

Our Voice, Our Rights: An Update

to the Civil Society Parallel Report
in response to
Ireland's Third Report under the
International Covenant on Economic, Social & Cultural Rights

Submitted by FLAC

May 2015

Our Voice, Our Rights: An Update

To the Civil Society Parallel
Report in response to Ireland's
Third Report under the
International Covenant on
Economic, Social and Cultural
Rights

submitted by FLAC to the
UN Committee on Economic, Social &
Cultural Rights

May 2015

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Contents

- List of contributors 3
- New & amended recommendations 4
- Introduction..... 8
- A1: Incorporation of Covenant into domestic law 8
- B: Updates to *Our Voice, Our Rights* by Covenant Article
 - Article 2:**
 - 2.1: Use of maximum available resources 10
 - 2.2 Protection of ESC rights without discrimination 11
 - Article 3:**
 - 3.3 Gender Equality in Employment & Unemployment..... 13
 - 3.4 Gender Equality in Third Level Education 14
 - Article 6:**
 - 6.1 State Response to unemployment 15
 - 6.4 Forced labour and human trafficking 16
 - Article 7:**
 - 7.1 Fair Wages 18
 - 7.1.1 *Minimum wage* 18
 - 7.1.3 *Low hour contracts*..... 19
 - 7.3 Discrimination & exploitation in the workplace..... 20
 - Article 8:**
 - 8.1 Restrictions on the right to Collective Bargaining 21
 - Article 9:**
 - 9.1.1 *Accessibility: Habitual Residence Condition*..... 22
 - 9.1.2 *Accessibility: Child & family supports* 24
 - 9.3.4 *Adequacy: People with a disability* 25
 - Article 10:**
 - 10.1 Families in Ireland & legal protection 27
 - 10.3 Affordability of childcare 28
 - 10.6 Children in state care..... 29

Article 11:

11.1 Poverty & social exclusion	31
11.2 Accessibility & adequacy of food.....	34
11.3 Right to water	35
11.4 Right to housing.....	36
11.4.1 Insecurity of tenure.....	36
11.4.2 Access & availability of housing	37
11.4.4 Quality of available housing	39
11.4.5 Travellers & housing.....	40
11.4.7 Direct Provision accommodation for asylum seekers.....	40
11.4.8 Sheltered accommodation for people with disabilities	41

Article 12:

12.1 Access to adequate healthcare services.....	43
12.1.1 Universal healthcare: First steps.....	43
Risk equalisation in private health insurance.....	45
Primary care teams and centres.....	45
12.1.2 Waiting lists & delays for emergency and public patients.....	45
12.1.3 Mental health services.....	47
12.1.4 Reproductive rights	48
12.1.5 Inspection of residential care homes.....	49
12.2 Affordability of health services & treatment.....	49
12.3 Travellers & health	50
12.4 Older people & health	51

Article 13:

13.1 Access to education.....	53
13.3 Non-discrimination in education	54
13.3.1 Traveller education	54
13.3.2 Right to educational freedom.....	55

Article 15:

15.2 Language rights.....	57
15.4 Access to broadband internet in rural areas	57
15.5 Transport	58

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*This list of contributors is not complete as some did not wish to be named.

New & amended recommendations:

These recommendations arise from the updated information in this document; they should be read in conjunction with the recommendations in *Our Voice Our Rights* submitted in September 2014.

Article 2

- **[NEW] The Irish government should undertake and publish a thorough audit within a clear timeframe, benchmarking current domestic legal obligations vis-à-vis Ireland's obligations under the International Covenant on Economic, Social and Cultural Rights.**
- **[NEW] The Irish government should conduct a human rights impact assessment of economic recovery plans and policies as a basis for their revision in future budgets and strategic planning or National Recovery Plans**
- **[NEW] The Irish government should be encouraged to adopt a National Action Plan on Human Rights.**
- **[AMENDED]: The Irish government should take steps to ensure that its tax regime is progressive and non-discriminatory.**
- **[NEW] The Irish government should adopt a positive duty under equality legislation preventing discrimination in access to goods and services on the basis of socio-economic status.**
- **[NEW] The Irish government should incorporate rights under ICESCR in the Irish Constitution, including adequate redress mechanisms.**

Article 3

- **[NEW] The Irish government should ensure gender equity and equality as an essential component of fair employment practices in the public and private sectors.**

Article 7

- **NEW] The Low Pay Commission should consider the current labour market situation and its needs in terms of: migration, the work permit system, social welfare, taxation, cost of living and equality and low/zero hour contracts along with revising upwards the minimum wage.**
- **[NEW] The Irish government should introduce an Earned Regularisation Scheme for undocumented migrants to allow them to gain residency.**

Article 9

- **[NEW] The Irish government must issue guidelines on the social welfare supports available to victims of domestic violence and ensure no person becomes destitute due to a failure of the state.**
- **[AMENDED] The Irish government should ensure that all decision-makers in the Department of Social Protection have access to the expert legal information and advice they need in order to carry out their duties in accordance with human rights law.**
- **[NEW] The Irish government should establish a Monitoring, Evaluation and Implementation Unit within the Department of Social Protection to ensure consistent, high quality decision-making and customer service.**
- **[AMENDED] The Irish government should undertake and publish human rights and equality impact assessments pre-Budget, adopting a whole-of-government approach and including consultation with vulnerable groups to inform the decision-making process and ensure transparency.**

Article 10

- **[NEW] The Irish government should review its systems and processes to ensure that the full spectrum of rights of children in care are protected.**

Article 11

- **[NEW] The Irish government should set clear targets on the reduction of child poverty, including investment in public services.**
- **[NEW] The Irish government should establish an inter-departmental committee to develop a National Food in Schools Strategy.**
- **[NEW] The Irish government should adopt a National Food and Nutrition Policy which considers income adequacy, health, planning, transport, education and social enterprise, to ensure that people experiencing food poverty have access to affordable and nutritious food.**
- **[NEW] The National Action Plan on Social Inclusion should establish new subsidiary targets for vulnerable groups.**
- **[NEW] The Irish government should clearly recognise within its housing that the core aim is to ensure to all persons the right to a home.**
- **[NEW] The Irish government should expedite the full implementation of the Housing (Miscellaneous Provisions) Act 2009.**

- **[NEW]** The Irish government should introduce measures to protect tenants, including increased security of tenure and rent certainty.
- **[AMENDED]** The Irish government should ensure that the Housing Assistance Payments scheme does not operate to deprive individuals of access to more permanent forms of social housing support and legislate to ensure that families are not forced to pay additional ‘top up’ payments to landlords.
- **[NEW]** The Irish government should ensure that the rent supplement scheme does not operate to discriminate against separated parents;
- **[NEW]** The Irish government should opt in to Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down minimum standards for the reception of applicants for international protection.
- **[AMENDED]** The Irish government should amend the Code of Conduct on Mortgage Arrears to allow a borrower full rights of appeal to an independent third party where a lender declines to offer an alternative repayment arrangement, or offers an unsuitable arrangement or declares the borrower to be non-co-operating.
- **[NEW]** The Irish government should require banks to provide much more detailed and verified information on responses to the arrears crisis.
- **[NEW]** The Irish government should ensure adequate access to legal and financial advice as well as money advice for debtors.
- **[NEW]** The Irish government should implement the HSE plan to move people with disabilities from congregated settings to community living and fund the programme adequately.

Article 12

- **[NEW]** The Irish government should set out a concrete phased plan on how it will achieve universal healthcare for all.
- **[NEW]** The Irish government should publish an implementation plan for the *National Position Aging Strategy*.
- **[NEW]** The Irish government should introduce legislation to mandate nurse/midwife to patient ratios to maintain safety in our hospitals .
- **[NEW]** The Irish government should ring-fence and use a Traveller Health Budget and re-establish and adequately resource the local, regional and national Traveller Health infrastructure.
- **[NEW]** The Irish government should prioritise, resource and mainstream an Ethnic identifier on all health data sets. Data collected should be disaggregated and used to monitor access, participation and outcomes and to inform policy development.

Article 13

- **[NEW] the Irish government should implement targeted policies to ensure that people with disabilities can fully realise their rights to access and benefit from education at all levels.**
- **[Amended] The Irish government should restore targeted resources and develop detailed implementation plans to ensure the participation of Travellers and Roma in education.**
- **[NEW] The Irish government should introduce an ethnic identifier for all students at second level.**
- **[NEW] The Irish government should ensure that incidents of identity-based bullying are recorded in schools and these records are inspected as part of the whole school evaluation process.**

Article 15

- **[NEW] The Irish government and the Arts Council should promote human rights, equality and social inclusion in cultural life through direct engagement with disadvantaged communities in the development of their strategies and policies.**
- **[NEW] The Irish government should ensure that nobody is excluded from society through lack of access to adequate and affordable transport.**
- **[AMENDED] The Irish government should produce a timely and detailed schedule, with adequate technical and commercial criteria, including timelines and a ring-fenced budget, for implementation of the National Broadband Plan.**
- **[AMENDED] The Irish government should strengthen the rural coverage mandate of the Communications Regulator to ensure adequate independent monitoring of services.**
- **[AMENDED] The Irish government should advance the recognition of Irish Sign Language in 2015 through an adequately resourced plan with firm timelines and allocated budget.**

Introduction

At the end of September 2014, FLAC (Free Legal Advice Centres), on behalf of a coalition of over 80 organisations and individuals from civil society in Ireland, submitted a Parallel Report entitled *Our Voice, Our Rights* to the United Nations Committee on Economic, Social and Cultural Rights.¹ This report was in response to Ireland's Third Report under the International Covenant for Economic, Social and Cultural Rights which had been submitted in 2012.²

Following on the submission of the State Report and *Our Voice, Our Rights*, as well as other Parallel Reports, the pre-sessional Working Group on Ireland of the UN Committee on Economic Social and Cultural Rights sought further information from the Irish State by way of a List of Issues published on 5 December 2014.³ The Irish government responded to this List of Issues in its report of 1 April 2015.⁴

This current report, entitled *Our Voice, Our Rights – An Update*, supplements the September 2014 Parallel Report. It contains information from civil society on human rights developments in Ireland since September 2014 as well as matters arising from the State's response. Like the main report, the information comes from a wide variety of civil society sources. Many of these had contributed to the previous report but some new contributors also informed this Update. The list of civil society contributors who wished to be named in this Parallel Report Update is set out on page 3.

A list of civil society suggestions for recommendations is set out at the beginning of this document. Some are already reflected in the September report but wording has been changed to reflect further input. This list needs to be read in conjunction with the recommendations from the September report as one supplements the other.

A.1 Incorporation of the Covenant into domestic law⁵

As of 1 May 2015, the Government has not responded to the report and recommendation of the Constitutional Convention⁶ that economic, social and cultural rights be incorporated into

¹ FLAC (2014) *Our Voice, Our Rights: A Parallel report in response to Ireland's Third Report under the International Covenant on Economic, Social and Cultural Rights*, submitted 30 September 2014, available at <http://www.ourvoiceourrights.ie/report/>.

² UN Economic & Social Council (2012) *Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Third periodic reports of States parties due in 2007: Ireland - E/C.12/IRL/3*, submitted 7 May 2012, available at <http://bit.ly/IRL3rep12>.

³ UN Economic & Social Council (2014) *List of issues in relation to the third periodic report of Ireland - E/C.12/IRL/Q/3*, issued 5 December 2014, available at <http://bit.ly/LOlcescr14>.

⁴ UN Economic & Social Council (2015) *Replies of Ireland to the List of Issues- E/C.12/IRL/Q/3/Add.1*, received 1 April 2015, available at <http://bit.ly/IRLreply15>.

⁵ *Our Voice Our Rights*, page 13.

⁶ Read more at <https://www.constitution.ie> and <http://bit.ly/1zB2ZUg>.

the Irish constitution, despite indications from the Taoiseach in June 2014 that the Government hoped to respond in the autumn of 2014.⁷

In its response to questions raised in the Committee's List of Issues, Ireland has justified its non-incorporation of ICESCR by reference to the fact that "the substance of a number of the rights contained in the Covenant is protected by the Constitution and by legislation."⁸ However, in so doing, Ireland does not provide evidence of this claim by identifying which decisions of the superior courts or acts of the Oireachtas provide the substantive protection of rights protected under the Covenant. It would be helpful if the Government conducted a thorough audit to identify how these rights are protected.

Article 1

The original parallel report contained no information on this article and there are no updates.

Article 2

- 1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.**
- 2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**
- 3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.**

This information updates the information provided in the original parallel report, September 2014. See pages 17-24 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

⁷ Parliamentary Question to Taoiseach Enda Kenny TD, 24 June 2014, available at <http://bit.ly/1zB2UQL>.

⁸ E/C.12/IRL/Q/3/Add.1, para 1.

2.1 Use of maximum available resources

According to an analysis by the Economic & Social Research Institute (ESRI), the advent of the Great Recession and the widespread adoption of fiscal austerity policies heightened concern about inequality and its effects in Ireland. The analysis examines how the distribution of income in Ireland evolved over the years 2008 to 2013. The Gini coefficient – the best known summary measure of inequality – has been broadly stable throughout this time. Closer investigation shows that there has been a fall in the income share of the poorest 10 per cent of the population. This falling share of a shrinking cake means that real incomes for the poorest decile fell by over 20 per cent, compared with an average fall in real income of around 13 per cent. The gap is greater when measuring real incomes after housing costs – a fall of 27 per cent for the poorest decile as against 15 per cent on average.⁹

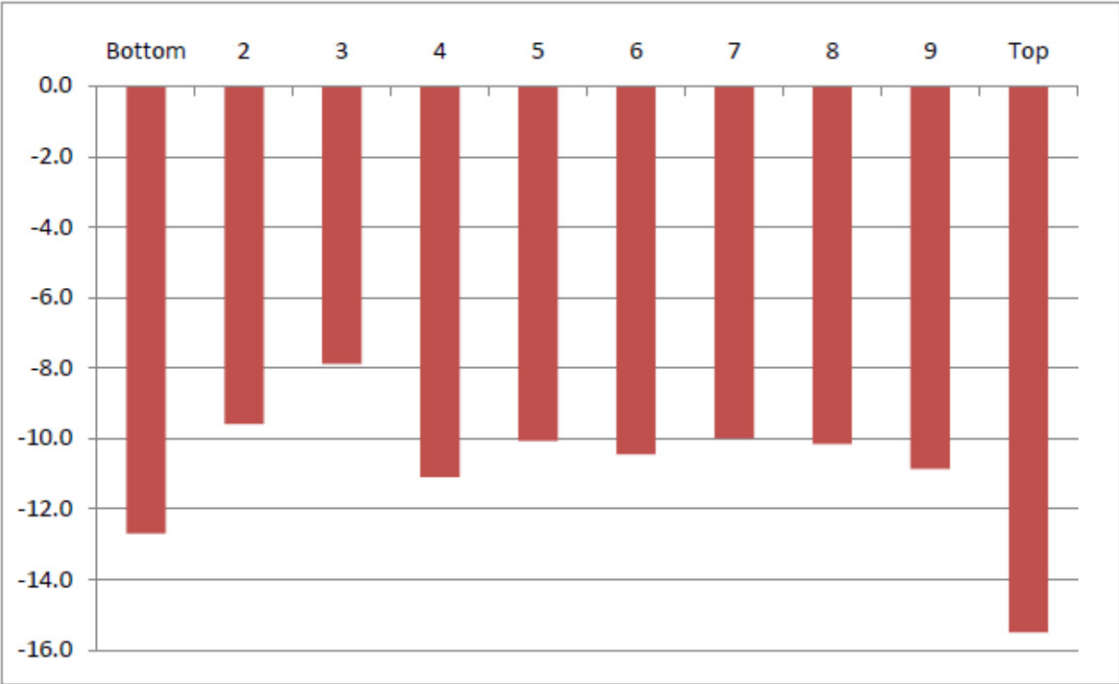


Figure 1: Impact of Budgetary Policy 2009-2015 - Percentage Change in Disposable Income by Income Decile. Source: ESRI.

Many contributors to this report have criticised the lack of disaggregated data in the State’s original report and in its April 2015 response to the List of Issues, which has meant that it is not possible to identify the specific effect of harsh budgetary measures on particularly vulnerable groups, especially children, older people, Travellers, Roma, people with disabilities, immigrants or asylum seekers.

⁹ See Savage, Callan, Nolan & Colgan (2015) ‘The Great Recession, Austerity & Inequality: Evidence from Ireland’, ESRI Working Paper 499, Dublin: ESRI. Available at <http://bit.ly/1FN1XWw>.

Nor has any human rights impact assessment of economic recovery plans and policies been carried out as a basis for future budgets and strategic planning. The impact assessment carried out annually by the Department of Social Protection is confined to an analysis of social welfare and tax measures;¹⁰ it does not review data on changing levels of enjoyment of economic and social rights since the crisis. It also does not evaluate social and fiscal policies over this period from the perspective of their compliance with the substantive human rights principles of non-retrogression, non-discrimination and progressive realization according to maximum available resources, as well as the procedural principles of transparency, accountability and participation.¹¹

2.2. Protection of ESC rights without discrimination

The Act establishing the Irish Human Rights & Equality Commission came into effect on 1 November 2014¹² and a new Chief Commissioner and members of the new body were formally appointed. A new Director has also been appointed and the Commission has been given authority to recruit a significant number of new staff, although the numbers will still be less than the combined staff of the two predecessor bodies. The legislation includes a new positive duty on public bodies to promote equality and human rights.

The State response to the Committee notes that Ireland has robust equality legislation. This does not cover all of the Grounds listed in the Covenant, as it does not cover political or other opinion, national or social origin, poverty, birth or other status.

Individuals cannot rely on the International Covenant on Economic, Social and Cultural Rights before Irish courts. Arguments that domestic law is invalid due to 'generally recognised principles of international law', which includes human rights, have been rejected¹³. The Irish courts have confirmed that in a conflict between domestic legal norms and international human rights instruments, domestic legal norms prevail. Coupled with a dualist approach to international legal obligations, the Irish superior courts have been reluctant to interpret the Irish Constitution as protecting economic, social or cultural

¹⁰ Department of Social Protection (Jan 2015) *Research Briefing: Social Impact Assessment of the main welfare and tax measures for 2015*, available at <http://bit.ly/1F3AkYM>. Its main findings include: '[t]he distributive impact is uneven, with higher than average gains for better-off quintiles...with the smallest gain in the bottom quintile'; it also states that '[t]he distributive impact varies according to the component measures. Welfare increases favour lower income households, while tax reductions are more beneficial to middle and higher income groups'. EAPN Ireland notes that this is significant in terms of future budgetary plans.

¹¹ Center for Economic & Social Rights (2012) *Mauled by the Celtic Tiger: Human rights in Ireland's economic meltdown*, Briefing paper at p. 25, available at <http://bit.ly/MbyCTcesr>.

¹² Irish Human Rights and Equality Commission Act 2014 available at <http://bit.ly/ihrec2014>.

¹³ In *Kavanagh v Governor of Mountjoy Prison* [2002] 1 IR 385.

rights.¹⁴ The Irish Courts have failed to fully engage in the rights-based analysis necessary to fully hold the Government and Oireachtas to account for the violation of social, economic or cultural rights.

Recommendations:

- **[NEW] The Irish government should undertake and publish a thorough audit within a clear timeframe, benchmarking current domestic legal obligations vis-à-vis Ireland’s obligations under the International Covenant on Economic, Social and Cultural Rights.**
- **[NEW] The Irish government should conduct a human rights impact assessment of economic recovery plans and policies as a basis for their revision in future budgets and strategic planning or National Recovery Plans**
- **[NEW] The Irish government should be encouraged to adopt a National Action Plan on Human Rights.**
- **[AMENDED]: The Irish government should take steps to ensure that its tax regime is progressive and non-discriminatory.**
- **[NEW] The Irish government should adopt a positive duty under equality legislation preventing discrimination in access to goods and services on the basis of socio-economic status.**
- **[NEW] The Irish government should incorporate rights under ICESCR in the Irish Constitution, including adequate redress mechanisms.**

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

This information updates the information provided in the original parallel report, September 2014. See pages 25-26 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

As of 1 May 2015, no steps have been taken to implement the recommendation of the Constitutional Convention relating to gender inclusive language in Article 41.2 of the Constitution, which speaks of the role of women in the home. A task force set up to examine

¹⁴ See *TD v Ireland*, 2001 4 IR 259 where the former Chief Justice spoke of grave “doubts as to whether the courts at any stage should assume the function of declaring what are today frequently described as “socio-economic rights” to be unenumerated rights guaranteed...” by the Constitution.

the recommendation reported to the Minister for Justice and Equality in December 2014 in draft form.¹⁵

3.3 Gender Equality in Employment & Unemployment

In its response to the List of Issues, the Government outlined positive impacts achieved through the National Women’s Strategy in employment and other areas. However, figures obtained from the Central Statistics Office show that there was only a slight decrease in the number of long-term female claimants on the live register between March 2014 and March 2015, dropping 2.4% or 1348 women, while there was a 14.4% decrease in male claimants for the same period.¹⁶

Table 5.3: Unemployment in Ireland, 2007 - 2014

	2007	2010	2014	Change 07-14
Unemployment	104,600	310,900	213,600	+109,000
Gender				
Male	66,700	211,100	135,500	+68,800
Female	37,900	99,800	78,100	+40,200
Employment sought				
Seeking FT work	85,900	272,600	185,000	+99,100
Seeking PT work	16,200	23,700	21,400	+5,200
Age group				
15-19 years	9,400	18,300	12,100	+2,700
20-24 years	21,700	54,200	26,700	+5,000
25-34 years	33,000	96,800	60,100	+27,100
35-64 years	40,400	140,700	113,800	+73,400
Region				
Border	14,000	29,200	20,600	+6,600
Midland	6,500	20,300	17,200	+10,700
West	8,400	33,000	20,600	+12,200
Dublin	30,200	82,400	55,500	+25,300
Mid-West	9,500	31,100	17,300	+7,800
South-East	12,100	41,700	27,700	+15,600
South-West	14,400	40,200	32,700	+18,300
Mid-East	9,400	33,100	22,000	+12,600
Duration				
Unemp. less than 1 yr	72,000	136,700	85,300	+13,300
Unemp. more than 1 yr	31,700	172,100	123,400	+91,700
LT Unemp. as% Unemp	30.3%	55.4%	57.8%	

Source: CSO, QNHS on-line database

Note: See also notes to table 5.1.

¹⁵ Parliamentary Question to Minister for Justice & Equality, 24 February 2015, available at <http://bit.ly/1zB3Q7H>.

¹⁶ Central Statistics Office, *Live Register March 2015*, available at <http://bit.ly/LivRmar15>.

Figure 2: Comparison in employment nationally by gender 2007 - 2013.

Source: CSO Quarterly National Household Survey in Social Justice Ireland, *Socio-Economic Review* 2015, p106 available at <http://bit.ly/SJlser15>.

Not only did women have a lower median equalised disposable income than men in 2013, at 3.3% less than the corresponding figure for men, they also experienced a greater loss in their income compared with 2012, of 2.5 per cent as opposed to 2 per cent.¹⁷ The gender pay gap has also widened in recent years; Eurostat reported in March 2015 that the gap between men and women's pay had increased from 12.6% in 2008 to 14.4% in 2012.¹⁸

Approximately 10 million Euro of EU funding provided specifically to improve gender equality in employment has been redirected to other labour market programmes that do not have a gender inclusive focus.¹⁹

3.4 Gender Equality in Third Level Education

According to figures released by the Higher Education Authority in December 2014, women are under-represented in senior academic posts in Ireland's universities, institutes of technology and colleges.²⁰ Less than a third of senior academic positions in the country's seven universities and 14 institutes of technologies are held by women. Parity exists at lecturer level, where there is a 50:50 gender split. However, the gender divide widens among the higher staff grades. Women account for just 35 per cent of senior lecturers, 26 per cent of associate professors and 19 per cent of professors.²¹

Recommendation

- **[NEW] The Irish government should ensure gender equity and equality as an essential component of fair employment practices in the public and private sectors.**

Article 4

The original parallel report contained no information on this article and there are no updates.

¹⁷ Central Statistics Office (2015) *Survey on Income and Living Conditions (SILC) 2013*, available at <http://bit.ly/1R92aYA>.

¹⁸ 'Women earned on average 16% less than men in 2013 in the EU', Eurostat news release 41/2015 issued 5 March 2015, available at <https://static.rasset.ie/documents/news/eurostat-gender-pay-gap.pdf>. Note that in this model, the gender pay gap is calculated from the difference between average gross hourly earnings of male paid employees and of female paid employees as a percentage of average gross hourly earnings of male paid employees.

¹⁹ National Women's Council of Ireland (2010) *Pre-Budget Submission 2011*, available at <http://bit.ly/1ESr5t0>.

²⁰ 'Women under-represented in senior university posts HEA finds', Pamela Duncan, *Irish Times*, 3 December 2014, available at <http://bit.ly/1ESqOX9>.

²¹ 'Gender & Academic Staff', Higher Education Authority press release issued 3 December 2014, available at <http://bit.ly/1ESqTtZ>.

Article 5

The original parallel report contained no information on this article and there are no updates.

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

This information updates the information provided in the original parallel report, September 2014. See pages 28-34 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

6.1 State response to unemployment

The number of people in long-term unemployment fell from 179,335 in March 2014 to 160,403 in March 2015; however the number of long-term unemployed as a percentage of the total number on the live register has increased slightly from 45.8% in March 2014 to 46% in March 2015.²² There appears also to have been a slight increase in the number of part-time and casual workers on the live register from 20.4% in March 2014 to 20.5% in March 2015.²³

Ireland has a very high NEET (young people aged 15-24 not in education, employment or training) rate of 18.4 per cent.²⁴ There was a dramatic increase in youth unemployment in the six years from 2006 to 2012, rising from 9.9 per cent to 33 per cent.²⁵ The proportion of

²² Central Statistics Office (2014). Live Register March 2014, available at <http://bit.ly/1ESsrE6> & Live Register March 2015, available at <http://bit.ly/1ESsKyH>.

²³ Central Statistics Office (2015) Live Register March 2015, available at <http://bit.ly/1ESsKyH>.

²⁴ Social Justice Ireland (2015) *Socio-Economic Review 2015*, available at <http://bit.ly/SJIser15>.

²⁵ Kelly & others (2015) *Impact of the Great Recession on Unemployed Youth and NEET Individuals*, Economic & Social Research Institute Research Bulletin (January 2015), available at <http://bit.ly/1ESrpli>.

unemployed young people with no formal education increased over this period, along with the number of long-term unemployed and those not in any form of employment.²⁶

People with disabilities are two and a half times less likely to be in work than non-disabled people. This in turn contributes to the significantly higher rate of poverty of households headed by disabled people.²⁷ Over 1,500 adults with a disability continue to work in commercial, sheltered workshops where they have no employment rights and receive payment at the discretion of the workshop operator.²⁸ 85% of disabilities are acquired and there was a knock-on effect on the employment of family members for those who had to adjust employment where a person acquired a disability.²⁹ People with a disability were found to be disproportionately affected by the public sector employment decline since the Government's moratorium on recruitment in the 2009 Budget.³⁰ The number of disabled people employed in the public sector declined by 9.9% in 2010, in comparison to a 4% decline in overall employment that year.³¹ People with disabilities are normally excluded from job activation schemes such as Pathways to Work.³²

6.4 Forced labour and human trafficking

The Government's proposed redress scheme for survivors of abuse and forced labour at several church run institutions has been criticised³³ as offering little more than access to a medical card for medical needs, even though the legislative basis for the scheme was amended to include free access to physiotherapy and chiropody services.³⁴ The recommendation of the Quirke report that Contributory State Pension payments be backdated to the women's retirement age was not fully implemented.^{35,36}

²⁶ Kelly & others (2015) *Impact of the Great Recession on Unemployed Youth and NEET Individuals*, Economic & Social Research Institute Research Bulletin (January 2015), available at <http://bit.ly/1ESrpli>.

²⁷ National Disability Authority (2015) *Disability and work: The picture we learn from official statistics*, available at <http://bit.ly/1KLXu6L>.

²⁸ Health Services Executive (2012) *New Directions*, available at <http://bit.ly/1P45Nkf>.

²⁹ Spinal Injuries Ireland/Dr Katrina Collins (2014) *Research Report: Understanding the needs and identifying the barriers of families of people with a Spinal Cord Injury in Ireland*, available at <http://bit.ly/1FN6k4a>.

³⁰ National Disability Authority (2015) *Disability and work: The picture we learn from official statistics*, available at <http://bit.ly/1KLXu6L>.

³¹ European Foundation Centre (2012) *Assessing the impact of European governments' austerity plans on the rights of people with disabilities, Country report: Ireland*, available at <http://bit.ly/1R93A5u>.

³² People with disabilities normally receive a Disability payment rather than a Jobseekers payment.

³³ 'Briefing note on Redress for Women Resident in Certain Institutions Bill 2014', issued January 2015 by Justice for Magdalenes Research & National Women's Council of Ireland, available at <http://bit.ly/JFMR152>.

³⁴ Redress for Women Resident in Certain Institutions Act 2015, available at <http://bit.ly/1ESnFGR>.

³⁵ 'Advocacy and rights groups join in criticising government's Magdalene Bill as unacceptable, unfair and full of broken promises to survivors', joint press release from Justice for Magdalenes Research, the National Women's Council of Ireland, the Irish Council for Civil Liberties and Amnesty International (Ireland), issued under embargo for 19 February 2015, available at <http://bit.ly/JFMR153>.

³⁶ Quirke, Mr Justice John (2013) *Magdalen Commission Report on the establishment of an ex gratia Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries*, available at <http://bit.ly/magrep2013>.

No new National Action Plan to Prevent and Combat Human Trafficking has been published by the Department of Justice and Equality, a thirteen-month delay on its pledged delivery date.³⁷ Human trafficking legislation enacted in 2008³⁸ has resulted in no convictions of human traffickers to date.

A 2015 High Court judgment involving a victim of human trafficking for forced labour highlighted the “fundamental difficulties with the mechanism in place in the State”³⁹ in terms of the length of time taken to identify a victim of trafficking for forced labour, the high burden of proof to be deemed a victim of trafficking out of line with an EU Directive and the overall inadequate transposition of the EU Directive.⁴⁰ This resulted in a 54-year-old woman victim of human trafficking being imprisoned for 2.5 years.⁴¹ As of 1 May 2015, the State has failed to implement the Greta recommendations to ensure that the rights of victims of forced labour are upheld and that they can obtain adequate legal and financial redress.⁴²

In April 2015, the Irish High Court held that the absolute prohibition on the right to work of two asylum seekers, who were in the status determination process for 8 years was not a violation of the constitutional right to earn a livelihood.⁴³

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

³⁷ Parliamentary Question to Minister for Justice & Equality, 24 March 2015, available at <http://bit.ly/1FN5J2k>.

³⁸ Human Trafficking Act 2008 available at <http://bit.ly/1FN5Smj>.

³⁹ *P. (Otherwise P.) v. Chief Superintendent Garda National Immigration Bureau, the Director of Public Prosecutions Ireland and Attorney General*, High Court, [2015] IEHC 222, available at <http://bit.ly/1FN605I>.

⁴⁰ EU Directive 2011/36/EU, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA5 April 2011.

⁴¹ *P. (Otherwise P.) v. Chief Superintendent Garda National Immigration Bureau, the Director of Public Prosecutions Ireland and Attorney General*, High Court, [2015] IEHC 222.

⁴² Group of Experts on Action against Trafficking in Human Beings (GRETA) (2013) *Report Concerning the implementation of the Council of Europe on Action against Trafficking in Human Beings by Ireland - GRETA(2013)15*, 26 September 2013, available at <http://bit.ly/1KLZjjQ>.

⁴³ *N.H.V. & F.T v Minister for Justice and Equality* [2015] IEHC 246 (High Court, 17 April 2015), para. 35.

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

This information updates the information provided in the original parallel report, September 2014. See pages 35-41 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

7.1 Fair Wages

7.1.1 Minimum Wage

Ireland has 21.8% of workers in low-paid employment.⁴⁴ The minimum wage at its current rate of €8.65 per hour has been proven to be inadequate to meet a person's basic needs to enjoy an adequate standard of living.⁴⁵ Increased taxation, such as the introduction of property taxes, as well as changes to social welfare provisions, cuts in child benefit and reform of the One Parent Family payment have resulted in a deterioration in living standards for those in low paid work.

In January 2015, the European Committee of Social Rights published its conclusions for Ireland in 2014 in relation to its implementation of the rights enunciated in the European Social Charter. The report focused particularly on labour rights, finding that Ireland's national minimum wage was insufficient to ensure a decent standard of living.⁴⁶ The Committee found that the State was failing to protect workers' rights to increased pay for overtime work.

Ireland's National Minimum Wage as a proportion of median earnings ranks (joint) 14th of 22 Member States with a National Minimum Wage.⁴⁷ Ireland was one of just two such Member States that saw no increase in that wage over the survey period (2008-2015). Employers' social contributions in Ireland are less than half the EU average.⁴⁸

The membership of the Low Pay Commission described by the Government in its response to the List of Issues was announced in March 2015. Its mandate is to make recommendations

⁴⁴ OECD (2015), Wage levels (indicator). doi: 10.1787/0a1c27bc-en (Accessed on 1 May 2015), available at <https://data.oecd.org/earnwage/wage-levels.htm#indicator-chart>.

⁴⁵ Living Wage Technical Group (2014) Republic of Ireland Living Wage 2014, available at <http://bit.ly/LWage2014>.

⁴⁶ European Committee of Social Rights (2015) *Conclusions 2014 (Ireland)*, available at <http://bit.ly/1E3VJgm>.

⁴⁷ 'Monthly minimum wages - bi-annual data' Eurostat data set issued 18 February 2015, available at <http://bit.ly/1F3sUVh>.

⁴⁸ EU Commission (2015) *Country Report Ireland 2015*, at p. 50, available at <http://bit.ly/1E4e8ts>.

to Government in setting a minimum wage.⁴⁹ The Commission was due to begin meeting in late March 2015 and is expected to report to Government by 15 July 2015. It has invited submissions from the public. Although the State response to the List of Issues notes that this is to be established on a statutory basis, the National Minimum Wage (Low Pay Commission) Bill 2015 is at pre-legislative stage in the Oireachtas.

Migrants, including undocumented migrants, frequently take up low-paid, low-skilled jobs and face particular obstacles in asserting their employment rights due to the current lack of supports to challenge an infringement.⁵⁰ However the Commission will not be addressing this area as it will focus solely on the minimum wage.⁵¹ There are concerns that the government through the provision of Family Income Supplement, a top-up social transfer for those in low-hours or low-paid work, is in effect allowing employers to slip their responsibility to increase the minimum wage and ensure an adequate standard of living.⁵²

7.1.3 Low-hour contracts

In Ireland, 'zero-hour' contracts are more correctly called 'low-hour' contracts. Over 5000 employees of one of Ireland's largest retailers, Dunnes Stores, went on strike in April 2015⁵³ in a dispute over secure hours and earnings, job security, fair pay and the right to trade union representation.⁵⁴ According to broadcast reports, the workers had support from politicians across the political spectrum, including Taoiseach Enda Kenny who backed their right to clarity regarding their working lives. The Tánaiste Joan Burton TD also met striking workers.

A survey of under-35 year olds revealed that 90 per cent struggle to get by, with 20 per cent working on low-hour contracts and 20 per cent saying their employer gives them less than one day's notice of their working hours.⁵⁵

⁴⁹ 'New Low Pay Commission calls for submissions on the National Minimum Wage', Government press release, issued 9 March 2015, available at <http://bit.ly/1FN7nB7>.

⁵⁰ Migrant Rights Centre Ireland, *Submission to Low Pay Commission*, April 2015, available at <http://bit.ly/1F0Dhcv>.

⁵¹ MRCI (2014) *Ireland is Home: An analysis of the current situation of undocumented migrants in Ireland*, Available at <http://bit.ly/1R965Vq>.

⁵² Migrant Rights Centre Ireland, *Submission to Low Pay Commission*, April 2015, available at <http://bit.ly/1F0Dhcv>.

⁵³ 'Dunnes Stores staff stage strike in low-hour contract row', RTE News, 2 April 2015, available at <http://bit.ly/1FN79dg>.

⁵⁴ Mandate, Press Release, *Dunnes Stores workers to strike on Thursday*, 30 March 2015.

⁵⁵ 'New survey finds zero hour contracts and low pay the norm for young workers', SIPTU press release issued April 2015, available at <http://bit.ly/1F3ltxy>. The survey was conducted by the Young Workers Network.

7.3 Discrimination & exploitation in the workplace

A survey in 2014 revealed that the majority (87%) of undocumented migrants are in employment, with over two-thirds in the same job for longer than two years.⁵⁶ Although undocumented migrants contribute to the economy in taxes and labour, they still do not have the ability to access to social security when needed,⁵⁷ or emergency accommodation when they are facing homelessness.⁵⁸

With the formal childcare sector shrinking dramatically by 2.3 per cent annually since 2008⁵⁹ combined with high birth rates⁶⁰ there has been a growing need for other informal types of childcare. Au pairs, the majority of which are international non-EEA/EU students⁶¹ are filling this sectoral gap, face exploitation in the workplace and are paid well below the minimum wage.⁶² In practice, au pairs are excluded from the protections afforded other workers under employment legislation.⁶³

Recommendations:

- **[NEW] The Low Pay Commission should consider the current labour market situation and its needs in terms of: migration, the work permit system, social welfare, taxation, cost of living and equality and low/zero hour contracts along with revising upwards the minimum wage.**
- **[NEW] The Irish government should introduce an Earned Regularisation Scheme for undocumented migrants to allow them to gain residency.**

Article 8

1. The States Parties to the present Covenant undertake to ensure:

- a) **The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the**

⁵⁶ Migrant Rights Centre Ireland (2014) *Ireland is Our Home, An analysis of the current situation of undocumented migrants in Ireland*, available at <http://bit.ly/1R965Vq>.

⁵⁷ Cosgrave, Catherine (2011) *Living in Limbo: Migrants' Experiences of Applying for Naturalisation in Ireland*, Dublin: Immigrant Council of Ireland, available at <http://bit.ly/1KM35Kj>.

⁵⁸ Migrant Rights Centre Ireland (2014) *MRCI's Submission to the Shadow Report to the Irish State's obligation under the International Covenant on Economic, Social and Cultural Rights (ICESCR)*, Dublin: MRCI.

⁵⁹ *National Skills Bulletin July 2014*, by Solas & Expert Group on Future Skills Needs, available at <http://bit.ly/1KM3b4o>,

⁶⁰ CSO (2013) *Population & Labour Force Projections 2016-2046*, available at <http://bit.ly/1R94Wgq>.

⁶¹ 'Childcare in the Domestic Work Sector – Who's Minding the Children?', MRCI, 2015.

⁶² See reports *Part of the Family?* (2012) MRCI, Dublin; and *Disposable Workers* (2014) Cultur, Meath.

⁶³ 'Childcare in the Domestic Work Sector – Who's Minding the Children?', MRCI, 2015.

promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

- b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;**
 - c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;**
 - d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.**
- 2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.**
 - 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.**

This information updates the information provided in the original parallel report, September 2014. See pages 42-43 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

8.1 Restrictions on the right to Collective Bargaining

The Government has committed to introducing legislation to provide for collective bargaining mechanisms and mentions this in the State's response to the List of Issues; however as of 1 May 2015 it has not yet been published. The Tánaiste indicated that it would be in the Dáil after Easter 2015.⁶⁴

A recommendation of the Labour Court to Dunnes Stores, one of Ireland's largest retailers, that it should engage with workers' representatives⁶⁵ was not followed by the company which has stated that it has a constitutional right not to engage directly with trade unions.⁶⁶

⁶⁴ 'Joan Burton: Bill to push employers to enter collective bargaining', Marie O'Halloran, *Irish Times*, 2 April 2015, available at <http://bit.ly/1E3UVbt>.

⁶⁵ *Dunnes Stores v. Mandate Trade Union*, Labour Court Determination No. LCR20874, November 2014.

No legislation has been enacted to remedy the violation of the European Social Charter identified by its Committee through the absolute ban on police strikes and union membership.⁶⁷ A private members' Bill was rejected by the Government in April 2014 on the basis of law and order concerns.⁶⁸

A former mechanism enabling the Labour Court to set fair employment rules, following consultation with employer and worker representative groups was not carried over to the Industrial Relations Act 1990. Unions are seeking their reinstatement to deal with delays in disputes in conformity with internationally recognised principles.⁶⁹

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

This information updates the information provided in the original parallel report, September 2014. See pages 44-55 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

9.1.1 Accessibility – Habitual residence condition

A working group established by the Department of Justice & Equality to review and improve the living conditions, well-being and protection procedures for asylum seekers is not examining the Habitual Residence Condition in its discussions.⁷⁰

The State Response to Question 14 on the List of Issues indicates that there are no plans to review the procedure and application of the Habitual Residence Condition. This Update sets out the response of various organisations which work with migrants and the victim of domestic violence in relation to the effect of the habitual residence condition as they understand it.⁷¹

⁶⁶ 'Dunnes Stores again shows contempt for workers', Mandate Trade Union news item, 1 December 2014, available at <http://bit.ly/1E3VzFK>.

⁶⁷ European Committee of Social Rights (2015) *Conclusions 2014 (Ireland)*, available at <http://bit.ly/1E3VJgm>.

⁶⁸ 'Government rejects Bill allowing Gardaí to go on strike', Marie O' Halloran, *Irish Times* 24 April 2015, available at <http://bit.ly/1KM3tZf>.

⁶⁹ SIPTU, 'Comments on State response', submitted to FLAC on 1 May 2015.

⁷⁰ Terms of Reference of the Working Group on Direct Provision & Protection System (October 2014) available at <http://www.justice.ie/en/JELR/Pages/WP14000337>.

⁷¹ The information in this section is drawn primarily from submissions to this Update in May 2015 of FLAC, Women's Aid and Pavee Point Traveller & Roma Centre. See also Safe Ireland (2014) *The lawlessness of the home*, available at <http://bit.ly/1AKO1GA>.

Even EU nationals have been denied access to social welfare assistance because of their inability to satisfy the Habitual Residence Condition. This risks destitution for some vulnerable groups including Roma and Irish Travellers. Returned Irish citizens have also been denied social welfare.

There are particular difficulties for victims of domestic violence who need to access social welfare. The Department of Justice and Equality issued *Immigration Guidelines on Victims of Domestic Violence* in 2012 which state that the victim of domestic violence would be granted immigration status “at the same level as that which was previously held as a dependent (normally Stamp 3)”, but no longer dependent as a spouse.⁷² The guidelines clearly express that if it is necessary for a victim to work to support themselves or their family members and that “consideration will be given to granting permission to work”. Despite the State response to the List of Issues, there are no available guidelines committing the State to granting a right to reside without labour market restrictions (Stamp 4). Department of Social Protection guidelines refer to the Immigration Guidelines.⁷³

The state’s response claims that the right to reside is a greater obstacle for victims of domestic violence than the Habitual Residence Condition in accessing social welfare. The Chief Appeals Officer of the Social Welfare Appeals Office has highlighted that Department of Social Protection staff do not adequately understand in particular EU/EEA nationals’ right to reside.⁷⁴ This has dire consequences for victims of domestic violence in leaving an abusive relationship.

There are legislative and procedural difficulties in victims of domestic violence securing independent immigration status based on the immigration guidelines available and in accessing social welfare. The State response indicates that Stamp 4 residence permits will be issued to ‘genuine victims’. However, current guidelines indicate that in order to apply for independent residency, the individual must supply some evidence of domestic violence, for instance; a court order, medical reports, a Garda report etc.⁷⁵ This can be problematic and leave a victim at real risk of destitution because the isolating nature of domestic violence combined for some migrants with language barriers can prevent victims from accessing services.

The combination of immigration regulations and the Habitual Residence Condition mean that some people escaping domestic violence have no right to work, no right to welfare assistance and no support networks available to them in Ireland. As a result, people who leave their partners because of violence may face destitution for themselves and their

⁷² Irish Naturalisation & Immigration Service (2012) *Immigration Guidelines on Victims of Domestic Violence*, available at <http://bit.ly/1E3X5YI>

⁷³ Department of Social Protection, *Operational Guidelines for Deciding Officers on the Determination of Habitual Residence*, as of 1 May 2015, available at <http://bit.ly/1KM4ikD>.

⁷⁴ Social Welfare Appeals Office (2015) *Annual Report 2014*, available at <http://bit.ly/SWAO2014>.

⁷⁵ Irish Naturalisation & Immigration Service (2012) *Immigration Guidelines on Victims of Domestic Violence*, available at <http://bit.ly/1E3X5YI>.

families. Emergency refuges may not be able to accommodate them for more than a few days unless they can contribute to their keep, due to increasing financial constraints on the refuges' budgets. Moreover, they cannot move on as they cannot access social housing or Rent Allowance. Thus the application of the Habitual Residence Condition risks leaving people destitute; it also tends to increase the barriers to leaving an abusive relationship because of the lack of financial support and the dearth of emergency and long-term accommodation.

There has been no progress in ensuring greater transparency in decision-making through access to previous decisions relating to the habitual residence condition, which has been noted by the European Commission against Racism and Intolerance (ECRI) as a shortcoming of the Irish social welfare system.⁷⁶ The Government was due to report to the ECRI at the beginning of April 2015 on its follow-up to recommendations. If provided, this report has not been made publicly available as of 1 May 2015.

9.1.2 Accessibility: Child & family supports

Following cuts to Child Benefit since 2011, Budget 2015 did not cut the rate of child or family income supports;⁷⁷ although Child Benefit payment was increased by €5 per month, this still does not bring it back to 2011 levels. A Christmas Bonus was partially restored at 25% and new Back to Work Family Dividend was introduced, aimed at incentivising parents who are long-term unemployed to return to work without losing out financially.⁷⁸ Similarly, the Back to School Clothing and Footwear allowance rate was maintained but not restored to 2012 levels, meaning it does not meet the average cost of such clothing.⁷⁹

Analysis of Budget 2015 indicates that the living standards of those reliant on social welfare payments were not guaranteed to be adequate for all household types.⁸⁰ Inflation was set to rise by 1.1% during 2015.⁸¹

⁷⁶ European Commission against Racism and Intolerance(2013) *Report on Ireland (Fourth Monitoring Cycle)*, p.35, available at <http://bit.ly/ecri2013>.

⁷⁷ Department of Social Protection, Budget 2015 webpage, available at <http://bit.ly/1KM3Enm>.

⁷⁸ The Dividend will entitle a jobseeker or lone parent, who is returning to work, increasing hours or becoming self-employed, to retain the Qualified Child Increase (paid at a weekly rate of €29.80 per child) in full for the first year in employment and to retain half the payment (€14.90 per child) for the second year in employment. This amounts to an additional €2,324 per child over the two years, on top of any other any entitlement they may be receiving such as Family Income Supplement Scheme. See Children's Rights Alliance (2015) *Report Card 2015*, at p. 79, available at <http://bit.ly/CRArepcd2015>.

⁷⁹ Children's Rights Alliance (2015) *Report Card 2015*, at p.76, available at <http://bit.ly/CRArepcd2015>.

⁸⁰ Vincentian Partnership for Social Justice (2014) *Budget 2015: Minimum essential budget standards impact briefing*, October 2014, available at <http://bit.ly/VPSJbg2015>.

⁸¹ Central Bank of Ireland 'Quarterly Bulletin 04' issued October 2014, forecasts a CPI annual average rate of 1.1% for 2015; available at <http://bit.ly/1KM3RqG>.

Table I MESL Expenditure and Incomes 2014 & 2015⁴, for Social Welfare Dependent Households⁵

		Two Parent 3 & 10	Two Parent 10 & 15	One Parent Baby	One Parent 3 & 10	Single Adult Living Alone	Pensioner Living Alone
2014	Expenditure	479.37	560.96	314.47	361.12	342.99	254.57
	Income	434.32	438.17	257.80	319.52	276.00	236.70
	Shortfall	-45.05	-122.79	-56.67	-41.60	-66.99	-17.87
2015	Expenditure	489.50	571.99	321.01	368.14	348.82	258.82
	Income	436.63	440.48	260.88	323.75	276.00	238.00
	Shortfall	-52.87	-131.51	-60.13	-44.38	-72.82	-20.82

Figure 3: Budget 2015 – Minimum essential budget standards. Source: Vincentian Partnership for Social Justice, *Impact Briefing*, October 2014.

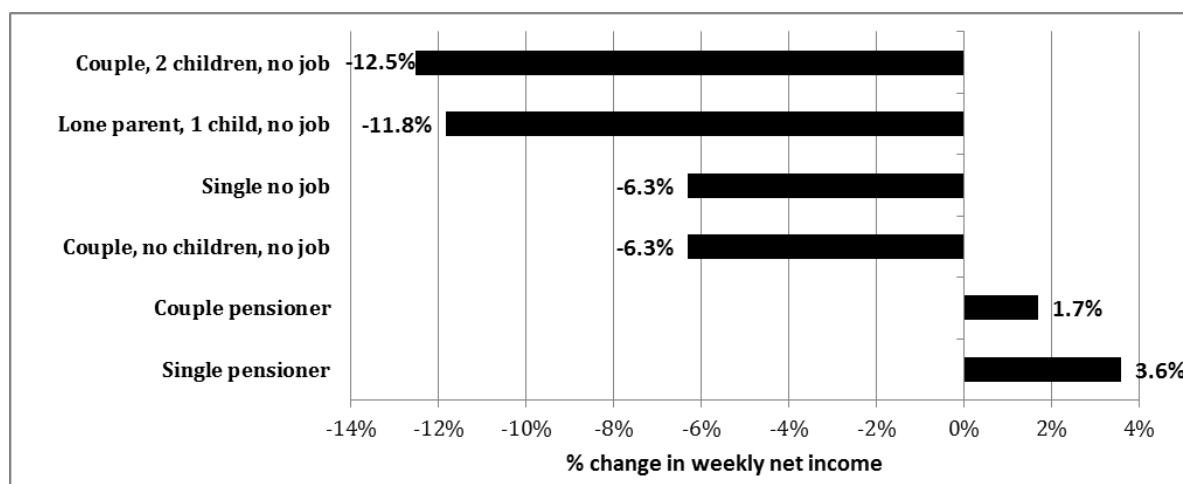


Figure 4: Cumulative Impact on Welfare Dependent Households, 2008-2015. Source: Social Justice Ireland (2015) p. 61.

As the chart above indicates, the family unit most severely impacted by cuts to public expenditure since 2008 is a two-parent family with two children, followed by lone parents.⁸²

9.3.4 Adequacy: People with a disability

As a consequence of limited employment or further education opportunities, many people with an intellectual disability rely on social welfare transfers as their only income. There have been substantial and cumulative cuts to the incomes of individuals and households of people with

⁸² Social Justice Ireland (2015) *Towards a Fairer Future: Socio-economic Review 2015*, at p. 61, available at <http://bit.ly/SJlser15>.

a disability.⁸³ A transport travel subsidy scheme for people with a disability promised in 2013 has never been provided.⁸⁴

Recommendations:

- **[NEW] The Irish government must issue guidelines on the social welfare supports available to victims of domestic violence and ensure no person becomes destitute due to a failure of the state.**
- **[Amending existing recommendation] The Irish government should ensure that all decision-makers in the Department of Social Protection have access to the expert legal information and advice they need in order to carry out their duties in accordance with human rights law.**
- **[NEW] The Irish government should establish a Monitoring, Evaluation and Implementation Unit within the Department of Social Protection to ensure consistent, high quality decision-making and customer service.**
- **[Amending existing recommendations] The Irish government should undertake and publish human rights and equality impact assessments pre-Budget, adopting a whole-of-government approach and including consultation with vulnerable groups to inform the decision-making process and ensure transparency.**

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other

⁸³ National Economic and Social Council (2014), *Jobless Households: An Exploration of the Issues*, NESCC: Dublin.

⁸⁴ 'Government decision in relation to a travel subsidy for people with a disability', Department of Health press release, issued 6 December 2013, available at <http://bit.ly/1P47JJx>.

conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

This information updates the information provided in the original parallel report, September 2014. See pages 56-61 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

10.1 Families in Ireland & legal protection

The Children and Family Relationships Act 2015⁸⁵ modernises the law in relation to children living in diverse family forms and includes provisions for children being parented by same-sex couples or who have been born through donor-assisted human reproduction, though it fails to deal with certain aspects of surrogacy which is to be addressed in other as yet unpublished legislation. It makes the best interests of the child paramount in decisions on guardianship, custody and access and empowers the court to appoint an expert to ascertain the child's views in proceedings on guardianship, custody and access, where the child is not able to express his or her views directly.⁸⁶ As of 1 May 2015, the legislation is not yet effective. It must be commenced by Ministerial Order or Orders (if introduced in parts) that have not yet been signed.

On 24 April 2015, the Supreme Court rejected an appeal to re-run a referendum on children's rights held in 2012 that introduced a new Article 42A to the Constitution.⁸⁷ This clears the way for legal changes, such as a child-centred approach to legal decisions involving children, the opportunity for children in long-term State care to be adopted and an explicit obligation on the state to intervene where parents fail in their duties.⁸⁸ Children's rights organisations believe it will open up the possibility of a new line of jurisprudence on children's rights from the Superior Courts.⁸⁹

The Gender Recognition Bill 2014, introduced on 21 January 2015,⁹⁰ has been passed by the Senate and following debate in the Dáil, was referred to Dáil Select Committee in March

⁸⁵ Children & Family Relationships Act 2015, signed into law 6 April 2015, available at <http://bit.ly/1KM7qNp>.

⁸⁶ See Children's Rights Alliance (March 2015) 'Briefing Note on the Bill', available at <http://bit.ly/1KM7vRd>.

⁸⁷ 'Supreme Court rejects appeal on Children's Referendum' Mary Carolan, *Irish Times*, 24 April 2015, <http://bit.ly/1TchrefSC>.

⁸⁸ Referendum Commission (2012) Children's Referendum (webpage), available online as of 1 May 2015 at <http://bit.ly/1KM82mk>.

⁸⁹ 'Supreme Court Upholds the Will of the People on the Children's Referendum', Children's Rights Alliance press release, issued 24 April 2015, available at <http://bit.ly/1E3ZaDR>.

⁹⁰ Gender Recognition Bill 2014 available at <http://bit.ly/1E3Yuyc>.

2015, where it is awaiting review.⁹¹ The government has said that it will remove a current draft section requiring married Trans people to divorce in order to qualify for gender recognition, if a referendum relating to marriage for same-sex couples is passed by the Irish electorate on 22 May 2015. No commitment has been given to amend other shortcomings in the Bill, relating to medical certification and recognition of the rights of transgender young people.⁹²

10.3 Affordability of childcare

The state-funded free pre-school year has been very successful in giving children access to a pre-school education, with around 95% take up rate.⁹³ However, the scheme is only available for 3 hours per day, five days per week from September to June.⁹⁴ Given the time restriction, it does not solve the need to ensure accessible and affordable quality childcare for parents who work full-time or seek to return to work, especially on low incomes.

Further, for parents of children with special needs or disabilities, there is no extra support to those children under the scheme, effectively denying access to the scheme for most such children, and their parents. The cost of formal childcare in Ireland compared to other EU and OECD countries is demonstrated in the figure below.

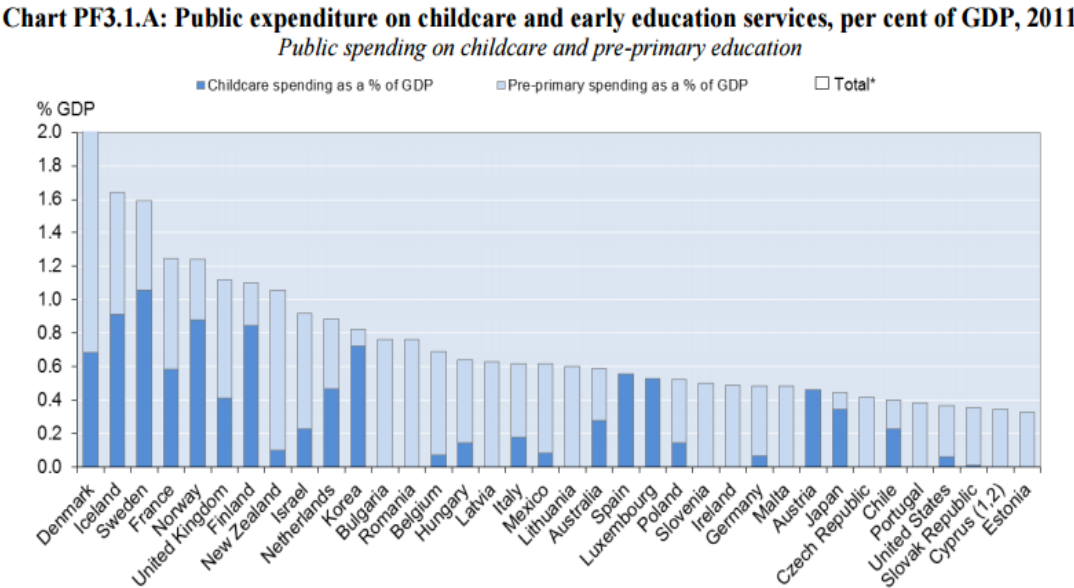


Figure 5: Public expenditure on childcare & early education services, per cent of GDP, 2011.
 Source: OECD at www.oecd.org/social/family/database.htm

⁹¹ ‘Government makes concessions to Gender Recognition Bill’, *FLAC News* Vol 25, No. 1 (April 2015) p.6, available at www.flac.ie/publications.
⁹² ‘Government makes concessions to Gender Recognition Bill’, *FLAC News* Vol 25, No. 1 (April 2015) p.6.
⁹³ Neylon, Dr. Geraldine (2012) *An Analysis of the Free Pre-School Year in Early Childhood Care and Education (ECCE) scheme – from a Practitioner’s Perspective*, University of Limerick, available <http://bit.ly/1E3YP3W>.
⁹⁴ Department of Children and Youth Affairs, Web guide for parents to ‘Free Pre-School Year in Early Childhood Care and Education’, available as of 1 May 2015 at <http://bit.ly/1KM7Pzk>.

Single mothers encounter childcare obstacles preventing them from participation on equal basis in the work market.⁹⁵ The board of Túsla, the State's Child and Family Agency, responsible for child protection and wellbeing, has said that funding pressures could lead to draconian cuts to vital supports for young people at risk.⁹⁶

10.6 Children in state care

A court reporting project on applications relating to children in the care of the State has recorded details of 229 child care cases in court where access to adequate mental health services and appropriate care settings are still problematic and inconsistent for children.⁹⁷ Below is an illustration of a case published in early 2015.

Case 1:

Lack of availability of secure care beds for minors on the secure care waiting list was discussed in the High Court Minors' List on a number of occasions in December 2014 and January 2015.

One young teenage girl [A] on the Minors' Review List had been in secure care earlier in 2014 for seven months. Senior counsel for the Child and Family Agency told the court that since she had moved out of secure care her placement had deteriorated significantly. It was a very serious matter with a series of real concerns. A wide range of placements were being considered now, including secure care.⁹⁸

Whilst the government notes that 55 out of the 80 child and adolescent psychiatric inpatient beds recommended in *A Vision for Change*⁹⁹ are now available, the remaining 25 beds are a priority to prevent the inappropriate admission of children to adult psychiatric units. The Government draft figures list 89 admissions of children to adult psychiatric services in 2014, down from 247 in 2008.

Independent reviews into the deaths in 2014 of 26 young people known to social services were published in March 2015 by the National Review Panel.¹⁰⁰ Eight of these young people died by suicide. The Panel, which investigates serious incidents occurring in the care system, found delays in accessing psychology services of up to two years in some cases. In one of the

⁹⁵ European Parliament (2015) *The Impact of the crisis on fundamental rights across Member States of the EU Country Report on Ireland*, March 2015, available at <http://bit.ly/1KM8jFT>.

⁹⁶ 'Minister warned supports for young could face 'draconian' cuts', Carl O'Brien, *Irish Times*, 30 March 2015, available at <http://bit.ly/1KM8fpu>.

⁹⁷ Child Care Law Reporting Project (2015) *Case Histories Vol 1 2015*, available at <http://bit.ly/1KM8HUN>.

⁹⁸ Child Care Law Reporting Project (2015) *Case Histories 2015, Case 1: Bed in secure care created for at-risk minor following several hearings*, available at <http://bit.ly/1E41rir>.

⁹⁹ Department of Health & Children (2006), *A Vision for Change: Report of the Expert Group on Mental Health Policy*, available at <http://bit.ly/1E40pmF>.

¹⁰⁰ Tusla (2015) *National Review Panel Reports: Thematic Overview*, available at <http://bit.ly/1JQs5SY>.

cases investigated, the young person was unable to access mental health services in the days before her suicide. The Panel also found that in some cases, young people at risk of suicide but who had not been diagnosed with a mental illness were unable to access appropriate services. High turnover of social workers was also a matter of concern.

Recommendation:

- **[NEW] The Irish government should review its systems and processes to ensure that the full spectrum of rights of children in care are protected.**

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

This information updates the information provided in the original parallel report, September 2014. See pages 62-76 of *Our Voice, our Rights*. This information should be read in conjunction with that report

11.1 Poverty and social exclusion

Currently in Ireland, almost 700,000 people or about 15% of the population live below the poverty line.¹⁰¹ In 2012 the Government revised downwards the headline target for poverty reduction that had been contained in the 2011 National Reform Programme.¹⁰²

The State Response notes that the SILC dataset will not facilitate data disaggregation for all groups.¹⁰³ This is particularly relevant for Travellers and Roma who experience severe levels of disadvantage across health, employment, education and accommodation.

Some vulnerable groups – such as disabled persons, lone parents, children, Travellers, Roma, those aged under 25, those reliant solely on state income support and those in low-paid jobs – experienced increased and sustained deprivation and poverty from 2008 to 2015.¹⁰⁴ Changes driven by budgetary policy reversed earlier social welfare increases.¹⁰⁵

According to the Central Statistics Office, the at-risk-of-poverty rate has fallen from 16.5% in 2012 to 15.2% in 2013.¹⁰⁶ These figures are in contrast to Eurostat data anchored in the 2008 poverty threshold that shows a much higher increase in the at-risk-of-poverty rate from 15.5% in 2008 to 25.4% in 2013.¹⁰⁷ The increase is higher still for children at-risk-of-poverty, going up from 18% in 2008 to 29.1% in 2013.¹⁰⁸

The table below shows that without the social welfare system, almost 50 per cent of the Irish population would have been living in poverty in 2013. Such an underlying poverty rate suggests a deeply unequal distribution of direct income,¹⁰⁹ and reveals how much Ireland relies on the social welfare system to redistribute income and fend off even higher inequality levels in society. In 2013, the actual poverty figure of 15.2 per cent reflects the fact that social welfare payments reduced poverty by almost 35 percentage points.

¹⁰¹ 'Survey on Income and Living Conditions (SILC): 2013 results,' Central Statistics Office Statistical Release 21 January 2015, available at <http://bit.ly/1E43qn0>.

¹⁰² Social Justice Ireland (2012) *Ireland & the Europe 2020 Strategy*, p.59, available at <http://bit.ly/1E42KOK>.

¹⁰³ E/C.12/IRL/Q/3/Add.1, at p. 14

¹⁰⁴ See variously Economic & Social Research Institute, Working Paper No. 499, *The Great Recession, Austerity and Inequality: Evidence from Ireland*, April 2015; TASC (2015) *Cherishing All Equally*; Social Justice Ireland (2015) *Towards a Just Society: Socio-Economic Review 2015*.

¹⁰⁵ Social Justice Ireland (2015) *Towards a Just Society: Socio-Economic Review 2015*, at p. 37, available at <http://bit.ly/SJlser15>.

¹⁰⁶ 'Survey on Income and Living Standards (SILC): 2013 results,' Central Statistics Office Statistical Release 21 January 2015, available at <http://bit.ly/1E43qn0>.

¹⁰⁷ Eurostat (2015) 'At-risk-of-poverty rate anchored at a fixed moment in time (2008) by age and sex' (Source: SILC), updated 12 March 2015, available at <http://bit.ly/1zO10ws>; also Department of Social Protection *Social Inclusion Monitor 2013* at p. 23 (using 2010 as anchored year).

¹⁰⁸ Eurostat (2015) 'At-risk-of-poverty rate anchored at a fixed moment in time (2008) by age and sex' (Source: SILC), updated 12 March 2015, available at <http://bit.ly/1zO10ws>.

¹⁰⁹ O'Connor N & Staunton C (2015) *Cherishing all Equally*, Dublin: Tasc, available at <http://bit.ly/CAEtask>.

	Years					
	2001	2005	2007	2009	2011	2013
Poverty pre social welfare payment	35.6	40.1	41.0	46.2	50.7	49.8
Poverty post social welfare payment	21.9	18.5	16.5	14.1	16.0	15.2
Role of social welfare payment in addressing poverty	-13.7	-21.6	-24.5	-32.1	-34.7	-34.6

Figure 6: Role of Social Welfare payments in addressing poverty, 2001-2013.

Source: CSO SILC Reports (various years) using national equivalence scale.

Income support has helped to reduce the market income poverty gap, indicating significant income inequality in Ireland, as illustrated in the figure below.¹¹⁰

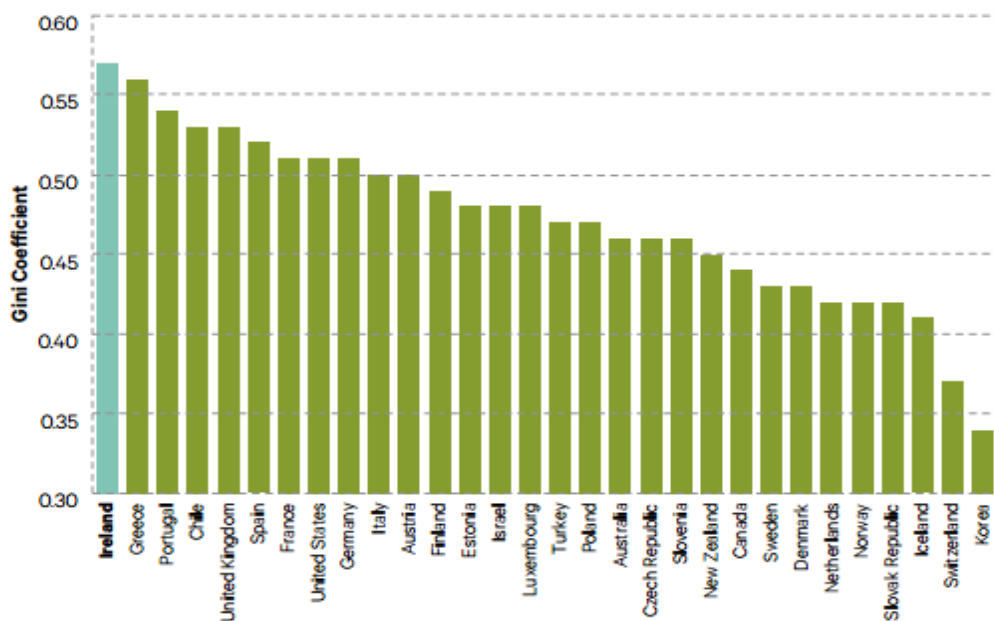


Figure 7: Gross Income Inequality. Source: OECD.

There has been an increase in the consistent child poverty rate which in 2013 was 11.7%, up on the 8.8% recorded in 2010.¹¹¹ That equates to 39,000 additional children living in consistent poverty. In *Better Outcomes, Brighter Futures 2014-2020*, the national policy framework for children and young people, the Government set a target of lifting 70,000 children out of consistent poverty by 2020.¹¹² This target was based on 2012 data, however

¹¹⁰ O'Connor N & Staunton C (2015) *Cherishing All Equally*, Dublin: Tasc, available at <http://bit.ly/CAEtasc>.

¹¹¹ Department of Social Protection (2015) *Social Inclusion Monitor 2013*.

¹¹² Department of Child and Youth Affairs (2014) *Better Outcomes, Brighter Futures: The national policy framework for children and young people 2014-2020*, available at <http://bit.ly/1E46Zt8>.

the more recent EU SILC figures indicate that a further 23,000 children were living in consistent poverty by 2013.

The Government Response to Question No. 16 in the List of Issues says that [t]he ESRI finds that social transfers are equally effective in reducing child poverty and that the performance has increased since 2004 (20% improvement)".¹¹³ However, other sources¹¹⁴ have highlighted the increase in deprivation and consistent poverty since 2008. From the table below, in 2013 the largest population group considered to be poor, accounting for 25.7 per cent of the total, was children.¹¹⁵

Category of person	Years					
	2003	2005	2006	2010	2012	2013
At work	16.0	15.7	16.1	13.5	12.6	11.7
Unemployed	7.6	7.5	8.3	15.1	19.0	20.4
Students/school	8.6	13.4	15.0	12.3	14.2	15.2
On home duties	22.5	19.7	18.4	17.3	15.4	15.0
Retired	9.0	7.5	5.8	4.4	6.0	5.8
Ill/disabled	9.1	7.9	8.0	5.4	6.9	4.4
Children (under 16 years)	25.4	26.8	26.6	29.2	24.1	25.7
Other	1.9	1.6	1.8	2.8	1.8	1.8
Total	100.0	100.0	100.0	100.0	100.0	100.0

Figure 8: Incidence of persons below 60% of median income by principal economic status, 2003-2013. Source: Collins (2006:141), CSO SILC Reports (various years) in Social Justice Ireland, *Socio-Economic Review 2015*

Although older people do not feature in the 2013 statistics as experiencing high levels of at-risk-of-poverty due to the dependence on social transfers and pensions, many older people are clustered around the poverty line due to low incomes from the state with a “sharp cut-off” point for many just above or below this measure.¹¹⁶

Those describing their principal economic status as unemployed (54.9%) and those who were not at work due to illness or disability (53.1%) also had deprivation rates of over 50% in 2013.¹¹⁷ The number of lone parent families in consistent poverty has more than doubled

¹¹³ UN Economic & Social Council (2015) *Replies of Ireland to the List of Issues- E/C.12/IRL/Q/3/Add.1*, p.2, available at <http://bit.ly/IRLreply15>

¹¹⁴ O’Connor N & Staunton C (2015) *Cherishing All Equally*, Dublin: Tasc, available at <http://bit.ly/CAEtasc>

¹¹⁵ Social Justice Ireland (2015) *Towards a Fairer Future: Socio-economic Review 2015*, at pp. 42-43, available at <http://bit.ly/SJlser15>.

¹¹⁶ Daly, Mary (2010) *Measured or Missed: Poverty & deprivation among older people in a changing Ireland*, Dublin: Older and Bolder, available at <http://bit.ly/MorM2010>.

¹¹⁷ ‘Survey on Income & Living Conditions (SILC): 2013 results,’ Central Statistics Office Statistical Release 21 January 2015, available at <http://bit.ly/1E43qn0>.

since 2010,¹¹⁸ from 9.3% to 23%.¹¹⁹ The enforced deprivation rate of the population has increased from 26.9% in 2012 to 30.5% in 2013 while for lone parent families it has risen to over 63%.¹²⁰

Recommendations:

- **[NEW] The Irish government should set clear targets on the reduction of child poverty, including investment in public services.**

11.2 Accessibility & adequacy of food

Food poverty is rising in Ireland, with over 600,000 experiencing such deprivation.¹²¹ One in ten people experienced food poverty in 2010, rising to 13.2 per cent by 2013.¹²² Due to the rise in food poverty in Ireland since the recession, the European Commission has awarded €22.7 million to the Irish Operational Programme from 2014-2020 from the Fund for European Aid to the Most Deprived.¹²³ The money will support the provision of food and other basic hygiene and household items to those most in need. This sum will be complemented by €4 million from national resources.¹²⁴

There is no National Food and Nutrition Policy or strategy that ensures affordability, accessibility and availability of healthy food and nutrition to all members of society. A Department of Health stakeholder consultation on a national obesity policy was scheduled for 27 April 2015. There has been no public call for submissions on this policy ahead of the discussion.

The government will spend €39 million in 2015 on the School Food Scheme, an increase of €2 million in Budget 2015.¹²⁵ It has removed the administrative barrier that prevents schools applying for more than one food scheme. However there is no policy review of this programme within the Department of Social Protection; currently, there are five government departments with a role in school food provision, with no overarching oversight

¹¹⁸ Central Statistics Office (March 2012) *Survey on Income & Living Conditions (SILC) 2010*, available at <http://bit.ly/1E489Vy>.

¹¹⁹ 'Survey on Income & Living Conditions (SILC): 2013 results,' Central Statistics Office Statistical Release 21 January 2015, available at <http://bit.ly/1E43qn0>.

¹²⁰ 'Survey on Income & Living Conditions (SILC): 2013 results,' Central Statistics Office Statistical Release 21 January 2015, available at <http://bit.ly/1E43qn0>.

¹²¹ Department of Social Protection (2015), *Social Inclusion Monitor 2013*, available at <http://bit.ly/1zO4bnZ>.

¹²² Department of Social Protection (2015), *Social Inclusion Monitor 2013*, available at <http://bit.ly/1zO4bnZ>.

¹²³ 'Commission adopts Ireland programme to use around €22 million from Fund for European Aid to the Most Deprived', European Commission press release issued 19 December 2014, available at <http://bit.ly/1zO4nn3>.

¹²⁴ European Commission, [Press Release, Commission adopts Ireland programme to use around €22 million from Fund for European Aid to the Most Deprived](#), 19 December 2014.

¹²⁵ Department of Social Protection, *Budget 2015 Factsheet*, issued October 2014, available at <http://bit.ly/1zO4v5Z>.

to ensure policy coherence amongst these stakeholders.¹²⁶ The development of national nutritional standards for school food is a critical measure in ensuring the School Meals Programme is meeting the needs of targeted children.

Community Food Initiatives Programme 2013-2015 is a three-year funded programme and ceases in December 2015.¹²⁷ Ten models of good practice have been established across the island of Ireland but there is no national funding stream available for Community Food Initiatives.¹²⁸

There has been no legislation, regulations or resourced programmes arising from Special Action Group on Obesity's (SAGO) work. The group has worked to require restaurants to publish the calories on menus. Heads of Bill legislation is under consideration, according to the Department of Health.¹²⁹

11.3 Right to water

Water charges became payable from 1 January 2015; the first quarterly bills issued from 31 March, with payment due within weeks of issue. A water conservation grant of €100, administered through the Department of Social Protection to assist with payment, will not be paid out until September 2015 and every subsequent year thereafter, although the water charge payment will be demanded quarterly.¹³⁰ The delay in payment assistance is causing concern for older people dependent on fixed state incomes as well as others who are unable to meet the expense without the grant money being available for the first quarterly bill.¹³¹ Notably, the water charge takes no account of income and there are no exemptions based on disability, age, income or medical needs.

Recommendations

1. **[NEW] The Irish government should establish an inter-departmental committee to develop a National Food in Schools Strategy.**
2. **[NEW] The Irish government should adopt a National Food and Nutrition Policy which considers income adequacy, health, planning, transport, education and social enterprise, to ensure that people experiencing food poverty have access to affordable and nutritious food.**

¹²⁶ Healthy Food For all (2015) *Submission to Update of Civil Society Report on ICESCR*.

¹²⁷ Safe Food, 'Programme of Community Food Initiatives', available 1 May 2015 at <http://bit.ly/1c9K6gz>.

¹²⁸ Safe Food, 'Programme of Community Food Initiatives', available 1 May 2015 at <http://bit.ly/1c9K6gz>.

¹²⁹ , 'Government approves Heads of Bill for calorie posting on menus', Department of Health press release issued 5 February 2015, available at <http://bit.ly/1zO8jV1>.

¹³⁰ 'Information on Water Conservation Grant', Department of Social Protection web update 22 April 2015, available at <http://bit.ly/1zO8j7r>.

¹³¹ 'Government urged to bring forward payment date for water grant to ease financial hardship', Age Action press release issued 21 November 2014, available at <http://bit.ly/1zO8qzI>.

- 3. [NEW] The National Action Plan on Social Inclusion should establish new subsidiary targets for vulnerable groups.**

11.4 Right to housing

Context

The main *Our Voice, Our Rights* report laid out a wide variety of issues in relation to the lack of access to affordable, habitable and accessible housing. The pressure on adequate accessible housing continues to increase, bringing increased demand right across the housing spectrum from those who have no home at all, to those in social housing, through those entitled to but unable to access such housing, to those in private rented accommodation, to those at risk of losing purchased housing through mortgage arrears.

11.4.1 Insecurity of tenure

Demand on the private rented sector is likely to increase as a direct result of the increased level of repossessions of family homes in cases of intractable debt.¹³² Such individuals and families are likely to be candidates for social housing support, the cost of which must be met by the State.

By the end of 2014, a total of 110,366 mortgages on private homes were in arrears with almost 52% of those – more than 57,000 – in arrears for more than 360 days.¹³³ Although the overall number of mortgages in arrears continued to decrease in 2014, the number in long-term arrears, over 720 days, continues to rise and stood at over 34% of all arrears cases at the end of the year.¹³⁴ During 2014, a total of 11,424 new applications were made to repossess family homes.¹³⁵ As these cases are automatically adjourned when they first come before the courts, the repossession applications are likely to proceed from mid-2015 onwards. An analysis of the figures from the end of September 2013 to the end of September 2014 on arrears, restructuring and repossession activity¹³⁶ concludes that the overall arrears problem is declining, but little progress has been made in solving the difficulty of approximately 37,000 accounts in the most serious 720 days-plus arrears category. There

¹³² 'Residential Mortgage Arrears and Repossessions Statistics: Q1 - 4, 2014', Central Bank of Ireland statistical release issued 6 March 2015, available at <http://bit.ly/1zO8waP>.

¹³³ 'Residential Mortgage Arrears and Repossessions Statistics: Q1 - 4, 2014', Central Bank of Ireland statistical release issued 6 March 2015, available at <http://bit.ly/1zO8waP> at p.6.

¹³⁴ 'Residential Mortgage Arrears and Repossessions Statistics: Q1 - 4, 2014', Central Bank of Ireland statistical release issued 6 March 2015, available at <http://bit.ly/1zO8waP> at p.2..

¹³⁵ 'Residential Mortgage Arrears and Repossessions Statistics: Q1 - 4, 2014', Central Bank of Ireland statistical release issued 6 March 2015, available at <http://bit.ly/1zO8waP>.

¹³⁶ 'Owner Occupier Mortgage Arrears: What Progress has been made towards resolution?', FLAC policy paper issued 15 January 2015, available at <http://bit.ly/1zO8EqP>.

is insufficient support available to borrowers seeking to negotiate with their lenders, resulting in the majority of those in arrears having to manage without the necessary legal or financial advice.

11.4.2 Access & availability of housing

Budget 2015 announced that €2.2 billion had been allocated to a social housing investment programme over the next three years, with 7,500 houses to be provided in 2015.¹³⁷

However, around 25,000 new homes are required per year to create adequate supply, and yet only around 11,000 were built in 2014.¹³⁸ The lengthy waiting lists for social housing combined with the delay until mid-2016 in delivering on the social housing investment of €2.2 billion announced in Budget 2015 means that Housing Assistance Payment or emergency accommodation will be heavily relied on for those in need of long-term accommodation.¹³⁹

Figures for November 2014 revealed that 42 families became homeless in that month alone.¹⁴⁰ Overall 450 families became homeless from January to November 2014, which includes over 1,000 children. There is a rise in homeless families because of the inadequacy of rent supplement levels, particularly in Dublin given higher rents.¹⁴¹ The percentage of families becoming homeless for the first time has risen from approximately 55% of the total in February 2013 to 90% in October 2014.¹⁴²

The death of a homeless man Jonathon Corrie outside the Oireachtas, the Houses of Parliament, in December 2014 brought the issue of actual homelessness to a head and the Government announced a 20-point “Action Plan to Address Homelessness”.¹⁴³ By March 2015, a progress report stated that 13 of the 20 actions appear to be either now completed or on-going, with the balance of the projects to be progressed.¹⁴⁴ However, homelessness is a growing problem.

¹³⁷ See housing section in Minister for Public Expenditure, ‘Address to Dáil on Expenditure Estimates 2015’, dated 14 October 2014, available at <http://bit.ly/1zO8Nuj>.

¹³⁸ EU Commission (2015) *Country Report Ireland 2015*, available at <http://bit.ly/1E4e8ts>.

¹³⁹ ‘Focus Ireland Says Government Refusal to Raise Rent Supplement is condemning more Families to Homelessness’ Focus Ireland Press Release, issued October 2014, available at <http://bit.ly/1E4ej8n>.

¹⁴⁰ ‘Focus Ireland Warns that Government's Inaction on Rent Supplement and Rents Regulation is forcing more Families into Homelessness’, Focus Ireland Press Release, issued 16 December 2014, available at <http://bit.ly/1E4eFM1>.

¹⁴¹ ‘Focus Ireland Warns that Government's Inaction on Rent Supplement and Rents Regulation is forcing more Families into Homelessness’, Focus Ireland Press Release, issued 16 December 2014, available at <http://bit.ly/1E4eFM1>.

¹⁴² ‘Housing & Family Homelessness in Dublin,’ Presentation by Wayne Stanley, Focus Ireland Research & Policy Analyst, at Community Law & Mediation Roundtable on Debt, 19 November 2014.

¹⁴³ ‘Ministers Kelly & Coffey announce 20 actions on homelessness’, Government Press Release issued 9 December 2014, available at <http://bit.ly/1E4f1Cs>.

¹⁴⁴ Department of the Environment, Community and Local Government, [Progress Report for Cabinet Committee on Social Policy & Public Service Reform](#) on 20 Point Action Plan to Address Homelessness, 30 March 2015.

The introduction of the Housing (Miscellaneous Provisions) Act 2009 represented a significant shift away from the direct supply of rental accommodation by local authorities,¹⁴⁵ as part of a wider programme of social housing reform measures.¹⁴⁶ Some six years after the 2009 Act was introduced¹⁴⁷, significant elements of the legislation have yet to come into operation, including provisions in respect of the formulation and implementation of housing services plans by housing authorities,¹⁴⁸ rental accommodation arrangements¹⁴⁹ and affordable dwelling purchase arrangements,¹⁵⁰ thereby limiting the Act's potential impact on the shortage of social and affordable housing within the State.

In October 2014, the High Court ruled that the state had erred in its refusal to grant a separated father of four children an appropriate amount of Rent Supplement to allow him to accommodate himself and his children.¹⁵¹

As stated in *Our Voice Our Rights*, people who are entitled to access social housing but cannot do so because of the lack of adequate and affordable housing are forced to access Rent Supplement or the Housing Assistance Payment. The Government's recent decision, in spite of strong upward pressure on private rents, to maintain Rent Supplement at 2013 levels¹⁵² is leading to insecurity of tenure and the risk of homelessness.

There is a move away from Rent Supplement to Housing Assistance Payment, as it is increasingly difficult to find landlords who will accept Rent Supplement.¹⁵³ Tenants are not allowed to supplement the rent from their own resources if they are on Rent Supplement. They may do so on the Housing Assistance Payment, which is putting people under pressure to make additional payments, and harming their capacity to make other essential payments.¹⁵⁴ According to a leading homelessness charity, 76% of families enter homelessness from private rented accommodation.¹⁵⁵

¹⁴⁵ Kenna, Padraic (2010) 'The Housing (Miscellaneous Provisions) Act 2009', 15(2) *CPLJ* 26, at p.6. Available at <http://bit.ly/1E4fAfF>.

¹⁴⁶ As outlined in *Delivering Homes, Sustaining Communities: Statement on Housing Policy*, Department of Environment, Community and Local Government (February 2007).

¹⁴⁷ The Housing (Miscellaneous Provisions) Act 2009 was signed into law on 15 July 2009, but provides for the commencement of its provisions on such days as may be appointed by the Minister for Environment, Community and Local Government (s.1(4)).

¹⁴⁸ Housing (Miscellaneous Provisions) Act 2009, ss.14 – 18.

¹⁴⁹ Housing (Miscellaneous Provisions) Act 2009, ss.23 – 31, thereby providing a more developed legislative basis for the existing rental accommodation scheme.

¹⁵⁰ Housing (Miscellaneous Provisions) Act 2009, sections 78–99.

¹⁵¹ *McCormack v Minister for Social Protection & Ors* [2014] IEHC 489.

¹⁵² Department of Social Protection (2015) *Rent Limit Analysis and Findings Report February 2015*

¹⁵³ Some 1,539 households were moved to HAP as of 20 April 2015 – see National Reform Programme report available at <http://bit.ly/1FOYiUq>.

¹⁵⁴ 'Rent Allowance Caps Adding to Housing Plight of Welfare Families', Pamela Duncan, *Irish Times*, 26 May 2014, available at <http://bit.ly/1E4dvAh>.

¹⁵⁵ 'Housing & Family Homelessness in Dublin', Presentation by Wayne Stanley, Focus Ireland Research & Policy Analyst, at Community Law & Mediation Roundtable on Debt 19 November 2014.

The Minister for Environment, Community and Local Government announced in March 2015 that the government would introduce rent certainty measures.¹⁵⁶ However, as of 1 May 2015, no legislative measures been adopted to protect tenants from the threat of economic evictions attributable to unsustainable increases in rents.

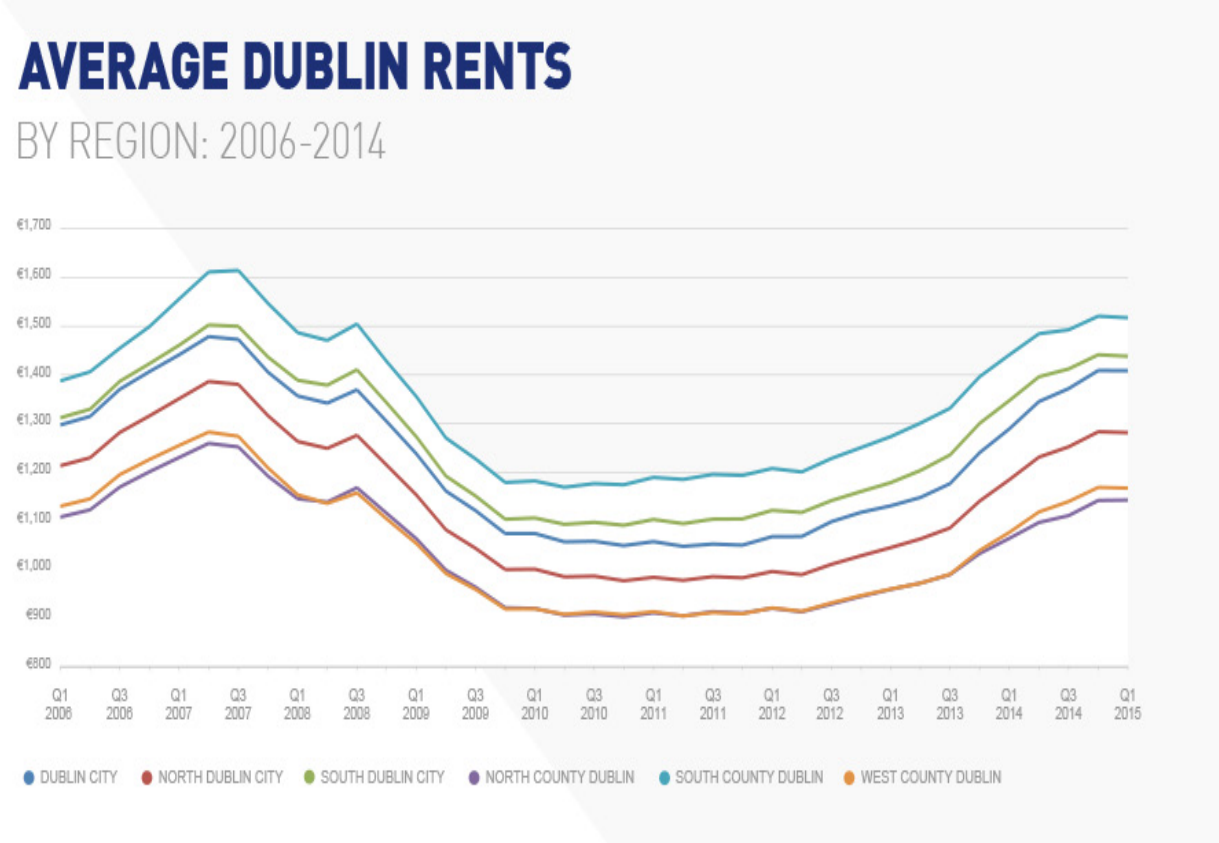


Figure 9: Average Dublin Rents by Region, 2006-2014. Source: Daft Rental Report Quarter 4, 2014 at <http://bit.ly/daftrrq4>

11.4.4 Quality of available housing

In March 2015, the European Committee of Social Rights deemed admissible the collective complaint brought by a variety of local authority housing tenants’ associations under the European Social Charter against Ireland.¹⁵⁷ The State has been asked to respond to the complaint by 28 May 2015.

¹⁵⁶ ‘Rents may be fixed for period of three years under plans by Alan Kelly’, Fiach Kelly, *Irish Times*, 1 March 2015, available at <http://bit.ly/1E4dGvm>.

¹⁵⁷ ‘European rights body to examine local authority tenants housing complaint’ FLAC Press release, issued 24 March 2015, available at <http://bit.ly/ESChsng>.

11.4.5 Travellers and housing

The Supreme Court has confirmed that the powers of housing authorities to provide dwellings is limited,¹⁵⁸ in respect of members of the Traveller community, to the provision of either permanent accommodation, or a serviced halting site,¹⁵⁹ and does not extend to the provision of a caravan or mobile home.¹⁶⁰ This decision calls into doubt the capacity of the existing legislative infrastructure to secure the right to culturally adequate accommodation for members of the Traveller community.

11.4.7 Direct Provision accommodation for asylum seekers

The High Court has held that house rules, formulated by the state Reception and Integration Agency and applied in direct provision accommodation centres, amount to a disproportionate interference with the right to private and family life of residents,¹⁶¹ while inspection regimes in place amount to a violation of the inviolability of the dwelling.¹⁶² The High Court found in November 2014 that the complaints procedure in place in such accommodation centres lacks independence in circumstances where the final arbiter of complaints, the Reception and Integration Agency, will inevitably be in a commercial relationship with the accommodation centres against which complaints were made.¹⁶³

As of January 2015 there are 1,482 young people under 18 years of age currently living in Direct Provision along with 2,978 adults.¹⁶⁴ The government has established a Working Group on Direct Provision and the Protection Process. The group, which is due to report to the Minister for Justice & Equality at the end of 2015, is limited to recommending reforms within the current system as opposed to abolishing it entirely.¹⁶⁵ The average stay in Direct Provision, as of January 2015, is forty-eight months.¹⁶⁶

In March 2015 the Minister for Justice and Equality published the General Scheme of the International Protection Bill, the stated aim of which is to provide for a single applications

¹⁵⁸ Pursuant to s.56 of the Housing Act 1966.

¹⁵⁹ Pursuant to s.13 of the Housing Act 1988, as substituted by s.29 of the Housing (Traveller Accommodation) Act 1998.

¹⁶⁰ *O'Donnell v South Dublin County Council* [2015] IESC 28 (Unreported, Supreme Court, 13 March 2015), per Mac Menamin J. at paras. 35 – 53.

¹⁶¹ Contrary to Article 8 of the European Convention on Human Rights.

¹⁶² Contrary to Article 40.5 of the Constitution.

¹⁶³ *C.A and T.A. v Minister for Justice and Equality* [2014] IEHC 532 (High Court, 14 November 2014) at paras. 8.1 – 8.16.

¹⁶⁴ Reception & Integration Agency, *Monthly Statistics Report, Jan 2015*, available at <http://bit.ly/1E4hxbO>.

¹⁶⁵ Terms of Reference of the Working Group on Direct Provision & Protection System (October 2014) available at <http://www.justice.ie/en/JELR/Pages/WP14000337>,

¹⁶⁶ Reception & Integration Agency, *Monthly Statistics Report, Jan 2015*, available at <http://bit.ly/1E4hxbO>.

procedure for international protection.¹⁶⁷ The Scheme makes no reference to direct provision nor does it amend existing legislative restrictions on the ability of international protection applicants to seek employment or to access social welfare payments, including rent supplement payments. Further, the Bill does not make reference to or seek to implement Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.¹⁶⁸

11.4.8 Sheltered accommodation for people with disabilities

In 2011, a HSE report identified 4,000 people with disabilities living in congregated settings of ten or more people;¹⁶⁹ it recommended that they be supported to live self-directed lives in the community, choosing where and with whom they lived, with no new admissions to congregated settings and a period of seven years agreed to implement the programme. At the end of 2014, around 3,000 people remained in congregated settings, most of whom have a severe to profound intellectual disability. The current target is for 150 people to move from congregated settings in 2015. No transitional funding was provided to service providers to enable them to support people to move to the community and the government has ignored calls to use EU cohesive funds to support the closure of congregated settings and retraining of staff.¹⁷⁰

Recommendations

- **[NEW] The Irish government should clearly recognise within its housing that the core aim is to ensure to all persons the right to a home.**
- **[NEW] The Irish government should expedite the full implementation of the Housing (Miscellaneous Provisions) Act 2009.**
- **[NEW] The Irish government should introduce measures to protect tenants, including increased security of tenure and rent certainty.**
- **[AMENDED] The Irish government should ensure that the Housing Assistance Payments scheme does not operate to deprive individuals of access to more**

¹⁶⁷ The Oireachtas Joint Committee on Justice, Defence and Equality has invited written submissions from interested groups or individuals in relation to the General Scheme of the Bill by 8 May 2015.

¹⁶⁸ Under Protocol No. 21 to the Treaty on the Functioning of the European Union ("TFEU") Ireland is not automatically bound by measures adopted under the Common European Asylum System, unless it exercises an "opt-in" to these measures. As the Recast Reception Conditions Directive has been finalised, Ireland may still "opt in" to the Recast Reception Conditions Directive, by virtue of Article 4, Protocol 21.

¹⁶⁹ HSE (2011) *Time to Move on from Congregated Settings: A Strategy for Community Inclusion*, available at <http://www.hse.ie/timetomoveon/>.

¹⁷⁰ National Federation of Voluntary Bodies (2014) *Social Housing Submission to the Department of Environment, Community and Local Government*, available at <http://bit.ly/1P4azxY>, at p. 4.

permanent forms of social housing support and legislate to ensure that families are not forced to pay additional 'top up' payments to landlords.

- [NEW] The Irish government should ensure that the rent supplement scheme does not operate to discriminate against separated parents;
- [NEW] The Irish government should opt in to Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down minimum standards for the reception of applicants for international protection.
- [AMENDED] The Irish government should amend the Code of Conduct on Mortgage Arrears to allow a borrower full rights of appeal to an independent third party where a lender declines to offer an alternative repayment arrangement, or offers an unsuitable arrangement or declares the borrower to be non-co-operating.
- [NEW] The Irish government should require banks to provide much more detailed and verified information on responses to the arrears crisis.
- [NEW] The Irish government should ensure adequate access to legal and financial advice as well as money advice for debtors.
- [NEW] The Irish government should implement the HSE plan to move people with disabilities from congregated settings to community living and fund the programme adequately.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

This information updates the information provided in the original parallel report from September 2014. See pages 77-86 of *Our Voice, our Rights*. This information should be read in conjunction with that report

Context

According to a newspaper report, managers at the Health Services Executive identified risks arising from resource reductions in its “corporate risk register” from March 2015.¹⁷¹ The register identified that critical posts are left vacant in areas such as maternity services and operating theatres due to the recruitment embargo and early retirement schemes. There are difficulties providing timely access to acute hospitals as a result of demand exceeding capacity, resulting in overcrowding, long waiting times and delayed release of ambulances. There are risks for older and vulnerable people who may not be cared for in appropriate locations due to delays processing and funding the *Fair Deal* scheme for nursing home care. It also identified concerns over services for people with disabilities in residential settings that are failing to meet standards for safe and effective care.¹⁷²

The health budget for 2015 provides for no further retrenchment of funding, but at the same time does not redress the significant contractions which have led to the current difficulties, amounting to €13,079 billion, and involved a modest increase (€635m).¹⁷³ This only allows net costs to increase by €115 million when account is taken of the 2014 projected net expenditure deficit (the deficit being €510 million);¹⁷⁴ savings of €130 million are required, with income collection targets of €10 million.¹⁷⁵ According to government figures, there was a 16 per cent reduction in expenditure on health services between 2009 and 2014.¹⁷⁶

12.1 Access to adequate healthcare services

12.1.1 Universal health care: first steps

Legislation to give effect to free General Practitioner care to all children aged under 6 years and continue free GP care for those aged over 70 has been introduced to the Oireachtas.¹⁷⁷

¹⁷¹ ‘Demand and staff vacancies trigger HSE warning’, Carl O’ Brien, *Irish Times*, 23 March 2015, available at <http://bit.ly/1FMINQK>.

¹⁷² ‘Demand and staff vacancies trigger HSE warning’, Carl O’ Brien, *Irish Times*, 23 March 2015, available at <http://bit.ly/1FMINQK>.

¹⁷³ See Health section in Minister for Public Expenditure, ‘Address to Dáil on Expenditure Estimates 2015’, dated 14 October 2014, available at <http://bit.ly/1FMIWU8>.

¹⁷⁴ Health Services Executive (Nov 2014) *National Service Plan 2015*, available at <http://bit.ly/1FMKnSH>.

¹⁷⁵ Health Services Executive (Nov 2014) *National Service Plan 2015*, available at <http://bit.ly/1FMKnSH>.

¹⁷⁶ Department of Health (2014) *First Annual Progress Report - National Carers Strategy*. Dublin: Department of Health.

¹⁷⁷ Health (General Practitioner Service) Bill 2015, available at <http://bit.ly/1FN8Asa>.

The move has been welcomed by advocates for children’s rights as a first step to more adequate health care services.¹⁷⁸

The government has not provided a clear plan on how it will roll out universal healthcare for the remainder of the population. Ireland is the only European country not to offer universal access to free or heavily subsidised GP care, and out-of-pocket GP costs are correspondingly much higher than in other countries.¹⁷⁹

The average spend for people over 75 years of age is almost €1800 per annum on medication, twenty times higher than what is spent on children.¹⁸⁰ This is a significant cost burden for older people which is not reflected in terms of the income adequacy of the state old-age pension.

Age group	Number of people	Average cost per person (€)	Total (€)
Under 5 years	129,813	117.95	15,311,443
5-11 years	200,355	91.03	18,238,316
12-15 years	101,914	103.75	10,573,578
16-24 years	183,656	186.77	34,301,431
25-34 years	217,698	304.68	66,328,227
35-44 years	223,912	433.41	97,045,700
45-54 years	182,382	744.67	135,814,404
55-64 years	165,643	1,168.90	193,620,103
65-69 years	93,693	1,377.43	129,055,549
70-74 years	114,967	1,422.60	163,552,054
75 years and over	239,844	1,771.88	424,974,787
Total	1,853,877	695.2	1,288,815,591

Figure 10: Costs of Medication by Age Group.

Source: HSE Statistical Analysis of Payments and Claims 2012 in PublicPolicy.ie -

<http://bit.ly/ppiemeds>

¹⁷⁸ ‘Children’s Rights Alliance Welcomes Agreement on Free GP Care for Under-6s’, Children’s Rights Alliance Press Release issued 10 April 2015, available at <http://bit.ly/1FN8lb5>.

¹⁷⁹ Nolan, A., Barry, S, Burke, S. & Thomas, S. (2014) ‘The impact of the financial crisis on the health system and health in Ireland’, paper for World Health Organisation, available at <http://bit.ly/1FN96WT>.

¹⁸⁰ ‘Spending on Medication Increases with Age’, PublicPolicy.ie news item issued 18 March 2015, available at <http://bit.ly/1zO9aVK>.

Risk Equalisation in private health insurance

Only 37% of people aged over 65 years have private health insurance, according to a 2014 study.¹⁸¹ While health insurance premia have increased 12.1 per cent since 2007,¹⁸² exclusions and co-payments are further financial obstacles for older people in accessing private health insurance compared with other age groups. Specific criteria apply to over-65s in private health contracts which must be met before a person is covered for a procedure.

The introduction of Lifetime Community Rating from 1 May 2015 means that a loading of 2% of the gross premium will apply for every year of age past the age of 34 that an individual has attained when they first purchase in-patient private health insurance.¹⁸³ This loading will apply throughout life. People taking out private health insurance later in life will pay substantially higher premia, for instance, the loading for a 55-year-old will be 42%.

Primary care teams & centres

In April 2015, the Minister for Health announced that 14 new Primary Care Centres would be built to add to the 44 centres already opened since March 2011. These centres are to refocus care in the community by providing a broader range of care services. There is no clear legal basis for access to primary care teams or community therapy teams (currently these teams are often only available for medical card holders) and they are provided subject to budget caps and resource constraints.¹⁸⁴

There has been a 14% reduction in the number of nurses working the community in the period from 2009-2013.¹⁸⁵

In December 2014, 7,433 people were waiting more than 12 weeks for a physiotherapy assessment, and 8,141 were waiting more than 16 weeks for occupational therapy assessment.¹⁸⁶

12.1.2 Waiting lists & delays for emergency and public patients

The number of people awaiting outpatient appointments was over 400,000, as of March 2015.¹⁸⁷ This represents an overall increase of 20,000 between December 2014 and March

¹⁸¹ Nolan, Anne (2014) TILDA Research Brief, 'Public Healthcare Eligibility and the Utilisation of GP services by older people in Ireland 2014', available at <http://bit.ly/1zO9kfj>.

¹⁸² McLoughlin, Pat (2013) *Review of Measures to Reduce Costs in the Private Health Insurance Market 2013*, Independent Report to the Minister for Health and Health Insurance Council, available at <http://bit.ly/1zO9nrL>.

¹⁸³ 'Frequently Asked Questions and Examples on Introduction of Lifetime Community Rating to the Private Health Insurance Market', Department of Health information release (no date) available at <http://bit.ly/1zO9sfj>.

¹⁸⁴ Department of Health (2014b) *Background Policy Paper on Designing the Future Health Basket*.

¹⁸⁵ Health Services Executive, *National Services Plan 2013*, p.12

¹⁸⁶ Health Services Executive, *National Performance Assurance Report December 2014*

2015. The jump is indicative of a lack of capacity within the system to meet the needs of the population; an additional contributory factor is the cancellation of general hospital activity to meet the needs of emergency department overcrowding.

Total	0-3 Months	3-6 Months	6-12 Months	12-24 Months	24-36 Months	36-48 Months	48+ Months
405,501	137,212	83,761	107,209	67,750	6857	2034	678

Figure 11: Outpatient Figures, March 2015. Source: National Treatment Purchase Fund <http://www.ntpf.ie/home/outpatient.htm>

The table above shows a delay in initial access to healthcare services, leading to an inevitable risk that eventual health outcomes are poorer due to delayed diagnosis and treatment. Waiting times have also significantly increased for inpatient admissions to hospital, with almost 34,000 patients waiting for treatment, the majority of whom are waiting up to three months.¹⁸⁸

The most recent analysis for Emergency Department overcrowding (March 2015) indicates that there was an 81 per cent increase in the level of patients waiting on trolleys and chairs in emergency departments, or inappropriately placed on chairs or trolleys on wards, awaiting an appropriate bed for admission, between 2008 and 2015.¹⁸⁹ Figures reveal that between March 2014 and March 2015, there has been a 38% increase in numbers waiting.¹⁹⁰

A significant number of people (1176) on the delayed discharge list were waiting for alternative care appropriate for their needs, compared with the 1,239 who received such care during December and January 2014/2015.¹⁹¹ Delayed discharges disproportionately affect the elderly¹⁹² and can lead to poorer health outcomes due to being placed in acute healthcare settings.¹⁹³ In an analysis in March 2015, 73 per cent of elderly people awaiting discharge were waiting for a nursing home bed, half of which were due to system delay in processing their applications pointing to inefficient administrative practices for the Fair Deal Scheme.¹⁹⁴ A further 17 per cent of those categorised as delayed discharges were in need of

¹⁸⁷ National Treatment Purchase Fund (2015) Outpatient Waiting List, March figures at <http://bit.ly/1FMJKIR>.
¹⁸⁸ National Treatment Purchase Fund (2015) Inpatient Waiting List, March figures at <http://bit.ly/1FMJTMh>.
¹⁸⁹ Irish Nurses and Midwives Organisation, *INMO Trolley and Ward Watch Analysis March 2007 – 2015*, issued 23 April 2015, available at <http://www.inmo.ie/Home/Index/217/12315>.
¹⁹⁰ Irish Nurses and Midwives Organisation, *INMO Trolley and Ward Watch Analysis March 2007 – 2015*, issued 23 April 2015, available at <http://www.inmo.ie/Home/Index/217/12315>.
¹⁹¹ [‘Little “perceived Benefit” from Delayed Discharge Drive Times’](#) Gantly, D., *Irish Medical Times*, 12 February 2015.
¹⁹² Age Action, Press Release, [HSE Report Confirms Scale of Challenge for Older Patients “trapped” in Delayed Discharge Beds | Age Action Ireland](#), March 2015.
¹⁹³ Irish Nurses and Midwives Organisation, *Submission to FLAC*, April 2015.
¹⁹⁴ Age Action, Press Release, [HSE Report Confirms Scale of Challenge for Older Patients “trapped” in Delayed Discharge Beds | Age Action Ireland](#), March 2015.

supports to enable them to return home and lastly 10 per cent required rehabilitation, palliative or hospice care.¹⁹⁵

In April 2015 a report and action plan to tackle emergency services overcrowding were published by an Emergency Department Taskforce.¹⁹⁶ The main actions, which are reacting to the current crisis rather than setting positive plans in place to realise the human right to health, include the provision of €44 million to the Nursing Home Support Scheme¹⁹⁷, €30 million for additional transitional beds¹⁹⁸ and 250 community care beds.¹⁹⁹ Although these measures should go some way to alleviate and reduce the current pressure on the emergency services within hospitals, ensuring delayed discharges do not accrue, at the same time, no additional staff are being hired which impedes opening hospital beds that are already available.

12.1.3 Mental health services

In January 2015 there were 9,273 staff in post in mental health services²⁰⁰ which is approximately 77 per cent of the target staffing level recommended for the delivery of effective mental health services.²⁰¹ Of 251 posts allocated for 2014, some 64 (or 25 per cent of the allocation) have accepted posts and a further 58 are at various stages of recruitment.²⁰²

A Vision for Change recommended that Mental Health Services for Older People should operate through specialised Community Mental Health Teams, with one team per 100,000 of the population.²⁰³ This equates to a total of 46 teams across the country. There are

¹⁹⁵ Age Action, Press Release, [HSE Report Confirms Scale of Challenge for Older Patients “trapped” in Delayed Discharge Beds | Age Action Ireland](#), March 2015.

¹⁹⁶ Department of Health, Press Release, [“Varadkar & Lynch Welcome Additional Funds to Tackle Delayed Discharges and ED Overcrowding”](#), 2 April 2015.

¹⁹⁷ €44 million will provide a further 1,600 nursing home place and reduce the current waiting times for processing applications from 11 to 4 weeks. See ‘Varadkar & Lynch welcome additional funds to tackle Delayed Discharges and ED Overcrowding’, Department of Health Press Release, issued 2 April 2015, available at <http://bit.ly/1FMOjCQ>.

¹⁹⁸ These are temporary contract beds through to June and additional community, convalescence and district hospital beds on a permanent basis, both of which facilitate more rapid discharge from hospital. Also temporary transitional beds currently in use to address Emergency Dept overcrowding will be replaced by sustainable, more cost-effective beds under the Fair Deal scheme. See ‘Varadkar & Lynch welcome additional funds to tackle Delayed Discharges and ED Overcrowding’, Department of Health Press Release, issued 2 April 2015, available at <http://bit.ly/1FMOjCQ>.

¹⁹⁹ ‘Varadkar & Lynch welcome additional funds to tackle Delayed Discharges and ED Overcrowding’, Department of Health Press Release, issued 2 April 2015, available at <http://bit.ly/1FMOjCQ>.

²⁰⁰ Health Services Executive’s [Performance Assurance report, January 2015](#).

²⁰¹ Department of Health & Children (2006), *A Vision for Change: Report of the Expert Group on Mental Health Policy*, available at <http://bit.ly/1E40pmF>.

²⁰² Health Services Executive’s [Performance Assurance report, January 2015](#).

²⁰³ Department of Health & Children (2006), *A Vision for Change: Report of the Expert Group on Mental Health Policy*, available at <http://bit.ly/1E40pmF>.

currently 27 Psychiatry of Old Age Community Mental Health Teams nationally, with no such services available in certain parts of the country.

One-third of children admitted to hospital suffering with mental health difficulties (89) were put in adult wards and waiting lists for youth mental health services increased by 8 per cent to 2,818 young people, with 405 young people on a waiting list for services for over a year, up 8% on 2013.²⁰⁴ Those working with children and young people identify a lack of structures to allow young people to have a voice in decisions in relation to their care as well as a need for specialist in-patient services for young people with acute mental health difficulties.²⁰⁵

12.1.4 Reproductive rights

In October 2014, a newspaper reported on the case of Miss Y. This young woman claimed asylum in Ireland in March 2014 and soon afterwards found out she was pregnant as a result of rape committed in her home country.²⁰⁶ She made enquiries about getting a travel document to travel abroad for a termination and in the meantime attempted to travel to the UK but was detained and returned to Ireland.²⁰⁷ It was reported that she became very depressed and suicidal and informed a doctor of this, at which point she was admitted to a mental health hospital as a voluntary patient. She expressed suicidal thoughts and refused food and fluids.²⁰⁸

Under legislation enacted in 2013 in Ireland, it should be possible to have a pregnancy terminated if the continuation of the pregnancy poses a real and substantial risk to the mother through suicide.²⁰⁹ A panel of three medical experts must agree that such a real and substantial risk exists.²¹⁰ In Miss Y's case, a three-person panel met and found that such a risk did exist, but by this stage the termination could not be performed because the foetus was viable outside the womb.²¹¹ Instead, the baby was delivered by Caesarean section in August 2014.²¹² The young woman is reported to have initiated legal proceedings against the Health Service Executive.²¹³

²⁰⁴ Children's Mental Health Coalition, Meeting the mental health support needs of children and adolescents, March 2015.

²⁰⁵ Children's Mental Health Coalition, *Meeting the mental health support needs of children and adolescents*, March 2015.

²⁰⁶ 'Timeline of Miss Y Case', Kitty Holland, *Irish Times*, 4 October 2014, available at <http://bit.ly/MsYtline>.

²⁰⁷ 'Miss Y "too fragile" to help inquiry into her treatment', Maeve Sheehan, *Irish Independent*, 2 November 2014, available at <http://bit.ly/1ESI6V1>.

²⁰⁸ 'Timeline of Miss Y Case', Kitty Holland, *Irish Times*, 4 October 2014, available at <http://bit.ly/MsYtline>.

²⁰⁹ Protection of Life During Pregnancy Act 2013 available at <http://bit.ly/1ESI8fK>.

²¹⁰ Protection of Life During Pregnancy Act. 2013.

²¹¹ '[HSE doctors and lawyers "clashed" over Miss Y case](#)', Maeve Sheehan, *Irish Independent*, 14 September 2014.

²¹² 'Timeline of Miss Y Case', Kitty Holland, *Irish Times*, 4 October 2014, available at <http://bit.ly/MsYtline>.

²¹³ 'Ms Y plans legal action against HSE and other agencies', Kitty Holland, *Irish Times*, 22 January 2015.

12.1.5. Inspection of residential care homes

An undercover TV investigation in December 2014 into a County Mayo-based residential care home for people with intellectual disabilities, Áras Attracta, revealed serious failures by senior management.²¹⁴ The investigation drew attention to numerous abuses of residents including force feeding, slapping, kicking, physical restraint and shouting at residents. Two reports from inspections carried out by Health Information and Quality Authority in February and May 2014 detail the neglect experienced by residents in the same care home, which included long periods of time without food and some residents presenting as underweight.²¹⁵ The government has announced that the Health Act 2007 is to be amended on foot of these events allowing the investigation of unsolicited complaints by the Health Information and Quality Authority regarding care, safety and standards of services. This bill has not yet progressed in the houses of the Irish Parliament.^{216,217}

Following the broadcast, there were calls for action, such as an independent investigation of the serious issues raised; the appointment of a confidential recipient; and for the Irish Human Rights and Equality Commission to use its statutory powers of inquiry to investigate the alleged human rights abuses at the centre.²¹⁸

In mid-December 2014, the HSE appointed Leigh Gath to the position of Confidential Recipient for whistle-blowers, staff and residents to safeguard allegations of abuse, negligence or other mistreatment in HSE-funded services.²¹⁹ Since then there have been further examples of persons with disabilities experiencing poor care home standards including: St Anne's centre in Roscrea, Co Tipperary and the Redwood Extended Care Facility in Stamullen, Co Meath.²²⁰

12.2 Affordability of health services & treatment

The costs of care increasingly are being shifted onto patients, with charges rising throughout the austerity period (such as charges for inpatient day care, emergency department attendance and prescription charges) and eligibility for subsidies being eroded (the threshold for reimbursement of

²¹⁴ 'Inside Bungalow 3', *Prime Time* Investigative Report, RTE 1 Television, 9 December 2014, available at <http://bit.ly/1FMMsOr>.

²¹⁵ Message from Tony O'Brien, Health Services Executive Director General, on the HSE website (8 December 2014) available at <http://bit.ly/1ESkLBV>; also HIQA 'Reports from inspections', available at <http://higa.ie/social-care/find-a-centre/inspection-reports>.

²¹⁶ Health (Amendment) Bill 2014 available at <http://bit.ly/1ESloeN>.

²¹⁷ The Gardai are now investigating the death of a resident of Áras Attracta in 2012 where dehydration and malnutrition were identified as contributing factors in the man's death- see 'Gardaí investigate death of Áras Attracta resident', Carl O'Brien & Pamela Duncan, *Irish Times*, 11 December 2014.

²¹⁸ Inclusion Ireland information webpage, available at <http://bit.ly/1P4bOgP>.

²¹⁹ HSE information webpage on 'Confidential Recipient', available 1 May 2015 at <http://bit.ly/1P4chPV>.

²²⁰ See Inclusion Ireland information page at <http://bit.ly/1P4bOgP>.

drug payments has increased) or revoked for some groups (no longer automatic free care for people older than 70 years).²²¹ This meant that on average every person in Ireland was paying about €100 in extra costs for accessing care and prescribed drugs in 2013, which is an obvious deterrent to those on low incomes in accessing necessary treatment.²²²

According to the OECD, in Ireland, the share of public financing of health spending decreased by nearly 6 percentage points between 2008 and 2010, while the share of out-of-pocket payments by households increased.²²³

12.3 Travellers & Health

It is not possible to measure the impact of health interventions on Travellers' health in Ireland because of the Health Services Executive's failure to mainstream, prioritise or roll out the Ethnic Identifier recommended in the National Strategy on Traveller Health.²²⁴ This identifier was successfully piloted by the Department of Health in two national hospitals in 2004,²²⁵ further recommended in the Intercultural Health Strategy in 2007²²⁶ and has been a Key Performance indicator/area in National HSE Service Plans for the last 5 years. Without the Ethnic Identifier in use, the more than 30 Primary Health Care for Traveller projects and Traveller Health Units around the country cannot provide information on access, use and outcomes for Health Services.

The Traveller infrastructure, of eight Regional Traveller Health Units and a National Traveller Health Advisory Committee (NTHAC), had its budget cut by 50% following decentralisation from the Department of Health to the HSE in 2006 and was also hit by the recession. When it was established in 1999 its dedicated budget allowed the Traveller Health Advisory Committee to be a very effective structure for Traveller health policy development, but from 2006 it was replaced with an alternative structure operated by the HSE, focused solely on health needs rather than also including social determinants such as education, accommodation and employment.²²⁷

The budget line for this infrastructure has since returned to the Department of Health, thus creating an opportunity to address key recommendations from the All Ireland Traveller Health Study.²²⁸

²²¹ Thomas, S., Burke, S. & Barry, S. (2014) *'The Irish health-care system and austerity: sharing the pain'*. *The Lancet*, 383 (3), 1545-6, available at <http://bit.ly/1zAOrEq>.

²²² Thomas, S., Burke, S. & Barry, S. (2014) *'The Irish health-care system and austerity: sharing the pain'*. *The Lancet*, 383 (3), 1545-6, available at <http://bit.ly/1zAOrEq>.

²²³ Social Justice Ireland (2015) *Socio-Economic Review 2014*, p. 168 quoting [OECD \(2012\) Health at a Glance, Europe 2012. Paris: OECD Publishing.](#)

²²⁴ Department of Health & Children (2002) *Traveller Health: A national strategy 2002-2005*, available at <http://bit.ly/1KPrjTR>.

²²⁵ Pavee Point (2007) *The Development of Appropriate Mechanisms to Monitor Educational Access, Participation Outcome by Gender for Travellers—the role of equality data mechanisms focusing on ethnic and cultural identity*, available at <http://bit.ly/1KPs5Ad>.

²²⁶ HSE (2007) *National Intercultural Health Strategy 2007-2012*, available at <http://bit.ly/1KPswKM>.

²²⁷ Pavee Point Traveller & Roma Centre (2015) *Update to Parallel report on ICESCR*.

²²⁸ Kelleher & others (2010) *Our Geels, All Ireland Traveller Health Study*, Dublin: University College Dublin & Department of Health & Children, available at <http://bit.ly/1KPwfri>.

12.4 Older people & health

According to figures from the Department for Health, there were 465 people over the age of 65 medically discharged awaiting long-term residential care in January 2015.²²⁹ A leaked unpublished review of the *Fair Deal* scheme,²³⁰ which allows older people to move to Nursing Home Care, apparently proposed that older people pay a higher proportion of their incomes to pay for their nursing home care.²³¹ In April 2015, the government announced additional funding for the *Fair Deal* scheme.²³²

However, no additional funding was allocated to support those older people who want to stay in their homes.²³³ Home-help hours have been cut; in 2014, some 47,061 people received home-help hours compared with 55,363 in 2008, yet the number of people aged 65 and over increased by nearly 18%.²³⁴

Funding for older people's services is focused on reducing delayed discharges, with the majority of funding going to long-term care beds. For example, over the last 6 months, €54 million has been allocated to the Nursing Home Support Scheme (NHSS) to fund an additional 1900 nursing home beds and €38 million has gone to provide access to additional short stay beds/transition beds; by contrast, just €5 million has been invested in 400 additional Home Care Packages.²³⁵

It is two years since the publication of the *National Positive Ageing Strategy*, but no implementation plan has been published to date.²³⁶

Recommendations:

- **[NEW] The Irish government should set out a concrete phased plan on how it will achieve universal healthcare for all.**
- **[NEW] The Irish government should publish an implementation plan for the *National Positive Ageing Strategy*.**

²²⁹ Department of Health, [Performance Monitoring Review](#), January 2015, pg 88.

²³⁰ Analysis and discussion on Fair Deal Scheme, *Prime Time*, RTE Television, 2 April 2015.

²³¹ 'Proposals to increase nursing home charges are unfair and unjust', Age Action press release issued 3 April 2015, available at <http://bit.ly/1zO9Fir>.

²³² 'Varadkar & Lynch welcome additional funds to tackle Delayed Discharges and ED Overcrowding', Department of Health Press Release, issued 2 April 2015, available at <http://bit.ly/1FMOjCQ>.

²³³ 'Age Action welcomes funding to help older patients trapped in hospitals', Age Action press release issued 2 April 2015, available at <http://bit.ly/1FMNpGH>.

²³⁴ HSE (2009) Performance report December 2008, available at <http://bit.ly/1F3M7X5>; also Performance Assurance report December 2014, available at <http://bit.ly/1F3MrF8>.

²³⁵ 'Varadkar & Lynch welcome additional funds to tackle Delayed Discharges and ED Overcrowding', Department of Health Press Release, issued 2 April 2015, available at <http://bit.ly/1FMOjCQ>.

²³⁶ Department of Health (2013) *National Positive Ageing Strategy*, available at <http://bit.ly/1zO9GmE>.

- **[NEW] The Irish government should introduce legislation to mandate nurse/midwife to patient ratios to maintain safety in our hospitals .**
- **[NEW] The Irish government should ring-fence and use a Traveller Health Budget and re-establish and adequately resource the local, regional and national Traveller Health infrastructure.**
- **[NEW] The Irish government should prioritise, resource and mainstream an Ethnic identifier on all health data sets. Data collected should be disaggregated and used to monitor access, participation and outcomes and to inform policy development.**

Article 13

- 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.**
- 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:**
 - a) Primary education shall be compulsory and available free to all;**
 - b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;**
 - c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;**
 - d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;**
 - e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.**
- 3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children**

schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

- 4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.**

This information updates the information provided in the original parallel report, September 2014. See pages 87-95 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

13.1 Access to education

An EU report on the impact of austerity on Ireland listed a range of government measures that negatively affected the access and affordability of quality education, including a reduction in teacher numbers, rationalisation of teacher/student support services, abolition of grants paid to schools, increase in transport charges and a reduction of clothing & footwear allowance.²³⁷ This report links early school leaving directly to austerity measures²³⁸ which are highly concentrated in low-income areas.²³⁹

The OECD found that Ireland's pupil/teacher ratio increased between 2007 and 2010 and is worse than both the OECD and the EU average.²⁴⁰

Structural barriers for people with intellectual disabilities have been identified in accessing equal education coupled with a "culture of low expectations" in education circles, thereby limiting the prospects of these children of accessing and progressing in education and training courses.²⁴¹ Only 4 per cent of people with an intellectual disability had a third-level degree, and 63 per cent had not progressed to second-level education.²⁴²

²³⁷ European Parliament (2015) *The Impact of the crisis on fundamental rights across Member States of the EU Country Report on Ireland*, March 2015, available at <http://bit.ly/1KM8jFT>.

²³⁸ European Parliament (2015) *The Impact of the crisis on fundamental rights across Member States of the EU Country Report on Ireland*, March 2015, available at <http://bit.ly/1KM8jFT>.

²³⁹ Children's Rights Alliance (2014) *Report Card 2014*, available at <http://bit.ly/1zO9YtH>.

²⁴⁰ OECD (2015) *Education at a Glance Interim Report*, available at <http://bit.ly/1zOa3gO>.

²⁴¹ WALK (2015) *Accessing Mainstream Training: Barriers for People with Intellectual Disabilities*, available at <http://bit.ly/1zOa4kS>.

²⁴² Watson, Dorothy & Nolan, Brian (2011) *A Social Portrait of People with Disabilities in Ireland*, Dublin: ESRI/ Department of Social Protection, available at <http://bit.ly/1zOa70d>.

As of 1 May, sizeable sections of the Education for Persons with Special Educational Needs Act 2004²⁴³ have still not been commenced.²⁴⁴ Access to resource teaching remains based upon the diagnosis of a child. Special Education Circular 02/05 sets out a list of ‘low incidence’ disabilities that gain automatic access to a set amount of resource teaching hours.²⁴⁵ A 15% cut is currently in place to resource teaching hours allocated in this manner.²⁴⁶

While more special needs assistants (SNAs) have been recruited, this is acknowledged as a minimum to cover population expansion.²⁴⁷ In 2014, the Department of Education & Skills tightened access to an SNA.²⁴⁸ The guidelines put an onus on the school to put in place a Personal Pupil Plan in order for a child to access an SNA.

A Report and Recommendations for a Traveller Education Strategy, published in 2006, has never been implemented.²⁴⁹

13.3 Non-discrimination in education

13.3.1 Traveller education

As there is no ethnic identifier in place in secondary education and it has just been introduced in primary education in 2014, ethnic data is not included in the ‘Transfer of Pupils Information in Schools’ process which is identified in the State Response as being important for transition from primary to second level for Travellers in particular.²⁵⁰ Given this lack of data on ethnicity, the inclusion-focused ‘whole school’ evaluation mentioned in the State Response as being central to the Traveller Education Strategy also cannot effectively assess how Travellers and Roma are being included.²⁵¹

Compared to other children, Traveller children, immigrant children and children with a disability and/or chronic illness are more likely to report that they were bullied at school.²⁵²

²⁴³ Education for Persons with Special Educational Needs Act 2004, available at <http://bit.ly/1P4hGg4>.

²⁴⁴ Kline, Jennifer & Flynn, Eilionóir (2015) Access to Justice for children with cognitive disabilities, Galway; Centre for Disability Law & Policy, NUI Galway, available at <http://bit.ly/1P4j2RR>.

²⁴⁵ Department of Education & Science Special Education Section, Sp Ed 02/05 lists 11 low incidence disabilities and an allocation of resource teaching hours for each, available at <http://bit.ly/1P4ej2u>.

²⁴⁶ ‘Cut of 15% in special needs teaching to stay in place’, *Irish Examiner*, 4 October 2014, available at <http://bit.ly/1P4eB9H>.

²⁴⁷ Department of Education & Skills (2014) *Main Estimate Features 2015*, available at <http://bit.ly/1P4fXRV>.

²⁴⁸ ‘Special Needs Assistant (SNA) scheme’, Department of Education & Skills Circular 0030/2014, issued April 2014, available at <http://bit.ly/1P4g9QW>.

²⁴⁹ Department of Education & Science (2006) *Report and Recommendations for a Traveller Education Strategy*, available at <http://bit.ly/1P3YXeJ>.

²⁵⁰ E/C.12/IRL/Q/3/Add.1, para 132.

²⁵¹ E/C.12/IRL/Q/3/Add.1, paras 130-131.

²⁵² Department of Children & Youth Affairs (2012) *State of the Nation’s Children, Ireland 2012*, available at <http://bit.ly/1P425Hd>.

The State's *Anti-Bullying Procedures for Primary and Post Primary Schools*²⁵³ includes a template for schools to record incidents of identity-based bullying. However the completion of this template is not compulsory and there does not appear to be any plan to include these reports as part of the whole school evaluation process, making it difficult to monitor the incidence of identity-based bullying in schools.

13.3.2 Right to educational freedom

The government published legislation in April 2015 to formally lay out the proposed admissions procedures for schools, families and patron bodies.²⁵⁴ It does not seek to repeal the legislation which permits a religious school to refuse access to students in order to maintain their ethos.²⁵⁵ It does not propose to ban certain provisions of admissions policy that impact negatively on Traveller children, including the 'past pupil' criterion' mentioned in the main *Our Voice Our Rights* report. In February 2015 the Supreme Court upheld the right of a school using such a policy to deny access to a Traveller boy.²⁵⁶

The EPSEN Act provides for inclusive education, but research shows the vast majority of enrolment policies in schools place additional criteria on children with a disability.²⁵⁷ Schools may require a child to fit very narrow diagnostic criteria.

In April 2014, the Government committed to continuing its work 'to expand the provision of multi-denominational schools where parental demand exists'.²⁵⁸ Only three multi-denominational schools have opened and one transferred from Church of Ireland since September 2014.²⁵⁹ Funding for the divestment of schools from religious patronage is not sufficiently considered by the State,²⁶⁰ as alternative primary schools have only been financed partially (15 per cent) and are struggling to keep up with growing demand.²⁶¹ In

²⁵³ Department of Education & Skills (2013) *Anti-Bullying Procedures for Primary and Post Primary Schools*, available at <http://bit.ly/1P42KbH>.

²⁵⁴ Education (Admissions to Schools) Bill 2015 available at <http://bit.ly/1zOaece>.

²⁵⁵ Equal Status Act 2000 s. 7(3)(c) states; "where the establishment is a school providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious denomination in preference to others or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school".

²⁵⁶ *Stokes v Christian Brothers High School Clonmel & anor*, [2015] IESC 13.

²⁵⁷ Rose, Richard & Shevlin, Michael (2014) *Inclusive research in Irish schools*, Presentation to National Council for Special Education annual research conference 2014, available at <http://bit.ly/1P4gEu0>.

²⁵⁸ Children's Rights Alliance (2015) *Report Card 2015*, available at <http://bit.ly/CRArp2015>.

²⁵⁹ Malahide/Portmarnock, Co. Dublin; Ballina, Co. Mayo; Trim, Co. Meath; and Tramore, Co. Waterford.

²⁶⁰ 'A severe lack of funds is putting Educate Together's vital work at risk' Educate Together press release issued 17 October 2014, available at <http://bit.ly/1zOakjO>.

²⁶¹ Educate Together (2014) *Financial Statements 2013*, available at <http://bit.ly/1zOamsC>.

many parts of the country,²⁶² there is no alternative to denominational primary school provision available to families.²⁶³

Recommendations:

- **[NEW] the Irish government should implement targeted policies to ensure that people with disabilities can fully realise their rights to access and benefit from education at all levels.**
- **[Amended] The Irish government should restore targeted resources and develop detailed implementation plans to ensure the participation of Travellers and Roma in education.**
- **[NEW] The Irish government should introduce an ethnic identifier for all students at second level.**
- **[NEW] The Irish government should ensure that incidents of identity-based bullying are recorded in schools and these records are inspected as part of the whole school evaluation process.**

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

The original parallel report contained no information on this article and there are no updates.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

- a) To take part in cultural life;**
- b) To enjoy the benefits of scientific progress and its applications;**

²⁶² Counties Leitrim, Roscommon, Longford, Cavan, Monaghan, Tipperary.

²⁶³ See Educate Together's website, www.educatetogether.ie/schools.

- c) **To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.**

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

This information updates the information provided in the original parallel report, September 2014. See pages 97-103 of *Our Voice, our Rights*. This information should be read in conjunction with that report.

As of 1 May 2015, there is still no National Cultural Policy. In 2014, the Arts Council commissioned an independent Steering Group to examine its role and remit and announced that it was beginning to develop a new Strategy for the Arts in January 2015.²⁶⁴ No public consultation process has yet been announced.

15.2 Language rights

Although the government's programme from 2011 includes a commitment to examine different mechanisms to promote the recognition of Irish sign language, a Private Members' Bill published in 2013 has not progressed further.²⁶⁵ A report of the Deaf Community is to be reflected in a government plan beginning in January 2016.²⁶⁶

15.4 Access to broadband internet in rural areas

A further assessment of the needs of rural communities in November 2014²⁶⁷ identified that approximately 32% of premises in the state, predominantly rural, covering 96% of the land area of the state, are unlikely to get the minimum broadband specified without state intervention. An Intervention strategy document is proposed to be published by mid-2015, with a further consultation phase to follow prior to tendering for implementation of the

²⁶⁴ Arts Council webpage, 'About us', as of 1 May 2015, available at <http://bit.ly/1p4lOj>.

²⁶⁵ Recognition of Irish Sign Language for the Deaf Community Bill 2013, available at <http://bit.ly/1zOarMu>.

²⁶⁶ Parliamentary Question to Minister of State at Department of Justice & Equality, 24 March 2015, available at <http://bit.ly/1zOasQo>.

²⁶⁷ Department of Communications, Energy & Natural Resources (2014) *Connecting Communities National Broadband Plan Map*, available at <http://www.broadband.gov.ie/>.

strategy. No clear implementation dates or budget has been allocated and detailed criteria have yet to be finalised.²⁶⁸

15.5 Transport

Privatisation of and cuts to public transport services may force older people to use private bus services with no guarantee that their free travel pass will be accepted.²⁶⁹

People living with disability encounter particular transport difficulties. While public transport services have improved in recent years, they remain patchy. Many areas do not have an adequate public transport system and the cost of private transport for those with disabilities is not adequately recognised by the State.²⁷⁰

Recommendations:

1. **[NEW] The Irish government and the Arts Council should promote human rights, equality and social inclusion in cultural life through direct engagement with disadvantaged communities in the development of their strategies and policies.**
2. **[NEW] The Irish government should ensure that nobody is excluded from society through lack of access to adequate and affordable transport.**
3. **[AMENDED] The Irish government should produce a timely and detailed schedule, with adequate technical and commercial criteria, including timelines and a ring-fenced budget, for implementation of the National Broadband Plan.**
4. **[AMENDED] The Irish government should strengthen the rural coverage mandate of the Communications Regulator to ensure adequate independent monitoring of services.**
5. **[AMENDED] The Irish government should advance the recognition of Irish Sign Language in 2015 through an adequately resourced plan with firm timelines and allocated budget.**

²⁶⁸ Department of Communications, Energy & Natural Resources (2015) *National Broadband Plan FAQ #2*, available at <http://bit.ly/1zOaFTH>.

²⁶⁹ 'Older people's needs must be considered before any decision is made to cut Bus Eireann services', Age Action press release issued 24 February 2015, available at <http://bit.ly/1MOFD1a>.

²⁷⁰ Dublin CIL (2014) *National Leader Forum Transport Event Report*, available at <http://bit.ly/1zOaJCX>.

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