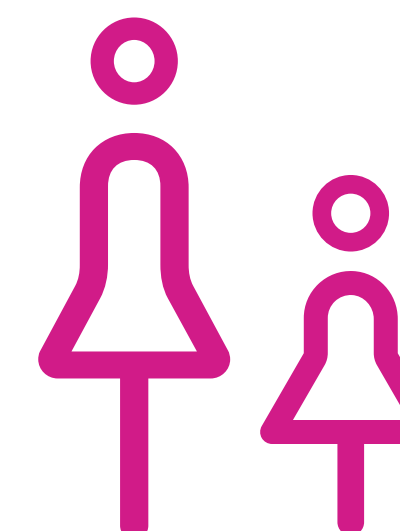
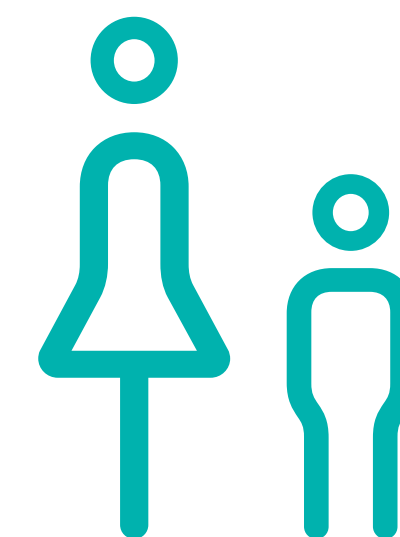


Human Rights, Equality and One Parent Families

A Guide to Knowing
Your Rights and
Recognising Discrimination



Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas
Irish Human Rights and
Equality Commission

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Foreword

By Mary Robinson

First President of One Family, seventh President of Ireland, former UN High Commissioner for Human Rights and Chair of The Elders

This year One Family celebrates 50 years of empowering and supporting one-parent families. In 1972, as the first President of Cherish (now called One Family), I saw first-hand how one-parent families were shunned, silenced, and shamed, overlooked by policymakers. I also saw how One Family's formula of empowerment through solidarity, information and education challenged the status quo for one-parent families. From the beginning, One Family understood that the key to systemic and long-term change is to empower people to change the world around them for themselves. Their sustained commitment to equality and the rights of all members of one-parent families over the last 50 years is impressive, as is the knowledge, understanding and expertise they have built up.

Recent decades have seen transformative change in Ireland. When I wrote the Foreword for One Family's first *Human Rights and One-Parent Families* guide in 2006 it was a time of great prosperity; yet despite the immense fortune on display at that time, one-parent families faced significant inequalities – legally, financially and socially. Since then, Ireland has experienced a decade of brutal cuts and a global pandemic, during which

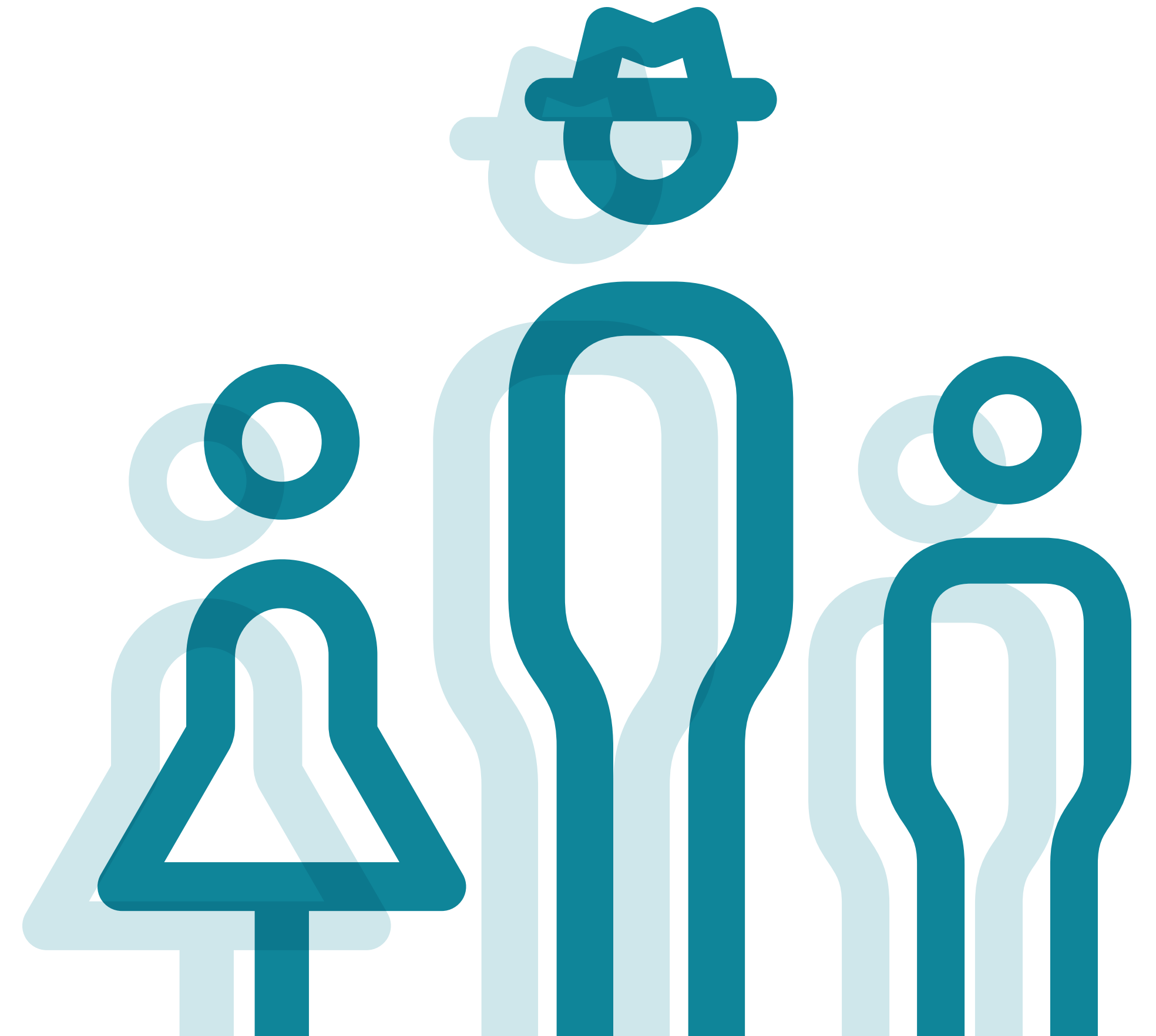
one-parent families and their children have fared particularly poorly. So called 'austerity' cuts in response to the financial crash of 2008, such as changes to the One-Parent Family Payment, directly targeted and impoverished many one-parent families pushing thousands of children into poverty. Today one-parent families live with the legacy of these cuts, with children in one-parent families now four-times more likely to live in consistent poverty than children in two-parent families.

The cuts to supports for one-parent families were accompanied by reduced funding for, the downgrading of, or in some cases the closure of key equality, human rights and anti-poverty bodies. It was an extremely distressing time for one-parent families, particularly children. And despite the economic recovery at the end of the decade, and some positive moves to correct some of the failures of the 'austerity' era cuts, poverty continued to weigh upon children in one-parent families as they were consistently among the most at risk of poverty. With the onset of the Covid-19 pandemic, life got considerably harder for one-parent families, as they experienced discrimination while trying to access shops and increased challenges with home-schooling, caring for children while sick or accessing basic services. Still today, non-marital families are not equally recognised or protected by the Irish Constitution.

It is in times of adversity when defending human rights and fighting against inequality can seem a less pressing concern; but this is precisely when they are most important. Knowing about rights and the laws and policies that prevent discrimination empowers people to change the world around them. Human rights and equality are not merely concepts, they are real-life tools which can change a person's circumstances for the better and protect them from harm. It is also vitally important that those in positions of power, work with or assist one-parent families know and understand their obligations to protect human rights and prevent discrimination.

There have been steps forward on human rights and equality since the publication of the first Human Rights and One-Parent Families guide, including the development of the Equality Acts and the ratification of some international treaties and covenants. One such positive development in recent years has been the establishment of the Public Sector Equality and Human Rights Duty. This Duty places a pro-active responsibility on those providing public services to ensure they are not infringing on the rights of or discriminating against those they seek to serve.

By providing accessible information on international human rights conventions and equality legislation and how the Public Sector Equality and Human Rights Duty can best be used to advance the rights of one-parent families this booklet advances the work of One Family in providing one-parent families and those working on their behalf with a powerful voice to call for change.



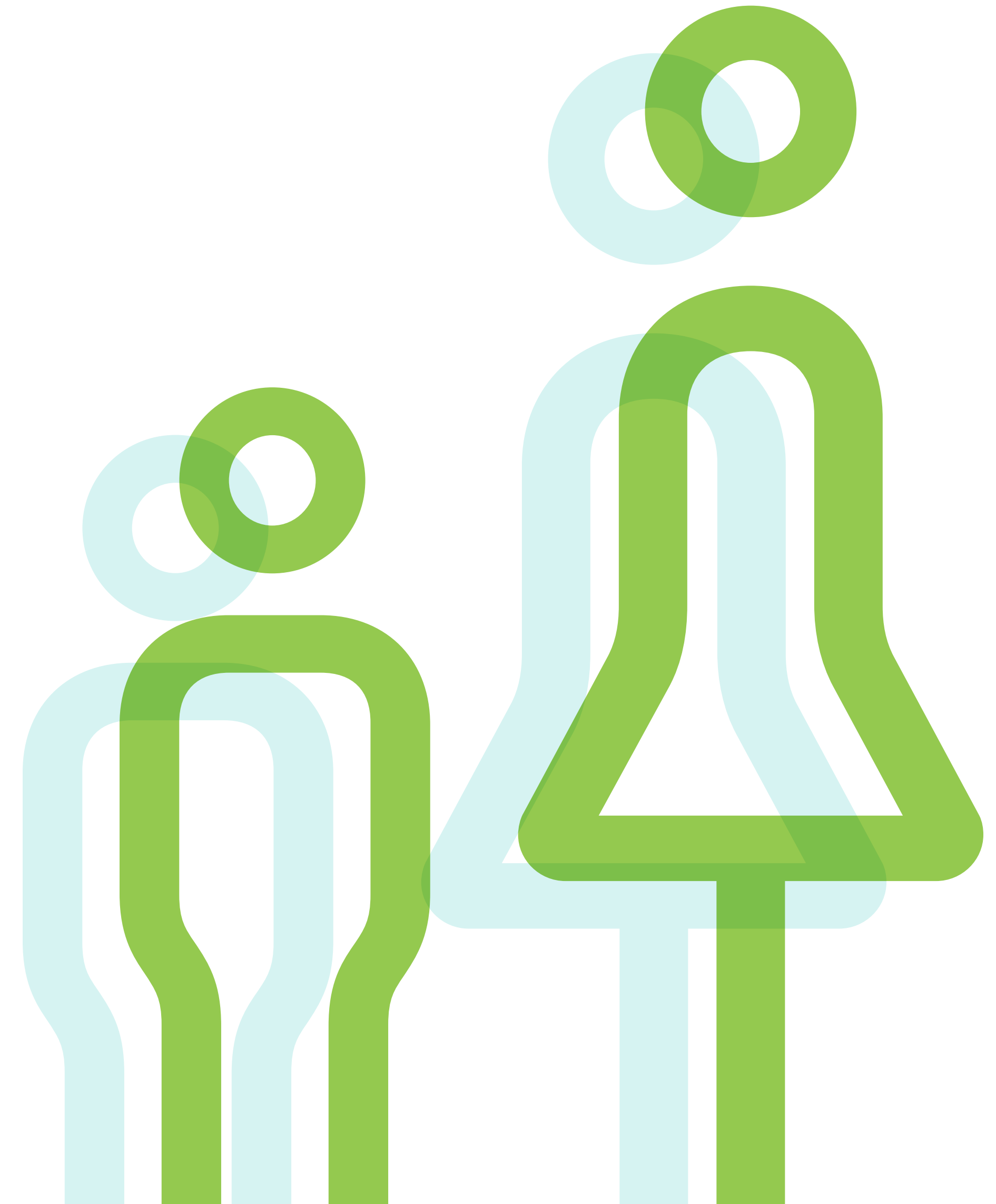
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One Family would like to thank Mary Robinson, the first president of the organisation, for contributing the foreword to this booklet.

One Family wishes to thank Dr Jennifer van Aswegen of JVA Consulting for carrying out the research with parents on our behalf and for her work in the development of this publication. We would also like to thank Dr Judy Walsh, Head of Subject for Social Justice at the UCD School of Social Policy, Social Work and Social Justice for her help in reviewing this guideline.

Finally, we would like to thank the parents who took part in the research, either by survey or focus group, as without their input the research and publication would not have been possible. In particular, we extend our thanks to the members of the Rights Holder Steering Group who helped guide the project.



Key Terms Explained

Annual Report – a publicly available, yearly review of the activity and financial accounts of an organisation.

Convention/Treaty – a formal international agreement.

Equality – treating individuals or groups in a way that gives them an equal opportunity in life as everyone else.

Human Rights Framework or International Human Rights Framework – all legal and other human rights commitments made by Ireland at home or abroad.

Magdalene Laundries – religious institutions, operated most recently between 1922 and 1996 with support from the State. Women, many of them unmarried mothers, were confined in these institutions against their will and forced to work without pay. Physical and emotional abuse were commonplace within these institutions.

Mother and Baby Homes – institutions, usually run by religious orders with the support of the State, to provide refuge for unmarried mothers and their children. Abuse and mistreatment of both mothers and their children were widespread in these institutions.

One-Parent Family – families where a parent is parenting alone, sharing parenting or parenting during or after separation.

Public Sector Equality and Human Rights Duty (Public Sector Duty) – the legal requirement for all public bodies to promote equality, prevent discrimination and protect human rights when carrying out their functions.

Public Body – any person, organisation or institution funded, or part funded by the State or Government to provide public services.

Ratify/Ratification – when a State (e.g. Ireland) agrees to be legally bound by a Convention/Treaty.

Strategic Plan/Strategy – a plan for the future, usually spanning more than one year, that sets out the goals and activities of an organisation or public body.

The United Nations – an international organisation created to maintain peace and security between countries.

1. Introduction

“I feel that it’s about our rights I suppose. The right to dignity, respect and to feel like an equal, you know? No better or no worse. The basic right, to not have to prove yourself, you know, by having a profession or by having a qualification, that it shouldn’t matter.”

A parent who participated in the research

One Family is Ireland’s national organisation for people parenting alone, sharing parenting and separating. We were established as Cherish in 1972 by a group of single mothers who wanted to challenge the unjust treatment and discrimination experienced by one-parent families at that time. Since then, One Family has fought for one-parent families to be treated equally to other family types in Ireland.

One Family wants equality and respect for all families. We believe all children have a right to a happy family life. We support families by providing specialist services and we campaign to improve the lives of one-parent families by changing the policies and structures that affect them. We are proud of the changes we have helped make over the last 50 years to how one-parent families are treated; but unfortunately, Ireland still has a long way to go to ensure adults and children in one-parent families are treated equally and without discrimination.

About this guide

This guide has been written by One Family to provide information and guidance about the rights of people in one-parent families in Ireland. The first version of this guide was originally published by One Family in 2006. A lot has changed since then, including the development of a Public Sector Equality and Human Rights Duty, and this guide aims to provide an overview of human rights and equality for one-parent families in the context of this new Duty. This guide is primarily written for adults in one-parent families but may also be useful for children and young people in one-parent families or anyone working with or supporting someone in a one-parent family.

This guide gives an overview of the human rights and equality protections provided to one-parent families under international and Irish law. It provides information on the Public Sector Equality and Human Rights Duty, what to do if you feel you have been discriminated against and where to go for more information or support. The information and guidance contained in this publication are informed by research carried out with parents in 2021/2022.

There is an accompanying guide for people delivering public services called *Human Rights and One-Parent Families: A Guide to Delivering Public Services*. It is available at www.onefamily.ie.

Disclaimer

This guide aims to give general information about rights and equality, relevant international and national legislation and the Public Sector Equality and Human Rights Duty. The information contained in this guide is informed by research with parents and a range of legal, social policy and civil society resources relating to equality and human rights. We have done our best to make sure the information is up-to-date and accurate. The information contained in this publication is not legal advice.



2. Background

The history of one-parent families in Ireland and the experiences of one-parent families today provide a context for this guide. This guide has been informed and shaped by research with parents in one-parent families, carried out by One Family in 2021/2022.

“How lone parents are treated so abysmally is definitely gender-biased in my opinion. We have a terrible history on how women and their children are treated here and this history affects peoples assumptions, in the public sector as well as out of it.”

A parent who participated in the research

History of one-parent families in Ireland

Ireland has a long and shameful history when it comes to one-parent families. In the past, parents and children in one-parent families commonly experienced stigma and mistreatment by the State, religious institutions and society. Magdalene Laundries, Mother and Baby Homes, forced adoption and other abusive and discriminatory practices were commonplace in Ireland throughout the 20th century. The last of the Mother and Baby Homes and Magdalene Laundries closed in the late 1990s.

While these types of institutions and harsh practices may be gone, some of the attitudes and beliefs which create stigma and discrimination against one-parent families can still be found in our structures, institutions, policies and in wider society today.

About one-parent families in Ireland today

Today there are many one-parent families in Ireland, making up a diverse range of family types. The most recent data on one-parent families comes from the 2016 Census. It tells us that one in five people in Ireland live in a one-parent family, while one in four families is headed by a lone parent. The vast majority (86.4%) of one-parent families are headed by mothers but many families share parenting of their children. There is not much data on shared parenting in Ireland; however, many of the families referred to in the Census as ‘households headed by one adult’ are likely have some level of shared parenting. It is anticipated that the number of one-parent families may rise when the results of the 2022 Census are published.

3. Human rights, equality, public services and one-parent families

This section gives a snapshot of the voices of parents who took part in One Family's *Human Rights, Equality and One Parent Families* research in 2021/2022. It outlines their experiences of using public services as a member of a one-parent family and what changes they think should be made to improve the way public bodies respond to people in one-parent families.

Overview

During 2021-2022 One Family commissioned research to explore the experiences of people in one-parent families when using public services. In total 148 parents from one-parent families took part in the research via online survey or focus group. The research questions and discussion topics focused on public service delivery. Some of the feedback from parents related to public or other services not obligated under the Public Sector Equality and Human Rights Duty. Participants spoke about their experiences of public service delivery within the past year. Parents who participated in the focus groups were invited to take part in a *Rights Holder Steering Group*. The Steering Group participated in and guided the development of this guide and the accompanying guide for the public sector.

- Around 80 per cent of research participants were mothers, 18 per cent were fathers and 2 percent preferred not to indicate gender.
- 27 per cent described themselves as sharing parenting and 73 per cent as parenting alone.
- 67 per cent said they had experienced unfair treatment, inequality or discrimination from a public service body.
- Half of participants said they had experienced a positive interaction with a public service body.
- Participants described engaging with a wide variety of public bodies. The Department of Social Protection was the public body parents had most interactions with most frequently, followed by the Court Service, and the Health Service Executive.

What parents said

Parents were asked about their experiences when interacting with public services, both negative and positive. They were asked what the impact these interactions had on them and their families and what changes they would like to see in how public services are delivered to promote equality, prevent discrimination and protect human rights.

Some key themes parents discussed were:

- **Dignity and respect** – these values were key in how parents described both positive and negative interactions with public services. They were central to how parents believed they should be treated by public bodies.
- **Protection from harassment** – parents described experiencing degrading, humiliating, intimidating or offensive treatment which undermined their dignity during some interactions with public services.
- **Prevention of discrimination because of civil or family status** – parents described a range of interactions with public bodies in which they felt discriminated against because of their family type.
- **Prevention of gender discrimination** – both Mams and Dads reported feeling discriminated against because of their gender. In many cases, they felt this was directly linked to their status as belonging to a one-parent family.

Positive experiences

A variety of positive experiences with public bodies were discussed by parents. In schools and other educational bodies, parents described feeling like their family type was treated equally.

“In general, I have had a positive experience in dealing with teachers and felt an effort to ensure our family type was included in the classroom environment. I feel my son is welcome and feels his family type is normal in the school.”

“When my youngest was in a community crèche the staff were very supportive and (let me pay) when I could. They gave me great advice and encouragement to stay working and helped me out.”

Some Department of Social Protection Intreo Officers and Case Officers were also singled out for their positive approach towards one-parent families, along with Revenue Officers.

“When I split up with my child’s Dad, I had to get on to Revenue....and there was just somebody on the phone, and they were just really human. Just like “Oh, well, I hope you’re okay now”, you know... it was just a really human interaction.”

The power of being treated equally

The impact of positive interactions can be powerful for parents. Not only do they describe feeling empowered to continue engaging with public services, but the experiences where they felt their rights were respected and they were treated equally had a positive effect on their own feelings of self-worth.

"I felt respected, listened to, supported, my strengths acknowledged, and it helped me know not everyone in (public bodies) looks down on people like me."

"(I felt they) value me as who I am, reminded me that I am not alone. I know my worth and it built resilience moving forward."

"Gave me some confidence that people are there to help and will help."

When asked about the impact a positive experience of using public services, some parents described practical and sometimes crucial outcomes for their families.

"We were able to get out of homelessness."

"We now have heating."

"The impact of that experience changed our lives for the better. It changed the course of all our lives. "

Negative experiences

Parents described negative experiences with a variety of public bodies. Issues that were described included feeling discriminated against because of their family type and not being treated with dignity or respect.

Discrimination

Parents described feeling discriminated against mostly for being in a one-parent family, but also for their gender or disability.

"I was pregnant, I had nowhere to live, I was a nervous wreck. And I went into the services for support, and a man just looked at me with such contempt and he said, "You're not going to get yourself a house now, just because you've gotten yourself into a stupid situation."

"When my son was in ICU care, as I was parenting alone, some hospital staff weren't happy for me to have a family member with me as it wasn't my child's parent."

"My experiencehad a negative effect on my family as I felt because my family fell outside their definition of a one-parent family, we would not be supported."

"You are assumed to have no education or are only suitable for low-paid jobs. All that is sent to you is to get you into these jobs rather than helping with childcare to do the job you're trained for. Add being a migrant and it's even worse."

"I have been discriminated against because of my gender. I was told by a judge in the Family Court that "These things favour the mother."

Dignity, respect and privacy

Parents discussed feeling like they were not given the respect they deserved, being treated with a lack of dignity and feeling they had no privacy in their interactions with public bodies. They expressed feeling frustrated and disheartened by stereotypical assumptions, judgemental language, stigma and being treated like they were asking for charity rather a public service user. A common theme was difficulty accessing services, information and referrals. Parents identified the difference that helpful and supportive interactions where they were treated with respect could make to their outcomes.

While parents did not name their experiences as such, some of the treatment they described could constitute harassment in that it violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for them.

"The woman I was speaking to and was referred to said to me it is my own fault, that if I didn't have my child, I could have a career. That was it. I left the meeting, and I complained."

"(My One Parent Family Payment) had been diverted to another post office by an Intreo Officer in order to get me to come in. Why not ring someone? The stress of this....(I) had no petrol but somehow had to dash to the office, queue up then find out they wanted a form to be submitted to them (no form posted to me) and then I had to drive to another post office to access money for the week. This is inhumane and cruel and so degrading. The manager laughed and said this is how they get people's attention."

"I think when you're approaching the court services, initially going in the door, from the point of view is privacy, we have no privacy. You're going immediately to a hatch that's in the public. Your information is discussed in front of everybody from security on the door to the person behind you in the queue. And then I think maybe the approach of the staff, I understand that they have to be professional, but I think just rudeness is not acceptable. You should be polite. We're not asking them to advise us in any way. I just think common courtesy."

The impact of discrimination

Parents described the impact of feeling they were being treated differently as a lone parent, because of their gender or experiencing a lack of privacy, dignity and respect in their interactions with public bodies. For some parents, it put them off accessing services in the future. They described feeling like they hit a 'stone wall' and that they had nowhere to turn to. Others described feeling traumatised, having their self-worth undermined or being made to feel less than other people.

Parents said these interactions often left them feeling frustrated, untrusting of public bodies, fearful or apathetic about engaging with public services. For this reason, it is important for those delivering public services to take parents' previous experiences into account and approach each interaction with empathy and understanding.

"Very traumatising. Still feel emotional when I think about how we were treated that day."

"Damages (your) self-esteem, makes life seem pointless, wouldn't feel confident in asking for support I am eligible for. Shame on them."

"Made feel very low and lesser than. In a crisis I went for help and left feeling worse."



"It was embarrassing and frustrating. I was made to feel I was doing something wrong or hiding something when I was not. I felt patronised every time I went into the office."

Other parents described the impact on their child, their relationship with their child or their ability to parent.

"I was left short of money..... short of childcare....(with) no incentive to work without affecting my payment, and shamed at meetings, pressurised to find full-time work. I got letters about night security jobs! Stressed! I felt I wasn't good enough as a parent for my child."

"I felt completely alone and unsupported while trying to manage my child's mental health issues and take care of my own mental health."

What change would parents make?

Parents were asked what changes they believed public bodies should make to improve services for one-parent families. Training was one of the most common suggestions from parents. The suggestions ranged from training on human rights and equality, to domestic, sexual and gender-based violence training, to training that would challenge public sector staff to examine their own unconscious biases and treat everyone with respect, regardless of their background.

"Train staff to treat people equally."

"Training on 'unconditional positive regard' and empathy/customer service training. Training on the Irish Human Rights and Equality Act."

"Training. Some people are in jobs so long and the outlook has changed. The public are not a bunch of scammers to be suspicious of, but people in the community with dignity you are paid to assist. Wording (in) documents and forms should be updated."

“Training for providers, if that’s what’s necessary in order for people to deal respectfully with service users, training in what it means to be a lone parent and the barriers we face. To not assume lone parents are happy on welfare and are uneducated.”

“There’s one aspect which is training but another is personal self-development. People can have a day’s training on “here’s the facts on lone parents” but it’s really digging into what their own personal assumptions are. And those assumptions are often supported by cultural assumptions. So yes training, but training with an element of probing self-development to know what your own biases truly are and not just what you’re being told to believe on a whiteboard.”

“Training to treat customers with dignity and respect. Operate with efficiency and don’t blame the person seeking help, blame the system. Also don’t judge others on their life circumstances or current situation. Things can happen to anyone.”

Some parents had logistical suggestions for how public bodies could be more inclusive and attentive to the needs of one-parent families. These included using digital technology to make attendance at appointments and meetings easier and taking a flexible approach to scheduling which recognises the responsibilities parents have. Expanding eligibility to schemes, such as civil legal aid or the Affordable Housing Scheme, to be more inclusive of people in one-parent families.

“Appointments outside of work and school hours so that we can attend with our child.”

“See us as a family like any other. Have payment plans. Have a maintenance collection unit. Have access to legal aid for parents supporting children by themselves.”

“Allow all lone parents to avail of affordable housing, regardless of if they previously owned a property.”

Other parents believed that understanding the lived experiences of people in one-parent families through listening and consultation would help improve the services provided by public bodies.

“Consultation with single parents on their actual needs and how best to deliver those services in a way that is respectful and empathetic. A course on active listening for all public servants.”

“Listen without prejudice.”

“Listen to what I have to say.”



4. About Human Rights and Equality

This section gives an overview of what human rights are and who is responsible for protecting your rights. It also outlines what we mean by equality.

“It honestly feels like the minute you mention you’re a lone parent this stigma is attached and used to judge everything you do.”

A parent who participated in the research

What are human rights?

Human rights are basic standards and freedoms that everyone is entitled to. Human rights are universally accepted and are protected by international law and treaties, which Ireland has signed up to.

The *Universal Declaration of Human Rights* is the foundation for human rights laws and treaties. It was created in 1948 from a desire to avoid the kind of inhumane atrocities seen during the Second World War and Holocaust. At the centre of the 1948 Declaration are the values of dignity, respect for all human beings, and freedom from discrimination.

Since then, human rights law has grown and is relevant to all aspects of society, including the delivery of public services. Human rights seek to protect people from harm and enable everyone to live a dignified life. There have also been human rights mechanisms developed to protect the most vulnerable groups in society.

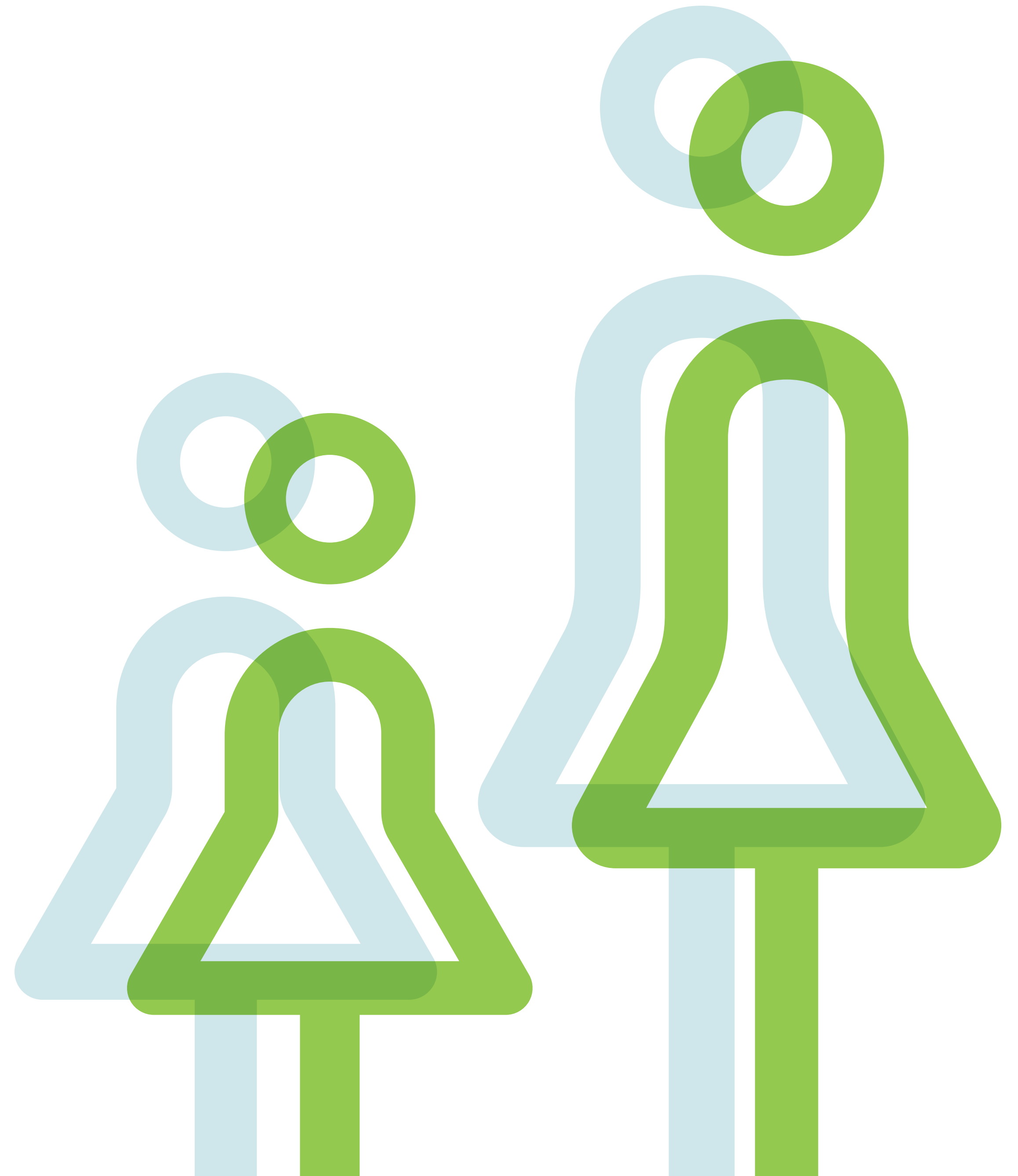
Who protects my rights?

Under international law, countries must respect, fulfil and protect human rights. In Ireland this means the Government is mainly responsible for protecting rights by developing policies, institutions and services which respect and uphold human rights.

What do we mean when we talk about equality?

Equality is about ensuring people have equal rights, freedoms and opportunities. Laws and policies that aim to advance equality recognise that people are often harmed and discriminated against by injustices such as racism or sexism. Discrimination happens when someone is treated badly or disadvantaged because they belong to a social group that is undervalued or disrespected. Equality means no one should be discriminated against because of, for example, their gender, sexual orientation, age, disability, race or family type. Equality measures often focus on groups or individuals who are discriminated against or those most vulnerable to being excluded from society. Equality and protection against discrimination are guaranteed under Irish law.

Equality and human rights are connected by having non-discrimination at their core. Article 2 of the *Universal Declaration of Human Rights* says that everyone is entitled to all rights and freedoms “*without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*” For this reason, human rights and equality often go together. Laws, treaties, and covenants that deal with human rights are relevant for equality and *vice versa*.



5. About Human Rights and Equality Laws

This section describes the different international and national human rights and equality laws protecting people in one-parent families.

“Treat people as equals – with dignity and care. Many people who are or become single parents have been through trauma and the last thing they need is to be treated as second class.”

A parent who participated in the research

How are my rights protected internationally?

There are many international treaties, laws and institutions that shape how human rights are protected in Ireland. The main international human rights structures relevant to people in Ireland are the United Nations and a regional system in Europe.

The United Nations and human rights

The United Nations (UN) is an international organisation made up of countries or Member States. It was established in 1945 and its members agree to the principles and purpose set out in its founding document, called the United Nations Charter. Ireland is a member of the United Nations.

The United Nations is responsible for drafting and overseeing international human rights laws and treaties. The Universal Declaration of Human Rights is the central pillar of international human rights law. This sets out the basic human rights that form the foundation for all subsequent UN human rights treaties.

The main human rights treaties of the United Nations are:

Treaty	Date	Has Ireland Ratified
International Covenant on Civil and Political Rights (ICCPR)	1966	Yes in 1989
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	Yes in 1989
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	1965	Yes in 2000
Convention on the Elimination of All Forms of Discrimination against Women (ICEDAW)	1979	Yes in 1985
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1984	Yes in 2002
Convention on the Rights of the Child (CRC)	1989	Yes in 1992
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW)	1990	No
Convention on the Rights of Persons with Disabilities (CPRD)	2006	Yes in 2018
Convention for the Protection of All Persons from Enforced Disappearance (CPPED)	2006	No

How is Ireland’s progress on human rights monitored?

Ireland must make sure its laws and policies respect the rights set out in each of the treaties it has ratified. The UN periodically examines whether Ireland has put in place the laws and policies needed to fulfil its obligations under the treaties it has ratified. These ‘periodic reviews’ are an opportunity for non-governmental and other interested bodies to have their say on the Government’s progress in protecting human rights.

Human rights in Europe

Human rights are protected regionally in Europe by two separate institutions: the Council of Europe and the European Union.

European Convention on Human Rights

The European Convention on Human Rights (ECHR) is the foundation for the human rights system in Europe. It was created by the Council of Europe in the early 1950s and incorporated into Irish law in 2003. Today there are 46 Member States who have signed up to the ECHR, including Ireland.

Some of the rights and freedoms protected under the ECHR include:

- the right to life;
- the right to liberty and security;
- the right to respect for private and family life;
- freedom of expression.

The Charter of Fundamental Rights of the EU

All institutions and Member States of the EU must comply with the European Union Charter of Fundamental Rights. The Charter came into effect in 2009 and sets out rights and equality protections under six headings: Dignity, Freedoms, Equality, Solidarity, Citizens Rights and Justice. Examples of Articles contained in the Charter of Fundamental Rights of the EU include:

- equality between men and women;
- respect for private and family life;
- right to marry and right to found a family;
- fair and just working conditions; and
- freedom of movement and of residence in the EU.

EU Equality Directives

The EU is responsible for several Equality Directives which influence equality legislation and policy in Ireland. A directive is a legislative act that sets a goal that all EU countries must achieve. How the goal is achieved is up to the individual country to decide. The EU equality framework includes other directives on areas such as race, gender, maternity and parental leave.

What laws protect human rights and prevent discrimination Ireland?

Much of the human rights legislation in Ireland comes directly from the international agreements and treaties the Government has signed. Ireland has several key pieces of legislation that protect human rights, promote equality and prevent discrimination. These are outlined below.

The Irish Constitution

The Irish Constitution, Bunreacht na hÉireann, is Ireland's core legal document. First adopted in 1937, it sets out how Ireland should be governed and the rights of Irish citizens. Articles 38-44 of the Constitution set out fundamental rights. These include the right to equality before the law and the right to freedom of expression. Since its adoption several Articles of the Constitution have been amended or added to bring it up to date with Ireland's international human rights obligations and to recognise changes in society. To change the Constitution, the Government must hold a referendum or national vote. For example, in 2012 children's rights were added and equal access to marriage regardless of sex was included in 2015, and in 2018 abortion was permitted for the first time.

Changing the Constitution to cherish all families equally

Article 41 of the Constitution pledges special protection to the marital family. This Article, along with others about gender and caring responsibilities are out of touch with modern life. One Family is among a group of civil society organisations calling for a referendum in 2023 on changing the Constitution to value all family types equally. If you would like to learn more about this, please visit www.onefamily.ie.

Irish Equality Law

Irish equality law is made up of several different pieces of legislation or Acts designed to stop discrimination and ensure the equal treatment of everyone in Ireland.

Grounds protected under Irish equality law

Common to all of Ireland's equality legislation are nine grounds which are protected from being the basis for discrimination. These protected grounds are:

- gender;
- civil status;
- family status;
- age;
- disability;
- sexual orientation;
- race;
- religion; and
- membership of the Traveller community.

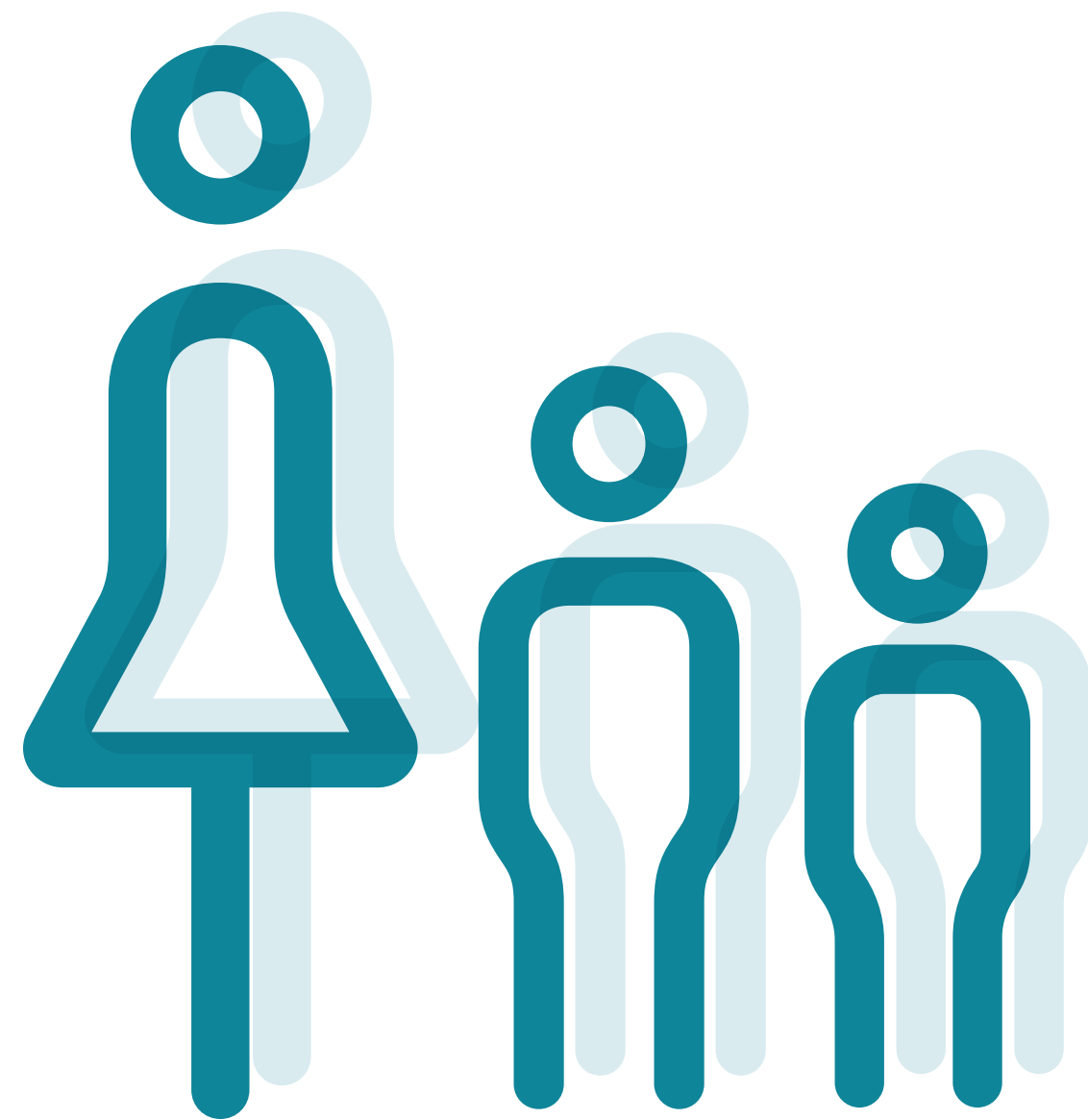
Civil and Family Status

Two of the grounds are directly relevant to people in one-parent families. The *civil status* ground prohibits discrimination as between who are single, married, separated, divorced, widowed, or in a civil partnership. People in one-parent families are also protected under the *family status ground*. That ground protects people who experience discrimination because they are the parent of a child. Discriminating against you or anyone in your family because you belong to a one-parent family is against the law. You may also be protected under one or more of the other protected grounds, depending on your circumstances.



Intersectionality - belonging to multiple groups

People in one-parent families may also belong to another group protected by equality law. One-parent families may include people with disabilities, members of the LGBTQ+ community, migrants or ethnic minorities or members of the Traveller community. The distinct discrimination a person experiences based on membership of two or more protected groups can overlap, intersect and put that person at an additional disadvantage.



What would discrimination because of your family type look like?

Alicja is a lone parent to eight-year-old Jozef and five-year-old Tomek. Each year she puts a little money aside every week to pay for a family holiday. Every year she picks the hotel or holiday camp they go to based on which accommodation offers a specific rate for one-parent families. This year she is finding it difficult to find anywhere offering a rate for one parent and children. The usual places she has stayed in the past are busy or no longer offer a one-parent family rate. Worried she will miss out on securing a booking at all she pays for a “family package” in a popular family resort. She pays the same rate as a family with two adults and two children. It’s often the same same when she books a family gym membership, buys family passes to tourist attractions and pays for family insurance packages. She feels it’s so unfair.

Discrimination

Different types of discrimination are recognised under Irish equality law. These are:

- **direct discrimination** – treating someone less favourably than others based on a protected ground. This includes discrimination by association, which involves treating someone less favourably because they associate with a person who differs under the nine protected grounds.
- **indirect discrimination** – putting policies or rules in place that apply to everyone, but that put someone who differs under any of the protected grounds at a disadvantage compared with others.
- **harassment and sexual harassment** – harassment is any form of unwanted behaviour related to the protected grounds and sexual harassment is any form of unwanted sexual behaviour. In both cases the purpose or effect of the harassment is disrespect and violation of dignity and creating a hostile, intimidating or degrading environment for the person.

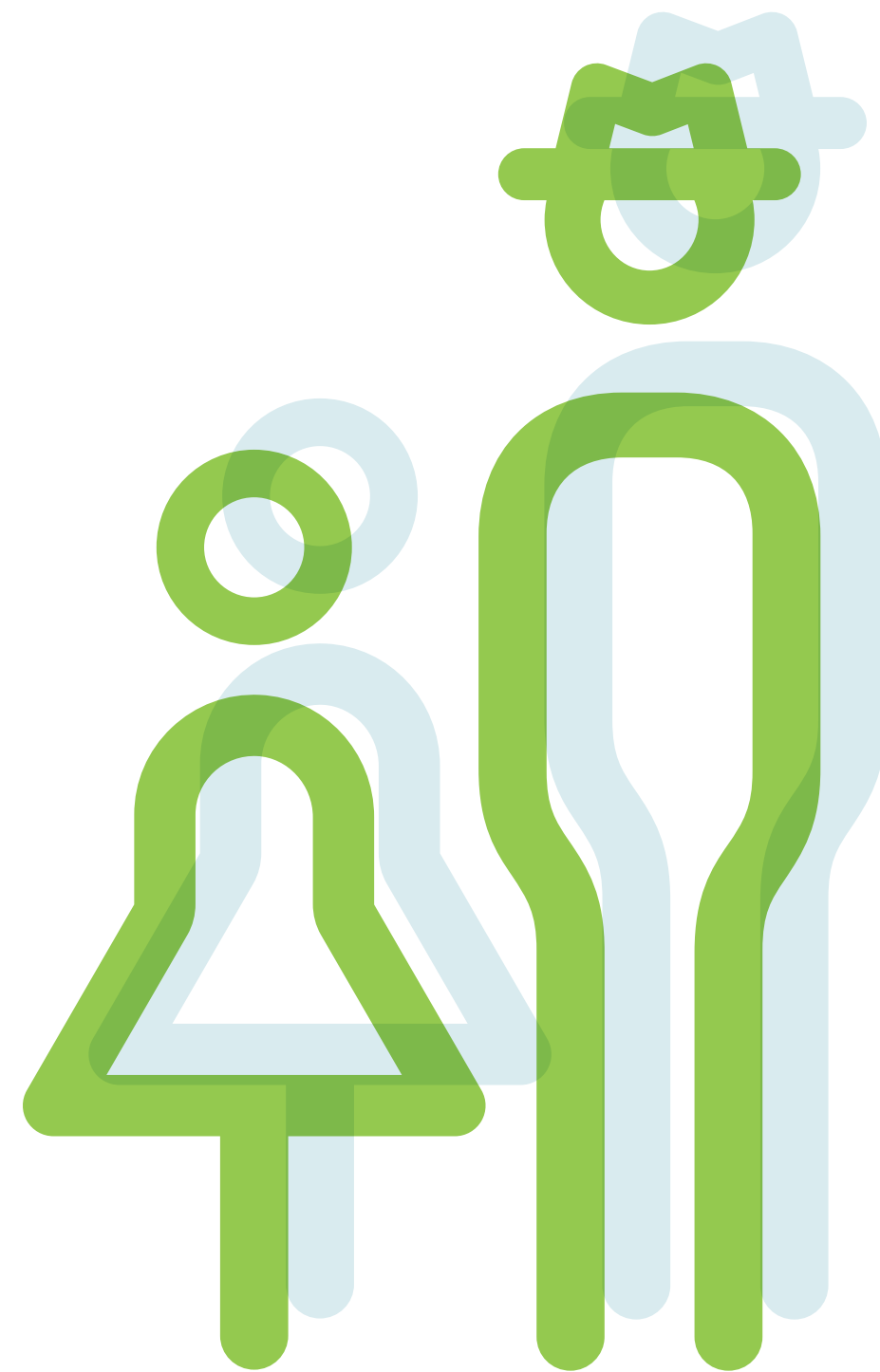
Equality law also places a responsibility on employers and service providers to take reasonable steps to accommodate people with disabilities.

Equal Status Acts

The Equal Status Acts 2000-2018 are a set of laws protecting people from the discrimination that can happen in everyday life. They specifically apply to access to and use of goods and services, accommodation and education. They prohibit discrimination or harassment based on the nine protected grounds. They also include two additional grounds. The first is protection from discrimination because a person receives Rent Supplement, Housing Assistance Payment or any other social welfare payment. This ground only applies to accommodation and not to other provision of goods and services or to education. The second extra ground covered by the Equal Status Acts is the victimisation ground which applies to anyone who has sought legal redress, attended as a witness or opposed an unlawful act, or has given notice of their intention to do so.

Exemptions

There are several exemptions provided in equality legislation. Some are specific, such as an exemption for “single sex” schools to allocate places based on gender. Others are general, such as the exemption for private activities, such as renting a room in a private home.

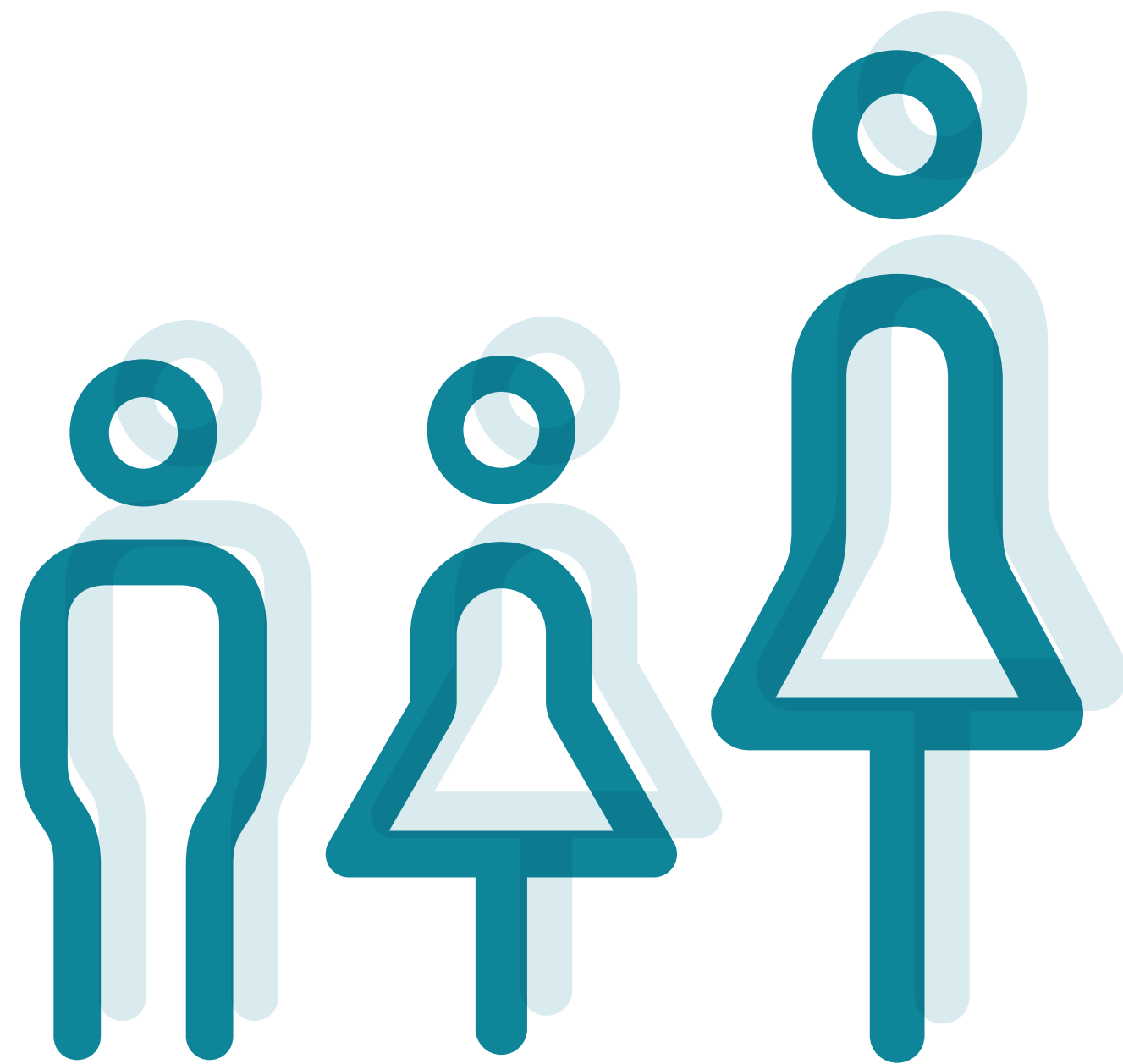


What would gender discrimination look like?

Patrick has joint legal custody of his daughter Freya. Freya's Mam has poor mental health and finds it a struggle to cope with the day-to-day care of her daughter. For this reason, Freya spends weekdays and most of the weekend with Patrick. This arrangement worked well for everyone in the family, until Patrick found out his landlord was selling the apartment he rents. Patrick couldn't find anywhere else to live. He registered as homeless in the hope of accessing family homeless accommodation with Freya. He was distressed to find that he was not eligible for family accommodation as a Dad sharing custody and would only be considered for sole adult male accommodation by his Local Authority. This means Freya can't stay with him. Patrick worries about the impact this will have on her.

Employment Equality Acts

The Employment Equality Acts 1998-2021 relate to work and employment. Like the Equal Status Acts, they prohibit discrimination, harassment and sexual harassment in any place of employment based on the nine protected grounds. This includes any work under an employment contract, vocational training or work experience. The Act covers a range of employment aspects such as advertising jobs, equal pay and the terms and conditions of jobs and dismissal.

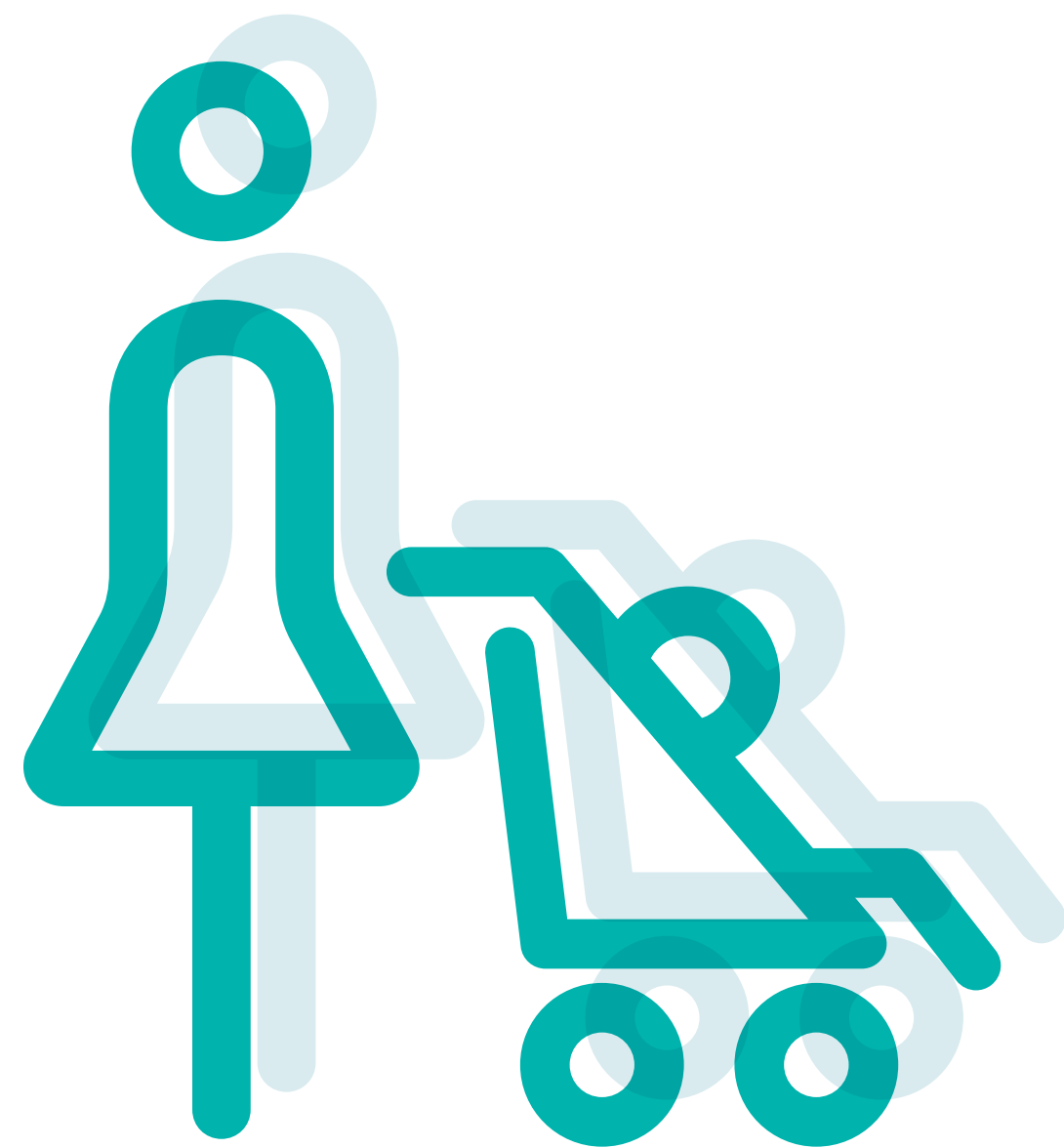


What would employment discrimination against people in one-parent families look like?

Miriam is parenting her two children alone. She is training to be a teacher part-time. At the end of her training she had to complete a work experience placement in a secondary school. As she was coming to the end of her placement a job opportunity was advertised in the school. She was eligible, so she applied for the position. The interview was made up of the school Principal and members of the school Board of Directors. The interview went well, until towards the end the principal asked about her children. He asked how she planned to manage childcare if she got the job. Taken aback, Miriam answered she would manage the same as any parent. The principal continued to probe about how her status as a parent in a one-parent family could impact her ability to attend work reliably and do her job. She did not get the position and felt she had been discriminated against because of the family she belonged to.

Positive Action

Equality law allows for employers and service providers to give preferential treatment to people based on the protected grounds. Such treatment is called 'positive action' and is designed to create equality of opportunity for people disadvantaged under the protected grounds. This can include charging a preferential fee for goods or services considering people's different circumstances or creating employment conditions and programmes aimed at increasing the number of employees from a particular group.



What would positive action look like?

Amir is a manager in a public body. He will be expanding his team and will have several new positions to recruit. A few years ago, his department reviewed their workplace profile and set targets for achieving a more diverse workforce in their strategic plan. Because of this, all managers have had training in equality, inclusivity and diversity. The public body has also set up some supports to help increase diversity and give equitable opportunity all applicants. This includes a programme of training, mentoring and internships available to women, ethnic minorities, lone parents, people with disabilities and members of the Traveller Community. This programme has been running for a few years and Amir is hopeful he will be able to recruit from its graduates. He will approach graduates directly when he advertises and advertise with representative organisations for each of the target groups. When he writes the job advert, he states the company welcomes applications from each of the target groups. It also highlights equitable family leave arrangements for people in one-parent families and access to subsidised on-site childcare facilities. At its next strategic review, the company finds it has far exceeded its goal of increasing diversity in its workforce. In a difficult recruitment market, the public body now has a wider pool of talented, skilled, loyal and experienced people from which to recruit.

6. Public Sector Duty

In this section we explain what **Public Sector Equality and Human Rights Duty** is and what it means for people in one-parent families. The **Public Sector Equality and Human Rights Duty** is also called ‘the **Public Sector Duty**’ or ‘the **Duty**’ for short.

“To see the person beside you (treated differently) because they don’t look a certain way or have the right accent or talk a certain way. To be treated differently, to be standing side by side and to feel so helpless and powerless. I just think that’s absolutely wrong. So, it’s more about the rights and dignity and respect, irrespective of your gender or anything else.”

A parent who participated in the research

What is the Public Sector Duty?

The Public Sector Duty is a legal obligation that makes all public bodies responsible for the promotion of equality, prevention of discrimination and the protection of human rights. It was introduced into Irish law in Section 42 of the Irish Human Rights and Equality Commission Act 2014, with the aim of putting equality and human rights at the heart of how public services are delivered. The Public Sector Duty means that, while carrying out their functions, all public bodies must have regard to the need to:

- eliminate discrimination
- promote equality of opportunity and treatment for staff and persons to whom it provides services
- protect the human rights of staff and the persons to whom it provides services.

Which public bodies must implement the Public Sector Duty?

Any organisation, body or person who receives some or all of their funding from the Government is responsible for implementing the Public Sector Duty. This includes bodies such as government departments, local authorities, the Health Service Executive, the Courts Service, universities and institutes of technology, and An Garda Síochána. The Duty is relevant to people working in or for a public body as they are both protected by the Duty and must uphold the Duty when carrying out their daily work.

How does the Public Sector Duty work?

The Public Sector Duty means public bodies have specific legal obligations to make sure their policies, practices and services promote equality, prevent discrimination and protect human rights. The Duty requires public bodies to take *proactive*

steps to promote equality, protect human rights and combat discrimination. This means public bodies must go beyond avoiding discrimination against service users. Public bodies must also consider and review how they will advance equality for the groups protected under equality legislation and how they will protect the rights contained within Ireland's human rights framework.

Under the Public Sector Duty each public body must take three core steps and each step must be done in a manner accessible to the public:

- 1. Assess** – each public body must assess the equality and human rights issues for service users and staff that it believes to be relevant to its functions and purpose and include the results in its strategic plan.
- 2. Address** – public bodies must then outline in their strategic plan what policies, plans and actions they already have in place or plan to do in the future to address these issues.
- 3. Report** – public bodies must then report on developments and achievements in relation to those policies, plans and actions in its annual report.

Public bodies carry out these three tasks in the context of purpose, functions, size and their available resources.

The role of the Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission (IHREC) oversees the implementation of the Public Sector Duty in public bodies. Under the 2014 Irish Human Rights and Equality Commission Act, IHREC is responsible for giving guidance to public bodies and encouraging them to develop good human rights and equality policies, plans and practices.

If IHREC believes a public body is failing to perform its functions or fulfil its obligations under the Public Sector Duty it can ask them to carry out a review or to make an action plan on areas it is underperforming, or both. Such reviews or action plans can be general or they can address a specific area of human rights or discrimination, or both.

What are my rights when accessing public services?

The human rights and equality duties public bodies must comply with under the Public Sector Duty are those protected under Irish human rights and equality law. This means public bodies must actively prevent discrimination and promote equality for those belonging to the protected grounds.

Family ground and other forms of discrimination

For people in a one-parent family, this means you are legally protected from discrimination because of the type of family you belong to. If you belong to more than one of the protected grounds, you are protected across each of the grounds that apply to you. For example, a bisexual mother who has a disability and is parenting alone is protected under the sexual orientation, gender, disability and family status grounds.

Dignity and Respect and Protection from Harassment

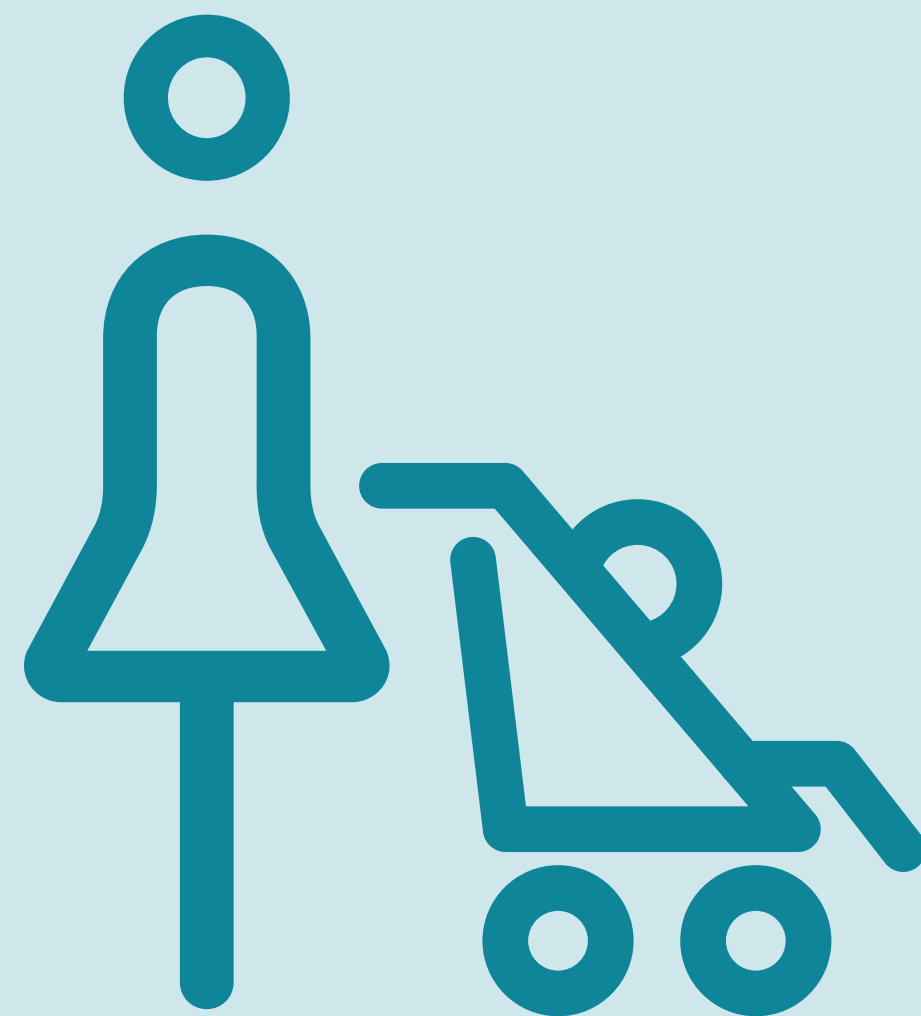
All public bodies have a responsibility to treat you with dignity and respect and prevent harassment. Below are two examples from parents in their own words about an interaction with a public body.



Effie's Story

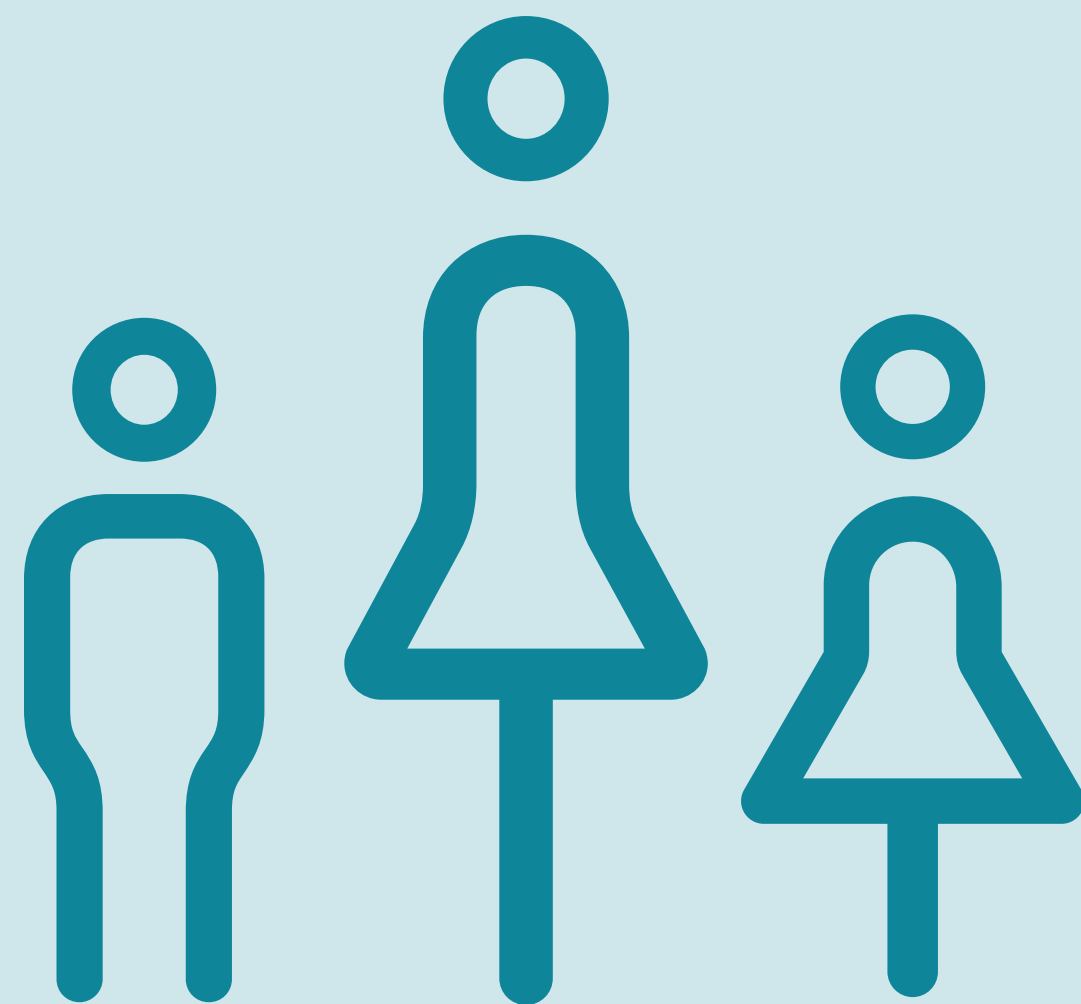
When my daughter was two or three, I went to the social welfare office to look for supports. I was struggling, trying to balance working and a young child. The person I dealt with treated me horrendously, like I wasn't human. I was very nervous. I had my son in the buggy with me. The woman that came to ask me into the office, her body language, the way she looked at me, the way she spoke to me, her tone of voice was very disrespectful. I have been brought up to always be polite to people, you know, in any situation. So I went into the room, and I put my hand out and I said, "Hi, my name is Effie" to shake her hand. And she just looked at me and said, "I'd rather not." And at that point, I started crying.

She showed no empathy, no consideration. As the meeting continued, she didn't explain to me what the process was, or why she was asking such personal very detailed questions about my relationship and why I was asking to be supported as a single parent. She obviously didn't feel that I deserved what was going on explained to me. I was told if I wasn't prepared to do what the system was asking me that I wasn't entitled to anything. There was no leeway. There was no understanding that this was a mother trying to find a way to work, but also look after her child. She made me feel like less of a person, less of a contribution to society. I am educated, I've worked since I was 15 years old. I felt traumatised, like I had to lie or hide who I was. Her method of communication and lack of ability to empathise is something I will never forget. Public bodies and their staff should treat people with respect like everybody deserves no matter what their situation is.



Siobhán's Story

Just this week actually I had a really positive experience. I want to get back to work so I've been looking at different options. I live very rurally and trying to get information is hard. I considered a CE scheme even though obviously it's not going to bring in money but just to get back in the headspace of work. I had been told by three different officials, both online and by ringing the central number that I'll get help with childcare and with travel costs. For us living rurally it's half an hour in the car both ways and another 15 minutes to the childcare, but I was told "apply for it apply for it you'll get all this help". I still needed to clarify before I committed to the job. Finally, a woman got back to me, she was absolutely brilliant, so professional.



She stood out in 13 years of dealing with this department, she was not only professional but so kind and so insightful. When she helped me figure out, I was going to be out of pocket by at least €35 because it was going to cost €25 in petrol and €32 in childcare. She said that all I would get is a €20 top up on my weekly payment, and she said there's no way you can do this you'd be paying to go on a CE scheme. She took all my details, my background, my experience and qualifications and she said a CE scheme is not for you. She said for the qualifications and experience you have; you should be in paid employment. You deserve to get a financial return for the experience and skills you have. It was just so timely and so appreciated, and really stood out from all the other dealings I'd had. It was having that validation and that belief, and she didn't just leave it there. She said, "Do what you want to do it's your choice but if you decide not to take the CE position come back and I'll help you", not just "I believe in you now off you go." So now I have a contact number for someone who is very professional, insightful and proactive. Very respectful. She didn't just leave me hanging, it wasn't just empty words.

What to do if I think a public body has discriminated against me?

If you think you have been discriminated against by a public body it is important to write down what has happened, including the date, time, who was involved and any other important details. You should keep a record of any subsequent conversations or communication between you and the public body. If you feel comfortable doing so, you can discuss the issue informally with the person involved, their superior or a human rights, equality or inclusion officer in the public body. You can also make a formal complaint in writing. Ask who complaints should be directed to and be clear about what happened. If you have difficulty making a complaint in writing because of a disability, literacy or language constraints you can ask for help.

At any stage, you may wish to seek further information or advice. You can contact **One Family** for information or listening support on our AskOneFamily Helpline on 0818 66 22 12 or by emailing helpline@onefamily.ie or via social media.

The **Irish Human Rights and Equality Commission** are responsible for fighting discrimination and providing information on equality and human rights in Ireland. They can offer advice and information, but they cannot make a decision in relation to a discrimination claim. Through its legal functions the Commission can provide practical assistance, including under specific circumstances, legal representation, to people defending their rights under human rights and anti-discrimination legislation.

The final step you can take is to make a formal complaint to the relevant statutory organisation responsible for the issue you are seeking to resolve. The **Workplace Relations Commission** (WRC) is the body that hears discrimination complaints under Ireland's equality laws. There is no fee to bring a case to the WRC and complaints can be made online. It is important to note that complaints of discrimination in relation to employment must normally be referred to the WRC within six months. Equal status complaints (i.e. those made under the Equal Status Act) have two stages. First you must notify the service provider or public body you are making a complaint against in writing within two months of the alleged act of discrimination. You must state the nature of the allegation and your intention to take a complaint using the Equal Status Act. The service provider or public body then has one month to respond. You should keep a copy of the notification and retain proof of posting from An Post. If you are dissatisfied with the response you receive, the next step is referring the case to the Director General of the Workplace Relations Commission.

The **Office of the Ombudsman** examines complaints from people who feel they have been unfairly treated by a public service provider in Ireland. You can make a complaint to the Ombudsman free of charge online. The Ombudsman's website has useful information about how to make a complaint to a public body, what information you should include and step-by-step guides on the process. Complaints should only be referred to the Ombudsman when complaining directly to the public body has not resolved the issue satisfactorily.

See section 7 for contact details of relevant bodies and support organisations.

Examples of successful human rights and equality cases involving one-parent families in Ireland

- In 2022 the **Workplace Relations Commission** (WRC) ruled that while letting an apartment a landlord discriminated against Ms Ziurinskaite, who was parenting alone. The landlord refused Ms Ziurinskaite's rental application because she was in receipt of Housing Assistance Payment (HAP). While the ruling acknowledged the landlord's assertion that they were unfamiliar with the HAP scheme, the WRC stated that the landlord should have familiarised themselves with the HAP scheme which has been in place for many years. The WRC ordered compensation equivalent to three months' HAP payment be made to Ms Ziurnskaite.
- In 2019 judges in the **Irish Supreme Court** unanimously agreed that Dublin City Council had discriminated against a father, Mr Fagan, who shared parenting of his three children. The local authority had registered the children's mother as eligible for family housing supports, while judging Mr Fagan's housing need to be that of a single adult male. The Court ruled that assessments of whether a family have "a reasonable requirement to live together" for the purposes of social housing assistance must be made on a case-by-case basis, rather than by blanket categorisation based on family type. The Irish Human Rights and Equality Commission acted as amicus curiae ('friend of the court') in this case.
- In 2018 the **Office of the Ombudsman** upheld a woman's complaint about the then Department of Employment Affairs and Social Protection's refusal to grant her Guardian's Allowance for the care of her grandson. She appealed the refusal to the Social Welfare Appeals Office twice, but it was upheld based on the belief that the child had not been abandoned and that the woman's role in the child's care was a private matter between her and the child's father. Following the upholding of the woman's complaint to the Ombudsman's Office she was awarded Guardian's Allowance and arrears were paid to her.

7. Where can I get help or more information?

This section includes information on where you can find out more about human rights and equality and where to go for help if you think you have been discriminated against.

Children’s Rights Alliance

The Children’s Rights Alliance is a membership organisation representing children. They have information and resources on their website about children’s rights and a legal helpline.

Helpline number: 01 902 0494

Email: help@childrensrights.ie

Website: www.childrensrights.ie

Citizens Information

Citizens Information provides free, independent information and advice on public services and citizens’ entitlements. There are more than 200 Citizens Information Centres across Ireland providing free, impartial information, advice and advocacy. You can find details of their locations on their website or by calling their Phone Service.

Citizens Information Phone Service: 0818 074 000

Website: www.citizensinformation.ie

Free Legal Advice Centres (FLAC)

FLAC is an independent voluntary organisation promoting equal access to justice for everyone. FLAC provides a telephone information and referral line offering basic legal information, online resources and a limited number of legal advice clinics.

Telephone Information and Referral Line: 01 906 1010

Website: www.flac.ie

Garda Ombudsman

The Garda Ombudsman is responsible for dealing with complaints of misconduct by members of the Garda Síochána in an efficient, effective and fair manner. You can make a complaint online through their website.

Phone: 0818 600 800

Address: 150 Upper Abbey Street, Dublin 1, D01 FT73

Website: www.gardaombudsman.ie

HSE Patient Advocacy Service

The Patient Advocacy Service is a free and confidential service operated independently of the HSE. It provides information and support to anyone who wants to make a complaint about an experience they have had in a HSE public acute hospital or a HSE operated nursing home.

Phone: 0818 293 003

Email: info@patientadvocacyservice.ie

Address: Level 3 Marshalsea Court, 22/23 Merchants Quay, Dublin 08 N8V

Website: www.patientadvocacyservice.ie

Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission is Ireland’s national human rights and equality institution. They have information, guides and tools about human rights, equality and the Public Sector Duty on their website. They also provide a number of supporting functions in relation to helping people defend their rights and an information service called Your Rights.

Your Rights Helpline: 01 858 3000 or Lo call 1890 245 545

Email: YourRights@ihrec.ie

Address: Your Rights, Irish Human Rights and Equality Commission, 16-22 Green St, Dublin 7.

Website: www.ihrec.ie

Office of the Ombudsman

The Ombudsman examines complaints from people who feel they have been unfairly treated by a public service provider in Ireland. They can examine complaints made against most public bodies including, government departments, local authorities, the HSE and publicly funded third level bodies. You can find information about making a complaint and make an online complaint through their website.

Phone: 01 639 5600

Address: 6 Earlsfort Terrace, Dublin 2, D02 W773.

Website: www.ombudsman.ie

One Family

One Family is Ireland’s national organisation for people parenting alone, sharing parenting and separating. We provide services to families, including the AskOneFamily Helpline which provides listening support and information.

AskOneFamily Helpline: 01 662 9212 or 0818 662212

Email: info@onefamily.ie

Website: www.onefamily.ie

Ombudsman for Children

The Ombudsman for Children investigates complaints about services provided to children by public organisations. The service is free and independent. The Ombudsman for Children’s Office (OCO) is a human rights institution that promotes the rights and welfare of young people under 18 years of age living in Ireland. You can make an online complaint through their website.

Freephone: 1800 20 20 40

Email: ococomplaint@oco.ie

Address: Millennium house, First Floor, 52-56 Great Strand Street, Dublin, D01 F5P8

Website: www.oco.ie

Social Welfare Appeals Office

The Social Welfare Appeals Office operates independently of the Department of Social Protection. It aims to provide an independent, accessible and fair appeals service with regard to entitlement to social welfare payments and to deliver that service in a prompt and courteous manner. To appeal a decision, you must fill out a form available online or from your local Intreo office and return it by email or post.

Phone: 0818 747434 or 01 673 2800

Email: swappeals@welfare.ie

Address: D’Olier House, D’Olier Street, Dublin, D02 XY31

Website: <https://www.gov.ie/en/campaigns/031734-the-social-welfare-appeals-office/>

Treoir

Treoir is a non-governmental organisation providing a free, confidential, specialist information service for parents not married to each other, living together or apart, their extended families and those working with them. Information is available on legal, social welfare and parenting issues.

Phone: 01 670 0120 or 01 670 0167

Email: info@treoir.ie

Website: www.treoir.ie

Workplace Relations Commission

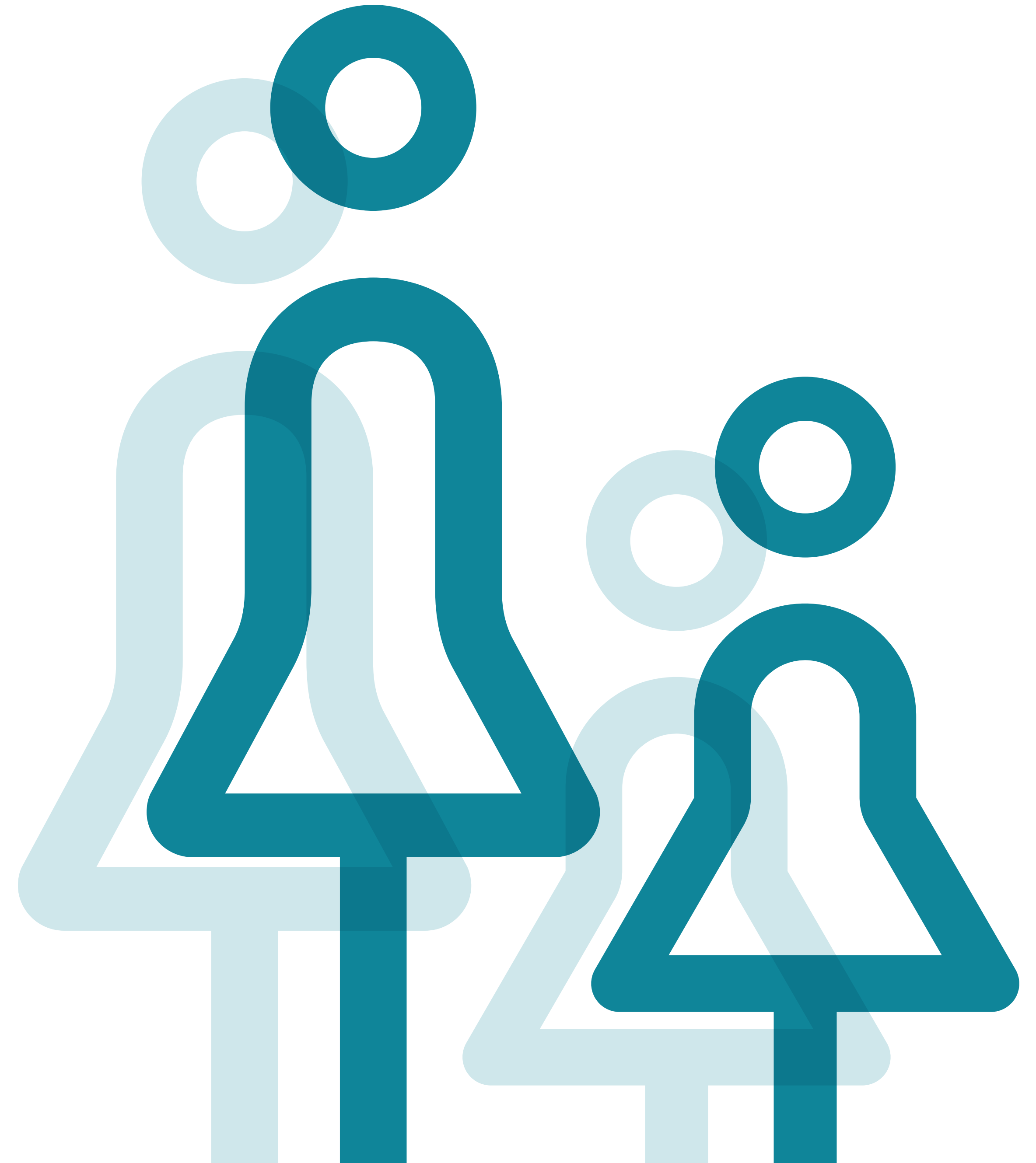
The Workplace Relations Commission is an independent statutory body that is responsible, among other things, for mediating, hearing and deciding equality cases and employment equality cases. You can make a complaint online through their website.

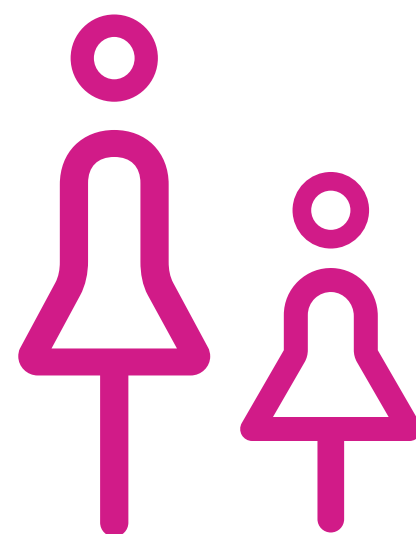
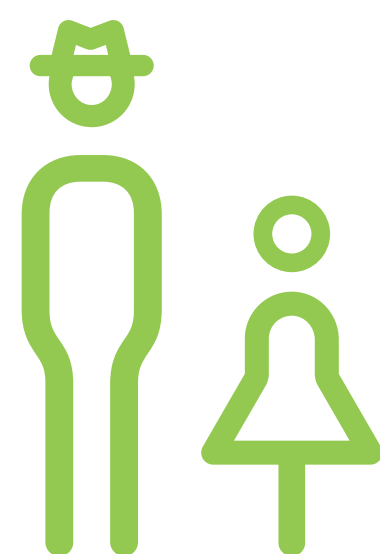
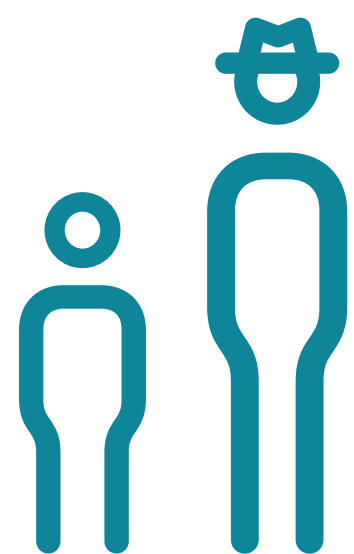
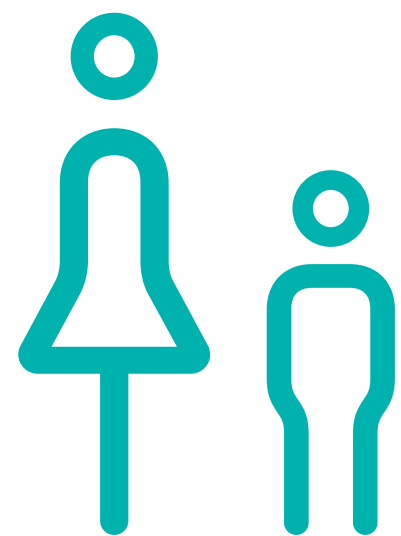
Phone: 0818 80 80 90 or 059 917 8990

Workplace Relations Enquiry Form: https://www.workplacerelations.ie/en/contact_us/

Address: O'Brien Road, Carlow, R93 E920

Website: www.workplacerelations.ie





**Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas**
Irish Human Rights and
Equality Commission

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