

# Equal Opportunities and Non-Discrimination Horizontal Principle

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**An Choimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**

**Irish Human Rights and Equality Commission**

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# Equality and Human Rights: Recent Developments

- ▶ Irish Human Rights and Equality Commission Act 2014 - passed in July, enacted 1 November 2014
- ▶ Establishes IHREC – merger of the Equality Authority and the Irish Human Rights Commission
- ▶ Existing equality legislation still in place - all functions transferred with some additional
- ▶ Workplace Relations Commission will replace the Equality Tribunal
- ▶ National equality body and human rights institution

# IHREC Act 2014

- ▶ To protect and promote human rights and equality in the State
  - ▶ To promote a culture of respect for human rights, equality and intercultural understanding
  - ▶ To promote understanding and awareness of the importance of human rights and equality
  - ▶ Includes a new positive duty on public bodies to take due note of equality and human rights
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# Positive Duty on Public Bodies

- ▶ Will require a public body to have regard to the need to:-
  - (a) eliminate discrimination,
  - (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
  - (c) protect, promote and fulfil the human rights of its members, staff and the persons to whom it provides services.
- ▶ Public bodies will be required to set out in their strategic plans, an assessment of the human rights and equality issues it believes to be relevant and the policies, plans and actions in place or proposed to be put in place to address these issues.
- ▶ Public bodies will also be required to report to the public on developments and achievements in that regard in its annual report.

# Equal Opportunities and Non-Discrimination

- ▶ Article 5 Common Provisions Regulation - Partnership Agreement and Programmes to include bodies responsible for promoting social inclusion, gender equality and non-discrimination. Also to be involved **in preparation and implementation of programmes and monitoring** committees
- ▶ Article 7 **Promotion of equality between men and women and non-discrimination** requires that Member States and the Commission shall ensure that equality between men and women and the integration of gender perspective are taken into account and promoted throughout the preparation and implementation of programmes, including in relation to monitoring, reporting and evaluation.


# Equal Opportunities and Non-Discrimination cont.....

- ▶ .....shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation and implementation of programmes. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes.
- ▶ Partnership Agreement 2014-2020.....The Irish Human Rights and Equality Commission will be requested to participate in the monitoring structures
- ▶ And as part of the monitoring procedures and arrangements under the Operational Programmes, intermediate bodies will be asked to report on the contribution to, or achievement of, social inclusion and equality objectives.”

# ESF

- ▶ ESF Regulation 1304/2013 strengthens its commitment to eliminating gender inequality and combating discrimination through ex-ante conditionalities
- ▶ PEIL OP states that annual implementation reports submitted in 2017 and 2019 may set out information and assess the specific action to promote equality between men and women and to prevent discrimination, in particular accessibility for persons with disabilities
- ▶ IHREC has been consulted and submitted observations on draft AIPs and made proposals on a range of actions that could embed equal opps and non-discrimination more firmly

# IHREC Observations

- ▶ Equal Opps and non-discrimination HP strengthened through regulations, structures for monitoring and implementation
  - ▶ IHREC's role to monitor and support compliance
  - ▶ Positive duty on public bodies to promote human rights and equality
  - ▶ Concerns that quality of equality commitments varies and lacks details on how they will be put into effect
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# IHREC Observations cont.....

- ▶ However there is room to improve AIPs
  - Equality does not feature prominently in contextual statements
  - Quality of commitments varies and lacks detail – tendency towards passive approach “open to all”
  - Lack of awareness that equality considerations should feature in selection criteria
  - Danger that equality only considered an issue for targeted activities

# IHREC Summary of Proposals

- ▶ Outreach strategies
  - ▶ Equality training for programme operators
  - ▶ Forum of NGOs or consultative panels
  - ▶ Assign responsibility for equality to staff
  - ▶ Periodic sampling of participants to identify equality issues, barriers and learning points
  - ▶ Formal adoption of equality statements
  - ▶ Specific AIP observations are available
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