

Report of the UPR Public Consultation Meeting on Wednesday 18 May 2011
Douglas Hyde Theatre, Athlone Institute of Technology.

35 people attended the meeting; a few individuals elected not to sign the attendance sheet.

- Presentation by Katherine Zappone, Irish Human Rights Commission
- Presentation by Ruth Gallagher, Amnesty Ireland
- Contributions from the floor. Issues raised were as follows (in no particular order):
 - **Suicide** – raised by different speakers in various contexts.
 - Rise in numbers suicide of men as a result of family breakdown / custody / access issues.
 - Rise in numbers, especially amongst young men, because of a feeling of hopelessness in the current recession.
 - Numbers have risen because Irish society has lost its faith.
 - **Fathers' rights** – one speaker made the following points:
 - Although it is illegal, in practice, enrolment in school can be done with only 1 parent's signature; in general, after a breakup, most schools deal solely with the mother.
 - The legal system is flawed; there is no redress; judges are inconsistent and arbitrary. In camera rule means there is no accountability or transparency.
 - A person's home may be sold without his consent; judges remove an individual's right to consent.
 - Barring orders can be made for life; they are issued by the District and Circuit Courts and there is no requirement for evidence and will be granted if one member of the couple says they are in fear.
 - The Guardian Ad Litem service is illegal, according to a recent PQ answered by Minister Alan Shatter, but often ordered by judges. This is third party interference.
 - In 2010 there was an 80% increase in Section 37 Reports (1996 Childcare Act?) whereby judges assess which parent should have custody/access. Used to deny fathers access to their children. Can be carried out without guidelines by social workers. Coercion by doctors to undergo mental assessment; medical profession facilitates this system.
 - Suicide is up by 20% partly as a result of these issues. Men's rights are being violated and the State institutions do not protect them.
 - **Women's issues**
 - We need real debate and analysis of the situation of women in this economic downturn. Society is not homogenous; the European Commission has acknowledged that the downturn would have greater effect on women.
 - Demand for services dealing with violence against women has increased by up to 80%, but funding has been cut.
 - The IMF noted the poor provision of childcare services here. Childcare services are a barrier to participation in the workplace. In Ireland, childcare costs 45% of the average wage, in comparison to 17% in other EU and OECD countries.
 - Concern with underrepresentation of women in political life, as noted by CEDAW Committee. Government should analyse and change this.
 - **Domestic violence**

Men who suffer domestic violence receive little support. Anecdotal evidence: Gardaí dissuade men from applying for barring orders on the basis that the abusive female partner would have a criminal record. Men told by Gardaí to 'toughen up'.

- **Mental Capacity –**

- Right of self-determination is denied. Wards deemed incapable without reference to the individual capacity of the person.
- Lack of protection; not covered by Ombudsman, FoI legislation or Data Protection Act.
- According to a Law Reform Commission report, the Mental Capacity Bill could be in conflict with the Constitution.
- Families as Committee of the Person or Committee of the Estate – onerous task; families and Wards treated poorly by the Wards' Office. There is no possibility of remedy. The Department of Justice and Equality are poor in responding to correspondence on this issue.
- According to the Constitution, the family has inalienable rights; however, the rights of families of Wards are not protected.
- Successive Governments have failed to act. Delay in Mental Capacity Bill.
- Wards' funds were reinvested without permission or notification in recent years at a significant loss. Committees have been refused statements on their own children's funds, although they have to make provision for their care. Stamp duty and tax is deducted to finance the Wards' Office.
- Recommendation of structured payments.
- Ireland needs to ratify the Convention on Persons with Disabilities and enshrine it in our domestic legislation, as the State does not currently provide adequate protection for vulnerable people.
- Recommends an independent and public inquiry into system.

- **Reproductive rights / abortion / right to life**

- There should be strong protection for the rights of the unborn; the right to life is the most fundamental right of all.
- UN should be more robust in condemning abortion.
- Pro-life volunteers are harassed and bullied. Female volunteers have been forcibly removed by Gardaí and detained under the guise of the Public Order Act. When they approached Amnesty Ireland for representation, they were turned down; selective approach to human rights.
- Most recent poll showed 68% in favour of constitutional protection for the unborn child. Advocates will not accept this and keeps returning to the issue.
- Ireland's pro-life stance is part of the country's unique culture and must be protected.

- **'Your Rights Right Now' submission**

Several speakers expressed concerns about the Your Rights Right Now document by a civil society coalition coordinated by the Irish Council for Civil Liberties, which was submitted to the UN Stakeholder Report and the National Report. Two main points were raised:

- Protest about the inclusion of Section 12, "Women's Reproductive Rights", which recommends repealing the Offences Against the Persons Act 1861 (criminal sanctions for those who have abortions and those assist them), and enacting

legislation to clarify the circumstances under which abortion may be lawful, as recommended by the European Court of Human Rights.

- The endorsement process used by the Your Rights Right Now campaign. Many speakers said some groups listed as endorsing the document who sought to withdraw endorsement had been told that this was not possible. Speakers alleged that some groups listed as endorsers have not been in existence for some time.

- **Rights of the family** – several speakers

- Marriage should be defined as between a man and a woman only.
- Ireland is seeing erosion of the family unit

- **Migrant / asylum issues**

Two speakers raised the following issues:

- Asylum issues should be handled within the brief of the Minister responsible for integration.
- Asylum system results in social exclusion and mental health problems
- System of direct provision needs to be reformed; alternatives to direct provision need to be found in consultation with all relevant stakeholders.
- Direct provision serves to isolate asylum seekers from society.
- In the interim, an independent complaints system should be established. Many asylum seekers come from a culture of fear and believe that if they complain, they will be punished and their applications for asylum will be automatically rejected.
- Direct provision facility in Athlone; 100 families from hot climates living in mobile homes; particularly tough during the past two winters.
- Asylum seekers may not work or study and can live in direct provision accommodation for years. Their children are denied the right to citizenship and after going through the Irish school system, may not access 3rd level education. No certainty of future. If parents are granted citizenship, the long period awaiting decision does not count, and the children may be deemed 'overseas students', which means that 3rd level fees are 10 times higher; this denies them access to education.
- A Seanad seat should be set aside for a migrant Senator; Ireland needs to positively discriminate for this. (Preferably 2 seats, one man, one woman.)

- **Lack of transparency / bad practice in public life : policing and political systems** –

One speaker spoke of two specific cases where he felt that crimes (a paedophile ring, in one case, and arms trafficking in the other) had been covered up by Gardaí, local and national politicians. Reporters want to write the stories but are blocked by editors; the State has a stranglehold on the media.

- **Medical and legal services**

One speaker outlined his personal experience and dissatisfaction with the medical and legal system. Alleged cover-up of medical negligence by medical professionals and the HSE. Alleged collusion between solicitors and the judiciary in his legal proceedings, both on medical issues and in the family court.

- **Closure of fire stations in Offaly / community consultation issues**

- County Council closed 3 fire stations for health and safety reasons; local families now endangered.
- Discriminated against because of location; no fire services available to their families unless they choose to relocate to other towns.

- Nearest service coming from miles away, provided by people who have no knowledge of the local geography; in a fire situation, each minute is vital, so this could cost lives
 - Vital services should not be withdrawn without consultation with the community and the people most affected. There is no recourse for communities; very difficult to defend their rights as most communities cannot afford long process through the courts.
 - Rural dwellers are not adequately catered for by the State; the systems of governance in Ireland favour urban populations
 - A system of independent examination is needed for this type of situation.
- **Maternity services**
 - Women do not have a choice as to where they wish to give birth, or the type of model of care they receive, or the service provider.
 - Maternity units are obstetric-led; as a result, 25%-35% of births result in C-sections, often unnecessarily. Consent is not sought; it is deemed that by the act of the woman entering the hospital, the hospital may take any medical course it deems appropriate without consultation. Procedures are done because it is hospital policy, not based on individual need.
 - Women do not receive evidence-based care in Ireland
 - Some women have felt threatened by staff while in labour, the most vulnerable position possible. Told by staff that the safe delivery of the child is the main priority. Information and choices offered by staff are to suit the hospital, not the woman's needs or wishes.
 - Midwives are not respected in Ireland although they are the experts in natural birth; obstetricians specialise in problem births.
 - Poor transparency and accountability. Women often never see their own files and receive no debriefing after birth.
 - Homebirth Association of Ireland denied a seat on the Steering Group.
 - No right to homebirths; women are forced into the hospital system and Gardaí may be brought in to deal with women who refuse to go to hospital.
 - Nurses and Midwives Bill – members of the current Government consulted with AIMS before the election; have now withdrawn support for their amendments.
 - There is a 40% increase in marriage breakup after a traumatic birth.