



Submission to the UN Committee on the Elimination of Racial Discrimination regarding Ireland's Combined Fifth to Ninth Periodic Report under the International Convention on the Elimination of All Forms of Racial Discrimination.

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Helen Kehoe (BCL (French), LL.M, Solicitor)

Doctoral Candidate at the Irish Centre for Human Rights

Email: h.kehoe1@nuigalway.ie

Introduction

1. The Irish Centre for Human Rights at the School of Law, National University of Ireland, is Ireland's principal academic human rights centre. The Centre undertakes human rights teaching, research, publications and training, and contributes to human rights policy development nationally and internationally. The Irish Centre for Human Rights is directed by Professor Siobhán Mullally.

2. As a doctoral candidate at the Irish Centre for Human Rights, researching the treatment of historic and gendered human rights violations under international human rights law and its application to Ireland, I wish to draw to the attention of the Committee on the Elimination of Racial Discrimination ('CERD') the following issues for its consideration when considering Ireland's combined periodic report:
 - The broader backdrop of historic human rights abuses in Ireland affecting women and children. These human rights violations have arisen repeatedly before other UN Committees since 2011. This is the first occasion on which CERD will be engaging with this broader context when considering the treatment of the issue of race in the context of the ongoing investigations by the Mother and Baby Homes Commission of Investigation ('the Mother and Baby Homes Commission');
 - The specific inclusion of race as a ground of discrimination in the Terms of Reference for the Mother and Baby Homes Commission;
 - The operation of the Mother and Baby Homes Commission to date;
 - The importance of the influence that CERD could exercise in the context of the work of the Mother and Baby Homes Commission.

The wider context of historic abuse of women and children

3. The historic abuses of women and children in the institutions of the Magdalene Laundries, and the Mother and Baby Homes, along with the widespread practice of non-consensual symphysiotomy in childbirth, has provoked repeated citations of violations of its International Human Rights Law obligations by the Irish State (e.g. Committee against

Torture 2011¹, 2013², 2017³, Human Rights Committee 2014⁴, Committee for Economic, Social and Cultural Rights 2015⁵, Committee for the Elimination of Discrimination Against Women 2017⁶).

4. The abuses cited encompass involuntary detention, forced labour, ill-treatment, breach of a right to education⁷, as well as forced adoption, involuntary medical experimentation, and interference with rights to private and family life (i.e. issues arising from the absence or withholding of private information and records, e.g. records relating to parental identity)⁸.
5. In a general sense, the typical approach adopted by Ireland to issues of historical and gendered human rights violations (i.e. violations primarily affecting woman and girls) could, at best, be described as fragmented. This disparate approach becomes even clearer when considered in the broader context of the other historical and systematic violations that have come to light.
6. The tendency is to address these violations discretely, as distinct issues for consideration, with each mechanism carefully excluding one or other sets of potentially related violations:
 - the Ryan Commission (2000 – 2009); a statutory commission of inquiry established to inquire into child abuse in institutional residential settings⁹;

¹ Committee against Torture, Concluding Observations, Ireland, CAT/C/IRL/CO/1, 17 June 2011, at para. 21.

² 'Follow-up Letter sent to state party – request for further information', 22 May 2013 (from Ms. Felice Gaer, in her capacity as 'Rapporteur for the Follow-up on Concluding Observations of the United Nations Committee against Torture').

³ Concluding observations of the Committee against Torture, Ireland, CAT/C/IRL/CO/2, 31 August 2017, at paras. 25-30.

⁴ Concluding observations of the Human Rights Committee, Ireland, CCPR/C/IRL/CO/4, 19 August 2014, at paras. 10-11.

⁵ Concluding observations of the Committee on Economic, Social and Cultural Rights, Ireland, E/C.12/IRL/CO/3, 8 July 2015, at para. 18.

⁶ Concluding Observations of the Committee on the Elimination of Discrimination against Women, Ireland, CEDAW/C/IRL/CO/6-7 (3 March 2017), at paras. 14-15.

⁷ Justice for Magdalenes Research, Submission to the UN Committee on the Elimination of Discrimination Against Women in respect of Ireland', February 2017, para. 2.2 – 2.3. See also the IHRC Follow-Up Report on State Involvement with Magdalene Laundries, June 2013.

⁸ Adoption Rights Alliance Ireland, 'Follow-up Submission to the UN Committee on the Elimination of Discrimination Against Women in respect of Ireland', January 2017, at sections 2 and 4.

⁹ Final Report of the Commission to Inquire into Child Abuse, 20th May 2009.

<http://www.childabusecommission.ie/publications/index.html>

Established pursuant to the Commission to Inquire into Child Abuse (Amendment) Act 2005.

- the Murphy Reports into Dublin Archdiocese (2006 – 2009)¹⁰; a statutory commission of investigation concerning child abuse in the Dublin Archdiocese and the Diocese of Cloyne (2009 – 2010)¹¹;
- the Inter-Departmental Committee (known as the McAleese Report) (2011 – 2013)¹²; a non-statutory committee composed of six government department representatives, chaired by Senator McAleese, set up to establish “*the facts of State involvement with the Magdalene Laundries*”;
- the Mother and Baby Homes Commission of Investigation (2015)¹³; a statutory commission of investigation established to consider a variety of issues arising from the operation of 14 Mother and Baby Homes and a representative sample of ‘County Homes’¹⁴; and
- three separate reports regarding the practice of symphysiotomy in Ireland (two separate expert reports by Professor Walsh and Judge Murphy in 2014¹⁵, and a report of Judge Harding Clark regarding the *ex gratia* payment scheme in 2016¹⁶).

7. There is certainly no willingness to view all or any of the violations collectively, as a growing body of evidence of a systemic, societal, abuse of women and children in Ireland throughout the 20th century.

¹⁰ Report by Commission of Investigation into Catholic Archdiocese of Dublin, 21 July 2009

http://www.justice.ie/en/JELR/Pages/Dublin_Archdiocese_Commission_of_Investigation

The Murphy Commission (considering Dublin Archdiocese and the Diocese of Cloyne) was established pursuant to the Commissions of Investigations Act 2004.

¹¹ Report by Commission of Investigation into Catholic Diocese of Cloyne, 23 December 2010

<http://www.justice.ie/en/JELR/Pages/Cloyne-Rpt>

¹² Report of the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries, 5 February 2013

<http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>

¹³ Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Order 2015, S.I. No. 57 of 2015 (‘Terms of Reference’).

¹⁴ See ‘Appendix 1 – Institutions’ of the Terms of Reference for the list of institutions included. The Government was criticised for excluding the Magdalene Laundries and other related institutional settings from the scope of the Commission, although there are clear connections between these institutions; e.g. Irish Human Rights and Equality Commission Designate, ‘Proposed Commission of Investigation to Inquire into Mother and Baby Homes, Submission on behalf of the Irish Human Rights and Equality Commission (Designate)’, June 2014, at paragraph 21.

¹⁵ Dept. of Health Press Release, ‘Report on Symphysiotomy in Ireland 1944-1984 — Professor Oonagh Walsh’, 1 July 2014.

Dept. of Health, Press Release, ‘Independent Review of Issues relating to Symphysiotomy by Judge Yvonne Murphy’, 1 July 2014

¹⁶ Judge Maureen Harding-Clarke, ‘Report on the Surgical Symphysiotomy Ex-gratia Payment Scheme’, 19 October 2016.

The inclusion of race as a ground of discrimination in the Terms of Reference for the Mother and Baby Homes Commission

8. Furthermore, there has never been any clear and substantive recognition by the State of the issue of race through its assorted legal responses to these related historic abuses, in terms of how mixed race children and women in the various institutional, residential settings were treated.¹⁷
9. The statutory investigatory body of the Mother and Baby Homes Commission was established in 2015, consequent to the remains of approximately 800 young children and babies being found in an unmarked grave, thus unveiling new claims of serious child abuse in addition to the gendered abuses (i.e. the ill-treatment of women and girls) that had long been attributed to this institutional setting. Prior to this discovery, it seems that the allegations of gendered abuses were not perceived as being sufficiently serious to warrant any form of inquiry or expert report.
10. The Terms of Reference for this Mother and Baby Homes Commission include a reference to 'race'; this is the first occasion on which it has been demonstrated by the State that the issue of race will be considered as part of its legal response to historic human rights abuses. Its inclusion is arguably the result of extensive lobbying and work on the part of AMRI (the Association of Mixed Race Irish), a civil society organisation that has campaigned for the recognition of the discriminatory treatment and abuse experienced by mixed race children in varied institutional settings.
11. The Terms of Reference state that the Commission will consider a number of issues encompassing living conditions, "*the entry of single women*" and children to these institutions, the "*exit pathways*", and the rate of mortality of women and children and children came to be admitted¹⁸; in examining these issues, the Commission must also "*identify ... the extent to which any group of residents may have systematically been treated differently on any grounds [religion, race, traveller identity or disability]*"¹⁹.
12. This is an important development in the setting of parameters, or scope of inquiry, for a statutory legal mechanism established by the State in response to historic abuse, and the

¹⁷ There were references to mixed race children in the Ryan Report (see no 9 above, at Vol. IV, para. 4.94) but no consideration of how these children were perhaps even more at risk in these abusive institutional settings due to their mixed race.

¹⁸ Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Order 2015, S.I. No. 57 of 2015, Schedule, Terms of Reference, article (1)(I) – (VI).

¹⁹ Ibid at article 1(VIII).

State can be commended for broadening its approach. However, this action of simply broadening the scope of inquiry is not enough to ensure that the issue is dealt with comprehensively by the Mother and Baby Homes Commission, and care should be taken in this regard.

13. Ireland's combined periodic report does not include any reference to this specific issue, thus there is discussion of the ongoing consideration by a statutory body (the Mother and Baby Homes Commission of Investigation) of the issue of racial discrimination in the context of the human rights abuses that occurred in certain of these institutional settings.

The operation of the Mother and Baby Homes Commission

14. To begin with, the limited scope of the Mother and Baby Homes Commission must be acknowledged, as the Terms of Reference restrict the "*institutions*" for investigation or consideration to a list of 14 Mother and Baby Homes as set out in its Appendix.²⁰ There was widespread critique regarding the decision to exclude other related institutions, primarily the Magdalen Laundries²¹, from the Terms of Reference; however, the exclusion of other related institutional settings, such as industrial schools, also presented a matter of grave concern.
15. For example, at the time when the Government was formulating the Terms of Reference in 2014, the Irish Human Rights and Equality Commission (Designate) published a submission recommending that the scope of the then proposed Commission of Investigation be as broad as possible as regards its consideration of related institutional settings; in this regard it not only referred to the Magdalen Laundries and "*any analogous institutions*"²², but also explicitly highlighted the practice of the Mother and Baby Homes of sending children "*to live with families whether in the form of nursing, boarding out, fostering or adoptive arrangements*" as well as children being "*sent to industrial schools*"²³.

²⁰ Ibid at "*Appendix 1 – Institutions*".

²¹ Amnesty International, News Release, "Proposed 'Mother and Baby Homes' investigation welcome, but a missed opportunity to address Magdalenes", 9 January 2015; Justice for Magdalenes Research, Press Release, "JFM Research deeply disappointed at exclusion of Magdalene Laundries from Inquiry", 9 January 2015; and, Irish Human Rights and Equality Commission Designate, "Proposed Commission of Investigation to Inquire into Mother and Baby Homes, Submission on behalf of the Irish Human Rights and Equality Commission (Designate)", June 2014, at paras. 21 and 37(ii).

²² Irish Human Rights and Equality Commission Designate, "Proposed Commission of Investigation to Inquire into Mother and Baby Homes, Submission on behalf of the Irish Human Rights and Equality Commission (Designate)", June 2014, at paras. 21 and 37(ii). At para. 37(ii); "*... and any analogous institutions which provided for the care of women and their children during the relevant period*".

²³ Ibid at para. 4(iv).

16. Furthermore, the Committee for Elimination of Discrimination Against Women has recently stated that the Terms of Reference are “*narrow*”, and “*does not cover all homes and analogous institutions, and therefore may not address the whole spectrum of abuses perpetrated against women and girls*”.²⁴
17. Additionally, none of the work conducted by the Mother and Baby Homes Commission to date has been conducted in public, meaning that there are no public hearings of testimony from survivors, affected families, or those involved in running of these institutions. Any hearings and meetings conducted are held in private.²⁵ Since its establishment, the Mother and Baby Homes Commission has submitted three interim reports to the Government Minister responsible for the Commission – Minister for Children and Youth Affairs, Katherine Zappone, T.D. These reports have been published and provide a very general overview of the Commission’s progress.²⁶ Since July 2017 monthly updates are published on the webpage of the Department of Children and Youth Affairs “*on Issues relating to Mother and Baby Homes*”, but there is little substantive detail provided in these updates regarding the Commission’s work.
18. Given the relatively closed nature of the work of the Mother and Baby Homes Commission, the development of their work - and what their analysis of the documentation and records is revealing - remains hidden from public view, with little to be expected by way of disclosure and public debate until its reports are published in February 2019.
19. There is no sense of the importance of creating a public forum in order to facilitate a broader reckoning by society with these issues of historic abuses, least of all in the context of racial discrimination and the treatment of mixed race children and women in these institutional settings, issues which continue to reverberate in today’s society both in terms of racial and gender discrimination.

²⁴ Concluding Observations of the Committee on the Elimination of Discrimination against Women, Ireland, CEDAW/C/IRL/CO/6-7, (3 March 2017), at para. 14(c).

²⁵ This is largely due to sec. 11(1) of the Commissions of Investigations Act 2004, which states that, generally, any commissions established will conduct investigations in private; however, under sec. 11(1)(a), a witness can request that all or part of their evidence be heard in public, but the Commission must be “*satisfied that it is desirable in the interests of both the investigation and fair procedures*” to do so (sec. 11(1)(b)). This has never been done to date, and it remains unclear whether any witness has made such a request.

²⁶ For example, *Third Interim Report of the Commission on Mother and Baby Homes*, September 2017 (not published until 5 December 2017). This requested an extension for completion of the reports until February 2019 (this request was granted). At section 2, it stated that the ‘Confidential Committee’ (“*to provide a forum for persons who were formerly resident in the homes ... or who worked in these institutions ... to provide accounts of their experiences*”) had met with 346 individuals, and that a further 200 had applied to meet the Committee (paras. 2.3-2.4).

20. In 2017, the Committee for Elimination of Discrimination Against Women reiterated the “*numerous recommendations on the unresolved issue of historical abuses of women and girls by other United Nations human rights mechanisms*”, under the heading of ‘Access to Justice’²⁷, and emphasised the continuing impact of these abuses on survivors. Indeed, thus far, the response of the UN Treaty Bodies has focussed on the failure of the State to ensure access to justice for the survivors of these types of gendered and historic abuses, with access to justice entailing independent, thorough and effective investigations, prosecutions and punishment of perpetrators, the provision of “*an effective remedy*”.²⁸
21. The international legal right to a remedy is enshrined in many international human rights treaties (e.g. Article 6 of ICERD) and guidance is provided by the UN General Assembly Basic Principles on a Right to a Remedy.²⁹ The right to a remedy includes a broad range of measures such as rehabilitation, compensation, and satisfaction (the latter measure includes, e.g., public apology, commemorations, full public disclosure of the truth).³⁰ However, the principal focus of many of the UN Treaty Bodies is on the immediate legal solutions of investigation, prosecution and punishment, framing it as an issue of ‘access to justice’. While this certainly is an important issue, there is considerable leeway remaining within the international legal right to a remedy (beyond these legal responses of prosecution, punishment and compensation) for a far broader interpretation of what might also be offered as a means of suitable legal redress or reparations.
22. The Mother and Baby Homes Commission is not designed to meet any of the requirements of ensuring ‘access to justice’ for survivors (in the sense of investigations, prosecutions and punishment of perpetrators) nor was it intended to; nonetheless, it is entirely ambiguous as to whether it is particularly suited to providing a remedy for survivors by way of comprehensive measures of ‘satisfaction’ either; e.g. by way of creating a public record or account of this period of Irish social history or making recommendations regarding memorialisation. It must be noted that it is expected to prepare three reports comprising a ‘Social History report’, a ‘Confidential Committee report’ of the testimony it hears in private and a ‘Report of the investigation’, all in relation to the institutions under its investigation.

²⁷ Concluding Observations of the Committee on the Elimination of Discrimination against Women, Ireland, CEDAW/C/IRL/CO/6-7, (3 March 2017), at para. 14

²⁸ Ibid at para. 15(a); “... *an effective remedy, including appropriate compensation, official apologies, restitution, satisfaction, and rehabilitative services*”.

²⁹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (Mar. 21, 2006).

³⁰ Ibid at paras. 18-23.

However, the lack of transparency regarding the work of the Mother and Baby Homes Commission leaves its work at a remove and disconnect from Irish society.

23. Minister for Children and Youth Affairs, Katherine Zappone T.D., indicated in 2017 that her government department is considering an alternative approach to the issue of the Mother and Baby Homes by consulting with specialists in transitional justice³¹; and most recently, the Minister has established a 'Collaborative Forum for Former Residents of Mother and Baby Homes'.³² It remains unclear how the approach of transitional justice will be applied to this issue generally and/or whether it will be applied to the specific work of the Mother and Baby Homes Commission, as its reports are already due for completion in February 2019.

24. In addition to the submissions that CERD will receive from civil society (particularly from the Association of Mixed Race Irish regarding the Mother and Baby Homes), I would urge CERD to consider the most recent publication of another joint, voluntary, legal initiative called 'The Clann Project'³³. The Clann Project was established to assist individuals in making their witness statements to the Mother and Baby Homes Commission and to make a submission to the Mother and Baby Homes Commission based on the statements and evidence that the project gathered. This submission (essentially the "findings" of this project over three years), was published on 15 October 2018.³⁴ This submission is extremely detailed regarding the treatment of mothers and children in the past, the current treatment of mothers, adopted people and family members, the operation of the current Mother and Baby Homes Commission, and suggested recommendations for the

³¹ Remarks by Minister for Children and Youth Affairs, Dr Katherine Zappone, 'Dáil Statements on the Announcement by the Commission of Investigation confirming Human Remains on the Site of the former Tuam Mother and Baby home', 9 March 2017.

See also, Statement by Katherine Zappone TD, Minister for Children and Youth Affairs 1 June 2017.

³² Monthly Update on Issues Relating to Mother and Baby Homes – March, April, May 2018, Department of Children and Youth Affairs. <

<https://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FMotherandBabyInfoPage.htm>>

³³For further information: "Clann: Ireland's Unmarried Mothers and their Children: Gathering the Data ('Clann') is a joint initiative by Adoption Rights Alliance (ARA) and JFM Research (JFMR). ... Clann provided assistance to those who wished to give evidence to Ireland's Commission of Investigation into Mother and Baby Homes and Certain Related Matters by arranging free legal assistance for individuals to make full written statements. As part of this process, Clann anonymised shared statements, and gathered documentary and archival materials, in order to make a public group report to (1) the Commission of Investigation, (2) the Irish Government, and (3) international human rights bodies..." See <http://clannproject.org/about/>

³⁴ Press Release, 'Clann publishes findings of three-year project on adoption and mother and baby homes', (15 October 2018). <http://clannproject.org/2018/10/15/clann-publishes-findings-of-three-year-project-on-adoption-and-mother-and-baby-homes/>

Commission.³⁵ It also contains a detailed legal analysis of many of these issues based on national and international human rights law.³⁶

25. Regarding conditions in the Mother and Baby Homes, the issue of race is highlighted as an issue arising in the context of additional discrimination suffered by certain women and children in these institutional settings – “*Racial discrimination is also evident in the discriminatory treatment of mixed-race children.*”³⁷

The importance of CERD

26. In light of these concerns, the consideration of Ireland’s State report and the resulting recommendations of CERD will prove particularly crucial in providing guidance for the State and the Mother and Baby Homes Commission, regarding how to best approach the issue of human rights violations resulting from racial discrimination in its work of reviewing the treatment of mixed race children and women by these institutions and the State actors directly/indirectly involved in these institutional settings.

27. For example, in the simplest of terms, the Mother and Baby Homes Commission ought to be aware of the provisions of ICERD and be willing to rely on it as a source of international legal obligations binding the State in relation to the human rights violations resulting from racial discrimination. As a result, it should also be aware of the varying forms of racial discrimination outlined in Article 1(1) of ICERD as meaning “*any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin*” that expressly or implicitly causes any form of human rights violation. These issues could be explored by CERD at the forthcoming session to be attended by Ireland (2018/2019).

28. Furthermore, it would be extremely beneficial if CERD emphasised its work on intersectionality and multiple discrimination³⁸ as part of its engagement with Ireland and its combined periodic report.

³⁵ Clann: Ireland’s Unmarried Mothers and their Children: Gathering the Data, *Principal Submissions to the Commission of Investigation into Mother and Baby Homes*, Dr Maeve O’Rourke, Claire McGettrick, Rod Baker and Raymond Hill (principal authors), October 2018, at sections 1-3, 5, and 6. Accessible at <http://clannproject.org/clann-report/>

³⁶ Ibid at section 4.

³⁷ Ibid at paragraph 4.21. See also paragraphs 4.21-4.24 and 1.268 – 1.275.

³⁸ For example, General Recommendation No. 32, *The meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination*, CERD/C/GC/32, 24 Sept. 2009.

29. Age is a factor that contributes to multiple discrimination³⁹, and CERD's work in this respect will be of benefit regarding multiple discrimination against mixed race children in these institutional settings – particularly in light of their particular vulnerability as children.
30. If mixed race children were discriminated against in the Mother and Baby Homes on the basis of race and age, as well as their 'illegitimate' status, it appears clear that these children would continue to be discriminated against on these grounds after leaving these specific institutional settings; for example, it is likely that these children were at higher risk of being sent to other analogous institutional settings, such as industrial schools – i.e., analogous institutional settings that are omitted from the scope of the Mother and Baby Homes Commission.
31. CERD's work regarding the intersectionality of gender⁴⁰ will also prove crucial. CERD has noted that racial discrimination does not affect people in a gender-neutral way, meaning that it will affect women and men differently; CERD generally makes efforts "*to integrate the gender perspective into its work*"⁴¹, and a similar approach would be of considerable benefit in the context of the work of the Commission of Mother and Baby Homes as it primarily affected young women and girls. In the case of mixed race *girls and women* in Ireland, it is likely that they were also victims of multiple discrimination not only on the basis of race, age, and their 'illegitimate status', but also on the basis of gender, to the extent that this probably rendered them at an even greater risk of being admitted for longer periods of time in the Mother and Baby Homes or being transferred to other institutional settings, such as the Magdalen Laundries or industrial schools – as stated, analogous or related settings which are omitted from the scope of the Mother and Baby Homes Commission.
32. Finally, it would be of significant value if CERD could explore with the State the extent and the manner to which the Mother and Baby Homes Commission is intended to vindicate the survivors' right to a legal remedy under international law. Is it intended that a transitional justice approach will be applied to the work of the Mother and Baby Homes Commission?

³⁹ For example; General Recommendation no. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice systems, 65th session, 2005, at preamble (last para.) and paras. 25, 26(c), 41.

⁴⁰ General Recommendation No. 25 on gender-related dimensions of racial discrimination, 56th Session, 2000

⁴¹ IMADR Geneva Office, 'ICERD and CERD: A Guide for Civil Society Actors', 2011, at para. 1.6.

See also, for example, General Recommendation No. 25 (2000); General recommendation no. 29 on article 1, paragraph 1, of the Convention (Descent), 61st session 2002, at paras. (j)-(m); General Recommendation no. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice systems, 65th session, 2005, at preamble (last para.) and paras. 25, 26(c), 41.

Or is it intended that such an approach will apply to an alternative public forum or entity established to address all historic abuses of women and children in Ireland in the 20th century?

33. Similarly, CERD may also have comments regarding the operation of the Mother and Baby Homes Commission - how it is fulfilling the State's obligations to provide a remedy to date or how it could be improved upon in this respect.

Conclusion

34. In summary, it would be helpful if CERD could consider the following principal issues when reviewing Ireland's combined periodic report, and when preparing its Concluding Observations in that respect:

- The adequacy of the scope and operation of the Mother and Baby Homes Commission of Investigation;
- The provision of guidance to the State and the Mother and Baby Homes Commission regarding the application of ICERD (e.g. the extent of the State's legal obligations) to the consideration of race and racial discrimination in the context of the Mother and Baby Homes;
- The issue of intersectionality and multiple discrimination; particularly between gender and race regarding women and girls, but also age and race in relation to children; although related to historic abuses, CERD will be aware that these forms of multiple discrimination continue to be relevant to modern-day Ireland;
- The interpretation of the international legal right to a remedy by Ireland in relation to these forms of historic abuses.