



HIV  
Ireland

# Work of HIV Ireland

- ▶ Community Support
- ▶ Prevention, Education & Training
- ▶ Policy & Research
- ▶ Campaigning & Advocacy

# Key Areas of Presentation

- ▶ Influence & Role of Irish Civil Society
- ▶ Civil Society, Advocacy & HIV Policy
- ▶ Human Rights Based Approach to Our Work
- ▶ Role of AAE in Supporting Advocacy at National Level



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# Influence and Role of Irish Civil Society

## Long Tradition of Civil Society Activism in Ireland

- ▶ Originally church and religious based - stepping in where state failed or refused to do so. Remain influential and powerful
- ▶ Many small, medium and large civil society groups and networks in Ireland
- ▶ Political and societal emphasis can often be on protecting the 'national interest' which leaves those on the margins increasingly vulnerable
- ▶ Increasing tradition of input into human rights activism and structures e.g. Universal Periodic Review process; Shadow Reports (e.g. page 10 has point re: HIV included here after lobbying by HIV Ireland, ACET, Rialto CDT and UISCE [http://www.rightsnow.ie/assets/12/CA112F0B-5003-4355-994FBDD31DBB567F\\_document/DOC\\_1.pdf](http://www.rightsnow.ie/assets/12/CA112F0B-5003-4355-994FBDD31DBB567F_document/DOC_1.pdf)); Know Your Rights Campaign

# Challenges Exist

1. Poor national mechanisms to question Government on implementing human rights obligations
2. Lack of transparency on decision making and budget allocations - political decisions v evidence based decisions
3. Lack of detailed information on HIV in Ireland - limits ability to inform policy
4. Recession and austerity has impacted negatively on the most vulnerable within Irish society, those least able to advocate on their own behalf

# Meeting these challenges

- ▶ At all times it is crucial that PLWHIV are centrally and equally involved - Positive Now and the All Ireland Network of People Living with HIV good Irish example ([www.positivenow.ie](http://www.positivenow.ie)).
- ▶ Place human rights at the centre of our work - this will give us integrity, strength and validity to advocate, and be heard.
- ▶ Civil society needs to work in partnership to an agreed vision and action plan.
- ▶ Win over Hearts and Minds; Use the Law

# The Irish Constitution

- ▶ Statement of how the State should treat its citizens - core values, laws and structures. It outlines certain basic rights:
  - \* Right to a fair trial (Article 38.1)
  - \* Equality before the law (Article 40.1)
  - \* Right to life (Article 40.3)
  - \* Right to liberty (Article 40.4)
  - \* Right to freedom of expression, assembly and association (Article 40.6.1)
  - \* Protection of the family (Article 41)
- ▶ In practice the courts have interpreted the constitution as also including other human rights - bodily integrity, freedom from torture, inhuman or degrading treatment or punishment, right to work and earn a livelihood, right to privacy
- ▶ We need to use the law in our advocacy work - in Ireland PILA/MLRC/IHREC (2014 Act in relation to Public Sector Duty)/Office of the Ombudsman/ examples
- ▶ Liberty, ACLU, ICCL - carrot and stick approach.





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# Civil Society, Advocacy & HIV Policy

# Be a Trustworthy & Credible Voice

- ▶ Civil society legitimacy arises from our experience of working alongside people living with HIV
- ▶ The voices of PLWHIV are crucial, and must be central to decision making
- ▶ High quality HIV related research will lead to evidenced based advocacy
- ▶ Clarity of messaging - what are we saying and why? Are we united in what we are saying? If not, how do we privately & publicly manage differences of opinion?
- ▶ Work alongside state agencies and Governments in order for them to understand and appreciate the importance of civil society advocacy. We can speak out when they cannot. They can open doors that we cannot
- ▶ Immerse our work within Human Rights



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# A Human Rights Based Approach To Our Work

‘A human rights based approach begins with the conviction that all people are entitled to the protection and promotion of their human rights’

- ▶ Human rights legislative framework
- ▶ Equality, non-discrimination & attention to vulnerable groups
- ▶ Empowerment
- ▶ Participation
- ▶ Accountability & Transparency

# Conventions, Charters and Declarations

- ▶ EU Charter of Fundamental Rights
- ▶ Universal Declaration of Human Rights
- ▶ International Convention on Economic, Social & Cultural Rights
- ▶ European Social Charter
- ▶ International Convention on Civil & Political Rights
- ▶ UN Special Sessions and Political Declarations on HIV/AIDS
- ▶ **European Convention on Human Rights**

# European Convention on Human Rights

- ▶ <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5968&lang=2&cat=5> - Impact of the ECHR on Member States
- ▶ Art 3 - Right to freedom from inhuman or degrading treatment or punishment
- ▶ Art 5 - Right to have lawfulness of detention speedily examined by a court
- ▶ Art 8 - Right to respect for private life
- ▶ Art 10 - Right to freedom of expression
- ▶ Art 11 - Right to freedom of assembly
- ▶ Art 12 - Right to marriage
- ▶ Art 13 - Right to an effective remedy
- ▶ Art 14 - Prohibition on discrimination

# ECoHR's Country Based Decisions

- ▶ Georgia - Art 3 - improving healthcare in prisons, notably in terms of Hep C and TB prevention, diagnostics and treatment
- ▶ Germany - Art 3 - police must not threaten suspect with physical harm during interrogation
- ▶ Netherlands - Art 5 - judicial review of involuntary psychiatric detention
- ▶ Czech Republic - Art 8 - family must not be separated on grounds of material difficulties
- ▶ France - Art 8 - legal recognition of the new identity of post-operative transsexuals; Art 10 - insulting the head of state is no longer a crime
- ▶ Greece - Arts 8 & 14 - legal recognition of same-sex couples
- ▶ Ireland - Art 8 - decriminalisation of homosexuality; children not to be placed for adoption without consulting biological father
- ▶ Moldova - Art 11 - no arbitrary ban on LGBT rights demonstration
- ▶ United Kingdom - Arts 8, 12 & 13 - decriminalisation of homosexuality and protection of privacy for homosexuals serving in the military; protection of transsexuals from discrimination

# Practical Tools in Implementing a HRBA

- ▶ It is crucial that we build networks and coalitions
- ▶ We must know who the decisions makers are
- ▶ We are seeking a rationale on how policy and decisions are arrived at within the context of a state bodies legal and human rights obligations - protect, promote, fulfil
- ▶ Documenting what exactly the issue is, whether on a personal or more general level
- ▶ Be hard on the problem, soft on the people (may have its limits!)
- ▶ An initial 4-step process for Human Rights Advocacy
  - i) Objective - what do you hope to achieve? What is your best possible outcome and next best alternative?
  - ii) Initial phone calls and emails to state bodies
  - iii) More formal letters if required
  - iv) Freedom of Information Request





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# The role of AIDS Action Europe in supporting advocacy at national level

# Please Be Proactive!!

- ▶ AAE can proactively support civil society as follows:
  - a) Capacity build PLWHIV and AAE members in the area of advocacy - develop an advocacy toolkit based upon practical support and keep it concise
  - b) Increase knowledge and training on human rights for AAE members - how members can implement a human rights based approach within their work
  - c) Conduct, support and promote quality HIV research that provides a solid evidence base to support lobbying and advocacy campaigns. Contextualise within a human rights framework
  - d) Develop various communication mechanisms whereby AAE can ascertain what the key national issues for individual members are; common issues across many members; and how AAE can promote these issues on an EU policy level as this will filter down to national policy

# Civil Society Advocacy

To paraphrase Dr. Mary P. Murphy (NUIM) .....

- ▶ Do Not Be Silent
- ▶ Do Imagine Better Alternatives
- ▶ Do Build Progressive Alliances
- ▶ Lets Claim Our Space in Political Debate

Dankeschon!  
Thank You!

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