



Irish Council for Civil Liberties

Submission on the examination of Ireland's combined 6th and 7th Periodic Report

under the

**UN Convention on the Elimination of all Forms of Discrimination Against Women
(CEDAW)**

Full title of organisation: Irish Council for Civil Liberties

State party to which the information relates: Ireland

Permission to post on CEDAW website: Yes

Founded in 1976, the Irish Council for Civil Liberties (ICCL) is Ireland's independent human rights watchdog which monitors, educates and campaigns for the respect and protection of human rights in Ireland. Since its inception, the ICCL has engaged with the UN Treaty Body system and has led the civil society response to Ireland's first¹ and second² Universal Periodic Review (UPR) examinations.

This submission has been informed by our previous engagement in these processes, in particular Ireland's recent examination under the second cycle of the UPR³ for which we conducted a national consultation process and our collaboration with a multitude of stakeholders in Ireland to promote the implementation of international human rights standards at a domestic level.

Current Legislative and Policy Context

Despite Ireland's positive track record of engagement with Treaty Bodies, the State has not submitted a report to the Committee for the Elimination of Discrimination against Women (CEDAW) since 2005 when Ireland's combined Fourth and Fifth Periodic Reports were examined. This is despite a series of recommendations made to Ireland since then by several Treaty Bodies, including the Human Rights Committee (2008, 2014), the Committee on Economic, Social and Cultural Rights (2015), the Committee for the Elimination of Racial Discrimination (2011), the Committee against Torture (2011) and the Committee on the Rights of the Child (2015). Additionally, during Ireland's first and second UPR examinations, women's equality and non-discrimination on the basis of gender were the subject of a number of recommendations by UN Member States.

Some important progress has been made since Ireland's last review under CEDAW in respect of the rights of women, including the Marriage Equality referendum and subsequent legislation in 2015, the enactment of the Gender Recognition Act in 2015 and the signing by Ireland, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) also in 2015. Despite these positive developments, the lack of progress on a number of key issues relating to women's rights in Ireland is concerning.

The economic crisis has also had a serious negative impact on the protection of human rights in Ireland, particularly since the introduction of budgetary austerity measures in 2008. This is not adequately reflected in the State report to CEDAW despite the fact that civil society has widely reported on the impact of cuts especially on vulnerable groups in Ireland such as Travellers, people with disabilities, older people and children.⁴

With regard to women experiencing violence, cuts to services have been particularly severe with many women being placed on waiting lists for supports services and unable to secure

¹ 2011.

² 2016.

³ UPR Working Group report reference and information on coalition and website.

⁴ Your Rights. Rights Now, Civil Society Stakeholder report for Ireland's 2nd Universal Periodic Review.

accommodation in refuges.⁵ In addition, legislation proposed in 2015 to tackle a range of sexual offences, including measures to protect children from grooming, online predatory offences and to address anomalies in criminal law relating to gender has not yet been enacted.⁶

The ratification of a number of international treaties remains outstanding. While the signing, by Ireland, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2015 is to be welcomed the Convention has not yet been ratified. Some important progress has been made towards ratification of the UN Convention on the Rights of People with Disabilities (CRPD) but despite a commitment by the Minister for Disabilities to ratify the UN Convention on the Rights of People with Disabilities (CRPD) by end of 2016 this has not yet occurred.⁷ The Government's stated proposal to enter certain reservations upon ratification of CRPD, is also concerning.⁸ Finally, Ireland has not yet ratified the Optional Protocol to the Convention against Torture (OPCAT) despite signing the Treaty in 2007.⁹ The ratification and subsequent transposition of these three Treaties would have a significant impact on the rights of women in Ireland, including services for women who have experienced violence, women in prison and other places of detention such as psychiatric hospitals and women with disabilities.

As previously noted by CEDAW, traditional stereotypical views of women continue to have an impact in Irish society today.¹⁰ In this regard, the remaining focus of this submission will be to highlight three key issues of concern which reflect the manifestation of such stereotypical views in Irish law and policy and the consequences thereof, both in the historical abuse of women in the care of the State as well as existing laws that discriminate against women and violate their rights.

⁵ Safe Ireland, (2011) *Lifelines to Safety: A National Study of Support Needs and Outcomes for Women Accessing Domestic Violence Services in Ireland*. Available from: <http://www.safeireland.ie>. 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).

⁶ Criminal Law (Sexual offences) Bill 2015, available at:

<<http://www.oireachtas.ie/documents/bills28/bills/2015/7915/B79c15S.pdf>> Accessed 20 January 2017

⁷ On 20 December 2016, the Tánaiste and Minister for Justice Frances Fitzgerald TD and Minister of State for Disability Finian McGrath TD, announced that they had obtained Government approval for publication of the Disability (Miscellaneous Provisions) Bill 2016. The primary purpose of the Bill is to address the remaining legislative barriers to Ireland's ratification of the UN CRPD.

⁸ For further details see:

<<http://www.justice.ie/en/JELR/Roadmap%20to%20Ratification%20of%20CRPD.pdf/Files/Roadmap%20to%20Ratification%20of%20CRPD.pdf>> (Accessed:21 October 2016).

⁹ See Prof Malcolm Evans' (Chair of the Sub-Committee for the Prevention of Torture) comments on the delay in ratification here: Lally, C., (27 November 2015), "State's inaction on torture protocol is embarrassing", Irish Times, available at:< <http://www.irishtimes.com/news/crime-and-law/state-s-inaction-on-torture-protocol-is-embarrassing-1.2445254>> (Accessed: 21 October 2016).

¹⁰ Committee on Elimination of Discrimination Against Women, Concluding Observations: Ireland, CEDAW/C/IRL/4-5/CO, para 24.

1. Bunreacht na hÉireann (Irish Constitution) – Framing Women’s Rights in Ireland

Article 41.2 of the Constitution states:

“1° 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.

2° 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.”

In its Concluding Observations on Ireland’s Fourth and Fifth Periodic Reports, the Committee noted its concern “at the persistence of traditional stereotypical views of the social role and responsibilities of women and men in the family and in society at large which are reflected in article 41.2 of the Constitution and its male-oriented language”.¹¹

In 2013, the Convention on the Constitution considered the role of women in the home and greater participation of women in public life. The Convention recommended that Article 41.2 be replaced with a gender neutral clause recognising care work in Irish society. The Convention also recommended modification of the electoral system as well as changes to political education in schools in order to enhance the participation of women in public life.¹²

The Government accepted the recommendation on the need to amend the language of Article 41.2 on the role of women in the home, but noted that more consideration would be necessary in relation to the Convention’s recommendation on the issue of “carers”. In its response, the Government noted that it would establish a task force to report back by 31 October 2014.¹³ This report is still outstanding. At the AGM of the National Women’s Council of Ireland on 8 September 2016, the Tánaiste, in her speech, noted that she “will have the responsibility of taking forward the referendum on women in the home”.¹⁴ However, no further details were provided and no reference is made to this commitment in the Government’s Autumn Legislative Programme published on 27th September 2016.¹⁵

¹¹ Committee on Elimination of Discrimination Against Women, Concluding Observations: Ireland, CEDAW/C/IRL/4-5/CO, para 24.

¹² See second report of the Convention on the Constitution: Amending the clause on the role of women in the home and encouraging greater participation of women in public life; and increasing the participation of women in politics. <https://www.constitution.ie/AttachmentDownload.ashx?mid=268d9308-c9b7-e211-a5a0-005056a32ee4> (Accessed: 20 September 2016).

¹³ <<http://www.justice.ie/en/JELR/Pages/SP13000352>> (Accessed: 20 September 2016).

¹⁴ Address by the Tánaiste and Minister for Justice and Equality Frances Fitzgerald TD at the AGM of the National Women’s Council of Ireland: “#Feminist Agenda: Shaping the Plan for the Next Four Years” and the launch of its Strategic Plan, “Driving Women’s Equality 2016-2020” at the Aisling Hotel, Parkgate Street, Dublin 8, 9 September 2016.

¹⁵ Legislation Programme Autumn Session 2016, Office of the Government Chief Whip, 27th September 2016. Available at:

<http://www.taoiseach.gov.ie/eng/Taoiseach_and_Government/Government_Legislation_Programme/Legislative_programme_Autumn_2016.pdf> (Accessed: 03 October 2016)

Recommendation

- The Government should set out a concrete timeframe within which the outstanding issues pertaining to the recommendation of Constitutional Convention on Article 41.2 will be addressed and progressed towards a referendum.

2. Women's Reproductive Rights

Ireland continues to have one of the most restrictive regimes in the world in relation to accessing safe and legal abortion services for women and girls. This is underpinned by Article 40.3.3¹⁶ of the Irish Constitution which equates the existence of a foetus with the right to life of a pregnant woman. In cases of conflict with foetal existence, doctors are prevented from making clinical decisions in the best interests of a woman's health. Following the decision of the European Court of Human Rights in *A, B & C v Ireland*¹⁷ legislation was introduced to codify the existing constitutional position on access to abortion in Ireland.¹⁸ However, procedures under the Protection of Life During Pregnancy Act 2013 are cumbersome and discriminatory.¹⁹

The 2013 Act provides that abortion is permitted only in cases where there is a 'real and substantial' risk to the life of the pregnant woman, including risk of suicide. Depending on the circumstances, up to three doctors may be required to certify that an abortion can proceed. A review procedure can take up to 10 days and require assessment of the woman by up to three additional doctors.

These procedures introduce significant barriers to accessing a lawful abortion and discriminate against women in cases where the risk to life is by suicide.

Under the legislation, accessing and/or assisting with an abortion are criminalised in all other circumstances, including in cases of rape, incest, and fatal foetal abnormality, with a maximum sentence of 14 years imprisonment.

In addition, the provision of information regarding abortion remains strictly regulated and criminalised in certain circumstances by the Abortion Information Act 1995.

UN Bodies have consistently criticised Ireland for its restrictive abortion laws. This includes the UN Committee on the Elimination of All Forms of Discrimination Against Women

¹⁶ The Eighth Amendment to the Constitution, 1983.

¹⁷ *A, B and C v Ireland*, [2010] ECHR 25579/05 <<http://www.bailii.org/eu/cases/ECHR/2010/2032.html>> (Accessed: 20 September 2016).

¹⁸ Protection of Life During Pregnancy Act 2013

¹⁹ See, for example, *ICCL Submission to the Committee of Ministers under Rule 9.2 re ABC v. Ireland*, 5 June 2014. Available at <http://www.iccl.ie/iccl-submission-to-committee-of-ministers-under-rule-92-re-abc-v-ireland-5-june-2014.html> (Accessed: 21 October 2016).

(CEDAW) in 2005,²⁰ the UN Committee Against Torture (UNCAT) in 2011,²¹ the UN Human Rights Committee (UNHRC) in 2014,²² the UN Committee on Economic, Social and Cultural Rights (UNCESCR) in 2015,²³ and the UN Committee on the Rights of the Child (UNCRC) in 2016.²⁴

In June 2016, following its consideration of the complaint in case of *Mellet v Ireland*,²⁵ the UN Human Rights Committee concluded that Ireland's abortion laws subjected Ms Mellet (complainant) to severe emotional and mental pain and suffering by denying her access to abortion services in Ireland. Ms Mellet was denied an abortion in Ireland upon learning that her pregnancy had a fatal foetal impairment. Ms Mellet subsequently travelled to the UK for an abortion. The Committee concluded that Ms Mellet's right to freedom from cruel, inhuman and degrading treatment had been violated as well as her right to privacy and right to non-discrimination due to the State's failure to provide her with the services she required. The Committee found that Ms Mellet's suffering was aggravated by the obstacles she encountered in accessing the information she required in relation to appropriate medical options and found that her right to information had also been violated.²⁶

During the State's second UPR in May 2016, 17 recommendations were made to Ireland with specific reference to its abortion laws. The majority of these recommendations were made by Ireland's European counterparts and included recommendations such as:

"Repeal legislation that criminalizes abortion and eliminate all punitive measures, in particular Article 40.3.3 of the Irish Constitution."²⁷

"Take forward the democratic process of repealing the Eighth Amendment of the Irish Constitution with a clear timeline, and take all necessary steps to decriminalise abortion in all circumstances, in accordance with the recommendations of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child."²⁸

²⁰ Committee on Elimination of Discrimination Against Women, Concluding Observations: Ireland, CEDAW/C/IRL/4-5/CO.

²¹ Committee against Torture, Concluding Observations: Ireland, CAT/C/IRL/CO/1.

²² Human Rights Committee, Concluding Observations on the fourth periodic report of Ireland, CCPR/C/IRL/CO/4.

²³ Committee on Economic, Social and Cultural Rights, Concluding Observations on the third periodic report of Ireland, E/C.12/IRL/CO/3.

²⁴ Committee on the Rights of the Child, Concluding Observations on the combined third and fourth periodic reports of Ireland, CRC/C/IRL/CO/3-4.

²⁵ *Mellet v Ireland*, CCPR/C/116/D/2324/2013.

²⁶ Articles 2(1), 3, 17, 19, 26.

²⁷ Iceland, para. 136.18.

²⁸ Denmark, para. 136.19.

Sixteen recommendations relating to abortion were not supported by the State.²⁹ One recommendation was accepted which related to holding of consultations on Article 40.3.3:

“Conduct consultations involving all stakeholders, including civil society organisations, in order to examine whether Article 40.3.3 of the Constitution could be revised and the legal framework related to abortion broadened.”³⁰

In its response to the recommendations it did not support, the State noted:

“The Constitution can only be amended following a referendum of the people. The Government established a Citizens Assembly to review the Eighth Amendment of the Constitution (Article 40.3.3) and report back to Parliament with recommendations. The Assembly will be chaired by a Justice of the Supreme Court and will be comprised of 100 citizens randomly chosen from the population.”³¹

The Government has established a Citizens’ Assembly under *A Programme for a Partnership Government* – May 2016,³² made up of 99 citizens and one independent Chairperson³³, to consider *inter alia* the Eighth Amendment to the Constitution (Art 40.3.3). The Assembly is considering the issue of Eighth Amendment over five weekends between November 2016 and April 2017 and has invited submissions from the public to inform these discussions.

While the establishment of the Citizen’s Assembly is a welcome development, it is unclear how recommendations arising from it will be progressed. The Government has indicated that any recommendations will be considered by an Oireachtas (Parliamentary) Committee. However, no clarity exists with regard to which Committee will hold this responsibility, nor the timeframe within which recommendations will be considered and acted upon. It is crucial and such timeframes are established, particularly given the experience from the Convention on the Constitution. While the Convention ultimately led to the marriage equality in Ireland, many of the recommendations of the Convention are still outstanding. Furthermore, unlike the Convention on the Constitution, politicians have been excluded from the Assembly’s deliberations.

Given the complexity of the issues proposed to be considered and the potentially significant outcome of a new Citizens’ Assembly, including proposals for constitutional reform, it is imperative that the structure, composition, timeframe and terms of reference of the

²⁹ Report of the Working Group on the Universal Periodic Review: Ireland, A/HRC/33/17 and addendum A/HRC/33/17/Add. 1. Available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session33/Pages/ListReports.aspx> (Accessed: 20 September 2016).

³⁰ Switzerland, Article 135. 136

³¹ Report of the Working Group on the Universal Periodic Review, Ireland, Addendum, A/HRC/33/17/Add.1, para. 136.11

³² Available at: http://www.merriestreet.ie/merriestreet/en/imagelibrary/programme_for_partnership_government.pdf (Accessed: 20 September 2016).

³³ Ms Justice Mary Laffoy

Assembly reflect best international practice.³⁴ The Citizens' Assembly should continue to be informed by international experts on the matter, including in relation to the guidelines of international standard setting bodies on the development of laws, policies and protocols for quality, affordable and accessible abortion services that are in line with best international healthcare practice, and with human rights.

The Assembly should also consider experiences from other European States where political consensus has been reached on appropriate ways to integrate abortion services into health care systems so as to ensure access to abortion in law and in practice.

Furthermore, in its deliberations, the Assembly should consider what a new framework on abortion in Ireland would look like, post repeal of Article 40.3.3. The ICCL considers that any future legal and medical frameworks must place women's health at the centre and be fully human rights compliant.

Current laws on abortion discriminate against women and girls in Ireland and have a particularly negative impact on vulnerable women such as migrants and those experiencing economic deprivation who may not be able to travel to another jurisdiction to access abortion services. This issue must be expedited to bring Ireland into compliance with international human rights law and to protect the rights of women and girls in Ireland.

Recommendations

- The Government should hold a referendum to repeal the Eighth Amendment.
- Section 22 and 23 of the Protection of Life During Pregnancy Act 2013 should be repealed in order to decriminalise abortion.
- The Government should repeal the Abortion Information Act 1995.
- The Government should outline in concrete terms how, and in what timeframe, recommendations of the Citizens' Assembly regarding Article 40.3.3 will be progressed.

3. Historical Abuses of Women in the Care of the State

Symphysiotomy

The controversial surgeries of symphysiotomy and pubiotomy, involving sundering the pelvis to enforce vaginal birth in obstructed labour and leading to lifelong disability, were

³⁴ The Citizens' Assembly should be guided by principles identified internationally as legitimising a model of meaningful engagement in constitutional reform. These principles include, but are not limited to: participation, representation, inclusion, transparency, a sense of ownership, the timely completion of its work and a commitment to reform. See "Hear Our Voices Blueprint for a Citizen's Assembly" Available at: <http://hearourvoices.ie/the-blueprint> (Accessed: 21 October 2016).

practised in mainly Catholic hospitals from the 1940s-1980s. There has been no effective remedy for survivors.

While a non-statutory 'Independent review of issues relating to symphysiotomy'³⁵ was published in March 2014, it focused on assessing the balance of advantage to the State of 'proceeding with an *ex gratia* scheme relative to allowing the court process to proceed'. Despite a recommendation by the UN Human Rights Committee in 2014, no independent inquiries have been established to facilitate truth finding, accountability or redress.³⁶ An earlier report on symphysiotomy,³⁷ which was criticised for its exclusion of survivor testimony and unpublished data, such as hospital records, from its research, was released in July 2014. A Government established Symphysiotomy Payment Scheme³⁸ (now closed) provided for limited compensation, and required medical records (often unobtainable after five or six decades) to be provided as proof of eligibility for disability payments. The *ex gratia* scheme was not accompanied by any admission of wrongdoing.

The Scheme also required women to waive all rights and entitlements and indemnify scheduled parties, including private entities, such as religious congregations from further action, before compensation would be awarded. In November 2016, a Government-commissioned "Report on the Surgical Symphysiotomy Ex-gratia Payment Scheme" was published by Judge Maureen Harding Clark.³⁹ Concerns were raised by a number of civil society groups that aspects of the report seemed to undermine the credibility of women, advocates and their right to seek legal redress.⁴⁰

³⁵ <<http://health.gov.ie/wp-content/uploads/2014/07/Scanned-Murphy-report-redacted-version1.pdf>> (Accessed: 28 September 2016).

³⁶ Human Rights Committee, Concluding Observations on the fourth periodic report of Ireland, CCPR/C/IRL/CO/4, para 11. One such avenue could be an inquiry under Part 3 of the Irish Human Rights and Equality Commission Act 2014.

³⁷ Prof. Oonagh Walsh, Glasgow Caledonian University, "Report on Symphysiotomy in Ireland", 1944-1984. Available at: <[http://www.payment-scheme.gov.ie/Symphyisotomy/Symphyisotomy.nsf/0/DEA0DA9BDD112C3A80257D8900388166/\\$file/Professor%20Oonagh%20Walsh%20Report-on-Symphyisotomy1.pdf](http://www.payment-scheme.gov.ie/Symphyisotomy/Symphyisotomy.nsf/0/DEA0DA9BDD112C3A80257D8900388166/$file/Professor%20Oonagh%20Walsh%20Report-on-Symphyisotomy1.pdf)> (Accessed: 03 October 2016).

³⁸ Symphysiotomy Payment Scheme, Available at: <http://www.payment-scheme.gov.ie/Symphyisotomy/Symphyisotomy.nsf/page/index-en> (Accessed 6 October 2016)

³⁹ See press release by Department of Health. Available at: <<http://health.gov.ie/blog/press-release/publication-of-the-report-of-the-surgical-symphysiotomy-ex-gratia-payment-scheme/>> (Accessed: 12 January 2017). Full report available at: <<http://health.gov.ie/blog/publications/the-surgical-symphysiotomy-ex-gratia-payment-scheme-report/>> (Accessed: 12 January 2017).

⁴⁰ See for example Association for Improvements in Maternity Services Ireland: <<http://aimsireland.ie/aims-ireland-statement-on-the-publication-of-judge-maureen-harding-clarks-report-into-the-surgical-symphysiotomy-ex-gratia-payment-scheme-and-media-commentary-on-the-same/>>; Irish Council for Civil Liberties: <<http://www.iccl.ie/news/2016/11/23/human-rights-obligations-left-outstanding-following-publication-of-report-says-rights-watchdog.html>>; Survivors of Symphysiotomy: <<http://www.irishtimes.com/news/health/group-calls-for-withdrawal-of-false-symphysiotomy-claims-1.2885527>> and <<http://www.thejournal.ie/symphysiotomy-7-3106748-Nov2016/>> (Accessed: 12 January 2017).

A number of survivors of symphysiotomy are currently in litigation. In December 2016, the Court of Appeal awarded costs against a women who had failed in her appeal alleging that a symphysiotomy carried out on her in 1963, 12 days before she gave birth, was unjustified.⁴¹

Magdalene Laundries

A full independent inquiry into the experiences of women in Magdalene Laundries has yet to take place, and the official report on the matter has been criticised ‘for its narrow remit and ignoring survivors’ testimonies’. In 2013 a formal apology was issued by An Taoiseach (Prime Minister) Enda Kenny TD on behalf of the State, the Government and Irish citizens to all victims who were confined in such institutions.⁴²

Both the UN Committee against Torture in 2011 and the UN Human Rights Committee in 2014, raised concerns and made recommendations to the State to conduct independent investigations into the Magdalene Laundries and prosecute and punish the perpetrators.⁴³

Mother and Baby Homes

In 2014, following media reports of the alleged discovery of mass graves at the sites of former Mother and Baby Homes,⁴⁴ the Government established an independent Commission of Inquiry into the matter, to report within 36 months,⁴⁵ which has full investigatory powers regarding the care, welfare, burial arrangements, vaccine trials, adoptions, entry arrangements and exit pathways for the women and children who were residents of these institutions between 1922-1998. In July 2016, the Government agreed to extend the time frame for the publication of two of the three reports the Commission is preparing. The Commission submitted a second Interim Report to the Minister for Children

⁴¹Irish Times, “Pensioner must pay costs of failed Symphysiotomy appeal”, 06 December 2016. Available at: <<http://www.irishtimes.com/news/crime-and-law/courts/high-court/pensioner-must-pay-costs-of-failed-symphysiotomy-appeal-1.2894965>> Irish Independent, “Woman (77) must pay costs of failed appeal over symphysiotomy” 06 December 2016. Available at:< <http://www.independent.ie/irish-news/courts/woman-77-must-pay-costs-of-failed-appeal-over-symphysiotomy-35272328.html> > (Date accessed: 13 January 2017).

⁴² For comprehensive information on the Magdalene Laundries please see Justice for Magdalenes Research (JFMR) Cedaw submissions at: <http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_NGO_IRL_21860_E.pdf> (Accessed: 21 October 2016).

⁴³ Human Rights Committee, Concluding Observations on the fourth periodic report of Ireland, CCPR/C/IRL/CO/4, para 10, Committee against Torture, Concluding Observations: Ireland, CAT/C/IRL/CO/1, para 21.

⁴⁴ For further information on the Mother and Baby Homes and adoption system please see Adoption Rights Alliance (ARA) CEDAW submission at: <<http://www.adoptionrightsalliance.com/Adoption%20Rights%20Alliance%20CEDAW%20Submission.pdf>> (Accessed: 21 October 2016). See also submission to the UN Working Group on Discrimination against Women: < http://www.ohchr.org/Documents/Issues/Women/WG/righthealth/WS/ARA_JFMR.pdf> (Accessed 21 October 2016).

⁴⁵ For terms of reference see: <<http://www.mbhcoi.ie/MBH.nsf/page/Terms%20of%20reference-en>> (Accessed: 28 September 2016).

and Youth Affairs on 16 September 2016.⁴⁶ It is expected that all reports will be completed by February 2018.⁴⁷ The Minister for Children and Youth Affairs has noted that the new timeline for the Commission's work "will not delay any Government response to the findings of the Commission."⁴⁸

Recommendations

- Implement, without delay, full and independent inquiries into the practice of symphysiotomy and into the treatment of women in Magdalene Laundries, leading, where wrongdoing is identified, to prosecutions.
- Conduct all inquiries into the historical abuse of women and children in a prompt and independent manner with provisions to ensure that the State complies fully with its obligations under international human rights law including in relation to access to justice, truth finding, accountability and redress
- Abolish redress scheme waivers that prevent survivors from exercising their constitutional and human rights.
- Respond, without delay, to findings made by the Commission of Inquiry into the Mother and Baby Homes upon completion of its investigations.

Conclusion

Following a 12 year delay since its last examination, Ireland's review under CEDAW is an important opportunity for the State and civil society to critically evaluate how Ireland is protecting the rights of women domestically. Challenges to the protection and promotion of women's rights, in particular the impacts of the economic crisis and austerity measures adopted, must be scrutinised. Many issues of concern have been repeatedly raised by UN Treaty Bodies, Special Procedures and through Ireland's first and second UPR examinations. This includes the stereotypical views of women perpetuated through Ireland's Constitution, the violation of the rights of women and girls due to Ireland's highly-restrictive abortion laws and the continued failure by the State to adequately address the historical abuses suffered by women in the care of the State. Ireland's examination under CEDAW will again highlight these shortcomings. It is vital that the State does not just consider this, and other reviews, as a moment in time but as an ongoing process to strengthen the protection of human rights in Ireland. In that regard, the State must give serious consideration to how recommendations from international bodies and processes will be implemented, in a streamlined, cross-departmental manner, with meaningful participation from civil society.

⁴⁶ <<http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FMotherandBabyInfoPage.htm>> (Accessed: 28 September 2016).

⁴⁷ <http://www.dcy.gov.ie/viewdoc.asp?fn=/documents/mother_and_baby_homes/20160727MotherandBabyHomesExtendTimeFrame.htm> (Accessed: 28 September 2016).

⁴⁸ *Ibid.*

