



**Suggested List of Issues to Country Report Task Force on Ireland for the 109th Session of the Human Rights Committee, 14 October -1 November 2013**

## **I. 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 equality in Ireland and internationally. 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.<sup>i</sup>

This submission identifies key women's rights issues for the Human Rights Committee to consider as it prepares its List of Issues for the review of Ireland: *Women's Civil and political participation (Article 3)*, *Violence against women (Article 3)*, *Sexual and Reproductive Rights (Article 6 & 7)*, *Women in Magdalene Laundries (Article 2 & 7)*, *Trafficking for the sexual and labour exploitation of women and girls (Article 8)*, *Direct Provision and the Rights of Women Seeking Asylum in Ireland (Article 13)* and *Recognising Travellers as an Ethnic Minority (Article 27)*.

## **II. Summary of Issues**

### **Women in the Irish Constitution**

Article 41.2 of the 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.

Presently this clause is largely symbolic; however, it has resonated throughout society for multiple generations of women and remains the defining legal descriptor of the place of women in Ireland in 2013.

One of the priority tasks of the Constitutional Convention,<sup>ii</sup> 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

the 'women in the home' clause with a gender neutral clause valuing care work in Irish society. 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.<sup>iii</sup>

The Convention made this recommendation in its second report to Government;<sup>iv</sup> however, no political commitment has been made yet regarding the holding of a referendum on the issue.

**We request the Committee to ask the State to:**

- **Indicate when it will hold a referendum on Article 41.2 of the Constitution (The Family), following on from the recommendation of the Constitutional Convention.**

**Women's Civil and political participation**

*Women in public life*

Political participation figures reflect the role assigned to women under the Constitution. Ireland ranks low by all international standards for its participation of women in public life. For example, only 15.8% of members of the upper house are women (bringing us to 89<sup>th</sup> place in the Inter Parliamentary Union tables and 23<sup>rd</sup> in the EU27).<sup>v</sup> The most significant decision-making body in the State is the Cabinet in which 14 of the 16 positions are held by men (not including the Attorney General, a woman, who is an *ex officio* member). The two most recent appointments (at junior cabinet level) have been men, including the replacement of one woman. At local level 17% of councillors are women.<sup>vi</sup>

The political system remains largely closed to women in particular women from disadvantaged or minority backgrounds who face additional barriers above men from these socio-economic or cultural backgrounds. Ireland has never had a Traveller (female or male) TD and our only Muslim TD was a man elected in 1992. The Irish parliament (Oireachtas) is still dominated by male-centred practices which manifest themselves in the parliamentary culture, for example it is characterised by long hours, lack of cross-party solidarity mechanisms for women and no possibility to use video-conferencing services for either Committee or constituency work to facilitate work-life balance.<sup>vii</sup>

Poor numbers of women in leadership positions exist across the echelons of Irish society. The three most senior legal offices in the country are now occupied by women,<sup>viii</sup> yet men still hold the overwhelming majority of judicial positions (occupying two-thirds of Supreme and High Court positions).<sup>ix</sup> In boardrooms Ireland also has a poor record. Our top 20 publicly listed companies (PLCs) have only 9% female members.<sup>x</sup> State boards, despite a 40% target set in 1996, have only 35% women members.<sup>xi</sup> Women tend to be over-represented on Boards relating to family affairs while men tend to be over-represented on Boards relating to finance and economics, such as the National Asset Management Agency [NAMA] and the National Pension Reserve Fund. The impact of this lack of diversity has been identified as a key cause in Ireland's economic crisis.<sup>xii</sup> Increased representation for women and men in Boardrooms can have a positive impact on wider society through improved decision-making.

The government has taken a number of positive steps to address some of these problems. A candidate quota law mandating political parties to include a minimum of 30% women at the next general election (rising to 40%) is in now place.<sup>xiii</sup>

### **Funding for women's support organisations**

WHRA notes that the Human Rights Committee in 2008 made recommendation that Ireland should reinforce the effectiveness of its measures to ensure equality between women and men in all spheres, including by increased funding for the institutions established to promote and protect gender equality.

The community and voluntary sector plays a key role in the protection and promotion of women's human rights as well as the provision of services to women who are most marginalised, living in poverty, experience domestic and sexual violence, and whose voices are furthest away from the decision making structures of Irish society. Budgetary cuts over the past few years 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.

Over the past two years government funding to the National Women's Council of Ireland (NWC), the leading women's organisation in Ireland, has been cut by 50%.<sup>xiv</sup> Funding for locally based women's projects has been cut by 35% since 2011<sup>xv</sup> and this has significantly reduced the level of services/support that organisations can provide and the level of advocacy they can engage in. Some of the Women's Networks have closed while others have been forced to cut back on staff and on services.

Locally based women's organisations provide a range of services, for education and training, and childcare supports. They enable women to organise together, speak out on the issues affecting their lives and assist women marginalised by violence to gain the confidence to leave dangerous situations. Funding for these organisations has continuously decreased over the past three years and is under constant threat.

### **We request the Committee to ask the State to:**

- :- Conduct a gender audit of the operation of the Oireachtas (Irish Parliament) within the lifetime of the current government.**
- :- Ring fence funding to restore an adequate level of service provision and support effective advocacy to women's groups at local, regional and national level.**
- :- Implement the initiative by EU DG-Justice to ensure a minimum of 40% women sit on private boards and consider the introduction of a penalty system for State boards which do not reach a 40/40 minimum gender balance**

### **Sexual and Reproductive Rights**

WHRA note that the Human Rights Committee recommended the Irish government in 2008 to take steps to bring the law in Ireland in relation to abortion into line with the Covenant. The Protection of Life During Pregnancy Act 2013 was enacted on foot of the judgment of the European Court of Human Rights (ECtHR) in the case of *A, B and C v Ireland*.<sup>xvi</sup> While this is a significant step, and goes some way to guaranteeing access to appropriate medical

procedures by women whose lives may be at risk during pregnancy, WHRA believe that it is insufficient to bring the law into conformity with the Covenant.

Furthermore, WHRA is of the view that the retention of harsh criminal sanctions in the new legislation, in combination with a high level of political scrutiny of hospitals in which procedures under the legislation may take place, will reinforce, rather than alleviate the chilling factor which was identified by the European Court of Human Rights in the *A, B and C v Ireland* case.

Article 7 of the ICCPR guarantees the right to freedom from cruel, inhuman and degrading treatment. The Human Rights Committee has found that Article 7 may be relevant where women who have become pregnant as a result of rape<sup>xvii</sup> or have received a diagnosis of foetal impairment.<sup>xviii</sup> The UN Special Rapporteur on Torture and Cruel, Inhuman and Degrading Treatment in his April 2013 report highlighted that denial of abortion in certain circumstances may cross the threshold into cruel, inhuman and degrading treatment. It is noteworthy that the Minister for Justice, Equality and Defence has recently commented on the “great cruelty” that the current abortion regime creates for women in cases of rape and fatal foetal abnormality.<sup>xix</sup> The UN Committee Against Torture has stated that women are particularly at risk in contexts of “deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes.”<sup>xx</sup>

The right to be free from torture and CIDT carries with it non-derogable state obligations to prevent, punish, and redress violations of this right. Irish law guarantees women the right to travel to access abortion in another state, however, the exercise of this right places undue burden on women.

WHRA is of the view that the financial, physical and psychological hardship experienced by many women and girls, in particular minors, undocumented women, migrant women, women living in poverty and women who choose termination because of medically indicated reasons, in many cases reaches the threshold of cruel, inhuman and degrading treatment.

**We request the Committee to ask the State:**

- **What substantive measures are the Irish government taking to ensure that Ireland’s laws and policies on abortion are in line with the Covenant and to address the violation of the rights of Applicant C and the interference with the rights of Applicants A and B identified by the European Court of Human Rights in the case of *A, B and C v Ireland*?**

**Violence Against Women**

WHRA note that the Human Rights Committee in 2008 recommended that Ireland should continue to strengthen its policies and laws against domestic violence, prepare adequate statistics and increase provision of services to victims. NGOs providing services to women experiencing domestic and sexual violence are witnessing an unprecedented growth in demand for their services. Rape Crisis Centres have seen a relentless year on year increase in demand for their services. In 2012 there was a 12% increase from 2010 in survivors and

others seeking counselling and support from their specialist services and over 28,000 helpline contacts in 2011 alone.<sup>xxi</sup> In relation to domestic violence in 2011, 42,383 helpline calls were answered, and 7,797 individual women and 3,066 individual children received support from domestic violence support services. This represents a 56.6% increase in demand for these support services since 2007, with some services experiencing up to 35% cut to their funding during this period.<sup>xxii</sup>

#### *Council of Europe Convention on Preventing and Combating Violence against Women*

In May 2011 the Council of Europe's Committee of Ministers adopted the Council of Europe Convention on preventing and combating violence against women and domestic violence. Out of the 47 states of the Council of Europe Ireland is one of 18 countries that have not signed the Convention. In March 2012, at the 19th Session of the United Nations Human Rights Council, Ireland accepted the recommendation put forward by Austria at Ireland's Universal Periodic Review in October 2011 to sign the Convention, stating: "Ireland can accept in principle the terms of the Convention." Ireland further stated: "The detailed provisions of the Convention and the administrative and legislative arrangements that would be necessary to allow signature of the Convention by Ireland are currently being examined." Given that nearly two years has elapsed since this announcement, WHRA urges the Irish government sign this Convention as a matter of urgency, and then work towards its expeditious ratification.

#### *Provision of Services*

Services for violence against women have been chronically underfunded for years. This situation has reached crisis point as there have been additional cuts to funding in the last three budgets so more and more women are not being accommodated in refuges or are on waiting lists for support services.<sup>xxiii</sup> Services have been forced to cut positions, programmes or hours of operation.

Refuge provision remains inadequate and many women and children are unable to access refuge accommodation each year. In 2011, on 2,537 occasions, services were unable to accommodate women in refuge, and on 2,302 occasions there were unable to accommodate children.<sup>xxiv</sup> This was because the refuge was full or there was no refuge in their area. 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.<sup>xxv</sup>

WHRA would also like to highlight the particular needs of marginalized women such as migrant, refugee, asylum seeking, Traveller and Roma women. The requirement to satisfy the Habitual Residence Condition (HRC) can have particular gender implications. Migrant women of varying immigration status and women who have moved from a different jurisdiction in order to exit a situation of violence are just some of the women who discover that they do not satisfy the HRC leaving them in a very vulnerable situation. Not meeting HRC conditions impacts on a women's ability to access a refuge. It also impacts on women not being able to access welfare and social housing to exit a refuge. There needs to be formal recognition of domestic violence in immigration law by making provisions which enable migrants who experience domestic violence to apply for independent residence permits. Pending determination of applications to remain in Ireland, victims of domestic

violence must be able to access safe emergency housing and essential welfare benefits to meet basic needs.<sup>xxvi</sup>

### *Legislation on Domestic Violence*

WHRA acknowledge the positive changes made to the domestic violence legislation in 2011 and the government commitment to continue to review the legislation. However WHRA calls for an immediate, full and comprehensive review of the Irish legislation on domestic violence and court procedures to ensure greater accessibility, justice and centre-staging of all victim's needs and rights. The law on domestic violence must be updated to deal with the realities of the many different types and forms of relationships in Ireland today. Despite the extension of eligibility for orders in the Civil Law (Miscellaneous Provisions) Act 2011, the law still does not provide for women in dating relationships. WHRA submit that Safety Orders must be available to all parties who are or have been in an intimate relationship.<sup>xxvii</sup>

WHRA has concern with the restricted eligibility for barring orders for unmarried cohabitants. Requirements related to the duration of the relationship and a property test requirement whereby the applicant must show an equal or greater legal or beneficial interest in the property can create huge problems for women seeking to obtain a barring order. As the legislation currently stands, children are not taken into account when making considerations regarding property interests. The Irish government must explore the possibility of removing the property test, in particular in cases where it conflicts with the best interest of the children of the family, or when the safety and welfare of the child should override property rights.

A further gap in the current legislation is the lack of emergency barring orders to provide immediate protection during out-of-hours times. There is a clear need for 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. Such an emergency order would last until the next sitting day in the nearest Court.<sup>xxviii</sup>

Women experiencing domestic violence are often controlled, followed, harassed and stalked by their abusers both during the relationship and after separation. Stalking often escalates after separation and is linked to the abuser wanting to continue to control the victim. Legislation dealing with harassment does not explicitly refer to a number of new technologies that are used to stalk and harass women, and the offence is difficult to prove in court.<sup>xxix</sup> A specific offence of stalking should be introduced in Irish law and stalking should be recognised as a ground to apply for a Safety Order, even in the absence of a criminal conviction.

### *Adequate Data*

WHRA notes that the baseline prevalence study on sexual violence, the Sexual Abuse and Violence in Ireland (SAVI) Report was published in 2002 and, though it has since acted as a key informant of Irish policy in relation to sexual violence, it is considerably out of date. In order to develop clear comparative analysis, a SAVI II Report is required to evaluate changes over the past decade and provide an evidence base to inform contemporary responses to the issue of sexual violence. There is also a clear need for more data on the nature and extent of domestic violence in Ireland.

**We request the Committee to ask the State to:**

- 1. Increase funding to organisations providing front-line services and supports to survivors of violence against women by 10% to offset budgets cuts in recent years.**
- 2. Ensure access to safe, emergency accommodation for women experiencing male violence, a target of at least 1 refuge place per 10,000 of population should be agreed and resources ring fenced to make progress towards that target**
- 3. Sign and ratify the Council of Europe Convention on preventing and combatting violence against women and domestic violence.**
- 4. Amend the Habitual Residence Condition to make an exception in cases of domestic violence against women so that women can have ease of access to welfare and social housing supports including refuge**
- 5. Allocate resources to fund a SAVI 2 Report in relation to establishing the nature and extent of sexual abuse and violence in Ireland**
- 6. Amend the Domestic Violence Act 1996 to extend eligibility for Safety Orders to all parties who are or have been in an intimate relationship, regardless of cohabitation; investigate the possibility of removing, or amending, the determination of property interests in issuing barring orders in particular in cases where it conflicts with the best interests of the child/ren; include a provision in the Domestic Violence Act to allow Garda to apply for emergency orders to an on-call judge; introduce a specific offence of stalking that allows the Court to make a Non-Harassment/Restraining Order to protect the victim; include stalking in the guidelines as a ground for applying for a Safety Order.**

**Trafficking for the sexual and labour exploitation of women and girls**

WHRA note that the Human Rights Committee in 2008 made a recommendation that Ireland should continue to reinforce its measures to combat trafficking in human beings, in particular by reducing the demand for trafficking and it should also ensure the protection and rehabilitation of victims of trafficking. Furthermore Ireland should ensure that permission to remain in the state is not dependent on the co-operation of victims in the prosecution of alleged traffickers.

Women and girls constitute the majority of the victims of trafficking in Ireland and WHRA is concerned that a gender sensitive approach is not applied to the measures to assist and protect victims of this crime. Most recent reports about Ireland indicate that child trafficking continues to be a problem in the country, with at least 19 minors discovered in commercial sexual exploitation in 2012.<sup>xxx</sup> WHRA note that prosecutions against traffickers of children have been launched and convictions achieved. However, the non-prosecution rate of traffickers of adults remains an area of great concern.<sup>xxxi</sup>

WHRA is concerned with the failure of the Government to implement formal identification procedures. Due to this anomaly, suspected victims are not granted periods for recovery and reflection and instead, they are channelled into the investigation process where they remain vulnerable, at risk and in a state of limbo for two years or more. Temporary Residence Permit to victims is granted only on the condition of cooperation with the competent authorities in the investigation of the crime of trafficking. The possibility for such permit to be granted for personal reasons, linked to age, health, or vulnerability is presently

absent. Victims are housed in direct provision centres with persons seeking asylum with no right to work and subsisting on Euro 19.10 a week.

As a result of the perception by the State that identification of victims is unnecessary, the Administrative Immigration Arrangements are very rarely used. Victims seeking asylum or EU or Irish nationals are not being viewed as suspected victims of trafficking, even when they fully cooperate in a criminal investigation of the trafficking crime committed against them. The lack of such acknowledgement in these cases makes the provision of assistance and conferring of rights to these individuals ad hoc. WHRA supports the recommendation of the US TIP 2013 report for a national database for cases of human trafficking, in order to avoid inconsistencies in upholding the rights for all victims of this crime.

WHRA notes the introduction of the Criminal Justice (Human Trafficking) Amendment Bill 2013 transposing EU Directive 2011/36/EU, which will bring into law the ILO definition of forced labour and will criminalise trafficking for begging and forced criminal activities. This is a positive step forward, which constitutes a clear advance in the fight against human trafficking for forced labour.

On completion of a one year review of the prostitution legislation in Ireland, the Parliamentary Committee on Justice entrusted with the review concluded that Ireland should criminalise the demand for sexual exploitation in an unconditional and clear manner by introducing penalties for people purchasing sexual services.<sup>xxxii</sup>

**We request the Committee to ask the State to:**

- 1. Implement the recommendations of the report of the Parliamentary Committee on Justice on the review of the laws on prostitution with a view to curb demand for sex trafficking.**
- 2. Transpose EU Directive 2011/36/EU to ensure speedy identification process, no re-victimisation of victims by repetition of traumatic accounts and a gender sensitive response to victims.**
- 3. Grant recovery and reflection permits to all suspected victims of trafficking regardless of their nationality and legal status and whether they co-operate in a criminal investigation or not and discontinue the use of asylum centres to accommodate victims of trafficking.**
- 4. Place on a statutory and legal footing the provision of a victim protection scheme for victims of trafficking for labour or sexual exploitation in the forthcoming Immigration, Residence and Protection Bill**

**Direct Provision and the Rights of Women Seeking Asylum in Ireland**

Persons seeking asylum and protection are maintained at subsistence levels in the Direct Provision dispersal and accommodation system for unduly long periods of time, impacting on various human rights including rights to health, housing and family life. Accommodation centres, the majority of which are managed by for profit private businesses on behalf of the state are particularly unsuitable for women and children. There is a lack of independent inspection of these facilities. A separate woman's only accommodation centre for women seeking asylum who have experienced gender based violence should be provided as a matter of urgency. The government should require those tendering for accommodation

centre contracts to provide a code of conduct, an independent complaints procedure for residents and gendered, cultural training for staff running the centres.

A gender sensitive asylum and reception system is necessary, supported by the introduction of domestic gender guidelines in asylum and reception processes. Women seeking refugee status should also be informed that they are entitled to request a female interviewer or interpreter for their substantive interview and for their legal representative and for subsequent proceedings. Domestic gender guidelines should be introduced for Refugee Appeals Tribunal proceedings.

**We request the Committee to ask the State to:**

- 1. Undertake an audit of government policy of direct provision and dispersal to ensure it meets international human rights standards**
- 2. Introduce domestic gender guidelines within the asylum and reception system;**
- 3. Establish a separate women's only accommodation centre for women seeking asylum who have experienced gender based violence.**

### **Recognising Travellers as an Ethnic Minority**

WHRA notes that the Human Rights Committee recommended in 2008 that Ireland should take steps to recognize Travellers as an ethnic group. Despite the recommendation of many UN treaty monitoring bodies<sup>xxxiii</sup> as well as equality and human rights bodies within Ireland, the Government continues to refuse to acknowledge Traveller ethnicity. Various countries made recommendations for recognition during the UPR process in 2011. It is noted that the Government often state that whether or not Travellers are considered to form a distinct ethnic group in Irish society is of no domestic legal significance.

**We request the Committee to ask the State to:**

- Take immediate steps to recognize Travellers as an ethnic minority group**

### **Women in Magdalene Laundries**

The issue of an investigation into and reparation for Ireland's Magdalene Laundries abuse has been the subject of recommendations to the Irish government and requests for further information from the UN Committee against Torture in 2011,<sup>xxxiv</sup> 2012<sup>xxxv</sup> and 2013<sup>xxxvi</sup> and detailed assessments and recommendations from the Irish Human Rights Commission in 2010<sup>xxxvii</sup> and 2013.<sup>xxxviii</sup> Previous reports from the NGO 'Justice for Magdalenes' (now 'JFM Research') explaining the Magdalene Laundries abuse are available at [www.magdalenelaundries.com](http://www.magdalenelaundries.com).

The State's involvement in and knowing failure to prevent the incarceration and forced unpaid labour of thousands of girls and women in Magdalene Laundries from 1922 to 1996, and the absence, until 2013, of an investigation or any measures of reparation amounted to a violation of ICCPR articles 2, 3, 7, 8, 9, 10, 17, 18, 24, 25 and 26.

WHRA welcomes the measures taken by the Irish government since 2011 to comply with its human rights obligations towards Magdalene survivors and their families, including the establishment of an Inter-departmental committee to establish the facts of state interaction with the Magdalene laundries,<sup>xxxix</sup> a State apology in February 2013,<sup>xl</sup> and the acceptance of

proposals for a restorative justice scheme by Mr Justice John Quirke, President of the Irish Law Reform Commission, in June 2013.<sup>xli</sup>

However, WHRA is concerned that significant matters remain outstanding, regarding (a) effective and adequate reparation for all women under the proposed scheme, wherever they reside, and (b) accountability for, and an accurate record of, the abuse that was perpetrated on girls and women in Ireland's Magdalene Laundries, in light of the fact that there has been no independent public investigation into the abuse to date.

**We request the Committee to ask the State:**

- Will the proposed restorative justice scheme be put on a **statutory footing and have independent statutory powers**?
- How will the government ensure that the scheme is **independently monitored** and how will the **appeals process** operate?
- How will the government ensure that the scheme is **advertised effectively** to women residing in remote locations and without access to the internet, including outside Ireland?
- How will the government ensure that women residing outside Ireland who will not receive the enhanced medical card, which is an integral element of the proposed scheme, receive **directly equivalent medical supports**?
- Will the government ensure that the women's **pension entitlements are backdated** to their 66<sup>th</sup> birthday?
- How will the government ensure that high quality, **free legal advice** is available to women residing outside Ireland?
- Regarding the provision of advocates for women residing in the care of the religious orders and/or the Health Service Executive, how will the government ensure that the **advocates are independent** and automatically and independently appointed?
- Will the government ensure that the dedicated unit addresses issues of access to and upkeep of **Magdalene graves** and grave records?
- Will the government ensure that **relatives of deceased women** are enabled to serve on the advisory body or committee, bearing in mind that the adult children of Magdalene women continue to live with the legacy of these institutions and it is important that their voices be acknowledged as part of the process of restorative justice?
- When will the government establish a **prompt, thorough and independent investigation** into the abuse perpetrated in the Magdalene Laundries, in accordance with the repeated recommendations of the Irish Human Rights Commission and UN Committee against Torture?

---

<sup>i</sup> Members of the Women's Human Rights Alliance include: National Women's Council of Ireland (convenor), Akidwa, Cairde, Irish Family Planning Association, Irish Council for Civil Liberties, Immigrant Council of Ireland, Migrant Rights Centre Ireland, Ruhama, National Collective of Community Women's Networks, Women's Aid, Dublin Rape Crisis Centre, Irish Feminist Network, Justice for Magdalenes, UN Women, One Parent Equality Network, Pavee Point Traveller and Roma Centre. 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.

- 
- <sup>ii</sup> See <https://www.constitution.ie>
- <sup>iii</sup> See <https://www.constitution.ie/AttachmentDownload.ashx?mid=4e31e237-5478-e211-a5a0-005056a32ee4>.
- <sup>iv</sup> <https://www.constitution.ie/AttachmentDownload.ashx?mid=268d9308-c9b7-e211-a5a0-005056a32ee4>.
- <sup>v</sup> The current Parliament (elected 25 February 2011) is only 15.1 per cent female making Ireland 79th in world rankings for female political representation. Refer to Inter-Parliamentary Union, (2011), available at: <http://www.ipu.org/english/home.htm>. Refer also to <http://www.nwci.ie/takeaction/spotthewoman.html>. The total number of women candidates decreased from 17 per cent in 2007 to 15.1 per cent in 2011. Refer to the Organisation for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, *OSCE/ODIHR Needs Assessment Mission Report, Early parliamentary Elections, 25 February 2011: Ireland*, at page 10, available at: <http://www.osce.org/odihr/elections/75725>. Refer to the cross-party Report of the Joint Committee on Justice, Defence, Equality and Women's Rights, (October 2009), *Women's Participation in Politics* (second report).
- <sup>vi</sup> *How Ireland Voted 2011*, Gallagher and Marsh eds. *How Women Voted*, p222; Buckley and McGing: Palgrave Macmillan (2011)
- <sup>vii</sup> See *Calling Time: from old boys club to modern workforce: building a woman friendly Oireachtas*, NWC (2013, pending publication).
- <sup>viii</sup> Attorney General Máire Whelan SC; Chief Justice Susan Denham and Claire Loftus, Director of Public Prosecutions.
- <sup>ix</sup> Available from the Irish Courts Service at <http://www.courts.ie/Courts.ie/library3.nsf/PageCurrentWebLookUpTopNav/The%20Courts>
- <sup>x</sup> EU Commission Database on Women in Decision-Making, available at [http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/business-finance/supervisory-board-board-directors/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/business-finance/supervisory-board-board-directors/index_en.htm).
- <sup>xi</sup> *Women and Men in Ireland 2011*, Central Statistics Office, p35. (2012)
- <sup>xii</sup> Cf. *Misjudging Risk: Causes of the systemic banking crisis in Ireland*, Report of the Commission of Investigation Into the Banking Sector in Ireland. Available at
- <sup>xiii</sup> Electoral (Amendment) (Political Funding) Act 2012 <http://www.irishstatutebook.ie/2012/en/act/pub/0036/index.html>
- <sup>xiv</sup> Department of Finance / Department of Public Expenditure and Reform: Budget 2012 and 2013
- <sup>xv</sup> Department of Finance / Department of Public Expenditure and Reform: Budget 2012 and 2013
- <sup>xvi</sup> Protection of Life During Pregnancy Bill 2013
- <sup>xvii</sup> In its General Comment 28, the Committee states that information on the availability of safe abortion to women who have become pregnant as a result of rape is required for assessment of compliance with Article 7.
- <sup>xviii</sup> In the 2005 *K.L. v Peru* case, the Committee held that the physical and psychological harm arising from forcing a pregnant girl to carry a pregnancy to term despite a diagnosis of anencephaly (a foetal complication incompatible with life) amounted to a violation of Article 7.
- <sup>xix</sup> See <http://www.thejournal.ie/alan-shatter-protection-of-life-abortion-bill-fatal-abnormalities-rape-1006542-Jul2013/> and [http://www.huffingtonpost.com/2013/07/24/alan-shatter-ireland-abortion\\_n\\_3645174.html](http://www.huffingtonpost.com/2013/07/24/alan-shatter-ireland-abortion_n_3645174.html)
- <sup>xx</sup> Committee against Torture, *General Comment No. 2: Implementation of article 2 by States parties*, para. 15, U.N. Doc. CAT/C/GC/2 (2008).
- <sup>xxi</sup> Rape Crisis Network Ireland: National Rape Crisis Statistics and Annual Report November 2012 [www.rcni.ie](http://www.rcni.ie). Dublin Rape Crisis Centre also report more than 9,000 calls in 2012, a 23% increase in first time callers of which 88% were women. DRCC Annual Report launched 24<sup>th</sup> July 2013.
- <sup>xxii</sup> Safe Ireland Annual statistics [www.safeireland.ie](http://www.safeireland.ie). It should also be noted that 190 women have died violently in Ireland since the beginning of 1996. In the 138 cases where perpetrators have been noted, 54% were killed by their partner or ex-partner – see Women's Aid Female Homicide Media Watch Statistics 1996-March 2013
- <sup>xxiii</sup> Safe Ireland: Lifelines to Safety: A National Study of Support Needs and Outcomes for Women Accessing Domestic Violence Services in Ireland. July 2011. [www.safeireland.ie](http://www.safeireland.ie)
- <sup>xxiv</sup> Safe Ireland Annual Statistics [www.safeireland.ie](http://www.safeireland.ie)
- <sup>xxv</sup> SAFE Ireland report that Ireland is ranked 24<sup>th</sup> in Europe, only meeting one third of the minimum standards for refugee provision, translating to 141 family places for women and children.

---

<sup>xxvi</sup> See Domestic Violence Coalition Submission to the Joint Oireachtas Committee May 2013. Available at [www.womensaid.ie](http://www.womensaid.ie)

<sup>xxvii</sup> Domestic violence does occur in young/dating relationships. 190 women have been murdered in Republic of Ireland since 1996. 39 (21%) of these women were aged between 18 and 25 years. Of the 39 women aged 18-25, 30 cases have been resolved. Of the resolved cases, 16 women were killed by someone they were or had been in an intimate relationship with. Of these 16 women 10 were not living with their murderers. See Women's Aid Female Homicide Media Watch Statistics 1996-2013.

<sup>xxviii</sup> Please note Article 52 of the Council of Europe Convention on Preventing and Combating Violence Against Women to bar the perpetrator of domestic violence from the home in situations of immediate danger

<sup>xxix</sup> Currently harassment is dealt with under Section 10 of the Non-Fatal Offences Against the Person Act 1997 but the definition in this Act is complex and hard to prove, according to Women's Aid.

<sup>xxx</sup> US State Department: Trafficking in Persons Report 2012

<sup>xxxi</sup> Migrant Rights Centre Ireland has dealt with over 180 cases of trafficking for forced labour in the last 6 years and there have been no prosecutions to date. [www.mrci.ie](http://www.mrci.ie)

<sup>xxxii</sup> Committee on Justice, Defence and Equality: Report on the Review of the Legislation on prostitution in Ireland. June 2013. Available at [www.oireachtas.ie](http://www.oireachtas.ie)

<sup>xxxiii</sup> For example see Concluding Observations of the Committee on the Elimination of All Forms of Racial Discrimination (CERD) from March 2011

<sup>xxxiv</sup> Committee against Torture, Concluding Observations on Ireland's Initial Report, 17<sup>th</sup> June 2011, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fCO%2f1&Lang=en)

<sup>xxxv</sup> Committee against Torture, Reminder regarding List of Follow Up Issues, 1<sup>st</sup> June 2012, [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT\\_CAT\\_FUR\\_IRL\\_12080\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_FUR_IRL_12080_E.pdf)

Response from Irish government regarding List of Follow Up Issues, 25<sup>th</sup> April 2013

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fCO%2f1%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fCO%2f1%2fAdd.1&Lang=en)

<sup>xxxvi</sup> Committee against Torture, Request for further information, 22<sup>nd</sup> May 2013,

[http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT\\_CAT\\_FUL\\_IRL\\_12936\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_FUL_IRL_12936_E.pdf)

<sup>xxxvii</sup> Irish Human Rights Commission, Assessment of the human rights issues arising in relation to the "Magdalen Laundries", November 2010,

[http://www.ihrc.ie/download/pdf/ihrc\\_assessment\\_of\\_the\\_human\\_rights\\_issues\\_arising\\_in\\_relation\\_to\\_the\\_magdalen\\_laundries\\_nov\\_2010.pdf](http://www.ihrc.ie/download/pdf/ihrc_assessment_of_the_human_rights_issues_arising_in_relation_to_the_magdalen_laundries_nov_2010.pdf)

<sup>xxxviii</sup> Irish Human Rights Commission, Follow Up Report on State Involvement with Magdalen Laundries, June 2013, <http://www.ihrc.ie/publications/list/ihrc-followup-report-on-state-involvement-with-mag/>

<sup>xxxix</sup> Report of the Inter-departmental committee to establish the facts of State involvement with the Magdalen laundries, February 2013, <http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>

<sup>xl</sup> Taoiseach's statement on Magdalen report, 19<sup>th</sup> February 2013,

<http://www.merrionstreet.ie/index.php/2013/02/taoiseach-enda-kennys-statement-on-magdalene-report/?cat=11>

<sup>xli</sup> 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

<http://www.justice.ie/en/JELR/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf/Files/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf>

Speech by Minister for Justice and Equality, Alan Shatter TD, 27<sup>th</sup> June 2013,

<http://www.merrionstreet.ie/index.php/2013/06/welcome-the-announcement-of-the-compensation-scheme-to-victims-of-the-magdalen-laundries-eamonn-maloney-speech-by-minister-for-justice-equality-and-defence-mr-alan-shatter-t-d/>