

Submission to the Pre-Sessional Working Group of the Committee on the Elimination of Discrimination Against Women (CEDAW) (23-27 November 2015): Adoption of a List of Issues to Ireland

09 October 2015

Reporting Organisation

The Women's Human Rights Alliance (WHRA) was established in 2001 as a coalition of human rights and women's organisations promoting a human rights approach to the advancement of women's rights and equality in Ireland and internationally. It is convened and chaired by the National Women's Council of Ireland which is the leading women's membership organisation in Ireland. The purpose of the Alliance is to promote women's human rights, monitor the implementation of international commitments as they relate to women, raise awareness of economic, social and cultural rights and to develop the capacity of women's organisations to engage in women's human rights advocacy.¹

Scope of International Obligations

Ireland is party to six core international human rights treaties and operates a dualist legal system. Therefore, ratification of international treaties does not give them automatic effect at domestic level. The majority of international human rights treaties that Ireland has ratified have not been incorporated into law,² including CEDAW.

Policy Measures

No national action plan on human rights has been adopted by the State. A national programme of human rights and equality education for civil and public servants does not exist and human rights/equality proofing of legislation and policy is not carried out in a systematic manner.³

In 2015, the Government established the Interdepartmental Committee on Human Rights (IDCHR), chaired by a Minister of State,⁴ to improve coherence in the signature and ratification of treaties and fulfilment of reporting obligations.⁵ While the establishment of such a committee is welcome there is a need for the IDCHR to carry out its work in an open and transparent manner and to allow for meaningful participation from civil society. This has not been evidenced to date.

1. Impact of Austerity on Women

Ireland was last examined by the Committee in 2005. Since then, Ireland has been adversely affected by the 2008 global economic and financial crises and the imposition of austerity measures imposed as response to these crises.⁶ Poverty and social exclusion experienced by women have been significantly exacerbated by the imposition of austerity measures. These measures, implemented without conducting adequate gender and human rights impact assessments, have had an adverse and disproportionate effect on particular groups of women. In fact, in relation to the concerns of the Committee in 2005 about particular groups of women who are at high risk of consistent poverty and social exclusion – including rural women, older women, Traveller women⁷, women who are single parents and women with disabilities – there has been regression in relation to some achievements made prior to the economic downturn.⁸

WHRA respectfully suggests that the Committee ask the State:

- **What process is used by Government to determine how resources are allocated? Please indicate how Government departments, agencies and other relevant bodies take into account the relevant provisions of CEDAW when making decisions in relation to the allocation of resources.**
- **Please provide information on measures undertaken to ensure that rights under the Convention are not adversely affected by the imposition of austerity measures and continuing public spending cuts.**
- **Please provide information on the State's gender impact analyses of social and economic policies and anti-poverty measures including budgetary measures.**

2. Gender Mainstreaming

WHRA notes that the CEDAW Committee recommended in 2005 that the State promote gender mainstreaming in all areas of governance while maintaining women-targeted projects aiming at gender equality. However, the Irish government does not undertake gender and equality proofing or the recommended social impact assessment of its policies, including the annual budget.⁹ In November 2014, a new public service duty to promote equality and human rights came into force, with

the enactment of the Irish Human Rights and Equality Act which merged the Irish Human Rights Commission and the Equality Authority. It is important this duty is implemented by public bodies alongside gender impact assessments.¹⁰

WHRA respectfully suggests that the Committee ask the State:

- **Please provide detailed information on its plans to ensure that all government departments and public bodies, including local authorities, designate specific budget lines for the implementation of its existing gender mainstreaming commitments and of the new public service duty to promote equality and human rights.**

3. National Women's Strategy

Ireland's National Women's Strategy covers the period 2007-2016. The current Minister of State for Equality recently flagged his intention to initiate a process to map out a new strategy.¹¹ However, in spite of a commitment to do so,¹² an independent evaluation of the current strategy and its implementation has not been carried out. Such an evaluation is necessary to identify particular policy areas where implementation has been slow or non-existent, and to ensure that any successive national action plan for women's equality is effective.

WHRA respectfully suggests that the Committee ask the State to provide detailed information about:

- **The implementation of the National Women's Strategy, and its effectiveness in ensuring a coherent approach to gender equality in policy.**
- **The government's plans to initiate an independent evaluation of the National Women's Strategy 2007-2016.**
- **The timeline for the commencement of discussion with civil society on the development of a new national action plan for women's equality post 2016?**

4. Gender Stereotyping and Women in the Irish Constitution

The Committee has expressed concern at the persistence of traditional stereotypical views of the social roles and responsibilities of women and men in the family and in society which are reflected in Article 41.2 of the Irish Constitution¹³, in women's educational choices and employment patterns, and in women's low participation in political and public life.

One of the priority tasks of the Government-established Constitutional Convention,¹⁴ which is a convening of citizens and public representatives to consider matters of constitutional reform, was the role of women in the home and encouraging greater participation of women in public life. In February 2013, the Constitutional Convention recommended that the government replace Article 41.2 with a gender neutral clause valuing care work in Irish society.¹⁵ The Convention has also recommended a number of other measures, including modifications to the electoral system and changes in political education in schools which would enhance the participation of women in public life.¹⁶ Moreover, in February 2014, the Convention recommended that the protection of economic, social and cultural rights should be strengthened in the Constitution.¹⁷ No response from the Government has been forthcoming, despite the Convention's terms of reference requiring a response from Government within four months of receiving the Convention's report.¹⁸

WHRA respectfully suggests that the Committee ask the State:

- **What steps are being undertaken to remove Article 41.2 from the Constitution, as per recommendation of the Constitutional Convention. What steps are being taken to progress the additional recommendations of the Constitutional Convention in relation to economic, social and cultural rights?**
- **Please provide information on measures taken to eliminate traditional stereotypical attitudes as recommended by the Committee in 2005.**

5. Participation of Women in Political and Public Life

The Local Government Reform Act 2014¹⁹ provides a legislative basis for the introduction of new governance structures aimed at, *inter alia*, making better provision for the establishment and oversight of local community development committees and programmes for an increased role for local authorities in economic development and enterprise support.

WHRA respectfully suggests the Committee to ask the State:

- **Please describe whether policies and guidelines regulating these local government structures contain a particular focus on women, to enhance their participation in decision-making and policy formation processes.**

As noted above, the Committee expressed particular concern at the barriers faced by vulnerable groups of women who are at high risk of poverty and social exclusion in relation to accessing social services. Budgetary cuts and restrictions on funding eligibility throughout the recent period of austerity measures have disproportionately impacted on the capacity of women's organisations to protect the rights of all women, in particular vulnerable women, through frontline services and advocacy work. Please note in particular that the leading expert body on women's equality NWCi funding has been cut almost 50% since 2011.²⁰

WHRA respectfully suggests the Committee to ask the State to:

- **How will the State ensure that national and community-based non-governmental organisations working to progress gender equality can respond effectively to the needs of women, particularly the most marginalised and disadvantaged women, in light of the recent cuts to funding and the impacts of austerity?**

The Electoral (Amendment) (Political Funding) Act 2012 provides for the application of a financial sanction for failure to reach a quota of 30% of both men and women candidates at the general election following enactment (increasing to a 40% quota at the subsequent general election). These measures apply to the Dáil Éireann (Lower House of Parliament) only; no such requirement is in place for local government. 77% of new TD's elected to the Oireachtas in 2011 had previously held seats at local government. It is critical that the legislative quota be extended to local government level in order to take advantage of this pipeline for women candidates.

WHRA respectfully suggests the Committee to ask the State to:

- **What measures, including temporary special measures²¹ will the State party take to increase the representation of women in local elections?**

A target of 40% of the underrepresented gender was set for state boards in 2011. While progress has been made, this target has yet to be achieved at the time of writing. Women are underrepresented in the civil service, particularly at senior levels²². While some action has been taken to address this issue these actions have been fragmented and have not taken a whole-of-service approach. Targeted measures have not been introduced to increase the number of women on corporate boards.

WHRA respectfully suggests the Committee to ask the State:

- **What measures will the State party take to increase the number of women in senior decision making, including in the civil service, on State boards and in particular, on corporate boards?**

6. Sexual and Reproductive Rights

WHRA notes the concern expressed by the CEDAW Committee in 2005 about the consequences of the very restrictive abortion laws in Ireland. Article 40.3.3 of the Constitution affords a degree of protection in law to a foetus that is equal to that afforded to a pregnant woman²³; this is disproportionate and inconsistent with international human rights law and causes well-documented harms to pregnant women. Abortion is unlawful in Ireland except to save a woman's life,²⁴ women in all other circumstances must travel abroad for abortion services.²⁵ The provision of information regarding abortion is strictly regulated and criminalised in certain circumstances by legislation.²⁶ In cases of conflict with foetal existence, doctors are prevented from making clinical decisions in the best interests of safeguarding a woman's health or dignity.²⁷

A number of cases of harm to women, including avoidable deaths, arising from Ireland's abortion laws have occurred since 2011.²⁸ UN treaty bodies have criticised the non-compliance of Ireland's abortion laws including its Constitution with international human rights standards.²⁹ The Protection of Life During Pregnancy Act (PLDPA) was enacted in 2013.³⁰ However, there are concerns over the failure to provide adequate services, and cumbersome and discriminatory procedures³¹ under the Act which can act as barriers to accessing lawful abortion.³² Contrary to the recommendations of treaty bodies, abortion has not been decriminalised and is subject to a maximum of 14 years imprisonment on conviction.³³

Access to reproductive health services

Cost is a significant barrier to women's access to contraception: while awareness is high compared to other European countries, reimbursement schemes for contraception and availability of sexuality education lag behind. Migrant women and women asylum seekers face particular barriers in access to health services in general,³⁴ and reproductive health services and information, including in relation to abortion, in particular.³⁵ The legal status of prescribing contraception to young women under the age of sexual consent is extremely unclear, and the lack of clarity can result in young people engaging in sexual activity without protection from unplanned pregnancy for fear of being reported to the police or out of fear that a doctor will insist on informing their parents.³⁶ Recommendations of the Law Reform Commission in 2011³⁷ that the views of mature minors be taken into account in the context of contraception have not been implemented.

WHRA respectfully suggest that the Committee ask the State:

- **Please provide information on how the State reconciles its obligations regarding women's reproductive health under the Convention with its restrictive abortion laws.**
- **Please provide information on plans to implement the recommendations of the UNHRC and UN CESCR in relation to the repeal of Article 40.3.3 of the Irish Constitution, the decriminalisation of abortion and the repeal the Abortion Information Act 1995.**
- **What steps are being taken to implement the recommendations of the Law Reform committee in relation to young people's access to contraception?**
- **Please provide information on measures to ensure that women asylum seekers, undocumented women, young women, women with disabilities and other vulnerable groups have adequate access to reproductive health information and services, including in relation to abortion.**

7. Violence against Women

In its previous concluding comments to Ireland, the Committee expressed particular concern at the prevalence of violence against women and girls, low prosecution and conviction rates of perpetrators, high withdrawal rates of complaints and inadequate funding to organisations that provide support services to victims. The Committee was concerned about violence suffered by women from marginalised and vulnerable groups, including Traveller women, migrant women, asylum seeking and refugee women and women with disabilities. Since 2005 this situation has persisted and has been exacerbated by the economic downturn. Ireland has not signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).³⁸ Ireland previously stated that "administrative and legislative" arrangements, required to enable signature, were being examined.³⁹ There is insufficient data on the nature and extent of domestic violence in Ireland to develop evidence-based policies, plan service provision and identify gaps or discrimination in services.⁴⁰ There has been no comprehensive audit of sexual abuse and violence since 2002.⁴¹ Although demand for relevant services grew,⁴² cuts have continued since the introduction of austerity measures in 2008 so that many women are on waiting lists for support services and cannot be accommodated in refuges.⁴³

The Habitual Residence Condition (HRC),⁴⁴ which must be satisfied when applying for social protection, can be a barrier for women experiencing violence in accessing social protection entitlements.⁴⁵ Concerns about the habitual residence condition have been raised by the Special Rapporteur on extreme poverty and human rights, ECRI, HRC and CESCR.⁴⁶ Also, the Joint Oireachtas Committee on Justice, Defence and Equality has recommended for the introduction of a formal exemption to the habitual residence condition to account for domestic violence in its 2014 Report on Hearings in Relation to Domestic and Sexual Violence.⁴⁷ Migrants experiencing domestic violence face difficulties in applying for independent residence permits.⁴⁸ Traveller and Roma women face additional barriers to legal and support mechanisms on domestic and sexual violence in comparison to women in the majority population. Traveller women use emergency refuge accommodation to a much greater extent, proportionally, than settled women and are more likely to be accommodated in a refuge on more than one occasion due to a lack of access to long-term safety and other options beyond emergency accommodation.⁴⁹ Migrants experiencing domestic violence face difficulties in applying for independent residence permits.⁵⁰

There is also a scarcity of comprehensive and adequately resourced preventative efforts to combat violence against women. Immediate action is needed across departments to put in place proper measures of prevention as part of a comprehensive plan to safeguard women and girls.

WHRA respectfully suggests that the Committee ask the State:

- **Please indicate when the State will sign and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence;**
- **Please provide information on state funding to domestic and sexual violence support services and how the state ensures that budget cuts do not create barriers to access to safe emergency accommodation for women?**
- **What steps are being undertaken to ensure that the Habitual Residence Condition does not act as a barrier to access to support services by survivors of human trafficking?**
- **Please provide detailed information on the prevalence of domestic and sexual violence and explain what systems are in place to provide comprehensive and up to date data on the nature and extent of domestic and sexual violence in Ireland.⁵¹**
- **Please indicate preventative measures in place to tackling root causes of domestic and sexual violence and supporting communities in encouraging elimination of the practice.**

8. Employment, Childcare and the Gender Pay Gap

A primary objective of the National Women's Strategy 2007-2016 was to address the gender pay gap; however, margins have increased.⁵² Women lost 14% of their income during the recession compared to 9% for men and 50% of women workers earn less than €20,000, far below the median wage of €28,500.⁵³ 63% of one-parent families, predominantly women, suffer material deprivation.⁵⁴ Ireland has a widening 38% gender pension gap, up almost 6 percentage points since 2008.⁵⁵

A majority of low-paid and precarious workers in Ireland are women. Recent years have seen aggressive casualisation within hospitality and retail sectors, where a majority of workers are women, including migrant women. There has been a spread of non-fixed-hours contracts, which demand full availability without security or predictability.⁵⁶ In relation to Traveller women, out of a total labour force of 4,144 Traveller women, 81.2% were without work. One in three Irish Traveller women (32.7%) were looking after the home and family, nearly twice the rate of the general population (17.5%).⁵⁷

Ireland's childcare infrastructure continues to lag behind the rest of Europe and has the highest childcare costs in the European Union as a percentage of family income.⁵⁸ Ireland needs to invest in and deliver an early-years infrastructure that is high quality, affordable and accessible. Ireland spends less than half the OECD average on early-years care and education. Over the next five years, that investment needs to increase to the recommended level of 1% of GDP.⁵⁹

WHRA respectfully suggests that the Committee ask the State to provide information on:

- **Measures to reduce the gender pay gap in both public and private sector.**
- **Actions envisaged to assess the impact of changes in the social welfare system on different groups of women including older women, lone parents, women with disabilities and minority ethnic women, including Traveller and Roma.**
- **Measures to address gender pension gap between women and men.**
- **Measures by the state to ensure a high rate of employment for a diversity of women.**
- **Measures to address the gap between the demand for and supply of quality, affordable childcare.**
- **The current status of State plans to provide two weeks paternity leave and 6 months paid parental leave so as to facilitate and promote sharing of care between the sexes?**

9. Maternity Care

Irish maternity services have been put under intense scrutiny in recent years with investigations and controversies into maternal and infant mortalities in maternity units across the State.⁶⁰ The Health Information and Quality Authority (HIQA) has issued two reports into patient safety⁶¹ and an investigation into the safety, quality and standards of services provided by the Health Service Executive.⁶² A series of recommendations have been made in both reports, including the drawing up of a national maternity strategy and a review of current staffing levels.⁶³

WHRA respectfully suggests that the Committee ask the State:

- **Please provide detailed information on the actions taken to implement HIQA recommendations following investigations into serious deficiencies in maternity services and the allocation of resources to maternity care to support implementation.**

10. Symphysiotomy

Symphysiotomy and pubiotomy involve sundering the pelvis at either the symphysis joint (Symphysiotomy) or the pubic bone (pubiotomy) to enable vaginal birth in obstructed labour. These surgeries occurred particularly in Catholic teaching hospitals in Ireland mainly between the 1940s and 1980s, when Caesarean section was the established treatment for difficult births. These operations often led to life-altering side effects, ranging from chronic pain and incontinence to significant disability and mental suffering.⁶⁴ Patient consent was reportedly never sought. Many women were unaware that they had been subjected to such procedures and only made the discovery decades later, through the media.⁶⁵

The Government published a review of symphysiotomy in July 2014, the terms of reference of which excluded unpublished data and survivor testimony and which fails to adequately or impartially investigate the practice of symphysiotomy.⁶⁶ Despite calls from UN treat bodies, no independent inquiry has been held regarding the use of symphysiotomy in obstetrics care.⁶⁷ A Government Redress Scheme⁶⁸ was established in 2014, but provides for only limited compensation and requires extensive evidence to be provided to support claims of ill health and complications that arose as a direct consequence of the procedure.⁶⁹ The Scheme also requires women to waive all rights and entitlements and to indemnify scheduled parties potentially liable⁷⁰ before compensation will be awarded. The Scheme contains no right of appeal and provides no mechanism for survivor testimony. A lack of transparent procedures⁷¹ has reportedly led to severe difficulties⁷² for survivors in accessing redress.⁷³

WHRA respectfully suggest that the Committee ask the State:

- **What steps are being taken to initiate a prompt, independent and thorough investigation into cases of symphysiotomy, to prosecute and punish the perpetrators, including medical personnel, and provide an effective remedy to the survivors of symphysiotomy for the damage sustained, including fair and adequate compensation and rehabilitation, on an individual basis.**
- **What steps are being taken to facilitate access to judicial remedies by victims opting for the ex-gratia scheme, including allowing a challenge to the sums offered to them under the scheme?**

11. Female Genital Mutilation

It is estimated that more than 3,780 women and girls between the ages of 15 and 44 in Ireland have experienced FGM.⁷⁴ A recently released study on FGM risk within the European Union has calculated that between 1 and 11% of girls in Ireland from FGM-practising countries may still be at risk of the procedure.⁷⁵ The passing of the Criminal Justice (Female Genital Mutilation) Act 2012 was a very positive step towards eradicating FGM in Ireland. However, legislation alone is insufficient to ensure the abandonment of the practice. Immediate action is needed across departments to put in place proper measures of protection and prevention, as part of a comprehensive plan to safeguard women and girls.

WHRA respectfully suggests that the Committee ask the State the following questions in the list of issues:

- **Please provide information on all measures being taken to ensure effective prevention of FGM and protection of girls who may be vulnerable.**
- **Please provide information on plans to allocate resources for the establishment of an inter-departmental committee on FGM, tasked with the role of drawing up a National Action Plan to Combat FGM.**

12. Women with Disabilities

The State has not ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD). There is little data or research into the specific experiences, barriers and needs of women with disabilities in Ireland.⁷⁶ Women with disabilities are more at risk of poverty as they report lower

employment and economic activity rates.⁷⁷ Some women with disabilities are excluded from job activation programmes and risk the loss of secondary benefits upon employment.⁷⁸

Women with disabilities experience high rates of sexual abuse, the occurrence of which can increase as they age.⁷⁹ Ireland lacks data on rates of domestic violence for women with disabilities, but experts estimate higher rates for women with disabilities than others.^{80 81} Refuges and supports for women experiencing domestic violence are not always accessible, depending on the nature of the woman's disability.

Section 5 of the 1993 Criminal Law (Sexual Offences) Act has created a strict liability criminal offence for rape of 'mentally impaired persons.' Consent is not a defence to this crime.⁸² This strict liability approach to sexual offences against women with disabilities is stigmatising and discriminatory and could potentially criminalise consensual sex. The Law Reform Commission has recommended a functional approach to consent.⁸³ Section 5 has a chilling effect on service providers, such as care home staff, who may decline to provide reproductive health information and services to people in their care out of fear of abetting a criminal act, and thereby leave clients without the means to protect themselves from unwanted pregnancy or sexually transmitted disease.⁸⁴ Recent research on care proceedings have noted that mothers with cognitive disabilities are more likely to have their children taken into care than mothers without a disability.⁸⁵ Other research has indicated that women with intellectual disabilities may not receive adequate support that would enable them to keep their children in their care.⁸⁶

WHRA respectfully suggests that the Committee ask the State:

- **When will it publish a roadmap of legislative reforms and set a concrete timeline for the ratification of the UN Convention on the Rights of Persons with Disabilities?**
- **Please describe measures undertaken to remove barriers to employment for women with disabilities.**
- **What steps will the government take to amend or repeal *Section 5 of the Sexual Offences Act of 1993* so that women with intellectual disabilities are not prevented from having consensual sexual relationships or denied sexual and reproductive health information and services?**
- **What specific and tailored measures is the government taking to prevent the specific barriers faced by women with disabilities who are victims of violence?**

13. Asylum Seekers/Domestic Workers

The General Scheme of the International Protection Bill⁸⁷ proposes to introduce a single procedure mechanism for determining international protection applications. The issue of Direct Provision has not been addressed⁸⁸ and there remains no independent complaints mechanism.⁸⁹ In June 2015, the Report of the Direct Provision Working Group⁹⁰ was published.⁹¹ Serious concerns remain at the poor living conditions and the lengthy stays of asylum seekers in direct provision centres.⁹² A regularisation scheme for undocumented migrants⁹³ is under consideration, but it is unclear what progress has been made.⁹⁴ There is no separate women's-only accommodation centre for women who have experienced gender based violence.⁹⁵ Ireland ratified the ILO Domestic Workers Convention 2011 (No. 189) in 2015.⁹⁶ However, many domestic workers, the majority of whom are women, still face severe exploitation.⁹⁷

WHRA respectfully suggests that the Committee ask the State:

- **What steps are being taken to reform the direct provision system to ensure women's rights under the Convention are protected and fulfilled?**
- **Please provide information on measures undertaken to improve asylum seeking and refugee women's access to employment, education/training, health care and social services.**
- **Please provide details of plans to implement the ILO Domestic Workers Convention and identify what steps the State has taken towards ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (as encouraged by the Committee in 2005).**
- **Please provide detailed information on steps taken to undertake comprehensive immigration legislative reform, including giving greater protection to female undocumented migrants.**

14. Traveller and Roma Rights

Traveller and Roma women experience intersectional discrimination on the basis of ethnicity, gender and other factors. They experience poorer outcomes regarding health, education, accommodation, employment and discrimination, leading to deprivation and exclusion.⁹⁸ Research unveils stark inequalities for Traveller women in relation to access, participation and outcomes in health.⁹⁹ The life expectancy at birth for Traveller women is 70.1 years, which is 11.5 years less than women in the general population, and is equivalent to the life expectancy of the general population in the 1960's. Traveller women have three times the mortality rate of the general population.

Despite repeated recommendations from international treaty monitoring bodies¹⁰⁰ the Government has failed to recognise Travellers as an ethnic group.¹⁰¹ The denial of ethnicity allows the State to discount lived experiences of anti-Traveller discrimination and racism, and contributes to the exclusion of Travellers from anti-racism and intercultural initiatives and legislation.

The lack of overall prioritisation of Travellers and Roma was exemplified in Ireland's National Traveller/Roma Integration Strategy (NTRIS), submitted to the European Commission in 2012. The strategy contains no goals, targets, indicators or related timeframes, funding mechanisms or monitoring and evaluation mechanisms.¹⁰² Roma are largely excluded from this document¹⁰³ which has not been changed since 2011.¹⁰⁴ In 2015 the Government committed to working in partnership with Traveller organisations to revise the strategy.¹⁰⁵

WHRA respectfully suggests that the Committee ask the State:

- **What is the barrier to recognising Travellers as a minority ethnic group?**
- **What steps are being taken to ensure Ireland will develop a progressive, gender-sensitive National Traveller and Roma Inclusion Strategy with clear actions and targets?**
- **Please provide detailed information on concrete measures to combat discrimination and ensure equal access and improved outcomes for Travellers and Roma in relation to education, employment and health.**
- **Given Traveller health inequalities in Ireland, will the Government give a commitment to developing a new Traveller health strategy in partnership with Traveller organisations, to address these health inequalities?**

15. Magdalene Laundries¹⁰⁶

The Magdalene Laundries were private, residential laundries operated by religious orders¹⁰⁷, between 1922 and 1996. Over 10,000¹⁰⁸ girls and women were imprisoned, forced to carry out unpaid labour and subjected to psychological and physical mistreatment within the Laundries.¹⁰⁹ The last Magdalene Laundry ceased to operate as a commercial laundry in 1996.

In 2014, on foot of a report which examined state involvement in the Magdalene Laundries,¹¹⁰ the Government issued a formal apology to women and girls who had been confined to the Laundries and instituted a scheme of redress. The Government also requested Mr Justice Quirke, taking into account the findings of the report, to provide advice on the establishment of an ex-gratia scheme among other matters.¹¹¹ Justice Quirke made numerous recommendations for a Magdalene restorative justice scheme.¹¹²

However, a full, independent inquiry into the experience of women in the Magdalene Laundries has not been undertaken.¹¹³ Moreover, under the terms of the Magdalene Restorative Justice Scheme established by the State, qualifying survivors must waive any right of action against the State or any other body or agency arising out of her admission to or work in a laundry, contrary to her constitutional rights.¹¹⁴ The official report¹¹⁵ on this matter has been criticised for its narrow remit and ignoring survivors' testimonies.

Following media reports from 2014 of mass graves at the sites of former 'Mother and Baby Homes', the Government established an independent Commission of Inquiry into the matter, which has full investigatory powers.¹¹⁶

WHRA respectfully suggest that the Committee ask the State:

- **What steps have been undertaken to implement full and independent inquiries into the Magdalene laundries, leading, where wrongdoing is identified, to prosecutions?**

- What steps are being undertaken to implement Justice Quirke's 2013 restorative justice proposals to ensure women affected by institutional violence have access to entitlements and pension, and its plans to ring fence resources for further investigation into and redress of institutional violence against women in Ireland.
- Please provide information on the adoption and implementation of a consistent approach, in line with international human rights law, to all inquiries into the historical abuse of women and children.
- What steps are being undertaken to abolish redress scheme waivers that prevent survivors from exercising their constitutional rights.

16. Prostitution and the Trafficking for Sexual Exploitation

WHRA notes that the Minister for Justice has included in the Criminal Justice (Sexual Offences) Bill 2015 provisions to criminalise the purchase of sex.¹¹⁷ It is important that this legislation provides for the full decriminalisation of women involved in prostitution.¹¹⁸ Ireland's first National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland expired in 2012, and the second National Action Plan (NAP) remains in draft stages.¹¹⁹ The latter must include provisions to end the housing of victims of trafficking in Direct Provision centres.¹²⁰ Missing from the draft NAP is any particular commitment to victims with *special needs*, as identified in the EU Directive 2011/36/EU, where a serious form of psychological, physical or sexual violence has been suffered.¹²¹ Policy and/or legislation¹²² for the identification and protection of such victims is required.¹²³ WHRA welcomes commitments for consideration of the establishment of an Independent Rapporteur on Trafficking, which would bring Ireland in line with other European States and recommendations of the Council of Europe.

WHRA respectfully suggest that the Committee ask the State:

- Please provide detailed information on the State's plans to publish a Second National Action Plan to Prevent and Combat Human Trafficking of Human Beings in Ireland, and to fully decriminalise women involved in prostitution in the Criminal Justice (Sexual Offences) Bill 2015.
- What steps have been undertaken to Transpose EU Directive 2012/29/EU to ensure comprehensive victim identification and protection procedures, providing supports for those with special needs, and to establish a gender sensitive and child-centred response to trafficking?
- Please provide information on considerations to appoint an Independent National Rapporteur on human trafficking.
- What concrete steps are being undertaken to improve supports to victims of trafficking and cease placing victims in Direct Provision centres?

17. Women in Prisons¹²⁴

The number of women committed to prison has more than doubled (57% increase) from 2007 to 2014, previously in 2007 the number of females committals was 1155 as compared with 2685 in 2014.¹²⁵ In the same period, the number of male committals increased by a mere 20%¹²⁶. This rapid rise in number is a substantial cause for concern.¹²⁷ The majority of women (80%) are being sent to prison for non-violent offences and 75% are sent to prison for non-payment of fines. Some 25% of women are in prison on remand, awaiting trial, while in the general prison population, 13% are on remand.¹²⁸ Nearly two thirds of women prisoners have a history of mental health difficulties and many experience substance misuse issues. A significant number are homeless. Women in the prison system are also disproportionately more likely to have experienced domestic violence, abuse or other trauma.¹²⁹

The All-Ireland Traveller Health Study (AITHS, 2010) confirms that Traveller women are over-represented in prison compared to the non-Traveller population. The risk for a Traveller woman being imprisoned is 18 to 22 times higher than that of the general population.¹³⁰ The National Women's Strategy 2007-2016 outlined a gender mainstreaming approach to ensure that specific provisions for women involved in the criminal justice system are included in any updated prison services strategy.

WHRA respectfully suggests that the Committee ask the State:

- What steps are being taken to ensure that Ireland is in compliance with the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial*

Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)?

- Will Ireland conduct a review of remand of female offenders in order to determine the reasons for the high level of female offenders subjected to committal remand?
- What steps are being taken to implement the provisions of the Fines (Payment and Recovery) Act 2014 which, if operationalised would reduce the numbers of women still being sent to prison for failure to pay court-ordered fines?
- Does Ireland plan to commit long-term funding for a national network of women only support services for women on community sentences, step down facilities “one-stop shops” and other supports for women leaving prison?

18. Sustainable Development Goals

- WHRA respectfully suggest that the Committee ask the State to provide information on measure planned to ensure the full implementation of the Sustainable Development Goals, at national level and in its overseas development policy, with particular emphasis on Goal 3 on health and Goal 5 on achieving gender equality and empowering all women and girls.

¹ Members of the Women’s Human Rights Alliance include: National Women’s Council of Ireland (convenor), Akidwa, Cairde, Community Workers Co-operative, Irish Family Planning Association, Immigrant Council of Ireland, Irish Council for Civil Liberties, Migrant Rights Centre Ireland, National Collective of Community Women’s Networks, National Travellers Women’s Forum, Women’s Aid, Dublin Rape Crisis Centre, Irish Feminist Network, Justice for Magdalenes, Pavee Point Traveller and Roma Centre and Ruhama. This submission is endorsed by a broad range of non-governmental organisations and civil society groups. All the views expressed in the report do not necessarily reflect the policies and positions of each endorsing organisation.

² An exception includes the European Convention on Human Rights Act 2003 which gave effect to the European Convention on Human Rights in domestic law. However, the Convention was incorporated at sub-constitutional level limiting its potential impact.

³ Your Rights. Right Now (2011) *Ireland’s Civil Society UPR Stakeholder Report*, p. 3. Available from: <http://www.rightsnow.ie/go/upr_2011/upr_1/upr_stakeholder_report_2011> [Accessed 17 September 2015].

⁴ Sean Sherlock T.D., Minister of State at the Department of Foreign Affairs with Special Responsibility for ODA, Trade Promotion and North South co-operation.

⁵ Department of Foreign Affairs and Trade, Press Release, 25 March 2015, “Minister Sherlock chairs First Meeting of Inter-Departmental Committee on Human Rights”. Available from: <<https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2015/march/minister-chairs-human-rights-committee/>> [Accessed 17 September 2015].

⁶ See UN Committee of Economic, Social and Cultural Rights Concluding Observations on the Third Report of Ireland July 2015 which outlines the impact of austerity measures on economic, social and cultural rights where the Committee highlighted the State response disproportionately focused on instituting cuts to public expenditure in areas of housing, social security, health care and education without an alteration of tax regime. Many austerity measures adopted during and after crisis, without proper assessment of their impact on economic, social and cultural rights.

⁷ See Harvey, B: *Travelling with Austerity: Impacts of Cuts on Travellers, Traveller Projects and Services*, Dublin Pavee Point Publications. 2013.

⁸ Irish Human Rights and Equality Commission: *Ireland and the International Covenant on Economic, Social and Cultural Rights* (May 2015) available at www.ihrec.ie

⁹ Gender impact assessments were not carried out on the two agreements on pay and working conditions in the public service, the Croke Park Agreement 2010-2014 and the Haddington Road Agreement 2013-2016 despite the large number of women who would be affected by changes to their terms of employment. H. Russell, F. McGinnity & G. Kingston (2014) *Gender and the Quality of Work: From Boom to Recession*, Dublin. Equality Authority & the Economic and Social Research Institute, p54. Cited in the Irish Human Rights and Equality Commission Submission to the UN Committee on Economic, Social and Cultural Rights June 2015. Available at www.ihrec.ie

¹⁰ Section 42 provides that public bodies shall consider how to address equality and human rights concerns across all of their functions (as employers, service providers, policy-makers and procurers of services). The positive duty will require each public body to include in a publicly-accessible annual plan the actions setting out how it intends to address equality and human rights concerns that are relevant to its functions. More information available at www.ihrec.ie

¹¹ Talks on new national strategy for women’s rights to start next week, Kitty Holland, Irish Times, 21 February 2015.

¹² This is one of the recommendations accepted by the Irish government as part of the current Universal Periodic Review Process. See www.upr.ie

¹³ Article 41.2 of the Irish constitution states: “In particular the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved. The State shall,

therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”

¹⁴ See <https://www.constitution.ie>

¹⁵ <https://www.constitution.ie/AttachmentDownload.ashx?mid=268d9308-c9b7-e211-a5a0-005056a32ee4>

¹⁶ Ibid

¹⁷ Read more at <https://www.constitution.ie> and <http://bit.ly/1zB2ZUq>.

¹⁸ This report was sent to the Government in March 2014. The report is available at <<https://www.constitution.ie/AttachmentDownload.ashx?mid=5333bbe7-a9b8-e311-a7ce-005056a32ee4>> (date accessed: 13 August 2015).

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<http://www.environ.ie/en/Legislation/LocalGovernment/LocalGovernmentAdministration/FileDownload,35715.en.pdf>

²⁰ Over the past two years government funding to the National Women’s Council of Ireland (NWCi), the leading women’s organisation in Ireland, has been cut by almost 50%. Funding for locally based women’s projects has been cut by 41% since 2011 and this has significantly reduced the level of services / support that organisations can provide and the level of advocacy they can engage in. (Department of Finance / Department of Public Expenditure and Reform: Budget 2012 and 2013). Some of the Women’s Networks have closed while others have been forced to cut back on staff and on services. In April 2015, the government replaced the former Local Community Development Programme with the Social Inclusion and Community Activation programme.²⁰ In this new iteration, ‘disadvantaged women’ were removed as a target group from the programme.

²¹ In accordance with article 4, para graph 1, of the Convention and the Committee’s general recommendation 25 on temporary special measures

²² In 2011 63 per cent of the General Civil Service and 43 per cent of posts in the technical and professional Civil Service were filled by women. However a more detailed examination will show that the structure is largely pyramidal with relatively few women rising to senior positions.

http://www.genderequality.ie/en/GE/FINAL_Towards%20Gender%20Parity.pdf/Files/FINALTowards%20Gender%20Parity.pdf

²³ Article 40.3.3, Bunreacht Na hEireann, 1937, - “*The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.*” Available from:

< https://www.constitution.ie/Documents/Bhunreacht_na_hEireann_web.pdf > [Accessed 21 September 2015].

²⁴ As distinct from her health. See *Attorney General v. X*.

²⁵ At least 3700 women annually. Abortion in Ireland: Statistics. Irish Family Planning Association <<https://www.ifpa.ie/Hot-Topics/Abortion/Statistics>> [Accessed 21 September 2015].

²⁶ Regulation of Information (Services Outside the State For Termination of Pregnancies) Act, 1995 (Act Number 5 of 1995).

²⁷ For example, a pregnant woman could be coerced into unwanted medical interventions, in cases where her refusal would put the life of a viable foetus at risk. (National Consent Policy available from: <http://www.hse.ie/eng/about/Who/qualityandpatientsafety/National_Consent_Policy/consenttrainerresource/trainfiles/NationalConsentPolicyM2014.pdf> para 7.7.1. [Accessed 21 September 2015]). For example, in 2014, fear of violating foetal right to life under article 40.3.3 lead doctors to impose a regime of measures to support foetal life on the body of a woman after brain stem death was declared when she was 15 weeks pregnant. The measures were maintained against the wishes of her family, and were only discontinued after a ruling of the High Court. Mary Carolan. 2014. The Irish Times. Continuing to treat woman on life support ‘grotesque’. Available from: <<http://www.irishtimes.com/news/crime-and-law/courts/high-court/continuing-to-treatwoman-on-lifesupport-grotesque-1.2047808>> [Accessed 01 September 2015]. Deirdre Duffy. (2014) Aside from the abortion question, Ms Y highlights serious flaws in Irish maternity care. The Journal.ie. Published 23 September 2014. Available at: <<http://www.thejournal.ie/readme/ms-y-suicidal-abortionmaternity-care-1685650-Sep2014/>>. [Accessed 01 September 15].

²⁸ In 2012 Savita Halappanavar died after being refused a termination, despite inevitable miscarriage, because a foetal heartbeat could be detected. (Health Service Executive. Final Report: Investigation of Incident 50278 from time of patient’s self-referral to hospital on the 21st of October 2012 to the patient’s death on the 28th of October, 2012. Available from <<http://www.hse.ie/eng/services/news/nimtreport50278.pdf>>. Published June 2013. The case highlighted the clinical and ethical impossibility of distinguishing in practice between risk to a woman’s health, where abortion is unlawful, and risk to life, where the law permits abortion. In 2014, a young woman who was pregnant as a result of rape, and who was living within Ireland’s direct provision system for asylum seekers, was unable to gather the necessary travel documents and financial means to travel to a state where abortion is legal. At around 24 weeks’ gestation, she was assessed under section 9 of the Protection of Life During Pregnancy Act, as being at risk of suicide. However, because the foetus was deemed viable, rather than authorize an abortion, a plan was put in place to deliver a live neonate by caesarean. (Fletcher R. Contesting the cruel treatment of abortion-seeking women. *ReprodHealth Matters* 2014;22 (44):10–21.) Two cases have been filed before the UN Human Rights Committee in relation to women who were forced to travel to the United Kingdom to obtain safe and legal abortion services after receiving a fatal foetal anomaly diagnosis.

²⁹ UN Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Ireland, Adopted by the Committee at its fifty-fifth session (1–19 June 2015) page 9. Available at <

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/150/67/PDF/G1515067.pdf?OpenElement> [Accessed 21 September 2015].; Human Rights Committee, 111th Session. Concluding observations on the fourth periodic report of Ireland, UN Doc CCPR/C/IRL/CO/4, 19 August 2014; United Nations Committee against Torture, 46th session, 9 May - 3 June 2011 Concluding Observations: Ireland, UN Doc CAT/C/IRL/CO/1, 17 June 2011; UN Committee on the Elimination of Discrimination against Women, 33rd session, Concluding Comments: Ireland, UN Doc CEDAW/C/IRL/CO/4-5, 13 July 2005

³⁰ The legislation was enacted with the purpose of implementing the ECtHR judgment in *A, B and C v Ireland* and allow for abortion where there is a risk to a pregnant woman's life.

³¹ Irish Human Rights Commission. Observations on the Protection of Life During Pregnancy Bill 2013.

Available at:

<http://www.ihrec.ie/download/pdf/ihrc_observations_protection_of_life_in_pregnancy_bill_2013.pdf>

³² One doctor can make the decision in emergency cases. A pregnant woman who asserts her right to abortion because of physical risk to life under section 7 must be examined by two medical practitioners (an obstetrician and a specialist in a relevant area). However, in response to the contentious discussions of the grounds based on suicide during the parliamentary hearings on the legislation [6,8], the drafters of the Act made the requirements for certification more onerous in cases of suicide risk than when there is physical risk to life. Section 9 provides that three specialists—two psychiatrists and an obstetrician—must jointly certify a woman's legal entitlement to the "medical procedure". (Taylor M, Women's right to health and Ireland's abortion laws, *Int J Gynecol Obstet* (2015). Available from: <<http://dx.doi.org/10.1016/j.ijgo.2015.04.020>>.

³³ Sections 22 and 23 of the Protection of Life During Pregnancy Act, 2013 are available at

<<http://www.irishstatutebook.ie/2013/en/act/pub/0035/sec0022.html#sec22>> and

<<http://www.irishstatutebook.ie/2013/en/act/pub/0035/sec0023.html#sec23>> [Accessed 19 August 2015].

³⁴ Health Services Executive (2008) National Intercultural Health Strategy 2007 Available from: http://www.hse.ie/eng/services/Publications/SocialInclusion/National_Intercultural_Health_Strategy_2007_-_2012.pdf [Accessed 6 October 2015].

³⁵ Crisis Pregnancy Programme October 2011 Submission to the Department of Health on Your Health is Your Wealth Public Health Policy Framework 2012-2020. Available from: http://crisispregnancy.ie/wp-content/uploads/2012/04/HSECPP_Public-Health-Policy-Framework_submission_FINAL.pdf [Accessed 5 October 2015].

³⁶ Irish Family Planning Association. Annual report 2010. Available at:

https://www.ifpa.ie/sites/default/files/documents/annual-reports/ifpa_annual_report.pdf {Accessed 06 October 2015}.

³⁷ Law reform Committee (2011). *Children and the Law: Access to Medical Treatment (LRC 103-2011)*. Available at: <http://www.lawreform.ie/fileupload/Reports/Children%20and%20the%20Law103%202011.pdf> [Accessed 6 October 2011].

³⁸ Ireland is one of only 9 countries out of 47 Council of Europe member States which has not signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

³⁹ It is contended that the barrier to signature and ratification identified by the Government is Article 52 of the Convention which provides for emergency barring orders which are not provided for under Irish law. Notwithstanding the need to have such legislation in place in order to ratify the Convention, there is a clear need, in any event, for barring orders to be available outside of traditional Court hours, so that victims of domestic violence do not find themselves without protection for extended periods of time.

Recent new commitments by the Minister for Justice and Equality on the issue are available from:

<<http://www.justice.ie/en/JELR/Pages/PR15000436>>; <<http://www.rte.ie/news/2015/0724/716887-domestic-violence-barring-orders/>> [Accessed 21 September 2015].

⁴⁰ Similar concern was expressed by UN Human Rights Committee in 2014. UN Human Rights Committee concluding observations on Ireland's fourth periodic report, CCPR/C/IRL/CO/4, para. 8. See also recommendation 107.38 from Ireland's first UPR regarding statistics. Report of the Working Group on the Universal Periodic Review, Ireland, A/HRC/19/9. Available from:

<http://www.rightsnow.ie/assets/60/E91603AB-AE06-94B9-F9BFA56D21A3ABED_document/UPR_HRC_Working_Group_Report_on_Ireland_Dec_2011.pdf> [Accessed 17 September 2015].

Despite the work of COSC (National Office for the Prevention of Domestic, Sexual and Gender-Based Violence) and its Data Committee, no public data exists on domestic violence offences and prosecutions.

⁴¹ Ireland's Sexual Abuse and Violence in Ireland (SAVI) report was published in 2002. The newly-formed (2014) Child and Family Agency (TUSLA) has been tasked with data collection in this area; despite it being a government agency responsible primarily for improving outcomes and wellbeing of children.

⁴² In 2014 the Dublin Rape Crisis Centre (DRCC)'s National 24 hour helpline took a total of 12,059 counselling contacts. There was a dramatic increase of 30% in first time contacts compared to 2013. There was an increase of 14% in the number of calls specifically relating to adult rape. (Dublin Rape Crisis Centre (DRCC): Annual Statistics for 2014. In relation to domestic violence in 2013, 46,137 helpline calls were answered and 8,033 individual women and 3,424 individual children received support from domestic violence support services. Safe Ireland, (2013) *Domestic Violence National Statistics 2013*. Available from: <www.safeireland.ie> [Accessed 18

September 2015]. Demand on services has greatly increased. For example the number of women receiving support from a domestic violence service has increased by over 36% from 2008 to 2012. Over the same time period core HSE funding to services has been cut by 14% in total, with some services being cut as much as 37%. Safe Ireland, (2014) *Safety in a time of Crisis 2014*. Available from: <www.safeireland.ie> [Accessed 18 September 2015]. Domestic and sexual abuse services were previously funded by HSE but now come under the remit of TUSLA, the Child and Family Support Agency).

⁴³ Safe Ireland, (2011) *Lifelines to Safety: A National Study of Support Needs and Outcomes for Women Accessing Domestic Violence Services in Ireland*. Available from: <www.safeireland.ie> [Accessed 18 September 2015]. Further cuts to domestic violence services are planned by TUSLA Child and Family Agency for 2015. Refuge provision remains inadequate and many women and children are unable to access refuge accommodation each year. In 2013, 3,494 requests for refuge could not be met because the refuge was full. Safe Ireland, (2014) *Safety in a time of Crisis 2014*. The Council of Europe recommends that there should be a target by member states of at least 1 refuge place per 10,000 of population and Ireland seriously lags behind this modest target. (Safe Ireland report that Ireland is ranked 24th in Europe, only meeting one third of the minimum standards for refuge provision, translating to 141 family places for women and children).

⁴⁴ The Habitual Residence Condition (HRC) is a qualifying condition for social welfare payments which was introduced on 1 May 2004 in response to EU enlargement. All persons seeking means-tested social welfare payments and Child Benefit after that date have been required to satisfy this condition. The HRC applies to Irish citizens as well as non-citizens but it is usually much easier for Irish citizens to show a sufficient connection to the Irish State in order to satisfy the Condition than for non-citizens. The five criteria used by the Department of Social Protection (formerly the Department of Social and Family Affairs) to determine whether a person satisfies the Habitual Residence Condition are: 1) The length and continuity of living in the State or another country; 2) The length and reasons for any absence from the State; 3) The nature and pattern of the person's employment; 4) The person's main centre of interest; 5) The future intentions of the person applying for the social welfare scheme. See Free Legal Advice Centres, *Guide to Habitual Residence condition*. Available from: <http://www.flac.ie/download/pdf/habitual_residence_condition_guide_final.pdf> [Accessed 18 September 2015].

⁴⁵ For women trying to leave a situation of violence, if they do not have access to financial resources from the State, it can impact on their ability to successfully leave a violent relationship long term and it also impacts on their ability to access a refuge because a woman generally has to be in receipt of social welfare to access a refuge beyond an emergency period.

⁴⁶ See UNGA (2012) Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, A/HRC/20/25 Para 102; ECRI (2013) Fourth Report on Ireland, CRI(2013)1 Para 130; Human Rights Committee (HRC) Concluding Observations on the Fourth Periodic Report of Ireland 2014, CCPR/C/IRL/CO/4; Committee on Economic, Social and Cultural Rights (CESCR) Concluding Observations of the Committee on Economic, Social and Cultural Rights on Ireland 2015, E/C.12/IRL/CO/3

⁴⁷ 2014 Report on Hearings in Relation to Domestic and Sexual Violence (16 Oct 2014) http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/jde-committee/reports/

⁴⁸ Migrants experiencing domestic violence should also be provided with access safe emergency housing and essential welfare benefits, pending determination of applications to remain in Ireland. See Domestic Violence Coalition Submission to the Joint Oireachtas Committee May 2013. Available from <www.womensaid.ie> [Accessed 18 September 2015].

⁴⁹ Watson and Parsons, *Domestic Abuse of Women and Men in Ireland*, 2005. The Women's Health Council reports that 37% of women accessing refuge identified themselves as Travellers, in The Women's Health Council, *Translating Pain Into Action: A study of Gender-based Violence and Minority Ethnic Women in Ireland*, 2009.

⁵⁰ Migrants experiencing domestic violence should also be provided with access safe emergency housing and essential welfare benefits, pending determination of applications to remain in Ireland. See Domestic Violence Coalition Submission to the Joint Oireachtas Committee May 2013. Available from <www.womensaid.ie> [Accessed 18 September 2015].

⁵¹ WHRA notes that the baseline prevalence study on sexual violence, the Sexual Abuse and Violence in Ireland (SAVI) Report was published in 2002 and is considerably out of date. In order to develop a clear comparative analysis a SAVI 2 report is required to provide an evidence base to inform contemporary responses to the issue of sexual violence.

⁵² The pay gap stood at 11 per cent at the introduction of the Strategy and now stands at 14.4 per cent. Government of Ireland (2007) *National Women's Strategy 2007-2016*, Dublin: Stationery Office, p. 27. As highlighted also FLAC, (November 2014) *Our Voices, Our Rights: a parallel report in response to Ireland's Third Report under the International Covenant on Economic, Social and Cultural Rights*, para. 7.2.

⁵³ National Women's Council of Ireland: Pre-Budget Submission 2016. September 2015. Available at www.nwci.ie

⁵⁴ Ibid.

⁵⁵ European Commission (2015) Report on Equality between Women and Men 2014. Brussels: European Commission, p58.

⁵⁶ For further information on how the recession has affected female participation in employment see F. McGinnity, H. Russell, D. Watson, G. Kingston & E. Kelly (2014): *Winners and Losers? The Equality Impact of the Great Recession in Ireland*, Dublin: Equality Authority and Economic and Social Research Institute. Cited in Irish

Human Rights & Equality Commission Submission to International Committee on Economic, Social and Cultural Rights (IHREC) available at www.ihrec.ie

⁵⁷ <http://www.cso.ie/en/census/census2011reports/census2011profile7religionethnicityandirishtravellers-ethnicandculturalbackgroundinireland/>

⁵⁸ For low income families including lone parents, childcare can cost up to 40 per cent of their total income compared to 24 per cent of the income of a family with two incomes; however even this lower percentage is still double that of the EU average. See OECD (2014) Benefits and Wages: Statistics. Cited in Irish Human Rights and Equality Commission Submission to the UN Committee on Economic Social and Cultural Rights June 2015. Available at www.ihrec.ie

⁵⁹ National Women's Council of Ireland: Pre-Budget Submission 2016: September 2015. Available at www.nwci.ie

⁶⁰ For further information on the state of maternity care in Ireland see the website of the Association for Improvements to Maternity Services Ireland at <http://aimsireland.ie/>

⁶¹ HIQA: Patient Safety Investigation Report into Services at University Hospital Galway (UHG) and as reflected in the care provided to Savita Halappanavar. October 2013 available at <http://www.hiqa.ie/publications/patient-safety-investigation-report-services-university-hospital-galway-uhg-and-reflect>

⁶² HIQA: Report of the Investigation into the Safety, Quality and Standards of Services provided by the HSE to patients at Midland Regional Hospital Portlaoise May 2015. Available at <http://www.hiqa.ie/publications/report-investigation-safety-quality-and-standards-services-provided-health-service-exec>

⁶³ International best standards for midwifery staffing levels are 1 midwife per 29.5 deliveries. Ireland has deviated from this international best practice standard, whereby we have some maternity facilities with a ratio of 1 midwife per 55 deliveries.

⁶⁴ For further information see <http://symphysiotomyireland.com/>.

⁶⁵ For further information see Irish Council for Civil Liberties, Civil Society Report to the Fourth Periodic Examination of Ireland under the International Covenant on Civil and Political Rights, p. 22-25.

⁶⁶ Walsh, O. (2013) *Report on Symphysiotomy in Ireland 1944-1984*. Dublin: Department of Health.

Available at <http://health.gov.ie/wp-content/uploads/2014/07/Final-Final-walsh-Report-onSymphysiotomy1.pdf>. As noted by Survivors of Symphysiotomy in their submission to the UN Human Rights Council under Ireland's second examination under the UPR, the Walsh Report, para. 10.

⁶⁷ In August, 2014, the UN Human Rights Committee recommended that the State establish an independent inquiry, prosecute the perpetrators and provide fair compensation. The State has failed to implement these recommendations. Human Rights Committee, concluding observations on the fourth periodic report of Ireland, CCPR/C/IRL/CO/4. Available from:

<http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fIRL%2fCO%2f4&Lang=en> [Accessed 17 September 2015].

⁶⁸ Further information on the Surgical Symphysiotomy Ex-Gratia Payment Scheme are available from:

<<http://www.paymentscheme.gov.ie/Symphysiotomy/Symphysiotomy.nsf/page/Terms%20of%20the%20Scheme%20and%20Applica tion%20Forms-en>> [Accessed 17 September 2015].

⁶⁹ See Surgical Symphysiotomy Ex-Gratia Payment Scheme. Available from:

<<http://www.paymentscheme.gov.ie/Symphysiotomy/Symphysiotomy.nsf/page/Terms%20of%20the%20Scheme%20and%20Applica tion%20Forms-en>> [Accessed 17 September 2015].

⁷⁰ The list of persons covered in the deed of waiver include "all doctors, consultants, obstetricians, surgeons, medical staff, midwives, nursing staff, administrative staff, boards of management, associated with all hospitals or nursing homes, former hospitals or former nursing homes in the State whether public, private or otherwise and/or their insurers" and the "Medical Missionaries of Mary and/or any Religious Order involved in the running of any hospital and/or their insurers". Deed of Waiver available from:

<[http://www.paymentscheme.gov.ie/Symphysiotomy/Symphysiotomy.nsf/0/0AFC8447AC15B2D580257D89003FA7AE/\\$file/SCHEDULE1-DeedofWaiverandIndemnity.doc](http://www.paymentscheme.gov.ie/Symphysiotomy/Symphysiotomy.nsf/0/0AFC8447AC15B2D580257D89003FA7AE/$file/SCHEDULE1-DeedofWaiverandIndemnity.doc)> [Accessed 17 September 2015].

⁷¹ Including in relation to oral testimony, in the administration of the scheme.

⁷² Survivor groups have reported that the scheme's refusal to take oral evidence or consider damage reports from independent medical experts has led to manifold injustices. Submission received from Survivors of Symphysiotomy (SOS). More information about SOS available from: <<http://symphysiotomyireland.com/the-sos-ireland-campaign/>> [Accessed 17 September 2015].

⁷³ Submission received from Survivors of Symphysiotomy (SOS). More information about SOS available from: <<http://symphysiotomyireland.com/the-sos-ireland-campaign/>> [Accessed 17 September 2015].

⁷⁴ Akidwa / RCSI (2013) FGM: Information for Health Care Professionals Working in Ireland 2nd Edition

⁷⁵ European Institute for Gender Equality (2015). Estimation of girls at risk of female genital mutilation in the European Union. Available at <http://eige.europa.eu/content/document/estimation-of-girls-at-risk-of-female-genital-mutilation-in-the-european-union-report>

⁷⁶ National Women's Council of Ireland, *Disability and Women in Ireland, 'Building Solidarity and Inclusion'* (October 2008). Available at <<http://www.nwci.ie/download/pdf/disability.pdf>> (last accessed 2 October)

⁷⁷ EUSILC UDB 2013 – version 2 of August 2015

⁷⁸ O'Donnell, J., (2015) 'What does the employment landscape look like for people with disabilities?' DFI Newsletter Employment Special. Available from:

<<http://www.disabilityfederation.ie/userfiles/file/May%20Employment%202015%20Newsletter.pdf>.

⁷⁹ Rape Crisis Network Ireland, *Sexual Violence Against People with Disabilities: Data collection and barriers to disclosure* 21 (October 2011). Available at <<http://www.rcni.ie/wp-content/uploads/SexualViolenceAgainstPeopleWithDisabilities2011.pdf>> (last accessed 2 October 2015).

⁸⁰ Margaret Martin, 'Opinion: Domestic violence victims who are disabled face multiple obstacles to help,' *Thejournal.ie* (24 September 2014). Available at <<http://www.thejournal.ie/readme/disabled-women-domestic-violence-1679645-Sep2014/>> (last accessed 2 October 2015)

⁸¹ European Union Agency For Fundamental Rights, *Violence Against Women: An EU-wide Survey*(March 2014). Available at <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report> (last accessed 9 October 2015)

⁸² Law Reform Commission, *Report of the Sexual Offences and Capacity to Consent* (November 2013). Available at <<http://www.lawreform.ie/fileupload/Reports/r109.pdf>> (last accessed 2 October 2015)

⁸³ Lar Reform Commission. 2013. Sexual Offences and Capacity to Consent [LRC 109-2013], para 1.17. Available at <http://www.lawreform.ie/fileupload/reports/r109.pdf> [Accessed 7 October 2015].

⁸⁴ Irish Family Planning Association (IFPA). 2014. Submission in relation to Section 5 of the 1993 Criminal Law (Sexual Offences) Act. Available at: https://www.ifpa.ie/sites/default/files/documents/submissions/ifpa_submission_re_section_5_of_the_sexual_offences_act_september_2014.pdf [Accessed 7 October 2015]

⁸⁵ "Of the principal reasons noted for the application in the published reports, the largest single number, 15 (approximately 20 per cent) were because of the mental illness or mental disability of the parent, usually the mother." Dr. Carol Coulter, *Interim Report of the Child Care Law Reporting Project*, p.13 (November 2013). Available at <http://www.childlawproject.ie/wp-content/uploads/2013/11/correctedinterimreport.pdf> (last accessed 2 October 2015). : e.g. Carol Coulter, Carol Coulter, 'Full care ordered till 18 for child whose mother has a learning disability' *Child Care Law Reporting Project Case Histories Vol. 1* (2014). Available at <<http://www.childlawproject.ie/publications/full-care-order-till-18-for-child-whose-mother-has-learning-disability/>> (last accessed 2 October 2015).

⁸⁶ Fintan Sheerin, Paul Keenan and Denise Lawler, 'Mothers with intellectual disabilities': interactions with children and family services in Ireland' 41 *British Journal of Learning Disability* 3, 189-96 (1 September 2013).

⁸⁷ Available from:

<http://justice.ie/en/JELR/General%20Scheme%20of%20the%20International%20Protection%20Bill%20_final_.pdf/Files/General%20Scheme%20of%20the%20International%20Protection%20Bill%20_final_.pdf>

[Accessed 20 August 2015]. A scheme of the Bill has been proposed and the Bill itself may be proposed in the autumn session of the Parliament. During its review of Ireland's Third Periodic Report under the International Covenant on Economic, Social and Cultural Rights, the UN Committee on Economic, Social and Cultural Rights recommended that the State "Expedite the adoption of the International Protection Bill with a view to introducing a single procedure to assess and determine without undue delay all forms of protection status for asylum seekers as well as to strengthen the protection and promotion of their economic, social and cultural rights", UN Committee on Economic Social and Cultural Rights, concluding observations on the Third Periodic Report of Ireland, E/C.12/IRL/CO/3, para 14 (a). Available from:

<http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fIRL%2fCO%2f3&Lang=en>

⁸⁸ Irish Refugee Council, Media Statement, 30 March 2015, "The Heads of the International Protection Bill 2015 raise fundamental issues about Ireland's commitment to providing protection, says the Irish Refugee Council". Available from: <<http://www.irishrefugeecouncil.ie/news/the-heads-of-the-international-protection-bill-2015-raise-fundamentalissues-about-irelands-commitment-to-providing-protection-says-the-irish-refugee-council/3896>> [Accessed 18 September 2015].

⁸⁹ In its concluding observations on Ireland's Fourth Periodic Report, the UN Human Rights Committee also expressed its concern at the lack of single application procedure for the consideration of all grounds for international protection and the lack of an independent complaints mechanism in direct provision centres. UN Human Rights Committee, concluding observations on the fourth periodic report of Ireland, CCPR/C/IRL/CO/4, para. 19. Available from:

<http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fIRL%2fCO%2f4&Lang=en> [Accessed 17 September 2015].

⁹⁰ The Working Group on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers was established by the Minister for Justice and Equality and the Minister of State with special responsibility for New Communities, Culture and Equality in October 2014 pursuant to a commitment in the Statement of Government Priorities 2014-2016. Available at:

<http://www.taoiseach.gov.ie/eng/Publications/Publications_2014/Statement-of-Government-Priorities-2014-2016.pdf> [Accessed 18 September 2015]. The terms of reference for the working group directed it towards recommending improvements to the existing system rather than identifying alternatives to the system. Available from: <http://www.justice.ie/en/JELR/Pages/Terms_of_Reference> [Accessed 18 September 2015].

⁹¹ Working Group Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, Final Report, June 2015. The report lists over 170 recommendations. Available from:

<http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process.%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process.%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf> [Accessed 18 September 2015].

⁹² UN Committee on Economic Social and Cultural Rights, concluding observations on the third periodic report of Ireland, E/C.12/IRL/CO/3, para 14. "These centres have a negative impact on the family life, their mental health and their children's best interest". Available at: <file:///S:/Research,%20Policy%20&%20Campaigns/Justice/Bail%20Bill/G1515067.pdf> [Accessed 20 August 2015].

⁹³ It is estimated that there are between 20,000 and 26,000 undocumented migrants in Ireland. Further information available from: <http://www.mrci.ie/our-work/justice-for-undocumented/> [Accessed 20 August 2015].

⁹⁴ O'Brien, C. (2015), 'Government considers proposal on undocumented migrants', Irish Times, 24th July. Available at: <http://www.irishtimes.com/news/social-affairs/government-considers-proposal-on-undocumented-migrants-1.2278107> [Accessed 18 September 2015].

⁹⁵ REF??

⁹⁶ See:

< http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:2551460 > [Accessed 18 September 2015].

⁹⁷ Migrant Rights Centre Ireland, Press Release, 6 October 2012 "Domestic Workers Call on Irish Government to Protect Domestic Workers Rights & End Abuse". Available at:

< <http://www.mrci.ie/press-centre/domestic-workers-call-on-irish-government-to-protect-domesticworkers-rghs-and-end-abuse/> > [Accessed 18 September 2015].

⁹⁸ Kelleher et al (2010) Our Geels, All Ireland Traveller Health Study, University College Dublin & Department of Health & Children; Pavee Point (2014) Challenging Barriers and Misconceptions: Roma Maternal Health in Ireland <<http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-Maternal-Health-in-Ireland.pdf>> [Accessed 21 September 2015]; Health Service Executive and Pavee Point (2012) Roma Communities in Ireland: Child Protection Considerations

<<http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-Communities-in-Ireland-and-Child-ProtectionConsiderations-Final-Report.pdf>> [Accessed 21 September 2015]; Pavee Point (2014) Roma and Education in Ireland <<http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-and-Education.pdf>> [Accessed 21 September 2015].

⁹⁹ Kelleher et al (2010) Our Geels, All Ireland Traveller Health Study, University College Dublin & Department of Health & Children

¹⁰⁰ Human Rights Committee (ICCPR), Concluding observations on the fourth periodic report of Ireland, 2008, CCPR/C/IRL/CO/4; 2008, Concluding observations on the third periodic report of Ireland 2014 CCPR/C/IRL/CO/3; Committee on Economic Social and Cultural Rights (CESCR) Concluding Observations of the Committee on Economic, Social and Cultural Rights on Ireland 2015, E/C.12/IRL/CO/3 Committee for the Elimination of Racial Discrimination (CERD), Concluding Observations on Ireland, CERD/C/IRL/CO/3-4;

¹⁰¹ In its 2014 Report on the Recognition of Traveller Ethnicity, the Joint Oireachtas Committee Justice, Defence and Equality recommended that the Taoiseach or Minister for Justice and Equality affirm the State's recognition of Traveller ethnicity by making a statement to the Oireachtas.

Ref Joint Oireachtas Committee on Justice, Defence and Equality, Report on the Recognition of Traveller Ethnicity 2014. In November 2014, Minister of State for Equality, New Communities and Culture, Mr Aodhán Ó Ríordáin TD, made a commitment that recognition would become a 'reality'. See

<<http://www.irishtimes.com/news/social-affairs/traveller-ethnicity-will-be-reality-in-six-months-says-%C3%B3-ríordáin-1.2005945>> [Accessed 18 September 2015].

¹⁰² It has been reported that consultation with or facilitation of active participation of Travellers and Roma did not take place during in the development of this document. Submission by Pavee Point

¹⁰³ The 2013 assessment of Ireland's National Traveller Roma Integration Strategy, by the European Commission was very critical. Ireland was judged to have met 4 out of 22 criteria. See <http://ec.europa.eu/justice/discrimination/roma-integration/ireland/national-strategy/national_en.htm> [Accessed 21 September 2015].

¹⁰⁴ Pavee Point Traveller and Roma Centre (2015) Submission to the EU Commission on Ireland's National Traveller Roma Inclusion Strategy.

¹⁰⁵ This is in reportedly contrast to previous drafts of the strategy. Submission by Pavee Point Traveller Centre

¹⁰⁶ WHRA fully endorse the Justice for Magdalenes Submission to the UN Committee on the Elimination of Discrimination against women in respect of Ireland List of Issues (October 2015) available at www.magdalenelaundries.com

¹⁰⁷ The Sisters of Mercy, the Sisters of Our Lady of Charity, the Sisters of Charity, and the Good Shepherd Sisters.

¹⁰⁸ Report of the Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries, <http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>

¹⁰⁹ For further information see Justice for Magdalenes (JFM) Ireland www.magdalenelaundries.com

See also JFM Ireland, Submission to the UN Committee against Torture, 46th Session, May 2011.

https://www.magdalenelaundries.com/jfm_comm_on_torture_210411.pdf

¹¹⁰ Report of the Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries

¹¹¹ Report of Mr Justice John Quirke on the establishment of an ex gratia Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries, May 2013. Available at: <http://www.justice.ie/en/JELR/THE%20Quirke%20report.pdf/Files/THE%20Quirke%20report.pdf>

¹¹² Ibid.

¹¹³ In 2013, the Government issued a formal apology to women and girls who had been confined in private institutions run by religious orders known as 'Magdalene Laundries' and instituted a scheme of redress. The Taoiseach's (Prime Minister's) statement is available from: <<http://static.rasset.ie/documents/news/kenny-magdelene-speech.pdf> > [Accessed 17 September 2015].

¹¹⁴ The scheme was established on the basis of the following report: Quirke, J. (2013) *The Magdalen Commission Report on the establishment of an ex gratia Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries*. Available from: <<http://www.justice.ie/en/JELR/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf/Files/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf> > [Accessed 17 September 2015].

¹¹⁵ Report of the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries. Available from: <<http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>> [Accessed 17 September 2015].

¹¹⁶ The Commission is required to address seven specific questions on the practices and procedures regarding the care, welfare, entry arrangements and exit pathways for the women and children who were residents of these institutions between 1922-1998. The primary function of the Commission is to establish the factual position in respect of the detailed matters set out in its Terms of Reference. Available from:

<<http://www.mbhcoi.ie/MBH.nsf/page/Terms%20of%20Reference-en>

¹¹⁷ in response to unanimous recommendations from the Oireachtas Justice Committee Review of the future direction of prostitution regulation.

¹¹⁸ The Minister for Justice indicated on the publication of the Criminal Law (Sexual Offences) Bill that she would be open to the possibility of further amendments to the Bill to include the full decriminalisation of persons involved in prostitution including indoor and outdoor work. <http://www.justice.ie/en/JELR/Pages/PR15000487>

¹¹⁹ Ireland has not had a National Action Plan since 2012. National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012. Available at:

<<http://www.justice.ie/en/JELR/Final%20National%20Action%20Plan2.pdf/Files/Final%20National%20Action%20Plan2.pdf> > [Accessed 18 September 2015].

¹²⁰ A recent review of the Direct Provision system did not include in its terms of reference considerations about victims of trafficking, and if the NAP fails to acknowledge their situation, this will result in continuous substandard housing arrangement that has been criticised by virtually all monitoring bodies.

¹²¹ Special arrangements should also be made for those whose needs derive, in particular, from whether they are pregnant, their health, a disability or a mental or psychological disorder they have.

¹²² WHRA notes that the CEDAW Committee in 2005 recommended the adoption and implementation of a comprehensive strategy to combat trafficking in women and girls, which should include preventative measures, the prosecution and punishment of offenders and the enactment of specific legislation in the area. The Committee also recommended in 2005 that measures be put in place to provide for the physical, psychological and social recovery of women and girls who have been victims of trafficking, including the provision of shelter, counselling and medical care.

¹²³ Currently, the Administrative Immigration Arrangements for the Protection of Victims of Trafficking apply only to isolated cases of undocumented third country national victims. The present system of identification precludes the vast majority of victims from the possibility to be formally identified and protected by operating a nationality and immigration status driven approach and interferes with the right of victims of trafficking to seek international protection. This approach to identification has been criticised by virtually all international monitories and Irish NGOs. The failings of the system are evidenced by a recent High Court case (*P. v the Chief Superintendent of the Garda National Immigration Bureau, the Director of Public Prosecutions, Ireland and the Attorney General*, [2013/795 JR]) concerning a Vietnamese woman who was trafficked for forced criminality. The State failed to identify her and incarcerated her for two years for a crime she committed under duress. Ms. Justice Iseult O'Malley found failures in the Garda investigation and in State policies and procedures for identifying victims of human trafficking.

¹²⁴ WHRA endorse the Submission by the Irish Penal Reform Trust to the 65th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women in respect of Ireland. (LOIPR 2015)

www.iprt.ie

¹²⁵ Available at: http://www.irishprisons.ie/images/annualststs/age_gender_2007_2014.pdf

¹²⁶ Ibid

¹²⁷ See Irish Independent: Women's prisons over capacity as inmates committed for minor offences, warns IPRT. <http://www.independent.ie/irish-news/womens-prisons-over-capacity-as-inmates-committed-for-minor-offences-warns-irish-penal-reform-trust-29773032.html>

¹²⁸ Ibid.

¹²⁹ See Irish Penal Reform Trust: NGO Submission to the 64th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women in respect of Ireland. October 2015 available at www.iprt.ie

¹³⁰ Kelleher et al (2010) *Our Geels, All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children.