September 2015].

^{iv} Regulation of Information (Services Outside the State For Termination of Pregnancies) Act, 1995 (Act Number 5 of 1995).

^v For example, a pregnant woman could be coerced into unwanted medical interventions, in cases where her refusal would put the life of a viable foetus at risk. (National Consent Policy available from: <http://www.hse.ie/eng/about/Who/qualityandpatientsafety/National_Consent_Policy/consenttrainerresource/trainfiles/NationalConsentPolicyM2014.pdf> para 7.7.1. [Accessed 21 September 2015]). For example, in 2014, fear of violating foetal right to life under article 40.3.3 lead doctors to impose a regime of measures to support foetal life on the body of a woman after brain stem death was declared when she was 15 weeks pregnant. The measures were maintained against the wishes of her family, and were only discontinued after a ruling of the High Court. Mary Carolan. 2014. The Irish Times. Continuing to treat woman on life support ‘grotesque’. Available from: <<http://www.irishtimes.com/news/crime-and-law/courts/high-court/continuing-to-treatwoman-on-lifesupport-grotesque-1.2047808>> [Accessed 01 September 2015]. Deirdre Duffy. (2014) Aside from the abortion question, Ms Y highlights serious flaws in Irish maternity care. The Journal.ie. Published 23 September 2014. Available at: <<http://www.thejournal.ie/readme/ms-y-suicidal-abortionmaternity-care-1685650-Sep2014/>>. [Accessed 01 September 15].

^{vi} In 2012 Savita Halappanavar died after being refused a termination, despite inevitable miscarriage, because a foetal heartbeat could be detected. (Health Service Executive. Final Report: Investigation of Incident 50278 from time of patient’s self-referral to hospital on the 21st of October 2012 to the patient’s death on the 28th of October, 2012. Available from <<http://www.hse.ie/eng/services/news/nimreport50278.pdf>>. Published June 2013. The case highlighted the clinical and ethical impossibility of distinguishing in practice between risk to a woman’s health, where abortion is unlawful, and risk to life, where the law permits abortion. In 2014, a young woman who was pregnant as a result of rape, and who was living within Ireland’s direct provision system for asylum seekers, was unable to gather the necessary travel documents and financial means to travel to a state where abortion is legal. At around 24 weeks’ gestation, she was assessed under section 9 of the Protection of Life During Pregnancy Act, as being at risk of suicide. However, because the foetus was deemed viable, rather than authorize an abortion, a plan was put in place to deliver a live neonate by caesarean. (Fletcher R. Contesting the cruel treatment of abortion-seeking women. *ReprodHealth Matters* 2014;22 (44):10–21.) Two cases have been filed before the UN Human Rights Committee in relation to women who were forced to travel to the United Kingdom to obtain safe and legal abortion services after receiving a fatal foetal anomaly diagnosis.

vii UN Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Ireland, Adopted by the Committee at its fifty-fifth session (1–19 June 2015) page 9. Available at < <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/150/67/PDF/G1515067.pdf?OpenElement> > [Accessed 21 September 2015].; Human Rights Committee, 111th Session. Concluding observations on the fourth periodic report of Ireland, UN Doc CCPR/C/IRL/CO/4, 19 August 2014; United Nations Committee against Torture, 46th session, 9 May - 3 June 2011 Concluding Observations: Ireland, UN Doc CAT/C/IRL/CO/1, 17 June 2011; UN Committee on the Elimination of Discrimination against Women, 33rd session, Concluding Comments: Ireland, UN Doc CEDAW/C/IRL/CO/4-5, 13 July 2005

viii The legislation was enacted with the purpose of implementing the ECtHR judgment in *A, B and C v Ireland* and allow for abortion where there is a risk to a pregnant woman's life.

ix Irish Human Rights Commission. Observations on the Protection of Life During Pregnancy Bill 2013.

Available at:

<http://www.ihrec.ie/download/pdf/ihrc_observations_protection_of_life_in_pregnancy_bill_2013.pdf>

x One doctor can make the decision in emergency cases. A pregnant woman who asserts her right to abortion because of physical risk to life under section 7 must be examined by two medical practitioners (an obstetrician and a specialist in a relevant area). However, in response to the contentious discussions of the grounds based on suicide during the parliamentary hearings on the legislation [6,8], the drafters of the Act made the requirements for certification more onerous in cases of suicide risk than when there is physical risk to life. Section 9 provides that three specialists—two psychiatrists and an obstetrician—must jointly certify a woman's legal entitlement to the "medical procedure". (Taylor M, Women's right to health and Ireland's abortion laws, *Int J Gynecol Obstet* (2015). Available from: <<http://dx.doi.org/10.1016/j.ijgo.2015.04.020>>.

xi Sections 22 and 23 of the Protection of life During Pregnancy Act, 2013 are available at

<<http://www.irishstatutebook.ie/2013/en/act/pub/0035/sec0022.html#sec22>> and

<<http://www.irishstatutebook.ie/2013/en/act/pub/0035/sec0023.html#sec23>> [Accessed 19 August 2015].

xii Health Services Executive (2008) National Intercultural Health Strategy 2007 Available from: http://www.hse.ie/eng/services/Publications/SocialInclusion/National_Intercultural_Health_Strategy_2007_-_2012.pdf [Accessed 6 October 2015].

xiii Crisis Pregnancy Programme October 2011 Submission to the Department of Health on Your Health is Your

Wealth Public Health Policy Framework 2012-2020. Available from: http://crisispregnancy.ie/wp-content/uploads/2012/04/HSECPP_Public-Health-Policy-Framework_submission_FINAL.pdf [Accessed 5 October 2015].

xiv Irish Family Planning Association. Annual report 2010. Available at:

https://www.ifpa.ie/sites/default/files/documents/annual-reports/ifpa_annual_report.pdf {Accessed 06 October 2015}.

xv Law reform Committee (2011). Children and the Law: Access to Medical Treatment (LRC 103-2011). Available at: <http://www.lawreform.ie/fileupload/Reports/Children%20and%20the%20Law103%202011.pdf> [Accessed 6 October 2011].