

**EQUALITY  
& RIGHTS  
ALLIANCE**

Ireland  
Can't  
Afford  
Cutbacks  
in Equality  
and Rights

**Equality & Rights Alliance  
Proposed Work Plan  
May 2011 to May 2012**

The Equality and Rights Alliance, established in August 2008, is a coalition of 171 civil society groups and activists campaigning to protect and strengthen the equality, human rights and anti-poverty infrastructure.

ERA Mission:

To defend and strengthen equality and human rights in Ireland by building a strong alliance of civil society groups that will hold government and State bodies accountable for the Irish equality and human rights infrastructure.

Strategic goals:

- Strengthen political commitment to an effective and resilient equality and human rights infrastructure in Ireland,
- Provide strategic leadership in protecting, strengthening and critiquing the equality and human rights infrastructure (inclusive of those addressing poverty, racism and social exclusion).

Two years of action

Grant aid from Atlantic Philanthropies and the Joseph Rowntree Charitable Trust has enabled ERA to develop the campaign and has facilitated the following key deliverables over the two years since the campaign began:

- Significant media attention has been maintained on the dismantling of and the need to protect the equality and human rights the infrastructure,
- Awareness has been increased among key stakeholders about the importance of maintaining and protecting the equality and human rights infrastructure,
- Research has been carried out, highlighting the impact of the cuts and political attempts to erode the independence and effectiveness of key institutions to promote equality and human rights,
- Continued lobbying, particularly with the Green Parliamentary party has supported the following: reversal of government decision to fast-track the decentralisation of the Equality Authority; Departmental reconfiguration resulting in IHRC and EA being moved to the Dept of Community Equality & Gaeltacht Affairs; Minister of State with responsibility for Equality & Human Rights commissioned a review of the infrastructure and committed to develop a more joined-up approach to addressing inequality and poverty,
- Attention has been brought to bear at EU level, on the attempts by the Irish Government to undermine key institutions charged with the promotion of equality and human rights and member states obligations under EU equality directives,
- NGO's and Trade Unions in EU Member States<sup>1</sup> have contacted ERA for support to build a similar civil society response to cuts in their jurisdictions,

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<sup>1</sup> Poland, UK, Lithuania, France

- A targeted advocacy campaign has been delivered to increase awareness of the issues among local stakeholders and mobilise support for the campaign,
- Seminars and conferences have been held to highlight the issues: roundtable on the cuts and EU directives; conference focussing on how the infrastructure can be made more effective and independent; launch of ERA roadmap with high profile guest speaker Reverend Jesse Jackson,
- A number of campaigns have been developed and rolled out: ‘Do Eu Pledge’, European elections campaign; ‘It’s About You’ awareness campaign; ‘Make Your Mark’, general election 2011 campaign,
- New thinking- ERA Roadmap- has been developed on the key elements of a new generation equality, anti-poverty and human rights infrastructure.

### Collective Strength

In addition, an evaluation of the campaign commissioned by Atlantic Philanthropies, found that a significant advantage of the Alliance was the collective strength it afforded the sector in working to protect and strengthen the infrastructure. The review noted the following in this regard:

*‘A key issue to note is the value that ERA’s membership clearly attaches to the alliance being able to progress the equality and rights infrastructure debate in their stead. Although that debate was considered to be of fundamental importance, it was generally deemed to be too big/broad an issue for most civil society organisations to influence significantly on their own (given their relatively narrow remits and limited resources). The vast majority of internal consultees indicated that ERA provided both critical mass and reassurance that this critical issue is being tackled competently, whilst allowing them to concentrate on their ‘day jobs’, (which are becoming even more demanding than usual in the current economic climate). ERA also helped members to keep their head ‘below the parapet’ when cuts to NGO budgets are being wielded so widely by Government<sup>2</sup>’.*

### **Current Context**

The work of ERA takes place against a background of crisis in Ireland. The following factors will have an influence on the campaign over the coming period.

### **Challenges**

- Worsening economic climate- sidelining of equality and human rights issues- increasing pressure on ERA member organisations and greater need to protect the equality and human rights infrastructure,
- Retrograde move of Equality Authority and IHRC back to Dept of Justice, and splitting of the equality and anti-poverty brief,

### **Opportunities**

- Review of ERA campaign affirmed need for campaign in the aftermath of the election<sup>3</sup>,

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<sup>2</sup> Boyd and Associates (Feb 2011) ‘Capture the Learning two- ERA’ pg 8

<sup>3</sup> Boyd and Associates op cit

- A new coalition Government, where both parties, but particularly Labour, has been a significant supporter of ERA campaign while in opposition,
- Commitments are contained in the Programme for Government which offer leverage to strengthen the infrastructure,
- New material is emerging at EU and international level with offers stimulus to advance ERA campaign actions: concluding observations from the UN CERD regarding the cuts to the infrastructure; opinion issued by the Council of Europe on the operation of national institutions to promote equality<sup>4</sup>, recent research by the EU Commission on the operation of equality bodies in member states<sup>5</sup>; Fundamental Rights Agency report on access to justice in Europe<sup>6</sup>,
- The formal endorsement of the ERA roadmap by 61 NGOs affords ERA a mandate to secure commitments from the new government to strengthen the equality, anti-poverty and human rights infrastructure.

### **Proposed strategic focus until May 2012**

The proposed strategy and work plan for ERA for the period May 2011- May 2012 was disseminated to ERA members for feedback and a meeting of ERA members was convened on April 14<sup>th</sup> to discuss the proposed strategy. The following strategy and work plan was agreed with additional input from members.

Over the next twelve months ERA will focus on:

1. Leveraging political support to deliver on commitments in the Prog for Govt regarding the equality & human rights infrastructure, and
2. Placing key commitments in the ERA Roadmap on the political agenda.

### **1. Commitments in the Programme for Government regarding the equality and human rights infrastructure:**

#### **a. ‘we will require all public bodies to take due note of equality and human rights in carrying out their functions’**

This commitment offers leverage to lobby for the introduction of a positive duty for public sector, a key recommendation in the ERA roadmap. In addition, there is a commitment in the Programme for Government to fully implement the Good Friday Agreement. The latter allows for the issue of equivalence to be brought to bear here regarding introduction of a positive duty similar to Northern Ireland's Sec 75 Duty.

There are two possible avenues to progress this commitment:

- a) Through the Department Justice , Equality and Defence – through equality legislation
- And

<sup>4</sup> Council of Europe, March 2011: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1761031>

<sup>5</sup> EU Commission October 2010: <http://ec.europa.eu/social/main.jsp?catId=642&langId=en>

<sup>6</sup> Fundamental Rights Agency, March 2011: [http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_access-to-justice\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_access-to-justice_en.htm)

b) Through the Department for Public Expenditure and Reform

While we intend to pursue action on this with both Departments, given the strong political focus currently on the need for reform in the public sector, there is perhaps greater traction to be gained for ERA in pursuing this through the Department of Public Expenditure and Reform. We also intend to liaise with the Department of Foreign Affairs in regard to the issue of equivalence and introduction of a positive duty.

**b. Constitutional Convention to consider comprehensive constitutional reform**

This commitment in the Prog for Govt offers potential to seek amendment to the Constitution to give due regard to equality and human rights and to seek amendments regarding constitutional provisions which undermine equality e.g. Article 41.2.

**c. Commitments re transgender people and lgbt people**

These commitments offer potential to open up the equality legislation to introduce a transgender ground and amend /abolish sec 37 of the Employment Equality Act. Opening up the equality legislation for amendment offers scope to seek other key amendments from the ERA roadmap. The recent success of ERA steering committee member, Louise Hannon, in her transgender case, may help consolidate these commitments for change.

**2. Seek to place key commitments in the ERA Roadmap on the political agenda:**

In addition to the introduction of a positive duty, there are three key commitments which ERA would seek to place on the political agenda, as part of a reforming of the equality, anti-poverty and human rights infrastructure:

- Introduction of a socio-economic status ground in equality legislation,
- Accountability of the IHRC and the Equality Authority directly to the Oireachtas,
- Introduction of criteria (based on the Paris Principles) regarding appointments to the Equality Authority and IHRC.

**Proposed actions and desired outcomes:**

**Strategic goal 1: strengthen political commitment to an effective and resilient equality and human rights infrastructure in Ireland,**

Proposed actions:

- Meet with Ministers for Justice, Equality & Defence, Public Expenditure and Reform, Minister of State for Equality, to advance the case for implementation of key commitments in the Programme for Government and ERA roadmap,
- Engage the Equality Authority and the IHRC to support the case for the introduction of a positive duty and other key recommendations in the ERA roadmap,

- Continue to brief TDs and Senators (from Government parties and from opposition) who have supported ERA to date,
- Brief union leaders, in particular specific public sector unions, about the introduction of a positive duty,
- Identify champions in key public sector organisations who have implemented actions to promote equality for employees and service users, with a view to showcasing the potential of placing this work on a statutory footing as part of a positive duty,
- Input on the proposed Constitutional Convention to consider comprehensive constitutional reform, to seek constitutional recognition of equality & human rights and amendments to articles which perpetuate inequality e.g. article 41.2

#### Intended outcomes

- Commitment secured from relevant Ministers and other key stakeholders to advance commitments in the Prog for Government regarding the equality & human rights infrastructure and ERA roadmap,
- Key Ministers and opinion formers are informed, following briefings by ERA, on the benefits and potential of introducing a public sector duty,
- Opposition parties and independent TD's are briefed so that they can hold Government to account regarding commitments in the Prog for Government,
- Equality Authority and IHRC engaged in our campaign to support introduction of a positive duty,
- Case for introduction of a positive duty is well established using examples of current good practice in the public sector,
- Constitutional Convention is informed on the need to address equality and human rights in the constitution.

**Strategic goal 2: Provide strategic leadership in protecting, strengthening and critiquing the equality and human rights infrastructure (inclusive of those addressing poverty, racism and social exclusion).**

Proposed actions:

- Develop briefing paper to inform relevant stakeholders on: the potential of a positive duty to advance equality and support the public sector reform process; recommendations for an Irish model (based on the learning from other jurisdictions); and the supports required for effective implementation,
- Work with legal expert to inform action on the following: public sector duty, constitutional reform regarding equality & human rights; expanding equality legislation to include a socio-economic ground,
- Host a seminar to advance the case for the introduction of a public sector positive duty,
- Target key spokespersons and identify NGO and trade union supporters from the ERA membership to support the introduction of a positive duty from their particular perspective and to support our work to advance key commitments in the Prog for Govt and ERA Roadmap,
- Develop strategic and focused communications campaigns to underpin key campaign actions: introduction of a positive duty, expanding equality legislation to include a socio-economic status ground, constitutional reform. This work will include:
  - Communicating the work being done by public sector bodies to advance equality and human rights and the potential offered if this work were placed on a statutory footing,
  - Communicating the work being done by members to advance equality and human rights in the public sector and the potential offered if this work were placed on a statutory footing,
- Inform an international audience of the work of ERA (input by ERA Coordinator at Rainbow/Push global conference in Chicago in June),
- Work through existing national networks – e.g. Claiming our Future, trade unions, to support proposed proposed actions,
- Deliver an awareness seminar in the area of non-discrimination and equality to civil society organisations (as part of EU funded project across member states)<sup>7</sup>,
- Engage ERA members to wind down the ERA campaign, develop strategy to continue implementation of the Roadmap and to continue role of protecting the equality and human rights infrastructure.

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<sup>7</sup> This is an EU wide project, funded by the EU Commission and coordinated by the Migration Policy Group and Human European Consultancy. ERA was approached to be the Irish partner in this project. The seminar will be delivered in 2012. The overall purpose of the project is to improve of the impact and effectiveness of civil society organizations with regard to the implementation of equality and non-discrimination legislation and policy. ERA intends to use this opportunity to inform participants about the work of the campaign to strengthen the equality & human rights infrastructure.

#### Intended outcomes

- A well evidenced case is established to lay groundwork for the introduction of a public sector positive duty,
- Key stakeholders in the political and civil society arenas, in particular union leaders, officials and influential public servants, are briefed on the value of a positive duty as a key driver to a more equal society,
- The Constitutional Convention is briefed to amend constitution to recognise equality & human rights,
- Groundwork is laid for amendments to equality legislation to address key commitments in the Programme for Govt,
- An International audience is briefed about the ERA campaign and learning shared with other NGOs,
- Civil society is briefed about ERA Roadmap and actions, through the national anti-discrimination seminar to be delivered in 2012,
- ERA campaign is wound down in a manner that safeguards the work and the opportunities for learning.