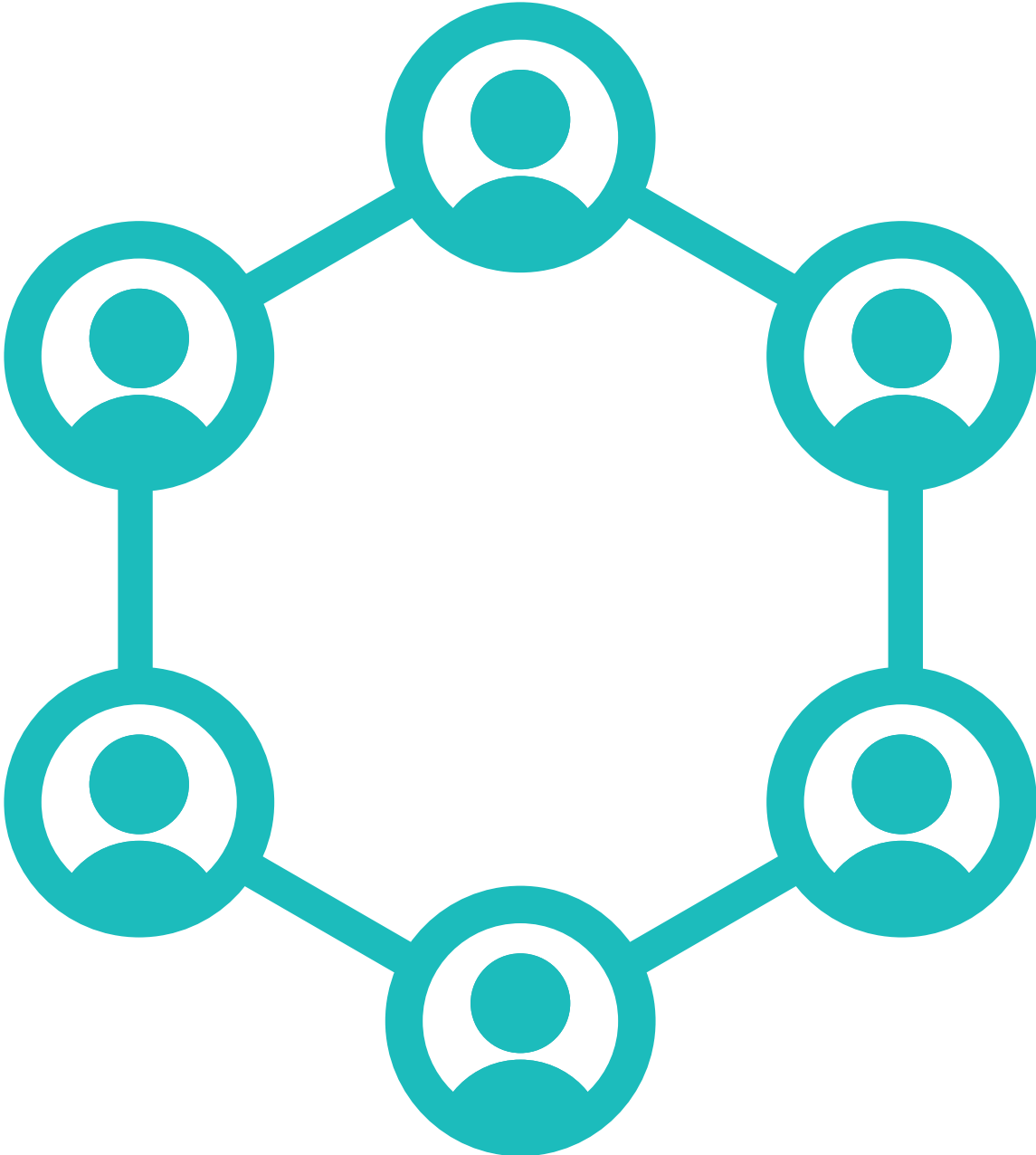


# Creating a Strategic Engagement between Civil Society and the Irish Human Rights and Equality Commission

August 2013

Paper 1 of series: Setting Standards for the Irish Equality and Human Rights Infrastructure



## Foreword

This paper “Creating a Strategic Engagement between Civil Society and the Irish Human Rights and Equality Commission” is the first in a series of publications to inform and enable best practice standards for our human rights and equality infrastructure. Civil society organisations concerned with equality and human rights are a vital resource for the Irish Human Rights and Equality Commission. The quality of the relationship developed with these organisations by the Commission will contribute to determining its capacity to advance shared goals of protecting and fulfilling human rights and achieving equality. This paper suggests a standard for this relationship and sets out how this standard might best be reached.

This paper has been published by the Equality & Rights Alliance (ERA), a coalition of civil society groups and activists. ERA, established in August 2008, works to strengthen political commitment to an effective and resilient equality and human rights infrastructure in Ireland and to provide strategic leadership in protecting, strengthening and critiquing the equality and human rights infrastructure.

We are grateful to Rachel Mullen, Coordinator of the Equality & Rights Alliance, who has researched and drafted this paper. We would also like to thank the Joseph Rowntree Charitable Trust for supporting this initiative.

**Niall Crowley**

Chair, Equality & Rights Alliance

<b>1. Introduction</b>	<b>2</b>
<b>2. Rationale in Domestic Law and International Standards</b>	<b>4</b>
<b>3. Benefits of Strategic Engagement</b>	<b>6</b>
<b>4. Challenges to Strategic Engagement</b>	<b>8</b>
<b>5. Engagement Between National Equality and Human Rights Institutions and Civil Society</b>	<b>9</b>
5.1. The Equality Authority	
5.2. The Irish Human Rights Commission	
5.3. ERA Survey of Member Organisations	
<b>6. The Irish Human Rights and Equality Commission: Building a Strategic Engagement with Civil Society</b>	<b>14</b>
6.1. Governance Structures	
6.2. Strategic Consultation	
6.3. Collaborative Engagement	
6.4. Supportive Engagement	
<b>7. Conclusion</b>	<b>18</b>

# 1. Introduction

This paper examines the issue of strategic engagement between national bodies to promote equality and human rights and key civil society stakeholders. The paper outlines the rationale for this strategic engagement in domestic law and international standards, identifies the benefits of such engagement to national bodies and civil society, and proposes ways in which such engagement can be further developed by the Irish Human Rights and Equality Commission.

Engagement between national equality and human rights bodies and civil society stakeholders can act as an important lever to support mutual effectiveness. National institutions charged with promoting equality and protecting human rights have, by virtue of their broad statutory remit, the potential to strategically engage and mobilise a variety of stakeholders for action on inequality, discrimination and human rights violations. Such institutions also have a duty to be accountable to their constituents. There is, therefore, a particular onus on national bodies to take a lead role in developing a meaningful engagement strategy with key civil society stakeholders.

In the current context of a dismantled statutory equality, human rights and anti-poverty infrastructure, diminished resources for both statutory and civil society organisations, and political apathy to equality and human rights concerns, there is perhaps even more of an urgency to forge strategic relationships between national bodies and civil society. National bodies and civil society organisations constitute part of a broad human rights and equality infrastructure and in times of difficulty forms of solidarity between the two sectors are particularly important.

The closure of the Combat Poverty Agency (CPA) and the National Consultative Committee on Racism and Interculturalism (NCCRI) and the swingeing cuts to the Equality Authority and the Irish Human Rights Commission in budget 2009, have resulted in a significant undermining of the institutional arrangements to tackle inequality, poverty, discrimination, and human rights abuses. These actions have diminished the opportunity for civil society organisations and other stakeholders to contribute to the national discourse on poverty, social inclusion, human rights and equality.

The CPA championed and resourced the work of community development projects at local level. It worked to strengthen the voices and experiences of people living in poverty in the development and implementation of national anti-poverty policies and programmes. It helped a range of NGOs to participate in social partnership structures such as the National Economic & Social

Forum. The CPA also provided support for research into emerging poverty and social exclusion issues. The closure of the CPA has been recognised as the loss of a mobilising agent for the participation of civil society in addressing poverty.

Former Director of the CPA, Hugh Fraser, has described its closure as a “silencing of an important independent voice on issues of poverty”.<sup>1</sup> Frazer recommended that following the absorption of the Agency into the Department of Social and Family Affairs, there should be “an advisory committee of stakeholders and experts active in the area of poverty and social inclusion (and including people experiencing poverty) established to oversee the work of the division and advise the minister on its role”.<sup>2</sup> This advisory committee has not been established by the Department and aside from an annual Social Inclusion Forum, to which civil society is invited, no alternative structure is in place.

The NCCRI conducted its work through a partnership forum that involved the participation of non-government and statutory organisations. The European Commission against Racism and Intolerance (ECRI) in its latest progress report on Ireland noted that the closure of the NCCRI meant the regrettable loss of a “bridge between authorities and civil society”.<sup>3</sup>

Civil society organisations have themselves been subject to significant budgetary cuts. Research carried out for the Community Sector Committee of the Irish Congress of Trade Unions paints a disturbing picture in this regard.<sup>4</sup>

The report finds a continued contraction of the community and voluntary sector with state funding to the sector significantly reduced since 2008. Between 2008 and 2012, for example, state funding to voluntary social housing providers was reduced by 55% and funding to the local community development programme was reduced by 35%.<sup>5</sup> These figures are disproportionate when compared to the overall reduction in Government spending in public services (-2.8%) during the same period.<sup>6</sup>

1. “Silencing Dissent”, Hugh Frazer, Irish Examiner, July 9th 2009, reproduced by Mediabite Wordpress <http://mediabite.wordpress.com/2009/07/07/silencing-dissent-by-hugh-frazer-former-director-of-combat-poverty-agency/>. last accessed July 30th 2013
2. IBID.
3. “ECRI Report on Ireland: Fourth Monitoring Cycle” February 2013, pg 17
4. Harvey Brian (2012). ‘Downsizing the Community Sector’, Irish Congress of Trade Unions Community Sector Committee,
5. IBID pg 12
6. IBID pg 12

## 2. Rationale in Domestic Law and International Standards

Domestically, the Human Rights Commission Act 2000 S8(c), on the functions of the Irish Human Rights Commission, mandates the IHRC to “consult with such national or international bodies or agencies having a knowledge or expertise in the field of human rights as it sees fit”. There is no similar mandate in equality legislation regarding the functions of the Equality Authority.

The Heads of the Irish Human Rights and Equality Commission (IHREC) Bill do not mandate the IHREC to engage with civil society stakeholders and the lack of a specific provision in this regard has been criticised by the IHRC as an omission which is contrary to the requirements of the UN Paris Principles.<sup>7</sup> In its submission on the Heads of the IHREC Bill, the IHRC recommended that “in light of the importance of Civil Society to the promotion and protection of human rights in Ireland that an explicit reference to their being a stakeholder of the IHREC be included in the legislation”.<sup>8</sup>

At an international level, EU Directives set out minimum standards for the operation of equality bodies to provide independent assistance to victims of discrimination, conduct independent surveys, and publish independent reports and recommendations. There are no requirements regarding the need to engage with civil society.

An opinion published by the Council of Europe Commissioner for Human Rights, recommends that national equality bodies should strategically engage with civil society stakeholders to “develop and support a wider framework of action for equality and non-discrimination”.<sup>9</sup> The opinion also notes that stakeholder engagement can assist the effectiveness of national equality bodies and identifies two forms of engagement: “stakeholder participation in the governance structures of the body” and stakeholder participation in “strategic planning by national structures for promoting equality”. It recommends that national equality bodies “develop systems and fora for stakeholder participation in their planning and in the design and implementation of their activities”.

The UN Paris Principles, adopted by the UN General Assembly in 1993, provide a normative framework to guide the creation and functioning of National Human Rights Institution (NHRIs) and compliance with the Principles is a key requirement for successful accreditation by the UN. The Paris Principles set out the following regarding NHRIs engagement with civil society:

“In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, [NHRIs shall] develop relations with the non-governmental organizations devoted to promoting and

protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialised areas”.<sup>10</sup>

The UN International Coordinating Committee (ICC) on accreditation of NHRIs has further noted: “the Sub Committee emphasizes the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications.”<sup>11</sup>

In assessing compliance with the Paris Principles, regarding the stipulation that NHRIs develop relations with civil society, the ICC Sub-Committee assesses the following:

- Whether the provisions in the NHRIs founding law formalise relationships between the NHRI and civil society, and
- How the NHRI has developed relationships with NGOs in practice (which civil society groups the NHRI cooperates with, and the frequency and type of interaction the NHRI has with NGOs).<sup>12</sup>

During the accreditation process, the ICC invites civil society groups to make submissions on the functioning of their NHRI and their relationship with the body.

The ICC, in its recent Edinburgh Declaration 2010, further underscored the importance of engagement with civil society by calling on NHRIs to “renew efforts to work collaboratively with NGOs and civil society in implementing NHRIs’ mandates”.<sup>13</sup>

7. IHRC June 2012 “Observations of the Heads of IHREC Bill” pg 18 <http://www.ihr.org/Download/PDF/20120613105813.pdf>

8. IBID pg 24

9. Opinion of the Commissioner for human rights on national structures for promoting equality, March 2011, Strasbourg. <https://wcd.coe.int/ViewDoc.jsp?id=1761031>

10. UN Paris Principles 1993 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> last accessed Aug 6th 2013

11. ICC Sub-Committee on Accreditation General Observations 2.1

12. International Coordinating Committee for National Institutions for the Promotion and Protection of Human Rights (2009), Template: Statement of Compliance with the Paris Principles, Section 8.

13. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), Edinburgh Declaration, October 2010 sec. 21 [http://www.asiapacificforum.net/services/international-regional/icc/icc-international-conference/downloads/10th-international-conference-2010/Edinburgh\\_Declaration.doc](http://www.asiapacificforum.net/services/international-regional/icc/icc-international-conference/downloads/10th-international-conference-2010/Edinburgh_Declaration.doc)

### 3. Benefits of Strategic Engagement

A report by the Office of the UN High Commissioner for Human Rights to assist NHRIs to assess their effectiveness, underscores the importance of national bodies forging strategic alliances with civil society. The report notes that strategic engagement with civil society can act as a lever to enhance the effectiveness of national bodies by “deepening their public legitimacy”, acting as “a bridge into communities that may distrust their national institution”, and “giving them access to expertise and valuable social networks.”<sup>14</sup>

The EU Agency for Fundamental Rights has highlighted the potential for national human rights institutions to “operate as hubs within countries, by linking actors, such as government agencies with civil society. By making these connections, NHRIs contribute to narrowing the “implementation gap” between international standards and concrete measures.”<sup>15</sup>

An EU-wide study examining the factors supporting national equality bodies to fulfil their functions under EU Equal Treatment Directives, found that engaging with a broad range of civil society stakeholders is essential for national equality bodies to effectively fulfil their mandates and realise their potential. The report highlighted a number of benefits accruing for equality bodies by strategically engaging with civil society organisations:<sup>17</sup>

- Involving civil society stakeholders in decision-making and development of initiatives can help to maximise resources and overcome limited resourcing,
- Engaging with civil society organisations can increase awareness of the work of the body and improve accessibility to the body (through for example, referral of victims of discrimination to pursue cases and providing a channel of communication between equality bodies and groups experiencing discrimination),
- Engaging with NGOs working to address discrimination can allow the body to benefit from the expertise of those organisations and provide them with information on the situation and experience of groups experiencing inequality and discrimination,
- Engaging with trade unions enhances workplace equality initiatives,
- Civil society organisations can support equality bodies as “important voices advocating compliance with Equal Treatment Directives and opposing regression in protection against discrimination.”

The study also noted areas where civil society could benefit from engaging with the work of equality bodies: <sup>18</sup>

- Equality bodies can facilitate NGOs, trade unions and other stakeholders



- to be included in a wider framework for action on discrimination across civil society (such mobilisation may not be possible for individual NGOs),
- Equality bodies, through their promotional work, can offer guidance and support to civil society groups in their work to combat discrimination and promote equality.

The study concluded, however, that equality bodies could go further in their engagement with civil society, as a means to making an impact in building a culture of compliance with equal treatment legislation among employers and service providers and among groups experiencing inequality and discrimination, and in driving a societal culture that values equality.<sup>19</sup> The report noted that there was “limited evidence of this kind of impact”.<sup>20</sup>

14. Office of the UN High Commissioner for Human Rights (2005) “Assessing the Effectiveness of National Human Rights Institutions”, pg 16

15. EU Fundamental Rights Agency (2010) “ National Human Rights Institutions in the EU Member States- Strengthening the fundamental architecture in the EU” pg 8 [http://fra.europa.eu/sites/default/files/fra\\_uploads/816-NHRI\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/816-NHRI_en.pdf)

16. Ammer et al (2010) “Study on Equality Bodies Set up Under Directives 2000/43 EC, 2004/113/EC, and 2006/54/EC” Human European Consultancy and the Ludwig Boltzmann Institute of Human Rights

17. IBID pg 14 and para 465

18. IBID see for example para 6.1.4

19. IBID pg 14

20. IBID pg 134

## 4. Challenges to Strategic Engagement

A number of factors can militate against effective engagement between national human rights and equality bodies and civil society:<sup>21</sup>

- Requirements for national institutions to be independent of state and civil society stakeholders can incorrectly be interpreted to inhibit pro-active engagement with civil society stakeholders,
- Civil society groups can experience national institutions as somewhat aloof from grass-roots issues or overly cautious in tackling human rights and equality concerns,
- ‘Consultation fatigue’ can deter civil society from engaging, particularly where limited outcomes were evident from prior engagement,
- Engagement methods such as one-off consultations or requesting submissions can be tokenistic,
- Lack of evidence that the views and recommendations of civil society have been incorporated into the work of the institution can deter civil society from engagement,
- Cutbacks and the limited time and resources available to civil society organisations act as inhibitors to engagement,
- Lack of capacity within the national body to engage with civil society and lack of capacity within civil society organisations in relation to the statutory equality and human rights infrastructure.

21. see for example, Ammer et al (2010) op cit

## 5. Engagement Between National Equality and Human Rights Institutions and Civil Society

A review of the annual reports of the Equality Authority and IHRC indicates that, since their establishment, both bodies have engaged with various civil society stakeholders. Principally, these include: NGOs, trade unions, academic institutions, and business and employer groups. It is somewhat difficult, from the annual reports, to assess the nature of this engagement in terms of whether it is ad hoc or strategic in nature, and what the outcomes and benefits have been, both for the national institutions and the civil society organisations involved. It is clear, however, that both institutions have actively engaged with civil society with the dual purpose of both assisting the institution to perform its functions more effectively and as a means of supporting civil society organisations to promote equality, combat discrimination and address human rights concerns.

### 5.1 The Equality Authority

Although the Equality Authority is not mandated through legislation to engage with key stakeholders, from its establishment, the Authority recognised the importance of strategic engagement as an important lever in ensuring its effectiveness. The first annual report of the Authority notes:

“Effectiveness flows from the knowledge mix generated as different interests engage on a common issue. It flows from the shared commitment to change that comes from joint work. It flows from its capacity to enable all actors to assume their responsibilities for a more equal society.”<sup>22</sup>

The annual reports of the Equality Authority indicate that the institution worked in quite a strategic manner to engage civil society stakeholders, particularly in the initial years following its establishment. As part of its development role in particular, the Equality Authority engaged with key civil society stakeholders (community and voluntary groups, trade unions, academic institutions, business and employer bodies) to:

- Disseminate information about its role and functions and collect feedback on the effectiveness of its strategy,
- Consult on the development of strategic plans of the Authority,
- Assist in the development of ground specific strategies to advance equality for particular groups,<sup>23</sup>
- Deliver specific initiatives such as: Anti-Racism Workplace Week, Say No To Ageism Week and the European Year of Equal Opportunities for All 2007,

- Enhance the provision of legal assistance to victims of discrimination,<sup>24</sup>
- Build an equality infrastructure in the workplace,
- Enhance data collection at national level to ensure evidence-based decision-making on equality concerns,
- Bring together community and voluntary organisations to share information,
- Provide funding to community and voluntary groups working to address inequality and discrimination, through EU funding measures.

The Equality Authority has used a variety of methods to engage civil society stakeholders including: establishment of advisory committees; hosting ‘consultation conferences’; hosting quarterly meetings with voluntary and community organisations representing groups protected across the nine equality grounds; and developing partnerships with various civil society organisations to deliver on specific initiatives.

The Equality Authority has also utilised existing national and regional structures to strategically engage with civil society to advance a more equal society. The social partnership infrastructure was utilised by the Equality Authority as a means of furthering its work through engagement with the social partners to realise equality commitments contained in the Programme for Prosperity and Fairness. The local area partnership infrastructure was another vehicle used by the Authority to host joint meetings with local business, trade union and community sector interests, develop local equality strategies and initiatives, participate in local events, and resource area based partnership initiatives to support equality in the workplace.<sup>25</sup>

An examination of the annual reports of the Equality Authority would seem to indicate there has been a significant drop in the level of engagement with civil society in the years subsequent to the budget cuts to the Authority in 2009.

## 5.2 The Irish Human Rights Commission

The IHRC in its mission statement notes that the Commission will “work closely and, where appropriate, collaboratively with statutory bodies, Government Departments, non-governmental organisations and all involved in human rights issues.”<sup>26</sup>

There is limited information in the annual reports of the IHRC describing the nature of its civil society engagement. What information is contained in the reports indicates that the IHRC has engaged with civil society stakeholders (specifically community and voluntary groups and academics) to:

- Consult on the development of the work programme of the IHRC,
- Deliver on specific initiatives, <sup>27</sup>
- Exchange information with NGOs on key issues, <sup>28</sup>
- Inform and guide NGOs on how to engage effectively with UN international monitoring processes.

The IHRC has engaged with civil society stakeholders through: hosting of events, roundtables and seminars, and developing partnerships with various civil society organisations to deliver on specific initiatives.

### 5.3 ERA Survey of Member Organisations

ERA conducted an online survey of sixty two affiliated member organisations to determine the nature of their past engagement with the IHRC and the Equality Authority (EA). Thirty-four responses were received. It is probable that organisations with a history of engaging with these bodies were more likely to respond, given that only six organisations noted no engagement of any kind with either the IHRC or the EA.

Twenty-five respondents had engaged with the EA, nineteen on several occasions. Nine respondents noted no history of engagement with the EA. Twelve respondents had engaged with the IHRC, six on several occasions. Eighteen respondents noted no history of engagement with the IHRC.

Budget cuts, both to the national bodies and to civil society organisations, were noted by a number of respondents as having had a negative impact in terms of diminishing the levels of engagement in recent years.

#### **The reasons noted for no engagement with the EA were:**

- Main issues we deal with don't fall within the remit of the EA (two respondents),
- Engaged in the past but not since the budget cuts to the EA in 2009 (two respondents),
- Do not have the capacity/resources to engage (three respondents)
- Leave engagement to national organisation we are affiliated to (one respondent),
- Have not seen reason/opportunity to engage (two respondents).

#### **The reasons noted for no engagement with IHRC were:**

- Have not seen reason/opportunity to engage (seven respondents),
- Do not have the capacity/resources to engage (five respondents),
- Do not believe the IHRC focusing on areas of concern where we want to engage (three respondents, one working on LGBT issues, one on

socio-economic rights and one on Bill of Rights) ),

- Leave engagement to national organisation we are affiliated to (one respondent),
- Main issues we deal with fall more within remit of the EA (two respondents).

Respondents were positive about their engagement with the EA and the IHRC. A particular benefit noted was the ability of these bodies to bring together different stakeholders on issues of mutual concern; a number of respondents noted that this was not something that civil society groups had the capacity, or in some instances, the “authority”, to do as effectively as a national body.

Some of the engagement, however, was funding-led rather than strategic in nature. The most commonly noted reason for engagement with the EA was a request for funding from the EA (sixteen respondents).<sup>29</sup> The survey replies also indicate that the EA has been more likely to seek collaboration with civil society groups than the reverse. Thirteen organisations noted that the EA asked them to collaborate on initiatives, compared to six civil society organisations who noted that they had been proactive in seeking such collaboration. Of the twelve respondents that had engaged with the IHRC, four stated that the IHRC had sought their collaboration on an initiative, while three respondents had approached the IHRC to collaborate on an initiative.

**The tangible outcomes of engagement with the EA noted by respondents were:**

- Receipt of project funding,
- The EA brought different stakeholders together to successfully collaborate on initiatives,
- Provision of technical support,
- Mutual exchange of specialised legal knowledge on particular issues/ legal cases,
- Collaborative work on: employment equality issues, issues for migrant workers, gender pay-gap, reasonable accommodation for people with disabilities, embedding equality into school development.

**The tangible outcomes of engagement with the IHRC noted by respondents were:**

- Collaborative work with IHRC on the Campaign Against the Deportation of Irish-born Children,
- The IHRC brought policy-makers and NGOs together to discuss the implications of the Habitual Residence Condition and concerns regarding direct provision centres for asylum-seekers.

Negative outcomes of engagement with the EA and the IHRC noted were largely in relation to requests to take a legal case and/or conduct an enquiry which were not granted. Six respondents had requested the EA to take a case and/or conduct an enquiry and two respondents had requested the IHRC to take a case/conduct an enquiry.

22. Equality Authority Annual Report 2000, pg 54.

23. For example, the Authority brought together NGOs working on transgender rights and health service providers to develop a healthcare pathway for Transgender people. The Authority also established advisory committees involving state and community and voluntary stakeholders, to develop ground specific strategies which resulted in separate policy documents on implementing equality for: Carers, older people, and LGB people.

24. For example, due to the high level of equal status cases being taken by members of the Traveller community, the Authority piloted a community advocacy initiative with the Irish Traveller Movement to train members of the Traveller community to provide representation to Travellers seeking redress under the Equal Status Acts.

25. Equality Authority Annual Report 2002, pg 14

26. "Promoting and Protecting Human Rights in Irish Society: a plan for 2003-2006" the Irish Human Rights Commission, pg 6

27. such as: co-hosting conferences and roundtables on issues such as disability; human rights education; migrant workers rights; the Habitual Residence Condition; Trafficking; and economic, social and cultural rights and cultural rights; an initiative in 2005 with the Irish Traveller Movement to develop a Traveller Law Reform Bill; and a research project with Pavee Point in 2008 on Right to Respect for Traveller Culture and Way of Life

28. For example, the Commission held consultation meetings on issues such as racism and gender inequality which aimed to inform NGOs about the proposed work of the Commission in these areas, and consult with representative groups about what the Commission needs to do to advance human rights in these areas.

29. The Equality Authority has been a conduit for EU funding streams for NGOs working to address issues for groups protected under equality legislation

## 6. The Irish Human Rights and Equality Commission: Building a Strategic Engagement With Civil Society

Engagement between national institutions and civil society can usefully take the following forms:

1. Governance structures: the plurality of civil society is often represented at board level of national equality and human rights bodies. Recognising the diversity of society in the appointments to these institutions is a considered a benchmark of effectiveness and often mandated in the domestic legislation regarding appointments to bodies,
2. Strategic Consultation: national bodies often seek to engage at specific points in time with civil society organisations, for example, consultation may be sought at the point of developing the strategic plan of the body,
3. Collaborative engagement: engagement between civil society organisations and national bodies can be an on-going process in the implementation of programmes and activities as part of their respective work to promote equality address human rights concerns, and protect against discrimination,
4. Supportive engagement: national bodies can stimulate and support the growth, development and activity of civil society organisations concerned with human rights and equality and can enable other civil society organisations to take up these issues.

### 6.1 Governance Structures

Appointments to the IHREC, as outlined in the Heads of the IHREC Bill, require the IHREC to have regard to the need to ensure that its members broadly reflect the nature of Irish society and persons who have knowledge of, or experience in, issues relating to the experience and circumstances of groups who are protected under equality legislation.<sup>30</sup> The Heads of Bill note that it is not proposed to replicate the current legislative provisions regarding the Equality Authority where membership is constructed on a representative basis.<sup>31</sup>

In their observations on the Heads of Bill to establish the IHREC, the IHRC has noted that it may be “overly restrictive” to limit representation to grounds protected in equality legislation, and have recommended this provision be extended to include persons with recognised experience “in the field of



human rights and/or equality.”<sup>32</sup> The IHRC is, however, in agreement that members of the IHREC would not represent any group or organisation, with this being in keeping with observations made by the UN International Coordinating Committee on Accreditation under the UN Paris Principles.<sup>33</sup>

The decision not to include provisions in the IHREC Bill, that stakeholder groups would be appointed to the IHREC has been criticised by some civil society stakeholders. The Irish Congress of Trade Unions, for example, has noted its disapproval in this regard.<sup>34</sup> It is important that, in the absence of a civil society stakeholder representation at board level, the IHREC are proactive in developing and implementing a strategic approach to its engagement with civil society.

#### **The IHREC could usefully develop:**

- A specific policy document or a core objective in its strategic plan, setting out its approach to developing and implementing a strategic engagement with civil society. This would build confidence within civil society and enable civil society to establish where it could make a contribution to the IHREC.

## **6.2 Strategic Consultation**

The core planning framework for the IHREC is likely to involve a triennial strategic plan, annual business plans, annual reports and possibly triennial evaluation. This provides the core framework within which to build strategic consultation with civil society into the work of the Commission.

#### **The IHREC could usefully develop:**

- **Processes of engagement to inform the preparation of strategic plans and annual work plans. These could involve:**
  - Consultative fora at national and local level to enable the IHREC to present its mandate and ambitions and to hear civil society needs and perceptions. Local fora could be organised jointly with locally based groups who have the local knowledge to support the IHREC in mobilising people to attend,
  - Consultative fora at national and local level to give feedback to civil society regarding how strategic objectives are decided and prioritised. This can improve transparency regarding the relationship between consultation and decision-making.
- **Processes of engagement to inform the annual reporting** of the IHREC and its evaluation processes. These processes could also involve consultative fora, submissions, and opportunities for dialogue particularly in relation to any evaluation process. They could include activities to broadly disseminate and take feedback on the annual report of the IHREC.

- **Processes of engagement to inform the strategic choices** being made by the IHREC and their implementation. These could involve a standing civil society forum to provide feedback to the IHREC on the development of indicators for its work and on the balance achieved in the focus of its work between equality and human rights, between the different groups experiencing discrimination and human rights abuses, and between the different powers and functions deployed by the IHREC in pursuit of its mandate. Such a forum would be gender balanced, representative of groups experiencing inequality, discrimination and human rights concerns, and representative of people living in rural and urban areas.

### 6.3 Collaborative Engagement

The IHREC will be involved in a wide range of activities. These are likely to include litigation, enquiries, developmental activities to support good practice, education initiatives, communication initiatives, and policy advice. Key activities could benefit from collaboration with civil society organisations that hold relevant knowledge and information, that are already linked with the area of intervention, and/or that could usefully provide ongoing leadership to and stimulus for the outcomes of the intervention.

#### The IHREC could usefully develop:

- **Partnership arrangements** to engage relevant civil society organisation in stimulating, developing, implementing and evaluating activities to support good practice in the public, private and NGO sectors,
- **Processes of mutual education** to engage relevant civil society organisation in devising and implementing actions to address under-reporting.  
<sup>35</sup> These can be designed to enhance the knowledge of the IHREC about communicating with groups that are under-reporting and to enhance the knowledge of civil society organisations so that they communicate more effectively with their constituencies about the IHREC and the protections afforded by legislation,
- **Processes of engagement** with relevant civil society organisations as new IHREC initiatives are being devised, with a view to assisting in their design so as to achieve maximum impact from the scarce resources available to the IHREC.

## 6.4 Supportive Engagement

The IHREC constitutes a key element of the equality and human rights infrastructure but it is only one element of the infrastructure. It will be more effective to the extent that the other parts, in particular civil society organisations are enabled to be effective. Given its central role, the IHREC has some responsibility to support those other elements of the infrastructure to be effective and to, perhaps, have as one of its goals, supporting the further development and standing of this wider equality and human rights infrastructure.

### The IHREC could usefully develop:

- **Solidarity initiatives** to serve as an advocate for strong, well-resourced civil society organisations promoting human rights and equality and for an effective engagement between the State and this sector,
- **Sources of funding** for civil society organisations to develop initiatives to promote equality and human rights,
- **Networking and learning fora** that draw together the full range of stakeholders required to address key issues of concern in relation to equality and human rights. These fora could serve to enable more effective relationships between civil society organisations and statutory organisations in particular, and could seek to learn from emerging developments, such as the public interest litigation projects being pursued by civil society organisations,
- **Training and support initiatives** to broaden the scope of civil society organisations engaged with equality and human rights issues. Organisations can be supported to better understand and address the potential of rights based legislation for their work, the equality and human rights dimensions of their mandate, and the role they can play in promoting equality and human rights at local and national levels.

30. Heads of Irish Human Rights and Equality Commission Bill May 2012 Head 13(10)

31. IBID explanatory note pg 30

32. IHRC 2012 op cit pg 30

33. ICC Sub-Committee on Accreditation General Observations 2.2 (e)

34. See press statement by Congress, May 3, 2013 <http://www.ictu.ie/equality/2013/05/03/appointment-of-members-designate-of-new-irish-huma/> last accessed July 1, 2013.

35. ERA paper on "Access to Justice and Under-Reporting of Discrimination and Human Rights Abuses", Sept 2013, could offer some direction in this regard

## 7. Conclusion

It is widely recognised, nationally and internationally, in both practice and law, that civil society organisations are key agents in the pursuit of equality and the protection and fulfilment of human rights. This recognition has been a cornerstone in the development of both the UN and the European Union since their inception. It has been a feature of standards set by the UN and the European Union for equality and human rights. The IHREC needs to ensure that, from the outset, it develops a strategic focus on civil society and its engagement with civil society organisations. Such engagement will serve to enhance the effectiveness of the IHREC and will enhance the potential to develop a broader and stronger equality and human rights capacity across civil society.







[www.eracampaign.org](http://www.eracampaign.org)