



INCLUSION IRELAND

Submission on the proposed merger of the Equality Authority and Irish Human Rights Commission

Introduction

Inclusion Ireland is the national organisation advocating for the rights of persons with an intellectual disability in Ireland since 1961. We advocate for changes in legislation, policy, service delivery and other areas that can improve the quality of life and participation of people with an intellectual disability in Irish society.

Our vision is that of people with an intellectual disability living and participating in the community with equal rights as citizens, to live the life of their choice to their fullest potential.

We welcome the opportunity to submit our views to the working group for consideration of the functions, features and priorities of the new body.

Human Rights, Equality and Intellectual Disability

According to the CSO, there are over 50,000 people in Ireland with a diagnosed intellectual disability (CSO, 2008)¹. Regrettably, the human rights of people with an intellectual disability in Ireland continue to be restricted and removed on a daily basis. These violations occur in areas of decision making, sexual relationships, accessing justice, etc. The UN Convention on the Rights of Persons with Disabilities (CRPD) says that people with disabilities must enjoy all human rights and fundamental freedoms on an equal basis with others. For Inclusion Ireland, any new human rights and equality body must actively protect the human rights of people with disabilities.

Inclusion Ireland is a member of the Equality and Rights Alliance (ERA). The ERA a civil society coalition, formed in 2008 to help protect and strengthen the statutory equality and human rights infrastructure in Ireland. The ERA recently submitted its views to the working group on the proposed merger. This brief submission should be read in conjunction with the ERA submission.

The purpose of this submission is to respond specifically to the following key questions posed by the working group:

¹ Central Statistics Office (2008) *National Disability Survey 2006: first results*. Dublin

1. What do you want the new body to do?
2. What features and functions does it need to do these things?
3. How should it be structured and what working methods should it use to achieve the above?

1. What do you want the new body to do?

Inclusion Ireland expects the new body to be an effective advocate for all people with a disability in Ireland. We would like the new body not just to be an arm of the Government. It should be a place of last resort for those citizens who believe their rights have been violated.

The current powers and functions of the two independent bodies should be enhanced and protected in the new body.

Inclusion Ireland would like to see the new body to be resourced and supported to be more than an agency promoting and championing human rights and equality. The new body should explicitly promote equality of opportunity and equal treatment as a core function

Inclusion Ireland expects the new body to be an effective, independent advocate for vulnerable members of Irish society.

Inclusion Ireland would like to see the new body to assist the superior courts with the interpretation of human rights standards.

Inclusion Ireland expects the new body to undertake enquiries.

Inclusion Ireland would anticipate the new body having the power to make recommendations to Government on how human rights standards can be considered when preparing new laws and policies or reforming existing policy and legalisation.

2. What features and functions does it need to do these things?

Of particular importance to Inclusion Ireland are the powers and functions of the existing bodies to provide support to individual members of the public who believe that their rights have been violated. Inclusion Ireland would like to see these powers and functions enhanced in the new body.

There should be no diminution of the powers and functions of the existing bodies in the merger.

As it stands, the EA can only provide assistance in relation to proceedings brought under the equality legislation. It can be quite difficult for members of the public to access this support and there are very long waiting lists.

Conversely, the IHRC is much less constrained in providing legal assistance or legal representation. However, since it was established in 2000, the IHRC has provided legal support on only five occasions. This is unacceptable. Neither the EA nor the IHRC currently provide legal support or assistance to NGOs.

Successive Governments have implemented savage cuts to the budgets of the IHRC and the EA. This has seriously impacted their capacity to carry out their functions effectively, in particular in undertaking enquiries and providing legal assistance and support to victims of discrimination. Adequate resources are needed if the new body is to function effectively.

The new body should be adequately resourced to provide legal representation to individuals and organisations. The new body should also be given the power to institute proceedings in its own name.

3. How should it be structured and what working methods should it use to achieve the above?

Adopted by UN General Assembly in 20 December 1993, the Paris Principles are the minimum standards used to underpin the status of national institutions.

Inclusion Ireland believes that the Paris Principles should underpin the establishment and operation of the new body.

Transparency of all public appointments is essential. Inclusion Ireland expects all appointments to the Board of the new body to be publically advertised and made through the Public Appointments Service. The Board of the new body should have representation of marginalised groups.

Inclusion Ireland would like to see the new body reporting to the Houses of the Oireachtas.

It is vital that all of the necessary safeguards are put in place to enable the new body to function without interference from Government.

The new body should be a public body in every sense. Its offices should be accessible to the public. It should provide information and advice in an accessible manner.

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promoting rights, independence, dignity and equality