



**Submission on Ireland's examination at the 111th  
Session of the Human Rights Committee, 7<sup>th</sup> - 25<sup>th</sup> July 2014**

**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 at its review of Ireland: Women's Civil and political participation (Article 3), Violence against women (Article 3), Sexual and Reproductive Rights (Articles 2, 3, 6 17 and 26) Women in Magdalene Laundries (Article 2 &7), Sexual and Labour Exploitation of Women and Girls (Article 8), Direct Provision and the Rights of Women Seeking Asylum in Ireland (Article 13) Rights of persons belonging to minorities (arts. 2, 23, 24, 26 and 27) Family Reunification (Article 23),

**II. Key issues for Consideration**

**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 respectfully suggest that the Committee make the following recommendation to the State:**

- **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 16% of members of the upper house are women. 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 elections of 23 May, 2014, were the first to take place since the government passed legislation for gender quotas at General Election time. While quotas did not apply, the elections did act as a strong indicator as to each party's approach to gender quotas, and the degree of importance that they have given to the need for more women in politics in Ireland. The percentage of women has risen marginally from 17% - 20% in local authorities while the percentage of women in the Dail increased to 16% with the election of 2 women in 2 by elections held. In addition for the first time in history the percentage of Irish women MEPs now exceed that of men at 52%<sup>v</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>vi</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>vii</sup> yet men still hold the overwhelming majority of judicial positions (occupying two-thirds of Supreme and High Court positions).<sup>viii</sup> In boardrooms Ireland also has a poor record. Our top 20 publicly listed companies (Plcs) have only 9% female members.<sup>ix</sup> State boards, despite a 40% target set in 1996, have only 35% women members.<sup>x</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>xi</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>xii</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 (NWCi), the leading women's organisation in Ireland, has been cut by 50%.<sup>xiii</sup> Funding for locally based women's projects has been cut by 35% since 2011<sup>xiv</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. The newly established Local Social Inclusion and Community Activation Programme (SICAP) to be introduced in 2015 operating under the auspices of the Department of Environment, Community and Local Government will be the primary source of funding to support community development work at local level

in Ireland. WHRA notes with great concern that there is no ring fenced funding within the SICAP programme. 17 women's networks working with and run by the most disadvantaged women and which are currently funded under the Local and Community Development Programme (which SICAP will replace) are now facing serious threats and possible closure.

**We respectfully suggest that the Committee make the following recommendations to the State:**

- **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**

**We respectfully suggest that that the Committee ask the State:**

- **What measures it will put in place to protect the 17 women's networks currently under threat of closure with the roll out of SICAP.**

## **Sexual and Reproductive Rights**

### Restrictive laws on abortion

WHRA notes 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>xv</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.

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.

Furthermore, clinical guidance to assist health professionals to operate the 2013 Act in practice has not yet been produced. The Irish College of General Practitioners has expressed surprise and concern "to see the legislation passing into law before the guidance document had been completed or published"<sup>xvi</sup> and the Irish college of Psychiatrists had expressed "extreme concern" at the absence of guidance for GPs in accessing suitable psychiatrists to assess a suicidal woman requesting an abortion.<sup>xvii</sup>

The Protection of Life During Pregnancy Act 2013 addresses only the situation of women in whose case pregnancy poses a serious risk to life: it does not change the absolute prohibition on abortion in all other cases, including where there is risk to a woman's physical or mental

health, where the pregnancy is the result of a crime or where there is serious foetal anomaly. 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>xviii</sup> or have received a diagnosis of foetal impairment.<sup>xix</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>xx</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>xxi</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 financial, physical and psychological hardship on women and girls. WHRA is of the view that in many cases in particular those involving minors, undocumented women, migrant women, women living in poverty and women who choose termination because of medically indicated reasons, the burdens imposed on women by the requirement to travel to terminate a pregnancy reach the threshold of cruel, inhuman and degrading treatment.

Sexuality education in Ireland, known as Relationship and Sexuality Education (RSE), was introduced in 1997 and has been mandatory at primary and post-primary level since 2003. However, WHRA is concerned that as a result of inconsistencies in planning and delivery of RSE programming, many young people and adolescents do not receive the information necessary to protect their health and lives, including information on how to prevent unintended pregnancies, and the transmission of sexually transmitted infections and HIV.

Despite being mandatory in Irish schools, evidence indicates that implementation of the RSE programme across the Irish school system, is uneven. A recent report by the Inspectorate at the Department of Education found significant variation in the quality of RSE provision, and evident weaknesses in the quality of provision for senior cycle RSE in 27% of schools.<sup>xxii</sup>

Since the RSE programme became mandatory in 2003, all schools have been required to put in place an RSE policy. However, the Inspectorate found that 44% of schools surveyed did not have an RSE policy, and stated that, “this is a cause for concern because a whole-school RSE policy is necessary to provide staff with clear guidelines for the management, organisation and delivery of the RSE Programme.”<sup>xxiii</sup>

Repeated studies carried out by Ireland’s Crisis Pregnancy Agency and the Department of Health and Children reveal that many adolescents and young people report that RSE teachers failed to discuss the practice of safe sex, and broader social and emotional aspects of well-being and sexuality; young participants interviewed also demonstrated a continued lack of knowledge concerning sexually transmitted infections, contraception and negotiating healthy relationships<sup>xxiv</sup>. Furthermore, research results acknowledge that some young

people become sexually active before the legal age of consent.<sup>xxv</sup> WHRA is of the view that inadequacies in access to sexual and reproductive health education remain a barrier to state party compliance with the obligations to ensure the rights to life, health, non-discrimination, and information, a view which has been supported by the Statements of the CEDAW Committee, the Committee on the Rights of the Child, and the Committee on Economic, Social and Cultural Rights.<sup>xxvi</sup>

**We respectfully suggest that the Committee make the following recommendations to the State:**

- **Bring Ireland's laws into compliance with the ICCPR by removing the barriers to accessing lawful abortion**
- **Repeal the Regulation of Information (Services Outside the State for the Termination of Pregnancies) Act, 1995**
- **Repeal the criminal provisions of the Protection of Life During Pregnancy Act in order to decriminalise abortion for both women and health care providers**
- **Provide for lawful abortion, at a minimum, in cases of rape, incest or fatal foetal anomaly.**
- **Fully comply with mandatory requirements to institute an RSE policy, and deliver the RSE programme in full When the Irish government will introduce a national monitoring and evaluation framework to assess the effectiveness, and the degree of implementation of the RSE programme in Ireland**
- **Introduce a national monitoring and evaluation framework to assess the effectiveness, and the degree of implementation of the RSE programme in Ireland**
- **Extend RSE programmes to young people outside the formal education system, and other marginalised youth.**

## **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.

A recent European survey on violence against women<sup>xxvii</sup> had found that in Ireland 14% of women have experienced physical violence by a partner (current or ex) 6% of women have experienced sexual violence by a partner (current or ex) 31% have experienced psychological violence by a partner (current or ex). The same survey found that in Europe, 73% of women who have experienced physical or sexual violence from a current or a previous partner indicate that their children have become aware of the violence<sup>xxviii</sup>

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>xxix</sup>

In relation to domestic violence in 2012, 50,067 helpline calls were answered, and 8,449 individual women and 3,606 individual children received support from domestic violence support services. Demand on services has greatly increased. For example the number of women receiving support from a domestic violence service has increased by 36% since 2008. Over the same time core HSE funding to services has been cut by 14% in total, with some services being cut as much as 37%<sup>xxx</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, 23 countries have already signed and 11 have ratified the Convention, which will enter into force on 1st August 2014. 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 since the recession began in 2008 so more and more women are not being accommodated in refuges or are on waiting lists for support services.<sup>xxxii</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 2012, 3,470 requests for refuge could not be met because the refuge was full<sup>xxxii</sup>. 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>xxxiii</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.

. Habitual residence is a condition which applicants must satisfy in order to qualify for certain social welfare assistance payments, including child benefit. Habitual residence essentially means an applicant must be able to prove a close link to Ireland. Five factors are considered to determine habitual residence:

- a. the length and continuity of residence in the state or in any other particular country;
- b. the length and purpose of any absence from the state;
- c. the nature and pattern of the person's employment;
- d. the person's main centre of interest;

e. the future intentions of the person concerned as they appear from all the circumstances.

All applicants applying for social protection are required to meet the habitual residence condition, including Irish citizens and EU citizens. . Application of the habitual residence condition has placed migrants, Travellers (who move across jurisdictions, generally from the UK to Ireland) and Roma in Ireland (and indeed returning Irish immigrants) in very vulnerable positions, whereby they cannot access any support services. HRC has a particular negative impact upon women experiencing violence and children. For women trying to leave a situation of violence, if they do not meet the habitual residence condition, they are in a very vulnerable situation. It means they do not have access to financial resources from the State and it impacts a women's ability to access a refuge as a person generally has to be in receipt of social welfare to access a refuge beyond an emergency period. Ireland must ensure that women experiencing violence are not subject to the habitual residence condition.

Concerns about HRC have been raised by the Special Rapporteur on extreme poverty and human rights she has stated in her 2012 report that she "encourages the Government to review the impact of the condition as a matter of priority." ECRI has also recommended that Irish authorities review the impact of HRC. This has still not taken place and the Department of Social Protection has stated that it does not intend to undertake a review of the impact of the HRC.

There also needs to be formal recognition of domestic violence in immigration law by making provisions which enable migrants from outside the European Union 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>xxxiv</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>xxxv</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>xxxvi</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>xxxvii</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.

We are deeply disappointed by the Law Reform Commission report on Stalking, as we do not agree that the current legislation is adequate to protect women. It is also urgent to update the legislation so that it can deal with “traditional stalking” as well as with new forms of stalking enabled by new technologies and social media.

Further legislative gaps exist in Family Law regarding the issue of Custody and Access when parents separate in the context of an abusive relationship. We are concerned that Custody, Access and Guardianship orders are often made that disregard the impact of domestic violence on children and the risk of continuing abuse to both children and their mothers. This is compounded by a lack of expert child welfare and safety assessment to support the Courts when making determinations regarding Custody and Access<sup>xxxviii</sup>

Women often decide to leave an abusive relationship when they realise the impact it has on their children or when they see that the abuser is also directly abusing the children. It is essential that when mothers leave an abusive relationship they are confident that the arrangements made in the Family Court do not jeopardise their own or their children's safety and well-being either at interim or final stage

#### *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 in order to develop evidenced based policy, plan service provision and identify gaps in services or discrimination. Notwithstanding the work of COSC and the data committee, there still is no data publicly available regarding domestic violence offences and prosecutions. . Data should be disaggregated along factors including

ethnicity. Best practice in the area stresses the importance of a universal question with a human rights framework, where everyone is asked to identify the group to which they belong, not just minorities.

**We respectfully suggest that the Committee make the following recommendations to the State:**

- **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.**
- **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**
- **Sign and ratify the Council of Europe Convention on preventing and combatting violence against women and domestic violence.**
- **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**
- **Allocate resources to fund a SAVI 2 Report in relation to establishing the nature and extent of sexual abuse and violence in Ireland and prioritise the work of COSC in relation to improving much needed domestic violence data.**
- **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 children; 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.**
- **Amend Family Law to introduce a rebuttable presumption, by which Custody and unsupervised Access with a child should not be granted to a parent who is a perpetrator of domestic violence unless the Court is wholly satisfied that the child would be safe from abuse while in the custody of or unsupervised access with such parent, including safe from emotional abuse caused by exposure to domestic violence.**
- **Introduce a mechanism to provide the Family Law Court with child welfare and safety assessments when making Custody, Access and Guardianship orders in the context of domestic violence**
- **When granting any Barring Order, (including Emergency and Interim) the Court should consider the safety and well-being of any children of the relationship and take interim measures for their protection while Custody and Access proceedings are pending**

**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 sexual exploitation in 2012.<sup>xxxix</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>xi</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>xli</sup>

### **Migrant Domestic Workers**

WHRA is concerned about the lack of sustainable infrastructures to protect the rights of vulnerable migrant domestic workers in Ireland. Research shows ongoing exploitation of

workers, mostly women, who are employed as au pairs, childminders, cleaners and carers in private households. The vulnerability of domestic workers is recognised globally. The engendered nature of domestic work as women's unpaid work has resulted in the work being undervalued in monetary terms and their isolation in the workplace shows working conditions that are being overwhelmingly poor. In Ireland domestic workers can experience difficulties accessing rights and justice, particularly so for undocumented women and women employed in diplomatic households and embassies, both groups are denied access to legal remedies. Research shows a precedence of exploitation in the sector ranging across the spectrum from underpayment of wages to incidences of extreme exploitation including trafficking for forced labour. Failure to recognise au pairs as workers with rights has resulted in widespread exploitation of this group and research also shows poor working conditions and standards for domestic workers who are carers of the sick and old.

Research shows a shortage of workers in this sector which has created a demand for migrant workers. This trend will continue as the population ages and the supply of informal carers decreases due to increased female participation in the labour force and changing family structures. In Ireland there is no regular channel of migration for non EU/EEA workers into domestic work despite the identified labour shortage. WHRA supports the need for employment policies and immigration policies to be integrated to meet labour market demands and to ensure safe immigration pathways and rights for migrant domestic workers.

WHRA acknowledges the Irish governments statement to ratify International Labour organisation (ILO) Convention 189 on decent Work for Domestic Workers but also notes it has yet to be delivered three years after the adoption of the convention.

**We respectfully suggest that the Committee make the following recommendations to the State:**

- 1. Ratify and implement ILO Convention 189 on decent Work for Domestic Workers**
- 2. Establish statutory standards for quality home care provision which include workers' rights**
- 3. Amend the Health Act 2007 to extend HIQAs powers to monitor and inspect home care services**
- 4. Amend the work permit categories to include domestic work to meet labour market demand**
- 5. Enforce employment law compliance in the domestic work sector with a particular attention to au pairs**

**We respectfully suggest that the Committee make the following recommendations to the State:**

- 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.**
- 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.**

- **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.**
- **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 and a significant number of complaints in relation to these facilities. For mothers in the direct provision system the challenges are many and varied. Young mothers in direct provision face isolation and a lack of support being separated from family and friends. Mothers whose children are growing up in direct provision and are now in their teenage years face significant challenges as their 17 and 18 year old children have no right to 3<sup>rd</sup> level education or to work.

Separate provision for women seeking asylum who have experienced gender based violence should be provided as a central part of the overall system. Complaints procedures and codes of conduct for staff at reception centres are also required.

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 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. We recognise the introduction of the RIA Policy and Practice Document on safeguarding RIA residents against Domestic, Sexual and Gender-based Violence & Harassment (<http://www.ria.gov.ie/en/>) however WHRA believes this needs to go further and that specific gender policy should be developed in the Irish asylum system including domestic gender guidelines for Refugee Appeals Tribunal proceedings.

### **We respectfully suggest that the Committee make the following recommendations to the State:**

- **Undertake a gendered audit of government policy of direct provision and dispersal to ensure it meets international human rights standards.**
- **Develop a gender policy for the asylum process**
- **Provide supports for young mothers who are aged out and living with their children in direct provision.**

### **The Rights of Persons belonging to minorities**

## **Travellers**

Despite the recommendation of many UN treaty monitoring bodies (CERD; CEDAW; CRC), and that of a range of European institutions (ECRI, FCPNM; Council of Europe) as well as equality and human rights bodies within Ireland including the Irish Human Rights Commission and Equality Authority, the Government continues to refuse to acknowledge Traveller ethnicity. Various countries also made recommendations for recognition during the UPR process in 2011. This impacts Travellers in many ways. In particular, the Government division responsible for development of anti-racism initiatives does not include Travellers as part of its brief and so Travellers are not included in such initiatives by design. In short, racism against Travellers is not acknowledged by the State. In April 2014 the Government Committee on Justice, Defence and Equality produced a report on the recognition of Traveller ethnicity<sup>xlii</sup>. This report was based on number of written submissions and three public hearings with a number of stakeholders, to consider the issues in more detail. The report is endorsed by the Committee, which has representation across political parties. The report recommends that **the Taoiseach or the Minister for Justice and Equality should make a statement to Dáil Éireann confirming that this State recognises the ethnicity of the Travelling community.** The Committee report has also recommended that the Government should then write to the relevant international bodies, confirming that this State recognises the ethnicity of the Travelling community. This report now needs to be acted upon as a matter of urgency.

### **We respectfully suggest that the Committee make the following recommendations to the State:**

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

## **Roma**

There is an estimated 5,000 Roma living in Ireland, however, there is no official Government data in relation to the population of Roma in Ireland. Many Roma in Ireland are living in poverty due to a lack of access to work opportunities and restrictive social welfare measures. Roma find it difficult to gain employment due to factors including racism, discrimination and lack of training and formal education. There is a lack of vocational training options for Roma in Ireland and no clear strategy to facilitate Roma participation in mainstream training programmes. For those who are unable to find employment or access supports, their only options include reliance on charities and family or 'voluntary repatriation' to country of origin.

Roma experience racism<sup>xliii</sup> at individual and institutional levels. Roma report being told to "go home" when they try to access support services and experience racist abuse on the streets. In June 2013, Roma families in Tallaght experienced a number of attacks on their houses, including windows being broken and threats being made.

The Irish government has not developed a strategy or specific measures to ensure that Roma rights are respected, protected or fulfilled. There is no collection of data in relation to

Roma by the State and no national policy to ensure Roma inclusion and the realisation of human rights. Due to the lack of targeted policies in Ireland, a history of discrimination throughout Europe and the disproportionate impact of certain policies in Ireland, such as the habitual residence condition, Roma are placed in very vulnerable situations. Some have to beg to survive. In 2012, the body of a young Roma girl, Marioara Rostas was found by police. She had been abducted in Dublin in 2008. This tragic situation highlights concerns about risks faced by members of Roma communities and in particular Roma women, in Ireland. Roma women are a risk of exclusion and violence as Roma, as migrants and as women.

This has resulted in a policy vacuum, with little leadership. The Irish Government has been required by the European Commission to develop a Roma and Traveller integration strategy. However, Ireland's strategy is completely inadequate at present and was developed with no involvement of Roma or Travellers. It also contains no reference to human rights.

In this context Roma are not guaranteed the full enjoyment of Covenant rights. A further example of this was two incidents in 2013 where Roma children were removed from their families into State care as they had fair skin and blonde hair, unlike their parents<sup>xliv</sup>. In both cases it was later discovered that these children were living with their biological families and the children were returned. This followed the high profile case of the young Roma girl, Maria in Greece, who had been taken into care. It is clear that wider stereotypes about Roma and negative media reporting provided a context in which these children were removed. It is the view of Pavee Point Traveller and Roma centre that the ethnicity of the families was the key factor in the removal of these children from their families.

**We respectfully suggest that the Committee make the following recommendations to the State:**

- **Establish a cross-departmental steering group with Roma, Traveller and civil society representation, to develop a progressive National Traveller and Roma Integration Strategy, in line with human rights commitments.**

***Addressing Racism***

The National Consultative Committee on Racism and Interculturalism (NCCRI) was closed down in December 2008 as an austerity measure. A number of initiatives that were undertaken by the NCCRI were key in tackling and challenging racism. These included development of policies and measures to create an intercultural society e.g. Intercultural Health Strategy, Intercultural Education Strategy, Intercultural Youth Strategy etc. They coordinated the National Action Plan Against Racism and the Know Racism Campaign (Public Awareness) They also developed the reporting and monitoring of racist incidents system. Training in anti-racism and interculturalism and resources were provided to a range of public service bodies and to NGOs.

The NCCRI took a very pro-active approach in working with minority ethnic groups including Travellers and Roma and other groups experiencing racism. It was intended that its functions would be transferred to the Office for the Promotion of Migrant Integration.

However this has not happened. While the office undertakes measures for the promotion of migrant integration it has not absorbed all of the above functions outlined above. Furthermore, its focus on migrants means that it does not include Travellers in its remit and this has had the effect of excluding Travellers from the remit of anti-racism and intercultural initiatives which sit in the Office for the Promotion of Migrant Integration. There is a separate Traveller Policy Division in the Department of Justice and Equality and the particular experience of Roma has not been addressed effectively by either the Traveller Policy Division or the Office of the Minister for Integration.

The National Action Plan Against Racism (2005-2008) has not been renewed. Despite this the National Action Plan was referenced as part of Ireland's commitment to human rights as a member of the Human Rights Council in 2012<sup>xlv</sup>

The failure to renew the National Action Plan has been noted as a concern by the European Commission on Racism Intolerance (ECRI) in its most recent report on Ireland, 2013. In 2011, the Committee on the Elimination of All Forms of Racial Discrimination (CERD) noted the importance of the State giving effect to the Durban Declaration and Programme of Action through the National Action Plan and Ireland will be required to include specific information on this in its next periodic report.

In the reply to the list of issues provided by the HRC in relation to the fourth periodic report of Ireland (CCPR/c/Irl/Q/4/Add.1) the Irish Government notes that 'since 2005, there has been a substantial penetration of anti-racist policies, programmes and activities and awareness raising initiatives. The focus is now on the continued implementation of the sectoral strategies which flowed from the Plan. As such, it is not intended to focus on developing a National Action Plan against Racism.' There is no evidence of a systematic and publicly available analysis of the penetration of anti-racist policies. On the contrary, the very organisations that have a role in protecting people against non-discrimination and racism have experienced huge cuts as part of austerity measures. Funding to the National Women's Council of Ireland, the leading women's organisation in Ireland has been cut by 50%<sup>xlvi</sup> Funding for local based women's projects has been cut by 35% since 2011<sup>xlvii</sup>. From 2008-2013 National Traveller Organisations have faced cuts of 63%<sup>xlviii</sup> Racist monitoring by voluntary organisations show ongoing racism in Ireland. The Irish Network against Racism (<http://enarireland.org/anti-racism-graphics/signs-ireport-racism/>) reported 91 racist incidents in the months from October to December 2013 alone. Furthermore, public officials continue to make anti-Traveller, Roma and migrant statements with no accountability, including politicians, judges and political commentators. In the 2014 local Irish NGOs expressed concern at anti-Traveller rhetoric in their campaigns for election<sup>xlix</sup>. Both got elected. This all points to the need for a strong National Action Plan Against Racism.

**We respectfully suggest that the Committee make the following recommendations to the State:**

- **Re-establish an independent advisory body to government on addressing racism similar to the National Consultative Committee on Racism and Interculturalism.**



- **Renew/introduce a new National Action Plan against Racism with strong civil society involvement at all stages in the development and implementation of the plan.**

### ***Racist Crime***

The Government's key legislation for dealing with racist crime and speech is the Incitement to Hatred Act, 1989 (art. 20. 1). Criticisms of the legislation include:

- It relates to "incitement" and not racist act in itself;
- It can be difficult to prove intent - The average number of successful prosecutions since the act was introduced stands at less than one per year;
- The penalties do not reflect the seriousness of the crime;
- Judgments of District and Circuit Courts where these cases are held are not recorded (unless reported in local media), so there is little visibility of outcomes.
- Lack of capacity to tackle incitement to hatred on social media.

No measures have been taken to effectively prohibit hate speech and protect minority groups.

It is extremely important that Hate Speech is addressed. This area of the law is incredibly hard to track. There were 8 detected instances of incitement to hatred in 2012, according to the Central Statistics Office. There is a lack of case law in this area. The impact of racism and hate crime is trivialised when these crimes are seen as regular assaults, harassment or public order offences. In this context, the 2011 report CERD recommended that legislation be passed to declare that racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences.

### **We respectfully suggest that the Committee make the following recommendations to the State:**

- **Develop robust legislation to prohibit hate speech with provision to take racist motivation into account as an aggravating factor in sentencing practice for criminal offences.**

### **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>i</sup> 2012<sup>ii</sup> and 2013<sup>iii</sup> and detailed assessments and recommendations from the Irish Human Rights Commission in 2010<sup>iiii</sup> and 2013.<sup>liv</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>lv</sup> a State apology in February 2013,<sup>lvi</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>lvii</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 statutory, independent and thorough investigation into the abuse to date.

**We respectfully suggest that the Committee recommend to the State:**

Regarding the Restorative Justice Scheme:

- **To enact legislation to provide for the recommended healthcare entitlements under the Scheme?**
- **Provide the full range of healthcare entitlements recommended by Mr Justice Quirke, that is, services directly equivalent to those provided to holders of the HAA card?**
- **Make arrangements for the provision of directly equivalent healthcare to women who reside outside Ireland?**
- **Instigate the payment of Statutory Old Age Pensions as recommended by Mr Justice Quirke?**
- **Enact legislation to provide for Mr Justice Quirke's recommendations regarding women who are still institutionalised and/or who lack capacity?**
- **Explain the process for determining length of stay where the records provided by the religious orders are disputed by the applicant / incomplete / non-existent?**
- **Ensure that the Restorative Justice Scheme has no end-date, as recommended by Mr Justice Quirke?**
- **Ensure that the Restorative Justice 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 the scheme is independently monitored and transparent?**
- **Provide funding for legal advice and representation to women who wish to appeal a decision of the Department of Justice to the Ombudsman and from the Ombudsman to the Courts?**

- **Ensure that independent advocates are independently appointed for women still residing with the religious orders?**
- **Ensure that relatives of deceased women are enabled to serve on the advisory body of the Dedicated Unit, bearing in mind that the adult children continue to live with the legacy of the Magdalene Laundries and it is important that their voices be acknowledged as part of restorative justice?**
- **Ensure that the Dedicated Unit recommended by Mr Justice Quirke addresses access to and upkeep of Magdalene graves and grave records?**
- **Ensure that the graves of women who died in Magdalene Laundries have appropriate headstones, which record the correct names of the women, with all references to the word 'penitent' removed?**

Regarding accountability, and bearing in mind that the religious orders who operated the Magdalene Laundries receive ongoing State support for the provision of health and education services today:

**We respectfully suggest that the Committee recommend to the State:**

- **Establish a statutory, independent and thorough 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?**
- **Compel the religious orders involved in the running of the Magdalene Laundries to produce their original and full records so that they may be available to women who spent time in the Laundries to inspect?**
- **Ensure that the relevant four religious orders provide redress to women who spent time in Magdalene Laundries?**

**Family Reunification**

Family reunification is a major source of immigration internationally and a major issue of concern to migrants and Irish citizens in Ireland due to the absence of a formal application process for the majority of migrants and their family members. There is a lack of clarity regarding which family members may be admitted to the State, the conditions under which family reunification may be granted and the length of time it takes to process applications. The wide discretion of the Minister with regard to granting of family reunification to Irish nationals and legally resident migrants has led to inconsistencies and a lack of transparency of the decision making process.

Ireland continues to be the only EU Member State that does not have national rules regarding family reunification enshrined in primary legislation. The previous government decided not to opt into the EU Directive on the Right to Family Reunification; however, the WHRA believes that Irish rules regarding family reunification should be inspired by international best practice and that given the fundamental importance of family life to all of society, any forthcoming legislation should provide a clear entitlement for Irish citizens and legally resident migrants to be joined by immediate family members, including spouses or

partners and minor children. Discretionary provisions should allow for the admission of other family members such as parents and dependent adult children on certain conditions.

**We respectfully suggest that the Committee make the following recommendations to the State:**

- **Set out the legal basis and procedure for family reunification applications in Ireland, in particular for those (unlike refugees and EEA citizens) who do not have a statutory right to family re-unification).**

**Gender Identity and Intersex Identity** The Women’s Human Rights Alliance is concerned that Despite the Committee’s 2008 recommendations, there remains no mechanism through transgender and inter sex affected people may be issued with a new birth certificate which identifies their gender identity.

Intersex-affected persons in Ireland share many of the same discriminations to which transgender persons are subjected. In addition, widespread misunderstanding and the absence of a public conversation mean that intersex individuals experience increased levels of social invisibility and exclusion. The failure to reform Ireland’s birth certificate laws obliges intersex persons to live a legal gender the assignment of which they never consented to. Intersex children may be subject to invasive, irreversible gender-normalising surgeries without their agreement or knowledge<sup>lviii</sup>.

**We respectfully suggest that the Committee make the following recommendations to the State:**

- Enact a clear and accessible procedure by which transgender persons may be issued with a new birth certificate that reflects their self-identified gender
- Establish clear legal provisions for the recognition of intersex-affected person person’s gender identity on official documents, including a birth certificate

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<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> [http://www.nwci.ie/images/uploads/Post\\_election\\_Statement.pdf](http://www.nwci.ie/images/uploads/Post_election_Statement.pdf)

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- <sup>vi</sup> See *Calling Time: from old boys club to modern workforce: building a woman friendly Oireachtas*, NWC1 (2013, pending publication).
- <sup>vii</sup> Attorney General Máire Whelan SC; Chief Justice Susan Denham and Claire Loftus, Director of Public Prosecutions.
- <sup>viii</sup> Available from the Irish Courts Service at <http://www.courts.ie/Courts.ie/library3.nsf/PageCurrentWebLookUpTopNav/The%20Courts>
- <sup>ix</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>x</sup> *Women and Men in Ireland 2011*, Central Statistics Office, p35. (2012)
- <sup>xi</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>xii</sup> Electoral (Amendment) (Political Funding) Act 2012 <http://www.irishstatutebook.ie/2012/en/act/pub/0036/index.html>
- <sup>xiii</sup> Department of Finance / Department of Public Expenditure and Reform: Budget 2012 and 2013
- <sup>xiv</sup> Department of Finance / Department of Public Expenditure and Reform: Budget 2012 and 2013
- <sup>xv</sup> Protection of Life During Pregnancy Bill 2013
- <sup>xvi</sup> Irish College of General Practitioners, *ICGP concerns at the early enactment of the Protection of Life in Pregnancy Act*, available at [http://www.icgp.ie/go/about/policies\\_statements/2014/0773A810-0A14-787E-1F9E449F08FDD88B.html](http://www.icgp.ie/go/about/policies_statements/2014/0773A810-0A14-787E-1F9E449F08FDD88B.html).
- <sup>xvii</sup> Holland, K. (3 January 2014), "College tells psychiatrists not to do abortion assessments", *Irish Times*, available at <http://www.irishtimes.com/news/social-affairs/college-tells-psychiatrists-not-to-do-abortion-assessments-1.1642834> (last accessed 5 June 2014).
- <sup>xviii</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>xix</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>xx</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>xxi</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>xxii</sup> Inspectorate Department of Education and Skills (2013) *Looking at Social, personal and Health Education: Teaching and Learning in Post-Primary Schools*. Dublin: Department of Education and Skills.
- <sup>xxiii</sup> *ibid*
- <sup>xxiv</sup> Hyde, A. & Howlett, E. (2004) *Understanding Teenage Sexuality in Ireland*. Dublin: Crisis Pregnancy Agency. Mayock, P. & Byrne, T. (2004) *A Study of Sexual Health Issues, Attitudes and Behaviours: the Views of Early School Leavers*. Dublin: Crisis Pregnancy Agency.
- <sup>xxv</sup> Layte, R., McGee, H., Quail, A., Rundle, K., Cousins, G., Donnelly, C., Mulcahy, F. & Conroy, R. (2006) *The Irish Study of Sexual Health and Relationships*. Dublin: Crisis Pregnancy Agency/Department of Health and Children.
- <sup>xxvi</sup> CEDAW Committee (2008), *Concluding Observations: Lithuania*, para. 25, CEDAW/C/ LTU/CO/4; CRC Committee (2001), *Concluding Observations: Bhutan*, para. 45, U.N. Doc. CRC/C/15/Add.157; CESCR Committee (2002), *Concluding Observations: Poland*, para. 28, U.N. Doc. E/C.12/1/Add.82.
- <sup>xxvii</sup> FRA gender-based violence against women survey dataset 2012 available at <http://fra.europa.eu/DVS/DVT/vaw.php>
- <sup>xxviii</sup> European Union Agency for Fundamental Rights (FRA), 2014, Violence against women: an EU-wide survey Main results, page 134 . Data not available by country.
- <sup>xxviii</sup> Safe Ireland, Safety in a time of crisis, 2014
- <sup>xxix</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>xxx</sup> Safe Ireland, Safety in a time of crisis, 2014
- <sup>xxxi</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)

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- <sup>xxxii</sup> Safe Ireland, Safety in a time of crisis, 2014, available at <http://www.safeireland.ie/wp-content/uploads/Safe-Ireland-Safety-in-a-Time-of-Crisis-.pdf>
- <sup>xxxiii</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>xxxiv</sup> See Domestic Violence Coalition Submission to the Joint Oireachtas Committee May 2013. Available at [www.womensaid.ie](http://www.womensaid.ie)
- <sup>xxxv</sup> Domestic violence does occur in young/dating relationships. 199 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, 31 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 9 were not living with their murderers. See Women's Aid Female Homicide Media Watch Statistics 1996-March 2014
- <sup>xxxvi</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>xxxvii</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>xxxviii</sup> See Women's Aid submission to the Joint Oireachtas Committee on Justice, Defence and Equality on Domestic Violence, May 2013, available on <http://www.womensaid.ie/policy/publications/womens-aid-submission-to-the-joint-oireachtas-committee-on-justice-equality-and-defence-may-2013/>
- <sup>xxxix</sup> US State Department: Trafficking in Persons Report 2012
- <sup>xl</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>xli</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>xlii</sup> <http://www.oireachtas.ie/parliament/media/committees/justice/Report-onTraveller-Ethnicity.pdf>
- <sup>xliii</sup> <http://itonlyencouragethem.com/2014/06/03/waterfordroma/>
- <sup>xliv</sup> <http://www.irishtimes.com/news/social-affairs/taking-into-care-of-roma-children-a-shame-for-the-state-1.1757465>; <http://www.paveepoint.ie/roma-in-europe-guilty-until-proven-innocent/>  
<http://www.osce.org/odihr/108044?download=true>
- <sup>xlv</sup> Letter dated 13 April 2012 from the Permanent Representative of Ireland to the United Nations addressed to the President of the General Assembly.
- <sup>xlvi</sup> Department of Finance/ Department of Public Expenditure and Reform: Budget 2012 and 2013
- <sup>xlvii</sup> *ibid*
- <sup>xlviii</sup> Harvey, Brian, (Pavee Point Traveller and Roma Centre, 2013) "Travelling with Austerity"
- <sup>xlix</sup> <http://www.paveepoint.ie/rise-of-the-far-right-in-european-parliament/>
- <sup>i</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>ii</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>iii</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>iiii</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>lv</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>lv</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>

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<sup>lvi</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>lvii</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-magdalene-laundries-eamonn-maloney-speech-by-minister-for-justice-equality-and-defence-mr-alan-shatter-t-d/>

<sup>lviii</sup> Transgender Equality Network Ireland Submission to the Country Report Task Forces 109<sup>th</sup> Session of the Human Rights Committee Geneva, October-November, 2013