

**Opening remarks by Dr Carol Baxter, Assistant Secretary General,  
Department of Justice and Equality**

**Discussion of State Report under the UN Convention on the  
Elimination of all forms of Discrimination against Women (CEDAW)  
with the UN Expert Committee**

**15 February 2017**

Thank you to the Chairperson Ms Dalia Leinarte of Lithuania and the Rapporteur, Ms Lia Nadaraia of Georgia. It is my pleasure to represent our Deputy Prime Minister, Frances Fitzgerald TD, who is unable to be here today and to introduce the other members of our delegation as follows:

Christine O'Rourke, of the Office of the Attorney General.

Martina Feeney and Brídín O'Donoghue of the Department of Foreign Affairs;

Deaglán Ó Briain, Adam Egan and Caroline Spring who have responsibility for the UN reporting process on human rights and equality issues within the Department of Justice and Equality.

Within that Department also, John Hurley who is responsible for Gender Policy and the National Women's Strategy;

Bobby Smyth of the Anti-Human Trafficking Unit;

Greg Heylin who deals with prevention of Domestic, Sexual and Gender-based Violence, and

Noel Dowling who operates the scheme for women who worked in the Magdalen Laundries and also has responsibility for prison and probation policy.

Mary O'Sullivan from the Department of Social Protection.

Gavan O'Leary from the Department of Education and Skills.

From the Department of Health we have Kieran Smyth and Sarah Rose Flynn, then Geraldine Luddy with responsibility for abortion issues and Kara Prole who has responsibility for symphysiotomy issues.

Lara Hynes from the Department of Children and Youth Affairs.

Finally from Ireland's Permanent Mission here in Geneva we have Amy Sheils.

Ireland regards CEDAW as an important process by which the international community holds each State party to account in relation to our individual human rights record on gender issues. We regret the lapse in time since our last review. Ireland is committed to the CEDAW process and we hope the quality of our answers will be testament to that fact. We have worked assiduously to respond to concerns raised by the CEDAW Committee. Experts currently working on the CEDAW process have been specifically assigned to this role because of the expertise that they bring to bear, having previously managed Ireland's response to the Universal Periodic Review process.

We are proud of our domestic record of protecting and promoting women's rights. We accept that there is more to be done. Minister Fitzgerald's personal commitment to the goal of advancing women's rights is of course well known. Ireland has had challenges over the past decade as I will outline on her behalf. However, I hope that you will recognise the work that has been done and that continues to be undertaken to advance women's rights.

Ireland is well advanced on its path to recovery from a very serious financial and economic crisis. The Government's overall national social policy priorities are job creation and increased housing provision. Progress on these priorities will benefit women as well as men. The latest statistics point to a strong improvement in employment opportunities for women. Statistics issued by the Central Statistics Office for the third quarter of 2016 indicate that the rate of female employment increased by 3.3% over the previous twelve months. As of January 2017, the unemployment rate for women has dropped to 6%. This progress is particularly important as employment is the gateway to financial independence, well-being and the realisation of the person's potential.

An ambitious agenda of social policy reform is also well underway. Already this year legislation in the areas of Domestic Violence, Sexual Offences, and towards ratification of the UN Convention on the Rights of Persons with Disabilities has been

advanced. We have published a new Migrant Integration Strategy which sets the framework for action by Government, business and civil society to promote the integration of migrants and those of migrant origin in our society. We are putting the finishing touches to new National Inclusion Strategies for People with Disabilities and for Travellers and Roma, both of which will contain precise actions to improve the quality of life for disadvantaged women. The question of recognising Travellers as a distinct ethnic group is being addressed in the context of the finalisation of that Strategy.

The introduction of the Affordable Childcare Scheme later this year will reaffirm the Government's commitment to ensuring the availability of quality, affordable and accessible childcare in Ireland.

The Government has demonstrated its commitment to investing in the early years sector. Its last two domestic budgets together provided a 35% increase in funding (a 70% increase in total) to early years and for the first time, total early years spending, including spending on infant classes in primary schools, will now exceed €1 billion.

The €121.5m increase in Budget 2017 for Early Years raises investment from €345m per annum to €466.5m.

Landmark legislative reforms were also undertaken by the previous Government to advance key equality rights, most notably the referendum on marriage equality. As you know, Ireland became the first country in the world to decide by referendum in May 2015 that persons of the same sex should be able to marry one another. We also have the Children and Family Relationships Act 2015 which protects the rights of children of diverse families, including girl children, in relation to parentage, guardianship, custody and access. The Gender Recognition Act 2015 provides legal recognition of the rights of transgender persons in their preferred gender. The Electoral (Political Funding) Act 2012 focuses on the issue of improving the percentage of women in politics. At least 30% of the candidates put forward by political parties for national elections must be female or male in order for those parties to qualify for State funding. The percentage of women in our lower house improved by 6% in the 2016 election.

## **National Women's Strategy**

Our previous National Women's Strategy provided the momentum for action to increase women's participation in national politics. Last November, we launched a public consultation on a new National Women's Strategy which will run from 2017 until 2020. Our proposed vision for the Strategy is that of "an Ireland where all women enjoy equality with men and can achieve their full potential, while enjoying a safe and fulfilling life". The Tánaiste's aim is that the Strategy should be the catalyst for action to promote women's leadership in a wide range of areas, from politics to business and indeed sport.

We have just completed a very fruitful consultation process to prepare for the Strategy. A Strategy Committee has been appointed to advise the Department on the drafting of the Strategy. The Committee consists of representatives of Government Departments, the social partners and civil society, including the National Women's Council of Ireland. Our priority now is to proceed as quickly as possible to develop and finalise the Strategy as our template for promoting gender equality over the next four years.

On 24 January, we announced that funding of €4.0 million over three years is being made available under the European Social Fund for initiatives targeted at women who are currently detached from the labour market but wish to take up paid employment and a further €1.5 million is being made available for projects to support women's entrepreneurship.

## **Civil Society present**

We are particularly fortunate in Ireland that we have a vibrant and independent community and voluntary sector, whose contribution is critically important. We are delighted that so many of our civil society organisations contributed to this process and are here today, or are observing our proceedings from Dublin.

## **Recent legislation**

I would like to mention some of the legislation which will advance women's rights which is currently being considered by our Parliament or in the process of being

brought into force. The **Criminal Law (Sexual Offences) Bill 2015** completed its passage through the houses of Parliament yesterday.

The Bill will criminalise the purchase of sexual services. These provisions were the subject of considerable debate in both Houses of Parliament.

Deputy Prime Minister Fitzgerald is convinced that these provisions are necessary in order to target the demand for sexual services which drives the trafficking and exploitation of women and girls for the purpose of prostitution. Concern has been expressed that the provisions could have a negative impact on the health and well-being of persons involved in prostitution, and, while there is no conclusive evidence of such impact, a provision for a review no later than 3 years following commencement of the Bill has been included.

The Bill will strengthen our laws relating to child sexual exploitation, including targeting the use of modern technology which facilitates the exploitation of children. The Bill will also introduce provisions to support and protect victims of sexual violence during the criminal process.

The Bill includes a further significant legislative development in the law on sexual offences. There must be a clear understanding of what constitutes free and voluntary consent and the circumstances which can negate that consent. While well established under common law, the Sexual Offences Bill clearly sets out – on a statutory basis – the meaning of consent to a sexual act as well as a list of those circumstances which, if proven, would mean that consent was not freely and voluntarily given.

The Bill will also facilitate the full participation in family life of persons with intellectual disabilities and the full expression of their human rights. This reform is one of those required to enable us to ratify UN CRPD. Other reforms are being taken forward in the **Disability (Miscellaneous Provisions) Bill 2016**. The Bill is being progressed to enactment at an early date to facilitate ratification of the UN Convention as soon as possible.

Another important reform is the **Assisted Decision-Making (Capacity) Act 2015**. The Act is being commenced on a phased basis and it is intended that the Act will be substantially implemented during 2017, and again this is an important step for our ratification of CRPD.

We have recently published the **Domestic Violence Bill 2017**. This important legislation will improve protections available to those experiencing domestic violence. The objective is for this Bill to be enacted as soon as possible.

The Bill, when enacted, will also introduce reforms to facilitate our ratification of the Istanbul Convention. Ireland is strongly committed to ratifying the Convention at the earliest possible opportunity.

The Bill will improve the protections available to victims of domestic violence, most critically for cohabitants in crisis situations, by introducing a new emergency barring order. The victim of domestic violence will be able to get the order for up to 8 working days, a crucial time to enable the person to seek safety from violence.

The Bill will provide for a new criminal offence of forced marriage. In addition, the exemption that has existed up to now in regard to underage marriage will be repealed. This Bill is a key part of the Second National Strategy on Domestic, Sexual and Gender-based Violence which was launched last year. That strategy contains a range of legislative and administrative actions aimed at tackling domestic and sexual violence to support victims and to hold those responsible to account.

### **Paternity Leave and Family Leave**

In September 2016, the **Paternity Leave and Benefit Act 2016** introduced paid statutory leave for new fathers for the first time.

There is a commitment in the 2016 Programme for Partnership Government to further increase statutory leave in the first year of a child's life, over the next five years. We expect to be able to publish proposals in that regard this year.

### **Human Trafficking**

In October of last year, we launched Ireland's Second National Action Plan to Prevent and Combat Human Trafficking in Ireland. This builds on the work undertaken in the First Plan and sets out Ireland's strategy for the coming years. It lists 65 Actions, and the Consultation Process which informed the Plan will be instrumental in the Plan's implementation.

We have also had the benefit of a visit by the Council of Europe Group of Experts last year. The Government's continued will to fight the scourge of human trafficking was strongly affirmed to the visiting experts and we repeat that commitment here today.

### **Abortion**

I know that the Committee is interested in hearing of the current position in Ireland with regard to termination of pregnancy. In Ireland, termination of pregnancy is regulated by constitutional and statute law. The debate on this issue has been ongoing for more than 35 years.

It is an extremely difficult issue which has been subject to referenda, Supreme Court decisions and to extensive parliamentary scrutiny.

An 1983 referendum introduced a new section (the 8<sup>th</sup> amendment), Article 40.3.3 of the Constitution which was to guarantee the right to life of the 'unborn' and states:

'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.'

Following the judgment in the X case, in which the Supreme Court found that a woman has a right to a termination of pregnancy if this is required, in order to avert a real and substantial risk to her life, two further referenda were passed to allow for the right to travel outside the State and for the right to information about services outside the State for the termination of pregnancy.

A number of public reflection processes took place to consider if constitutional change might be necessary to Article 40.3.3. Further to this public reflection process, a **third** referendum on abortion was held in March **2002** to remove the threat of suicide as a ground for a lawful abortion and thereby restrict the grounds recognised in the X case. The **third referendum regarding abortion** was **defeated**.

Ireland's restriction on the availability of terminations was considered by the European Court of Human Rights when three applicants, A, B and C, brought proceedings against Ireland before the European Court of Human Rights. In its judgment delivered on 16 December 2010, the Court stated **that Article 40.3.3. of the Constitution is compatible** with the European Convention on Human Rights. The Grand Chamber determined however that there had been a violation of Article 8 of the Convention in relation to applicant Ms C, as there was no accessible and effective procedure to enable her to establish whether she qualified for a lawful termination of pregnancy in accordance with Irish law. To address the Court's finding, the Protection of Life During Pregnancy Act 2013 was enacted.

The issue of abortion continues to be a very live issue in Ireland and we recognize the need for our discourse to be respectful of differing views.

This article of the constitution that I quoted earlier can only be changed by a referendum in which the majority of voters vote to remove it.

In trying to find a resolution suitable for such a complex and deeply personal issue, the Government has established a Citizen's Assembly, in line with the Programme for Partnership Government commitment to consider a number of matters including constitutional reform.

Under the Assembly's terms of reference, they are directed to first consider the Eighth Amendment. Their conclusions on the matter will be submitted to the Houses of the Oireachtas for further debate. Judge Mary Laffoy, a Justice of the Supreme Court, chairs the Assembly comprised of 99 citizens randomly chosen from the population.

The Assembly is currently discussing the issue of the Eight Amendment over a period of 5 weekends with a report on the topic expected in April. At that point the report will be carefully considered by the Government.

### **Legacy issues**

Several legacy issues form the basis of much of the commentary in the shadow reports. I would like to take the committee through several of these difficult issues and highlight what Ireland has done as a State to address them.

### **Magdalen Laundries**

A redress scheme was set up following the publication of the report in 2013 of an Inter-Departmental Committee set up to establish the facts of the State's involvement with the Magdalen Laundries. It is commonly referred to as the McAleese report.

Although there was no finding in the McAleese Report which indicated that the State had any liability in the matter, the Taoiseach issued a State apology to the women. Mr. Justice Quirke was asked by the Government to make recommendations on an appropriate redress scheme for those who were in the 10 Magdalen laundries that were the subject of the McAleese Report.

To date, over €25 million has been paid out to 669 women under the **Magdalen Restorative Justice Ex-gratia Scheme**. The Scheme remains open to new applications but it is important to note that decisions have been made on all of the 819 applications made to date.

### **Mother and Baby Homes**

We established a statutory Commission of Investigation into Mother and Baby Homes in February 2015 to provide a full account of what happened to vulnerable women and children in these Homes during the period 1922 to 1998.

The Commission has been tasked with reporting on its findings within a three-year period and its reports will be published. This investigation is critically important for the women and children in question but also for our wider society in coming to terms with difficult aspects of our history.

## **Symphysiotomy**

I know that the Committee will wish to know how Ireland has approached the issue of symphysiotomy. The Government established in November 2014 the *'Surgical Symphysiotomy Payment Scheme* which is a fair and person centred remedy for women who had undergone the procedure.

This Scheme was run to the highest standards by Judge Maureen Harding Clark, its independent Assessor, who is highly experienced in the field of international human rights. There was a very high uptake for the Scheme, which has now concluded with awards made to 399 women.

The Scheme was designed to be simple, straight-forward and non-adversarial, and to offer women an alternative to pursuing their case through the courts.

It is important to note that Irish and international studies indicate that symphysiotomy is not a banned procedure but has a place in obstetrics in certain limited circumstances. For example, it may still be used in the western world in emergency obstetric situations.

The response of the Irish Government has three main pillars. Firstly, all available facts have been provided in three independent reports, and the evidence for the procedure has been established, including the most up-to-date international research on the topic.

Secondly, a voluntary, person centred Scheme was established which made awards to 399 women who underwent the procedure.

Thirdly, the Irish health services provide on-going medical services to the women, including medical cards.

## **Education**

Turning to education, we recognise the importance of education in the life of women and girls. Education can have a potential transformative effect on the lives of women and girls and has a key effect on their long term life choices.

Female students represent 50.3% of all students at second level. 50.6% of full-time third-level students are female. 131,206 girls or 95% of all girls aged between 15 and 19 years are in full time education. This is a very strong indicator of the continued commitment of Irish women and girls to accessing and participating in education.

Of course, participation is only part of the story. The overall percentage of girls presenting for the higher level mathematics final examination at second level has risen by 86% between 2011 and 2015, giving rise to an increase in the overall percentage taking the exam from 15.8% in 2011 to 27% in 2015. This is a very welcome change.

At higher education level, the Government welcomes the fact that the higher education institutions in Ireland have signed up to the Athena SWAN Charter which commits them to advancing women's careers in Science, Technology, Engineering, Mathematics and Medicine.

The Higher Education Authority, the Irish Research Council and Science Foundation Ireland all have strategic objectives to ensure that gender-equality is promoted in our higher level academic institutions.

### **Social Protection – Budget 2017**

The recent Budget set out to make sure that everyone benefits from the economic recovery. In particular, Budget 2017 provided a package of measures to support lone parents (over 90% of whom are women), encouraging them into the workplace, into education and helping to reduce their childcare costs, and we will be pleased to provide further details to members during the dialogue.

### **Commitment to Rural Ireland**

As a part of the Government's commitment to rural Ireland, there was a total reversal of earlier cuts to Farm Assist which helps more than 8,000 farm families. The introduction of additional income disregards for farmers with children further ensures that farm families will benefit.

### **Female Prisoners**

The special needs of women prisoners are being addressed in a number of ways. The Report on the Strategic Review of Penal Policy established in 2012 has made number of specific recommendations, such as improving standards of accommodation for females.

Currently, a tender process in place will mean that a step down facility for female offenders and female ex-offenders will be in place in Dublin by the end of the year

In the prison system itself, planning is well under way for the modernisation and expansion of facilities in Limerick Prison for women to allow for 50 modern individual cells and 8 transition units as well as improved education, work training facilities and visiting facilities. We will be pleased to provide more detail on other measures planned or in place in response to questions.

### **Conclusion**

I will conclude on that point. I know that members will have questions and we are looking forward to engaging fruitfully with you this morning and this afternoon. So I now hand back to our Chair, Ms Leinarte, and we look forward to responding to the questions from Committee members.