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ADVANCE UNEDITED VERSION

**Committee on the Elimination of Discrimination
against Women**

**List of issues and questions prior to the submission of the
combined sixth and seventh periodic reports of Ireland***

The Committee on the Elimination of Discrimination against Women, at its fifty-eighth and fifty ninth sessions (A/70/38, part two, decision 58/II and part three, decision 59/IV), decided to offer, on a pilot basis, a simplified reporting procedure to those States parties that wish to avail themselves of the procedure for the submission of their overdue periodic reports as from 1 January 2015, provided that the States parties concerned have submitted an updated common core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, which dates back no more than five years under the simplified reporting procedure, the Committee's pre-sessional working group prepares a list of issues to be approved by the Committee at its next regular session, to be transmitted to the State party concerned prior to the submission of its report. The replies of the State party to the list of issues constitute its periodic report under article 18, paragraph 1 (b), of the Convention. In accordance with General Assembly resolution 68/268, paragraph 16, the report must not exceed 21.200 words.

General

1. Please provide information and statistics, disaggregated by sex, age and location, on the current situation of women in the State party, in all areas of the Convention. Please indicate how the State party intends to improve the collection and analysis of such data pertaining to the areas of the Convention so as to support policymaking and programme development and to measure progress towards implementation of the Convention and promotion of substantive equality of women with men.
2. Please provide information on measures taken to ensure that women in the State party are aware of their rights under the Convention and are able to invoke those rights including through uninhibited access to justice when their rights have been violated. Please also provide information on relevant cases brought before the courts on discrimination against women, the outcome of these cases and indicate whether the Convention has been invoked before the courts. Please provide information on efforts taken to give sufficient visibility to the Convention, its communications and inquiry procedures provided by its Optional Protocol and the Committee's General Recommendations, in particular, the

* Established by the pre-sessional working group for the sixty-fourth session (23-27 November 2015) and adopted by the Committee at its sixty-third session (15 February-4 March 2016).

General Recommendation No. 33 (2015) on women's access to justice and make them an integral part of the training of judges, lawyers, prosecutors, police and other law enforcement officers.

Reservations

3. With reference to the Committee's previous concluding observations (paras. 398),¹ please provide information on measures taken to withdraw reservations to articles 11(1), 13 (a) and 16(1)(d) and (f).

Constitutional, legislative and institutional framework

4. With reference to the Committee's previous concluding observations (para. 380), please provide information on steps taken to incorporate the provisions of the Convention into domestic law and to ensure the availability of effective remedies for all women, including disadvantaged groups of women in the State party. Specifically, please provide information on the concrete measures taken to revise article 41 (2) of the Constitution on the stereotypical role of women in the home and society (A/HRC/WG.6/12/IRL/1, para. 140). What measures have been taken to introduce a comprehensive definition of discrimination against women in line with article 1 of the Convention? In light of the State party's response to the Human Rights Council under the Universal Periodic Review procedure (A/HRC/19/9/Add. 1, para. 107.12), please provide an update on the amalgamation of the Equality Authority and the Human Rights Commission. Please state how this amalgamation strengthens the protection of women and girls, particularly disadvantaged groups such as elderly women, migrant women and women with disabilities, from all forms of discrimination. Please also provide an update on the implementation of the new public service duty to promote equality and human rights in the State party, which came into force in November 2014. Please provide information on measures being taken, including organising a referendum, to amend the Constitutional provision on the right to life so that legislation can be introduced that provides for more permissible grounds on termination of pregnancy in other cases such as rape, incest and severe foetal impairment.

Access to justice

5. Please provide information whether following the Inter-departmental Committee to establish the facts of State interaction with the Magdalene Laundries, the State party will establish an independent inquiry to investigate the full extent of the violations perpetrated against women and girls who were forcibly housed in the Magdalene Laundries, including cases of forced and unpaid labour as well as detention. What measures are envisaged to ensure the prosecution and punishment of perpetrators? Furthermore, please provide information on the number of women victims of violations committed in the Magdalene Laundries who (a) have opted into the *ex gratia* compensation announced in 2013 and have accessed it, including those who live abroad; (b) have access to health and community care and the nature of such care; and (c) require adaptation services. Please provide an update on the status of the Assisted Decision-Making (Capacity) Bill of 2013 and a timeline for its enactment. What concrete measures have been taken to set up a Dedicated Unit aimed at providing various services to survivors including shelter and education assistance?

6. Please provide detailed information on the activities of the Commission of Investigation into the Mother and Baby Homes and Certain Related Matters (Commission) established in February 2015 to investigate whether 'residents' of Mother and Baby Homes were treated differently on the grounds of race, religion, traveller identity or disability.

¹ Unless otherwise indicated, paragraphs numbers refer to the Committee's previous concluding observations (A/60/38).

Given the limited scope of the mandate of the Commission, please provide information on the measures envisaged to investigate allegations of discrimination, abuse and ill-treatment of women and girls who were housed in these homes in order to establish, inter alia, the treatment of all unmarried girls and women whose children were subjected to forcible and illegal adoptions. Specifically, please provide information on measures to (a) investigate allegations of sexual abuse, detention, involuntary medical experimentation, infant and maternal mortality; and the role of adoption agencies and professionals who facilitated adoptions; (b) investigate all homes that were operating in the State party during the period; and (c) identify the remains of deceased infants in mass graves and to allow biological mothers and relatives of the deceased infants to know the circumstances of their death. Please provide information on the composition and competencies of the Confidential Committee established to provide a forum for persons who were formerly resident in the homes or who worked in these institutions. Please also explain the mischief that the proposed bill on information and tracing seeks to prevent in requiring surviving adopted people to sign a statutory declaration undertaking not to contact their biological mothers in order for them to access their birth certificates. Please also state if adopted people have access to files, medical and other records and documents regarding their adoption.

7. Please provide information on the specific measures taken to investigate allegations that over 1, 500 girls and women were subjected to a surgical procedure, introduced into clinical practice in public and private hospitals between 1944 and 1987, called symphysiotomy and used without their free and informed consent, which procedure was conducted at childbirth and involved severing one of the main pelvic joints and unhinging the pelvis. Please state the concrete measures being taken to conduct an investigation into this practice in order to identify, prosecute and punish the perpetrators for performing the procedure on children without the consent of their parents. Please also provide information on progress made to establish an *ex gratia* compensation scheme for survivors of symphysiotomy and to provide other remedies to survivors of this procedure.

National machinery for the advancement of women

8. Following the Committee's previous concluding observations (para.385), please provide information on the current status, mandate, financial, human and technical resources and activities of the current national machinery for the advancement of women. Please provide information on the challenges encountered in monitoring implementation of the National Women's Strategy 2007-2016 and realising achievements in promoting the mainstreaming of gender perspectives in all areas and sectors of the State party. Please also indicate progress made with regard to gender budgeting and the mechanisms in place to monitor and evaluate the implementation of any existing strategies to ensure that budget allocations to various sectors are consistent with their respective gender mandates and activities. Please also indicate the specific steps being taken to ensure that the post-2016 strategy for women covers disadvantaged groups of women including Traveller, Roma, migrant and other groups. Please indicate the extent to which the State party's national machinery for the advancement of women cooperates with civil society, including non-governmental organisations and associations that promote specific rights of women.

Temporary special measures

9. Please indicate whether any temporary special measures, in accordance with article 4, paragraph 1 of the Convention and the General Recommendation No. 25 (2004) on temporary special measures, have been adopted to accelerate the achievement of substantive equality of women with men. Please include information on the outcomes that these measures seek to address, and information on whether they are enforced and monitored as well as statistical data, on the results achieved.

Stereotypes

10. In its previous concluding observations (para. 382), the Committee reiterated its concern about the persistence of stereotyping concerning the roles and responsibilities of women and men in the family and in society entrenched in article 41.2 of the Constitution, which are reflected in women's educational choices and employment patterns, and in women's low participation in political and public life. Please provide information on the implementation and monitoring of measures taken since the last consideration of the State party's report, to eliminate stereotypical attitudes towards women and girls, including those who experience multiple forms of discrimination such as Traveller, Roma and migrant women.

Violence against women

11. Following the Committee's previous concluding observations (paras.386 and 387), please provide information on challenges and achievements in the implementation of the Domestic Violence Act 1996 and the National Strategy on Domestic, Sexual and Gender-based violence. According to information before the Committee, a draft bill consolidating various laws on domestic violence has been published. Please provide information regarding the timeline for adoption and whether the draft bill incorporated changes based on existing legislation including the Domestic Violence Act 1996 in order to, inter alia, remove the qualifying period for an application for a safety order, protecting victim's anonymity, and pursuing criminal prosecution for violent and coercive acts, harassment and stalking (A/HRC/WG.6/12/IRL/1, para 68). Please provide disaggregated data on the number of prosecutions and convictions during the reporting period involving violence against women, including domestic violence. Please state the concrete measures that have been adopted to address the low prosecution and conviction rates as well as the high withdrawal rates of complaints (para. 386). What achievements have been attained to encourage women to report incidents of violence against women, including domestic violence since the establishment of Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based violence in 2007? Please provide information on the funding of organisations that provide support services to victims including to existing shelters. Please provide information on the accessibility of these shelters by women, particularly Traveller and Roma women.

12. What measures have been put in place to protect disadvantaged groups of women, particularly women with disabilities, Traveller and migrant women, from violence including domestic violence? What specific measures have been introduced to address the high levels of violence against these women including domestic violence? Please also provide information on measures in place to collect comprehensive data on violence against these groups of women and to address the existing administrative and financial obstacles that disadvantaged groups of women, particularly women whose immigration status is dependent on their spouse or partner and therefore do not meet the habitual residence condition, encounter in accessing essential support services. Please also provide information on measures to strengthen and further develop training programmes tailored for judges, police officers and other law enforcement officials on violence against women, its causes and consequences.

13. Please provide information on the challenges and achievements in the implementation of the Criminal Justice (Female Genital Mutilation) Act 2012. Please provide detailed information on measures taken to effectively prevent female genital mutilation (FGM), and to provide medical and psychosocial support for victims of FGM considering the real risk of FGM among migrant communities in the State party.

Trafficking and exploitation of prostitution

14. In its previous concluding observations (para. 388), the Committee expressed concern at the lack of information on the extent of the problem of trafficking in women and girls in the State party and the lack of a comprehensive strategy to combat it. Please provide information on measures included in the National Action Plan to Prevent and Combat Trafficking in Human Beings, which expired in 2012, and comprehensive data on results obtained from its implementation. What concrete steps are being taken to adopt a new National Action Plan following the expiry of the previous one in 2012? Since the adoption of the Criminal Law (Human Trafficking) Act 2008, has there been any significant increase in the identification, prosecution and conviction of perpetrators? Please also provide information on measures taken to provide adequate assistance and protection to all victims of human trafficking and increase the number of State-run shelters for victims of trafficking, as well as on measures taken to improve government cooperation with and funding for non-governmental organisations providing temporary shelter, rehabilitation and reintegration services for victims. Please provide information on the treatment of women and girls who are victims of trafficking who are placed in Direct Provision Centres. Please provide detailed information on the support provided by the Victims of Crime Office as well as the Commission for the Support of Victims of Crime to women and girls who are victims of trafficking. Please further provide information on measures taken to improve bilateral and regional cooperation in order to prevent trafficking in women and girls, to protect victims, and to facilitate the prosecution of perpetrators.

15. Please provide information on the prevalence of exploitation of prostitution in the State party and the existing measures aimed at preventing this phenomenon. Please provide information on the studies that were conducted that led to the drafting of section 20 of the Criminal Law (Sexual Offences) Bill 2015, which criminalises the purchase of sexual services and how it addresses exploitation of prostitution. Please provide information on measures taken to understand the impact that the criminalisation of sexual services will have on the State party's efforts to effectively combat HIV/AIDS transmission among women involved in prostitution.

Participation in political and public life

16. In light of the Committee's previous concluding observations, (para. 389), please provide updated information on the situation of women regarding their participation in public life, in particular, in State boards, senior positions in the Government, the judiciary and the diplomatic service. Please provide information on specific measures, including temporary special measures and other programmes and training initiatives to promote women's participation in political and public life. Further please indicate information on recruiting practices, access to financial assistance as well as indicate whether those measures include campaigns to raise awareness of the importance for society as a whole regarding the participation of women in decision-making, and mechanisms for monitoring the impact of those measures. Please provide information on the progress made in implementing the "Programme for the Government for National Recovery 2011-2016", which restated the State party's commitment to take concrete steps to ensure that State boards have at least 40 per cent of each gender (HRI/CORE/IRL/2014, para. 189). To what extent has the "due regard" policy affirmed in April 2011 accelerated the representation of women in decision making positions, particularly in State boards?

17. Following the State party's National Report to the Human Rights Council under the Universal Periodic Review procedure (A/HRC/WG.6/12/IRL/1, para. 140), please provide updated information on progress made in improving women's representation in politics since the adoption of the Electoral (Amendment) (Political Funding) Act 2012, which sanctions non-compliant political parties by reducing State funding if they do not meet the requirement to have at least 30% women candidates for general elections. Please provide information on the concrete measures taken to ensure the participation of women in local

elections. Following the adoption of the Local Government Reform Act 2014, please state whether policies and guidelines regulating local government structures enhance the participation of women in decision making and policy formulation processes in the State party. Please state the temporary special measures envisaged to enhance the representation of women in local government considering that the measures under the Electoral (Amendment) (Political Funding) Act 2012 to sanction political parties that do not reach a quota of 30% for both male and female candidates are not applicable to local government elections. Please provide information on specific measures in place to improve the participation of Traveller and Roma women in political and public life.

Women, peace and security

18. Please provide information on progress made in implementing United Nations Security Council Resolution 1325 (2000), including the National Action Plan on the implementation of Resolution 1325 (2000). Please provide information on the obstacles that exist to women's participation in conflict prevention, management and resolution and the measures taken to address them. Please state the measures that have been taken to ensure that migration and asylum policies do not operate to deter or limit opportunities for women and girls fleeing conflict countries to lawfully access asylum, and thereby decrease vulnerability to trafficking and exploitation. Please state the measures that have been taken to ensure a zero tolerance policy to sexual exploitation of women and girls by the State party's security personnel including peacekeeping forces, border police, immigration officials and humanitarian actors.

Education

19. Please provide information on measures taken to diversify academic and vocational choices for women and men, and to encourage women and girls to choose non-traditional fields of education and careers, as well as on measures taken to combat gender stereotypes at all levels of the education system. Please also provide information on measures taken to revise school curricula to ensure that they include age appropriate education on sexual and reproductive health and rights that adopts a gender perspective and takes into account developments in the fields of education and health. Please provide information on the prevalence of teenage pregnancies in the State party and how these affect the continuation of formal schooling by girls. Please further provide information on the progress made and other measures taken to strengthen women's position in leadership roles in academia as well as provide sex disaggregated data on the number of women in senior administrative and academic positions in all levels of the State party's education system. Please provide information on specific measures being taken to address the obstacles that Traveller, Roma and migrant women and girls face in accessing education in the State party. Please explain how the draft Admission to Schools Bill 2013, which proposes that children of past pupils will get preferential enrolment treatment, impacts access to education by Traveller, Roma and migrant women and girls.

Employment

20. In its previous concluding observations (para. 394), the Committee expressed concern that women continue to be concentrated in part-time and low paid work and that the gender wage gap is significant. Please provide information on any steps taken to ensure the principle of equal pay for work of equal value and to introduce temporary special measures to address occupational segregation. What specific measures are in place to address the gender wage gap which in turn affects the gender pension gap? Please also state the measures taken to address the impact of the "marriage bar" on older women's pensionable income following the policy that forced women who worked in the civil or public service prior to 1973 to retire upon their marriage. Since the Committee's previous concluding observations, what measures have been taken to protect migrant domestic

workers, the vast majority of whom are women, from discrimination and to ensure that their protection against discrimination is extended to them as employees under the Equality Act (para. 394)? In light of the Committee's previous concluding observations (para. 395), please provide information on the measures taken to raise awareness about responsible fatherhood and men's participation in child-raising and equal share of domestic duties, as well as awareness of employers and employees on the topic of flexible working arrangements. Please provide an update on the status of plans to provide two weeks paternity leave and six months paid parental leave in order to facilitate the sharing of childcare responsibilities between women and men. Please state the impact that the changes to the One-Parent Family Payment scheme have on women's access to childcare services and their participation in economic activities. Please state the measures in place to address the gap between the demand and supply for affordable and high quality childcare services in the State party.

Health

21. According to information before the Committee, the State party adopted Protection of Life During Pregnancy Act 2013, in response to the 2010 decision of the European Court of Human rights in the case of *A, B and C v. Ireland*, which law limits access to abortion only in instances where there is a "real and substantial risk" to a pregnant women's life, including suicide. Please provide information on the framework that regulates the determination of risk to the life of the pregnant woman for her to procure an abortion. Please further explain in detail the specific steps that a woman has to undergo in order to legally procure an abortion on this ground. Please also provide information on legislative measures envisaged to revise the law in order to provide for abortion on other grounds including threat to the health of the pregnant woman, rape, incest and severe foetal impairment, and to remove punitive measures for women who undergo abortion. Please provide detailed information regarding the demand for abortion services by women and girls in the State party, including those who procure abortion services abroad, and the cost to women for travel and abortion service and care in those countries.

22. Please also provide information on the extent of the problem of clandestine abortions in the State party, and if medical personnel can provide post-abortion care in those circumstances without being prosecuted. Please provide information on measures to revise the Regulation of Information Act 1995, which criminalises the provision of information by health care providers and pregnancy counsellors that "advocate[s] or promote[s]" the option of abortion. Please state the programmes in place to increase the accessibility, availability and affordability of modern contraceptive methods and family planning services, as well as to facilitate access by women and girls to health services and, in particular, reproductive health services. Please provide an update on the implementation of the recommendations of the Law Reform Commission in 2011, with regard to taking into account the views of minors in the context of contraception. Please further provide information on the prevalence of breast and cervical cancer and the measures taken to prevent these and other chronic non-communicable diseases that predominantly affect women, as well as on the percentage of the national budget allocated to fight these diseases. Please also provide information on the health situation of Traveller, Roma and older women, women migrant workers, women with disabilities and women in detention.

Rural women

23. Please provide information and statistical data on the situation of rural women. Please provide information on the existence of a strategy addressing rural development, including on whether it incorporates a gender perspective and includes targeted support for rural women to increase their access to health, education, justice, employment, economic development initiatives and ownership of land as well as to promote their participation in decision-making. Please also provide information on the extent to which rural women are

aware of their rights under the Convention and whether there are information sharing strategies in place to that effect. Please also provide information on measures taken to review and adjust the levels of social benefits to ensure the adequate standard living for women and their families in rural areas.

Disadvantaged groups of women

24. Please provide updated information and data on the human rights situation of elderly women, including widows, migrant women, Traveller and Roma women, women with disabilities in respect of education, employment and access to health services as well as their protection from sexual violence and abuse. What measures have been taken to revise the Housing (Traveller Accommodation) Act 1993 so that authorities can be sanctioned if they do not take measures to provide accommodation for Travellers? According to information before the Committee, the number of women committed to prison has more than doubled between 2007 and 2014, and that the majority of women are incarcerated for non-violent offences and the non-payment of fines. What steps have been taken to implement the Fines (Payment and Recovery) Act 2014, which seeks to reduce the high number of women who are incarcerated for defaulting on court-ordered fines? Please provide age disaggregated data on the number of women and girls in the State party's prisons and other places of deprivation of liberty that are under detention pending trial and those serving prison sentences and the crimes that they committed. Please provide information on concrete measures to address the over-representation of Traveller women in prison and the prevalent stereotypes that increase the risk of their imprisonment. Please state the measures in place to protect pregnant female prisoners and to ensure access to sexual and reproductive health services. What measures are in place to enhance mental health services of women in prisons?

Marriage and family relations

25. Please provide information on any legal developments, since the last consideration of the State party report in July 2005, regarding the proposed Family Law Bill, and attempts to safeguard women's rights with respect to the family home. Please provide information on the economic situation of women and children in the aftermath of a divorce. Please also provide information on the legal regulations (statutory and case law) in place governing the distribution of property upon divorce or dissolution of a de-facto union (opposite or same sex).

Additional information

26. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures undertaken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the last periodic report of the State party in 2005. This may include recent laws, developments, plans and programmes, recent ratification of human rights instruments, or any other information that the State party considers relevant.

27. Further to the issues raised in this list of issues prior to reporting, the State party is expected, during the dialogue, to respond to additional questions under the Convention.