



## Invitation for Submissions - Irish Human Rights and Equality Commission Strategy Statement 2022-24 Consultation

### Introduction

The Irish Human Rights and Equality Commission (IHREC/Commission) would like to invite you to make a written contribution to the consultation process for its new Strategy Statement 2022-2024.

The Irish Human Rights and Equality Commission Act 2014 sets out the Commission role in relation to promoting and protecting human rights, equality and intercultural understanding in Ireland. The Act will provide the framework for the Commission's next Strategy Statement 2022-24.

#### Irish Human Rights and Equality Commission Act 2014

Under the Irish Human Rights and Equality Commission Act 2014 (the Act), the overall functions of the Commission are:

- (a) To protect and promote human rights and equality;
- (b) To encourage the development of a culture of respect for human rights, equality and intercultural understanding in the State;
- (c) To promote understanding and awareness of the importance of human rights and equality in the State;
- (d) To encourage good practice in intercultural relations, to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person; and
- (e) To work towards the elimination of human rights abuses, discrimination and prohibited conduct.

Section 42 of the Act sets out the Public Sector Equality and Human Rights Duty, which places a statutory obligation on public bodies to eliminate discrimination, promote equality of opportunity and protect the human rights of those to whom they provide services and staff when carrying out their daily work. The Commission gives guidance to public bodies in developing policies and good practice based on human rights and equality standards.<sup>1</sup>

<sup>1</sup> <https://www.ihrec.ie/our-work/public-sector-duty/>

## Consultation with Individuals and Stakeholders

The Commission is inviting submissions from people (rights-holders) and groups working to eliminate discrimination, and promote and protect human rights and equality. Your contributions will put a spotlight on the issues that you believe should be taken into account when the Commission is developing its' strategic priorities for the next three years.

### Submission details

The closing date for submissions is **16 August 2021**.

### Format

This submission document is set out in three sections:

- The context for the coming three years
- The performance of the Irish Human Rights and Equality Commission
- Achieving change

### Background

Please select one of the below options:

- Individual
- Civil Society Organisation
- \*Other body (please specify) \_Statutory Body\_\_\_\_\_

If an individual, what group(s) do you self-identify with or wish to highlight here?

If a representative of a group or an organisation, which of the following groups does your organisation's human rights and equality work relate to?

Please select one or more of the following options:

- Age\*
- Disability\*
- Civil status\*
- Family status (including lone parents and carers)\*
- Gender (including a transgender person or a person who is transitioning to another gender)\*
- Race\*
- Religion
- Sexual orientation\*
- Traveller community\*
- Housing Assistance \*
- People at risk of poverty and social exclusion\*
- Other (please specify) \_Financially excluded

What is the name of your group or organisation? (Optional but helpful if you include)

## Citizens Information Board (CIB)

### Section 1: Context for the Commission's work over the next three years

We would like to understand your experience so that it informs the context in which the Irish Human Rights and Equality Commission will work over the next three years.

What is going well for you (and your community / constituency)? (Max 200 words)

CISs provide information, advice and advocacy on all aspects of public service provision across key domains, including social protection, housing, employment rights, justice, citizenship and consumer protection.<sup>2</sup> CIB services – Citizens Information Services (CISs), National Advocacy Service for People with Disabilities (NAS), Sign Language Interpreting Service (SLIS), Money Advice and Budgeting Services (MABS), National Traveller MABS – regularly engage with people who encounter difficulty securing their rights related to disability, age, ethnicity, gender, marital status, family status, and citizenship status.

The citizensinformation.ie website continues to be a primary source of accurate, high quality information on rights and entitlements to public and social services in Ireland.

A significant proportion of the advocacy work undertaken by CIB services involves supporting people to enforce their rights and address their experiences of discrimination and inequality, e.g. resolving breaches of employment rights, and in accessing housing supports. This work can involve negotiating with third parties, progressing complex appeals, and representing clients at hearings, including the Social Welfare Appeals Office or the Workplace Relations Commission.

CIB selects research topics from evidence gathered across its services as part of our statutory social policy function. Examples of recent research include: ['Employment Rights that Work For All'](#) (2020), and a thematic report on Economically Vulnerable Families with Children (draft 2021).

Rights and equality concerns reported by services are featured in our bi-monthly [Social Policy Updates](#) and in published [policy submissions](#).

What are the challenges and barriers that you (and your community / constituency) face, including intersectional challenges, please be specific? (Max 300 words)

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<sup>2</sup> These services deal with over half a million callers yearly and address over a million queries on all aspects of rights and entitlements and public service provision.

A high proportion of users of CIB services are in low paid or precarious employment or are welfare dependent. These include people with a disability and households that are financially excluded and/or experiencing over-indebtedness.

NAS clients are typically people who are at risk of having their human and legal rights infringed.

Users of the Sign Language Interpreting Service frequently experience difficulty in accessing public services information and sign language interpreter services.

Many **people with disabilities** who access CIB funded services are inappropriately housed, and have difficulty accessing the supports they require in order to live independently in the community. People with disabilities have highlighted their experiences of poverty to services, and the additional costs associated with a disability. Policy provisions to address this deficit are awaited from the recent research carried out by the DSP.

**Travellers** continue to experience significant barriers to securing rights to adequate and culturally appropriate housing, education, and meaningful work. Implementation deficits in particular continue to have a major impact on Travellers' lives, culture, and their access to services.

Many **older people** requiring care and support are inappropriately 'placed' in nursing homes because of the inadequate provision of care and support services in the community. The 'voice' of older people requiring long-term care and support is frequently not heard in the decision-making process regarding how their care and support is provided.

**Financial exclusion** is a factor in the lives of many MABS clients and includes:

- Lack of access to day-to-day banking
- The non-availability of accessible, expedient and low-cost payment mechanisms
- Lack of affordable forms of credit
- Increasingly complex financial products

Some people by virtue of their circumstances and/or their reduced decision-making capacity are more at risk of abuse (financial, emotional, physical and sexual) and/or coercive control.

**What do you (and your community/ constituency) need to thrive – to have your human rights and equality protected? (Max 200 words)**

People with disabilities need to be have sufficient income to cover the costs of daily living and a right to appropriate housing, on an equal basis with others – this is not the case at present.

People who require long-term care and support must have choice and not be forced to live in a residential care facility against their wishes because of lack of adequate community care services.

People whose decision-making capacity may be in question should have access to decision-making supports as provided for in the Assisted Decision-making Act 2015. Independent advocacy (as carried out by NAS) needs to be provided for in legislation.

The stated policy aspiration of enabling Travellers and other minority ethnic groups to have equality of access to housing, education and health requires much more impetus in terms of delivery.

#### *Gender equality*

Services receive thousands of queries from women in relation to their rights relating to work and social protection issues in particular. Low-paid part-time working by women is often linked to the need to combine work with caring responsibilities.

#### *Combating racism*

Racism, including hate speech and harassment, is reported as continuing to be endemic throughout Irish society and needs to be addressed and recourse to appropriate redress provided when required.

## Section 2: Performance of the Irish Human Rights and Equality Commission

We would like to understand how you perceive the Irish Human Rights and Equality Commission's performance over the past three years.

### Strategic Statement 2019-2022 – Priorities

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

### Thematic Priorities that crosscut the Strategic Priorities:

1. Promoting access to justice;
2. Advancing social and economic rights;
3. Combatting racism and promoting intercultural understanding; and
4. Progressing the rights of people with disabilities

What are your views on the issues we have addressed and our impact over the past three years? Were there gaps?

Where possible, please refer to a specific aspect of our work – i.e. our legal work; research; legislative and policy submissions; international reporting; civil society engagement, grants programme, public awareness campaigns; public communication; promotion of the Public Sector Equality and Human Rights Duty etc. **(Max. 400 words)**

#### *Research*

Important research has been carried out by IHREC in recent years which has highlighted areas where the rights of people are or may be infringed, including, in particular, in the areas of housing, education and health. This research work should continue and, perhaps, hone in more sharply on specific areas, for example, the housing situation of people with disabilities; deprivation of liberty issues in the provision of long-term care, lack of supported decision-making mechanisms.

There should ideally be a stronger focus on monitoring the *impact and intersectionality* of various social inclusion strategies – the Disability Inclusion Strategy, the Traveller and Roma Inclusion Strategy and the Migrant Integration Strategy as well as the National Anti-Racism Action Plan (when put in place) and the National Housing Strategy for People with a Disability.

#### *Grants programme*

The IHREC Grants Programme is a significant asset to NGOs and should be continued and enhanced. Of particular importance over the next 3 years will be monitoring the implementation of the ADMC Act 2015, access to justice for specific minority groups and the promotion of social inclusion and equality of access at local level.

In addition to the three strands included in the 2021-2022 programme, other strands are likely to emerge in the context of the Recommendations of the Citizens' Assembly on Gender Equality, the National Action Plan against Racism, the commencement of the ADMC Act 2015 in 2022 and a revised National Housing Strategy for People with a Disability.

#### *Public sector duty*

IHREC should continue to proactively monitor how this Duty operates in practice and assess the effectiveness of the mechanisms that have been put in place by various public services in order to bring about the change required to provide equal access to public services.

There needs to be improved disaggregation of administrative data collected across the public service by gender, disability, and ethnicity in particular.

#### *Awareness*

Further targeted promotional /educational activity required about what human rights issues *actually are* and the subtle ways that they can be impacted through seemingly neutral policies - include public sector bodies and private sector employers in regards to EEAs.

*Shadow Reports* prepared by the Commission are important in raising awareness about gaps in implementation of International Conventions and failures to fully implement equality and social inclusion measures. IHREC should continue compiling such reports, including to the UN Committee on Economic, Social and Cultural Rights, CERD and UNCRPD.

### Section 3: Achieving Change

We would like to understand how we could work effectively to fulfil our mandate and achieve change.

What issues should the IHREC continue to address and build upon in our new Strategy Statement 2022-24 and programme of work as a priority? (Max. 300 words)

It is important that the IHREC continues to address socially and culturally embedded inequality related to gender, ability/disability status, race/ethnicity. There is a need for the Commission to engage in a strong public information campaign on these matters and on how in practice such embedded inequality can permeate a range of social and institutional structures and how this can be addressed.

Since inequality and social exclusion is deeply embedded in our culture and in our societal and institutional structures, it is necessary to address it at many different levels, including through use of agency strategies and policies, professional codes of practice, formal and informal inter-agency agreements and initiatives including training, awareness, educational and professional development programmes and media campaigns. These are all areas which the Commission might address in the forthcoming Strategy.

There has been some progress on the introduction of ethnic equality monitoring systems - this and the collation of wider equality related data is an area which should be kept under continuous review by the Commission – this includes the monitoring of administrative data across the public service.

The policy of de-congregation for people with disabilities and people with mental health difficulties who have extra support needs often fails because people are not provided with an appropriate support infrastructure in the community.

Impact of the Covid-19 pandemic on particular groups, e.g. people with disabilities, and the loss of day services, respite services; undocumented workers, women's access to health services with public health restrictions in place. The experience has highlighted that some groups in society are impacted more than others in a crisis.

What emerging or other issues should the IHREC begin to address in our new Strategy Statement 2022-24 and programme of work as a priority? (Max. 300 words)

Understanding social inequality across all public policy domains, and the impact of *implementation deficits* in existing strategies and policies is a crucial aspect of promoting equality of access and bringing about change.

- A focus on socio-economic inequalities and impact/inter-relationship with other grounds covered by legislation;
- Cross-cutting domains of inequality and discrimination should form part of the IHREC research programme over the next 3 years, for example an exploration of how racism and disability intertwine and interact to generate complex forms of inequality and discrimination;
- Highlighting gaps and deficiencies in the implementation of relevant policies and strategies relating to Travellers and other ethnic minorities and people with disabilities;
- Encouraging the development of further innovative participatory models of participation by marginalised groups at local level;
- Ensuring information about rights and entitlements is accessible across the public service is an essential component of access and should be part of public sector duty requirements.

Ongoing monitoring of the implementation of the *Irish Human Rights and Equality Commission Act 2014* and the extent to which public bodies are compliant with the legislative requirement to assess, address and report on progress in relation to equality and human rights in their strategic plan and annual reports in a manner that is accessible to the public.

### How best can the IHREC work with and support the further development of civil society as key actors in addressing discrimination and human rights infringements? (Max. 200 words)

There is a need for civil society generally to understand that policies that channel assistance and support to marginalised groups but leave intact the structures that result in inequality and exclusion in the first instance do not result in the fundamental changes required for full equality and social exclusion. There is a need to move from a focus on 'vulnerable and marginalised groups' to a focus on shared citizenship and social solidarity.

There is a need to further highlight the changes required in institutional structures to address embedded inequality, including, in particular, awareness training, educational and professional development programmes and campaigns.

The intersectionality between inequality and other forms of oppression based on gender, sexual orientation, gender identity, disability and socio-economic circumstances is important as is the fact that typically women, children and men may experience inequality and social exclusion differently.

There is a clear need for a stronger focus on multi-cultural awareness throughout the whole of the Irish educational system in order to develop an awareness of diversity and promote a sense of respect and tolerance for all cultures and races. This will require innovative and imaginative



thinking and real and effective participation by all groups, including Travellers, other ethnic minorities, people from different racial backgrounds, people with disabilities and those experiencing mental health difficulties.

There is a need to develop a stronger counter-narrative to racism and racial abuse across all media outlets – the positive aspects of social media can be built upon to help develop a counter-narrative to racism.

### What impact would you like to have seen from the IHREC by 2024? (Max. 200 words)

While existing human rights provisions and related legislative provisions protect the universal rights of all individuals, there are specific rights that may not be well protected in practice in the case of individuals and this needs to be more fully acknowledged and highlighted, including:

- Socio economic and financial inclusion rights
- Right to adequate housing
- Acknowledgement of each person's legal capacity, irrespective of their decision-making capacity
- Equal access to and affordability of care and support and a right to access appropriate health and social care services
- Freedom from abuse and coercive control
- Right to autonomy and self-determination
- Right to remedy, redress and representation, including access to legal services required to realise and enforce rights

People with reduced decision-making capacity are at a greater risk of having their legal and human rights infringed. Dementia is one of the major causes of reduced decision-making capacity among older people. A lack of awareness and understanding can mean that people with dementia are at risk of having their legal capacity (their ability to autonomously hold and exercise their rights before the law) restricted or ignored.

Pending the commencement of the Assisted Decision-making (Capacity) Act 2015, in cases where people do not have decision-making capacity, current legal protections need to be adhered to despite their limitations. For people who do have decision-making capacity, their consent is always required on all matters affecting them, including, in particular, managing their finances and where they are cared for.

A closing of the significant gap between public policy aspirations in relation to the rights of people with disabilities and the lived reality for many people with disabilities.

There should be a proactive campaign to get Ireland to sign the UNCRPD Optional Protocol, which provides for the Committee on the Rights of Persons with Disabilities to receive and consider communications from or on behalf of individual or groups to ensure that this important avenue for redress is available to those whose rights are infringed.

**Thank you for making this submission! [Consultation@ihrec.ie](mailto:Consultation@ihrec.ie)**