

**Irish Human Rights and Equality Commission**

**Submission to OHCHR Report on  
Civil Society Space**

**July 2015**



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

# UN High Commissioner for Human Rights (OHCHR)

## Report on Civil Society Space

### Submission by Irish Human Rights and Equality Commission

#### July 2015

## Background

The Irish Human Rights and Equality Commission ('the Commission' or 'the IHREC') is Ireland's national human rights institution and national equality body, as established by the Irish Human Rights and Equality Commission Act 2014 ('2014 Act').<sup>1</sup> The Commission has a statutory remit to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.<sup>2</sup> The Commission is tasked with reviewing the adequacy and effectiveness of law, policy and practice relating to the protection of human rights and equality in Ireland, and with making recommendations to Government on measures to strengthen, protect and uphold human rights and equality accordingly.<sup>3</sup> In accordance with section 10(2)(h) of the 2014 Act, the Commission is mandated to consult with international bodies or agencies with a knowledge or expertise in human rights or equality.

The Commission is pleased to see progress on UN Human Rights Council resolution 27/31 on civil society space and welcomes the preparation by the UN High Commissioner for Human Rights of a report of practical recommendations for the creation and maintenance of a safe and enabling environment for civil society. As Ireland's national human rights institution and national equality body, the Commission is happy to provide some examples of good practices and lessons learned, both since the establishment of the Commission in November 2014 and from its former, merged bodies.

## 1. Supportive Regulatory Framework

Strategic engagement between the Commission and civil society is a process whereby the Commission can interact with people and organisations to protect and promote human rights and equality. It is a two way process, involving interaction, listening, dialogue, deliberation, communication, partnership, research and the development and implementation of models of good practice.

The Irish Human Rights and Equality Commission Act 2014 defines '**relevant agencies and civil society**' as:

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<sup>1</sup> The Irish Human Rights and Equality Commission Act 2014 merged the former Irish Human Rights Commission and the former Equality Authority into a single enhanced body.

<sup>2</sup> Section 10(1)(a)–(e) of the 2014 Act.

<sup>3</sup> Section 10(2)(b) and section 10(2)(d) of the 2014 Act.

- (a) non-governmental organisations concerned with the promotion or protection of human rights or equality, including organisations specialising in the promotion of economic and social development,
- (b) trade unions and other business, professional and social organisations,
- (c) third level institutions and other experts in education,
- (d) religious bodies, secular bodies (within the meaning of the Civil Registration (Amendment) Act 2012) or other groups that are representative of religious thought and beliefs or philosophical beliefs, and
- (e) public bodies.

The Irish Human Rights and Equality Commission Act 2014 provides for a number of areas for engagement with relevant agencies and civil society. These are as follows:

**Section 18 refers to effective cooperation with representatives of relevant agencies and civil society through advisory committees, networks, public consultation processes, public forums:**

- Section 18 (1): The Commission shall, for the purpose of establishing and maintaining effective cooperation with representatives of relevant agencies and civil society—
  - a) appoint such and so many advisory committees as it thinks fit to assist and advise it on matters relating to its functions, and
  - b) support, establish or participate in such networks, public consultation processes or public forums, as it sees appropriate.

**Section 25 refers to preparation of strategy statement:**

- Section 25 (3): The Commission shall, in preparing a strategy statement, 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.

**Section 30 refers to provision of information to public, review of operation of certain enactments:**

- Section 30 (5): For the purposes of assisting it in carrying out a review under this section, the Commission shall consult such persons, groups and organisations (including organisations of trades unions and of employers) as it considers appropriate.

**Section 31 refers to codes of practice:**

- Section 31 (2): Before submitting a draft code of practice to the Minister under *subsection (1)*, the Commission shall consult with such other Minister of the Government or such other person or body as the Commission considers appropriate, or as the Minister may recommend.

**Section 42 refers to public bodies and their duty to have regard for human rights and equality in the performance of their functions (described in 42(1)):**

- Section 42 (7): The Commission may, and, if requested by the Minister, shall, review the operation of *subsection (1)*.
- Section 42 (8): For the purposes of assisting it in carrying out a review under *subsection (7)*, the Commission shall consult such persons or bodies as it considers appropriate.

The selection and appointment processes for the Chief Commissioner and Members of the Commission are outlined in **sections 12-14** of the 2014 Act. Section 13(13) of the 2014 Act provides for a diverse composition of Members of the Commission so that the Commission ‘broadly reflect[s] the nature of Irish society’. These procedures allowed adequate representation of civil society groups as evidenced by the pluralist composition of the Commission many of whom either work for or are involved with civil society organisations.

The importance of engagement with civil society is supported at international and European levels. The UN Paris principles set out that national human rights institutes shall maintain consultation with bodies responsible for the promotion and protection of human rights and develop relations with non-governmental organisations such as those concerned with promoting and protecting human rights, economic and social development, combating racism and protecting vulnerable groups. EU directives set out minimum standards for the operation of equality bodies to provide independent assistance to victims of discrimination, conduct independent surveys, and publish independent reports and recommendations.

## **2. Conducive Political and Public Environment**

### **Encouraging Human Rights and Equality through Citizenship Education**

#### *A) Resources and training for second-level teachers and teacher educators*

The IHREC has built on previous work to develop resources and provide training for second-level teachers and teacher educators to encourage a focus on human rights and equality through citizenship education. The model used to design, develop and implement this work draws on the advice and support of civil society groups, teachers and educators. An advisory committee was put in place to oversee the development of the work and includes representatives from organisations with direct experience of human rights and equality related issues as well as representatives with specific education expertise and teacher unions. This helped to identify key human rights and equality issues and to explore how these issues could be addressed within the second-level curriculum and with student teachers. Curriculum resources for second-level were developed in collaboration with the Professional Development Service for Teachers and the Curriculum Development Unit in the City of Dublin Education and Training Board. Second-level teachers were directly involved in inputting into the design of the resources and piloting them. The resources included:

- *Spotlight on Stereotyping: A Resource for Civic, Social and Political Education*
- *Equality and Diversity and Grounds for Action: Building a Culture of Equality in our Society. A Citizenship Education Resource for Transition Year and Key Stage 4.*

Based on feedback from the Advisory Committee and second-level teachers 2.5 day training on human rights and equality was developed and delivered to over 120 second-level teachers with the aim of supporting them to use the curriculum resources within the classroom and the school. A resource *Equality in Second-level Schools: A Training Manual for Educators and Trainers* was developed based on the training provided. The training was adapted to provide professional development support to teacher educators engaged in working with student teachers. The training was piloted with 16 teacher educators and a supplement resource is being finalised to support teacher educators to bring a human rights and equality lens to their work with student teachers.

Civil society groups and those with specific education expertise participating on the Advisory Committee played a key role in supporting dissemination of the resources. Furthermore, a specific training resource was developed to support the Yellow Flag Programme, a school based initiative to promote interculturalism which is run by the Irish Traveller Movement.

*B) Express Yourself! Young People Promoting Human Rights in Ireland Exhibition (2015)*

The IHREC holds an annual national exhibition which invites second level students (aged 12-16) of Civil, Social and Political Education to identify human rights and equality issues they care about and would like to see action on, and produce images to promote these issues which are displayed in a national exhibition. The aim of the exhibition is to promote a spirit of active citizenship based on human rights and equality amongst secondary school students.

*C) Public Sector Equality Learning Network*

Engagement with Civil Society has also been sought in relation to delivering training to public and civil servants through the Public Sector Equality Learning Network. Non-governmental organisations (NGOs) involved in the delivery of these training included: GLEN, Dundalk Outcomers, Enable Ireland, Inclusion Ireland, See Change, Amnesty International, BeLongTo, Galway Traveller Movement and Pavee Point. This training was aimed at ensuring better and more equal services to citizens, by improving competencies and knowledge about issues experienced by marginalised groups.

### **3. Long-term Support and Resources**

#### **Project work**

Engagement with civil society groups through project work is core to the IHREC's public engagement processes and legislative framework.

Under the Equality Mainstreaming Unit programme, consultations with NGOs have been conducted in relation to the drafting and issuing of call for proposals for projects co-funded by the European Social Fund (ESF), in order to clarify the requirements of the funding and to provide adequate supports for the range of issues which NGOs wished to tackle.

Representatives of civil society were also represented on relevant monitoring committees related to the Equality Mainstreaming Unit, such as the Measure and Framework Committees. These projects have created models and experiences of good practice through a partnership approach with different sectors: private sector (SMEs, Transport Sector, Retail Sector, Financial and IT sector, etc.), public sector (Further Education, Universities, Semi-state bodies, Local Authorities, Health Services, etc.), Trade unions and employers' networks.

This kind of project approach aims at being systematic at an organisational or sectoral level, and it is validated by the real experience, knowledge and expertise of people experiencing discrimination or human rights issues in civil society. This approach has the following features:

- a. Focuses on the design and implementation of equality policies and strategies, through relevant action planning;
- b. Promotes an equality & human rights infrastructure (committees, dedicated roles, strategies, guidelines, resources & toolkits, policy templates, training manuals, etc.)
- c. Improves human rights and equality competence through training, focus groups, consultative processes;
- d. Engages representatives of civil society together with other relevant partner and stakeholders through equality and human rights action planning;
- e. Facilitates and build capacity for equality & human rights proofing processes of various kinds (screening, impact assessments, reviews, etc.).

A range of projects funded under EU Progress have also specifically targeted non-governmental or community organisations which are representative of individuals and groups experiencing inequalities and human rights issues (LGBT communities, migrants, lone parents, people with disabilities, women, minority ethnic groups including Travellers and Roma, older people, youth, etc.)

In the vast majority of the above projects, the IHREC has provided technical assistance by participating on project advisory or steering groups, overseeing project implementation and advising on equality and human rights issues.

Civil Society organisations involved in recent projects supported and funded by the IHREC include:

- Immigrant Council of Ireland (ICI): in partnership with the National Transport Authority, the ICI is working to further embed anti-racism training and anti-discrimination protocols within the transport sector with a focus on the taxi industry and a sample of private bus providers.
- Migrant Rights Centre (MRCI): in partnership with SIPTU and the Carers' Association of Ireland, is working to develop employment standards for workers employed in the home care sector (with a particular emphasis on migrant workers), to be mainstreamed into existing HSE guidelines or into future HIQA standards for home care provision.
- The Gay and Lesbian Equality Network (GLEN) has been working on designing, establishing and promoting the first Ireland's national LGBT Workplace Equality Index, which aims at promoting LGBT equality in the workplace by highlighting best practice in workplaces and by setting benchmarks and evidence-based self- assessments in the private and public sector.
- The European Network against Racism (ENAR) in Ireland, in collaboration with SIPTU and Congress Centres is working to mainstream the use of iReport.ie in workplaces and trade unions in order to build their capacity to identify and challenge racism in the workplace and to encourage racist incident reporting. The project includes the design and delivery of anti-racism training within Trade Unions and the promotion of relevant action planning in this area.
- Age Action, in partnership with Nursing Home Ireland, will deliver equality training to a number of Residential Care Homes in the Dublin region. The project also aims to develop and promote an equality code of practice for the nursing home sector and accessible reporting mechanisms for staff that may experience discrimination.

- The Dublin Simon Community has carried out an equality review of its policies and practices, and has delivered equality training to staff with a view to drafting and implementing an equality action plan stemming from the equality review.
- WALK, a community organisation in Dublin supporting people with intellectual disabilities has carried out a baseline research on barriers for people with intellectual disabilities in accessing and progressing in further education and training.
- The Education and Training Boards of Ireland has collaborated closely with the Sign Language Association of Ireland to research and address the barriers experienced by Irish Sign Language (ISL) Tutors in relation to teaching ISL and achieving relevant accreditation.

Civil Society organisations and NGOs supported under ESF or EU Progress funding, include: Migrant Rights Centre, Immigrant Council of Ireland, ENAR Ireland, Galway Traveller Movement, National Women’s Council, Gay and Lesbian Network (GLEN), BelongTo Youth Services, See Change, One Family, Dublin Simon Community, Age Action, Irish Traveller Movement, AkiDwa, WALK, Sign Language Association of Ireland, Age and Opportunity, Marriage Equality, Rape Crisis Network, Sports Against Racism, Inclusion Ireland, National Association for Youth Drama, AHEAD, Angling Council of Ireland, Irish Council for Civil Liberties, SIPTU, ICTU, IBOA, CWU, Mandate, etc.

The work of NGOs and other civil society groups has been essential in the contribution to Equality Mainstreaming Conferences profiling project outcomes and successes (IHREC designate Equality Mainstreaming Conference on 14<sup>th</sup> October 2014, ‘Think Equality Act Equality’) and in co-organising high profile conferences like ‘A Woman’s Place’, Beijing 20+ on 20<sup>th</sup> February 2015.

### **Mental Health**

Through engagement with See Change – the national mental health stigma reduction campaign, it was identified that there was a need for accessible information on how the equality legislation can support people with experience of mental health difficulties. Three booklets were produced following consultation with NGOs supporting people with mental health organisations:

- *Equality and Mental Health: how the law can help you*
- *Equality and Mental Health: what the law means for your workplace*
- *Equality and Mental Health: what advocates need to know*

The booklets were disseminated widely with the support of See Change and partner organisations.

## **4. Inclusion in Public Decision-making Processes**

### **Consultation to Inform Reports to International Bodies**

In operating the broad range of its statutory functions, the Commission seeks to include civil society contributions in its analysis of the protection of human rights in Ireland. This includes reporting to United Nations Treaty Monitoring Mechanisms, most recently the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as well as engaging with UN Special Rapporteurs and the UN Universal Periodic Review. The Commission consulted widely with civil society at the time of Ireland’s first Universal Periodic Review in 2011-2012 and has more recently consulted with civil society for Ireland’s second review, which will take

place in 2016. Consultations generally take the form of invitations to civil society groups to participate in seminars, roundtable discussions and/or requests for written submissions.

### **Consultation to Inform Policy Work**

The IHREC periodically hosts roundtable events for the purposes of exploring the impact of rights and equality matters with relevant stakeholders. Such events provide listening and learning opportunities for the Commission, helping to identify obstacles to addressing concerns and to ultimately better inform the Commission's policy work. A recent example was a roundtable discussion on the human rights and equality perspectives associated with the asylum process and direct provision system held in April 2014.

### **Public Consultation to Inform the Strategic Plan**

The IHREC is currently developing its first strategic plan which is due to be launched in December 2015. Consultation with key stakeholders, including civil society, is playing a key role in informing the strategic plan. The IHREC has developed a planned approach to ensuring that the public consultation is as participative as possible and encourages the engagement of a diverse range of voices. The approach to the public consultation is guided by consultation principles and procedure developed by the IHREC. Consultation principles include participation; targeted and appropriate methods; transparency, openness and accountability; clear, concise communication and language; accessibility; reasonable accommodation and positive action. Consultation procedures include defining the consultation purpose; developing consultation questions; identifying key stakeholders; designing the consultation methodology; planning data collection and analysis; and providing feedback.

The plan for the public consultation includes a number of elements:

- A) *Written submissions* - a call for written submissions with clear information about the purpose of the consultation and timeline for receipt of submissions.
- B) *Targeted meetings* – this has included meetings with young people, NGOs working on human rights and equality issues and a series of meeting with rights holders, including those who may not be in a position to engage in public meetings.
- C) *Public meetings* - seven public meetings will be held in locations outside of Dublin to ensure geographical spread. Local drivers will support dissemination of information about these meetings locally.
- D) *Proactive outreach* – the IHREC will have a stand at the National Ploughing Championships, an outdoor exhibition and agricultural trade show which attracts up to 280,000 attendees. The rationale for this approach is that not everyone will go to public meetings. It will also help to raise awareness about the Commission.

Key considerations taken into account when developing the public consultation plan were:

- A) Clear communication about the focus and parameters of the public consultation.
- B) Ensuring questions posed take into account the focus and parameters of the consultation and are structured to suit the particular element of the consultation. Questions posed for different elements allow for varying levels of depth or focus as appropriate.
- C) Methodologies targeted to meet the needs of different elements and to encourage participation.

- D) Encouraging participation by holding meetings in a variety of locations, targeting particular groups, ensuring that people can engage through a variety of means and providing information about the consultation in a timely manner.

To date the Chief Commissioner has met directly with a range of civil society groups. A consultation meeting with a diverse group of young people took place on 30 June 2015. The methodology used included drama, facilitated discussion with the support of experienced youth facilitators and a graphic artist. This methodology was designed to support the engagement of young people and the support of youth organisations was key to connecting with and realising the participation of a diverse group of young people.

Plans have been put in place to collect, analyse and provide feedback on the material collected during the public consultation. The report of the consultation will inform the development of the strategic plan.

## **5. Public Space**

The Commission has recently acquired a large new premises located in Dublin city centre and moved into this building in June 2015. The premises was deliberately chosen for its diverse demographic, its street/shop front visibility and its accessibility.

While this building requires some refurbishment to make it fit for purpose, the location, size and scope of the building will provide opportunity for the Commission for greater public engagement and participation. The new building will include a fully accessible public participation space that can be used by members of the public, civil society groups, and the community and voluntary sector.

## **Conclusion**

Since its establishment, the Commission has engaged in a wide range of regional consultations in order to raise awareness of the new enhanced human rights and equality mandate. Country wide consultations and a planned national public campaign will also ensure that a representative range of people from across the country is consulted with and given the opportunity to be heard. Once the Commission's first strategic plan is in place, ongoing meaningful engagement with civil society and stakeholders will be a core feature of how the Commission operates in the future.