



AN COIMISIÚN UM CHEARTA AN DUINE
IRISH HUMAN RIGHTS COMMISSION

**Human Rights Council Advisory Committee
Questionnaire on Local Government and Human Rights
Response of the Irish Human Rights Commission (IHRC) – April 2014**

1. How is local government organised in your country? Please describe the existing legal framework for the organisation, functioning, competences and financial resources of local government in your country.

Local government in Ireland consists of three levels: councils, regional authorities and regional assemblies. 34 directly-elected local authorities, or City and County Councils, are the main providers of local government services at city and county level in Ireland and have functions in relation to matters such as planning, housing and provision of certain local services. In addition to County and City Councils, there are 80 Town and Borough Councils. Eight regional authorities and two regional assemblies co-ordinate certain county activities and play a monitoring role in how EU structural funds are used.¹

Local authority annual budgets fund the day-to-day functions of the local authority (including staff salaries, etc) operational costs, housing provision and maintenance, and other services. Current expenditure is funded from a variety of sources, and may vary between authorities, but primarily comes from specific State grants from a number of government departments, from charges for goods and services and from rates.² Local authorities often disperse grants to local initiatives which support human rights programmes (for example violence against women), however these grants, being discretionary, can be cut in times of austerity which has been the recent experience in the State.

At international level, Irish local government participates in both the Congress of Local and Regional Authorities of the Council of Europe and in the European Union Committee of the Regions.

2. Is local government in your country required by legislation to promote and protect human rights? Please describe how local government in your country is involved in the implementation of human rights obligations.

The Department of Environment, Community and Local Government in Ireland oversees the operation of the local government system and implements Government policy in relation to local government with overall responsibility to steer policy formation, strategy development and executive decision-making. Under Ireland's international obligations this should occur in line with international human rights standards, however, the penetration of knowledge on human rights to local government is questionable.

The 1937 Constitution of Ireland includes certain fundamental rights provisions which local authorities are bound to uphold. In addition, the European Convention on Human Rights Act 2003 indirectly brought the

¹ A process of consolidating functions, following the enactment of the Local Government Reform Act 2014, provides for the amalgamation of a number of existing City and County Councils.

² Local authorities have powers to charge for services which they provide, such as commercial water charges, housing rents, waste charges, parking charges and planning application fees.

European Convention on Human Rights into domestic law in Ireland. The 2003 Act adds a human rights perspective to the legal, policy-making and operational components of Irish local authorities and creates a new framework for the service provision roles of local authorities. Section 3 creates a statutory obligation on every organ of the State to act in compliance with the Convention provisions, an obligation that applies to the actions of Civil and Public Service staff, in so far as they make decisions that may impact on the rights of anyone within the State.

3. Is there any cooperation between local government and the central government in your country regarding the implementation of human rights at local level? If yes, please describe the existing cooperation framework.

As noted, the Department of Environment, Community and Local Government in Ireland oversees the operation of the local government system and implementing policy in relation to local government and therefore has responsibility to steer policy formation, strategy development and executive decision-making in line with international human rights standards.

The Irish Human Rights Commission (IHRC) has delivered some human rights education and training to local government staff, as part of the Human Rights Education and Training Project, since 2010, to increase awareness of applicable human rights standards.

4. Do you have human rights protection mechanisms at the local level in your country (e.g. ombudspersons, human rights commissions, mediators, etc.)?

The IHRC was established under statute in 2000, to promote and protect the human rights of everyone in Ireland. The human rights that the IHRC is mandated to promote and protect are the rights, liberties and freedoms guaranteed under the Irish Constitution and under international agreements, treaties and conventions to which Ireland is a party. The IHRC is currently undergoing a merger with the Equality Authority to form the Irish Human Rights and Equality Commission.

In addition, there are a number of other bodies which support human rights protection. These are the Office of the Ombudsman and associated ombuds-bodies (police, children etc),³ the Mental Health Commission, the Data Protection Commissioner and the Inspector of Prisons.

5. What initiatives have been taken to include human rights mainstreaming in local administration and public services?

Section 42 of the Irish Human Rights and Equality Commission Bill 2014 introduces a provision for a human rights and equality duty on public bodies, which will require a public body (such as a local authority) to eliminate discrimination, promote equality of opportunity and treatment, protect human rights of staff and persons to whom services are provided, include human rights and equality in policies, actions and strategic plans and report on the implementation of obligations in annual reports.

³ In addition to a general Ombudsman for public service, there are several other more specialised Ombudsman-type services, such as the Office of the Ombudsman for Children, the Ombudsman for the Defence Forces, the Garda Síochána Ombudsman Commission, the Private Residential Tenancies Board, the Broadcasting Complaints Commission, the Financial Services Ombudsman, the Pensions Ombudsman, Office of the Press Ombudsman, the National Consumer Agency, and other complaints procedures in relation to particular professions, such as the Bar Council, Medical Council, etc.

6. What is the role of civil society in the planning and implementation of activities for the protection and promotion of human rights at local level in your country?

Civil society organisations in Ireland tend to have most engagement with the protection and promotion of human rights at local level by way of community development work. Civil society non-governmental organisations (NGOs) meet, lobby and liaise with local authorities on a regular basis.

7. What is the role and programme of your organization for promotion and protection of human rights at local level or in enhancing local governance for human rights?

Section 8 of the Human Rights Commission Act 2000 sets out the functions of IHRC. Section 8(e) mandates the IHRC to ‘promote understanding and awareness of the importance of human rights in the State and, for those purposes, to undertake, sponsor or commission, or provide financial or other assistance for, research and education activities. These provisions are also reflected in the Irish Human Rights and Equality Commission Bill 2014.

In light of the UN World Programme for Human Rights Education (on-going since 2005), the IHRC undertook a human rights education mapping study in Ireland (2008-10). This study identified, inter alia, deficiencies in human rights education and training provision within Ireland’s Civil and Public Service. A three phase project plan was developed in order to address these deficiencies and the Human Rights Education and Training Project was created in 2010, with philanthropic funding. As well as a number of core government departments and agencies, delivering human rights education to local government staff has been a core part of the programme.

8. What are the main challenges faced by local government in your country in the promotion and protection of human rights?

The IHRC’s human rights training sessions have uncovered gaps in understanding of human rights obligations, on the part of Civil and Public Service staff, as well as a lack of clarity on applicable legislation, such as the European Convention on Human Rights Act 2003.

The IHRC identified opportunities in the area of research, development and delivery of human rights education and training courses tailor-made to the needs of the civil and public service but noted that support from Senior Managers was essential; ‘[a] key requirement for this to come to fruition is the willingness and commitment of managers to see the value in human rights education and training.’⁴

9. Please provide any best practices with regard to the above mentioned issues.

The IHRC’s human rights training for staff of local authorities (City and County Councils) in Ireland has been in operation since the establishment of the IHRC’s Human Rights Education and Training Project (HRETP) in 2010. Tailored human rights training for local government staff is primarily aimed at middle to senior management grades and is delivered on-site at local authority offices. Participants need have no previous knowledge of human rights. Training aims are two-fold: (1) To provide an introduction to the human rights system that is relevant to Ireland, looking at human rights in Ireland, Europe and at the level of the United Nations and (2) To raise awareness of the main areas of focus for City and County Councils in relation to human rights.

Further information on local authorities training is available from:

<http://www.ihrc.ie/training/training/localauthoritie.html>

⁴ Irish Human Rights Commission, Human Rights Education in Ireland, July 2011, p. 222.