

Summary Briefing of

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

November 2014

## List of organisations contributing to the Parallel Report:

Abortion Rights Campaign  
Age Action  
Alzheimer Society of Ireland  
ATD Ireland  
Atheist Ireland  
Ballymun Community Law & Mediation Centre  
Barnardos  
Blue Drum  
Children's Rights Alliance  
Ciara Murray  
Coalition of Mother and Baby Homes Survivors (CMABS)  
Community Action Network  
Community Law & Mediation  
Cork Women's Right to Choose Group  
Crosscare  
Domestic Violence Response  
European Anti-Poverty Network  
ESC Rights Initiative  
Equality & Rights Alliance  
Fighting Words  
FLAC  
Focus Ireland  
Gay & Lesbian Equality Network  
Immigrant Council of Ireland  
Inclusion Ireland  
Ireland Offline  
Irish Advocacy Network  
Irish Family Planning Association  
Irish Centre for Human Rights  
Irish Council for Civil Liberties  
Irish Council for Social Housing  
Irish Heart Foundation  
Irish National Organisation of the Unemployed  
Justice for Magdalens  
Law Centre for Children & Young People  
Mental Health Reform  
Mercy Law Resource Centre  
Migrants Rights Centre Ireland  
Mind Freedom  
National Association of Building Co-operatives  
National Women's Council of Ireland  
NASC  
Patricia Conboy  
Pavee Point  
Public Interest Law Alliance  
Respond! Housing  
SIPTU  
Social Justice Ireland  
Sophia Housing  
St Vincent de Paul  
Talla Trialogue  
Treoir  
Women's Aid

*"Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."*

- Eleanor Roosevelt, 1958.



### Introduction

FLAC (Free Legal Advice Centres) is an independent human rights organisation which exists to promote equal access to justice for all. We recognise that human rights are fundamental to everyone and permeate all areas of law and life; one of our key aims is to advance international and national standards that promote human rights. The Irish State signed and ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1989 and is now due to undergo its third examination by the Committee on Economic, Social and Cultural Rights in June 2015.

It is with this important event in mind that FLAC coordinated a Shadow or Parallel Report on how the State is meeting its obligations under the Covenant. This report is intended to provide a broader, more inclusive source of information from a wide variety of diverse organisations throughout Ireland for the responsible UN body, the Committee on Social, Economic and Cultural Rights. In early December 2014, this Committee will decide the 'List of Issues' on which it will question the Irish Government on its performance under ICESCR.

The State was last examined by the Committee in 2002. In the interim, Ireland experienced an unprecedented period of economic growth and a property bubble fuelling state income (the 'Celtic Tiger') followed by a devastating economic recession. The resulting European Union and International Monetary Fund bailout led to the introduction of harsh austerity measures which have had a significant impact on the socio-economic rights of many people reliant on State services including healthcare, social security, housing and education. There is little or no evidence that the human rights of those affected have been taken into account by decision-makers when implementing the measures. The State's failure to progressively realise the rights of the most marginalised has become apparent during the period since the last report under ICESCR. In some instances the steps taken to solve the economic crisis have been regressive.

### Outline of the Report

In compiling this report, FLAC consulted with more than 50 civil society organisations and interested individuals around Ireland. This Parallel Report represents a range of issues which FLAC believes have not been adequately covered by the Irish State Report. It covers the period from 2002 to mid-September 2014 and examines issues arising under each of the different Covenant Articles where relevant. While this report endeavours to provide the Committee with as much evidence and detail as possible, the lack of available disaggregated data in a number of areas is apparent and means that a complete overview is not possible.

In May 2014, FLAC held consultations in Dublin, Cork and Galway to determine the key issues arising on the ground in relation to the rights protected under the Covenant. These included two thematic consultations on the right to social security (Article 9) and the right to housing (Article 11). A final consultation in Dublin in September refined the final list of issues highlighted in the report. And so while FLAC presents this report, it is in fact the work of the many organisations who defend and promote basic human rights in Ireland.

FLAC is grateful to our advisory group of experts who provided advice and guidance throughout the compilation process: Professor Gerry Whyte, Trinity College Dublin (chair); Mike Allen, Focus Ireland; Michael Farrell, FLAC; Dr Eilionóir Flynn, Centre for Disability Law & Policy, NUI Galway; Dr Aoife Nolan, University of Nottingham; Brian Ruane, Centre for Human Rights and Citizenship Education, St Patrick's College Drumcondra; Dr Liam Thornton, University College Dublin. Our sincere thanks go also to the [Children's Rights Alliance](#) which was commissioned to conduct the report research, led by Project Manager Saoirse Brady.

*The format for this summary briefing is as follows: Each Covenant Article is listed followed by a summary of the issues raised in civil society consultations and submissions, and finally the list of recommendations in the area.*

## Summary of findings and recommendations

### Article 1

- 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
- 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*
- 3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.*

**Nothing to report under Article 1 and no recommendations.**

### 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.*

The State has not yet incorporated the provisions of the Covenant into domestic law. In 2014, the Constitutional Convention recommended the incorporation of economic, social and cultural rights into the Irish Constitution but the Government has yet to respond to the recommendation. Austerity measures have resulted in a failure to progressively realise ESC rights as the State's focus has been on economic recovery and this has led to greater financial inequalities. In particular, the Irish taxation regime disproportionately affects people on the lowest incomes. Furthermore, the human rights and equality infrastructure has been impacted by a series of severe budget cuts resulting in a significant decrease in the capacity of both the Irish Human Rights Commission and the Equality Authority which were merged in 2014 to form the Irish Human Rights and Equality Commission (IHREC).

#### **Recommendations:**

- Amend the tax regime to maximise available resources to protect and promote human rights and ensure the regime does not impact disproportionately on poorer sections of society.**
- Take measures to ensure that the Irish Human Rights and Equality Commission is fully independent, directly accountable to the Oireachtas, and adequately resourced to effectively promote the rights of people whose rights have been breached.**



- **Ensure an independent statutory body is mandated and adequately resourced to provide advice and guidance to Government on how to reduce poverty and promote social inclusion.**
- **Allocate adequate funding to local community development projects.**
- **Ensure the Irish Human Rights and Equality Commission is mandated and adequately resourced to independently monitor incidences of racism and discrimination.**
- **Renew the National Action Plan against Racism and take steps to effectively tackle racism.**
- **Collate and make publicly available disaggregated data on the basis of ethnicity, including Irish Travellers, by official data collection systems.**

### 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.*

The Government adopted the *National Women's Strategy 2007-2016* in April 2007 which provides a roadmap to mainstream gender equality. However, government funding of the National Women's Council of Ireland has almost halved since 2009 and grassroots women's organisations working at the local level have been cut by more than a third since 2011. The Constitutional Convention recommended that the Constitution be amended to include an explicit reference to gender equality as a fundamental right, gender neutral language and the recognition of carers in the home.

#### **Recommendations:**

- **Hold a referendum, as soon as practicable, to amend the Irish Constitution to include gender-inclusive language, in line with the recommendation of the Constitutional Convention.**
- **Resource the full implementation of the National Women's Strategy.**
- **Provide adequate funding for the National Women's Council and women's projects at the local level.**

### Article 4

*The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.*

**Nothing to report under Article 4 and no recommendations.**

### Article 5

1. *Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.*
2. *No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.*

**Nothing to report under Article 5 and no recommendations.**

## 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.*

In 2014, the unemployment rate stood at 11.8 per cent with long-term unemployment rate measuring almost seven per cent. A severe shortage of job opportunities means that there are 24 unemployed people for each job vacancy. Young people in particular have been impacted with the youth unemployment rate rising from nine per cent in 2007 to 27 per cent in 2014. Official unemployment statistics do not reflect the high level of outward migration since 2006. The unemployment rate among people with disabilities continues to be much higher than among the general population at 31 per cent compared to 19 per cent for the rest of the population. Asylum seekers and those seeking other forms of protection are not granted the right to work while their application for status is pending despite protracted delays in the process. Forced labour is both an historical and a contemporary issue given the lack of compensation for women forced to work in Magdalen Laundries between 1922 and 1996 and the continuing forced labour of migrants working in exploitative situations.

### Recommendations:

- ***Provide high-quality, appropriate and equal education, training and work opportunities to all people who are seeking employment, including those with disabilities, illness and lone parents.***
- ***Address the high rate of youth unemployment, in particular longer-term youth unemployed, through a suite of well-resourced measures which are human rights compliant.***
- ***Introduce the Comprehensive Employment Strategy for Persons with Disabilities along with a detailed implementation plan as a matter of urgency.***
- ***Ensure people working in sheltered workshops are entitled to the same rights as other workers, including the right to a fair wage and compliance with best practice on working hours.***
- ***Resource and implement a national employment strategy for Travellers and Roma in consultation with relevant civil society actors.***
- ***Grant asylum seekers the right to work after a defined period of time if a decision has not been made on their initial application.***
- ***Give further consideration to opting into the Recast Reception Directive.***
- ***Ensure that women who worked in Magdalen Laundries are paid for the work they undertook and have access to the appropriate pensions, healthcare and other services they require.***
- ***Put in place legislation to protect all victims of trafficking and forced labour.***
- ***Implement the recommendations of GRETA in the forthcoming National Action Plan to Combat Trafficking in Human Beings to ensure that the rights of victims of forced labour are upheld and that they can obtain adequate legal and financial redress.***
- ***Accommodate victims of trafficking in appropriate single gender facilities with access to a range of necessary support services.***



### 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;*

*(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.*

The minimum wage set at €8.65 in 2007 has not increased in line with inflation resulting in working adults falling below the poverty line. The JobBridge scheme has raised concerns around potential exploitation by some employers to avoid paying fair wages. People with disabilities working in sheltered workshops are often considered to be service users lacking the legal protections afforded to employees such as regulated working hours and proper rates of pay. The increase in the use of ‘zero hour’ contracts has resulted in precarious employment situations as well as insecurity of income. Lower female participation rates in the labour market, less stable contractual arrangements and the prevalence of segregated employment in different sectors all contribute to the 14.4 per cent gender pay gap in Ireland. Discrimination in the workplace persists particularly impacting on migrant workers. In certain workplaces with a religious ethos, workers experience discrimination where their sexual orientation, civil/marital status or gender identity is considered to conflict with the ethos of the institution.

### Recommendations:

- ***Increase the rate of the minimum wage to ensure an adequate standard of living.***
- ***Give due consideration to the findings of the Living Wage Technical Group and take appropriate measures to work towards the introduction of a living wage.***
- ***Increase the amount paid to persons taking up internships under the JobBridge scheme and encourage employers to also make a contribution to the payment with a view to providing that all persons participating in the scheme are paid at least the minimum wage.***
- ***Ensure all JobBridge placements involve a substantial element of learning and experience that will be of future benefit to those taking part in the scheme.***
- ***Review the use of ‘zero-hour’ contracts and regulate the use of such contracts to ensure that fair conditions of work are observed by employers.***
- ***Ensure the objective to close the gender pay gap as set out in the National Women’s Strategy is fully supported and implemented.***
- ***Amend the Employment Equality Acts 1998-2011 as a matter of priority to remove all forms of discrimination against employees or potential employees of religious-run institutions in the fields of education and health.***

- **Monitor and enforce the Employment Permits (Amendment) Bill 2014 to ensure that migrant workers do not suffer exploitation.**
- **Abolish the provision in the Employment Permit Act 2003-2014 that ties an employee to a specific employer.**
- **Expand eligible employment categories to secure work to create regular channels of migration in line with the demand of essential skills in the labour market, such as childcare and the services industry.**

## 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 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.*

Collective bargaining is not constitutionally or legally recognised in Irish law. While the Government has committed to introduce legislation to give effect to collective bargaining following consultations with trade unions and employer groups, the draft legislation has not yet been published.

### Recommendation:

- **Enact legislation to recognise the right to collective bargaining. The State must recognise and implement the right of workers in any sector to join a trade union.**



### Article 9

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

Access to social security payments is limited by the application of the Habitual Residence Condition which has a disproportionate impact on non-Irish nationals. The current rate of social security payments is inadequate to avoid poverty. The reduced rate of social security payments for young people under 25 is discriminatory. Families with children have been negatively impacted by successive cuts to social welfare rates and changes to eligibility criteria, in particular lone parent families. Changes to the way in which the Department of Social Protection recovers overpayments can also result in individuals and families can be pushed below the poverty line. Poor decision-making by welfare officers on initial applications and inconsistency at the social welfare appeals stage does not afford an effective remedy and results in a lack of transparency and accountability.

### Recommendations:

- ***Undertake a human rights and equality impact assessment on all proposed budgetary measures, make these assessments publicly available and ensure they are discussed by the Oireachtas.***
- ***Subject the Habitual Residence Condition to a human rights and equality impact assessment, in line with the 2012 recommendation of UN Expert on Human Rights and Extreme Poverty.***
- ***Give all workers, regardless of their immigration status, access to social security payments when they have made social insurance contributions. Applications for citizenship should not be influenced by a person exercising his or her right to claim a social security payment to which he or she is legally entitled.***
- ***End the discriminatory practice of excluding certain groups of children living in Ireland from access to the Child Benefit payment, including those based on their or their parents' immigration status.***
- ***Provide adequate support for one parent families to ensure they can care for their children and have access to affordable childcare arrangements.***
- ***Revise the social security system to ensure that self-employed people can access necessary payments based on their social insurance contributions.***
- ***Conduct a comprehensive survey on the Qualified Adults Allowance.***
- ***Seek information and advice on the impact of budget decisions and austerity measures on those at risk of poverty from the National Human Rights Structures, including the Irish Human Rights and Equality Commission and those dealing with the protection of human rights of vulnerable groups.***
- ***End the discriminatory practice of providing a lower rate of payment to young people under 25 years***
- ***Collect and collate data on people with a disability in need of social security support in order to tailor payments to the particular needs of this group and make this data public.***
- ***Ensure when recovering overpayments that a person's income is not reduced below a figure which would have a negative impact on their fundamental right to an adequate standard of living and social security.***
- ***Monitor carefully cuts to supports for older people to ensure that older people's health and wellbeing are not impacted and that they have an adequate standard of living.***
- ***Reverse cuts to the Household Benefits Package to reduce the risk of fuel poverty.***
- ***Grant access for direct provision residents to necessary social security payments in order to enjoy an adequate standard of living.***

- **Carry out targeted training with departmental staff to improve the assistance and support provided to social welfare applicants so they can supply the requisite information at the outset of their application and thus reduce the need for appeals.**
- **Ensure appellants are entitled to an oral hearing and decisions of the Social Welfare Appeals Office are published routinely.**
- **Change the status of the Social Welfare Appeals Office to create an independent body which can ensure fairness, transparency and consistency in decision-making.**

## 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 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.*

The Irish Constitution affords protection to the family based on marriage but does not recognise or provide legal protection against discrimination for a wide range of different family forms. Cuts to Maternity Benefit and a lack of statutory paid paternity leave may force mothers of young babies back to work early due to financial necessity. Childcare costs in Ireland are amongst the highest in the European Union. While there has been an increase in the number of domestic violence cases coming before the courts, cuts to resources for shelters have resulted in a shortfall in the number of required places for victims of domestic violence. Ireland is the only European Union Member State that does not have rules for family reunification for refugees and long-term migrants (including EEA migrant workers) set out in law and it has opted out of the EU Directive on the Right to Family Reunification.

### Recommendations:

- **Hold a referendum on the definition of the family to ensure that it protects all families and not just families based on marriage.**
- **Enact the Children and Family Relationships Bill as a matter of urgency to ensure that all families are afforded the widest possible protection and assistance under domestic law.**
- **Ensure mothers are adequately supported financially so they can avail of their full maternity leave entitlements if they so wish.**
- **Enact the Family Leave Bill as soon as possible.**
- **Put in place a high quality and affordable system of early childcare services.**
- **Provide adequate resources for victims of domestic violence to ensure that they are not forced to return to violent situations and are supported to leave abusive relationships.**



- **Allocate resources to fund a follow-up Sexual Abuse and Violence in Ireland (SAVI) Report to establish the nature and extent of sexual abuse and violence in Ireland**
- **Prioritise within the work of COSC (The National Office for the Prevention of Domestic, Sexual and Gender-based Violence) the collection of disaggregated data on domestic violence.**
- **Introduce primary legislation to govern family reunification and an independent Immigration Appeals Tribunal to provide an inexpensive and effective process to applicants. Applicants should be supported by the Legal Aid Board where necessary.**

### 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.*

Poverty and in particular, food poverty has increased in Ireland since the beginning of the recession. There are concerns that the introduction of water charges may put additional financial pressure on low income households. The recession has had a devastating impact on people's right to a home given the current shortage in affordable, habitable and adequate housing compounded by the lack of constitutional protection. The mortgage arrears crisis, a lack of social housing, huge increases in rents and insecurity of tenure have resulted in homelessness with a particular emphasis on family homelessness. Travellers, people with disabilities and asylum seekers face particular infringements of their right to housing.

### Recommendations:

- **Carry out adequate social impact assessments in relation to all budgetary decisions and adopt a whole-of-government approach to tackling poverty and social exclusion.**
- **Introduce a food poverty indicator and update it on an annual basis to take account of current prices.**
- **Target resources at ensuring that people do not suffer from food poverty and are able to access affordable and nutritious food.**
- **Ensure alleviation measures are properly targeted at people with low incomes and provide safe drinking water without charge for all those affected by contaminated water supplies.**
- **Incorporate a right to adequate housing into the Constitution, as articulated by the Committee in its General Comment No. 4.**
- **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.**

- *Provide civil legal aid to borrowers or tenants in difficulty to ensure that they receive adequate legal advice and are supported in any legal proceedings which may result in repossession or eviction.*
- *Ensure adequate resources are provided to implement national homelessness policy in the short, medium and longer-term. In particular, appropriate and adequate resources should be provided for families losing their homes.*
- *Provide adequate social housing in line with the advice given by the Housing Agency and alternatives to construction should be considered given the number of vacant houses in the State.*
- *Invest in Approved Housing Bodies to help meet the demand for social housing.*
- *Ensure migrants resident in the State can access the housing list if they have a housing need.*
- *Carry out further training with Local Authority staff to ensure that rules are applied correctly and consistently.*
- *Ensure all migrants in need regardless of their immigration status have access to homeless services.*
- *Revise the Rent Supplement limits to adequately reflect the rental market to prevent the need for top-up payments by tenants.*
- *Implement the Housing Assessment Payment to address urgent housing needs and put in place other measures to ensure that the payment does not become a long-term solution.*
- *Introduce a system of rent controls to ensure that rent is affordable for tenants.*
- *Provide adequate funding for the completion of regeneration projects and adopt a legislative framework for a National Public Housing Estates Regeneration Programme.*
- *Enforce regulations to maintain appropriate quality standards in rented accommodation to ensure that the accommodation is habitable.*
- *Provide adequate funding for Traveller-specific accommodation and spend the budget for that purpose.*
- *Opt into Article 31 of the Revised European Social Charter.*
- *Repeal Section 24 of the Housing (Miscellaneous Provisions) Act 2002.*
- *Implement sanctions for local authorities who fail to meet their legal obligations under the Traveller Accommodation Act 1998.*
- *Ensure that the Housing Adaption Grants scheme is adequate to meet the need of persons with disabilities to live in dignity in their homes.*
- *Provide adequate resources to the Health Information and Quality Authority (HIQA) to enable it to conduct regular inspections of conditions in residential centres. Where gross violations of rights occur ensure that these are investigated fully by the appropriate agencies and sanctions are imposed for non-compliance with quality standards.*
- *Introduce a single asylum procedure as a matter of urgency.*
- *Abolish the direct provision system as it has failed to adequately protect the social, economic and cultural rights of those seeking protection in Ireland. While it remains in place, introduce a time limit of nine months after which anyone who has not received a decision through no fault of their own should be able to leave direct provision accommodation and access relevant social security payments and the labour market.*



### 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.*

Cuts to the health budget as well as increases in healthcare costs have impinged on the right to access quality, affordable healthcare; Ireland's entrenched two-tier healthcare system means that those with higher incomes have better access to healthcare. Austerity measures have resulted in longer waiting lists for services, hospital overcrowding and further pressure on mental health services which cannot cope with demand given their limited resources. The high cost of pharmaceutical drugs and contraception impinges on low-income groups. Traveller health inequalities are of particular concern. Given the ageing population, there are concerns that adequate resources are not being allocated to ensure that older people can stay in their homes further impacted by cuts to home help supports.

### Recommendations:

- ***Target resources at preventative measures to reduce the rate of chronic illnesses and preventable diseases to reduce pressure on the health service.***
- ***Provide adequate resources for acute, primary care and community-based services to ensure people can access appropriate care and treatment in a timely way.***
- ***Provide adequate resources for mental health services including the full amount of development funding as outlined in the Programme for Government.***
- ***Ensure no child or young person is placed in an adult facility and increase financial support for the Child and Adolescent Mental Health Service to cope with demand and ensure that no child or young person is left waiting for essential mental healthcare.***
- ***Resource mental health supports and prioritise non-coercive forms of treatment and alternative pathways to mental health recovery, based on peer support.***
- ***Ensure that contraception is both accessible and affordable for people on low incomes who require it.***
- ***Set out how it intends to progress its plans for universal health care and prioritise funding to implement the system. In the meantime, ensure that no further measures are introduced to impact on the affordability of private health insurance for those on low or moderate incomes who do not qualify for a medical card.***
- ***Ensure anyone in need of financial assistance to access medical services has access to a medical card based on their medical need.***
- ***Conduct a review of the impact of prescription charges on low-income individuals and families, in particular for older people.***

- **Continue the implement of measures to ensure greater use of generic drugs and reduce the high cost of medication in Ireland.**
- **Develop a new National Traveller Health Implementation Plan to address the findings of the All Ireland Traveller Health Study.**
- **Implement measures aimed at reducing mortality rates for Traveller children.**
- **Support older people to stay in their homes for as long as possible allowing them to live in dignity.**
- **Provide a more cost-effective alternative to nursing home care.**

## 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 1 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.*

The education system continues to work on a two-tier basis with a higher percentage of students achieving better scores and progressing to higher education from fee-paying schools or schools in non-disadvantaged areas. Cuts to support payments coupled with the high cost of school books and transport place additional financial pressure on low-income families. Inequalities persist in the education system for children with special educational needs, migrant and Traveller children. There continues to be a lack of non-denominational or multi-denominational schools despite the ongoing divestment of patronage of primary schools by the Catholic Church.



### Recommendations:

- **Develop a long-term strategy to address educational disadvantage and ensure it is adequately resourced.**
- **Publish and begin action on the plan to fully implement the Education for Persons with Special Educational Needs (EPSEN) Act 2004 and reform the support allocation model to bring an end to exclusionary practices.**
- **Ensure that migrant children, for whom English is not their first language, receive appropriate language supports to assist with any educational difficulties they may encounter.**
- **Restore the Back to School Clothing and Footwear Allowance for all claimants who qualify.**
- **Ensure that all schools receive the necessary financial support to operate an adequate book rental scheme.**
- **Ensure that transport costs are affordable and will not place an onerous burden on parents of school-going children.**
- **Reduce the student contribution fee and ensure that third-level students are adequately supported to complete their courses.**
- **Restore targeted resources to ensure the participation of Travellers & Roma in education.**
- **Continue the divestment of schools at a faster rate to ensure greater multi and non-denominational school options are available for school-going children.**
- **Ensure that minority religion-schools are not disproportionately impacted by rationalisation measures.**

### 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.*

**Nothing to report under Article 14 and no recommendations.**

### 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;*
  - (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.*

Funding for culture and the arts has declined since the onset of the recession and there is no National Cultural Policy in place. There is under-participation in cultural life by people from lower socio-economic groups. Migrants face difficulties in accessing their cultural rights with an additional disadvantage of a language barrier. Although recognised as the first official language of the State, the Government has failed to allocate adequate resources nor implemented its own obligations for the promotion and protection of the Irish language. Irish Sign Language, used by the Deaf community, has not yet been recognised as an official language. The Irish Government's refusal to recognise Traveller ethnicity has been criticised by both UN and Council of Europe human rights bodies. The lack of broadband internet in rural areas does not ensure that people living in those areas can avail of the latest technological advances.

### **Recommendations:**

- ***Ensure that disadvantaged individuals and groups are able to access and enjoy their cultural rights through targeted inclusion measures including community arts initiatives.***
- ***Consider and adopt a Community Culture Strategy.***
- ***Provide the Arts Council with adequate resources to implement the Cultural Diversity and the Arts Policy and Strategy.***
- ***Adequately resource the Irish Language Commissioner's office.***
- ***Ensure Irish speakers can avail of their constitutional and statutory rights to access services in the Irish language.***
- ***Legislate to officially recognise Irish Sign Language.***
- ***Recognise Traveller ethnicity as a matter of urgency and put in place long-term sustainable measures to ensure ongoing support and development of Traveller culture.***
- ***Adequately resource the National Broadband Plan to ensure that anyone living in a rural area requiring access to broadband internet can enjoy the benefits of scientific progress and access it without difficulties.***
- ***Strengthen the rural coverage mandate of the Communications Regulator.***
- ***Ensure adequate state interventions where existing commercial internet service providers fail to provide rural broadband.***



**#OurVoiceOurRights**

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