

**Digital Services and Smart Cities, Dublin City Council: Implementing
the Public Sector Equality and Human Rights Duty
Implementation Plan**

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Contents	Page
1. Public Sector Equality and Human Rights Duty	2
2. Equality and Human Rights Values Statement	3
2.1 Introduction	3
2.2 Equality and Human Rights Values Statement	3
3. Assessment of Equality and Human Rights Issues	5
3.1 Introduction	5
3.2 Assessment of equality and human rights issues	6
4. Implementation Plan	9
4.1 Enabling Implementation	9
4.2 Address Step	11
4.3 Immediate Priorities	12
4.4 Ongoing Implementation	13
4.5 Reporting	13
Appendix: Evidence Book	14

1. Public Sector Equality and Human Rights Duty

The Public Sector Equality and Human Rights Duty (the Duty)¹ is a statutory obligation on public bodies to have regard to the need to:

- Eliminate discrimination;
- Promote equality of opportunity and treatment of its staff and the persons to whom it provides services; and
- Protect the human rights of its members, staff and the persons to whom it provides services.

Public bodies must undertake three steps in giving effect to this Duty:

- **Step 1. Assess:** Undertake an assessment of the equality and human rights issues facing the identified groups for the Duty (with particular focus on issues that have relevance to the specific functions of that public body) and to make that assessment publicly available.
- **Step 2. Address:** Identify and communicate the plans, policies and actions being taken or proposed, to address the issues identified in the assessment, in the plans, policies, programmes and services of the public body; and
- **Step 3. Report:** Report annually on developments and achievements in implementing the Duty.

The groups identified for the Duty are covered by the grounds of gender (including gender expression, gender identity and sex characteristics), civil status, family status (including lone parents and carers), age, disability (broadly defined to include all impairment groups), sexual orientation, race, religion, membership of the Traveller community, and socio-economic status (at risk of or experiencing poverty and exclusion)². This includes those at the intersections of these grounds. It further includes rights holders under the various human rights instruments relevant to the functions of the public body.

The Duty covers all functions of a public body. The functions of Digital Services and Smart Cities, Dublin City Council encompass:

- digital connectivity – support and enable connectivity across the city;
- data insights – analysis, support and developing new opportunities to secure data;
- new and emerging technology – review, secure and support;
- digital services – design and functionality, including use of technology platforms that are staff and citizen facing; and
- engagement and outreach.

¹ [Section 42](#) Irish Human Rights and Equality Commission Act 2014.

² These are the nine grounds covered under equality legislation alongside a 'tenth ground' that is recommended by the Irish Human Rights and Equality Commission in its [2019 Duty Guidance](#).

2. Equality and Human Rights Values Statement

2.1 Introduction

This Equality and Human Rights Values Statement identifies and defines the values that motivate our concern for equality and human rights in Dublin City Council (DCC), as set out in the DCC implementation strategy and action plan for the Duty. The implications of each value for the priorities and work processes of Digital Services and Smart Cities are set out in a statement of outcome and a statement of process under each value. These statements are specifically focused on the identified groups for the Duty.

Our equality and human rights values are:

<p>Dignity & Respect</p> <p>Diversity & Accessibility</p> <p>Inclusion & Social Justice</p> <p>Participation & Engagement</p> <p>Choice & Autonomy</p>

This equality and human rights statement underpins our implementation of the Duty in that:

- Our assessment of equality and issues is framed by these values to ensure a comprehensive approach; and
- The statements of outcome and of purpose serve as benchmarks in our decision-making to ensure an ongoing alignment with these values and the ambition they reflect.

2.2 Equality and Human Rights Values Statement

Dignity & Respect

People being treated in a manner that recognises their intrinsic human worth

Statement of Outcome: we work to ensure that technology and digital services enable and facilitate people from the identified groups, and that their application and implementation by Dublin City Council protects privacy and is not intrusive, and to look out for and address negative technology consequences that might arise to undermine dignity and respect.

Statement of Process: we treat stakeholders and those we engage with, with fairness and empathy, we are open and transparent in our work and decision-making, and we ensure privacy by design.

Diversity & Accessibility

Difference is welcomed and valued and diversity is accommodated in access to our services and in employment

Statement of Outcome: we work to ensure new technology and digital services are accessible to the identified groups in addressing their specific needs, incorporating accessibility by design into our service design approach, and to leverage opportunities to enhance accessibility for the identified groups through the deployment of technology and digital services.

Statement of Process: we map out the diversity of users of technology and digital services, and provide additional supports and accommodate diversity to meet the specific needs of the identified groups, in our service design approach, and in our engagement with communities and other stakeholders.

Inclusion & Social Justice

The diversity of people has the resources and opportunities to participate fully in all aspects of life in the city

Statement of Outcome: we work to address gaps in digital infrastructure experienced by the identified groups within the areas of our competence and in the use of our infrastructure, to preserve and protect digital rights, to ensure the deployment of technology that improves participation by those from the identified groups, and to promote the prioritisation of a data driven approach, that captures the identified groups.

Statement of Process: we work in a manner that maps and understands the gaps in digital infrastructure experienced by the identified groups, is cognisant of this in the deployment of technology, and seeks the resources necessary to address these gaps. We target people from the identified groups in our work to strengthen digital access, digital literacy and skills and digital infrastructure. We communicate and explain digital rights and enable people from the identified groups to exercise these rights.

Participation & Engagement

The diversity of people has opportunities to have a say on matters and in decisions that affect them

Statement of Outcome: we work to ensure that people from the identified groups and their representative organisations are involved in shaping the future of technology for our city, and that technology is deployed to make it easier for them to have a say.

Statement of Process: we inform people from the identified groups and their representative organisations about our initiatives to enable their input, engage in active listening to get their input for our initiatives, ensure our consultation processes are accessible and representative, and ensure we get an input from the identified groups and their representative organisations to inform project design and delivery.

Choice & Autonomy

The preferences and choices of the diversity of people are acknowledged with appropriate options available in service delivery and employment where possible

Statement of Outcome: we work to ensure that people from the identified groups have choices in how they access services, in terms of suiting their individual preferences for digital or non-digital, and in terms of their skills and equipment, and that the deployment of technology and digital services expand options for people from across the identified groups in the choices available to them.

Statement of Process: we explain and provide opportunities for people from the identified groups to reflect on and understand new technology and digital services, in order to support informed perspectives and choices in relation to these, and we maximise flexibility to provide the options needed to respond to their choices and perspectives.

3. Assessment of Equality and Human Rights Issues

3.1 Introduction

The first step of the Duty requires a public body to prepare and publish an assessment of the equality and human rights issues, facing the identified groups under the Duty, that are relevant to the functions of the public body. This assessment is not an assessment of the performance of Digital Services and Smart Cities, Dublin City Council in regard to equality and human rights.

The assessment of equality and human rights issues involves an examination of the situation, experience, and identity of the identified groups for the Duty, where:

- **Situation** of the group in terms of their access to resources and any particular disadvantage they experience.
- **Experience** of the group in terms of the quality of their interaction with employers and service providers and the wider society.
- **Identity** of the group in terms of how they chose to give expression to their identity and the specific needs that arise from their identity.

Dublin Council has identified and defined five values that motivate our ambitions for equality and human rights in implementing the Duty: dignity and respect; diversity and accessibility; inclusion and social justice; participation and engagement; and choice and autonomy. These values are used as a framework to set out this assessment of the equality and human rights issues.

The equality and human rights issues identified below relate to all of the identified groups unless otherwise indicated. In some instances, specific examples are given for particular groups where there is a unique experience for that group in regard to the issue(s) or where that group experience

significant/persistent inequality/discrimination/human rights violations in regard to the issue(s).

2. Assessment of Equality and Human Rights Issues

Addressing the equality and human rights issues identified below reflects a commitment to respond to the specific oppressions involved in racism, classism, ableism, homophobia, transphobia, sectarianism, sexism, and ageism.

Dignity and Respect

People being treated in a manner that recognises their intrinsic human worth.

The equality and human rights issues to be addressed in implementing the Duty, related to this value and relevant to the functions of Digital Services and Smart Cities, Dublin City Council, are:

- Stereotypes and bias, including:
 - significant levels of stereotyping older people, Black and minority ethnic people including Travellers, women, and LGBTI+ people.
 - exclusion resulting from implicit biases, when the person designing a solution indulges in confirmation bias (“the rest of the world is similar to me”) or the end user is ill defined.
- Discrimination, both individual behaviours and institutional systems, including:
 - significant levels of discrimination in service provision experienced by Black and minority ethnic groups, including Travellers and Roma, people with disabilities, lone parents, and LGBTI+ people.
 - algorithms to speed up decision making can become infected with discrimination, either through machine learning based on inappropriate data sets, or because they reflect the prejudice of the coder who designed the algorithm which has been used on a data set.
 - Facial Recognition Technology systems provide false matches or sometimes fail to make matches when they would be appropriate, and this can occur on a discriminatory basis, in particular for Black and minority ethnic groups and for women.
 - Risk analysis, based on AI systems, is a key area where discrimination can occur in a way which can have significant effects on individuals.
- Online threats with increased vulnerability for those groups experiencing digital constraints³, including:
 - cyber-crime.
 - online sexual exploitation.
 - data breaches and privacy invasion issues.

³ Digital constraint refers to exclusion from use of the internet due to literacy or digital literacy problems.

- psychological dangers such as online bullying, trolling, addiction to social media, living online as opposed to the 'real' world.
- disinformation and fake news.
- hate speech, including racist hate speech and misogynist, homophobic, and transphobic attacks directly targeting women and members of the LGBT community.
- Lack of human rights and equality expertise in decision-making structures, and in the systems that implement and scrutinise the decisions made.
- Under-reporting of discrimination with few people taking any formal action to make a complaint.

Diversity and Accessibility

Difference is welcomed and valued and diversity is accommodated in access to our services and in employment.

The equality and human rights issues to be addressed in implementing the Duty, related to this value and relevant to the functions of Digital Services and Smart Cities, Dublin City Council, are:

- Inaccessible infrastructure leading to digital exclusion⁴, including:
 - lack of accessible devices, software and online services for people with disabilities.
- Failure to take account of needs that are specific to the identified groups leading to digital constraints, including:
 - those with literacy problems, people with intellectual disabilities, and non-native- English speakers struggle to use online public services.
- Lack of understanding of difference and its practical implications, including in relation to cultural difference, management of caring responsibilities.
- Lack of gathering and analysis of equality data.

Inclusion and Social Justice

The diversity of people has the resources and opportunities to participate fully in all aspects of life in the city.

The equality and human rights issues to be addressed in implementing the Duty, related to this value and relevant to the functions of Digital Services and Smart Cities, Dublin City Council, are:

- Educational disadvantage, including:
 - early school leaving and unequal educational outcomes for Travellers, Roma, people with disabilities, older people, and LGBTI+ people.
 - lack of access to lifelong learning, for women and for older people.
- Poverty and low income, including:

⁴ Digital exclusion refers to inability to access the internet regularly either at home, work or place of study because the requisite technology is not available or not affordable.

- comparatively high levels of poverty for lone parents, people with disabilities, Roma, Travellers, and refugees.
- low incomes, in particular for women and for people with disabilities.
- additional costs of disability not catered for.
- Digital exclusion in terms of connectivity, including:
 - below average broadband connection rates and speeds for those in lower-income quintiles, and those depending on welfare payments and lack of broadband connectivity or mobile only connectivity.
 - older people living alone without home internet, and older people who rely on internet access external to their home.
- Digital exclusion in terms of access to devices, including
 - the unemployed, those with lower education, people with literacy difficulties, lone-parent households, and the lower income quintiles less likely to own ICT devices, use computer software, download apps, use internet banking, or interact with government online.
 - the older a person is, the lower their engagement with ICT and the less comfortable they are in accessing online services.
 - people who are engaged in home duties or retired are less likely to use the internet for interacting with public authorities.
- Digital constraints in terms of lack of skills and confidence to engage with ICT, including:
 - digital skills are lower among people on lower incomes and with lower levels of education.
 - challenges are also encountered by those with poor literacy and those without English reading and writing skills.
 - older Irish people have much lower levels of digital skills than their counterparts in other EU countries.
 - men often have more advantages than women when it comes to the digital skills (information, communication, problem-solving and software skills) necessary to thrive in the digitalised world of work.
 - lone-parents.
- Lack of access to services and resources to improve digital literacy, including:
 - barriers, due to gender stereotypes, family status, and the broader societal, economic and technological environment, preventing women from improving their digital skills.
- Reducing access to public services as a consequence of digital exclusion, including:
 - older people, those with low incomes, disabilities, low levels of education, literacy or computer literacy, and people who live in regions where broadband access is poor

Participation and Engagement

The diversity of people has opportunities to have a say on matters and in decisions that affect them.

The equality and human rights issues to be addressed in implementing the Duty, related to this value and relevant to the functions of Digital Services and Smart Cities, Dublin City Council, are:

- Not having a say, lack of involvement in and influence on consultation and decision-making processes, lack of feedback systems, and lack of supports for a meaningful engagement.
- Limited participation in public life and consultations where these processes are limited to online systems, for groups experiencing digital exclusion and digital constraints.
- Lack of accountability and transparency where government bodies employ predictive algorithms and data-processing software that they did not produce and may not fully understand, and where the decision-making processes of 'black-box predictive' algorithms are often un-interpretable to even the developers themselves.
- Increased control of government and shifting control from elected representatives to private entities and to officials in smart cities.

Choice and Autonomy

The preferences and choices of the diversity of people are acknowledged with appropriate options available in service delivery and employment where possible.

The equality and human rights issues to be addressed in implementing the Duty, related to this value and relevant to the functions of Digital Services and Smart Cities, Dublin City Council, are:

- Fear, mistrust, and misinformation in relation to ICT systems.
- A 'digital by default' approach to the provision of public services excluding cohorts of clients that experience digital exclusion and/or constraints.
- Lack of 'channels' to access services other than online, such as face-to face and telephone for groups lacking connection, devices, skills and confidence.
- Poor quality of alternatives to online services due to delays or additional requirements, and due to digital elements incorporated into these alternatives.

4. Implementation Plan

4.1 Enabling Implementation

Leadership

Management with responsibilities for Digital Services and Smart Cities take steps to:

- familiarise themselves with the Duty and its requirements and with the Digital Services and Smart Cities implementation plan;
- ensure the resources are available to address the equality and human rights issues identified through the implementation plan; and
- consider reports on progress and achievements in implementing the Duty and any issues that might arise in this regard.

The DCC equality officer plays a coordinating and support role across the organisation in relation to the Duty and makes available supports such as training and mentoring as might be needed.

Champion

A working group is convened from across Digital Services and Smart Cities to:

- Prepare, monitor support implementation of an annual plan for implementing the Duty based on this implementation plan.
- Keep the assessment of equality and human rights issues, and evidence-base, up-to-date as new research emerges or comes available.
- Pursue and secure an internal networking on the Duty across those within DCC working on issues related to digital service provision and digital-related initiatives.
- Prepare an annual report on progress in implementing the Duty and achievements in addressing the equality and human rights issues, for incorporation in the wider DCC annual report.
- Undertake a reflection exercise with staff teams on the basis of this annual report, and conduct further reviews on implementation of the Duty as might be found necessary.

Awareness

Familiarisation sessions are facilitated to build staff awareness of the Duty and its requirements, the equality and human rights issues relevant to Digital Services and Smart Cities, and the implementation plan for the Duty.

Training

Staff with responsibilities for implementation of the Address step of the Duty will receive training on this, as required.

The Duty and its requirements, and the assessment of equality and human rights issues, are a focus in training initiatives developed under the aegis of Digital Services and Smart Cities.

Communication

The equality and human rights values statement, and its benchmarks for our ambitions for equality and human rights, is engaged in and a focus for:

- Onboarding of new staff;

- Development and application of checklists that inform our initiatives;
- The stories we tell, and the examples we give, in our engagement processes; and

Guardians for our values and their expression are appointed at key events or meetings.

The website will include a page on the public sector duty, including the issues we have assessed, the implementation plan, and our annual reports.

Monitoring

KPIs are established and tracked for our implementation of the Duty, these are:

- Number of working group meetings
- Number of instances in which the Address step is implemented

Monitoring of impact on the equality and human rights issues as assessed is undertaken on the basis of:

- Specific research initiatives undertaken;
- Outreach to and engagement with the identified groups for the Duty and their representative organisations;
- Internal engagement with those responsible for the delivery of the particular services involved, and access to and use of their relevant data on uptake and outcomes from digital services.

4.2 Address Step

The Duty promotes a planned and systematic approach to equality and human rights. Digital Services and Smart Cities will address the equality and human rights issues as assessed, and report on achievements in this regard.

The Address Step of the Duty is firstly concerned with the plans, policies or actions that might be immediately prioritised to directly respond to equality and human rights issues emerging from the assessment.

The Address Step of the Duty is secondly an ongoing obligation and, in this, it is further implemented as an integral part of the ongoing process of development and review of plans, policies, projects and strategies, 'key moments' for implementing the Duty. This would involve the following:

At the commencement of the development/review process, those responsible for the relevant plan/policy/project/strategy should:

- Review the assessment of equality and human rights issues to establish those issues that are relevant to the particular plan, policy, project or strategy.
- Gather the data and information available in relation to the equality and human rights issues identified as relevant, including from the evidence book for the assessment.

- Review the equality and human rights values statement to extract the statements of outcome or statements of process that are relevant.

In implementing the development/review process, those responsible for the relevant plan/policy/project/strategy should:

- Include a focus on the relevant equality and human rights issues in any evaluation or contextual review undertaken as part of the development/review process.
- Transmit the obligations under the Duty to any external consultants contracted and ensure they are fully briefed in this regard.
- Track the relevant equality and human rights issues to ensure they are being addressed and track the values benchmarks to ensure they are being respected, during the development/review process.

At final draft stage of the development/review process, those responsible for the relevant plan/policy/project/strategy should:

- Convene a meeting of relevant staff to check that the draft adequately and appropriately addresses each of the equality and human rights issues identified as relevant, and is aligned with the equality and human rights values statement.
- Conduct a participative exercise, for initiatives of scale and where relevant, with representatives of the identified groups, to check that the equality and human rights issues are adequately and appropriately identified and addressed.

After the development/review process those responsible for the plan/policy/project/strategy should:

- Establish and/or use existing monitoring systems to track progress on the equality and human rights issues identified as relevant.
- Report annually on progress made in addressing the equality and human rights issues to inform the Report Step of the Duty.
- Use this report to reflect on this progress and to strengthen the plan, policy, project or strategy as found to be necessary.

4.3 Immediate Priorities

The forthcoming Digital Strategy will be subject to the Address step:

- The assessment of equality and human rights issues will be reviewed to identify those that are a priority to be addressed in this strategy.
- The current draft of the Digital Strategy will be reviewed to check that these issues are adequately and appropriately addressed and that there is an alignment with the statements of outcome for the equality and human rights values.

- KPIs will be identified for tracking to enable achievements in addressing these issues to be reported on.

4.4 Ongoing Implementation

Key moments that would be a focus for implementing the Address step of the Duty within Digital Services and Smart Cities will be:

- Bringing additional services into the Citizen Hub and the redesign of such services that is involved.
- Steps and actions involved in the redesign of public engagement in DCC Civic Offices.
- Steps and actions involved in the planning and set up of the Online Engagement Platform once set up.
- Development and review of Smart City strategies, frameworks and projects.
- Development and review of Digital Services projects.
- Website management and content.
- Development of data systems.

4.5 Reporting

A report on the implementation of the Duty within Digital Services and Smart Cities, and progress and achievement on foot of this, will be prepared and included in the overall DCC annual report.

The working group will convene and facilitate a session or a process for relevant staff to reflect on the progress and achievements noted in the report, and to identify any steps or review that might need to be taken to strengthen implementation of the Duty.

Appendix: Evidence Book

This assessment of equality and human rights is evidence-based in drawing from:

- A. National Research & Data
- B. International research
- C. National Policy Strategies
- D. International submissions

A: National Research & Data

The 2021 NESC report: [Digital Inclusion in Ireland: Connectivity, Devices & Skills](#), identifies issues of situation, experience and identity across the identified groups.

In relation to **situation**:

- Some groups remain poorly engaged, in particular those who are older, have lower levels of education, lower incomes, and live in rural areas.
- The key dimensions of digital exclusion are connectivity, access to devices, skills, and the confidence to engage with ICT.
- In Ireland, broadband connection rates and speeds are below average for those in lower-income quintiles, and for those depending on welfare payments.
- Among older people, while 86 per cent of those aged 50–69 years had home internet in 2018, only 38 per cent aged 80+ did; 30 per cent of those over 50 and living alone did not have home internet. There is also a group of people aged over 50 who use the internet but are solely reliant on internet access external to their homes—e.g. friends'/relatives' home, library, community centre and public Wi-Fi networks. This group comprises 3 per cent of those in this age bracket.
- The CSO survey data indicates that many households in the lower income quintiles had either no broadband or mobile broadband only.
- Gaps in access to devices (e.g. desktops, tablets) are also evident; Irish people on low incomes are more likely to own older and second-hand devices, to have internet access only on their smartphone, and to have limits on the amount of data they can use.
- Other socio-economic and demographic divides are evident, with the unemployed, those with lower education, lone-parent households, and the lower income quintiles less likely to own ICT devices, use computer software, download apps, use internet banking, or interact with government online.
- In general, the older a person is, the lower their engagement with ICT. While 60 per cent of those aged 70–79 years have access to a smartphone/tablet, only 30 per cent of those aged 80+ do (Doody et al., 2020).
- There are particular issues for people with disabilities, who need accessible devices, which are not always available.
- There are gaps in skills and confidence among those using ICT. An important issue here is the pace of change in ICT. Digital competency requires continuous learning – unlike for example, reading, a skill that is maintained once learned. As well as the technical skills of being able to use devices, ICT users also need to be able to evaluate the accuracy and trustworthiness of online resources. In Ireland, skills are lower among older people, and those on lower incomes. Challenges are also encountered by those with poor literacy.
- Eurobarometer data also shows that Irish people who do not feel sufficiently digitally skilled are more likely to be older, poorer, less educated and living in rural areas.
- Older Irish people have much lower levels of digital skills than their counterparts in other EU countries. For example, 33 per cent of Irish people aged 65–74 had never used the internet in 2019.

In relation to **experience**:

- Less than one third of those with low levels of education had interacted with government via the internet in 2019, compared to over 80 per cent of those with third-level education.
- Those with literacy problems and non-native- English speakers struggle to use online public services.
- Lack of trust in ICT—along with a fear of cybercrime, unwanted personal data use, and misinformation—can also affect engagement in the digital world. Those who use ICT less are more likely to fall foul of online misinformation and scams.
- Online threats include the following: Cyber crime, financial and identity theft; sales of counterfeit goods online; hacking and malware; and denial of service attacks which disable online services. Online sexual exploitation is another criminal activity which has particularly negative impacts on younger people; Data privacy issues, such as data being stolen, damaged or used for purposes for which permission was not given; Psychological dangers affecting individuals in particular, such as online bullying, trolling, addiction to social media, living online as opposed to the ‘real’ world, etc; Disinformation, fake news, hate speech and the existence of ‘echo chambers’; and The increasing use of AI, algorithms, data analytics and automation that may incorporate existing biases in society.
- Pietersen (2017) has argued that groups which face difficulties accessing services online—due to lack of connection, devices, skills and motivation—need other ‘channels’ to access them, for example traditional channels such as face-to face and telephone.

In relation to **identity**:

- As noted earlier, ICT access can be transformative for many people with a disability, but they can face difficulties finding accessible devices, software and online services.

The [Digital Exclusion and E-government in Ireland A Citizens Information Perspective](#), identifies issues of situation, experience and identity across the identified groups.

In relation to **situation**:

- Digital constraint refers to exclusion from use of the internet due to literacy or digital literacy problems. Digital constraint among cohorts at high risk of social exclusion such as older people, people with literacy difficulties and non-native English speakers. Their experience is supported by extensive research evidence in other countries which demonstrates that “digital inequalities map onto other inequalities in society” (Dobransky and Hargittai, 2016: 19).
- Digital exclusion refers to inability to access the internet regularly either at home, work or place of study because the requisite technology is not available or not affordable. There are also negative unintended consequence of facilitating ‘digital exclusion’ by reducing access to public services among vulnerable groups, such as older people, those with low incomes, disabilities, low levels of education, literacy or computer literacy, and people who live in regions where broadband access is poor (Helsper and Reisdorf, 2017; Schou and Pors, 2019). Older people are found to be the cohort that are by far the most likely to experience digital exclusion, followed by people with literacy difficulties, those resident in rural areas and non-native English speakers.
- 34 per cent of information providers estimated that 51-70 per cent of their clients’ experience difficulties in accessing public services online, and a further 29.8 per cent of information providers estimated that the proportion of clients in this category was between 31 and 50 per cent. A total of 40.38 per cent of respondents considered that factors related to the unavailability of computer technology (broadband, scanners and computers) are the most significant barrier to clients’ access to public services. A similar proportion blamed

digital constraint-related factors such as lack of knowledge of how to use websites and lack of English-language reading and writing skills.

- Examination of qualitative records of client queries to the Citizens Information Services (CIS) suggests that a significant number of clients encountered barriers in accessing online public services or received an unsatisfactory service when using this mechanism.
- The CSO Information Society Statistics the GHS, reveals significant levels of both digital exclusion and constraint among low-income households. The Information Society Statistics Household Survey reveals that the proportion of very 'disadvantaged households' (with incomes in quintile one, the lowest income quintile) without an internet connection at home is five times higher than among 'very affluent' households (with incomes in quintile five, the highest income quintile).
- Very disadvantaged respondents were more likely to cite 'lack of skills' as a reason for not having access to the internet at home than the population-at large. Very disadvantaged households who do have internet access at home are significantly less likely to have a fixed broadband connection at home and more likely to rely on a mobile phone for internet access than their affluent counterparts.
- The CSO Information Society statistics suggest that lone-parent households are also at higher risk of experiencing digital constraint, although not digital exclusion.
- These data confirm that individuals in employment are more likely to use the internet more regularly and also more likely to use the internet for interacting with public authorities than people who are unemployed. However, the most marked disparity in regular internet use is not between the employed and unemployed but between members of these groups and people who are engaged in home duties or retired.
- There is a strong consensus in the international research that digital exclusion is strongly associated with old age (see Reisdorf and Groselj, 2017). The frequency of internet use decreases with age and vice versa. People aged 60 and over are less likely to use the internet for contacting public services and public authorities than people aged between 30 and 59 years. Low rates of digital literacy among older people are found with 50 per cent of Irish people aged between 65 and 74 never having used the internet.

In relation to **experience**:

- There is evidence that user-unfriendly design of e-government services can impede their use, particularly by those who have weak digital capacity.
- The 'digital by default' approach to the provision of public services can reinforce the social exclusion of some cohorts of clients.
- Even when alternatives to online services are provided, information providers raised concerns that clients who avail of these alternatives face delays or additional requirements which are not experienced by their counterparts who avail of the online service option.

In relation to **identity**:

- There is a strong argument for mainstreaming use of assistive technologies in e-government services, not only to enable their use by people with disabilities (the Disability Act, 2005 requires public service organisations to ensure that electronic communications are accessible to people with visual impairments to whom assistive technology is available).

The 2021 Accenture Report, [Bridging the Gap – Ireland's Digital Divide](#), identifies issues of situation and experience across the identified groups.

In relation to **situation**:

- The unintended consequence of an increasingly digital society is the risk that it will reinforce or even increase social inequality. As daily life becomes more intertwined with technology, the danger is that socially disadvantaged groups will experience further marginalisation.

- At least 25 percent of the Irish population is excluded from an increasingly digital society because of socio-economic reasons. The 'digitally disengaged' risk further isolation as communication and social interaction continue to move online. Government services, internet banking, and online shopping have been welcomed by many - but people with low digital skills are alienated and left behind.
- 42 percent of Irish people describe themselves as being 'below average' for digital skills. This highlights a gap in digital literacy that exists within the country. Our research found that age, social class, region and level of education is closely correlated with levels of digital skills.
- Our research challenges the common misconceptions that this is an issue purely for an 'old and out of touch' generation. One in five of 18-34-year olds, who could be characterised as 'digital natives', describe their digital skills as 'average' or below.
- The survey found that people with 'below average' digital competency face two obstacles: Motivation to improve their digital literacy; and Access to services that will improve their digital literacy.
- Inextricably tied to social class is education. The 55 percent of people described as having 'average' or 'below average' digital skills had attained Leaving Cert level or below.
- Over 45s tend to have the lowest confidence in their digital literacy. Feeling 'below average' were 44 percent of 45-54s, 60 percent of 55-64s, and 70 percent of over 65s. Among those 'not interested in using the internet' were 34 percent of over 55s.
- Despite the numerous bodies (public, private and otherwise) doing excellent work in this space, over one third of those with 'below average' skills cite a lack of available resources or courses in their local area as the number one obstacle to up-skilling. 29 percent say they 'don't know where to learn' and 30 percent say they 'don't know how to go about it'.

In relation to **experience**:

- A correlation between low digital skills and a susceptibility towards online scams and 'fake news'. 70 percent of people who attained a maximum of second level education are not confident identifying fake or unreliable information. Over 55s with lower level social skills are also less confident identifying false information online and more likely to fall prey to 'fake news' or internet scams.
- More than half of people over the age of 55 are uncomfortable using government services online – this is one in five across all age groups.
- Difficulty arises when the person designing a solution indulges in confirmation bias ('the rest of the world is similar to me') or the end user is ill defined. These implicit biases compound over time and groups of people are inevitably excluded.

The DCU, IHREC, Irish Research Council report [Tracking and monitoring racist hate speech online](#), identifies issues of experience for Black and minority ethnic people:

In relation to **situation**:

In relation to **experience**:

- Online racist speech is pervasive but it is not all the same. It can be thought of in terms of a continuum, with extreme, vicious and overt racist speech occupying one end and a subtler, more masked kind of racist speech occupying the other end.
- Online racist hate speech cannot be understood in isolation from racist structures and institutions, and from media and political discourses that racialise certain groups.
- Expressions of racism online are punctuated with misogynist, homophobic, and transphobic attacks directly targeting women and members of the LGBT community.

In relation to **identity**:

- Anti-immigrant and anti-refugee discourses revolve mainly around three inter-related tropes: access to welfare and housing; moral deservedness; and the good versus bad immigrant trope.
- Anti-Muslim discourses mobilised four tropes: terrorism; clash of civilisations; Muslim men as misogynist and sexually deviant; and a general and unspecified antipathy.
- Typically, Traveller and Roma people are targeted as undeserving, 'uncivilised', thugs and criminals; they can further be targeted using a dehumanising language.
- Jewish people are targeted as hidden figures, globalists scheming behind the scenes; as Shylock, devious merchants and userers; as 'unassimilable'; through denying the importance and magnitude of the Holocaust.
- Black people are targeted in the anti-refugee/migrant discourses, in the anti-Muslim/Islamophobic ones, as well as the attacks against second generation Irish people. But it is important to further identify the specific ways in which Black people are targeted as such. Some of the ways we identified in our dataset include the trope of criminality; the trope of being 'uncivilised', lazy, 'parasites'; and the dehumanising trope of African men as animals.
- Second-generation Irish people are targeted through the trope of population replacement or colonisation; and through making a distinction between 'real' Irishness, which is an outcome of both a 'biological' and a 'cultural' bond and Irish citizenship which is a kind of 'fake', 'paper' Irishness.

The 2021 Age Action Report [Digital Inclusion and an Ageing Population](#) identifies issues of situation in relation to older people and a number of other grounds.

In relation to **situation**:

- 65% of people aged over 65 experience digital exclusion. The key dimensions of digital exclusion are connectivity, access to devices, skills, and confidence to engage with ICT.
- The digital divide depends primarily on income and education. Household size and type, age, gender, racial and linguistic backgrounds and location also play an important role.
- 275,000 people over 65 are not using the Internet with the percentage rising among older cohorts. (25% In the 60-74 age bracket with 56% In the 75+ age bracket).
- The report suggests that there are four main reasons for older people not using the Internet, barriers in terms of: accessibility or learning difficulties; education and training; income and affordability; and choice of not using the internet.
- Older Irish people have much lower levels of digital skills than their counterparts in other EU countries. Of those people 65-74 who are online 43% have skills below basic level.
- Only half of households headed by people aged 65+ have a personal computer and just over half broadband internet access (53%). Another 5.1% have internet but not broadband.

In relation to **experience**:

- Many publicly funded services have adopted a digital only approach which discriminates against people not using the internet, including older people.
- There are practices that effectively force people online due to poor quality or hard to access communication options.
- Participation in public life and policy consultations is often limited to an online system of notification of consultations, with short response times.
- Digital modes of communication may be inaccessible to people with various disabilities, especially those with sight loss or visual impairment, and to people with learning disabilities, mental health issues, or intellectual disabilities, as well as the one in six adults who have literacy difficulties.
- People with basic or below basic level of skills are more susceptible to fraud and other criminal activity online. Recent CSO data shows that people aged 60-74 were least likely of

all age groups to undertake personal data management actions, such as checking that a website was secure or refusing use of their personal data for advertising.

The [Who Experiences Discrimination in Ireland, IHREC & ESRI, 2017](#) identifies issues of experience and identity in relation to the identified grounds.

In relation to **experience**:

- In 2014, 12 per cent of the population in Ireland reported experiencing some form of discrimination in the previous two years.
- Women report higher discrimination in the workplace, though we find no gender differences in other areas. Nearly 7 per cent of women (6.7 per cent), compared to 4.1 per cent of men, felt that they had been discriminated against at work.
- Older workers (45–64 years) perceive more discrimination than younger workers in seeking work. 12 per cent of those aged between 45 and 64 years said they experienced discrimination in job searching compared to 5.2 per cent of 18–24-year-olds and 5.9 per cent of 25–44-year-olds.
- Younger age groups report higher rates of discrimination in private services, with significant differences between those aged 18–24 years (7.6 per cent) and all older age groups (between 2.8 per cent and 5.5 per cent).
- Compared to White Irish respondents, Black respondents report higher discrimination in the workplace, in public services and in private services. Asian respondents report more discrimination than White Irish in private services. Nearly 10 per cent of the Black/Other ethnicity group report discrimination in public services, compared to 3.2 and 3.6 per cent of White Irish and White Non-Irish groups respectively.
- Irish Travellers report very high rates of discrimination in seeking work, where they are ten times more likely than White Irish to experience discrimination, and extremely high rates of discrimination in private services, where they were over 22 times more likely to report discrimination, particularly in shops, pubs and restaurants. The number of Travellers among survey respondents was too low to examine workplace discrimination.
- Compared to Catholics, members of minority religions report somewhat higher discrimination rates in the workplace and in public and private services.
- Never-married lone parents are more likely to experience discrimination in public and private services than single childless adults.
- Those with a disability experience higher rates of discrimination than those without a disability in all areas – in the workplace, while seeking work, in private services and public services. Just over 7 per cent of respondents with a disability reported experiencing discrimination when using public services, compared to 2.8 per cent of those with no disability.

In relation to **identity**:

- Improved collection and publication of statistics on public and private service users, such as participants in training schemes, and those using health or care services or financial services, would provide much needed information.

C: International Research

The 2019 paper [Internet usage in the home: Digital inequality from a domestication perspective](#), identifies issues of situation across the identified groups.

In relation to **situation**:

- Educational level of attainment was chosen as selection criteria (24 low and 24 high) as it can be considered one of the most important contributors to digital inequality (Scheerder et al., 2017) and as important component of socioeconomic status (SES) (Shavers, 2007).

- Since Internet access has increased in most Western countries, having a connection is no longer considered the primary condition for benefiting from the Internet. A second-level digital divide (Hargittai, 2002) emerged regarding skills and types of use (e.g. Van Deursen et al., 2016; Zillien and Hargittai, 2009). Recently, scholars have started to focus on the outcomes of Internet use or the ways in which people can benefit from the Internet.
- Research has identified a large variety of determinants to explain the first-, second-, and third-level digital divides (Scheerder et al., 2017). On a more general level, the majority of uncovered determinants are limited to sociodemographic and socioeconomic indicators, such as age, gender, educational level, and income.

The 2020 research paper [Across the great divide: The impact of digital inequality on Scotland's Gypsy/Traveller children and young people during the COVID-19 emergency](#) identifies issues of situation and experience in relation to the Traveller ground.

In relation to **situation**:

- Gaps are identified in relation to flexible learning and equality of access to devices and data required for digital learning. Exploration of digital access amongst Gypsy/Traveller communities across the UK revealed high levels of digital inequality with only 38% of Gypsies and Travellers (33% if housed) having an internet connection and 52% of research participants stating they did not feel confident using digital technology.
- The breadth and depth of the digital divide was highlighted even more during Covid-19, particularly within marginalised communities. Digital inequality is very real and when the COVID pandemic hit, the impact of that inequality was felt more acutely than ever.
- In terms of parents/guardians supporting their children and young people when they are mobile, a number may themselves have literacy issues so might not be in a position to support/engage with the technology.
- The lack of access to flexible learning and digital resources has impacted on young Gypsy/Travellers' education attainment levels.
- There is a need to address the lack of access to devices and data and increase levels of skills and confidence. The low-level of digital skills and knowledge impact on an individual's confidence and self-esteem. There are needs to have more skills-based learning which may be in line with what this group want from education.

In relation to **experience**:

- Discretionary decision making at the 'street level' has in the past, and continues to be in the present, a key barrier to equality of access. The Street Level Bureaucrat's behaviour will undoubtedly be influenced by (media driven) social representations designed to give individuals or groups a definite form, to categorise -or label -them, thus identifying them as an example of a certain type (of outsider) that is understood, accepted and shared by an established group.
- Discretionary decision-making powers, underpinned by prejudice and driven by false social representations will continue to be enacted and the 'forever thus, business as usual' doxic worldview of Gypsy/Travellers and other marginalised groups will endure.

The 2022 paper [Smart cities: reviewing the debate about their ethical implications](#) identifies issues of situation and experience in relation to rights holders.

In relation to **situation**:

- Security: The pervasive deployment of ICTs makes cities vulnerable to data security problems, such as data breaches or cyberattacks.
- Governance: New technologies such as AI and data analytics can automate this process of decision-making by letting the results of these complex analyses determine rather than

simply inform decisions. While the former aspect can be conceived as an increase in efficiency from past modes of decision-making, the latter presents a new scenario where decision-making becomes entirely (or almost entirely) automated.

- Governance: The different configurations of governance may raise questions about the legitimacy of government bodies, as they employ predictive algorithms and data-processing software that they did not produce and may not fully understand. These tools may also present problems for government transparency; while many governments allow residents to send public records request to view government information (e.g. Freedom of Information requests in US and UK), the decision-making processes of black-box predictive algorithms are often un-interpretable to even the developers themselves. Automation can also undermine accountability.
- Governance: Some argue that digital solutions like e-democracy platforms and fablabs are designed with tech-savvy people in mind, as they require good data literacy levels or programming skills. Furthermore, the role of citizens in them is secondary and engaged in problem-solving activities that only have an indirect impact on the city. The role of citizens is often limited to reporting problematic conditions.
- Social inclusion: The benefits of smart city technologies may not reach all city residents equally, and their deployment may exacerbate longstanding inequalities.
- Social inclusion: Many people lack the digital literacy skills, the technologies, or sufficient internet connection to use smart city technologies. The use of the technologies themselves, regardless of the population's connectivity, may also entrench inequalities.
- Social Inclusion: The smart city often caters primarily to entrepreneurs and high-skill professionals as its "smart citizens". By attracting these into newly developed neighbourhoods or cities, smart cities can raise home prices and accelerate gentrification.

In relation to **experience**:

- Control: Smart city technologies can increase the control of the government over people, they can also shift that control to private entities. As cities become "smarter" and increasingly connected with sensors and reliant on algorithms being fed large quantities of real-time data, the power centred in the administration of city services moves from the mayor's office and city council chambers to the control rooms, from officials who are responsive to democratic will to those processing the data. The degree of control afforded to officials in smart cities exceeds that of any previous era.
- Surveillance: Smart cities may run the risk of becoming a tool or even a catalyst for unwarranted surveillance as well as exacerbating existing inequities in policing systems in the name of increased security. Additionally, some smart cities may install surveillance tools specifically for policing, raising additional ethical questions. Peculiar to smart cities is the fact that people themselves are also participating in their own surveillance, including through wearable devices.
- Privacy: The pervasive process of data collection presents a challenge to data privacy. User profiling is considered as a major threat. The use of increasingly complex technologies in a smart city allows a great amount of data about citizens to be collected. This often happens without them being asked for consent nor being given an explanation about why the data is collected and how it will be used.
- Discrimination: Much has been written about the problems of fairness in the use of algorithms. City officials and other customers of smart city technologies like to point to the outcomes of algorithmic predictions and decisions as objective and unburdened by value judgments. However, these algorithms are trained with data from the "real world," which invariably reflects ethical and political choices and historical trends that may be open to criticism.

The 2020 Equinet and Cloisters report by Allen & Masters, [Regulating for an Equal AI: A new role for equality bodies](#), identifies issues of situation and experience across the identified grounds.

In relation to **situation**:

- Lack of transparency and the need to ensure that any future data protection legislation will enable the “black box” to be fully opened to the extent necessary for equality rights to be fully secured.

In relation to **experience**:

- Some organisations will use algorithms to speed up decision making. These are not necessarily sophisticated, but they can become infected with discrimination, either through ML based on inappropriate data sets, or simply because they reflect the prejudice of the coder who designed the algorithm which has been used on a data set.
- There is the further issue that the algorithm will likely have little human oversight and there is no guarantee of this.
- Facial Recognition Technology systems will provide false matches or sometimes fail to make matches when they would be appropriate. These are false positives and false negatives. It is well established that they can occur on a discriminatory basis and that this depends on the competence of the AI system to make appropriate matches. This skill in the system is learnt by the computer as a result of ML using databases of already identified faces.
- Research in the US by Joy Buolamwini and Timnit Gebru revealed how in the US this type of technology (facial recognition technology) can have a disparate impact on women and certain racial groups. They highlighted how commercially available systems contained a misclassification error rate of up to 34.7% for darker skinned women in comparison to a maximum error rate of 0.8% for lighter skinned males. It is obvious that if such a faulty FRT system were to be used in Europe as a gateway to a benefit or service of some kind it would be potentially discriminatory.
- The use of FRT in Europe could readily give rise to indirect discrimination. Indirect discrimination occurs where an apparently neutral provision (here, the algorithm or the data used to train the algorithm) puts or would put persons with a protected characteristic (for instance, ethnicity and/or gender) at a particular disadvantage (here, the risk of being misidentified) compared with others (different gender/ different ethnicity).
- Many countries are using AI systems to predict the risk of a certain occurrence. These include the following assessments – the risk of: a person remaining unemployed; an elderly person requiring care; a child might need welfare services; a crime; hospitalisation; committing fraud; and re-offending. Risk analysis is a key area where discrimination can occur in a way which can have significant effects on individuals.
- Algorithms are being deployed in Europe in relation to immigration decision-making and determining whom may claim citizenship. There is evidence to suggest in one example that certain groups may be particularly at risk of being incorrectly rejected, in particular women.

The European Institute Gender Equality’s online publication, [Gender Equality Index 2020: Digitalisation and the Future of Work](#), identifies or points to issues of situation, experience, and identity for women, including at the intersections of gender and other groups.

With regard to **situation**:

- Only six Member States (Finland, Slovenia, Lithuania, Latvia, Cyprus and Bulgaria) show women scoring higher than men on internet user skills.
- In the EU, men often have more advantages than women when it comes to the digital skills (information, communication, problem-solving and software skills) necessary to thrive in the digitalised world of work.

- At a later age, the gender divide widens, with most older people having low to basic digital skills.
- More men than women have above basic digital skills in problem-solving and software skills, with a smaller gap evident in information and communications skills.
- Gender differences in all types of digital skills are largest among those with low education, particularly women. Across all levels of education, women have fallen behind in problem-solving and software skills.

With regard to **experience**:

- Women generally experience bigger obstacles in trying to improve their digital skills, owing to factors such as gender stereotypes, family status, and the broader societal, economic and technological environment.
- Negative gender stereotyping often deters women from selecting ICT-related training.
- Even where women have access to advanced training opportunities through their existing professional networks, the burden of unpaid care or domestic responsibilities may prevent them from availing themselves of these opportunities.

With regard to **identity**,

- On average 40 % of women – compared with 24 % of men in the same age group – report that they cannot participate in lifelong learning because of family responsibilities.

The [Impact of Digital Inequality on the COVID-19 Pandemic: Evidence from the European Union Countries](#), identifies issues of situation and experience across the identified groups.

In relation to **situation**:

- Gender, age, personality, health, literacy, education, economic and social resources, Internet attitude, material access, Internet access, and Internet skills remain important factors in obtaining Internet outcomes in the age of the COVID-19 pandemic.
- In a representative sample of respondents in the Netherlands studying communication during the pandemic, several groups of people were identified as vulnerable, such as those who are elderly, less educated, or have physical health problems, low literacy levels, or low levels of Internet skills.
- The digital inequality in terms of age is most pronounced, affecting older people, who are most vulnerable during a pandemic. The study found that their existing level of loneliness and a lack of access to social technologies and the skills and experience to use them effectively were among the challenges faced by older adults when using digital media for social connection during the pandemic.
- We found that digital inequalities by age, generation, place of residence, and gender in Internet use had relationships with the spread of COVID-19 between the first and second waves in 2020. We also found a similar relationship between the divide in digital skills of European citizens by gender and marital status.

In relation to **experience**:

- Once online, seniors face the additional challenge of becoming targets of misinformation and fraud in the context of COVID-19.

C: National Policy Strategies

The [LGBTI National Youth Strategy 2018-2020](#) identifies issues of experience and identity in relation to LGBTI people.

In relation to **experience**:

- LGBTI+ young people experience discrimination, victimisation, bullying in schools/colleges/workplace community.

In relation to **identity**:

- Difficulties associated with acceptance of LGBTI+ identity by families, communities and broader society.
- Difficulties coming out in the workplace, particularly for transgender people.
- Limited knowledge and understanding of LGBTI+ issues by mainstream service providers and professionals who encounter LGBTI+ young people.
- What is not known, however, is how many of these young people are LGBTI+, given that limited data collection methods exist to capture LGBTI+ information. There is still no official data on transgender or non-binary people.

The [Roadmap for Social Inclusion 2020-2025](#) identifies issues of situation in relation to the socio-economic status ground in particular.

In relation to **situation**:

- Based on the most recent available data Ireland is ranked 15th in the EU in relation to the headline target of reducing the risk of poverty or social exclusion (AROPE). The risk of poverty or social exclusion for Ireland in 2018 was estimated at 21.1%.
- The share of the population suffering severe material deprivation was 5.2% in Ireland in 2018, ranking Ireland 15th in the EU.
- The share of the population in consistent poverty was 5.6% in 2018.
- Although, by some measures, Ireland has the lowest reported prevalence of disability in the EU, poverty rates for people who self-report a disability are among the highest in Europe - a rate of 36.9% in 2018.

D. International and National Submissions

The 2022 IHREC submission [Ireland and the International Covenant on Civil and Political Rights](#) identifies issues of situation and experience in relation to the identified grounds.

In relation to **situation**:

- The digital divide exacerbates existing social and economic inequalities and further isolates marginalised communities who are more likely to experience digital poverty (a lack of reliable access to the internet and technology, and of digital skills). The digital divide was further reinforced as essential services and supports were moved online, and will continue to deepen as the Government implements a 'digital first' policy for public services.
- The State's response to the pandemic also demonstrated a lack of human rights and equality expertise in decision-making structures, and in the systems that implement and scrutinise those decisions.

In relation to **experience**:

- State action to eradicate structural and institutional racism, ableism, ageism and sexism is also required to ensure the equal protection of civil and political rights for all individuals and groups.
- CSO data from 2019 demonstrates that just 3% of people who experienced discrimination made an official complaint or took legal action.
- The Commission notes the publication of the Online Safety and Media Regulation Bill and regrets that there is no specific reference to hate speech or incitement to violence and hatred in the definition of harmful online content under this Bill.

