



Public Sector Duty

A positive duty in mainstreaming
equality and human rights on a
statutory basis in Ireland

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The Macpherson Report, published in February 1999, clearly defines the concept of ‘institutional racism’, as:

“the collective failure of an organisation to provide a appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”



In a survey in 2012 the Public Services Executive Union which represents officials in the Public and Civil Service found that **26%** of its members witnessed racist remarks by colleagues about service users and **7%** reported witnessing a service user being subjected to racist remarks or behaviour by a colleague.

Survey on Anti-Racism and Interculturalism in the Civil Service, PSEU (2012).



- Our starting point is to acknowledge that every public institution has the **potential** for racism and discrimination.
- Positive duty requires **proactive** steps.
- positive duty requires public authorities to take pro-active steps in assessing and reviewing their policies programmes and decisions

Engagement with Civil Society Stakeholders



The Office of the UN High Commissioner for Human Rights:

“Strategic engagement with civil society can act as a lever to enhance the effectiveness of national bodies by ‘deepening their public legitimacy’, acting as ‘a bridge into communities that may distrust their national institution’, and ‘giving them access to expertise and valuable social networks.’”

(2005)



Irish Human Rights Commission recommendation:

“In light of the importance of civil society to the promotion and protection of human rights in Ireland that an explicit reference to their being a stakeholder of the IHREC be included in the legislation”



A structured, participatory approach to the implementation of the public sector duty between civil society and public authorities is necessary: based on mutual respect for our respective competencies, experiences and responsibilities.



- We need to develop a policy and a set of principles that will underpin this approach.
- This will ensure consistency and avoid an 'ad hoc' approach.



This approach will lead to public services being more inclusive, appropriate, accountable and cost effective.



This is an opportunity for us to work collectively to address discrimination and inequality and create a public sector that Traveller, Roma and other communities have trust and confidence in.