

Briefing: *Our Voice Our Rights*

A Parallel Report from civil society on how Ireland is meeting its duties under the International Covenant on Economic, Social and Cultural Rights

In 1989, Ireland ratified the United Nations [Covenant on Economic, Social and Cultural Rights](#). As a result, Ireland must, by law, *respect, protect and fulfil* basic rights in areas like education, health, housing, work, family life, social security, cultural life and adequate living standards.

On 8 & 9 June 2015, the UN Committee on Economic Social and Cultural Rights will examine how Ireland has upheld those rights. This will be through an analysis of reports already filed and a dialogue with a government delegation, to be led by Minister Seán Sherlock TD, Minister for State at the Department of Foreign Affairs and Trade. This will lead to UN conclusions which will focus international attention on Ireland's domestic human rights track record and will identify successes and recommendations for further action where gaps are identified.

➤ **What duties does this treaty impose on Ireland?**

Signing the Covenant means that the State cannot interfere with the enjoyment of rights it protects; that it must actively prevent violations of these rights by third parties; and that it must take whatever legislative, administrative, [budgetary](#) and/or judicial measures are appropriate towards the full realisation of these rights. Failure on any of these three obligations constitutes a breach. States must also immediately guarantee freedom from discrimination to all. It is important to note that the [State's duties remain even in recessionary times](#) and the State must show that every effort has been made to use all resources at its disposal in trying to satisfy, as a matter of priority, a 'minimum core': This is a red line below which the state cannot allow the level of rights available in each area to fall, barring particularly compelling reasons.

➤ **How does the UN ensure states are making progress on rights?**

The [UN Committee on Economic, Social and Cultural Rights](#), a body of 18 independent experts which meets at UN HQ in Geneva, Switzerland, reviews how a State is implementing the treaty. The State first submits a **report** to the Committee on how it is meeting its obligations. The Committee then raises questions – a '**List of Issues**' - to which the State replies. The Committee then convenes a hearing where it questions the state delegation on its report and performance. Finally, it issues a country report, noting positive developments by the State and with clear recommendations on how it can better meet its obligations. This report should be submitted every five years so that the Committee can monitor and support states in carrying out their obligations. In Ireland's case, this last took place in 2002. Ireland did not submit another report until 2012 and even then, [only reported on conditions to the end of 2010](#). The UN Committee raised its '**List of Issues**' in December 2014, following which the State [updated that information](#) in April 2015.

➤ **The civil society role**

State Reports cannot and do not reflect the full range of views and knowledge on how rights are implemented on the ground, particularly for harder-to-reach groups who face greater challenges in accessing rights under the Covenant. For this reason, the Committee also welcomes 'parallel' or 'shadow' reports from civil society that form an alternative to the official government statement.

In mid-2014, the [Public Interest Law Alliance \(PILA\)](#), a project of legal rights group FLAC, co-ordinated an independent report on the situation of economic social and cultural rights based on consultations with and

information provided by more than 50 civil society organisations as well from think-tanks, media reportage and other sources. A panel of human rights academics and activists provided expert insight. That report, [Our Voice, Our Rights](#) was submitted to the UN in September 2014.

Following the government's [response to the list of issues](#) in April 2015, PILA updated the evidence and civil society groups continued to submit data and analysis. This led to a comprehensive [Update to Our Voice Our Rights](#) submitted to the UN on 8 May 2015. This update **brings to more than 80 the civil society groups contributing to the parallel reporting process**. These reports present timely, independent evidence of where the state is failing – or succeeding – on its duties and makes recommendations for action from a broad cross-section of society. Other single-focus groups have also submitted parallel reports. *Our Voice, Our Rights* and *Update* is the most comprehensive, addressing each of the treaty rights relevant to Ireland. The [Irish Human Rights and Equality Commission](#) has also reported to the UN.

With these key insights, the UN Committee has a fuller picture on economic, social and cultural rights in Ireland and can make more informed recommendations on how the Irish State should fulfil its duties.

The full list of contributors and endorsers of the report is on the [Our Voice, Our Rights website](#). (Note: some did not wish to be named publically.) All reports -state, UN or civil society- [are on the UN website](#).

➔ What happens next?

- The Irish government group, led by Minister of State for Foreign Affairs and Trade Sean Sherlock TD, will be questioned on its track record on economic, social & cultural rights on 8-9 June 2015.
- At the same time, a delegation of civil society groups will meet UN Committee members formally and informally to transmit the issues identified in our report (see below).
- The Irish Human Rights and Equality Commission will also attend and meet the Committee separately.
- The UN Committee will consider all evidence and testimony and draw up Concluding Observations and Recommendations to the Irish government, usually within three weeks of the examination.
- Irish civil society will continue to monitor government progress on the recommendations of the UN Committee and from our report and will reconvene in 2016 to report on that.

The civil society delegation to Geneva comprises: [FLAC](#), [Threshold](#), [Irish Family Planning Association](#), [Atheist Ireland](#), [Justice for Magdalenes Research](#), [Pavee Point Traveller & Roma Centre](#), [Abortion Rights Campaign](#), [Tallaght Trialogue](#), [Community Law & Mediation](#) and Dr Liam Thornton of [UCD Human Rights Network](#).

➔ What issues have been identified by Irish civil society?

Our Voice, Our Rights reports the following **general concerns** around the enjoyment of economic, social and cultural rights in Ireland. A set of **recommendations** are compiled at the beginning of *Our Voice Our Rights* and again *at the beginning of the Update*. Among the structural issues identified are:

1. **Lack of any national mechanisms** by which people in Ireland can question the government on how it is implementing the treaty.
2. **Lack of transparency & accountability** on decision-making, including budget decisions, that impact on basic human rights.
3. **The negative effect of the recession on those who were vulnerable to hardship** through reduction in funding and public services.
4. **Increase in consistent poverty**, particularly for vulnerable groups hardest hit by austerity policies.

5. Lack of access to **systems to implement rights or obtain fair redress**, including civil legal aid.
6. Lack of basic supports such as access to affordable **childcare**.
7. Poor **data collection**, such that progress or deterioration of rights cannot be properly measured.

In relation to individual areas of rights, the report **notes**:

Worker rights:

- Restrictions on labour activation policies for lone parents & people with disabilities;
- Inadequate wage levels and work conditions;
- Continued lack of collective bargaining legislation.

Social welfare:

- Hidden but real cuts through reduction in rates for young people and discontinuance or tightening of secondary benefits;
- Allowing destitution through harsh application of Habitual Residence Condition & recovery of overpayments
- Cuts to family supports, especially for those parenting alone.

Housing

- Much social housing is inadequate and it is insufficient to prevent homelessness
- Tenants facing uncontrolled rent increases and insufficient supply with inadequate thresholds for rent supplement;
- Insecurity of tenure for those in mortgage arrears through repossessions, and lack of supports for people to stay in their home where possible;
- Inadequate support for housing needs of particular groups who are vulnerable and at risk.

Health:

- Lack of access to services through growing waiting lists, shortage of public beds, poor patient/staff ratios, increased use of trolleys.
- Lack of affordable health care through increased costs of drugs / insurance and reduced medical card access.
- Failure to provide community-based physical and mental health services.
- Specific healthcare needs of vulnerable groups overlooked, particularly of Travellers, children, disabled people & older people.

Education:

- Education still remains more accessible to those with more access to resources, particularly those who themselves have had educational advantage and who can afford it.
- Lack of school places for children of non-religious or multi-denominational background.
- Targeted supports not available to vulnerable children.

Cultural Rights:

- Marked reduction in funding for arts and cultural programmes.
- Lack of protection for Irish language (funding, services in Irish) and for Irish Sign Language.
- Failure to recognise Traveller ethnicity.
- Poor quality, limited broadband, particularly in rural areas.
- Insufficient rural transport investment, particularly for older and disabled people.