



***Let's put
Human Rights
on our Manifestos***

***Let's Make
Human Rights Real***

**Documents from the
2015
ATD Human Rights
Workshops**

From March 2015 to July 2015, groups in the North Inner City and All Together in Dignity (ATD) volunteers looked at what Economic, Social and Cultural Rights mean today and discussed the request of the Irish Constitutional Convention to strengthen the protection of these Rights in the Irish Constitution.

The **Human Rights Workshops** are funded by the ATD Foundation and the IMPACT Joe Lucey Small Grants Fund.



ATD's Human Rights Workshops Series 2015

Lessons from the project run between March & July 2015

Education makes Human Rights real

In the groups, the role of Education was discussed in different ways:

- With a proper Education you can express yourself, understand your rights and claim them
- An Education should prepare children and young people to respect everyone, not to put down other people and to create more solidarity.
 - how do the Education and Training System today achieve this ?
 - What is needed ?
 - How can people with experience of hardships and marginalisation contribute to these challenges ? Be welcome & active in schools ?

Communities make Human Rights real

Some groups talked about the importance of the Community and of each person to support access to rights.

1. What brings a community together to stand together and to support access to rights?
2. How can we take stocks of experiences of being supported by friends, groups or a local community to access to rights?
3. How could your experience inspire solutions for positive obligation to deliver rights?

Quality rights make Human Rights real

Different groups gave examples of how people get support (« low quality, low standard » rights) but it is not in an appropriate way and their situation gets worse.

- When a homeless person gets accomodation but in an unsafe environment
- When people get improved medication but too late to be cured
- When poor qualilty translation worsen understanding of legal or health situation.
- When schools fail to give a proper education to all children

- How can we create greater awareness that there must be quality, high standard delivery of human rights?

All Together in Dignity Group 1 (ATD) Human Rights Workshop, 9th and 15th April 2015

During our Workshops we spoke about various issues, such as:

- **The stigma connected to the place you come from or to your past**, even if you've gone through enormous personal effort to put a life of drug use and convictions aside;
- **The frustration of seeing housing repairs and maintenance being neglected**;
- **The importance of the Medical Card for children and people with long term illness and disability**;
- **The lack of support and childcare for mothers who go back to work.**

Because we know many parents who are trying to stop using drugs, whose children are in the care of Social Services and TUSLA, we agreed that parents need more **Support** and "after care" group opportunities, to succeed and to be re-united with their children.

When you come off drugs you need support. Suddenly that support may be cut off. That's why some people are afraid of going into treatment. They can't cope with coming out and then being left to face their problems alone. Could "being able to grow as a family and keeping good connections between parents and children" be considered as a social right?

Many mothers in the group were worried about their **children's future**. Small children don't tell you how they feel but they show you in little ways. They just adapt to what you have. They don't miss what you haven't got if they don't know about it. Grown up children need to have a sense of feeling useful in their life, but what if there's nothing for them? Could "being useful to others" be considered as a social right?

We started a discussion about the importance of coming together, of **Solidarity**. When we are together something happens. It's where it starts. So we decided to focus the discussion on the role of Community and Human Rights. We asked questions like: "What brings a community together? How can the community stand together and support access to rights?"

We agreed that you need friends to go to if you're feeling down. You can talk to them, and have a cup of tea with them. We also felt you need to feel safe and know your neighbours are around. If you feel safe you feel comfortable in your own home.

Community can be a family. Family means we can talk and understand each other as we have the same experiences. It's better if the group is not too big. It would be awkward if there are too many in the group. We have to speak to each other to make a community.

If people are in a bad state because of addiction, they can still be part of the group. If they don't disturb others, if they're not harming anyone, they can come and listen. A community which doesn't prejudice or judge, which takes the good with the bad, is a good thing.

Animals are also important in the community. They bring people together. In the park, dogs have their friends too, and they help people come together. Some of us knew a woman who never went very far but she knew everything that was going on, all the news, because people would stop outside her place where she was with her dog. Could the importance of animals be recognised in a discussion on social rights?

North Wall Community Training Centre (NWCTC) Human Rights Workshops, 12th & 19th March 2015

Our group of young people discussed a number of subjects. Here are a few of our thoughts:

- **We need leaders who show the way.** Nelson Mandela was one of them. He showed that every person is important. Human rights are exactly this; making every person feel important, and really be important.
- **To believe that our Justice and Rights System is fair and balanced.** We see too many interventions and decisions that we feel are unfair. For example, we know people in our area who are punished because they aren't able to pay their bills, while people who commit serious crimes are left alone.
- **Animal rights are also important to us:** Can we show respect to animals and can we think of protecting them as we plan to improve Human Rights?
- **We are worried about growing racism.** Some of us saw the movie *Selma*. It was about a positive change many years ago but if we don't keep up the struggle things could get worse again.
- **We don't understand why some rules and regulations stop people from helping each other.** For example, why couldn't a young woman who does not have children become a carer?

Together we also agreed to focus a part of our discussion on **homelessness** and **drugs**

With regard to homelessness, we are not dealing with the problem but are moved by personal situations - we have a home and they don't. We also know friends who are under pressure to leave the family home. Probably the worst thing is to be homeless with children. We see many charities doing a good job; they should have more support. We should also use more of the empty buildings, change them into flats and give them to people. We agreed that Ireland should be a country with a **"Right to a home"**. But that means the Government should plan for the future, for our children, and for the day Irish migrants come back home. We should also make sure other migrants are welcomed.

We feel another important challenge is to offer homeless people opportunities to get involved, to go to courses, do sport and make friends. In this way they can feel that something is improving in their lives. Often, you make friends with the people who have the same problems as you. You have something in common. It's important to mix with people who have managed to reach different goals. If they are able to do it, why can't I?

We think that, in many situations, it's stress and pressure that lead people to take **drugs**. It's like that at the start when drugs make you feel better about yourself. Also, when you grow up in an environment where there's too much stress, you look for ways to escape. Some people might even think their life is ruined before they even get a chance.

Stress arises in different situations: when you lose someone close to you, with difficult relationships, failing at school and bullying. Money can be the number one problem, even though there are charities that can sometimes help to pay bills. Human Rights are also about this, lowering the level of stress in our lives.

Northwest Inner City Training & Development Project (NWICTDP) Human rights Workshops, 24 and 31 March

In our workshops we discussed:

- **The importance of peace:** rights go out the window when there is a war.
- **The vulnerability of children and the violence they face:** they should have the right to feel safe.
- **The “right to humour” and the need to have times to laugh:** it’s essential to stay happy. How can we support people with humour?

We also addressed the situation of **homeless** people and the way they are labelled. Many of us have this life experience. One point which created a lot of anger is the fact that often, when we eventually manage to get temporary accommodation, we were promised a safe environment to help us keep up our progress. In fact often it wasn't the case. It was like putting us from the frying pan into the fire. If the delivery of a Right to Housing is of poor quality, the situation becomes many times worse!

Later most of our discussions focused on the **Right to Education**. Many of us left school too early; we left not being able to read and write and later we did not always manage to complete courses.

But we know that education is vital for jobs and day-to-day life. We know from experience when looking for a job you can be judged, if you’re not speaking the right words. For us, every day is a learning day.

We need to think about the way we are learning. When you left school at 14 years old and you were 25 years out of education, it is stressful just to sit in a classroom again.

People who have little education don’t really know their rights, especially about Housing and how to **Access services**, especially for Health. Often we feel harassed by officials when we ask. So we constantly have to battle our way up the ladder to get what we need and are entitled to. To do this you need self-esteem and self-worth, but if someone labels you, chances are you will become the label.

We know attitudes have to change on both sides.

With **Education** you can learn to respect people around you and can set examples for your children. But teachers sometimes need better training to deal with children or adults facing difficulties. They also need skills to meet their students’ parents in order to deal with the situation together.

We also agreed that Education is meaningful when it’s used to alleviate the sufferings of people around us. Too often that’s not happening. Education makes some individuals free but does it make the whole country free? It should make each person free, and our families free.

All Together in Dignity Group 2 (ATD) Human Rights Workshops, 9 and 15 April 2015

In our workshops we spoke about:

- **The need for many people to go back to education because school didn't deliver for them when they were children or teenagers.**
- **The importance of one right not opposing another:** for example, a right to a basic allowance for disability shouldn't deprive people of a right to be active and to work legally.
- **The quality of the delivery of a right:** you can be offered a roof over your head but if it's in a negative environment it won't help to escape from everyday difficulties in life.
- **The need for support to get back on track:** You need support to access your rights, and you have to support yourself too. When you've done well, you must congratulate yourself on your achievements. This helps you to move towards others and help them.

We decided to focus our discussion on the **Right to access adequate health services.**

We agreed about the very problematic situation in the Health System, with many shortages of medical staff in hospitals, long waiting periods, and the increase in the cost of drugs for those on very low income.

Here are few of our questions:

4. *Should a Right to Health include a wider distribution of improved medications?*

There are situations when new and often costly medication is available but people have to face delays. By then it could be too late.

5. *How far should we be supported to stay healthy?*

We should take responsibility for our personal health and help those around us. We know quite a few people who just have to go without the medications they need, especially elderly people.

Those who become unemployed are often in the same situation.

To stay healthy it's important to remain active and be able to access education about how to keep healthy.

- **How can we be supported to remain active?**
- **How can health education be supported and reach everyone?**

6. *Could a Right to Health be also about a Right to a Healthy and Safe Environment?*

We see a gradual deterioration in housing conditions for many families.

SAOL Project – Human Rights Workshop, 17 June 2015

In our workshop:

- **We shared our strong feelings of frustration about aspects of life:** the way we feel the country is run, the cutbacks in services for the vulnerable, about people rushing too much, people not looking out for each other, people being racist or labelling communities.
- **We spoke about our children and children everywhere in the world.** We are worried because many don't have a chance to have a childhood. We are worried about the life they will have to experience. They should all have a stronger voice.
- **We stressed the importance of having opportunities to enjoy shared experiences and have fun.** With all the pressures, stresses, and the cuts, coming together can be a great support for people.

The two issues we focused on most were **housing** and **health** and how they are connected.

Some of us went through homelessness with children. Some feel they are locked in a poverty trap and will fall into homelessness when the rent allowance is not enough. Your hands are tied - there's nothing you can do. It's a vicious circle because the market place suits the landlords.

We know a mother and her baby who live in a hotel. The baby is just 7 months old. The mother doesn't have a fridge to store the baby's feeds. She lives at the top of the hotel, and has to go all the way down to the bottom to get water to make up the baby's bottles. When people live in these conditions, there's really no dignity or respect for the child's needs or its development. A lot of people are forced to live in accommodation that is not suitable, even some people with mental health difficulties. The standard of housing accommodation can be appalling. We see decay and severe damp that creates chronic cases of asthma.

Poor people are eating poor **food**. Our access to high quality food is unequal.

Many of us are on medical cards and have to wait 6 to 12 months for a hospital appointment when others who have the money get an appointment the same day. You also feel discriminated against when people call out your name with your medical card.

We agreed that when you have a mental health or drug problem and you don't know your rights, you're invisible and you won't have the confidence to have a voice. You may not know where to go or have family to go to either.

We looked also for solutions:

- **We have to make sure that our voice is heard and that the right to vote becomes meaningful.**
- **We discussed the role of schools to better educate the new generation and to make human rights real.**

Lourdes Youth & Community Service (LYCS)

Human Rights workshop, 8 June 2015

During the workshop we highlighted different issues:

Housing:

Many of us raised this issue. In a lot of places people ignore the homeless. There's a need to make the right to housing or a home more real. Some of us expressed frustration at seeing empty flats and houses not being used in the current housing crisis. One person in the group spoke about a mother with small babies who lives in an overcrowded house. Every day this mother goes to the place (the Council) looking for a house. At night, her babies sleep in one room. They can't move and they get no sleep because one child wakes up the other.

Support for Lone Parents:

Young mothers, especially those who are separated or divorced, also need stronger rights to get an education. Some of them haven't done their Leaving Cert or their Junior Cert. They ended up having kids and couldn't get back into education because sometimes there's not enough creches. We need to give them extra help, and opportunities to get back into education. The lone parents of today get little support or recognition, just like the unmarried mothers who struggled a generation ago to raise their family.

Protecting minorities like migrants, asylum seekers or migrants:

Putting Economic, Social and Cultural Rights in the Constitution would define these rights and help prevent discrimination. It would also help us to recognise what 'equality' means.

Safeguarding our Rights:

- Many people are looking for support from charities like the St. Vincent de Paul, and even more than 30 years ago, even though Ireland is a rich country. Could we come up with more rights-based solutions so people wouldn't have to depend on charities just to put food on people's plates or for young people to get a set of clothes?
- Looking at the history of western countries, we feel we have strong 'rights'. But it seems that all these rights could be lost in a minute because they are not guaranteed enough, especially our Economic, Social and Cultural Rights. We must protect them!
- Is our Society and our leaders ready to support solidarity and greater honesty in political life? Can we put aside selfishness, the world of money and prioritise other things that are more important?
- Most Rights, like the right to vote, were achieved by people struggling for them. A hundred years ago some men had a vote but women didn't. We wanted the same right for women and we fought for it. But you could be cynical and say that today we don't trust the people we can vote for and the people who are running the country.

Conclusion:

It's our responsibility to offer something to future generations that is kind, sensible, caring and nurturing, and as sustainable as possible. It may be a hard thing to legislate for but we need to change our attitude. It's really up to every individual to change the situation. Can we change people, can we change ourselves? If we want rights to become true, or deeper, there is also an issue of how people can transform themselves.



The ESC Rights Initiative

*Dedicated to Strengthening Constitutional Protection
of Economic, Social & Cultural Rights*

A Manifesto Priority for Political Parties: Strengthening Economic, Social and Cultural Rights

Economic, social and cultural (ESC) rights are fundamental human rights. Such rights include the right of everyone to education, adequate housing, the highest attainable standard of health and the right to an adequate standard of living. The protection of these rights is necessary to ensure a life of dignity.

Civil, political, economic, social and cultural rights are all equal in importance and none can be fully enjoyed without the other. In Ireland, civil and political rights are protected in the Constitution but economic, social and cultural rights are largely unprotected, thus civil and political rights are legally enforceable through the courts, while economic, social and cultural rights are not.

The ESC Rights Initiative calls on political parties to include ESC rights as a priority item in their election manifesto and commit to:

- 1. Respond positively to the decision of the Constitutional Convention that Bunreacht na hÉireann should be amended to strengthen the protection of economic, social and cultural rights.**
- 2. Support the recommendation of the UN Committee on Economic, Social and Cultural Rights that Ireland incorporate the Covenant in domestic law.**
- 3. Progress towards a referendum on ESC rights during the lifetime of the next Government.**

Economic, social and cultural rights in Ireland

The Irish Government committed to uphold these rights when it ratified the International Covenant on Economic, Social and Cultural Rights in 1989. However, Ireland has been consistently criticised by the UN Committee on Economic, Social and Cultural Rights, for its failure to incorporate the Covenant into domestic law. In its concluding observations of 19th June 2015:

‘The Committee reiterates its recommendation that the state party take all appropriate measures to ensure the direct applicability of the Covenant provisions, including through incorporation of the Covenant in its domestic legal order, and enhance training for judges, lawyers and public officials. The Committee draws the State party’s attention to its General Comment No.9 (1998) on the domestic application of the Covenant’

There is a growing, worldwide, recognition and acceptance of the need to protect ESC rights like housing, health, education and an adequate standard of living. 133 countries enshrine the right to healthcare and 106 constitutions protect the right to work. Of the 28 EU member states, 26 make some form of constitutional provision for ESC rights. But, Ireland continues to fall behind in the protection of these fundamental human rights.

In 2014, the Government-established Constitutional Convention carefully examined constitutional protection of ESC rights and voted overwhelmingly – 85 percent agreed in principle – that Bunreacht na Éireann should be amended to strengthen the protection of economic, social and cultural rights.

Why are Economic, Social and Cultural Rights important?

The adoption of legally enforceable ESC rights in the Constitution should be a priority of a democratic and progressive government. Economic, social and cultural rights play a fundamental role in the creation of a more just, inclusive and socially sustainable society.

How can economic, social and cultural rights be strengthened?

To date, the state has failed to incorporate these basic human rights such as housing, health, education and just conditions of work into Irish law. Economic social and cultural rights could be strengthened by making them legally enforceable through the courts.

How would constitutionalised ESC rights contribute to social justice and equality for all?

A constitutional regime that includes ESC rights could help to ensure a fairer allocation of resources and an accessible and affordable judicial process of redress for citizens in areas such as education, health, protection from poverty and accommodation. Constitutionalising ESC rights can help to guide government planning, encourage evidence-based decision-making regarding the allocation of resources, and help to shape law and policy on relevant issues. Constitutional protection of ESC rights would bring Ireland in line with a growing trend among many countries to constitutionalise these rights.

What is the duty on the state if these rights are constitutionalised and made justiciable?

Signatories of the International Covenant on Economic, Social and Cultural Rights are obliged to *progressively realise* these rights. Ireland made this commitment when it ratified the Covenant in 1989. States are not expected to fully implement all of the rights in the Covenant immediately. Rather, they are required to adopt a systematic approach to realising these rights as quickly as they possibly can.

Economic, social and cultural rights assume a particular importance in times of austerity and cut-backs in public services. Under the International Covenant on Economic, Social and Cultural Rights the reversal of *progressive realisation* is prohibited unless the state (i.e. government) can prove that any retrogressive measures have only been introduced after the most careful consideration of alternatives. This obligation can help to safeguard the most marginalised who are often disproportionately affected by economic downturns, including state responses to such, as happened during the recent recession.

The ESC Rights Initiative is a coalition of civil society organisations that support strengthened economic, social and cultural rights protection in the Irish Constitution. The ESC Rights Initiative successfully campaigned for the inclusion of economic, social and cultural rights as an agenda item of the Constitutional Convention. Following a comprehensive examination, the Convention recommended a strengthened constitutional framework in its 2014 report to government. This recommendation has yet to be responded to or acted upon by government.*

* Eight Report of the Convention on the Constitution – Economic, Social and Cultural Rights, <https://www.constitution.ie/AttachmentDownload.ashx?mid=5333bbe7-a9b8-e311-a7ce-005056a32ee4>

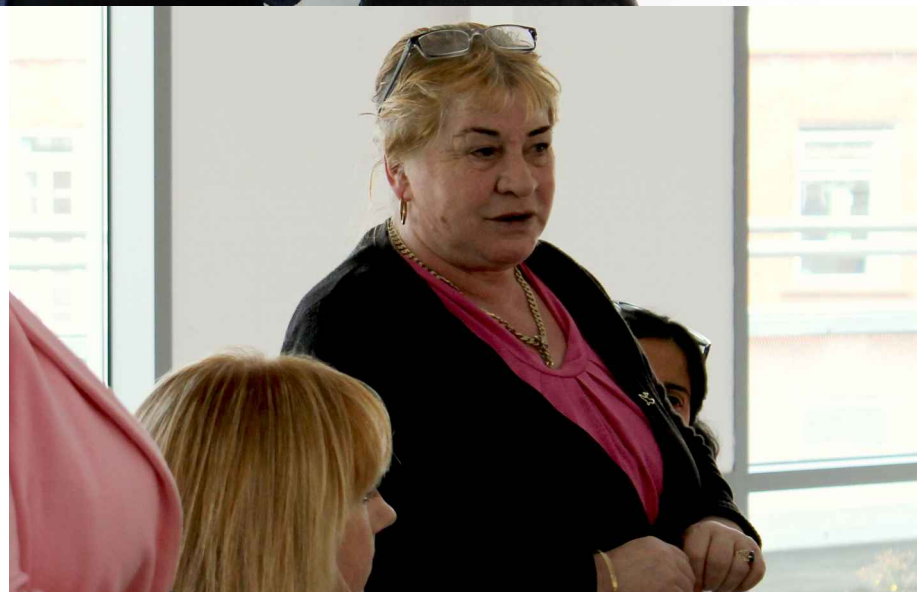
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**Final Plenary Human Rights Workshop - Tuesday 28th July 2015
in the new offices of the Irish Human Rights and Equality Commission**



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