

## Case studies

### **Case study 1: – Right to Healthcare – Lack of access to rehabilitation services for stroke survivors (provided by Irish Heart Foundation)**

Stroke survivor living in the South-East of Ireland: *“When I left the national rehab hospital I was happy to be going home but I wasn’t by any means fully recovered. When I was discharged from the rehab hospital, all the therapies stopped. I had a brief stint in a local hospital but after that, nothing. I haven’t had any Physiotherapy since. I have had some Speech & Language therapy, but this was provided in the geriatric unit. I was told that because I’m not over-65 or under-5, they have nowhere to ‘treat’ me. I’m too young, but at the same time too old, to get the services and supports I might need... Really, I felt that once I left the rehab hospital I was just left to my own devices.”*

- Stroke survivors need access to acute and community rehabilitation to make the best recovery possible, or to enjoy their highest attainable standard of health. In Ireland, where a person lives still dictates whether they receive the rehabilitation and support they need after leaving hospital. A 2014 national survey of stroke survivors living in the community by the IHF and RSCI showed survivors face chronic service deficits - one in three have no access to physiotherapy and half can’t get any speech and language therapy or occupational therapy. Just 11% have access to psychological services, despite the often severe mental health impact of stroke. 36% pay privately for rehabilitation. Further research from the ESRI & RCSI for the IHF published this year shows there is currently poor resourcing of and wide regional variation in community and inpatient rehabilitation for stroke survivors in Ireland. The research found significant regional variation in stroke rehabilitation services, such as physiotherapy and speech and language therapy, length of hospital stay, availability of nursing home places, community rehabilitation staffing and the intensity of therapy delivered in different locations.

### **Case study 2: – Right to social security – Risk of destitution from state recovery of overpayment & need to broader state legal aid for people on low income (provided by FLAC)**

FLAC represented ‘Anna’ in her appeal against a decision of the Department of Social Protection to stop her One Parent Family Payment and recover monies paid to her to date as an ‘over-payment’. The Department claimed that Anna was cohabiting with her former partner and wasn’t entitled to the payment. As evidence, it claimed that her estranged husband used her address, that his car had been spotted outside her residence and that she had ticked a box on a form indicating that she was living with someone. However, Anna said that her husband had been advised by the Department itself to use her address when registering their child’s birth; the car had been registered using her address because she also used it. She had ticked the wrong box in the form by mistake; further, a previous report from a Department inspection had stated that there was no suspicion of cohabitation. The Appeals Officer agreed cohabitation hadn’t been proven and allowed the appeal.

- The protection of the right to social security in Article 9 of the Covenant is vital in the area of overpayments, as the process of recovery, made easier by a recent change in Irish legislation, risks

pushing people below the poverty line set by the State itself. As an overarching issue particularly for people on low incomes, the need to ensure access to justice for people on low incomes is also crucial, as in the case above 'Anna' would not have been capable of arguing her case unassisted. The Civil Legal Aid system does not extend to Social Welfare Appeal cases, meaning that organisations like FLAC must try and bridge the gap in legal protection.

### **Case study 3: – Right to work – Fully realising the right to work & appropriate use of training and education to that end (provided by Irish National Organisation of the Unemployed)**

*"I feel that it is quite disappointing when it comes to the unemployed - a section which I am currently in. I have found the employment service very weak, they just don't seem to have sufficient support programs in place to assist the needs of people. Yes they will meet their targets of interviewing everyone on the live register by Q4 2014 - pretty much all I was asked to do was sign and tick and box and continue to search for work myself."*

- For this unemployed person, a significant issue was the lack of flexibility within the system and his ability to make the most out of the training he had undertaken. For example, most decent employment temporary contracts are for greater than 3 months, yet the Fast-Track system only facilitates employment of up to 8 weeks. He felt an action plan should be put in place to support people to find a job as soon as their course ends and so make the most out of these opportunities. He strongly felt the answer was not to continuously re-train and called for the urgent roll-out of action plan for professional long-term unemployed people. In particular, to follow through on actions to encourage employers to look to the Live Register for potential employees; in effect, how to realise positively the interaction between the human rights envisaged under 6.1 and 6.2.
- While Ireland has recently seen a return to employment growth, there is a particular regional and occupational spread to this growth and so in many parts of the country unemployed people regularly ask *"where are the jobs everyone is talking about?"* Added to this reality is the precarious and piecemeal nature of much of the work on offer. The INOU spoke recently with one unemployed man who was anxious to return to work and was delighted to take up a job offer. Unfortunately for him the work was in a town in the neighbouring county, the hours were piecemeal and he found he was unable to retain the job as it was costing him too much to travel. Basically he has a 100km round trip for three hours work. A key phrase in Article 6.1 is *"to gain his living by work"* which clearly this unemployed man could not: to realise this right, it is imperative that Ireland creates and maintains decent employment.

### **Case study 4: – Right to adequate housing – Review of Rent Supplement limits (provided by Focus Ireland)**

'Mary' was living in private rented accommodation with her daughter and was expecting another baby. She was in receipt of Rent Supplement from the Department of Social Protection. Unfortunately, due to financial constraints she was not able to pay her full rent for a couple of months as her only income was her social welfare payment. She was not able to clear the arrears and lost her home within a number of months. She

searched for accommodation that was within the Rent Supplement limits set by the Department but couldn't find any available accommodation. She found herself with nowhere to go and had to present as homeless to the local authority. She was placed in a hotel with her daughter and while she was very close to giving birth to her second child. She stayed in this accommodation for a considerable period of time.

The inadequate situation Mary lived within the hotel, at a time when she was especially vulnerable, was an affront to both her rights and the rights of her daughter. It had an effect on her health and wellbeing but also on her daughter's education as the hotel was based some distance away from the school.

- The right to adequate housing is something that has been called for in 'Our Voice, Our Rights' and if this right was guaranteed would ensure that no person or family would have to live in inadequate housing or accommodation. In the short term, both Focus Ireland and FLAC have called for the rent supplement limits to be reviewed so that they adequately reflect the rental market. If the Rent Supplement limits were increased it would prevent many families losing their homes (as they would be able to maintain their tenancies in line with increasing rents and other expenses) but also would enable families to find affordable alternative accommodation in situations where they lose their homes.