

# Ireland and the Convention on the Elimination of All Forms of Discrimination against Women

Submission to the Committee on the Elimination of Discrimination against Women for the List of Issues Prior to Reporting on Ireland's 8<sup>th</sup> periodic cycle

Irish Human Rights and Equality Commission

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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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## Abbreviations

CAP	Climate Action Plan
CEDAW	UN Convention on the Elimination of All Forms of Discrimination against Women
CRPD	UN Convention on the Rights of Persons with Disabilities
CSDDD	Corporate Sustainability Due Diligence Directive
DSGBV	Domestic, Sexual and Gender-based Violence
ECEC	Early Childhood Education and Care
EU	European Union
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
NHRI	National Human Rights Institution
NSWG	National Strategy for Women and Girls 2017-2020
OECD	Organisation for Economic Co-operation and Development
OHCHR	UN Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PA	Personal Assistance
Public Sector Duty	Public Sector Equality and Human Rights Duty
RSE	Relationship and Sexuality Education
SDGs	Sustainable Development Goals
SPHE	Social, Personal and Health Education
STEM	Science, Technology, Engineering, and Mathematics

## Recommendations

The Committee should ask the State whether it intends to provide financial and other support to facilitate the participation of civil society in the upcoming CEDAW review, including required participation supports for disabled rights holders.

### Constitutional and legislative framework

The Committee should ask the State for an update on its plans to progress constitutional reform on gender equality to implement the recommendations of the Citizens' Assembly and Oireachtas, including the scope and timeline of the referendum, and accompanying legislative and policy measures.

### Equality legislation

The Committee should ask the State for an update on the review of the Equality Acts, including the timeline for publication of the legislative proposals and its position on repealing section 14.

### Public Sector Duty

The Committee should ask the State to outline the legislative and administrative measures it will adopt to progress the full and effective application of the Public Sector Duty in Ireland, in line with the recommendations of the Commission.

### National machinery for the advancement of women's rights

The Committee should ask the State:

- for an update on any ongoing or planned measures to ensure clear lines of accountability and responsibility for delivering gender equality across Government and improved coordination; and
- to outline its plans to increase the allocation of multi-annual resources to women's rights organisations, including community development and grassroots organisations, in successive budgets, in line with core and programme funding needs and the current rates of inflation.

## National policy

The Committee should ask the State for an update on the successor National Strategy for Women and Girls, including the timeline, development process and incorporation of CEDAW standards.

## Equality budgeting and taxation

The Committee should ask the State to:

- outline all actions it is taking to implement the Parliamentary Committee on Gender Equality recommendations on gender equality budgeting, including the introduction of a statutory framework; and
- provide an update on how it has assessed the gendered impact of the Irish taxation system, including the recommendations of the Commission on Taxation and Welfare regarding an individualised system and cliff-edges.

## Business and human rights

The Committee should ask the State for an update on measures being adopted to address the disproportionate adverse impact of business activities on women and girls, including the development of the second National Action Plan on Business and Human Rights and legislation on mandatory due diligence.

## Data collection

The Committee should ask the State for an update on the measures being adopted to improve the collection of disaggregated data to monitor gender equality, including through the development of the National Equality Strategy and engagement with rights-holders.



## Gender-based violence against women

### Domestic, sexual and gender-based violence

The Committee should ask the State to address how it will implement the recommendations in Group of Experts on Action against Violence against Women and Domestic Violence baseline evaluation report.

The Committee should ask the State to provide updated information on:

- the establishment and work of the statutory Domestic, Sexual and Gender-Based Violence agency to address concerns about its independence, mandate, monitoring function and resourcing; and
- plans to create a comprehensive statistical database containing robust data on Domestic, Sexual and Gender-Based Violence, in compliance with the State's obligations under CEDAW and the Istanbul Convention.

The Committee should ask the State:

- how it plans to increase accessible accommodation provision and wraparound, community services to meet demand and reflect international standards.
- about its plans to implement the recommendation of the study on Familicide and Domestic and Family Violence to establish a domestic and family violence death review process in Ireland.
- whether it intends to review the Domestic Violence Act 2018.

The Committee should ask the State about:

- wraparound services and supports available to prevent, identify and respond to early and forced marriages and Female Genital Mutilation; and
- the level and content of training provided to frontline workers across the Health Service Executive, Tusla, An Garda Síochána and other public bodies to increase awareness and understanding of DSGBV, including early and forced marriages and Female Genital Mutilation.

## Women, peace and security

The Committee should ask the State to provide detailed information on plans to address the recommendations of the Independent Review Group on Dignity and Equality Issues in the Defence Forces, including initial steps taken to ensure an effective, human rights and equality-based inquiry; involvement of rights holders and their representative organisations; progress achieved to date including any interim measures; projected timelines for completion; and inter-agency division of responsibilities.

## Historical abuses

The Committee should ask the State about its ongoing violations of women's rights through its response to historical abuses, including how it plans to address:

- the lack of timely, independent, transparent, thorough, intersectional, and effective survivor-centred investigations; and
- limitations of existing redress schemes which prevent victims and survivors from accessing an effective remedy based on the right to truth, justice, reparation, non-recurrence and memory processes and in line with human rights principles.

The Committee should ask the State:

- about plans to review and amend the Commissions of Investigation Act 2004 and the Tribunals of Inquiry (Evidence) Acts 1921-2011 to embed human rights and equality considerations in this legislation.
- what proportion of allocated budgets for Magdalene Laundries, Mother and Baby Homes, and O'Keeffe payment schemes have been spent, the number of unsuccessful applicants to the payment schemes, and the reasons for the refusal.
- to provide a breakdown of the financial contributions of religious institutions to redress schemes and how this compares to the quantum and timing of financial contributions agreed.

## Trafficking in women and exploitation of prostitution

### Safe accommodation

The Committee should ask the State to provide information on the measures it has taken to address:

- the chronic lack of safe and appropriate accommodation for female victims of trafficking; and
- access to emergency domestic violence shelters for victims of trafficking.

### Investigations, prosecutions and redress

The Committee should ask the State to provide information on:

- the specific measures it is taking to improve the investigation and successful prosecution of trafficking crimes;
- plans to ensure that victims of trafficking receive adequate compensation.

### Protections within the criminal justice system

The Committee should ask the State to provide information about:

- why the right to separate legal representation under section 4A Criminal Law (Rape) Act 1981 has not been extended to victims of trafficking for sexual exploitation;
- why separate legal representation, anonymity, and the exclusion of the public from trials has not been extended to trials for sexual exploitation offences related to organised prostitution;
- the provision made for the granting of early, free legal aid to victim-witnesses of sexual offences, including sexual exploitation offences.

### Expungement of criminal records

The Committee should ask the State to provide information on the actions taken to expunge the 600 convictions for 'sale of sex' offences.

## New and emerging forms of trafficking and exploitation of women

The Committee should ask the State to provide an account of the measures taken to prevent, address and combat these new and emerging forms of exploitation that target women and girls.

## Defining human trafficking as a form of gender-based violence

The Committee should ask the State to provide information on how the new Domestic, Sexual and Gender Based Violence Agency will respond to victims of trafficking.

## Participation in political, public and cultural life

### Women's participation in politics

The Committee should ask the State to provide information on:

- extending gender quotas to local elections;
- introducing maternity leave for TDs and Senators, including constitutional barriers to be addressed; and
- additional actions and monitoring measures, including by the Electoral Commission, to rapidly and substantially increase women's participation in politics to reflect the diversity of Irish society.

### Women's participation in public and private leadership

The Committee should ask the State about its plans to:

- integrate this legislation into an overarching policy framework which promotes women's leadership in the private sector using a variety of measures, noting the State's obligation to introduce gender quotas on corporate boards by 2026.
- undertake research on gender inequality in senior public service positions and on State boards, and to make evidence-based policy commitments to implement findings.

## Women's participation in sport

The Committee should ask the State:

- if it intends to strengthen existing gender quotas in national governing bodies by placing them on a legislative footing.
- about plans to create an Action Plan to improve women's participation at all levels of sport, including through funding increases; supporting women in leadership roles; enhanced guidelines for media reporting; ensuring equal application of labour rights for male and female professional athletes; and adopting a culture of zero-tolerance of violence and harassment.

## Care

The Committee should ask the State:

- how new and existing policies and targets will be integrated and implemented to build a public model of early childhood education and care by 2030.
- about budgetary measures that will be taken to enable the State to match EU and OECD spending on early childhood education and care, and reach the UNICEF target of 1% of Gross National Income.

## Education

### Access to and participation in education

The Committee should ask the State about what measures it has taken to assess and address the impact of the Education (Admission to Schools) Act 2018 on structurally vulnerable girls, and its plans to introduce amending legislation to remove the past pupil criterion.

The Committee should ask the State to provide information on:

- what targeted measures it is taking to improve the educational outcomes of Traveller and Roma women and girls at all levels of education and their impacts,

including how such measures are being adequately resourced and independently evaluated; and

- the timeline for developing and publishing the National Traveller Education Strategy.

The Committee should ask the State to address the policies and programmes in place to ensure equal access to quality and inclusive education at all levels for migrant, asylum seeking and refugee women and girls.

### Relationship and sexuality education

The Committee should ask the State to address the training and supports provided to educators to ensure that the delivery of relationships and sexuality education is grounded in the principles of gender equality, equal access and intersectionality, and the independent monitoring and evaluation mechanisms in place. Such training and supports should adopt a 'whole of school' approach.

### Tackling gender norms and stereotypes

The Committee should ask the State about how it is addressing gender norms and stereotypes in schools, higher and further education, in line with the recommendations of the Citizens' Assembly on Gender Equality, Joint Oireachtas Committee and Departmental Advisory Group.

## Employment

### Access to employment

The Committee should ask the State:

- how they will provide for parent benefit schemes that are adequate in terms of length and rate of payment, apply to one-parent families, encourage uptake by men and support a wider cultural shift in favour of equal sharing of care responsibilities.
- to address the targeted and mainstream measures to be adopted to remove the barriers to employment for disabled women and ethnic minority women.

## Decent work

The Committee should ask the State about:

- how it will prioritise access to and full enjoyment of decent work for women through stronger policy and legislative measures, including to ensure adequate earnings, employee voice, security and stability of work, equality of opportunity for and treatment in employment, and health and safety.
- the measures being adopted to increase trade union coverage among structurally vulnerable women in Ireland in line with EU requirements, and to introduce a statutory right to collective bargaining.

## Gender pay gap reporting

The Committee should ask the State what steps it is taking to improve the collection of disaggregated equality data on the gender pay gap, and to ensure ambitious transposition of the EU Pay Transparency Directive.

## Pensions

The Committee should ask the State how it is analysing and addressing gender inequalities in pension provision, including concrete steps being taken to move towards a Universal State Pension system and address the impacts of historical injustices such as the marriage bar.

## Health

The Committee should ask the State:

- about measures to address the health inequalities of women, including responding to and eradicating patriarchal legacies and outdated social, religious and cultural structures in the Irish healthcare system.
- to provide information on the proportion of the overall health budget spent on women's health, including disaggregated data on public spending on sexual health,

maternal health, fertility, menopause, gender-based violence, and women's mental health.

## Abortion services

The Committee should ask the State to provide information on:

- the precise timeline for implementation of the recommendations of the Review Group of the Health (Regulation of Termination of Pregnancy) Act 2018; and
- plans for any further periodic reviews of the Act.

## Maternal healthcare and fertility

The Committee should ask the State:

- about what measures it is taking to ensure non-discrimination in access to maternal health services, with particular emphasis on Roma women, migrant women and ethnic minority women.
- if it will assess the proportionality of public health restrictions on maternal healthcare using a human rights and equality framework, as part of the planned inquiry into the State's response to the pandemic.
- about its plans to revise the publicly funded fertility treatment scheme to ensure it complies with human rights and equality principles.

## Menopause healthcare

The Committee should ask the State about its plans to improve the provision of menopause healthcare, for example through dedicated research, increasing the capacity of specialist health services, and accessible information.

## Mental health

The Committee should ask the State:



if it plans to undertake an independent mid-term review of the women's mental health recommendations in *Sharing the Vision: A Mental Health Policy for Everyone*.

for an update on its progress drafting the Mental Health (Amendment) Bill, including information on the continued involvement of rights holders and Disabled Persons Organisations.

## Economic and social benefits

### Poverty and the cost of living crisis

The Committee should ask the State:

- to provide a comprehensive update on the targets and independent monitoring and accountability structures in place to reduce poverty, and the support provided to community development projects.
- for an update on its core spending to address the disproportionate impact of the cost of living crisis on women, including in response to the inequalities identified in the Cost of Disability report.

### Adequate housing

The Committee should ask the State how it is applying a gender specific lens to understand women's experiences of homelessness, and the full range of prevention, support and housing services required.

### Social protection

The Committee should ask the State:

- for an update on its plans to adopt Welfare Indexation across social welfare policy development and reform as a matter of priority, as recommended by the Commission.
- for an update on its plans to adopt Welfare Indexation across social welfare policy development and reform as a matter of priority, as recommended by the Commission.

- if it will fully implement the recommendation of the Commission on Taxation and Welfare to remove cliff-edges in the social welfare system.
- to provide information on how it has assessed the impact of the Habitual Residence Condition, and other administrative requirements, on ethnic minority communities.

## Maintenance payments

The Committee should ask the State for an update on the reform of the child maintenance system, including the implementation of its 2017 recommendation.

## Climate action

The Committee should ask the State to address the measures it is taking to assess and address the impact of climate change on women and girls in Ireland, including through vulnerability assessments, their inclusion in decision-making processes, and support for community development.

## Disadvantaged groups of women

### Rural women

The Committee should ask the State how it is implementing and measuring the effectiveness of national policies, programmes and service delivery to ensure equal access and benefits for rural women.

## Women in international and temporary protection

The Committee should ask the State for an update on:

- the phasing out of the Direct Provision system, including implementation of the recent recommendations by the External Advisory Group, and the establishment of a human rights and equality compliant system for women and girls;
- plans to independently monitor and inspect emergency and temporary accommodation to ensure the protection of women's rights;

- the application of a gender sensitive approach to international protection and development of gender specific guidelines, in line with international standards;
- the provision of, and procedures for, age assessments and vulnerability assessments.

## Women in detention

The Committee should ask the State about:

- how it is addressing the Human Rights Committee's 2022 recommendations on prisons in Ireland, including the conditions of detention of women, increased transparency, the improved provision of adequate mental health care, and the ratification of OPCAT.
- what mitigating measures will be adopted to address the impact of maternal imprisonment on women and children, informed by improved and centralised data systems.

## Traveller and Roma women

The Committee should ask the State to provide information on the specific legal, policy, and administrative measures to address homelessness and inadequate living conditions experienced by Traveller and Roma women, and the impact of these measures in practice.

## Disabled women

The Committee should ask the State about what measures it is taking to:

- actively support and resource disabled women to live independently, including its plans to provide person-centred financial supports, a legal right to personal assistance, and seamless and flexible services across the life cycle.
- ensure zero tolerance of violence and neglect in institutional and community settings, including steps taken to ensure professional and organisational accountability and inter-agency coordination.

## Introduction

The Irish Human Rights and Equality Commission ('the Commission') is both the 'A' status National Human Rights Institution ('NHRI') and the National Equality Body for Ireland, established under the Irish Human Rights and Equality Commission Act 2014. We are the Independent Monitoring Mechanism for Ireland under the United Nations Convention on the Rights of Persons with Disabilities ('UNCRPD');<sup>1</sup> the independent National Rapporteur on the Trafficking of Human Beings;<sup>2</sup> and will be assigned the role of the Co-ordinating National Preventive Mechanism under the Optional Protocol to the Convention against Torture, pending ratification.<sup>3</sup> We also have legal powers under the Gender Pay Gap Information Act 2021.<sup>4</sup> In our Strategy Statement 2022-2024,<sup>5</sup> we have committed to prioritising: Economic Equality; Justice; Respect and Recognition (including through the eradication of racism, ableism, ageism and sexism); Futureproofing; and the Public Sector Duty.

We welcome the opportunity to provide this parallel report to inform the List of Issues Prior to Reporting being adopted by the Committee on the Elimination of Discrimination against Women ('the Committee') at its 88<sup>th</sup> Pre-Sessional Working Group meeting, in advance of its forthcoming examination of Ireland's compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'). We would like to draw the Committee's particular attention to a number of thematic areas requiring priority focus during Ireland's examination, informed by our Strategy Statement and ongoing engagement

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<sup>1</sup> Section 103 of the *Assisted Decision-Making (Capacity) (Amendment) Act 2022* amends section 10(2) of the *Irish Human Rights and Equality Act 2014* to provide that one of our functions is to promote and monitor the implementation in the State of the UNCRPD.

<sup>2</sup> IHREC, [Commission Takes on New Role as Ireland's National Rapporteur on the Trafficking of Human Beings](#) (22 October 2020).

<sup>3</sup> To be provided under the *Inspection of Places of Detention Bill*, when enacted.

<sup>4</sup> See Sections 3 and 5 of the *Gender Pay Gap Information Act 2021*. Where the Commission has reasonable grounds for believing that an employer has failed to comply with the requirement to publish gender pay gap information under the Act, the Commission may apply to the Circuit Court or the High Court for an order requiring the employer to comply. An employer that fails to comply with a Circuit Court or High Court order will be in contempt of that Court. The Commission may also carry out, or invite a particular undertaking, group of undertakings or the undertakings making up a particular industry or sector, to carry out an equality review or prepare and implement an equality action plan. The Minister for Justice and Equality may also request the Commission to consider exercising these powers of review.

<sup>5</sup> IHREC, [Strategy Statement 2022-2024](#).

with civil society.<sup>6</sup> While there have been positive developments since 2017,<sup>7</sup> the Concluding Observations by the Committee have not seen sufficient progress. CEDAW has not yet been incorporated into domestic law, and the State maintains its reservations to Articles 11(1), 13(a) and 16(1)(d) and 16(1)(f) despite the Committee’s recommendations.<sup>8</sup> Furthermore, our consistent observation, including throughout UN review processes, is that while the State publishes numerous strategies and action plans, they do not adequately improve rights protections for communities in practice, due to insufficient monitoring and implementation.

In writing this report, we have reflected the Committee’s position that:

“intersectionality is a basic concept for understanding the scope of the general obligations of State parties.”<sup>9</sup>

This report considers the multiple and intersecting inequalities experienced by structurally vulnerable women<sup>10</sup> throughout, as well as focusing on specific groups of women in the final section, in line with the Committee’s thematic approach.

Civil society organisations occupy a critical space in monitoring the implementation of CEDAW in Ireland, and the Committee has emphasised the importance attached to civil society input in the reporting process.<sup>11</sup> While the State has also highlighted the critical

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<sup>6</sup> We have drawn on the expertise and on-the-ground insights of a wide range of rights-holders and civil society actors, including through engagement as part of our policy, research, legal, and strategic engagement functions.

<sup>7</sup> Including for example, as discussed further throughout this report, the *Health (Regulation of Termination of Pregnancy) Act 2018*, *Gender Pay Gap Information Act 2021*; ratification of the UNCRPD in 2018; the third National Strategy on Domestic, Sexual and Gender-based Violence 2022-2026 and the *Domestic Violence Act 2018*.

<sup>8</sup> See for example, CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#) (2017), paras 8-10.

<sup>9</sup> CEDAW, [General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28](#) (2010).

<sup>10</sup> For the purpose of this parallel report, we define a structurally vulnerable person as someone who is particularly vulnerable to violations of their rights due to political, economic, social and cultural structures. Instead of focusing on the personal characteristics of individuals and groups and viewing them as lacking agency, ‘structural vulnerability’ refers to the structures in place which render certain sectors of the population particularly vulnerable to human rights abuses.

<sup>11</sup> CEDAW, [Statement by the Committee on the Elimination of Discrimination against Women on its relationship with non-governmental organizations](#) (45<sup>th</sup> session).

contribution of civil society at an international level,<sup>12</sup> we note that it has withdrawn funding support for Irish civil society organisations to attend State reviews in Geneva.<sup>13</sup> Furthermore, the engagement of civil society in the process is further hampered by the failure of the State to adequately collect and publish disaggregated data, as discussed further below.

**The Committee should ask the State whether it intends to provide financial and other support to facilitate the participation of civil society in the upcoming CEDAW review, including required participation supports for disabled rights holders.**

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<sup>12</sup> Department of Justice and Equality, [Discussion of State Report under the UN Convention on the Elimination of all forms of Discrimination against Women \(CEDAW\) with the UN Expert Committee](#) (2017).

<sup>13</sup> We are calling for such funding to be restored at a level that matches the rising costs of foreign travel, and includes funding of required participation supports for example sign language interpreters and personal assistance for disabled rights holders.

## Constitutional and legislative framework

In its 2017 Concluding Observations, the Committee urged Ireland to progress constitutional reform and introduce legislative provisions to further the State's obligations towards the achievement of gender equality.<sup>14</sup> There has been limited progress in advancing these recommendations, with current constitutional provisions such as the 'discriminatory' Article 41.2 continuing to perpetuate stereotypical attitudes towards the role of women.<sup>15</sup> Such reform is necessary in Ireland to tackle gender stereotypes deeply embedded in "the repository of our highest rights and values",<sup>16</sup> and should be accompanied by appropriate policy measures and resources to ensure advancement of substantive equality under the Convention.

In 2021, the Citizens' Assembly on Gender Equality published a set of 45 priority recommendations to advance gender equality in Ireland, including on constitutional reform.<sup>17</sup> Building on this work, a Parliamentary Joint Committee on Gender Equality has since recommended that 40.1<sup>18</sup> be amended to ensure explicit constitutional recognition for the principles of gender equality and non-discrimination, and Article 41.2 should be replaced with non-gender specific language, obliging the State to take reasonable measures to support care within and outside the home and family. The Committee also recommended

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<sup>14</sup> CEDAW [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#) (CEDAW/CO/IRL/6-7) (2017), paras. 10-13.

<sup>15</sup> Article 41.2 of the Constitution of Ireland: 1° 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; 2° 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.

<sup>16</sup> In its interpretative guidance, the Committee has further stressed that: 'Inherent to the principle of equality between men and women, or gender equality, is the concept that all human beings, regardless of sex, are free to develop their personal abilities, pursue their professional careers and make choices without the limitations set by stereotypes, rigid gender roles and prejudices.' CEDAW, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2](#), CEDAW/C/GC/28 (2010), paras. 22. See also IHREC, [Comments on Ireland's 20th National Report on the Implementation of the European Social Charter](#) (2023).

<sup>17</sup> The Citizens' Assembly on Gender Equality was established by Oireachtas resolution in July 2019. The membership of the Assembly consisted of 100 persons – a Chairperson and 99 citizens entitled to vote at a referendum, recruited at national level and randomly selected so as to be broadly representative of Irish society. See IHREC, [Submission to the Citizens' Assembly on Gender Equality](#) (March 2020) and Citizens' Assembly on Gender Equality, [Final Report](#) (2021), p. 12.

<sup>18</sup> Article 40.1 of the Constitution of Ireland currently states that: 'All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.'

the amendment of Article 41 to reflect broader definitions of the ‘family’ beyond marital family.<sup>19</sup>

The State committed to holding a referendum in November 2023 to enshrine gender equality in the Constitution and to remove the reference to ‘women in the home’.<sup>20</sup> However, indications are that this referendum will be further delayed, and the exact scope and wording of the questions to be asked have yet to be clarified.<sup>21</sup> The Government must finalise and publish robust proposed wording, including a constitutional amendment to recognise and support care in the home and wider community.<sup>22</sup> The Irish electorate must also be given sufficient time and information to participate effectively in the referendum process in line with international human rights law, including through voter registration.<sup>23</sup>

**The Committee should ask the State to for an update on its plans to progress constitutional reform on gender equality to implement the recommendations of the Citizens’ Assembly and Oireachtas, including the scope and timeline of the referendum, and accompanying legislative and policy measures.**

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<sup>19</sup> See Houses of the Oireachtas, [Interim Report on Constitutional Change](#) (July 2022); Houses of the Oireachtas, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (December 2022). We appeared before the Joint Committee in March 2022 and made a subsequent submission in November 2022, outlining our recommendations for constitutional reform and possible wording. See IHREC, Submission to the Joint Committee on Gender Equality (2022); and Houses of the Oireachtas, [Joint Committee on Gender Equality debate - Thursday, 10 Mar 2022](#) (2022).

<sup>20</sup> Government of Ireland, [Taoiseach and Minister O’Gorman announce holding of referendum on gender equality](#) (2023).

<sup>21</sup> Indications from the Attorney General at a family law Conference in July 2023 suggest that the scope of the gender equality referendum may also include Article 41.1.2 on the ‘marital family’. Law Society, [Resources ‘vital’ for new family courts – Attorney General](#) (July 2023) ); Irish Times, [Doubts grow over ‘women in the home’ referendum](#) (28 August 2023).

<sup>22</sup> IHREC, [Article 41.2 of the Constitution of Ireland](#) (2018) and IHREC, Letter to the Joint Committee on Gender Equality on the options for wording for amendments to Articles 40.1 and 41 proposed in the Joint Committee’s ‘Interim Report on Constitutional Change’ (2022).

<sup>23</sup> International Covenant on Civil and Political Rights (art. 25), International Covenant on Economic, Social and Cultural Rights (art. 8); the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (c)); the Convention on the Elimination of All Forms of Discrimination against Women (arts. 7–8); the Convention on the Rights of the Child (art. 15); the Convention on the Rights of Persons with Disabilities (arts. 3 (c), 4 (3), 29 and 33 (3)). See OHCHR, [Human rights and elections: A Handbook on International Human Rights Standards on Elections](#) (2021).



## Equality legislation

The Committee recommended in 2017 that the State amend section 14 of the Equal Status Acts 2000-2015 to ensure that an effective remedy is available for discrimination that has a legislative basis.<sup>24</sup> We are of the view that this section should be repealed in its entirety, as it is inconsistent with EU law and the Public Sector Equality and Human Rights Duty, and replaced by positive measures such as a requirement to equality-proof legislation prior to its adoption.<sup>25</sup>

We welcome the Government's commitment to review equality legislation in Ireland, including its functioning and effectiveness in practice and the grounds for discrimination.<sup>26</sup> Further to our comments on section 14 above, we have called for a new ground relating to socio-economic discrimination to be included within the Equality Acts. We have also recommended that the gender ground should be amended to include explicit reference to and define gender identity, gender expression, and sex characteristics.<sup>27</sup> Furthermore, throughout our engagement with the review, we have called for amendment of the Equality Acts to provide for intersectional discrimination.<sup>28</sup> In the absence of such legislative reform, Ireland's equality framework is not in full compliance with Article 2 of CEDAW, which requires States to:

“legally recognise intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.”<sup>29</sup>

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<sup>24</sup> CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#) (CEDAW/CO/IRL/6-7) (2017): para. 13.

<sup>25</sup> IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 44-46.

<sup>26</sup> Government of Ireland, [Programme for Government](#) (2020), p. 77. The Programme for Government committed to reviewing the introduction of a socio-economic ground for discrimination and the amendment of the gender ground, as well as a review of current definitions for the other grounds, including disability.

<sup>27</sup> IHREC, [Submission on the Review of the Equality Acts](#) (2023).

<sup>28</sup> IHREC, [Submission on the Review of the Equality Acts](#) (2023).

<sup>29</sup> CEDAW, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2](#), CEDAW/C/GC/28 (2010): para. 18.

However, while a public consultation on the review has been finalised,<sup>30</sup> there are ongoing delays in bringing forward legislative proposals and no concrete timelines in place.<sup>31</sup> The finalisation of this review must be prioritised within the lifetime of the current Government.

**The Committee should ask the State for an update on the review of the Equality Acts, including the timeline for publication of the legislative proposals and its position on repealing section 14.**

## Public Sector Duty

We welcome the Committee's 2017 recommendation to the State to utilise the Public Sector Equality and Human Rights Duty to promote the mainstreaming of gender equality in all areas and sectors. This Duty has been an important feature of Ireland's legislative framework on human rights and equality since 2014. Section 42 of the Irish Human Rights and Equality Commission Act 2014 imposes a legal obligation on public bodies to have regard to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of those to whom they provide services and staff when carrying out their daily work. It puts equality and human rights in the mainstream of how public bodies execute their functions.<sup>32</sup>

We are of the view that compliance with the Public Sector Duty is fundamental to the ability of State bodies to meet their obligations under CEDAW at a national level, including to prevent rights violations in outsourced public functions. We have called for legislative reform to ensure a stronger Duty with effective enforcement mechanisms, including by strengthening requirements for reporting compliance with the Duty; expanding the Duty to include schools and other educational establishments; and mandating the collection of adequate disaggregated data to enable ongoing assessments of effectiveness.<sup>33</sup> We have

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<sup>30</sup> Department of Children, Equality, Disability, Integration and Youth, [Minister O'Gorman publishes report on the submissions to the public consultation on the Review of the Equality Acts](#) (2023).

<sup>31</sup> Department of Children, Equality, Disability, Integration and Youth, [Equality Issues](#) (July 2023).

<sup>32</sup> The Public Sector Duty requires public bodies to undertake an assessment of the equality and human rights issues pertaining to their purpose and functions; to devise an action plan to address the issues raised in the assessment; and to report annually on progress and achievements with regard to identified actions. To fulfil this requirement, the Commission guidance recommends that public bodies consult with staff and service users, including those from minority groups, to identify issues and actions and monitor progress. Further information and guidance on the Duty can be found at: <http://www.ihrec.ie/our-work/publicsector-duty>.

<sup>33</sup> IHREC, [Submission on the Review of the Equality Acts](#) (2023), p. 18.

also called for the State to issue a formal communication, in the form of a circular, to public bodies to advance compliance with the Duty in line with our guidance.<sup>34</sup>

**The Committee should ask the State to outline the legislative and administrative measures it will adopt to progress the full and effective application of the Public Sector Duty in Ireland, in line with the recommendations of the Commission.**

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<sup>34</sup> IHREC, [Submission to the Human Rights Committee on Ireland's fifth periodic report](#) (2022), p. 10.

## National machinery for the advancement of women's rights

Institutional mechanisms play a vital role in supporting Government-wide mainstreaming of a gender-equality perspective across all policy areas.<sup>35</sup> Further to the Committee's 2017 recommendation about the resourcing and coordinating role of the Gender Equality Division,<sup>36</sup> the Citizen's Assembly called for the establishment of a statutory body specific to gender equality, backed by a Cabinet Minister and with appropriate legal powers and resources.<sup>37</sup> More recently, the Parliamentary Committee on Gender Equality recommended that the Government commission a scoping exercise to establish what such an agency might look like in Ireland.<sup>38</sup> We are not aware of any current plans by the State to progress these recommendations.

As highlighted in our 2020 follow-up report,<sup>39</sup> we have ongoing concerns about the supports provided to civil society and community development organisations working in women's rights and equality, particularly due to persistent underfunding.<sup>40</sup> Non-profit organisations providing frontline services and supports are facing challenges due to increasing demand, pay stagnation and a lack of parity with public sector pay scales,<sup>41</sup> and have reported that the State is unwilling to engage with them to address these issues. Without improvements in the funding arrangements, such organisations will continue to shrink or close, resulting in

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<sup>35</sup> United Nations, [Beijing Platform for Action](#) (2015): para. 201.

<sup>36</sup> CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#), CEDAW/C/IRL/CO/6-7 (2017): para. 19(a). Since Ireland's last examination in 2017, the Gender Equality Division transferred from the former Department of Justice and Equality to the current Department of Children, Equality, Disability, Integration and Youth. In line with its previous functions, the Gender Equality Division continues to monitor national and international commitments with respect to gender equality. See Houses of the Oireachtas, [Departmental Functions Dáil Éireann Debate, Tuesday - 8 September 2020](#) and Department of Children, Equality, Disability, Integration and Youth, [Equality and Integration](#).

<sup>37</sup> Recommendation No. 42 in the Citizens' Assembly on Gender Equality, [Final Report](#) (2021): p. 85.

<sup>38</sup> Houses of the Oireachtas, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (December 2022): p. 32.

<sup>39</sup> IHREC, [Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the follow-up procedure to Ireland's combined sixth and seventh periodic report](#) (2020), pp. 10-11.

<sup>40</sup> For example, full restoration of budget cuts to the Women's Collective Ireland has yet to be delivered, reducing capacity to provide needs-based community services and supports: National Collective of Community Based Women's Networks, [Pre-Budget 2022 Submission](#) (2021). As highlighted by the National Women's Council, there was a marginal increase of 4% in Budget 2023 but this is far below the needs of the community sector: National Women's Council, [NWC Gender Analysis of Budget 2023](#) (2022).

<sup>41</sup> Tasc/The Wheel, [The Future of Public Service Delivery by the Community & Voluntary Sector](#) (2023). This report examines trends in staffing levels, demand for services, and funding amongst Section 39, 10, and 56 organisations, all of which receive contracts from the State to deliver public services but are not legally entitled to the same pay as public sector employees.

an unprecedented level of unmet needs.<sup>42</sup> This has further implications for women's economic equality and employment, particularly as women represent 75% of all people employed in the community, voluntary and charitable sector.<sup>43</sup>

**The Committee should ask the State:**

- **for an update on any ongoing or planned measures to ensure clear lines of accountability and responsibility for delivering gender equality across Government and improved coordination; and**
- **to outline its plans to increase the allocation of multi-annual resources to women's rights organisations, including community development and grassroots organisations, in successive budgets, in line with core and programme funding needs and the current rates of inflation.**

## National policy

We are concerned about the absence of a successor to the National Strategy for Women and Girls 2017-2020 ('NSWG'), which expired at the end of 2021.<sup>44</sup> A recently published report, commissioned by the State, examined the effectiveness of implementation processes for national equality strategies, including the NSWG.<sup>45</sup> Common issues identified include:

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<sup>42</sup> For example, Daughters of Charity Child and Family Services reduced their team for domestic abuse services from 7 to 4.5 workers since 2020 and only kept the service operational by transferring staff from the family centre services. However, the latter still had to respond to the same levels of referrals and numbers of service users, as well as longer waitlists, as this is required contractually. See Tasc/The Wheel, [The Future of Public Service Delivery by the Community & Voluntary Sector](#) (2023), p. 30.

<sup>43</sup> In The Wheel's National Guide to Pay and Benefits in Community, Voluntary, and Charitable Organisations 2022, women represented 75% of the workforce overall, compared to 46.8% in employment generally. The Wheel, [Non-profit sector making strides in narrowing the gender pay gap](#) (2023).

<sup>44</sup> In line with its obligations under CEDAW, Ireland is required to develop national strategies specific to women and girls as part of its overarching national machinery infrastructure: CEDAW, [General Recommendation No. 6: Effective National Machinery and Publicity](#), A/43/38 (1988), para. 1.

<sup>45</sup> The Centre for Effective Services (CES), [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#) (2023); See also Gov.ie, [Press Release: Minister O'Gorman welcomes publication of evaluation study of processes implementing equality strategies](#) (2023).

- inadequate implementation structures;<sup>46</sup>
- a lack of Departmental ownership over assigned actions; and
- the need for greater financial resources and administrative support.<sup>47</sup>

The report makes a suite of recommendations of relevance to the NSWG, including the need to adopt an intersectional approach and an evidence-informed and expert-validated framework of implementation.<sup>48</sup> The successor NSWG strategy should also consider the gendered impact of the State's response to Covid-19, particularly as regards women's employment,<sup>49</sup> and identify specific measures to mitigate the impact of future emergencies on gender equality. Furthermore, it should align with related sectoral strategies, to ensure the needs of structurally vulnerable women and girls are met.<sup>50</sup>

**The Committee should ask the State for an update on the successor National Strategy for Women and Girls, including the timeline, development process and incorporation of CEDAW standards.**

## Equality budgeting and taxation

In February 2023, the Committee on the Rights of the Child called on Ireland to:

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<sup>46</sup> The Centre for Effective Services (CES), [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#), pp. 82-86.

<sup>47</sup> The Centre for Effective Services (CES), [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#) (2023), p. 155.

<sup>48</sup> The Centre for Effective Services (CES), [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#) (2023): p. 71.

<sup>49</sup> IHREC, [Comments on Ireland's 20th National Report on the Implementation of the European Social Charter](#) (2023): p. 34.

In the labour market, the impact of the pandemic appeared to affect men and women equally, however job losses for women were most widespread among the lowest-paid workers. Although women retained employment in some sectors where they have a high concentration, such as essential services and teleworkable jobs, other sectors where women are overrepresented such as hospitality and care saw far greater job losses during the pandemic than other sectors. Conversely, men's job losses were more evenly distributed. See Eurofound, [COVID-19 pandemic and the gender divide at work and home](#) (2022). See also: Brioscú, A., O'Reilly, J. D., and Coates, D. 2021. The COVID-19 Pandemic and Ireland's Labour Market: Insights through the Lens of the Pandemic Unemployment Payment and the Characteristics of Impacted Workers. *The Economic and Social Review*, 52(2): 193-216.

<sup>50</sup> For example, the State has committed to the development and implementation of new national strategies relating to migrants, Travellers and Roma, children and young people, victims of human trafficking, disabled people and the LGBTI+ community.

“encourage all Government entities to improve equality budgeting initiatives, including by providing incentives and building relevant capacities, and to ensure transparent and participatory budgeting processes at national and local levels.”<sup>51</sup>

While we welcome current initiatives to progress equality budgeting across Government Departments,<sup>52</sup> we note that the Government’s ‘incremental’ approach has yet to yield any concrete results.<sup>53</sup>

The Parliamentary Committee on Gender Equality made a series of recommendations on gender equality budgeting in 2022, including that:

- it be placed on statutory footing;
- an Equality Budget Statement accompany the annual budget; and
- public bodies be required to actively demonstrate application of the Public Sector Duty in respect of departmental budgets, public procurement and the contracting of services.<sup>54</sup>

The system of joint taxation in Ireland can be seen as indirectly reinforcing patriarchal norms, by generating dependencies on the ‘male breadwinner’ model.<sup>55</sup> Furthermore, as discussed below in relation to State supports, we note the existence of cliff-edges in the

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<sup>51</sup> Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), at para 9(c)-(d).

<sup>52</sup> For example, the Equality Budgeting Expert Advisory Group was established in 2018 to allow for collaboration between Departments, agencies, experts and advocacy groups, including IHREC. Furthermore, The Interdepartmental Network includes a senior member of staff from each Government Department, with that member having a broad knowledge of the policy work undertaken by that department and its relevance to advancing the goals of equality and inclusion. See Department of Public Expenditure, NDP Delivery and Reform, [Equality Budgeting](#).

<sup>53</sup> In 2021, the Organisation for Economic Co-operation and Development (‘OECD’) conducted a review of equality budgeting in Ireland and noted that efforts to engage Government Departments have been hindered by the fact that equality budgeting is not obligatory; Departments have limited incentive or capacity to participate; and they are unclear of the ultimate goal of the initiative. The OECD recommended that an equality budgeting statement be published alongside the budget, and that tax expenditures should be subject to equality review. OECD, [OECD Scan: Equality Budgeting in Ireland](#) (2021): p. 22.

<sup>54</sup> For the full list of recommendations on gender equality budgeting, please see Houses of the Oireachtas, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (December 2022), p. 33.

<sup>55</sup> The current orientation and preference of the taxation system towards joint tax arrangements creates a financial disincentive to do paid work and incentivises unpaid work. As the higher earners in heterosexual relationships are usually men this creates a situation whereby it is more likely than not that, the woman, as the lower earner, will pay a higher rate of tax on their individual income. For further discussion see, National Women’s Council, [Submission to the Commission on Taxation and Welfare](#) (2022).

Irish taxation system, which can have behavioural implications around the reduction of working hours for example.<sup>56</sup>

**The Committee should ask the State to:**

- **outline all actions it is taking to implement the Parliamentary Committee on Gender Equality recommendations on gender equality budgeting, including the introduction of a statutory framework;**
- **provide an update on how it has assessed the gendered impact of the Irish taxation system, including the recommendations of the Commission on Taxation and Welfare regarding an individualised system and cliff-edges.**<sup>57</sup>

## Business and human rights

As outlined in General Recommendation No. 28, policies to eliminate discrimination against women must engage the private sector, including business enterprises.<sup>58</sup> International research demonstrates that women and girls disproportionately experience the adverse impacts of business activities and often face unique barriers in seeking judicial redress.<sup>59</sup> Studies have also found gender-based violence permeating the global value chains of many multinational companies, which is particularly concerning given that Ireland serves as the European host to a number of large multinational companies.<sup>60</sup>

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<sup>56</sup> For further information, see Michael Doolan and Claire Keane (2023) [Cliff edges in the Irish tax-benefit system](#), Budget Perspectives BP202401, Dublin: ESRI.

<sup>57</sup> Commission on Taxation and Welfare (2022) [Foundations for the Future: Report of the Commission on Taxation and Welfare](#), pp. 244-245, 274-276.

<sup>58</sup> CEDAW (2010) *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2*, para. 13.

<sup>59</sup> Women are over-represented in precarious employment with poor working conditions and are at higher risk of exploitation and abuse, including sexual abuse. Danish Institute for Human Rights, [Gender in National Action Plans on Business and Human Rights: Where are we and where are we heading?](#) (2023).

<sup>60</sup> Multinationals based in Ireland include the top five global software companies, fourteen of the top fifteen medical technology companies, all of the top ten pharmaceuticals companies and eight of the top ten industrial automation companies. Half of the top 60 companies in Ireland scored less than 20% on embedding respect for human rights in their operations, in a study conducted by Trinity College. These companies include many multinationals, as well as Ireland's ten-largest State-owned enterprises See Irish Coalition for Business and Human Rights (ICBHR), [Make it Your Business: How Ireland can ensure businesses respect human rights and the environment](#) (2021), pp. 8, 13; See also Hogan, B.F., Rhodes, M.L. & Lawlor M. (2020) "Irish Business and Human Rights - A snapshot of large firms operating in Ireland". Trinity College Dublin Centre for Social Innovation. Available here: <https://www.tcd.ie/business/assets/pdf/CSI-BHR-2020-Report-V3.pdf>.



Legislative and policy reform is needed to ensure maximum protection of women's rights and equality. There has been limited progress to advance the recommendations of the final review of the National Action Plan on Business and Human Rights 2017-2020,<sup>61</sup> and to develop the successor Action Plan.<sup>62</sup> We continue to call for mandatory human rights due diligence to be put on statutory footing, and note the relevance of ongoing EU negotiations on the proposal for a Corporate Sustainability Due Diligence Directive ('CSDDD').<sup>63</sup>

As outlined by the UN Office of the High Commissioner for Human Rights ('OHCHR')<sup>64</sup> and civil society,<sup>65</sup> it is essential that due diligence covers the 'value chain' of both downstream and upstream business activities to ensure maximum human rights protection. Due diligence must also take into account the differentiated impacts of business activities on women and girls and incorporate a gender-sensitive lens, particularly in participation and access to justice mechanisms.<sup>66</sup> Ireland's ongoing leadership role and expansive

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<sup>61</sup> Department of Foreign Affairs, [Review of implementation of National Plan on Business and Human Rights 2017-2020](#) (2021).

<sup>62</sup> On 27 July 2023, the State launched a short (6 week) public consultation for the new National Plan on Business and Human Rights: <https://www.gov.ie/en/press-release/262bf-tanaiste-and-minister-calleary-launch-public-consultation-for-new-national-plan-on-business-and-human-rights/>.

<sup>63</sup> The CSDDD aims to improve corporate governance practices and require certain businesses to identify and, where necessary prevent, end or mitigate adverse impacts of their activities on human rights, including the environment. In February 2022, the European Commission published its proposal for [a Directive on Corporate Sustainability Due Diligence](#). Trilogue negotiations commenced on 8 June 2023 and it is likely that the Directive will come into force by early 2024. The proposal as currently adopted by the European Parliament narrows downstream activities to the sale, distribution, transport, storage and waste management of products and the provision of goods and services. EUROPA, [Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive \(EU\) 2019/1937](#) (2023).

<sup>64</sup> The OHCHR has recently recommended the express inclusion of downstream due diligence in the proposed CSDDD, noting the importance of aligning the Directive to international standards such as the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises OHCHR, [Mandating Downstream Human Rights Due Diligence](#) (2022).

<sup>65</sup> Germanwatch has noted that to be effective, corporate sustainability due diligence must cover the whole value chain, both upstream and downstream. Whereas upstream focuses on the supply chain of a company, downstream is particularly important to address the potential risks of human rights and environmental impacts associated with a company's product or service after it is manufactured or delivered. See Germanwatch, [Downstream due diligence: A must-have for the EU's Corporate Sustainability Due Diligence Directive](#) (March 2023).

<sup>66</sup> European Coalition for Corporate Justice, [Ensuring a gender-responsive and effective Corporate Sustainability Due Diligence legislation](#) (2022). We note the Parliament's proposal currently includes an express reference to gender-sensitive stakeholder engagement and access to justice mechanisms. EUROPA, [Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive \(EU\) 2019/1937](#) (2023).

implementation of legal requirements in this area is essential to meet its obligations under international human rights law, including CEDAW.<sup>67</sup>

**The Committee should ask the State for an update on measures being adopted to address the disproportionate adverse impact of business activities on women and girls, including the development of the second National Action Plan on Business and Human Rights and legislation on mandatory due diligence.**

## Data collection

We have repeatedly highlighted the considerable shortfalls in equality data in Ireland,<sup>68</sup> which impede a thorough and accurate assessment of Ireland's performance under CEDAW<sup>69</sup> and broader international human rights treaties and instruments, including the 2030 Agenda.<sup>70</sup> Various human rights bodies, most recently the Committee on the Rights of the Child, have criticised Ireland for not collecting and publishing sufficient disaggregated data.<sup>71</sup>

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<sup>67</sup> For example, in line with general recommendation No. 33 (2015) on women's access to justice, States should take proactive and targeted measures to reduce additional barriers that may be faced by women in holding businesses accountable for human rights abuses. In general recommendation No. 26 (2008) on women migrant workers, the Committee makes several recommendations for countries of origin and destination to protect the rights of women migrant workers. In general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, the Committee recommends that States take measures to deal with gender-based violence, including by non-State actors. Working Group on Business and Human Rights, [Report on gender lens to the Guiding Principles on Business and Human Rights](#), A/HRC/41/43 (2019).

<sup>68</sup> See for example, IHREC, [Submission to the 2023 UN High-Level Political Forum on the second Voluntary National Review of Ireland](#) (2023), p. 12. We continue to recommend the full implementation of the European Commission's [Guidelines on improving the collection and use of equality data](#), including on [racial and ethnic origin](#) and [data for LGBTIQ equality](#), and in this regard note the importance of key national and regional frameworks, including the EU's Equality Data programme, the National Statistics Board (NSB), [Strategic Priorities for Official Statistics 2021–2026](#) (p. 27) and the development of the national Equality Data Strategy as discussed in the text.

<sup>69</sup> Data collection relates to a number of substantive provisions in CEDAW and is repeatedly featured across the General Recommendations. See CEDAW, [General Recommendation No. 9 on statistical data concerning the situation of women](#) (1989); [General Recommendation No. 16 on unpaid women workers in rural and urban family enterprises](#) (1990); [General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19](#) (2017).

<sup>70</sup> In our parallel submission as part of Ireland's Second Voluntary National Review by the UN High Level Political Forum in July 2023, we raised a number of concerns over inadequate data and data gaps to monitor Ireland's performance on the SDGs, including SDG 5: Gender Equality. See IHREC, [Submission to the 2023 UN High-Level Political Forum on the second Voluntary National Review of Ireland](#) (2023), p. 15.

<sup>71</sup> See Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 10(a).

We note the potential of the forthcoming National Equality Data Strategy 2024-2028 to improve the collection of equality data and the ability of public bodies to monitor the gendered impact of policies and initiatives.<sup>72</sup> It is critical that the forthcoming Strategy aligns with the State’s human rights obligations and with national equality strategies, including the successor NSWG, as well as the National Action Plan Against Racism.<sup>73</sup> Its development must also be accompanied by progress on the Equality Acts Review, as discussed above and outlined in our submissions.<sup>74</sup> Furthermore, the participation of rights-holders at all stages of policy development, implementation, monitoring and evaluation is essential.<sup>75</sup> Participants at a recent Commission-organised Equality Data Conference called for greater community engagement and transparency across public bodies in all data planning, collection, dissemination and analysis processes. In addition to community engagement, participants outlined the importance of participation, particularly the opportunity to co-design data collection exercises, to ensure the voice of rights holders is reflected across multiple stages of the data collection process.<sup>76</sup>

**The Committee should ask the State for an update on the measures being adopted to improve the collection of disaggregated data to monitor gender equality, including through the development of the National Equality Strategy and engagement with rights-holders.**

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<sup>72</sup> The State began the consultation process on the draft Strategy on 27 April 2023 and the Strategy is expected to be in place from 2023. IHREC is an active participant in the National Equality Data Strategy Working Group.

<sup>73</sup> The Centre for Effective Services, [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#), p. 148.

<sup>74</sup> We have recommended urgent action by the State to develop and roll out disaggregated data collection, processing and communication systems, including the development of existing data to allow for intersectional analysis: IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 85-86 and IHREC, [Submission on the Review of the Equality Acts](#) (2021), pp. 66-68.

<sup>75</sup> OHCHR, [A Human Rights Based Approach to Data](#) (2018).

<sup>76</sup> In response to ‘challenges’ and ‘opportunities’ around the collection and use of equality data, common issues raised included the need for rights holders to be informed about how their data will be used and why it is being collected to ensure context and transparency. Community engagement was also identified as a powerful enabler in this regard, especially to maximise participation of rights holders identifying under a protected ground of discrimination.

## Gender-based violence against women

### Domestic, sexual and gender-based violence

We note a number of positive developments in the area of domestic, sexual and gender-based violence ('DSGBV'), including ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention');<sup>77</sup> ratification of ILO Convention C190;<sup>78</sup> publication of the Third National Strategy on Domestic, Sexual and Gender Based Violence ('Third National Strategy');<sup>79</sup> plans to establish a statutory DSGBV agency;<sup>80</sup> and enhanced legislative protections for those subjected to DSGBV.<sup>81</sup> However, we are concerned that these developments are failing to translate into tangible improvements for victims and survivors of DSGBV, as well as those at risk of violence and abuse.<sup>82</sup> We have engaged with the Group of Experts on Action against Violence against Women and Domestic Violence in relation to its baseline evaluation of Ireland and look forward to its report, expected in November 2023.<sup>83</sup>

**The Committee should ask the State to address how it will implement the recommendations in GREVIO's baseline evaluation report.**

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<sup>77</sup> IHREC, [Statement on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2019).

<sup>78</sup> ILO, [Ireland ratifies ILO Convention on Violence and Harassment](#) (2023).

<sup>79</sup> Department of Justice, [Third National Strategy on Domestic, Sexual and Gender Based Violence 2022-2026](#) (2022).

<sup>80</sup> Department of Justice, [Dedicated State agency to oversee and support dramatic increase in refuge accommodation under new legislation from Minister Harris](#) (2023); Department of Justice, [Draft General Scheme of a DSGBV Agency Bill](#) (2023). The proposed legislation on establishing the DSGBV agency is due to be published imminently, having been considered by Cabinet on 13 September 2023.

<sup>81</sup> See, for example, [Work Life Balance and Miscellaneous Provisions Act 2023](#); [Criminal Justice \(Miscellaneous Provisions\) Act 2023](#); [Online Safety and Media Regulation Act 2022](#); [Harassment, Harmful Communications and Related Offences Act 2020](#); [Domestic Violence Act 2018](#). See also, [Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2023](#); [Criminal Justice \(Incitement to Violence or Hatred and Hate Offences\) Bill 2022](#).

<sup>82</sup> We note the recent findings of the Central Statistic Office's Sexual Violence Survey, which found that 52% of women experienced sexual violence in their lifetime. CSO, [Sexual Violence Survey 2022 – Main Results](#) (2023). We also note the publication of A Study on Familicide and Domestic and Family Violence Death Reviews, where authors concluded that at least 166 people were killed in incidents of family violence between 2000 and 2019. Department of Justice, [A Study on Familicide & Domestic and Family Violence Death Reviews](#) (2023), p. 69.

<sup>83</sup> IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022).

While the Third National Strategy represents a significant development in DSGBV policy, the lack of an external monitoring framework precludes transparency around the delivery of actions.<sup>84</sup> It is therefore essential that this Committee holds the State to account for gaps between policy and practice.<sup>85</sup> We have particular concerns about the strength of the mandate of the statutory DSGBV agency, which is currently in development.<sup>86</sup> The location of the agency under the Department of Justice and the lack of a policy function compromises its ability to independently monitor implementation and critically evaluate the State's performance.<sup>87</sup> The agency's data collection functions are confined to research projects and do not address the ongoing issues with insufficient collection and coordination of DSGBV data across public bodies.<sup>88</sup> Given that the agency is required to lead or assist on

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<sup>84</sup> The Third National Strategy notes that the development of a monitoring and implementation strategy will be the responsibility of the new statutory agency; however, the agency is not expected to be established until 2024, 18 months after the publication of the Strategy. It is not clear whether any monitoring frameworks set up by the agency will include external stakeholders. IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), p. 29.

<sup>85</sup> Ireland has committed to progressing 120 individual actions between Q3 2022 and Q2 2023. However, there is no publicly available information on whether these actions have been achieved. In some cases, we know that the action has not been achieved in the timeline set out. For example, the 'Speak Up: A Call for Change' dedicated website has a planned implementation timeline of Q3 2022; however, this website is not live as of Q3 2023. Department of Justice, [Third National Strategy on Domestic, Sexual and Gender Based Violence 2022-2026: Implementation Plan](#) (2022), p. 18.

<sup>86</sup> IHREC, [Submission on the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill](#) (2023). As noted above, the proposed legislation on establishing the DSGBV agency is due to be published imminently, having been considered by Cabinet on 13 September 2023.

<sup>87</sup> The agency will receive its budget from the Department of Justice Vote. Department of Justice, [General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill 2023](#). GREVIO has advised that 'a set-up in which close institutional ties exist between those who implement measures and bear political responsibility for them on the one hand and those who are supposed to evaluate the efficacy of those measures on the other... might not ensure the necessary objectivity to assess and independently evaluate policies and measures taken'. GREVIO, [Mid-term Horizontal Review of GREVIO baseline evaluation reports](#) (2022), p. 37. We have recommended that the Bill is amended to allow the agency to provide advice or make proposals on policy matters related to DSGBV. IHREC, [Submission on the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill](#) (2023), p. 36.

<sup>88</sup> Head 14(k) of the General Scheme provides that the agency commits to undertaking research projects and ... assist in the development of statistical information appropriate for the planning, delivery and monitoring of programmes and services. While we welcome this data collection function, the provision does appear to limit the function to statistical information relevant to the planning of services for victims. We have called for a much stronger data collection function for the agency. IHREC, [Submission on the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill](#) (2023), pp. 23-27. The Committee requires that states establish a system to regularly collect, analyse and publish statistical data on the number of complaints about all forms of gender-based violence against women, ... the number and type of orders of protection issued, the rates of dismissal and withdrawal of complaints, prosecution and conviction and the amount of time taken for the disposal of cases. CEDAW, [General Recommendation No. 35 on gender-based violence against women](#) (2017), para 34 (b). We note that the Committee recommended that Ireland implement the 'gold standard' so that data on all forms of gender-based violence against women, including domestic violence, are systematically collected and analysed and that they are disaggregated by, inter alia, age, ethnicity and

103 actions in the Third National Strategy,<sup>89</sup> it is essential that it is equipped with sufficient financial resources and has the power to appoint staff with appropriate technical expertise.<sup>90</sup>

The State is dependent on the work of civil society organisations to carry out many of its human rights obligations with regard to violence against women.<sup>91</sup> As noted above, we regret that these organisations are not adequately funded, despite concerns expressed by the Committee in previous reporting cycles.<sup>92</sup> Consultations with civil society highlight the impacts of lower funding, as organisations struggle with recruitment and retention, and are forced to offer low salaries and high workloads.<sup>93</sup>

**The Committee should ask the State to provide updated information on:**

- **the establishment and work of the statutory Domestic, Sexual and Gender-Based Violence agency to address concerns about its independence, mandate, monitoring function and resourcing; and**
- **plans to create a comprehensive statistical database containing robust data on Domestic, Sexual and Gender-Based Violence, in compliance with the State’s obligations under CEDAW and the Istanbul Convention.**

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relationship with the perpetrator. CEDAW, [Concluding Observations on the combined sixth and seventh periodic reports of Ireland](#) (2017), 27 (a).

<sup>89</sup> Department of Justice, [Third National Strategy on Domestic, Sexual and Gender Based Violence 2022-2026: Implementation Plan](#) (2022).

<sup>90</sup> Commission engagement with the Department of Justice indicates that the agency will largely be staffed through a transfer of personnel from Tusla, with limited scope for external appointments. We are of the view that external recruitment is the most effective means to attract suitably qualified candidates, including candidates from diverse backgrounds and with lived experience of DSGBV.

<sup>91</sup> To provide one example, the Istanbul Convention requires that telephone helplines are set up to provide advice and support to victims and survivors of DSGBV. In Ireland, the two national helplines on domestic violence and sexual violence are respectively run by Women’s Aid and Dublin Rape Crisis Centre, both non-governmental organisations, with funding provided by the State. IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 72-73.

<sup>92</sup> The Committee expressed its concern that ‘non-governmental organizations that provide assistance to victims of gender-based violence against women, including domestic violence, face budgetary cuts’. CEDAW, [Concluding Observations on the combined sixth and seventh periodic reports of Ireland](#) (2017), para 26 (d).

<sup>93</sup> For example, consulted organisations noted difficulties hiring and retaining psychologists to staff therapeutic support services, as salaries offered are significantly lower than those in the public service. Commission engagement with civil society (2023).

There are notable deficits in specialist support services for victims and survivors of DSGBV, as well as in the prosecution of perpetrators.<sup>94</sup> We have raised the inadequacy of refuge accommodation for victims and survivors of DSGBV on a number of occasions, and cautioned that proposed increases will not meet acute need.<sup>95</sup> Legislative protections must also be reviewed and improved on periodically. The recent report on Familicide and Domestic and Family Violence Death Reviews has made wide-ranging recommendations for changes to investigation, adjudication, media-reporting and other procedures which take place following family violence and deaths.<sup>96</sup>

**The Committee should ask the State how it plans to increase accessible accommodation provision and wraparound, community services to meet demand and reflect international standards.<sup>97</sup>**

**The Committee should ask the State about its plans to implement the recommendation of the study on Familicide and Domestic and Family Violence to establish a domestic and family violence death review process in Ireland.**

**The Committee should ask the State whether it intends to review the Domestic Violence Act 2018.**

Forms of DSGBV which disproportionately affect migrant and ethnic minority women are notably absent from policy responses to DSGBV. Despite anecdotal evidence of early and forced marriages taking place within migrant and ethnic minority communities, a lack of

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<sup>94</sup> In relation to therapeutic support services, Female Genital Mutilation support services, support for victims and survivors of sexual violence, helplines and court accompaniment supports, see IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 66-73, 100-101.

<sup>95</sup> The Third National Strategy pledges to provide 282 refuge spaces by the conclusion of the Strategy. Department of Justice, [Government publishes Zero Tolerance strategy to tackle domestic, sexual and gender-based violence](#) (2022). The Council of Europe has set the standard at one place per 7,500 of the population and one family place per 10,000 of the population; Council of Europe, [Combating violence against women: minimum standards for support services](#) (2008), p. 18. As of figures available in July 2023, Ireland's population is 5.05 million, necessitating 673 individual units and 505 family units. See IHREC, [Submission on the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill](#) (2023); IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 66-73, 100-101; IHREC, [Ireland and the Rights of the Child](#) (2022), p. 38.

<sup>96</sup> Department of Justice, [A Study on Familicide & Domestic and Family Violence Death Reviews](#) (2023).

<sup>97</sup> We have called for new units to be designed as independent units and Safe Homes, using universal design principles. IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 68-69.

official prevalence data makes this a hidden issue in Ireland.<sup>98</sup> In relation to Female Genital Mutilation ('FGM'), we have expressed our concerns about access to FGM care for women living outside of Dublin, as well as under-use of the Criminal Justice (Female Genital Mutilation) Act 2012.<sup>99</sup> Overall, there is a need to integrate the particular needs of structurally vulnerable groups, including victims of human trafficking,<sup>100</sup> into DSGBV policy and practice.<sup>101</sup>

**The Committee should ask the State about:**

- **wraparound services and supports available to prevent, identify and respond to early and forced marriages and Female Genital Mutilation; and**
- **the level and content of training provided to frontline workers across the Health Service Executive, Tusla, An Garda Síochána and other public bodies to increase awareness and understanding of DSGBV, including early and forced marriages and Female Genital Mutilation.**

## Women, peace and security

The recently published and powerful Report of the Independent Review Group on Dignity and Equality Issues in the Defence Forces has unveiled serious issues with violence and harassment of women in the Defence Forces, echoing the lived experience of members of the Women of Honour advocacy group.<sup>102</sup> The report identifies a culture of discrimination

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<sup>98</sup> AkiDWA, [Early & Forced Marriages in Ireland](#) (2023), p. 15.

<sup>99</sup> The specialised and free treatment service for FGM is located in Dublin. Although FGM has been prohibited through specific criminal legislation since 2012, only one conviction has taken place to date. IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 71, 82.

<sup>100</sup> See section on Trafficking and Exploitation below.

<sup>101</sup> For more information on structurally vulnerable groups impacted by DSGBV, see IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 25-27 (and throughout).

<sup>102</sup> The report identifies a number of patterns of unacceptable behaviour in the Defence Forces, including: sexualised language; sexual gesticulating; indecent exposure; spiking alcoholic and non-alcoholic drinks with drugs; grooming; physical assault; sexual assault; and rape. Department of Defence, [Report of the Independent Review Group on Dignity and Equality issues in the Defence Forces](#) (2023). As part of the work of the Independent Review Group, a benchmarking survey was sent to serving members of the Defence Forces between June-July 2022, which received 527 responses. 25% of respondents to the survey reported experiences of sexual harassment. 88% of those who reported experiencing sexual harassment were female. Department of Defence, [Independent Review Group: Final Report to the Minister for Defence – Appendices](#) (2023).



towards women, as well as a profoundly deficient system for the investigation of complaints.<sup>103</sup> The State has agreed to progress the report's recommendations, including through statutory inquiry,<sup>104</sup> establishment of an external oversight body and passage of the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023.<sup>105</sup>

**The Committee should ask the State to provide detailed information on plans to address the recommendations of the Independent Review Group on Dignity and Equality Issues in the Defence Forces, including initial steps taken to ensure an effective, human rights and equality-based inquiry; involvement of rights holders and their representative organisations; progress achieved to date including any interim measures; projected timelines for completion; and inter-agency division of responsibilities.**

## Historical abuses

As noted by the Committee in previous reporting cycles,<sup>106</sup> the State has repeatedly failed to ensure rights-based, independent, survivor-centred, thorough and effective investigations, into allegations of past human rights violations against women and girls. Such historical abuses include the Magdalene Laundries,<sup>107</sup> mother and baby homes,<sup>108</sup>

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<sup>103</sup> 76% of survey respondents who experienced unwanted physical contact or sexual assault did not report the incident(s). The main reason for not reporting was that the respondent did not think there was any point. Of those who reported instances of unwanted physical contact or sexual assault, no respondent (0%) felt satisfied with the outcome.

<sup>104</sup> It is planned for the inquiry to take the form of a Tribunal of Inquiry under the *Tribunals of Inquiry (Evidence) Acts 1921-2011*.

<sup>105</sup> Department of Defence, [Written Answers](#) (13 July 2023).

<sup>106</sup> CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#) (2017), paras 14–15.

<sup>107</sup> The Inter-Departmental Committee established to determine the facts of the State's involvement with the Magdalene Laundries was confined to fact-finding only, and did not have the remit to seek, investigate or make determinations. The evidence was primarily gathered through voluntary contributions. IHREC, [Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the follow-up procedure to Ireland's combined sixth and seventh periodic report](#) (2020), p. 2.

<sup>108</sup> Myriad human rights and equality concerns have been raised by IHREC and civil society over the Commission of Investigations' Final Report on Mother and Baby Homes, including issues on the accuracy of the findings and presentation of testimonies. For example, the report finds no evidence of discrimination, which has since been criticised by the representative group, Association of Mixed Race Irish. We appeared as amicus curiae in cases where the State acknowledged that the rights of two survivors were breached as they were identifiable in the Final Report. IHREC, [Advisory Paper to the Interdepartmental Group on the Government's Planned Development of a 'Restorative Recognition Scheme for former residents of Mother and Baby Homes and County Homes'](#) (2021); IHREC, [Amicus Curiae submissions made by the Irish Human Rights and Equality Commission to the High Court in the separate cases of: Philomena Lee v The Minister for Children, Equality, Disability, Integration and Youth, the Government of Ireland, Ireland and the Attorney General; and Mary](#)

child abuse in schools,<sup>109</sup> foster care and other settings,<sup>110</sup> and the practice of symphysiotomy.<sup>111</sup> We have highlighted the importance of incorporating human rights and equality considerations into the terms of reference of Commissions of Investigation, but this recommendation has not been progressed.<sup>112</sup> The State's response to historical human rights abuses can have a significant impact on the traumatising and re-traumatising of victims and survivors,<sup>113</sup> as well as the identification, prosecution and conviction of

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[Harney v The Minister for Children, Equality, Disability, Integration and Youth, the Government of Ireland, Ireland and the Attorney General](#) (2021).

<sup>109</sup> Following the decision of the European Court of Human Rights in *O'Keefe*, Ireland has been required to submit action plans to the Committee of Ministers on a periodic basis, outlining the individual and general measures adopted to implement the judgment of the Court. We have made submissions to the Committee of Ministers noting serious shortcomings in the State's implementation of this judgment, which has negatively impacted access to justice for victims and survivors of historical child abuse. We have also called for the Council of Europe to transfer this case to an 'enhanced supervision' process. IHREC, [Grave Concerns on State's Resolve to Redress Aging Victims of Historic Schools Abuses](#) (2021).

<sup>110</sup> IHREC, [Ireland and the Rights of the Child](#) (2022), p. 42.

<sup>111</sup> The UN Special Rapporteur on Violence Against Women has noted that symphysiotomy is a human rights violation and form of violence against women which could amount to torture. To date there has been no independent, effective inquiry into this practice. UN Secretary General, [Report of the Special Rapporteur on violence against women, its causes and consequences on a human rights-based approach to mistreatment and violence against women in reproductive health services with a focus on childbirth and obstetric violence](#) (2019), para 20; Survivors of Symphysiotomy, [Submission to the Council of Europe Istanbul Convention on Violence Against Women](#) (2022). See also CAT, [Concluding observations on the second periodic report of Ireland](#) (2017), paras 23–30; CERD, [Concluding observations on the combined fifth to ninth reports of Ireland](#) (2019), paras 17–18.

<sup>112</sup> The exclusion of human rights and equality principles from the terms of reference of the Commission of Investigation into Mother and Baby Homes meant that it was not mandated to examine what occurred in these institutions as potential violations of human rights. In 2014, we recommended that the 'investigation should take place within a human rights and equality framework' and, in particular, that it 'fully conforms with the State's human rights obligations under the Constitution and under international human rights law'. IHREC (Designate), [Proposed Commission of Investigation to Inquire into Mother and Baby Homes: Submission on behalf of the Irish Human Rights and Equality Commission \(Designate\)](#) (2014), p. 2. The Commission of Investigation itself noted that the Government 'did not opt for that approach in its mandate to the Commission'. Department of Children, Equality, Disability, Integration and Youth, [Final Report of the Commission of Investigation into Mother and Baby Homes](#) (2021), Chapter 36 para. 36.2.

<sup>113</sup> In respect of violence against women in Magdalene Laundries and mother and baby homes, State apologies have largely focused on the stigma suffered by victims and survivors. Department of An Taoiseach, [Statement of An Taoiseach: Report of Commission of Investigation into Mother and Baby Homes and certain related matters](#) (2021); Department of An Taoiseach, [Taoiseach Enda Kenny's Statement on Magdalene Report](#) (2013). In our engagement with victims and survivors, we have been made aware of the traumatising effect of the failure of the State to acknowledge the harm caused by separating children from their mothers. The State has never apologised to victims and survivors of symphysiotomy.

perpetrators.<sup>114</sup> While we note plans to introduce a Special Advocate for Survivors of Institutional Abuse, there is limited information available about the scope of this role.<sup>115</sup>

The implementation of redress schemes has been marked by inadequacies and limitations, creating barriers for women seeking equal access to effective redress.<sup>116</sup> Most recently, the Mother and Baby Institutions Payment Scheme Act 2023 has been designed to minimise financial liability and significantly narrow the eligibility for compensation,<sup>117</sup> including by excluding those who stayed in an institution for less than six months from eligibility for free health services.<sup>118</sup> This reflects a broader governmental approach, which makes successive

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<sup>114</sup> There have been no recent criminal prosecutions related to Magdalene Laundries or symphysiotomy. James Gallen, 'Transitional justice and Ireland's legacy of historical abuse' (2020) 55 *Éire-Ireland* 35, p. 60. In April 2021, An Garda Síochána launched an appeal to anyone wishing to report a crime relating to a stay at a Mother and Baby Home. In the last progress update in December 2022, 70 of the 89 complaints made were closed. An Garda Síochána has reported that in certain cases, 'suspects and/or witnesses are deceased; witnesses do not have sufficient recall to enable Gardaí to obtain detailed accounts of knowledge; and certain avenues of investigation are no longer available as the offence complained of no longer exists in statute or is statute-barred'. An Garda Síochána, [Monthly Report to the Policing Authority: December 2022](#) (2022), p. 2; An Garda Síochána, [Monthly Report to the Policing Authority: August 2021](#) (2021) pp. 18-19.

<sup>115</sup> Department of Children, Equality, Disability, Integration and Youth, [Government approves proposals for new role of Special Advocate for Survivors of Institutional Abuse and publishes Collaborative Forum report](#) (November 2022). The role of the Special Advocate will be to manage and facilitate consultation with survivors of Industrial Schools, Magdalen Laundries, Mother and Baby or County Home Institutions, Reformatory Schools and related institutions. Department of Children, Equality, Disability, Integration and Youth, [Action Plan for Survivors and Former Residents of Mother and Baby and County Home Institutions: Quarterly Update No. 1 of 2023](#) (2023), p. 5.

<sup>116</sup> The State has established a range of redress schemes to address historical abuse including the Residential Institutions Redress Scheme, the Magdalene Restorative Justice Scheme, the O'Keeffe Scheme and the Mother and Baby Institutions Payment Scheme. Shortcomings identified in the operation of these redress schemes include an adversarial approach to the provision of redress; an unduly restrictive and narrow approach to the category of 'victim'; a short timeframe to apply to the scheme; overly burdensome standards of proof; low levels of award in comparison to violations suffered; difficulties accessing personal records held in archives; over reliance on the records of religious congregations in making assessments for eligibility; ambiguity about the weight being afforded to the testimony of individuals and/or their relatives; the ex gratia nature of the scheme meaning there is no acknowledgement of the violation of rights; and a requirement to sign a waiver against further legal recourse against state and non-state actors through the judicial process. IHREC, [Submission to the UN Committee against Torture on the List of Issues for the Third Examination of Ireland](#) (2020), pp. 26, 29–30. See also IHREC, [New Redress Scheme for Victims of Historic Schools Abuses Continues to Fail Victims](#) (2021).

<sup>117</sup> Our primary areas of concern involved the recognition of harm; eligibility; access to legal representation; the institutions included within the Payment Scheme; the duration of the scheme; and the ex gratia payment. See IHREC, [Submission on the General Scheme of a Mother and Baby Institutions Payment Scheme Bill](#) (2022). Further, victims and survivors are required to sign a waiver of any right of action before accepting an award. This was a particular concern of the Human Rights Committee during its 2022 review of Ireland. Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2022), paras 11-12.

<sup>118</sup> All persons must also have been resident for 180 days (6 months) in a relevant institution to be eligible for the provision of health services without charge or if not ordinarily resident in the State, be entitled to a health support payment. It is estimated that approximately 19,500 mothers spent time in a Mother and Baby or County Home Institution, with just under 15,000 of these mothers spending less than six months there. In the case of people who spent time as institutions as children, it was estimated that of the approximately 38,500

schemes progressively more limited,<sup>119</sup> and less effective in vindicating the rights of women. The O’Keeffe ex gratia Scheme for survivors of abuse in schools is now closed, despite the State only spending a third of the costs allocated and the rejection of 48 applications out of 193 (with 20 applications remaining outstanding).<sup>120</sup> The closure of the Scheme is of particular concern given the low number of overall applications, restrictive conditions to access the Scheme, and the outstanding cases continuing to emerge.

**The Committee should ask the State about its ongoing violations of women’s rights through its response to historical abuses, including how it plans to address:**

- **the lack of timely, independent, transparent, thorough, intersectional, and effective survivor-centred investigations; and**
- **limitations of existing redress schemes which prevent victims and survivors from accessing an effective remedy based on the right to truth, justice, reparation, non-recurrence and memory processes and in line with human rights principles.**

**The Committee should ask the State about plans to review and amend the Commissions of Investigation Act 2004 and the Tribunals of Inquiry (Evidence) Acts 1921-2011 to embed human rights and equality considerations in this legislation.**

**The Committee should ask the State what proportion of allocated budgets for Magdalene Laundries, Mother and Baby Homes, and O’Keeffe payment schemes have been spent, the number of unsuccessful applicants to the payment schemes, and the reasons for the refusal.**

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people concerned, 24,000 spent less than six months in an institution. See IHREC, [Submission on the General Scheme of a Mother and Baby Institutions Payment Scheme Bill](#) (2022); Minister for Children, Equality, Disability, Integration and Youth, [Written Answers](#) (25 October 2022).

<sup>119</sup> Winter’s analysis of three statutory redress schemes notes that designers of more recent schemes were instructed to avoid budgetary overruns such as those encountered by the Residential Institutions Redress Board, for example by placing a cap on funding. Stephen Winter, [Monetary Redress for Abuse in State Care](#) (2022), pp. 45-116.

<sup>120</sup> The Scheme closed on 20 July 2023. €31 million was set aside to cover the costs of the revised Scheme – to date €10,552,413 has been spent of which €10,164,000 has been paid out to the applicants as *ex gratia* payments and €348,143 to cover legal costs. Of the 32 decisions appealed, only 2 were approved. See, O’Keeffe v. Ireland, [Application no 35810/09, Information submitted by the Government of Ireland on 27 July 2023](#).

**The Committee should ask the State to provide a breakdown of the financial contributions of religious institutions to redress schemes and how this compares to the quantum and timing of financial contributions agreed.<sup>121</sup>**

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<sup>121</sup> In May 2023, the Department of Children, Equality, Disability, Integration and Youth hired a negotiator to engage with religious institutions with a view to securing a financial contribution towards the cost of the Mother and Baby Institutions Payment Scheme. Department of Children, Equality, Disability, Integration and Youth, [Appointment of Director of Authorised Intervention, Tuam](#) (2023).

# Trafficking in women and exploitation of prostitution

## Safe accommodation

Victims of trafficking are still accommodated in international protection hostels (Direct Provision). We have continuously raised the lack of safe and appropriate accommodation for female victims of trafficking as a serious human rights issue and a chronic deficiency in the anti-trafficking response. This is especially concerning for women in Direct Provision where they have reported being subjected to violence and harassment from managers, staff and other residents.<sup>122</sup>

In 2023, the State opened the first pilot shelter for victims of trafficking. The shelter is extremely limited in both capacity and the criteria that women must fulfil in order to access the accommodation. There are only eight beds available in the facility - far below the level of need. In 2022, An Garda Síochána formally identified 42 victims of trafficking. Of these, 27 were female victims (including three girls). The most prevalent form of trafficking remains trafficking for sexual exploitation (57% of all cases), with female victims exceeding 96% of all such cases.<sup>123</sup> Moreover, the eight-bed facility does not accommodate women with children. 88% of the victims in the international protection accommodation service are women, of which a quarter are mothers with children.

**The Committee should ask the State to provide information on the measures it has taken to address:**

- **the chronic lack of safe and appropriate accommodation for female victims of trafficking; and**
- **access to emergency domestic violence shelters for victims of trafficking.**

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<sup>122</sup> IHREC consultation, 2023.

<sup>123</sup> It is estimated that the numbers of those identified is underestimated by around 39%, meaning that the true number should be closer to around 60 victims. IHREC, [Trafficking in Human Beings in Ireland: Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2023).

## Investigations, prosecutions and redress

Despite the procedural obligation under CEDAW to investigate, prosecute and punish acts of trafficking,<sup>124</sup> the number of prosecutions for human trafficking remains exceedingly low,<sup>125</sup> with only two successful prosecutions in 2021.<sup>126</sup> The reliance on victims' testimony in both investigations and in securing prosecutions is an enduring and complex area that needs to be continuously improved. Assistance and support measures for victims should not be conditional on their willingness to cooperate in the criminal justice process.<sup>127</sup> Undoubtedly, there is a nexus between inadequate victim services and successful prosecutions. The supports victims receive must meet their specific needs, usually over an extended period as investigations often take years to complete.<sup>128</sup> We further note the positive obligation under CEDAW to identify victims of trafficking, irrespective of the lack of self-identification,<sup>129</sup> and remain concerned by the sharp contrast between EU and Irish figures on the identification of child victims of trafficking in recent years.<sup>130</sup>

Compensation also remains an important area of concern for us. To date, no victim of trafficking has received any form of compensation. That being said, we have welcomed the inclusion of the project 'Compensating Victims of Crime' in the Law Reform Commission's

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<sup>124</sup> CEDAW, [General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#), CEDAW/C/GC/38 (2020), para. 17.

<sup>125</sup> GRETA (2022) [Evaluation Report Ireland. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings](#), p. 4.

<sup>126</sup> US State Department (2023) [Trafficking in Persons Report](#).

<sup>127</sup> US State Department (2023) [Trafficking in Persons Report](#), p. 79.

<sup>128</sup> Note, we have recommended that the Department of Social Protection explicitly exempt all victims of human trafficking from the Habitual Residence condition to access statutory assistance: IHREC, [Trafficking in Human Beings in Ireland: Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2023).

<sup>129</sup> CEDAW, [General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#), CEDAW/C/GC/38 (2020), para. 38.

<sup>130</sup> The latest EU data on child trafficking shows that in 2019-2020, child victims represented 23% of all registered victims in the EU, with 75% of them being girls. In Ireland, nine children were identified (seven girls and two boys) of a total of 81 victims (11%), demonstrating the striking contrast between the EU and Irish average. See European Commission (2022) [Commission Staff Working Document Statistics and Trends in Trafficking in Human Beings in the European Union in 2019-2020 Accompanying the Document Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Report on the Progress made in the Fight Against Trafficking in Human Beings](#) (Fourth Report) SWD/2022/429 final, p. 6; IHREC, [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2023), p. 147.

Fifth Programme of Law Reform, as it is an opportunity to effect profound reform for trafficking victims.

**The Committee should ask the State to provide information on:**

- **the specific measures it is taking to improve the investigation and successful prosecution of trafficking crimes;**
- **plans to ensure that victims of trafficking receive adequate compensation.**

## Protections within the criminal justice system

Victims of trafficking for the purposes of sexual exploitation are not afforded the same protections in criminal trials as victims of rape and other sexual offences. In 2022, we called for an expansion of separate legal representation<sup>131</sup> to victims of trafficking for sexual exploitation offences.<sup>132</sup> These victims must be afforded the same protections as victims of rape and other sexual assault offences in criminal trials.<sup>133</sup>

Sexual exploitation crimes go beyond trafficking for sexual exploitation and include a number of other offences that centre on organised prostitution.<sup>134</sup> In investigations for these offences, the witnesses (victims) are left with little to no support and protection. Failing to recognise the full ambit of offences that are, by their nature, sexual exploitation offences fails to protect and support the victim-witnesses, further compounding their vulnerability and harm.

Protections must include, at a minimum:

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<sup>131</sup> Section 4A of the *Criminal Law (Rape) Act 1981* (in circumstances where an application is made to question a victim about other sexual experiences).

<sup>132</sup> Section 4 of the *Criminal Law (Human Trafficking) Act 2008*; IHREC, [Submission on Part 3 of the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022 Irish Human Rights and Equality Commission](#), October 2022

<sup>133</sup> As discussed further below, the Third National Strategy on Domestic Sexual and Gender-based Violence 2022-2026 identifies Trafficking in Human Beings as a form of gender-based violence, in line with Directive 2012/29/EU.

<sup>134</sup> A number of offences under the *Criminal Law (Sexual Offences) Act 1993* must be recognised as coming within the ambit of sexual exploitation offences, specifically: section 7 – Soliciting or importuning for purposes of prostitution; section 7A - making payment for sexual activity with a prostitute; section 8 – loitering for the purposes of prostitution; section 9 - organising prostitution; section 11 - brothel keeping; section 10 - living off the earnings of the prostitution of another.



- access to legal advice, and - where an application is made to question them on their previous sexual experience – legal representation;<sup>135</sup>
- exclusion of the public from trials, and
- anonymity.

**The Committee should ask the State to provide information about:**

- **why the right to separate legal representation under section 4A Criminal Law (Rape) Act 1981 has not been extended to victims of trafficking for sexual exploitation;**
- **why separate legal representation, anonymity, and the exclusion of the public from trials has not been extended to trials for sexual exploitation offences related to organised prostitution;**
- **the provision made for the granting of early, free legal aid to victim-witnesses of sexual offences, including sexual exploitation offences.**

## Expungement of criminal records

We acknowledge, and welcome, the State’s innovative approach to decriminalisation of the ‘sale of sex’ in the 2017 Act. In 2021, the Minister for Justice announced plans for legislation to retrospectively expunge over 600 convictions obtained for ‘sale of sex’ under the preceding 1993 legislation. In her statement,<sup>136</sup> the Minister linked the measures explicitly with the plans to end the unnecessary criminalisation of potential victims of trafficking.<sup>137</sup>

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<sup>135</sup> All consequential amendments would be required in order to ensure that the complainant is entitled to legal aid if the application to question him or her under section 3 of the *Criminal Law (Rape) Act 1981*.

<sup>136</sup> Department of Justice Press Release (2021) available at <http://www.justice.ie/en/JELR/Pages/PR21000101>

<sup>137</sup> “Given what we know about the levels of exploitation and human trafficking in the sex trade, it is very likely that many of those convicted in the past fall into the exploited category for a number of reasons, including because they were victims of trafficking. These vulnerable victims should also benefit from the legislative change regarding the sale of sex and be able to move forward and rebuild their lives”. Department of Justice (2021) [Minister McEntee announces initiative to expunge previous convictions for ‘sale of sex’](#) [press release] 25 April

**The Committee should ask the State to provide information on the actions taken to expunge the 600 convictions for ‘sale of sex’ offences.**

## New and emerging forms of trafficking and exploitation of women

According to the European Commission, cases of illegal adoption, forced and sham marriages, illegal surrogacy and forced pregnancy have been detected,<sup>138</sup> and it is recognised that these exploitations mainly affect vulnerable migrant women as well as ethnic minorities such as Roma.<sup>139</sup> Such victims are often additionally trafficked for sexual exploitation, labour exploitation or forced begging.<sup>140</sup>

**The Committee should ask the State to provide an account of the measures taken to prevent, address and combat these new and emerging forms of exploitation that target women and girls.**

## Defining human trafficking as a form of gender-based violence

We welcome the defining of human trafficking as a form of GBV in the Third National Strategy on Domestic, Sexual and Gender Based Violence (2022-2026),<sup>141</sup> thereby facilitating alignment across relevant national strategies.

**The Committee should ask the State to provide information on how the new Domestic, Sexual and Gender Based Violence Agency will respond to victims of trafficking.**

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<sup>138</sup> Some countries in the EU report cases of trafficking for the purposes of illegal surrogacy and forced pregnancy, where ‘women are recruited to give away their new-borns upon the promise of compensation or to participate in illegal surrogacy programmes’. EUROJUST (2020) [Report on National Legislation and Eurojust Casework Analysis on Sham Marriages](#), p. 25; European Commission (2022) [Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Report on the Progress made in the Fight against Trafficking in Human Beings \(Fourth Progress Report\)](#), pp. 5-6

<sup>139</sup> EUROJUST raises concern that women coming from Roma communities in EU Member States are particularly vulnerable to being trafficked and exploited for sham marriages in order to facilitate movement of third-country nationals in the EU. EUROJUST (2020) [Report on National Legislation and Eurojust Casework Analysis on Sham Marriages](#), p. 25

<sup>140</sup> Ibid, p. 6

<sup>141</sup> Government of Ireland, [Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026](#) (2022), p. 12.

## Participation in political, public and cultural life

### Women's participation in politics

In the six years since the Committee's last review of Ireland,<sup>142</sup> there has been negligible change in the area of women's political participation, with representation in Ireland's lower house of Parliament, Dáil Éireann, increasing only marginally between 2016 and 2023.<sup>143</sup> Ireland performs poorly in this area, both by European<sup>144</sup> and global standards.<sup>145</sup> We welcome the recent increase in gender quotas for political parties from 30% to 40% and look forward to the impact of this measure in future general elections.<sup>146</sup> However, we note that gender quotas are not in place for local elections, despite repeated calls from UN Treaty Bodies,<sup>147</sup> civil society,<sup>148</sup> and the Citizens' Assembly on Gender Equality.<sup>149</sup> Only one in four members of local authorities are women, lower than the EU average.<sup>150</sup>

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<sup>142</sup> We note that the Committee is currently drafting a general recommendation on equal and inclusive representation of women in decision-making. CEDAW, [Draft general recommendation No 40. on the equal and inclusive representation of women in decision-making systems](#) (2023).

<sup>143</sup> While the number of women elected rose from 16% to 22% between 2011 and 2016, the same figure rose only by 0.5% between 2016 and 2020. National Women's Council, [40% Gender Quotas Pave the Way for Full Representation of Women](#) (2023). As of April 2023, women currently make up 23.1% of Dáil Éireann and 38.3% of Seanad Éireann (Ireland's upper house of parliament). Women for Election, [Data Hub](#) (2023).

<sup>144</sup> In 2022, Ireland ranked 21<sup>st</sup> out of 27 EU member states for women's political participation. Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (2022), p. 108.

<sup>145</sup> As of 1 January 2023, Ireland ranked 100 out of 186 countries on women in parliament. Inter-parliamentary Union & UN Women, [Women in Politics 2023](#) (2023).

<sup>146</sup> The *Electoral (Amendment) (Political Funding) Act 2012* provides that funding restrictions will apply if 30% of a political party's candidates are not women. Seven years after the first implementation of the 30% quota, this figure rose to 40%. *Electoral (Amendment) (Political Funding) Act 2012*, s. 42.

<sup>147</sup> CEDAW, [Concluding Observations on the combined sixth and seventh periodic reports of Ireland](#) (2017), paras 22-23. The Human Rights Committee also expressed concern at the low levels of women's political representation at the local level. HRC, [Concluding Observations on the fifth periodic report of Ireland](#) (2023), paras 21-22.

<sup>148</sup> See for example, Cork City Council Women's Caucus, [Women's Voices in the Council Chamber](#) (2022); P. Cullen and S. Gough, [Different Paths, Shared Experiences: Ethnic Minority Women and Local Politics in Ireland](#) (2022), p. 18.

<sup>149</sup> The Citizens' Assembly recommended the extension of gender quotas to local, Seanad and European elections by 2022. Citizens' Assembly, [Report of the Citizens' Assembly on Gender Equality](#) (2021), p. 69. In our submission to the Citizens' Assembly, we noted the value of local government experience for women's political careers. IHREC, [Submission to the Citizens' Assembly on Gender Equality](#) (2020), p. 15.

<sup>150</sup> In sixteen rurally based councils, there are fewer than five women councillors, and Ireland has never had a Traveller or Roma woman represented in local Government: National Women's Council, [Her Rural Future: Key Demands for Women in Rural Ireland](#) (2023).

The State must address other structural barriers preventing women from running for public office,<sup>151</sup> including childcare,<sup>152</sup> cash,<sup>153</sup> confidence,<sup>154</sup> culture,<sup>155</sup> and candidate selection procedures.<sup>156</sup> We are particularly concerned with the high prevalence of violence and harassment of women in politics,<sup>157</sup> a phenomenon exacerbated by the growth of social media platforms and poor regulation.<sup>158</sup> Policy approaches to gender equality in political decision-making should recognise the varied experiences of different cohorts of women and adopt an intersectional response.<sup>159</sup> We note the research, advisory and education roles of the newly established Electoral Commission with regard to electoral policy and procedure, and public participation in the electoral and democratic processes of the State.<sup>160</sup>

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<sup>151</sup> The 'Five Cs' were identified by a Joint Oireachtas Committee in 2009. Joint Committee on Justice, Equality, Defence and Women's Rights. [Women's Participation in Politics](#) (2009), p. 11. Women For Election is currently conducting a review of these barriers, while also considering new barriers faced by women. Women for Election, [Review of the 5 'C's report](#) (2023).

<sup>152</sup> We welcome the [Local Government \(Maternity Protection and Other Measures for Members of Local Authorities\) Act 2022](#) which provides for female councillors to take maternity leave as of right. Maternity leave is still not available for TDs and Senators, meaning that women must adopt informal voting arrangements to facilitate maternity leave. The Department of Children, Equality, Disability, Integration and Youth has stated that work has begun on examining the legal, operational and constitutional issues relating to the introduction of a maternity leave scheme. Department of Children, Equality, Disability, Integration and Youth, [Written Answers](#) (2023).

<sup>153</sup> In research undertaken with women who had experience running for election, 45% of respondents identified personal finances as an issues when running for political office. L. Keenan and F. Buckley, [Exploring political ambition in the Republic of Ireland: a survey of politically interested women](#) (2023), p. 20.

<sup>154</sup> Women for Election, [More Women – Changing the Face of Politics](#) (2021), pp. 28-29.

<sup>155</sup> Research undertaken by Cork City Council Women's Caucus has noted that insider group dynamics among male councillors can result in women feeling that their contributions are not taken seriously. Cork City Council Women's Caucus, [Women's Voices in the Council Chamber](#) (2022).

<sup>156</sup> Even following the introduction of gender quotas, women continue to share experiences where they were not sufficiently supported by their party during selection procedures, and have noted that selection procedures lack transparency. Women for Election, [More Women – Changing the Face of Politics](#) (2021), p. 8.

<sup>157</sup> In a study undertaken by the University of Galway, 96% of respondents received social media or email messages that used threatening language, while three quarters say they have been threatened with physical violence via online or social media. University of Galway, [Online Abuse and Threats of Violence Against Female Politicians on the Rise](#) (2020). Joint Committee on Children, Equality, Disability, Integration and Youth, [Challenges Facing Women Accessing Education, Leadership and Political Roles: Discussion](#) (2023).

<sup>158</sup> National Women's Council, [Toolkit on Social Media Policies for Political Parties](#) (2022).

<sup>159</sup> For example, Traveller women have noted deterring effect of anti-Traveller racism on Traveller women running for political office, while migrant women raise concerns about potential alienation from their community as a result of candidacy. P. Cullen and S. Gough, [Different Paths, Shared Experiences: Ethnic Minority Women and Local Politics in Ireland](#) (2022), pp. 9-11. Disabled women are impacted by the additional costs of running for election due to impairment related barriers. Independent Living Movement Ireland, [Enabling participation: supporting the involvement of disabled people in political parties](#) (2022), p. 4. See also Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (2022), p. 110.

<sup>160</sup> Sections 30 and 66-67 of the *Electoral Reform Act 2022*. For IHREC's submissions on the role of the Electoral Commission, see IHREC, [Recommendations on the Establishment of an Electoral Commission](#) (2019) and IHREC, [Submission to the Committee on Housing, Local Government and Heritage on the General Scheme of](#)

**The Committee should ask the State to provide information on:**

- **extending gender quotas to local elections;**
- **introducing maternity leave for TDs and Senators, including constitutional barriers to be addressed; and**
- **additional actions and monitoring measures, including by the Electoral Commission, to rapidly and substantially increase women’s participation in politics to reflect the diversity of Irish society.**

## Women’s participation in public and private leadership

Despite repeated recommendations,<sup>161</sup> findings by the European Committee of Social Rights,<sup>162</sup> and political momentum at the European level,<sup>163</sup> the State has yet to bring forward legislative proposals for introducing mandatory 40% gender quotas on corporate boards. Irish publicly-listed companies continue to have an average female representation of 32% at board level.<sup>164</sup> Lower levels of female representation on boards of Small and Medium Enterprises is particularly concerning, as this experience is a crucial pathway for future career development.<sup>165</sup> Similarly, women’s representation in key leadership roles,

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[the Electoral Reform Bill](#) (2021). The Joint Committee on Gender Equality has recommended that the Electoral Commission conduct research on mechanisms and incentives for improving gender balance and diversity in politics. It has also called on the Electoral Commission to audit gender and diversity policies and practices in political parties. Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (2022), pp. 19, 110.

<sup>161</sup> See Houses of the Oireachtas, [Unfinished Democracy: Achieving Gender Equality Final Report December 2022](#) (2022), p. 20; Citizens’ Assembly on Gender Equality, [Final Report](#) (2022), p. 69.

<sup>162</sup> In 2019, the Committee found Ireland in violation of Article 20.d of the Revised European Social Charter due to insufficient progress in ensuring a balanced representation of women in decision-making positions within private companies: European Committee of Social Rights, [Decision on the merits: University Women of Europe \(UWE\) v. Ireland](#), Complaint No. 132/2016 (2020).

<sup>163</sup> Under the recent EU ‘Women on Boards’ Directive, to be transposed by Member States by June 2026, relevant companies will be required to have 40% of non-executive directors or 33% of all directors as ‘members of the underrepresented sex’. The Directive also creates an obligation on a company to take positive action for increasing the representation of the ‘underrepresented sex’ on company boards if the target is not met. European Commission, [Gender Equality: The EU is breaking the glass ceiling thanks to new gender balance targets on company boards](#) (2022).

<sup>164</sup> Balance for Better Business, [Press Release March 2023](#) (2023).

<sup>165</sup> In 2023, female representation on ‘Other Listed Companies’ was 23%. Balance for Better Business, [Press Release March 2023](#) (2023). See also, DirectHer Network and Mount Royal University, [Pathways to Board Work for Women and Gender Diverse People: Understanding Experiences and Barriers](#) (2022); Seierstad, C., Tatli, A., Aldossari, M., & Huse, M., [Broadening of the Field of Corporate Boards and Legitimate Capitals: An](#)

including Chairs, Chief Executive Officers and Chief Financial Officers, fall significantly short, with disappointing trends between 2022 and 2023.<sup>166</sup>

**The Committee should ask the State about its plans to integrate this legislation into an overarching policy framework which promotes women’s leadership in the private sector using a variety of measures, noting the State’s obligation to introduce gender quotas on corporate boards by 2026.**

Given the widespread impact of public sector decision-making on human rights and equality, we are concerned by indications that women are significantly less likely to take up senior roles in the civil service than men.<sup>167</sup> We also note the lack of gender equality on State boards,<sup>168</sup> although we welcome initiatives developed to combat this.<sup>169</sup>

**The Committee should ask the State about its plans to undertake research on gender inequality in senior public service positions and on State boards, and to make evidence-based policy commitments to implement findings.**

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Investigation into the Use of Gender Quotas in Corporate Boards in Norway. *Work, Employment and Society* (2020), p. 17.

<sup>166</sup> We note that women in Chair roles has fallen from 8.1% in September 2022 to 2.8% in March 2023, and that there are no women Chairs among the ISEQ20. Only 3 out of 36 CEOs across listed Irish companies are women, having fallen from 11.1% to 8.3% between 2022 and 2023. Balance for Better Business, [Press Release March 2023](#) (2023).

<sup>167</sup> A study of gender balance in the Department of Agriculture has shown that while 82% of Clerical Officers were female in 2018, this drops to 34% of those at Principal Officer level, reflecting broader trends of gender inequality in senior roles the civil service. ESRI, [Gender Balance at Work: A Study of an Irish Civil Service Department](#) (2020), p. 3. Gender pay gap reporting from the Department of An Taoiseach indicates that men occupied more senior roles than women in 2022. Although over 60% of department staff are women, the average hourly rate of pay for male employees was 8.82% higher than the average hourly rate for female employees. Dáil Debates, [Gender Equality](#) (2023). See also, ESRI, [A Study of Gender in Senior Civil Service Positions in Ireland](#) (2017).

<sup>168</sup> Although women made up 46% of State boards in 2021, gender diversity was not evenly spread across boards with only 59% of boards meeting the benchmark of 40% female membership. Only 31.5% of State boards were chaired by a woman in 2021. Department of Public Expenditure, NDP Delivery and Reform, [Gender Balance Diversity on State Boards: the next steps](#) (2022).

<sup>169</sup> The report identified a number of actions for delivery, including improvements to the central database for recording and reporting gender equality data and further research to develop a toolkit of measures to support progress. Department of Public Expenditure, NDP Delivery and Reform, [Gender Balance Diversity on State Boards: the next steps](#) (2022), pp. 18-19.

## Women's participation in sport

As outlined in previous reports to the Committee,<sup>170</sup> we are concerned about women's participation at all levels of sport, including playing,<sup>171</sup> coaching,<sup>172</sup> officiating<sup>173</sup> and leadership.<sup>174</sup> Despite the introduction of gender quotas to national governing bodies in 2024, a number of key sporting bodies continue to fall significantly short of the 40% requirement.<sup>175</sup> The legacy of historical underfunding of women's sports is stark, impacting players from grassroots to elite levels.<sup>176</sup> Additionally, in light of growing demand for coverage from the general public,<sup>177</sup> steps must be taken to improve the quantity and quality of media representation of women's sports.<sup>178</sup>

**The Committee should ask the State if it intends to strengthen existing gender quotas in national governing bodies by placing them on a legislative footing.**

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<sup>170</sup> IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017), pp. 76-77.

<sup>171</sup> The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media has noted that the gender participation gap in sport is 5%, with only 7% of teenage girls meeting the recommended guidelines for physical activity. Dáil Debates, [Investment in Football](#) (2023).

<sup>172</sup> Women in coaching roles have noted a number of barriers to progression, including time constraints, sexism, lack of confidence and lack of National Governing Body and club support. Sports Ireland, [Women in Sport Coaching Research: Where do things stand in Ireland?](#) (2020), p. 7.

<sup>173</sup> In research undertaken with women officials, the majority of respondents reported hardly ever interacting with other women officials during their participation in sport, indicating low levels of female participation. Sport Ireland, [Women in Sport: Officiating Report](#) (2022), p. 15.

<sup>174</sup> Sports Ireland, [Women in Sports Leadership Snapshot](#) (2022).

<sup>175</sup> The Minister for State with responsibility for sport has noted that National Governing Bodies have been informed that they will face significant funding cuts if they do not achieve at least 40% female representation by 2024. Dáil Debates, [Investment in Football](#) (2023). However, 2022 figures indicate that the Football Association of Ireland, Irish Rugby Football Union and Gaelic Athletic Association are continuing to fall short, with female representation at 17%, 13% and 21% respectively. Sports Ireland, [Women in Sports Leadership Snapshot](#) (2022).

<sup>176</sup> For example, a number of players have noted issues with inadequate changing and toilet facilities in sporting grounds. Dáil Debates, [Investment in Football](#) (2023). Similarly, a number of women's teams competing at international levels do so as amateur players, combining commitment to the sport with participation in the labour force. Many of these women are reliant on the goodwill of employers to allow them to compete. Dáil Debates, [Irish Corporate Governance \(Gender Balance\) Bill 2021: Second Stage](#) (2022).

<sup>177</sup> See for example RTÉ, [Record TV viewing figures continue for Republic of Ireland's FIFA Women's World Cup campaign](#) (2023).

<sup>178</sup> Research undertaken in 2021 demonstrates that all broadcasts media outlets analysed devoted less than a third of coverage to women's sports. Sport for Business, [Women's Sport Coverage in Irish Media Analysis](#) (2021). European Commission analysis echoes this research, and finds that women's sports coverage often reinforces negative gender stereotypes. High-Level Group on gender equality in sport, [Towards more gender equality in sport](#) (2022), pp. 28-29.

**The Committee should ask the State about plans to create an Action Plan to improve women’s participation at all levels of sport, including through funding increases; supporting women in leadership roles; enhanced guidelines for media reporting; ensuring equal application of labour rights for male and female professional athletes; and adopting a culture of zero-tolerance of violence and harassment.<sup>179</sup>**

## Care

Women’s participation in all aspects of political, public and cultural life is impacted by care inequality.<sup>180</sup> In Ireland, women shoulder a disproportionate burden of unpaid care work, including significant child and family care responsibilities.<sup>181</sup> We welcome some notable improvements in early childhood education and care (‘ECEC’) in recent years.<sup>182</sup> However, the legacy of disproportionately low spending on ECEC means that there is still much to be done so that the State can deliver on its obligations to women and families. In an analysis of 41 wealthy countries in 2021, Ireland ranked 33<sup>rd</sup> in terms of the affordability of ECEC, with a dual income family having to spend between a third and a half of one salary to pay for two children in childcare.<sup>183</sup> The State must unify all policy efforts around the central goal of transitioning to a public model of childcare by 2030, in line with the Concluding

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<sup>179</sup> High-Level Group on gender equality in sport, [Towards more gender equality in sport](#) (2022).

<sup>180</sup> While initiatives to redistribute care responsibilities are often framed in terms of labour market activation alone, care inequality also impedes equal enjoyment of many other human rights. Disproportionate care responsibilities impact women’s human dignity, and their rights to health, education, culture and social security; constrain women’s leadership across politics and the private sector, and has negative effect on the quality of public and private decision-making. IHREC, [Policy Statement on Care](#) (2023), p. 18. See section of this report on ‘Employment’.

<sup>181</sup> Women in Ireland spend an average of 488 minutes per day working - 195 minutes in paid work and 293 minutes in unpaid work. This compares to men who spend approximately 468 minutes per day working, 341 minutes of paid work and 127 minutes of unpaid work. Foundation for European Progressive Studies, [EU Care Atlas: how care deficits impact the gender earnings gap](#) (2022). See also, Department of Children, Equality, Disability, Integration and Youth, [Statistical Spotlight #6: Gender Norms in Ireland](#) (2021), pp. 56-61; IHREC and ESRI, [Caring and Unpaid Work in Ireland](#) (2019), pp. 33, 45, 51.

<sup>182</sup> There have been a number of positive measures in the field of ECEC in recent years, including expansion of the Early Childhood Care and Education programme and the National Childcare Scheme; EROs to improve conditions for staff in the sector; movement towards a graduate-led workforce; and the annual increases in public spending which have made these developments possible. IHREC, [Policy Statement on Care](#) (2023), p. 49.

<sup>183</sup> UNICEF, [Where do rich countries stand on childcare?](#) (2021), p. 8.



Observations of the UN Committee on the Rights of the Child;<sup>184</sup> Sustainable Development Goal 4;<sup>185</sup> and Recommendation 8 of the Citizens' Assembly on Gender Equality.<sup>186</sup>

**The Committee should ask the State how new and existing policies and targets will be integrated and implemented to build a public model of early childhood education and care by 2030.**

**The Committee should ask the State about budgetary measures that will be taken to enable the State to match EU and OECD spending on early childhood education and care, and reach the UNICEF target of 1% of Gross National Income.**

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<sup>184</sup> The Committee on the Rights of the Child recommended in 2023 that the State 'increase the availability of affordable childcare options for working parents, particularly for those in disadvantaged situations, including by significantly increasing the resources allocated to childcare.' Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), p. 8.

<sup>185</sup> As part of SDG 4, Ireland commits to ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education by 2030. UN Department of Economic and Social Affairs, [SDG Goal 4: Targets and Indicators](#) (2023).

<sup>186</sup> The Citizens' Assembly on Gender Equality recommended in 2021 that Ireland should 'over the next decade move to a publicly funded, accessible and regulated model of quality, affordable early years and out of hours childcare.' Citizens' Assembly, [Report of the Citizens' Assembly on Gender Equality](#) (2021), p. 61.

## Education

Education provides a pivotal pathway towards substantive gender equality, and is intrinsically linked to the life-long empowerment and social development of women and girls.<sup>187</sup> To meet its obligations under CEDAW, the State must adopt a human rights-based approach to education, grounded in the need to promote public understanding of the need to eradicate sexism, racism, ableism and ageism.<sup>188</sup> Such an approach should also apply to community education, which has received disjointed support and resourcing from the State.<sup>189</sup>

### Access to and participation in education

In its Concluding Observations in 2017, the Committee requested that the State provide information in the next periodic report on the impact of the Education (Admissions to Schools) Act 2018, particularly the past-pupil criterion.<sup>190</sup> We continue to be concerned that the application of this criterion acts as a barrier to accessing education, particularly for children of Travellers, children of disabled people, and children whose parents are of migrant origin, and may result in their segregation in specific schools.<sup>191</sup> The Committee on the Rights of the Child recommended the prohibition of this practice through amending legislation in 2023.<sup>192</sup>

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<sup>187</sup> CEDAW, [General recommendation No. 36 \(2017\) on the right of girls and women to education](#) (CEDAW/C/GC/36) (2017), para 1.

<sup>188</sup> CEDAW, [General recommendation No. 36 \(2017\) on the right of girls and women to education](#) (CEDAW/C/GC/36) (2017), para 3. See also, IHREC, [Strategy Statement 2022-2024](#).

<sup>189</sup> Concerns have been raised about the limited resourcing and disjointed funding mechanisms for community education providers, which provide essential education services to women, including lone parents, migrant women, women in prison, women affected by addiction, disabled women and older women. According to 2020 research, 76 organisations were funded by 9 different Government departments, through 51 different funding streams. These organisations support about 15,000 adult learners across Ireland. This means that organisations are providing a huge level of support for lifelong learning and education, while also dealing with a lot of confusion and administrative burden to obtain and maintain their funding. See AONTAS, [AONTAS Calls for a More Sustainable Funding Model for Community Education](#) (2022). See also AONTAS, [Lifelong learning participation in Ireland: a focus on marginalised and vulnerable groups](#) (2023).

<sup>190</sup> CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#), CEDAW/C/IRL/CO/6-7 (2017), para. 39(d).

<sup>191</sup> For further information, see IHREC, [Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports](#) (2022), p. 84.

<sup>192</sup> Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 37.

**The Committee should ask the State about what measures it has taken to assess and address the impact of the Education (Admission to Schools) Act 2018 on structurally vulnerable girls, and its plans to introduce amending legislation to remove the past pupil criterion.**

In 2023, the Committee on the Rights of the Child repeated the Committee's 2017 call for targeted measures to be implemented to improve the educational outcomes of Traveller and Roma children at all levels of education, to address the persistent barriers faced.<sup>193</sup> The proposed National Traveller Education Strategy remains outstanding and is an urgent priority, but the timeline for finalisation remains unclear.<sup>194</sup> While the Department of Education has established a pilot programme to address the gaps in educational outcomes for Traveller and Roma children, we await the completion of the evaluation of these projects and publication of findings.<sup>195</sup> All such measures should address the significant gender-based inequalities in education, the impact of the pandemic on access to education for Travellers and Roma, and the transition to secondary and higher education. Research on access to higher education for Traveller women has highlighted the impact of gender roles and childcare responsibilities and the importance of targeted, family-friendly supports, including financial support.<sup>196</sup>

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<sup>193</sup> CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#), CEDAW/C/IRL/CO/6-7 (2017), para. 38(d) and Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), paras. 36-37.

<sup>194</sup> Department of Education, [Traveller and Roma Education Strategy](#) (2023). This Strategy must be aligned with the forthcoming successor to the *National Traveller and Roma Integration Strategy*. The Commission has been advised that consultation on this Strategy has begun.

<sup>195</sup> A pilot project 'Supporting Traveller and Roma' (STAR) was established in 2019 to target attendance, participation and retention/school completion in four specific Traveller and Roma communities: Tuam, Gorey and Enniscorthy, Dublin North and Cork. Initially a 2-year pilot, the project has been extended to the end of June 2024. The tendering of evaluations of these four pilot education projects, initially due to commence in September 2021, commenced in September 2022. No interim findings are available at the time of writing. Merrion Street, [Minister Foley announces tender process for the independent pilot project, aimed at tackling education disadvantage in Traveller and Roma communities](#) (2022). For further information, see Children's Rights Alliance, [Report Card 2023](#) (2023), p. 98.

<sup>196</sup> Cummins et al. [Pavee Beoir Leaders: Traveller Women in Higher Education](#) (2021), pp. 41, 52-53. For example, the research recommended the following: 'Any course targeting Traveller women should be aware of their family obligation. For instance, classes should be scheduled during school times. Students should also be given enough time to drop-off and collect children.' See also, Joint Committee on Key Issues Affecting the Traveller Community, [Final Report of the Joint Committee on Key Issues Affecting the Traveller Community](#) (2021).

**The Committee should ask the State to provide information on:**

- **what targeted measures it is taking to improve the educational outcomes of Traveller and Roma women and girls at all levels of education and their impacts, including how such measures are being adequately resourced and independently evaluated; and**
- **the timeline for developing and publishing the National Traveller Education Strategy.**

Barriers to accessing and participating in education for migrants, refugees and asylum seekers include inadequate English language supports, school culture,<sup>197</sup> temporary and remote accommodation, and the need for additional psychological supports.<sup>198</sup> Issues relating to racial discrimination, prejudice, and cultural diversity are still not adequately addressed within teacher education programmes and the policies and curriculum in schools.<sup>199</sup> For second-generation ethnic minority young people, barriers to accessing education, particularly higher education, include the need for substantial economic and social capital.<sup>200</sup> Asylum seekers also face exorbitant costs in accessing further and higher education,<sup>201</sup> and while we welcome that the International Protection Student Scheme has

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<sup>197</sup> These included the school environment, subjects and workloads, fairness or otherwise of school rules and language support and recognition. See Shirley Martin, Deirdre Horgan, Jacqui O’Riordan & Reana Maier, [Refugee and migrant children’s views of integration and belonging in school in Ireland – and the role of micro- and meso-level interactions](#), (2023) International Journal of Inclusive Education.

<sup>198</sup> For further discussion, see IHREC, [Submission to the Committee on the Rights of the Child on Ireland’s combined fifth and sixth periodic reports](#) (2022), p. 85. See also, Children’s Rights Alliance, [Initial submission on the reception and integration of Ukrainian children and young people arriving in Ireland](#) (2022), p. 6. The Commission notes the publication of the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science, [Education and Supports Provision for Displaced Ukrainian Students](#) (July 2022) which included recommendations in relation to funding, placements, language assessments, translators and therapeutic supports.

<sup>199</sup> Joint Committee on Education, Further and Higher Education, Research, Innovation and Science, [School Bullying and the Impact on Mental Health: Discussion \(Resumed\)](#) (11 May 2021). While the National Action Plan Against Racism contains an overarching target to address racism within the educational sector, including bias embedded into the system, it fails to expressly provide for anti-racism and inclusive training programmes for teachers: See Target 2.5 in the NAPAR. Government of Ireland, [National Action Plan Against Racism](#) (2023), p. 20. Centre for Human Rights & Citizenship Education, [Experiences of second-generation ethnic minority young people in Ireland](#) (IHREC: 2022), pp. 41, 49. For example, the research highlights a common set of stereotypes about women of colour lacking education, competence or independence.

<sup>200</sup> Centre for Human Rights & Citizenship Education, [Experiences of second-generation ethnic minority young people in Ireland](#) (IHREC: 2022), p. 57.

<sup>201</sup> Asylum seekers are not eligible for the ‘Free Fees scheme’ for third-level education and are required to pay ‘international’ fees. Irish Refugee Council, [Higher Education \(HE\)](#) (2023).

been established on a long-term basis, there have been ongoing issues about public awareness and unsuccessful applications.<sup>202</sup>

These issues are likely to have a significant impact on the education of women and girls, with women and girls accounting for 62% of all temporary protection applicants arriving from Ukraine, for example.<sup>203</sup> Furthermore, migrant women report particular challenges in accessing higher education due to the absence of gender-sensitive supports, such as childcare.<sup>204</sup> Commission-supported research also highlights the lack of representation of women of colour across certain sectors due to stereotypes and biases in place, including within education management, teaching and other staff.<sup>205</sup> However, overall there is an absence of sufficient education-related data, disaggregated by gender, ethnic origin, socio-economic background, and residence status to assess the impact of educational policies on such structurally vulnerable groups.<sup>206</sup>

**The Committee should ask the State to address the policies and programmes in place to ensure equal access to quality and inclusive education at all levels for migrant, asylum seeking and refugee women and girls.**

## Relationship and sexuality education

In 2017, the Committee noted the narrow approach towards the provision of relationship and sexuality education ('RSE') in Ireland, and recommended the integration of compulsory and standardised age-appropriate education on sexual and reproductive health and rights

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<sup>202</sup> The International Protection Student Scheme (for Further and Higher Education Students) 2022-2023 provides financial grants for students who are in the protection system or at the leave to remain (but not deportation order) stage for a combined period of 3 years or more as at the day before the date of commencement of the course who are attending an approved course in an approved institution. See Department of Further and Higher Education, Research, Innovation and Science, [International Protection Student Scheme \(for FE/HE Students\) 2023/2024](#) (2023). Under the previous Student Support Scheme, a total of 40 students were awarded grant support in 2020/2021, and a further 35 students awarded the grant support in 2021/2022. Houses of the Oireachtas, [Third Level Admissions: Dáil Éireann Debate, Tuesday- 1 March 2022](#) (2022).

<sup>203</sup> CSO, [Arrivals from Ukraine in Ireland Series 10](#) (June 2023).

<sup>204</sup> ESRI, [The Integration of Non-EU Migrant Women in Ireland](#) (2022), pp. 19-20.

<sup>205</sup> Centre for Human Rights & Citizenship Education, [Experiences of second-generation ethnic minority young people in Ireland](#) (IHREC: 2022), pp. 41, 49.

<sup>206</sup> Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 37.

into school curricula.<sup>207</sup> Following a recent public consultation,<sup>208</sup> the National Council for Curriculum Assessment published a new Social, Personal and Health Education ('SPHE') curriculum for Junior Cycle, with a strand on RSE. The rollout of this curriculum is being commenced in September 2023.<sup>209</sup> The consultation on the new SPHE curriculum for Senior Cycle is set to close in October 2023.<sup>210</sup> While we welcome reform of the RSE curricula in secondary schools, we note the slow progress in advancing reform at primary level, with the Minister recently indicating that the development of a draft primary specification is not envisaged until early 2025.<sup>211</sup>

These programmes must apply a gendered perspective at all stages of education, to ensure they are inclusive, non-judgemental, and address the cultural context of toxic masculinity, which can influence the behaviour of boys from a young age. In particular, they must challenge attitudes, beliefs and behaviours to prevent sexual exploitation and reduce demand that fosters trafficking.<sup>212</sup> The curricula must be fully accessible to disabled women and girls, including through accommodations in learning, supporting educators to provide all students with equal access, and provision outside of school settings.<sup>213</sup>

**The Committee should ask the State to address the training and supports provided to educators to ensure that the delivery of relationships and sexuality education is grounded in the principles of gender equality, equal access and intersectionality, and the**

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<sup>207</sup> The Committee further recommended that such education for adolescent girls and boys should be comprehensive, cover responsible sexual behaviours and focused on preventing early pregnancies, be scientifically objective, and its delivery should be closely monitored and evaluated by schools. CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#), CEDAW/C/IRL/CO/6-7 (2017), para. 39(c).

<sup>208</sup> See IHREC, [Re: Public consultation on Draft Junior Cycle SPHE Short Course Curriculum Specification](#) (2022).

<sup>209</sup> NCCA, [Updated Junior Cycle SPHE curriculum](#) (2023). The new curriculum includes a 100-hour short course, approximately one hour per week for the three years of Junior Cycle, and student learning is to be measured through a classroom-based assessment.

<sup>210</sup> Houses of the Oireachtas, [School Curriculum: Dáil Éireann Debate, Tuesday - 9 May 2023](#) (2023).

<sup>211</sup> Houses of the Oireachtas, [School Curriculum: Dáil Éireann Debate, Tuesday - 9 May 2023](#) (2023).

<sup>212</sup> IHREC, [Trafficking in Human Beings in Ireland: Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2023). See also, CEDAW, [General recommendation No. 36 \(2017\) on the right of girls and women to education](#) (CEDAW/C/GC/36) (2017), para. 68.

<sup>213</sup> For further information, see IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), p. 47. Disabled students, in particular those in institutional settings, are less likely to receive SPHE/RSE education, which is concerning given the particular issues of consent faced by disabled people; the problems with boundary-setting that may be experienced by neuro-diverse young people; and the importance of education in ensuring they can recognise abuse.

**independent monitoring and evaluation mechanisms in place. Such training and supports should adopt a ‘whole of school’ approach.**

## Tackling gender norms and stereotypes

Gender norms and stereotypes continue to be reinforced in the education system,<sup>214</sup> including through gendered uniforms, single-sex schooling, and limitations in subject choices and career guidance information.<sup>215</sup> Both the Citizens’ Assembly and Joint Oireachtas Committee on Gender Equality have issued a number of recommendations to address these issues, including research on single-sex schooling, appropriate resourcing of schools to facilitate subject choices, and the provision of gender-neutral career information and advice.<sup>216</sup>

Despite national policy commitments,<sup>217</sup> and evolving societal attitudes,<sup>218</sup> girls continue to be underrepresented in Science, Technology, Engineering, and Mathematics (‘STEM’) Leaving Cert subjects.<sup>219</sup> While the low take-up is partly explained by limited subject provision in schools,<sup>220</sup> a recent report by the Gender Balance in STEM Advisory Group<sup>221</sup> has also attributed this to persistent negative gender stereotypes and reduced confidence

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<sup>214</sup> In 2017, the Committee expressed concern at reports of stereotypes and sexism in the field of education, and the lack of concrete measures to curb this phenomenon: CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#), CEDAW/C/IRL/CO/6-7 (2017), para. 38(a).

<sup>215</sup> Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality](#) (2022), p. 60.

<sup>216</sup> See Recommendation No. 26 in the Citizens’ Assembly on Gender Equality, [Final Report](#) (2021) p. 17 and Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality](#) (2022), p. 60.

<sup>217</sup> The Department of Education’s STEM Education Policy Statement (2017-2026) sets out a commitment to increase the participation of women and girls in STEM subjects: Department of Education, [STEM Education Policy](#). While the previous national children’s strategy, Better Outcomes, Brighter Futures, provided a commitment to combatting gender stereotypes in subject choices in school, no reference was made to the progression of this objective in the 2021 final implementation report: Department of Children, Equality, Disability, Integration and Youth, [Annual Report for the Final Year of Implementation](#) (2022).

<sup>218</sup> For example, in the annual I Wish Report 2022 on Transition Year girls’ perspectives on STEM, 93% of girls surveyed rejecting the stereotype that STEM careers are more suited to boys, in contrast with 78% in 2016.

<sup>219</sup> According to a recently published report by the Department of Education, 41.5% of 6<sup>th</sup> year girls are studying Stem-related subjects (excluding biology and maths), compared to 71% of 6<sup>th</sup> year boys. The disparity is even greater amongst younger students, with 25.7% of 3<sup>rd</sup> year girls studying at least one STEM subject (excluding science or maths) compared to 74.6% of 3<sup>rd</sup> year boys (excluding science or maths). See Department of Education, [Education Indicators for Ireland: December 2021](#) (2023), pp. 16-17.

<sup>220</sup> All-Girl Secondary Schools are less likely to offer STEM subjects to their students. 63.3% of girls’ secondary schools are offering a STEM subject (other than maths or science) compared to 95.0% of boys’ secondary schools. See Department of Education, [Education Indicators for Ireland: December 2021](#) (2023), p. 16.

<sup>221</sup> The Gender Balance in STEM Advisory Group was set up by the Department of Education’s STEM Education Implementation Advisory Group to guide national actions relating to STEM education and gender inclusion.

amongst young girls.<sup>222</sup> In a recent survey on female attitudes to STEM, 66% of respondents reported a lack of information about STEM careers as a major barrier, and 52% reported a lack of female role models.<sup>223</sup> The low levels of girls enrolled in STEM subjects in secondary school directly impacts access to and course selection at third level education, with women comprising 36% of those enrolled in STEM degrees in 2021 and only 16% of those enrolled in ICT degrees.<sup>224</sup>

**The Committee should ask the State about how it is addressing gender norms and stereotypes in schools, higher and further education, in line with the recommendations of the Citizens' Assembly on Gender Equality, Joint Oireachtas Committee and Departmental Advisory Group.**

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<sup>222</sup> Department of Education, [Recommendations on Gender Balance in STEM Education](#) (2022), p. 9. See also, s. McCoy, D. Byrne and P. O'Connor, [Gender stereotyping in mothers' and teachers' perceptions of boys' and girls' mathematics performance in Ireland](#) *Oxford Review of Education* (2022) 48(3) 341.

<sup>223</sup> I Wish, [2022 Survey of Female Students' Attitudes to Stem](#) (2022).

<sup>224</sup> Higher Education Authority, [Report of the Expert Group: 2nd HEA National Review of Gender Equality in Irish Higher Education Institutions](#) (2022). This underrepresentation constrains career options and increases the likelihood of their exclusion from certain academic and professional fields: Out of the 170,400 persons working in STEM related careers (professional, scientific and technical activities) in Ireland, 41.8% (71,400) are women. See Table 2.3 in CSO, [Labour Force Survey Quarter 4 2022](#) (23 February 2023).



# Employment

## Access to employment

We welcome the recent increase in the labour market participation rate of women in Ireland.<sup>225</sup> However, the persistence of regressive gender roles<sup>226</sup> and a market-driven model of care result in the higher likelihood that women will leave the workforce or reduce their working hours due to care responsibilities.<sup>227</sup> Despite the barriers to employment, the Pathways to Work Strategy does not recognise women as a group in need of additional support.<sup>228</sup> Systemic, gender-sensitive change is required to ensure rights are protected in the balancing of paid and unpaid work, including the further expansion of statutory leave entitlements,<sup>229</sup> and a redesign of working life through measures such as the four-day working week.<sup>230</sup> Furthermore, as noted above, a number of aspects of the tax-benefit system combine to reinforce the idea of the ‘male breadwinner’ and create financial disincentives for women to find work, seek better pay or secure more hours.<sup>231</sup>

**The Committee should ask the State how they will provide for parent benefit schemes that are adequate in terms of length and rate of payment, apply to one-parent families, encourage uptake by men and support a wider cultural shift in favour of equal sharing of care responsibilities.**

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<sup>225</sup> In Q2 of 2023, the national employment rate was 74.2%, an all-time record. In this same period, the participation rate of women was 70.5%, as its highest level since the series began in 1998. See: Central Statistics Office (2023) [Labour Force Survey Quarter 2 2023](#).

<sup>226</sup> Department of Children, Equality, Disability, Integration and Youth (2021) [Statistical Spotlight 6: Gender norms in Ireland](#).

<sup>227</sup> See the Section on ‘Participation in political, public and cultural life’. See also: Ursula Barry (2021) [The Care Economy, Covid-19 Recovery and Gender Equality – A Summary Report](#); National Women’s Council of Ireland (2020) [Women’s Experiences of Caring during COVID-19](#).

<sup>228</sup> Under the working for all strand of action, the Pathways to Work Strategy considers the particular needs of: single parents, disabled people, older people and returners, young people, and other structurally vulnerable groups; Department of Social Protection, [Pathways to Work 2021-2025](#) (2021).

<sup>229</sup> For example, we have concerns about the fact that the entitlements do not provide for one year of paid parent’s leave, are not equally available to one-parent families, are less likely to be availed of by fathers, and include payments that do not reflect the rising cost of living and associated costs of caring: IHREC (2023) [Policy Statement on Care, pp. 22-23](#).

<sup>230</sup> We have recommended that the State publishes its research on the viability of the four-day working week and progresses the use of pilot projects in consultation with employers, workers and trade unions: IHREC (2023) [Policy Statement on Care, p. 23](#).

<sup>231</sup> For more information on cliff-edges in the Irish tax system see: Michael Doolan and Claire Keane (2023) [Cliff edges in the Irish tax-benefit system](#) (Dublin: ESRI).

There is also evidence of an intersectional dimension to the participation gap. The gender employment gap gets wider as women age.<sup>232</sup> The participation rate of disabled women in full-time employment in Ireland is the worst in the EU, highlighting the level of ableism in Irish society.<sup>233</sup> Travellers face intense discrimination in the labour market,<sup>234</sup> and the participation rate of Traveller women was last estimated to be 30%.<sup>235</sup> Although there is limited data disaggregated by gender, research evidence documents the existence of attitudinal barriers to the employment of a number of other ethnic minority communities, including racism and micro-aggressions at the point of recruitment.<sup>236</sup> Structural barriers are built into the Irish employment landscape, including the lack of recognition of foreign qualifications, resulting in complex hurdles faced by migrants<sup>237</sup> and international/temporary protection applicants<sup>238</sup> seeking employment. Research on the

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<sup>232</sup> Women constitute 45% of people aged 60-64 in employment, and of those who are employed aged 65 and over, 29% are women. See: Nat O'Connor and Mary Murphy (2022) [The State of Ageing in Ireland 2022 – Reframing Ageing](#) (Dublin: Age Action Ireland), p. 40.

<sup>233</sup> 15% of disabled women in Ireland were in full-time employment in 2020, the lowest rate of employment across the EU. See European Disability Forum (2023) [Majority of persons with disabilities locked out of quality employment](#).

<sup>234</sup> IHREC (2017) [Who Experiences Discrimination in Ireland](#), p. 35 – Irish Travellers were almost ten times more likely to report recruitment discrimination than White Irish. See also: Department of Children, Equality, Disability, Integration and Youth (2022) [Statistical Spotlight 7: Experiences and Perceptions of Discrimination in Ireland](#); St. Stephen's Green Trust (2021) [Travellers in the Mainstream Labour Market: Situation, Experience and Identity](#); Joint Committee on Key Issues Affecting the Traveller Community (2021) [Final Report of the Joint Committee on Key Issues Affecting the Traveller Community](#).

<sup>235</sup> Central Statistics Office (2017) [Census of Population 2016 – Profile 8 Irish Travellers – Socio-economic Aspects and Housing](#). In 2020, the Fundamental Rights Agency reported survey results that Ireland had the lowest percentage of Travellers in employment, compared to the five other EU countries surveyed (13% of Traveller men and 17% of Traveller women). See FRA, [Roma and Travellers in Six Countries](#), 2020.

<sup>236</sup> Malgosia Machowka-Kosiack and Maria Barry (2022) [Experiences of second-generation ethnic minority young people in Ireland](#) (Dublin: IHREC); Pavee Point (2023) [Roma in Ireland: Access to Fair and Decent Work](#); IHREC (2017) [Who Experiences Discrimination in Ireland](#); Migrant Rights Centre (2020) [Access Progress Thrive: Towards an Inclusive Labour Market in Ireland](#); Doras (2020) [Access to Employment and Decent Work for International Protection Applicants in Ireland](#).

<sup>237</sup> Issues include the lack of recognition of skills, experience and education gained outside of Ireland, English language acquisition, Irish language requirements and a lack of familiarity with the State's job and culture and employment system. See: IHREC (2023) [Submission to the Public Consultation on the mid-term review of the Pathways to Work Strategy 2021-2015](#), p. 6.

<sup>238</sup> Recent research on the employment experiences of international protection applicants indicates that despite the availability of work permits since 2018, international protection applicants continue to face difficulties securing employment. International protection applicants also report working in jobs characterised by lower quality work, such as lower wages and poorer working conditions. Michał Polakowski and Emily Cunniffe (2023) [Labour market integration of international protection applicants in Ireland](#) (Dublin: ESRI). Other issues include: a lack of networks and knowledge of the employment system, discrimination, work permit recognition, disadvantage related to the location of Direct Provision centres, lack of access to childcare, particularly for women, recognition of qualifications and experience, lack of work references, language issues, loss of knowledge currency and confidence, difficulties coping with displacement and trauma, employer attitudes and awareness; and knowledge of employment rights. Doras (2021) [Getting Right to Work: Access to Employment and Decent Work for International Protection Applicants in Ireland](#). Temporary protection

Roma community highlights barriers to employment such as language and literacy, access to training, the social determinants of health, as well as the lack of appropriate transport and childcare supports for Roma women in particular.<sup>239</sup>

**The Committee should ask the State to address the targeted and mainstream measures to be adopted to remove the barriers to employment for disabled women and ethnic minority women.**

## Decent work<sup>240</sup>

There is a clear gender dimension to the incidence of low pay, with women accounting for 60% of low paid workers.<sup>241</sup> Due to persistent gender stereotyping in the labour market, women predominate in lower paid sectors such as hospitality, childcare and adult social care,<sup>242</sup> and are more likely to be in receipt of the National Minimum Wage.<sup>243</sup> We welcome proposals by the State to increase the minimum wage, but have expressed reservations about the proposed living wage framework through which it intends to implement these increases.<sup>244</sup> Furthermore, women, and particularly women from ethnic minority backgrounds, are more likely to be on temporary contracts,<sup>245</sup> and to have unreliable shift work and insecure terms of employment.<sup>246</sup> Workers with non-standard contracts tend to

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applicants responding to a recent survey shared that lack of English and non-recognition of foreign qualifications are the two largest barriers to employment; Simon Carswell (2023) [Lack of English cited by Ukrainian refugees as main barrier to work](#), *The Irish Times* (February 6 2023).

<sup>239</sup> Pavee Point (2023) [Roma in Ireland: Access to Fair and Decent Work](#).

<sup>240</sup> Commission-supported research identified 6 indicators of decent work which include; access to work, adequate earnings, employee voice, security and stability of work, equality of opportunity for and treatment in employment and health and safety. See: Frances McGinnity, Helen Russell, Ivan Privalko & Shannon Enright (2021) [Monitoring Decent Work in Ireland](#) (Dublin: IHREC & ESRI).

<sup>241</sup> The incidence of low pay is 18.3% among women compared to 12% of men. See: Eurostat (2022) [Incidence of low pay](#).

<sup>242</sup> 98% of Early Years Education and Care workers are women. See: Pobal (2022) [Annual Early Years Sector Profile Report 2020/2021](#).

<sup>243</sup> [PBO Living Wage Storyboard, July 2022](#).

<sup>244</sup> IHREC (2023) [Ireland and the Sustainable Development Goals](#), pp. 29-31 – The Commission recommended that the State should revise its living wage methodology to ensure it is calibrated to existing social norms, evolving requirements and living costs and that the timeline for its full implementation (by 2026) must be expedited to provide short to medium term relief to low income workers.

<sup>245</sup> Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright (2021) [Monitoring Decent Work in Ireland](#) (Dublin: IHREC & ESRI).

<sup>246</sup> For example, paid care work is significantly undervalued, precarious and poor pay and working conditions characterise the sector. For more see: IHREC (2023) [Policy Statement on Care](#).

experience greater work intensity, weaker support and a greater threat of job loss.<sup>247</sup> The exploitation of domestic workers, the majority of whom tend to be migrant women, is a cause for significant concern.<sup>248</sup> Despite the importance of collective bargaining for low-paid workers and addressing the economic inequalities faced by women, there is no statutory right to collective bargaining in Ireland and unionisation is concentrated in the public sector.<sup>249</sup>

Women are more likely to experience discrimination in the workplace,<sup>250</sup> including in relation to pregnancy and maternity,<sup>251</sup> menstrual health,<sup>252</sup> and menopause.<sup>253</sup> Non-Irish nationals face particular obstacles to accessing decent work and are more likely to have less advantageous working conditions than White-Irish nationals.<sup>254</sup> We also note the issues experienced by disabled people in relation to decent work, including higher rates of work-

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<sup>247</sup> Alan Felstead, Duncan Gallie, Francis Green and Golo Henseke (2020) [Unpredictable times: the extent, characteristics and correlates of insecure hours of work in Britain](#), *Industrial Relations Journal* 51(1-2).

<sup>248</sup> Domestic work, particularly for undocumented workers, is a high-risk environment due to pressures to accept exploitative terms and conditions. Such conditions can include no breaks, long working hours, pay under the minimum wage, no options to report due to reliance on income, no contract and no payslips. For more see: IHREC (2023) [Policy Statement on Care](#), p. 45.

<sup>249</sup> See Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality](#) (2022), pp. 123-124. We note the recent adoption of the EU Directive on Adequate Minimum Wages in the European Union, particularly as regards the promotion of collective bargaining on wage setting across the EU: [Directive \(EU\) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union](#).

<sup>250</sup> Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright (2021) [Monitoring Decent Work in Ireland](#) (Dublin: IHREC & ESRI), p. 104.

<sup>251</sup> See for example, Independent Review Group – Defence, [Final Report to the Minister of Defence](#) (2023). Women in the Defence Forces have reported being side-lined for career progression as a result of pregnancy and childrearing, as well as being harassed and exceedingly humiliated, including through the allocation of dangerous and inappropriate tasks at an advanced stage of pregnancy. See also, IHREC, [Captain Successfully Challenges Pregnancy Related Discrimination by Defence Forces](#) (2020).

<sup>252</sup> Studies undertaken with members of the public service trade union *Fórsa* have shown that 70% of respondents have taken time off work due to period pain, while one in four have been diagnosed with a specific menstrual condition causing severe menstrual symptoms. *Fórsa*, [Let's talk period leave](#) (2023).

<sup>253</sup> Research has linked menopause to negative experiences in the workplace, for example, women losing confidence, women deciding not putting themselves forward for promotion and other workplace pressures. Higher Education Authority, [Working Women and the Menopause: A study of the impact of menopause on careers of a sample of women working in Higher Education Institutions in Ireland](#) (2023), p. 7. We note work undertaken in Northern Ireland to improve understanding of the impacts of menopause amongst employers. Equality Commission for Northern Ireland, [Promoting Equality in Employment for Women Affected by Menopause Equality Authority](#) (2023). We welcome plans by the Department of Children, Equality, Disability, Integration and Youth to undertake research in this area. Morning Ireland, [Victims on domestic violence leave to receive full pay from today](#) (2023).

<sup>254</sup> James Laurence, Elish Kelly, Frances McGinnity and Sarah Curristan (2023) [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (Dublin: ESRI).

related illnesses, and failures to put reasonable accommodations in place for disabled employees.<sup>255</sup>

**The Committee should ask the State about how it will prioritise access to and full enjoyment of decent work for women through stronger policy and legislative measures, including to ensure adequate earnings, employee voice, security and stability of work, equality of opportunity for and treatment in employment, and health and safety.**

**The Committee should ask the State about the measures being adopted to increase trade union coverage among structurally vulnerable women in Ireland in line with EU requirements,<sup>256</sup> and to introduce a statutory right to collective bargaining.**

## Gender pay gap reporting

The most recent estimated gender pay gap is 12.6%.<sup>257</sup> In 2019, the State was found to be in violation of the European Social Charter for failing to ensure pay transparency or to achieve measurable progress in closing the gap.<sup>258</sup> We note the introduction of the Gender Pay Gap Information Act 2021, but its impact in practice is yet to be seen. Furthermore, the limited scope of reporting obligations under the Act fails to capture data on small and medium enterprises, which account for 99.8% of all active enterprises and 68% of employment.<sup>259</sup>

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<sup>255</sup> Joanne Banks, Raffaele Grotti, Éamonn Fahey and Dorothy Watson (2018) [Disability and Discrimination in Ireland](#) (Dublin: IHREC & ESRI), pp. 61-62; Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright (2021) [Monitoring Decent Work in Ireland](#) (Dublin: IHREC & ESRI), p. 57. The European Committee of Social Rights has requested further information on measures adopted by the State to ensure that disabled employees have the right to consult with their employer in relation to reasonable accommodation; European Committee on Social Rights, [Conclusions 2022: Ireland](#) (2023), pp. 37-38.

<sup>256</sup> As referenced above: [Directive \(EU\) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union.](#)

<sup>257</sup> As of December 2022 – PWC (2023) [PwC's Gender Pay Gap analysis reveals a mean gender pay of 12.6%](#)

<sup>258</sup> IHREC (2023) [Comments on Ireland's 20<sup>th</sup> National Report on the Implementation of the European Social Charter.](#)

<sup>259</sup> OECD (2022) [Financing SMEs and Entrepreneurs 2022: An OECD Scoreboard: Ireland.](#) The reporting obligations under the Act apply to private and public sector employers with 250+ employees in 2022 and 2023. The Act widens the scope to employers with 150+ employees on or after the second anniversary of the regulations (2024) and to employers with 50+ employees on or after the third anniversary of the regulations (2025). There will be no requirement on employers with less than 50 employees to report on the gender pay gap. See also IHREC (2021) [Submission to the UN Committee on Economic, Social and Cultural Rights for the List of Issues on Ireland's Fourth Periodic Report](#); Government of Ireland (2022), [20th National Report on the implementation of the European Social Charter submitted by the Government of Ireland.](#)

While we welcome initiatives announced by the State to improve transparency,<sup>260</sup> we note with concern that some Government Departments missed their December 2022 reporting deadlines.<sup>261</sup>

The gender pay gap disproportionately affects particular groups of women in Ireland with evidence suggesting a wider gap for minority ethnic women,<sup>262</sup> Traveller women,<sup>263</sup> disabled women,<sup>264</sup> non-Irish women<sup>265</sup> and other structurally vulnerable groups.<sup>266</sup> However, the legislation imposes no duty on employers to disaggregate data across multiple equality grounds. We note that the recently adopted EU Pay Transparency Directive goes further than Ireland's 2021 Act, and addresses some of the above issues.<sup>267</sup>

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<sup>260</sup> According to the Departmental press release, plans are in place to develop an online reporting system for the 2023 reporting cycle. See: Government of Ireland (2022) [Minister O'Gorman announces introduction of gender pay gap reporting in 2022](#).

<sup>261</sup> Conor O'Carroll, [Four government departments miss deadline to publish gender pay gap reports](#), *Irish Examiner* (12 January 2023).

<sup>262</sup> While data is limited in Ireland, figures published by the Office for National Statistics in the UK estimate a gender pay gap of 26% for Black African women compared to the average male worker. See: Office for National Statistics (2020) [Ethnicity pay gap reference tables](#).

<sup>263</sup> There remain significant data gaps on Traveller employment and pay in Ireland. According to a 2019 survey conducted by the Fundamental Rights Agency, the majority of Travellers are in part-time employment (58%), and only 26% have a permanent contract. See FRA, Travellers in Ireland: [Key results from the Roma and Travellers Survey 2019](#) (2020), p. 4.

<sup>264</sup> According to the European Disability Forum 2023, 15% of disabled women in Ireland were in full-time employment in 2020, the lowest rate of employment across the EU. The report also reveals that disabled people still earn less when employed, even though they need more income to face the additional costs of living in a discriminatory and inaccessible society. The report highlights that disabled people also incur higher costs for being employed, such as paying for special transportation due to inaccessible public transport, extra for personal assistance at more convenient hours, etc. See European Disability Forum, [Majority of persons with disabilities locked out of quality employment](#) (2023).

<sup>265</sup> Non-Irish women earn 11 per cent less than non-Irish men, who in turn earn 18 per cent less than Irish men. This means non-Irish women earn 30 per cent less than Irish men. See James Laurence, Elish Kelly, Frances McGinnity and Sarah Curristan (2023) [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (Dublin: ESRI) pp. 15-20.

<sup>266</sup> Young workers, East-EU migrants, lone parents and persons with low educational attainment are all at a significantly higher risk of being low paid. See: James Laurence, Elish Kelly, Frances McGinnity and Sarah Curristan (2023) [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (Dublin: ESRI), pg. 55; Employees who are women, under 25, part-time, migrants, rural dwellers or those who lack a third level education are more likely to be earning the NMW than their counterparts. See: [PBO Living Wage Storyboard, July 2022](#).

<sup>267</sup> The Directive provides for intersectional discrimination, has provisions ensuring that the needs of disabled workers are considered and it requires the publication of the gender pay gap by 'categories of worker' including job functions or grades. The Irish legislation for example does not make a distinction between part-time and full-time workers. For more see: European Council (2023) [Gender Pay Gap: Council adopts new rules on pay transparency \(April 2023\)](#).

**The Committee should ask the State what steps it is taking to improve the collection of disaggregated equality data on the gender pay gap, and to ensure ambitious transposition of the EU Pay Transparency Directive.**

## Pensions

Ireland has a gender pension gap of 35%,<sup>268</sup> due to the inequalities in access to full-time employment, pay and gender norms and stereotypes referenced above.<sup>269</sup> The cumulative impact of these factors is that many women of retirement age do not have sufficient social insurance contributions to access the full State pension.<sup>270</sup> As a result, women are more reliant on the non-contributory State pension than men, which provides a lower income.<sup>271</sup> Furthermore, historical injustices such as the ‘marriage bar’ have yet to be adequately addressed.<sup>272</sup>

Women are less likely to have an occupational or private pension,<sup>273</sup> including due to affordability issues and reduced access for part-time workers.<sup>274</sup> The National Women’s Council has highlighted that State funding actively drives the gender pension gap, by providing private pension tax relief that disproportionately benefits men.<sup>275</sup> Discussions on raising the retirement age must also consider the regressive impact on women, due to their

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<sup>268</sup> See ESRI (2019) [Ireland has a gender pension gap of 35 per cent.](#)

<sup>269</sup> For more on gender inequalities in pensions see: NWCI (2022) [Submission to the Commission on Taxation and Welfare](#), pp. 13-14.

<sup>270</sup> Pay Related Social Insurance is a classification of social insurance contributions paid out of income. In order to qualify for a Contributory State Pension, you must be aged 66 or over and have made enough PRSI contributions. The total number varies depending on the year in which you reached/will reach pension age.

<sup>271</sup> The gender ratio among recipients of the contributory State pension is 60:40 in favour of men, and for the less valuable non-contributory State pension it is 60:40 women to men. Of the women who do receive the contributory State pension, they generally receive a lower rate than men. Department of Social Protection (2022) [Statistical Information on Social Welfare Services Annual Report 2022](#). See also: Eurostat (2021) [Closing the gender pension gap.](#)

<sup>272</sup> Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality](#) (2022), p. 17: The Committee recommended that women affected by the marriage bar should qualify automatically for the full State pension.

<sup>273</sup> 28% of women of pension age have an occupational or private pension when compared with 55% of men. See: Anne Nolan, Seamus McGuinness, Bertrand Maire and Adele Whelan (2019) [Gender, pensions and income in retirement](#), ESRI Research Series 87, (Dublin: ESRI) p. 10.

<sup>274</sup> 35% of women workers report not being able to afford to pay into an occupational pension and 6 in 10 part time workers, of which women are the majority, report that their employer does not offer a pension scheme. See: Anne Nolan, Seamus McGuinness, Bertrand Maire and Adele Whelan (2019) [Gender, pensions and income in retirement](#), ESRI Research Series 87, (Dublin: ESRI) p. 10.

<sup>275</sup> National Women’s Council, [Gender Analysis of Budget 2023](#) (2022), p. 10.

particular reliance on State supports and the rising gender pay gap in older ages.<sup>276</sup> Both the Citizens' Assembly and Parliamentary Committee on Gender Equality recommended reforms to the pension system to address its underlying gender inequalities, including through the introduction of a universal pension system.<sup>277</sup>

**The Committee should ask the State how it is analysing and addressing gender inequalities in pension provision, including concrete steps being taken to move towards a Universal State Pension system and address the impacts of historical injustices such as the marriage bar.**

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<sup>276</sup> 93% of pension age retired women are in receipt of a State pension and the figure is 88% for men. See: Anne Nolan, Seamus McGuinness, Bertrand Maire and Adele Whelan (2019) [Gender, pensions and income in retirement](#), ESRI Research Series 87, (Dublin: ESRI) p. 10.

<sup>277</sup> For more see: The Citizens' Assembly (2021) [Report of the Citizens' Assembly on Gender Equality](#), pp. 66-68 and Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality](#) (2022), p. 18.



## Health

While we note important improvements since the Committee's last review cycle,<sup>278</sup> healthcare services in Ireland continue to suffer from patriarchal institutional legacies which compromise enjoyment of the right to health by women.<sup>279</sup> In addition to being impacted by the general failings of the Irish healthcare system,<sup>280</sup> women face barriers due to insufficient gender-proofing of physical and mental health services on the one hand, and inadequate access to specialist women's health services on the other. Rather than adopting a rights-based approach, the State has demonstrated a preference for adversarial strategies, including by positioning itself against individuals seeking to assert their rights.<sup>281</sup> Women from structurally vulnerable groups face particular challenges meeting health needs.<sup>282</sup>

The Women's Health Action Plan 2022-2024 is a welcome starting point to dismantle paternalistic structures and lead a cultural shift towards full protection of women's right to health.<sup>283</sup> In the context of increasing global consciousness of gender inequalities in

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<sup>278</sup> Following constitutional referendum and enactment of the *Health (Regulation of Termination of Pregnancy) Act 2018*, abortion services in Ireland commenced in January 2019. IHREC, [Oireachtas must now vindicate the human rights of women and girls in accessing healthcare](#) (2018); IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), p. 46.

<sup>279</sup> For example, we note the historical practice of symphysiotomy on pregnant women in healthcare settings and the lack of a state investigation, apology or redress scheme. See section of this report on 'Gender-Based Violence Against Women'.

<sup>280</sup> The OECD has noted issues in the provision of healthcare in Ireland, including constrained service delivery, substantial waiting lists, pressure on staff, and a two-tier healthcare system. OECD, [OECD Economic Surveys: Ireland 2022](#) (2022), p. 64. The European Commission has also noted Ireland's long-standing issues in the health- and long-term care systems. European Commission, [Ireland: 2023 Country Report](#) (2023), p. 5.

<sup>281</sup> We note the failures of the State in respect of the cervical cancer screening scandal, which has been further exacerbated by its decision to contest the claims in court, including against victims undergoing cancer treatment and family members processing bereavement. IHREC, [Irish Human Rights and Equality Commission calls for Human Rights and Equality compliant culture in our Health Service](#) (2019); Dr Gabriel Scally, [Scoping Inquiry into the CervicalCheck Screening Programme](#) (2018), pp. 140-144.

<sup>282</sup> We are concerned about issues in the provision of healthcare to Traveller women, Roma women, other ethnic minority women, migrant women, lesbian women, disabled women, victims and survivors of DSGBV, women with addiction issues, women seeking international protection, women in rural areas See references to these groups throughout this section. We are also concerned about provision of health care to Transgender women; in 2022, Ireland ranked last in Europe in Transgender Healthcare, receiving low scores across all six indicators, including waiting times, psychiatric diagnostic requirements and age restrictions. Transgender Europe, [Trans Health Map: European Union](#) (2022).

<sup>283</sup> Department of Health, [Women's Health Action Plan 2022-2023](#) (2022). The Action Plan was created with the support of the Women's Health Taskforce, established by the Department of Health to improve women's health outcomes and experiences of healthcare. Department of Health, [Women's Health Taskforce](#) (2019).

healthcare<sup>284</sup> and legacy issues which are unique to Ireland, these efforts should be supported by further research, adequate structures and financial resources.<sup>285</sup>

**The Committee should ask the State about measures to address the health inequalities of women, including responding to and eradicating patriarchal legacies and outdated social, religious and cultural structures in the Irish healthcare system.**

**The Committee should ask the State to provide information on the proportion of the overall health budget spent on women’s health, including disaggregated data on public spending on sexual health, maternal health, fertility, menopause, gender-based violence, and women’s mental health.**

## Abortion services

We welcome the recent publication of the Independent Review of the Operation of the Health (Regulation of Termination of Pregnancy) Act 2018,<sup>286</sup> however, we are concerned about a lack of political will to make changes on foot of the report’s recommendations.<sup>287</sup> As noted by the Review Group, a significant number of women are continuing to travel abroad for abortion services, due to restrictions relating to gestational limits and fatal foetal anomaly.<sup>288</sup> Civil society consultations have indicated that the mandatory waiting period and unequal geographic access to services are also having a negative effect on the quality and accessibility of services.<sup>289</sup>

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<sup>284</sup> UN Women has noted the importance of applying a gender lens across all building blocks of the health system, including governance, health service delivery, health information systems, human resources, financing and medical products and technologies. UN Women, [Universal Health Coverage, Gender Equality and Social Protection: A Health Systems Approach](#) (2020), p. 11.

<sup>285</sup> For example, the Women’s Health Council was dissolved and subsumed into the former Department of Health and Children during the financial crisis in 2009. Lenus, [Women’s Health Council](#) (2023).

<sup>286</sup> M. O’Shea, [The Independent Review of the Operation of the Health \(Regulation of Termination of Pregnancy\) Act 2018](#) (2023). The Commission prepared a submission as part of the review. IHREC, [Submission to the Review of the Health \(Regulation of Termination of Pregnancy\) Act 2018](#) (2022).

<sup>287</sup> Following the publication of the report, the Taoiseach noted his reluctance to make major changes to the legislation in comments to the media. There has been no further public discussion on the timeline for implementing the report’s recommendations. RTÉ, [Taoiseach ‘reluctant’ to make major changes to change abortion legislation](#) (2023).

<sup>288</sup> M. O’Shea, [The Independent Review of the Operation of the Health \(Regulation of Termination of Pregnancy\) Act 2018](#) (2023).

<sup>289</sup> IHREC, [Engagement with Civil Society](#) (2023). The Independent Review recommends that the mandatory wait period is replaced with a statutory right to a reflection period and that the HSE conducts a geospatial

**The Committee should ask the State to provide information on:**

- **the precise timeline for implementation of the recommendations of the Review Group of the Health (Regulation of Termination of Pregnancy) Act 2018; and**
- **plans for any further periodic reviews of the Act.**

## Maternal healthcare and fertility

The discriminatory effect of the Irish health system on women from structurally vulnerable groups is particularly acute in relation to maternal health services. Data evidences significant disparities in perinatal mortality rates for ethnic minority women and migrant women.<sup>290</sup> Expectant mothers from Roma communities face barriers at all stages, including lack of access to free maternal healthcare, primary healthcare and medical cards;<sup>291</sup> racism and discrimination;<sup>292</sup> limited culturally appropriate information;<sup>293</sup> and inconsistent post-natal care.<sup>294</sup>

Disproportionate restrictions for women accessing maternity healthcare services were also a feature of the Covid-19 pandemic, with women characterising the experience as a time of extreme stress and fear.<sup>295</sup> Particular concerns have been raised in relation to the HSE Maternity Care Guidelines issued in October 2020, which required that the vast majority of

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mapping exercise to combat geographical inequality. M. O'Shea, [The Independent Review of the Operation of the Health \(Regulation of Termination of Pregnancy\) Act 2018](#) (2023), pp. 24-25.

<sup>290</sup> ESRI, [The Integration of Non-EU Migrant Women in Ireland](#) (2022), pp. 20-21.

<sup>291</sup> Although maternal healthcare is free to pregnant women who are resident in Ireland, Roma women report being asked to pay for services if they cannot provide proof of employment or address. 40% of Roma women do not have a GP and 50% do not have a medical card. Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), pp. 7, 11.

<sup>292</sup> Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), pp. 10, 18.

<sup>293</sup> Roma women noted the lack of clear information on making appointments, staying healthy in pregnancy and breastfeeding, as well as limited access to interpretation services. They recommended that information is shared in visual format to overcome language and literacy obstacles. Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), pp. 12, 18.

<sup>294</sup> Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), p. 19.

<sup>295</sup> Uplift, [Being Pregnant During the Covid-19 Pandemic](#) (2020), pp. 6, 9.

antenatal appointments had to be attended without the support of a partner.<sup>296</sup> Early evidence indicates that maternal mental health has deteriorated as a result.<sup>297</sup>

**The Committee should ask the State about what measures it is taking to ensure non-discrimination in access to maternal health services, with particular emphasis on Roma women, migrant women and ethnic minority women.**

**The Committee should ask the State if it will assess the proportionality of public health restrictions on maternal healthcare using a human rights and equality framework, as part of the planned inquiry into the State's response to the pandemic.<sup>298</sup>**

We welcome the introduction of publicly funded fertility treatment services in Ireland from September 2023.<sup>299</sup> Prior to the introduction of this service, Ireland was a European outlier in this area.<sup>300</sup> However, we note a number of eligibility restrictions, including restrictions with a discriminatory effect on specific cohorts of women, including lesbian women<sup>301</sup> and women over 41.<sup>302</sup>

**The Committee should ask the State about its plans to revise the publicly funded fertility treatment scheme to ensure it complies with human rights and equality principles.**

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<sup>296</sup> In a survey of women who were pregnant during the pandemic, the lack of involvement of partners was a dominant theme in responses, with all participants agreeing that partners should be allowed to attend all antenatal visits. Particular concerns were raised around partners not being present when bad news was being delivered, during miscarriage care and during labour and delivery. Uplift, [Being Pregnant During the Covid-19 Pandemic](#) (2020), pp. 6, 9.

<sup>297</sup> S. Panda, D. O'Malley, P. Barry, N. Vallejo and V. Smith, [Women's views and experiences of maternity care during COVID-19 in Ireland: A qualitative descriptive study](#) (2021).

<sup>298</sup> Department of An Taoiseach, [Written Answers](#) (2023).

<sup>299</sup> HSE, [HSE-funded Fertility Treatment Services to start in September](#) (2023).

<sup>300</sup> In a study of 43 European countries conducted in 2020, Ireland, Albania and Armenia were the only 3 countries without publicly funded assisted reproductive technology. The European IVF-monitoring Consortium, [Survey on ART and IUI: legislation, regulation, funding and registries in European countries](#) (2020), p. 10.

<sup>301</sup> Because fertility treatments which require a donor are excluded from the scheme, same-sex couples will not be eligible for public funding. Department of Health, [Minister for Health announces full funding for assisted human reproduction treatment from September](#) (2023).

<sup>302</sup> Under the new Irish scheme, the woman should be a maximum age of 40 years plus 364 days at the time of referral to the regional fertility hub. Department of Health, [Minister for Health announces full funding for assisted human reproduction treatment from September](#) (2023). This is lower than many European countries which range from no age limit (Finland, Germany, Norway), to older age limits such as 51 (Bulgaria), 49 (The Netherlands) or up to menopause (Spain). The Journal, [How do Ireland's age and BMI limits for free IVF compare to other countries?](#) (2023).

## Menopause healthcare

A sustained lack of scientific and social research on menopause has resulted in deficiencies in the quality of care and the availability of information for peri-menopausal, menopausal and post-menopausal women, including disabled women.<sup>303</sup> Women have noted feelings of embarrassment and stigma;<sup>304</sup> a lack of understanding of the range of symptoms they may experience;<sup>305</sup> and limited access to specialist support during the transition to menopause.<sup>306</sup> There is an acute need to develop public menopause services within the healthcare sphere, while also addressing the negative impacts of menopause on work and family life.<sup>307</sup>

**The Committee should ask the State about its plans to improve the provision of menopause healthcare, for example through dedicated research, increasing the capacity of specialist health services, and accessible information.**

## Mental health

We have expressed serious concerns with the provision of mental health services in Ireland, with persistent underfunding reflected in long waiting lists, inappropriate treatments, gaps

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<sup>303</sup> For example, engagement with disabled women has shown that many disabled women are not offered Hormonal Replacement Therapy (HRT) due to a lack of knowledge of contraindications amongst GPs. IHREC, Engagement with Civil Society (2023). Additionally, qualitative interviews with mental health experts indicate that there is a lack of information and practitioner knowledge about how menopause affects mental health, despite higher than average suicide rates among women in this age bracket. National Women's Council, [Gender-Sensitive Mental Health: Developing Policy and Services Which Meet the Particular Needs of Women and Girls](#) (2023), p. 61-62.

<sup>304</sup> Engagement with women has demonstrated a level of secretiveness around menopause which creates taboo, stigma, loneliness and isolation. Women's Health Task Force, [Radical Listening Project on Women's Health](#) (2021), p. 52.

<sup>305</sup> Women going through menopause have shared that while they were aware of some symptoms of menopause, other symptoms, including fatigue, mood changes and brain fog are not commonly associated with menopause. This can lead to misdiagnoses or a lack of awareness amongst women that they are peri-menopausal. Higher Education Authority, [Working Women and the Menopause: A study of the impact of menopause on careers of a sample of women working in Higher Education Institutions in Ireland](#) (2023).

<sup>306</sup> For example, a recent study found that only 31% of women use HRT. The most commonly cited reason for not using HRT was that it was never considered, which suggests failings in the provision of specialist information on HRT to women. Mental Health Ireland, [Experiences and Health Behaviours of Menopausal Women in Ireland](#) (2021), p. 9. There are practical issues around affordability and the Drug Payments Scheme threshold. Seanad Debates, [Medicinal Products](#) (1 June 2023).

<sup>307</sup> See section of this report on 'Employment'

between public and private services and poor health outcomes.<sup>308</sup> While the Sharing the Vision: A Mental Health Policy for Everyone includes gender-sensitive approaches as a recommendation and key action, gender-sensitive mental healthcare has yet to be embedded in HSE National Service Plans.<sup>309</sup> A gender-sensitive approach to mental health requires an understanding of the barriers faced by structurally vulnerable groups,<sup>310</sup> and identifying solutions for all genders.<sup>311</sup>

As the incoming Coordinating National Preventative Mechanism under OPCAT and Independent Monitoring Mechanism under the UNCRPD, we are concerned that the continued use of the medical model approach to mental health prevents women with psychosocial disabilities from accessing their rights. Progress in this area has been hampered by delays in legislative reform,<sup>312</sup> meaning that women with psychosocial

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<sup>308</sup> IHREC, [Ireland and the Rights of the Child](#) (2022), pp. 73-78; IHREC, [Submission on the General Scheme of the Mental Health \(Amendment\) Bill](#) (2022).

<sup>309</sup> Department of Health, [Sharing the Vision: A Mental Health Policy for Everyone](#) (2022), p. 95. The 2022-2024 Implementation Plan commits to including Key Performance Indicators (KPIs) on women's mental health in HSE Service Plans from 2023 onwards; however, there is no KPI on women's mental health in the 2023 plan. Department of Health, [Sharing the Vision: A Mental Health Policy for Everyone: Implementation Plan 2022-2024](#) (2022), p. 29; HSE, [National Service Plan 2023](#) (2023).

<sup>310</sup> Qualitative research undertaken by the National Women's Council has noted particular issues with access for victims and survivors of DSGBV; women with addiction issues; women seeking international protection; Trans women; and women in rural areas. National Women's Council, [Gender-Sensitive Mental Health: Developing Policy and Services Which Meet the Particular Needs of Women and Girls](#) (2023), p. 11. Roma women have also been highlighted as a group experience acute mental health issues; 1 in 3 Roma women report that they did not experience one day in the previous month where their mental health was not poor. Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), p. 3. Traveller women are five times more likely to die by suicide than the general population. Traveller and Roma coalition, [Submission to the Department of Children, Equality, Disability, Integration and Youth: Framework Convention for the Protection of National Minorities: Ireland's Fifth Periodic Report 2023](#) (2023), Appendix II. In this connection, we welcome the allocation of 'priority groups' in the policy framework and supporting documents and recommend that this priority focus is maintained during the implementation phase. Department of Health, [Sharing the Vision: A Mental Health Policy for Everyone](#) (2022), p. 29.

<sup>311</sup> For example, women have higher rates of affective disorders and may opt for talk therapies over other treatments. National Women's Council, [Gender-Sensitive Mental Health: Developing Policy and Services Which Meet the Particular Needs of Women and Girls](#) (2023), p. 19.

<sup>312</sup> Following review of the *Mental Health Act 2001* in 2015, the Draft Heads of Bill for the *Mental Health (Amendment) Bill* were published in 2021, while the Pre-Legislative Scrutiny Report was published in October 2022. However, there has been no further progress with the publication of the Bill. Department of Health, [Draft Heads of a bill to amend the Mental Health Act 2001](#) (2021); Oireachtas Sub-Committee on Mental Health, [Report on Pre-Legislative Scrutiny of the Draft Heads of Bill to Amend the Mental Health Act 2001](#) (2022). See also IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), pp. 63-64.

disabilities continue to be subject to seclusion and restraint;<sup>313</sup> family separation;<sup>314</sup> disproportionate electroconvulsive therapy compared to men;<sup>315</sup> reduced decision-making capacity,<sup>316</sup> and deprivation of liberty due to restricted movement in inpatient psychiatric facilities.<sup>317</sup>

**The Committee should ask the State if it plans to undertake an independent mid-term review of the women’s mental health recommendations in *Sharing the Vision: A Mental Health Policy for Everyone*.**<sup>318</sup>

**The Committee should ask the State for an update on its progress drafting the *Mental Health (Amendment) Bill*, including information on the continued involvement of rights holders and Disabled Persons Organisations.**<sup>319</sup>

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<sup>313</sup> At present, certain practices of seclusion and restraints are considered to be within the scope of the *Mental Health Act 2001*, which demonstrate the need for timely reform. Disabled Women Ireland, [Submission to the Public Consultation on the Review of the Mental Health Act 2001](#) (2021) p. 6.

<sup>314</sup> Concerns have been raised that inpatient mental health care operates to unreasonably separate mothers from children shortly after birth. Disabled Women Ireland, [Submission to the Public Consultation on the Review of the Mental Health Act 2001](#) (2021), PP. 6-7.

<sup>315</sup> Disabled Women Ireland, [Submission to the Public Consultation on the Review of the Mental Health Act 2001](#) (2021), p. 6.

<sup>316</sup> Advanced Healthcare Directives set out instructions in relation to preferred healthcare treatments. They are applied if a person loses capacity to make healthcare decisions, but have limited applicability in mental health contexts. Despite the opportunity for amendment in the *Assisted Decision Making (Capacity) (Amendment) Act 2022*, this form of discrimination against women with psycho-social disabilities remains in operation. Disabled Women Ireland, [Submission to the Public Consultation on the Review of the Mental Health Act 2001](#) (2021), p. 5.

<sup>317</sup> The Committee on the Rights of Persons with Disabilities has repeatedly called on States to repeal provisions that permit involuntary detention of disabled persons in mental health institutions. We have previously recommended that reform of mental health legislation is accompanied by other measures to ensure less restrictive forms of treatment in the community are available, with the ultimate aim of eradicating coercive treatment of persons with psychosocial disabilities. IHREC, [Submission on the General Scheme of the Mental Health \(Amendment\) Bill](#) (2022), pp. 19-20.

<sup>318</sup> This has been called for by the specialist group on Women’s Mental Health. Specialist Group on Women’s Mental Health, [Embedding Women’s Mental Health in Sharing the Vision](#) (2023), p. 37.

<sup>319</sup> We note that rights holders had the opportunity to submit materials to the Department of Health during the public consultation on the review of the *Mental Health Act* in 2021. Given the potential impact of this legislation on disabled women, consultation structures should be embedded so that rights holders can input at multiple stages of the review and amendment process. Department of Health, [Public Consultation on draft legislation to update the Mental Health Act 2001](#) (2021).

## Economic and social benefits

### Poverty and the cost of living crisis

The prevalence of poverty in Ireland raises significant questions about the protection of women’s socio-economic rights by the State. In 2022, 5.7% of women were living in consistent poverty, 13.2% were considered ‘at risk of poverty’, and 19.1% experienced enforced deprivation.<sup>320</sup> The poverty rates among structurally vulnerable groups are of particular concern, including older people living alone,<sup>321</sup> unemployed people,<sup>322</sup> people unable to work due to health complications,<sup>323</sup> Travellers, Roma and other ethnic minority groups.<sup>324</sup> Furthermore, one-parent families, 86.4% of which are headed by women, disproportionately experience poverty, with 14.1% living in consistent poverty and 31% at risk of poverty.<sup>325</sup> Despite its importance in underpinning effective poverty reduction policies, there are longstanding gaps in poverty data in Ireland, particularly at a regional level.<sup>326</sup>

**The Committee should ask the State to provide a comprehensive update on the targets and independent monitoring and accountability structures in place to reduce poverty, and the support provided to community development projects.**

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<sup>320</sup> Central Statistics Office (‘CSO’), [Survey on Income and Living Conditions](#) (2023) – 19.1% of women were unable to afford two or more of eleven deprivation items, which include items such as food, clothing etc. (up from 13.8% in 2021). If COVID-19 income supports were excluded, the at risk of poverty rate would have been 20.5% in SILC 2022.

<sup>321</sup> One in three persons aged 65 or over living alone are at risk of poverty: Central Statistics Office, [Survey on Income and Living Conditions](#) (2023).

<sup>322</sup> One in three unemployed persons are at risk of poverty and 48.6% are experiencing enforced deprivation: Central Statistics Office, [Survey on Income and Living Conditions](#) (2023).

<sup>323</sup> One in five persons unable to work due to long-standing health problems are living in consistent poverty and 44.3% are experiencing enforced deprivation: Central Statistics Office, [Survey on Income and Living Conditions](#) (2023).

<sup>324</sup> EU Agency for Fundamental Rights, [Travellers in Ireland: Key results from the Traveller and Roma survey 2019](#) (2019) and Pavee Point Traveller and Roma Centre, [Roma in Ireland: Access to Fair and Decent Work](#) (2023).

<sup>325</sup> Central Statistics Office, [Survey on Income and Living Conditions](#) (2023).

<sup>326</sup> ‘[W]e note longstanding gaps in poverty data in Ireland, with no poverty data at county level, no child poverty data at regional, county or electoral district levels and no official indicator of food poverty at national or regional levels.’ For more see: IHREC (2023) [Ireland and the Sustainable Development Goals](#), p. 22. See also, IHREC, [Submission to the Department of Social Protection’s public consultation on the Roadmap for Social Inclusion: Mid-Term Review](#) (2022).



Ireland is in the midst of a cost of living crisis. Unprecedented inflation,<sup>327</sup> massive increases to fuel, energy and food costs,<sup>328</sup> and an ongoing housing crisis<sup>329</sup> have combined to place extreme pressure on low income households,<sup>330</sup> with a disproportionate impact on households with children.<sup>331</sup> Structural inequalities in Ireland - with regard to gender gaps in income, wealth, pensions, unpaid work, and access to decent work - combine to compound the impact of the cost of living crisis on women. Core costs before housing are generally higher for women living in rural areas.<sup>332</sup> Furthermore, high living costs place acute pressure on disabled women, as the costs of having a disability are estimated to be an additional €8,000-€12,000 a year.<sup>333</sup> Older women are particularly vulnerable to energy poverty as they are less able to go without heating due to a combination of factors, including the condition of their home, their health, their age, and the greater likelihood that they live alone.<sup>334</sup> Energy costs for an older person living alone increased by 87% since 2022.<sup>335</sup>

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<sup>327</sup> In the ten years from 2010-2020 inflation totalled 7.9%. In the 12 months between March 2022 and 2023 inflation was 7.7%. See: Robert Thornton, Hannah Boylan and Niamh O'Carroll, [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul (2023), p. 11.

<sup>328</sup> Overall, the Minimum Essential Standard of Living (MESL) for 2023 in Ireland is calculated to have increased by an average of 10.6% since last year. Energy costs increased by 117.1% for urban households and 75.8% for rural households. Since 2020, food basket costs have increased by 20.8%. Lower income households are particularly vulnerable to drastic changes in the prices of essentials as they spend a higher proportion of their income on such goods. Robert Thornton, Hannah Boylan and Niamh O'Carroll, [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul (2023), pp. 9, 11, 13, 15-16.

<sup>329</sup> Discussed below. The State has recognised that there is a housing and homelessness crisis in Ireland since 2018, and a motion was passed in October 2018 declaring it as a national emergency: Dáil Debates, [Leader's Questions](#) (February 2018) and Dáil debates, [Housing: Motion \[Private Members\]](#) (October 2018).

<sup>330</sup> TASC, [The State we are in: Inequality in Ireland 2022](#), (2022), p. 29 – 'the bottom 20% of income recipients...have experienced the largest increases in prices...the erosion of living standards has been greatest for those with least income'; See also: ESRI (2023) [Quarterly Economic Commentary: Spring 2023](#) – 'The recent rise in inflation has disproportionately affected lower-income households.' 26.6% of lower income households went without heat at some point in 2022 compared to 6.6% of middle to upper income households who experienced the same: Housing Europe Observatory (2023) [Delivering on Housing in Ireland: A European Policy Perspective](#), p. 19.

<sup>331</sup> Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, p. 15 – 'Notable increases in staples include milk (54%), eggs (32-40%), butter (72%) and bread (67%) have a greater impact on households with children as these items account for a tenth of a single working age adult's food basket whereas it constitutes a fifth of a two-parent and two child household's food basket.' A 2022 poll conducted by the Commission found that 88% of parents with children under 16 planned to reduce their heating and energy consumption to reduce household costs: IHREC (2022) [Human Rights Poll](#).

<sup>332</sup> Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, pg.26.

<sup>333</sup> Indecon International Research (2021) [The Cost of Disability in Ireland: Final Report](#)

<sup>334</sup> Raised during IHREC's engagement with civil society (2023).

<sup>335</sup> Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, pg.16.

**The Committee should ask the State for an update on its core spending to address the disproportionate impact of the cost of living crisis on women, including in response to the inequalities identified in the Cost of Disability report.**

## Adequate housing<sup>336</sup>

There is an ongoing structural housing crisis in Ireland.<sup>337</sup> Years of under delivery of construction projects, insufficient regulation, underestimation of housing needs, and an over-reliance on the private market, to the detriment of public and social housing have combined to create a housing sector with costs 88.5% higher than the EU average.<sup>338</sup> Ireland has one of the highest rates of women's homelessness in the EU.<sup>339</sup> Furthermore, one-parent households are the highest proportion of families accessing emergency accommodation.<sup>340</sup> Women also experience hidden homelessness at higher rates, due to their reliance on family, friends and other informal options.<sup>341</sup>

12% of women live in social housing, with women aged under 24, women from outside the EU, one-parent families, women without a third level education, and disabled women significantly more likely to rely on this tenure type.<sup>342</sup> The limited availability of social housing in Ireland, combined with surging rental prices, is having a clear detrimental impact on health equity and social cohesion.<sup>343</sup> The European Committee of Social Rights has also repeatedly found the condition of social housing stock in Ireland to be in violation of the

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<sup>336</sup> Commission funded research identified six indicators for adequate housing which were: accessibility, affordability, security of tenure, cultural adequacy, quality and location. See: H. Russell, I. Privalko, F. McGinnity and S. Enright, [Monitoring Adequate Housing in Ireland](#) (IHREC: 2021).

<sup>337</sup> As recently recognised by the European Commission: European Commission, [2022 Country Report – Ireland](#) (2022), p. 48.

<sup>338</sup> Eurostat (2023) [Comparative price levels in Ireland, 2021](#) and Housing Europe Observatory (2023) [Delivering on Housing in Ireland: A European Policy Perspective](#).

<sup>339</sup> Trinity College Dublin, [Homelessness among women in Ireland highest in Europe](#) (2017). More generally, see Department of Housing, Local Government and Heritage (2023) [Monthly Homelessness Report: June 2023](#) – 12,600 persons, including 3,765 children, accessed emergency accommodation in the last week of June. The same figure was 10,949 in January 2022. These figures do not include women living in refuge accommodation, direct provision and disabled women living in institutionalised settings.

<sup>340</sup> Department of Housing, Local Government and Heritage (2023) [Monthly Homelessness Report: June 2023](#) – 56% of families presenting to emergency accommodation were One-Parent Households.

<sup>341</sup> Focus Ireland, [From Rebuilding Ireland to Housing for All: international and Irish lessons for tackling homelessness](#) (2022), p. 73.

<sup>342</sup> H. Russell, I. Privalko, F. McGinnity and S. Enright, [Monitoring Adequate Housing in Ireland](#) (IHREC: 2021).

<sup>343</sup> European Commission, [2022 Country Report – Ireland](#) (2022), p. 48 and European Commission, [Analysis of the recovery and resilience plan of Ireland](#) (2021).

European Social Charter, and there is a lack of adequate legislative standards and regulations in place.<sup>344</sup>

54% of renters require support from the Government in order to pay their rent,<sup>345</sup> and women are overrepresented as housing support recipients (61%) compared to men (38%).<sup>346</sup> Furthermore, half of one-parent families are at risk of poverty when rent is deducted from their income.<sup>347</sup> The State's policy of reliance on the private rental market to meet housing needs raises particular issues with regard to the right of Travellers to culturally appropriate accommodation,<sup>348</sup> and due to the well-documented discrimination that takes place in this sector.<sup>349</sup> The recent reporting on 'sex for rent' highlights the specific forms of discrimination and exploitation experienced by women in the private market.<sup>350</sup>

**The Committee should ask the State how it is applying a gender specific lens to understand women's experiences of homelessness, and the full range of prevention, support and housing services required.**

## Social protection

Many women in Ireland do not have a sufficient income to meet their right to an adequate standard of living, with the situation continuing to worsen. In 2023, only 13% of test household cases in receipt of social welfare demonstrated income adequacy,<sup>351</sup> with many households reporting that their social welfare income meets less than 90% of what they

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<sup>344</sup> IHREC (2023) [Comments on Ireland's 20<sup>th</sup> National Report on the Implementation of the European Social Charter](#), pp. 19-26. See also: [S.I No. 137/2019 Housing \(Standards for Rented Houses\) Regulations 2019](#)

<sup>345</sup> Michael Doolan, Barra Roantree and Rachel Slaymaker (2022) [Low Income Renters and Housing Supports](#).

<sup>346</sup> H. Russell, I. Privalko, F. McGinnity and S. Enright, [Monitoring Adequate Housing in Ireland](#) (IHREC: 2021), p. 73.

<sup>347</sup> National Women's Council, [NWC Gender Analysis of Budget 2023](#) (2022), p. 5. Almost all housing outcomes are worse for this group, see: James Laurence, Helen Russell and Emer Smyth (2023) [Housing adequacy and child outcomes in early and middle childhood](#).

<sup>348</sup> IHREC (2023) [Comments on Ireland's 20<sup>th</sup> National Report on the Implementation of the European Social Charter](#), pp. 6-13.

<sup>349</sup> Raffaele Grotti, Helen Russell, Éamonn Fahey & Bertrand Maitre (2018) [Discrimination and Inequality in Housing in Ireland](#) (Dublin: ESRI) - Travellers are 22 times more likely than White Irish people to experience discrimination in the housing market. See also: IHREC (2023) [Comments on Ireland's 20<sup>th</sup> National Report on the Implementation of the European Social Charter](#), pp. 6-13 and Michael Doolan, Barra Roantree and Rachel Slaymaker (2022) [Low Income Renters and Housing Supports](#), p. 25.

<sup>350</sup> Emmet Malone and Olivia Kelleher, [Legislation to stop sex for rent exploitation will be introduced, says Tánaiste](#), *The Irish Times* (28 July 2023) and Dáil Debate, [Priority Questions: Rental Sector](#) (March 2023).

<sup>351</sup> Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, p. 19.

need to achieve a minimum essential standard of living.<sup>352</sup> Despite recent State measures, there is still an adequacy gap between the income provided by child related social welfare supports and the needs of households with children.<sup>353</sup> While full-time employment is effective in lifting families out of poverty,<sup>354</sup> it creates huge challenges for one-parent families managing high levels of unpaid care and work. Social welfare supports are therefore critical for reducing child poverty amongst lone parent and unemployed households, as well as income supports for working families and policies to address low pay.<sup>355</sup> Many carers experience long-term financial distress due to leaving work or reducing hours and higher household costs, which is exacerbated by the insufficiency of the Carer's Allowance.<sup>356</sup> Once-off cost of living payments for disabled people also do not meet the extra costs they experience, as set out above, and are only available to people in receipt of Disability Allowance.<sup>357</sup> Furthermore, women tend to live longer than men and have a higher at risk of poverty rate, and inadequate State supports are affecting their ability to live in older years with a decent income, particularly in rural areas.<sup>358</sup> A major contributing factor to the inadequacy of social supports is the arbitrary nature of their calculations, which do not

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<sup>352</sup> Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, pp. 19, 20. All cases examined showed that their social welfare income met less needs than 12 months before.

<sup>353</sup> Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, p. 22. See also, Bertrand Maitre, Helen Russell and Emer Smyth (2021) [The Dynamics of Child Poverty in Ireland: Evidence from the Growing Up in Ireland Survey](#), Research Series Number 121, Dublin: ESRI, pp. 49-51.

<sup>354</sup> Bertrand Maitre, Helen Russell and Emer Smyth (2021) [The Dynamics of Child Poverty in Ireland: Evidence from the Growing Up in Ireland Survey](#), Research Series Number 121, Dublin: ESRI, pp. 49-51

<sup>355</sup> Bertrand Maitre, Helen Russell and Emer Smyth (2021) [The Dynamics of Child Poverty in Ireland: Evidence from the Growing Up in Ireland Survey](#), Research Series Number 121, Dublin: ESRI, p. 15. A 2023 research report by the ESRI/Community Foundation recommends introducing a new Child Income Support Payment (CISP) to enable policymakers to reduce child poverty in contrast to increasing universal Child Benefit and/or reforms to targeted means-tested payments like IQCs (Increases for a Qualified Child) and WFP (Working Families Payment). Roantree, B. and K. Doorley (2023). [Poverty, income inequality and living standards in Ireland: Third annual report](#), Jointly-published Reports 4, Dublin: ESRI and Community Foundation Ireland: p. 13.

<sup>356</sup> 72% of those in receipt of Carer's Allowance report that they find it hard to make ends meet, and many cut back on essentials such as food and heating. Family Carers Ireland (2022) [The State of Caring](#), p. 19. See also IHREC (2023) [Policy Statement on Care](#), pp. 46-48.

<sup>357</sup> National Women's Council, [NWC Gender Analysis of Budget 2023](#) (2022), p. 5.

<sup>358</sup> Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, pp. 25-26. Net household income for an older person living alone meets 90.4-93.4% of their MESL needs depending on which State pension they are on. For an older person living alone in a rural area their net household income meets between 76.8-79.4% of their MESL needs depending on the nature of their State pension.

consider the cost of living. They are also not indexed against national wage levels, as recommended in our recent Policy Statement.<sup>359</sup>

**The Committee should ask the State for an update on its plans to adopt Welfare Indexation across social welfare policy development and reform as a matter of priority, as recommended by the Commission.**

We are concerned about the withdrawal of eligibility for social supports in response to a change in circumstance, for example the age of a child dependent<sup>360</sup> or increased access to employment. Such cliff-edge and step-effects in the Irish social protection system can result in entitlements and State supports being withdrawn sharply or fully as income rises,<sup>361</sup> and can act as strong incentives to cluster at an income threshold rather than seek more hours, higher pay or promotions. There are income thresholds in place for the Working Family Payment,<sup>362</sup> and the Disability Allowance.<sup>363</sup> There are also cliff edges associated with non-cash State supports, such as the medical card.<sup>364</sup>

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<sup>359</sup> IHREC (2023) [Policy Statement on the Index-Linking of Welfare Payments \(Welfare Indexation\)](#).

<sup>360</sup> The child age limit for the One-Parent Family Payment is set at 7 years of age. Furthermore, as costs increase as a child goes through adolescence, supports such as the Jobseekers Transitional Payment, designed for one-parent families, should not cease at the age of 14: Robert Thornton, Hannah Boylan and Niamh O’Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, p. 22 – ‘The direct MESL needs of older children [12 and over] are an average of €149 per week, approximately 60% more than the minimum needs of younger children.’

<sup>361</sup> Cliff-edges and step-effects also describe the arising liability for certain taxes in response to a change in circumstances, usually as a result of increasing employment.

<sup>362</sup> The Working Family Payment is an in-work benefit supporting those in lower paid employment who have at least one child. The WFP is only available to a person working at least 38 hours per fortnight. Eligibility is determined on an annual basis and if when they are being re-assessed a person who was formerly in receipt of the WGP their hours have fallen below the threshold they are no longer eligible. This presents a sharp cliff edge that has consequences for workers for reasons that are often beyond their control. A person who cannot secure full-time nor 38 hours per fortnight faces a disincentive to work. See: Michael Doolan and Claire Keane (2023) [Cliff edges in the Irish tax-benefit system](#), Budget Perspectives BP202401, Dublin: ESRI, pp. 15-16.

<sup>363</sup> See Joint Committee on Disability Matters, [Employment Participation and Career Progression for People with Disabilities: Discussion](#) (2023).

<sup>364</sup> Medical cardholders are entitled to free primary, community and public healthcare. Eligibility is means tested and differ by family type. Means test linking a benefit to an income threshold creates a cliff face whereby once the holder’s income exceeds the threshold their medical card is withdrawn and they now incur costs associated with healthcare. This is a strong disincentive to work or improve working conditions, particularly for persons with consistent ongoing health complications. See: Michael Doolan and Claire Keane (2023) [Cliff edges in the Irish tax-benefit system](#), Budget Perspectives BP202401, Dublin: ESRI, pp. 19-22.

**The Committee should ask the State if it will fully implement the recommendation of the Commission on Taxation and Welfare to remove cliff-edges in the social welfare system.**<sup>365</sup>

The Habitual Residence Condition and Housing Circular 41/2012<sup>366</sup> continue to have a discriminatory and disproportionate effect on ethnic minority communities, including Roma, seeking access to basic social protections such as Child Benefit<sup>367</sup> or housing supports.<sup>368</sup> We note the Committee's recommendation to the State to assess the impact of the HRC on women from such communities.<sup>369</sup>

**The Committee should ask the State for information on how it has assessed the impact of the Habitual Residence Condition, and other administrative requirements, on ethnic minority communities.**

## Maintenance payments

The reliable and adequate provision of child maintenance can be an effective poverty reduction measure.<sup>370</sup> According to a survey of one-parent households, the majority of which are headed by women, as set out above, only 35% are receiving maintenance without

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<sup>365</sup> Commission on Taxation and Welfare (2022) [Foundations for the Future: Report of the Commission on Taxation and Welfare](#), pp. 254-255 – 'The Commission recommends that cliff-edges in the taxation and welfare systems should be removed.'

<sup>366</sup> In order to be assessed for social housing supports, a non-Irish EEA citizen must be employed and be able to demonstrate 52 weeks of employment. See: The National Roma Network (2022) [Roma Accommodation Advocacy Paper](#). For previous IHREC views on the circular see: IHREC (2021) [Submission to the Anti-Racism Committee](#).

<sup>367</sup> See for example, IHREC, [Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports](#) (2022), pp. 79-80. We have also been informed by civil society that the HRC has a wider impact on the ability of Roma women to leave an abusive relationship. We have previously recommended the introduction of legislation to provide for a DSGBV waiver to the Habitual Residence Condition. See also, the section below on trafficking.

<sup>368</sup> The National Roma Network (2022) [Roma Accommodation Advocacy Paper](#) - Due to discrimination, the employment rates of Roma and their disproportionate risk of precarious/unregistered work Roma can be at a particular disadvantage meeting the requirements of the Circular and for many it is a de facto bar on their eligibility. See also: Irish Traveller and Roma Women (2022) [Alternative Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#) - Roma women often lack documentation, proof of address and/or language and literacy skills to prove their connection to the State, despite residing in the jurisdiction for many years.

<sup>369</sup> Committee on the Elimination of All Forms of Discrimination against Women (2017) [Concluding Observations on the combined sixth and seventh periodic reports of Ireland](#), para 46-47, CEDAW/C/IRL/CO/6-7

<sup>370</sup> Mia Hakovirta and Minna Rantalaiho (2011) [Family Policy and Shared Parenting in Nordic Countries](#), *European Journal of Social Security* 13(2) 247-266 – It was found that if child maintenance is a reliable source of income it can result in a 30% reduction in the poverty gap.

arrears.<sup>371</sup> Those seeking maintenance orders must take on the financial, logistical and emotional burden of adversarial litigation. We note the Committee's previous recommendation that the State should consider establishing a Statutory Agency to oversee the provision of maintenance and introducing legislation that prescribes amounts.<sup>372</sup>

**The Committee should ask the State for an update on the reform of the child maintenance system, including the implementation of its 2017 recommendation.**

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<sup>371</sup> SPARK (2022) [Child Maintenance Survey](#).

<sup>372</sup> Committee on the Elimination of All Forms of Discrimination against Women (2017) [Concluding Observations on the combined sixth and seventh periodic reports of Ireland](#), para 56-57, CEDAW/C/IRL/CO/6-7.

## Climate action

Transformative climate adaptation and mitigation measures are critical to ensure the advancement of substantive gender equality and the protection of human rights in Ireland,<sup>373</sup> including through SDGs 5 (Gender Equality) and 13 (Climate Action) of the Agenda 2030. The gender-differentiated impacts of climate change are well established, with a body of evidence demonstrating its disproportionate impact on women and girls.<sup>374</sup> Research demonstrates that women may be more physically vulnerable to certain forms of pollution and toxins.<sup>375</sup> Furthermore, pre-existing inequalities relating to socio-economic disadvantage are exacerbated by higher health costs and changes in the structure of the labour market as part of Ireland's transition to a carbon-neutral economy. For example, family farming and related seasonal work is heavily reliant on the unpaid and paid work of women, and therefore the gendered impact of restructuring agricultural practices, mechanisation and automation, needs to be considered and addressed.<sup>376</sup> Moreover, multiple crises and conflicts, including the climate emergency, increase vulnerability to human trafficking and diversify trafficking risks.<sup>377</sup>

However, despite the clear imperative for urgent climate action, Ireland's national mitigation and adaptation measures remain profoundly inadequate. As much as 87% of Ireland's energy needs are met by fossil fuels,<sup>378</sup> and despite recent improvements in climate change performance, it remains a 'low-performing' country.<sup>379</sup> Ireland's previous

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<sup>373</sup> See IHREC, [Submission to the 2023 UN High-Level Political Forum on the second Voluntary National Review of Ireland](#) (June 2023) and IHREC, [Policy Statement on a Just Transition](#) (March 2023).

<sup>374</sup> CEDAW, [General recommendation No.37 \(2018\) on gender-related dimensions of disaster risk reduction in a changing climate](#), CEDAW/C/GC/37 (2018). The Environmental Justice in Ireland report highlights that women are particularly vulnerable to environmental risks due to the gender dimension to socio-economic disadvantage and exposure to toxins: S. O'Neill, [Environmental Justice in Ireland: Key dimensions of environmental and climate injustice experienced by vulnerable and marginalised communities](#) (2022), p. 6.

<sup>375</sup> S. O'Neill, [Environmental Justice in Ireland: Key dimensions of environmental and climate injustice experienced by vulnerable and marginalised communities](#) (2022), pp. 6, 43-44. For further discussion, see IHREC, [Policy Statement on a Just Transition](#) (March 2023).

<sup>376</sup> See Byrne, A., Duvvury, N., Macken-Walsh, Á., and Watson, T. [Gender, Power and Property: "In my own right"](#), *The Rural Economy Development Programme (REDP) Working Paper Series*, (2013).

<sup>377</sup> UN Inter-Agency Coordination Group against Trafficking in Persons (ICAT) [Joint Statement on the World Day against Trafficking in Persons](#) (2023).

<sup>378</sup> Climate Change Advisory Council, [Annual Review 2023](#) (2023), p. 29.

<sup>379</sup> [Climate Change Performance Index 2023: Ireland](#). The experts noted that despite the introduction of measures such as sectoral emissions ceilings, Government implementation remains weak with necessary actions and measures ignored or delayed in many areas.



Climate Action Plan ('CAP') 2021, now succeeded by the CAP 2023,<sup>380</sup> reported an overall implementation rate of 79%, and there continues to be an upward trend of energy-related emissions.<sup>381</sup> Ireland will not meet its emissions targets in the first and second carbon budget periods (2021-2025; 2026-2030) unless urgent action is taken and emissions begin to fall rapidly.<sup>382</sup> In March 2023, the Citizens' Assembly on Biodiversity Loss<sup>383</sup> made a series of recommendations to the State, including that the Constitution should be amended to provide for substantive environmental rights, such as the right to a clean, healthy, safe environment;<sup>384</sup> the right to a stable and healthy climate; and the rights of future generations to these and other environmental rights.<sup>385</sup>

We welcome the State's recognition that climate change particularly impacts women by exacerbating inequalities, and commitment to advancing a gender-sensitive approach to climate action at an international level through development assistance and finance support.<sup>386</sup> However, there is no evidence that the gendered nature of climate and

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<sup>380</sup> The Climate Action Plan 2023 was approved by Government and published on 21 December 2022. In March 2023, the Government published the [Annex of Actions](#) to accompany the Climate Action Plan 2023, outlining the steps Ireland is taking to respond to the climate crisis. Government of Ireland, [Government approves Annex of Actions to Climate Action Plan 2023](#) (2023).

<sup>381</sup> Government of Ireland, [Almost 80% of actions under Climate Action Plan completed, but upward emissions trend continues](#) (2021) and [Climate Change Performance Index 2023: Ireland](#).

<sup>382</sup> Climate Change Advisory Council, [Annual Review 2023](#) (2023), p. 6. In 2022, the Advisory Council noted that Ireland continues to rely on allowances purchased from other Member States to meet its shortfall: Climate Change Advisory Council, [Annual Review 2022](#) (2022), p. 15.

<sup>383</sup> The Citizens' Assembly on Biodiversity Loss was launched in early 2022 and met on six occasions between May 2022-January 2023. In its Terms of Reference, it was mandated to consider a number of areas, including the international, European, national, regional and local dimensions to the biodiversity emergency; the threats presented by biodiversity loss and the opportunities to reverse this loss; and the main drivers of biodiversity loss, their impacts and the opportunity of addressing these drivers. The Final Report with the agreed 159 recommendations (73 high-level recommendations and 86 sectoral-specific recommendations) is available here: Citizens' Assembly, [Report of the Citizens' Assembly on Biodiversity Loss](#) (March 2023).

<sup>384</sup> At present, the Irish Constitution does not include any reference to a right to a healthy environment. However, in 2017 the High Court determined that there was a constitutional right to an environment that is consistent with human dignity. The Supreme Court did not support this, but in a 2020 ruling made an observation that in other jurisdictions specific wording has been inserted into constitutions when they were being adopted or amended. The Supreme Court appeared to suggest that rather than the courts deciding the issue an amendment to the constitution could be considered. The right to a clean, health and sustainable environment has been explicitly recognised by the UN General Assembly in 2022. See Citizens' Assembly, [Report of the Citizens' Assembly on Biodiversity Loss](#) (March 2023): p. 88; United Nations General Assembly, [Resolution A/76/L.75: the human right to a clean, healthy and sustainable environment : resolution / adopted by the General Assembly](#) (2022).

<sup>385</sup> Citizens' Assembly, [Report of the Citizens' Assembly on Biodiversity Loss](#) (March 2023): p. 16.

<sup>386</sup> For example, initiatives such as strengthening climate resilience of gender equality programmes through forthcoming work on climate proofing Ireland's Official Development Assistance. Department of the Environment, Climate and Communications, [Climate Action Plan 2023](#) (2023), p. 266.

environmental risks receive the necessary priority at national level. The CAP 2023 does not include gender-responsiveness measures, or any specific actions to address the impact of climate change on women and girls. The related progress reports also fail to adopt a gender-sensitive approach or gender-proof the impact of transition measures.<sup>387</sup>

Women's voices have been excluded or marginalised from environmental decision-making at local, regional and national level, and this particularly applies to disabled women,<sup>388</sup> women in poverty, community groups and young people.<sup>389</sup> Overall, insufficient attention has been given to the specific requirements for public participation and engagement by women, the long-term impacts of environmental inequality on women's health, and the gender and disability dimensions to environmental incentives such as transport measures.<sup>390</sup> In line with its obligations under CEDAW, the effective participation of structurally vulnerable groups of women and girls is essential to address intersectional inequalities and inform rights-based climate action mitigation measures.<sup>391</sup>

**The Committee should ask the State to address the measures it is taking to assess and address the impact of climate change on women and girls in Ireland, including through vulnerability assessments, their inclusion in decision-making processes, and support for community development.**<sup>392</sup>

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<sup>387</sup> The Annex sets out the various measures and actions that will support the delivery of the Climate Action Plan 2023. For the Annex of Actions, Climate Action Plan 2023 and progress reports, see: Department of the Environment, Climate and Communications, [Climate Action Plan 2023](#) (2023).

<sup>388</sup> This issue has been raised through IHREC's [Disability Advisory Committee](#).

<sup>389</sup> S. O'Neill, [Environmental Justice in Ireland: Key dimensions of environmental and climate injustice experienced by vulnerable and marginalised communities](#) (2022), p. 43 and Dr. C. McCabe, [Towards an Anti-Poverty Strategy for Clare](#) (2022), pp. 26-27. The presence of women in political decision-making is linked to more ambitious climate goals and policies. However, for example, Ireland did not appoint a woman to lead their UNFCCC Conferences of the Parties delegation between 2008 and 2019: OECD Environment Working Papers No. 193, [Women's leadership in environmental action](#) (2022).

<sup>390</sup> S. O'Neill, [Environmental Justice in Ireland: Key dimensions of environmental and climate injustice experienced by vulnerable and marginalised communities](#) (2022), p. 43. Department of Rural and Community Development, [Public Participation Networks: Annual Report 2021](#) (2021), p. 51. In this context, we do note the [Gender Equality Initiative](#) of the Environmental Protection Agency.

<sup>391</sup> CEDAW, [General recommendation No.37 \(2018\) on gender-related dimensions of disaster risk reduction in a changing climate](#), CEDAW/C/GC/37 (2018), paras. 2, 26(b)-(c).

<sup>392</sup> See IHREC, [Policy Statement on a Just Transition](#) (March 2023): We recommend that the prioritises community development in climate change affected areas, including through funding, supporting alternative and sustainable employment opportunities and training and development.

## Disadvantaged groups of women

### Rural women

Women in rural communities are often required to travel long distances to access basic services and supports, including health services.<sup>393</sup> The isolation faced by rural women in Ireland is exacerbated by the poor, inaccessible public transport infrastructure; lack of access to quality broadband; higher core costs associated with rural living; unequal sharing of care responsibilities; and greater rate of economic dependency.<sup>394</sup> These issues can be experienced more acutely as women age.<sup>395</sup>

As noted above, the women's community sector is inadequately resourced, and there is a lack of women's representation in local decision-making structures. This results in rural women's needs and contributions being unaddressed and unacknowledged, and is compounded for women from structurally vulnerable groups. For example, transport options neglect the needs of women from ethnic minority groups, women on low incomes and disabled women; and victims and survivors of violence face additional barriers due to the geographical gaps in the provision of refuge spaces.<sup>396</sup> Furthermore, women's contribution to family businesses, including farming, is unaddressed in statistics and policies, and inheritance and succession continue to favour men.<sup>397</sup>

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<sup>393</sup> The average distance for the supermarket, pharmacy and GP is about 7 times longer for rural households. National Women's Council of Ireland (2023) [Her Rural Future: Key Demands for Women in Rural Ireland](#).

<sup>394</sup> For example, older rural women are even less likely than older urban women to have an occupational pension. See National Women's Council (2023) [Her Rural Future: Key Demands for Women in Rural Ireland](#) and National Women's Council (2022), [Results of NWC's Online Survey with Women in Rural Ireland](#). When housing is not accounted for, the core living costs for rural dwellers are higher. See: Robert Thornton, Hannah Boylan and Niamh O'Carroll (2023) [Minimum Essential Standard of Living 2023: Annual Update](#), Dublin: Saint Vincent De Paul, p. 26.

<sup>395</sup> Nearly 50% of women aged 65+ in rural areas say they have unmet transport needs and over 50% of women aged 75+ do not have a driving licence. 70% of older people without driving licences are women. Nat O'Connor and Mary Murphy (2022) [The State of Ageing in Ireland 2022 – Reframing Ageing](#) (Dublin: Age Action Ireland), p. 37.

<sup>396</sup> National Women's Council (2022), [Results of NWC's Online Survey with Women in Rural Ireland](#).

<sup>397</sup> National Women's Council (2023) [Her Rural Future: Key Demands for Women in Rural Ireland](#), p. 2. See also, IHREC, [Policy Statement on a Just Transition](#) (2023).

**The Committee should ask the State how it is implementing and measuring the effectiveness of national policies, programmes and service delivery to ensure equal access and benefits for rural women.**

## Women in international and temporary protection

The inadequate provision of supports and accommodation to international and temporary protection applicants in Ireland has been the subject of repeated criticism by the Commission,<sup>398</sup> as well as Council of Europe and UN experts.<sup>399</sup> The long-standing Direct Provision system is of significant concern, with residents sharing communal spaces and bedrooms with non-family members, and experiencing difficulties in accessing medical and social protection supports.<sup>400</sup> In a recent State-commissioned report, issues identified by LGBTI+ participants living in international protection accommodation included, amongst others, poor management and complaints procedures, a culture of homophobia and transphobia, and strong feelings of isolation among LGBTI+ residents.<sup>401</sup>

Furthermore, the extreme shortage of available accommodation has resulted in the State increasingly accommodating women and girls in temporary and emergency centres that are unfit for purpose, including due to child protection issues, overcrowded conditions, additional risk factors for violence, and women being targeted for sexual exploitation.<sup>402</sup>

The State's commitment to replacing Direct Provision with a human rights and equality-

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<sup>398</sup> See for example, IHREC, [Submission to the Human Rights Committee on Ireland's fifth periodic report](#) (2022), p. 70.

<sup>399</sup> Council of Europe Commissioner for Human Rights, [Letter to Ireland by Dunja Mijatović](#) (17 May 2023) and Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2023), paras 37-38.

<sup>400</sup> Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2023), paras 37-38.

<sup>401</sup> Based on international standards, good practices internationally and focus group participation, the report makes a number of recommendations, including: the introduction, as a matter of urgency, of own-door accommodation which guarantees the requisite minimum level of privacy to ensure an LGBTI+ resident feels safe; that a dedicated support worker for LGBTI+ residents be made available at IPAS centres; that LGBTI+ sensitive training be provided to staff within IPAS accommodation; and that vulnerability assessments be conducted in a more rigorous manner. See DCEDIY/LGBT Ireland, [LGBTI+ people living in International Protection Accommodation Services \(IPAS\) accommodation: Best practices and lived experiences](#) (2023).

<sup>402</sup> Irish Refugee Council, [Accommodation Crisis 2022: Response and Recommendations](#) (2022) and AkiDWA (2019) [Submission to the Joint Committee on Justice & Equality](#). In August 2023, the International Protection Accommodation Service had a total occupancy of 14,372 in emergency accommodation centres, 651 in the national transit hub and 139 in temporary tented accommodation. The weekly arrivals figure was 284 as of 6 August 2023, and 10.56% were single women; 18.31% were children; 12.68% were couples and 4.23% were lone parents: Department of Children, Equality, Disability, Integration and Youth, [IPAS Weekly Accommodation and Arrivals Statistics](#) (August 2023).

based model is significantly delayed.<sup>403</sup> The External Advisory Group has recently called on the Government to re-commit to its stated objective of ending Direct Provision, even if a longer time-frame is needed.<sup>404</sup> The Advisory Group further notes that while it may not be possible to deliver the White Paper goals in full by the end of 2024, urgent action is required now to ensure that the end of Direct Provision is clearly in sight and can be achieved shortly thereafter.<sup>405</sup> The State has also committed to incorporating a gender sensitive approach into international protection procedures,<sup>406</sup> but no update is available as to whether this target has been progressed. Furthermore, we are concerned about the State's approach to age assessments<sup>407</sup> and the inadequacy of the system for vulnerability assessments.<sup>408</sup>

**The Committee should ask the State for an update on:**

- **the phasing out of the Direct Provision system, including implementation of the recent recommendations by the External Advisory Group, and the establishment of a human rights and equality compliant system for women and girls;**
- **plans to independently monitor and inspect emergency and temporary accommodation to ensure the protection of women's rights;**
- **the application of a gender sensitive approach to international protection and development of gender specific guidelines, in line with international standards;**

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<sup>403</sup> In February 2021, the Government committed to replacing Direct Provision with a 'human rights and equality based' model by December 2024: Department of Children, Equality, Disability, Integration and Youth, [A White Paper to End Direct Provision and to Establish a New International Protection Support Service](#), (February 2021).

<sup>404</sup> In July 2023, the Department of Children, Disability, Equality, Integration and Youth published the [second report by the External Advisory Group on ending Direct Provision](#), focusing on a chronological timeline of measures to implement the White Paper on Ending Direct Provision. The report makes a number of immediate, medium-term and long-term recommendations. Amongst the immediate measures, the External Advisory Group recommends that that Department of An Taoiseach be given a co-ordinating role to ensure delivery of the commitments in the White Paper, and that the State end the use of private sector accommodation for new arrivals, except for short term emergency overflow. See DCEDIY, [Report No. 2 From the External Advisory Group on Ending Direct Provision](#) (2023).

<sup>405</sup> See DCEDIY, [Report No. 2 From the External Advisory Group on Ending Direct Provision](#) (2023): p. 2.

<sup>406</sup> Department of Justice (2022) [Third National Strategy on Domestic, Sexual & Gender-Based Violence Implementation Plan](#) – Action 2.18.

<sup>407</sup> In particular, we are concerned about shortcomings in the current eligibility assessment process for age-disputed minors in the international protection process, including the timeliness of assessments and reassessments, procedural fairness, and the availability of appeal procedures. For further information on age assessments, see Irish Refugee Council, [Ireland Country Report: Identification](#) (2023).

<sup>408</sup> IHREC, [Submission to the Human Rights Committee on Ireland's fifth periodic report](#) (2022), pp. 71-72.

- **the provision of, and procedures for, age assessments and vulnerability assessments.**

## Women in detention

As the incoming Coordinating National Preventative Mechanism under OPCAT, we are concerned about persistent overcrowding in women’s prisons,<sup>409</sup> the lack of transparency and non-publication of reports,<sup>410</sup> the committal of women on a short-term basis for non-violent offences,<sup>411</sup> self-harm, depression and traumatic stress disorder rates and addiction issues,<sup>412</sup> the overuse of remand,<sup>413</sup> and the significant overrepresentation of Travellers in women’s prisons.<sup>414</sup> Bespoke, trauma-informed mental health services are required for women,<sup>415</sup> informed by findings from the Inspector of Mental Health Services about the under-resourcing of in-reach forensic mental health teams in women’s prisons in Ireland.<sup>416</sup> Recent research has also highlighted the impact of maternal imprisonment on the women themselves, as well as their family and broader community, and the lack of consideration of such caregiving responsibilities at the point of sentencing.<sup>417</sup>

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<sup>409</sup> Irish Penal Reform Trust (2022) [Progress in the Penal System: The need for transparency 2021](#), pp. 12-13, 19. During December 2022, there were 320 instances of women sleeping on mattresses.

<sup>410</sup> In 2022, the Human Rights Committee raised its concerns about the ‘lack of transparency and reiterated refusal to publish the Dóchas reports on the treatment and conditions of detention of women detainees’: Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2023), paras 35-36.

<sup>411</sup> Irish Penal Reform Trust (2022) [Progress in the Penal System: The need for transparency 2021](#), pp. 14, 18. The amount of women committed to prison for the non-payment of court ordered fines (5.7%) is over double the comparable figure for men (2.5%).

<sup>412</sup> Twenty-four female prisoners engaged in self-harm in 2019, equating to a rate of 19.8 per 100 prisoners, which is 8.2 times higher than the rate among male prisoners: Health Research Board, [Focal Point Ireland: national report for 2022 – Prison](#) (2022), pp. 9, 12. Women have proportionally greater levels of mental health difficulties than men but the available data is inadequate: Irish Penal Reform Trust (2022) [Progress in the Penal System: The need for transparency 2021](#), pp. 18, 23.

<sup>413</sup> Irish Penal Reform Trust (2022) [Progress in the Penal System: The need for transparency 2021](#), p. 20.

<sup>414</sup> Brian Harvey (2021) [The Traveller Community and Homelessness](#) (Dublin: Pavee Point), p. 23. This overrepresentation must be seen in the context of research highlighting Traveller’s negative experiences in the criminal justice process, including their strong perceptions of not being treated fairly by An Garda Síochána, judges and the courts, as well as high levels of perceived disrespect and stricter treatment from AGS and judges. S. Joyce, O. O’Reilly, M. O’Brien, D. Joyce, J. Schweppe, and A. Haynes, [Irish Travellers’ Access to Justice](#) (European Centre for the Study of Hate, (2022)).

<sup>415</sup> Department of Justice, [High Level Task Force to consider the mental health and addiction challenges of those who come into contact with the criminal justice sector: Final Report](#) (2022).

<sup>416</sup> Dr Susan Finnerty, Inspector of Mental Health Services, [Access to Mental Health Services for People in the Criminal Justice System](#) (2021), pp. 28-29.

<sup>417</sup> IPRT, [Maternal Imprisonment in Ireland: A Scoping Study](#) (2023). This research calls for the impact of maternal imprisonment on specific groups of women and their children to be considered during pre-trial

**The Committee should ask the State about how it is addressing the Human Rights Committee’s 2022 recommendations on prisons in Ireland,<sup>418</sup> including the conditions of detention of women, increased transparency, the improved provision of adequate mental health care, and the ratification of OPCAT.**

**The Committee should ask the State about what mitigating measures will be adopted to address the impact of maternal imprisonment on women and children, informed by improved and centralised data systems.**

## Traveller and Roma women

Traveller and Roma women face distinct barriers in relation to housing and accommodation and are significantly more likely to become homeless than the general population.<sup>419</sup> However, there are no targeted homelessness strategies for Travellers and Roma,<sup>420</sup> and broader strategies do not adequately address their accommodation needs.<sup>421</sup> While we

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decision making and sentencing, including ethnic minority groups, sole caregivers, foreign nationals, and women with mental health conditions.

<sup>418</sup> Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2023), paras 35-36.

<sup>419</sup> Travellers are consistently overrepresented in homelessness statistics and are up to 22 times more likely to enter homelessness. Cork and Kerry Regional Traveller Accommodation Working Group, [Traveller Homelessness: A Hidden Crisis \(2022\) p. 2](#). Homelessness figures for Traveller women range from 50-56% of the homeless Traveller population. Brian Harvey, [The Traveller Community and Homelessness](#) (2021); Cork and Kerry Regional Traveller Accommodation Working Group, [Traveller Homelessness in the Southwest](#) (2018), p. 19. 45.7% of Roma have been homeless at some stage in their lives. National Roma Network, [Roma Accommodation Advocacy Paper](#) (2022), p. 1.

<sup>420</sup> It is notable that the State has created a number of other housing strategies targeting specific structurally vulnerable groups. See for example, Department of Housing, Local Government and Heritage, [Youth Homelessness Strategy 2023-2025](#) (2022); Department of Housing, Local Government and Heritage, [National Housing Strategy for Disabled People 2022-2027](#) (2022); Department of Health, [Housing Options for our Ageing Population](#) (2020).

<sup>421</sup> We note the commitment to increasing and improving accommodation for Travellers in the State’s *Housing For All* policy framework, but this is not accompanied by precise targets. Department of Housing, Local Government and Heritage, [Housing for All – A New Housing Plan for Ireland](#) (2021), pp. 69-70. There are no Roma-specific accommodation actions in the National Traveller and Roma Inclusion Strategy. Traveller and Roma Rights Coalition, [Submission to the Department of Children, Equality, Disability, Integration and Youth: Framework Convention for the Protection of National Minorities: Ireland’s Fifth Periodic Report 2023](#) (2023), Appendix II.

note a positive trend of full draw-down of local authority budgets for Traveller accommodation,<sup>422</sup> these budgets continue to be insufficient to meet demand.<sup>423</sup>

Deficiencies in the provision of housing and accommodation also result in low standards of living for Traveller and Roma women. In our casework, we provided legal assistance to an extended Traveller family who, for sixteen years, had been living in conditions unsuitable for human habitation.<sup>424</sup> Similarly, Roma families continue to live in overcrowded conditions, sometimes without access to electricity, running water or sanitation.<sup>425</sup> These inadequate living environments have particular health impacts on Traveller and Roma women, as they spend more time in the home and are primary carers.<sup>426</sup>

**The Committee should ask the State for information on the specific legal, policy, and administrative measures to address homelessness and inadequate living conditions experienced by Traveller and Roma women, and the impact of these measures in practice.**

## Disabled women

Disabled women encounter challenges in realising their right to independent living, due to a profoundly lacking system of personal assistance ('PA') in Ireland.<sup>427</sup> There is no legislative

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<sup>422</sup> Full spend of Traveller-specific accommodation budgets was achieved in 2020, 2021 and 2022. However, spending is often concentrated on refurbishment, with certain local authorities failing to meet targets for new units in recent years. Government of Ireland, [20<sup>th</sup> National Report on the Implementation of the European Social Charter](#) (2022), p. 6; IHREC, [Comments on Ireland's 20<sup>th</sup> National Report on the Implementation of the European Social Charter](#) (2023), p. 7.

<sup>423</sup> Funding has not returned to the level provided prior to the financial crash fifteen years ago. The 2023 budget for Traveller-specific accommodation is €20 million, but was €40 million before 2008. IHREC, [Comments on Ireland's 20<sup>th</sup> National Report on the Implementation of the European Social Charter](#) (2023), p. 8.

<sup>424</sup> The Commission provided legal assistance to challenge the decision of a local authority not to provide a family with Traveller specific accommodation. They resided on an unauthorised halting site, which was deemed a fire hazard and infested with rodents. An agreement was signed before the case was heard whereby the local authority committed to upgrading their site in the short term and applying for permission to build a permanent site nearby. IHREC, [Annual Report 2021](#) (2022), p. 21.

<sup>425</sup> 24% of Roma are living in households of 8 or more people and 45% do not have enough beds in their accommodation. National Roma Network, [Roma Accommodation Advocacy Paper](#) (2022), pp. 3-4.

<sup>426</sup> National Traveller Women's Forum, [Opening Statement on Traveller Accommodation - Meeting of the Joint Committee on Key Issues affecting the Traveller Community](#) (2021), p. 2.

<sup>427</sup> Article 19 of the UNCRPD ensure the right to independent living, including entitlements to a range of in-home, residential and community support services, including personal assistance. [UN Convention on the Rights of Persons with Disabilities](#), Article 19.



framework for the grant of PA services,<sup>428</sup> budgetary allocations are insufficient,<sup>429</sup> and a lack of coordinated systems creates anomalies at various points in the life cycle.<sup>430</sup> Additionally, PA is often conflated with long-term care, which contributes to the conceptualisation of disabled women as passive recipients of care rather than as autonomous individuals exercising their right to make independent choices.<sup>431</sup> Due to the absence of adequate PA services,<sup>432</sup> many disabled women have to accept this ableist framing and access care support instead.

These issues are compounded by the systemic failings of institutions providing educational, health and social care services to disabled women. Against the backdrop of historical abuse, more recent incidents of violence and neglect, including in Aras Attracta,<sup>433</sup> the Grace

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<sup>428</sup> The National Women's Council has called for recognition of the key role PA services play in independent living and has recommended legislating to provide a statutory right to PA. National Women's Council, [What Disabled women Want for 2022](#) (2021), p. 2.

<sup>429</sup> Budgetary allocations should include ring-fenced funding for assistive technology. National Women's Council, [What Disabled women Want for 2022](#) (2021), p. 2.

<sup>430</sup> Stakeholders have advised us of significant difficulties in accessing services at transition points in their lives. For example, there is no right to a PA within older people's services, meaning that disabled women struggle to access services once they reach 65. Eamonn Carroll and Selina McCoy, [Personal Assistance Services in Ireland: A Capability Approach to Understanding the Lived Experience of Disabled People](#) (2022) *Disabilities* Vol 2, 694–714, p. 695.

<sup>431</sup> IHREC, [Policy Statement on Care](#) (2023), pp. 14-15.

<sup>432</sup> The Irish Wheelchair Association estimates over 60% of individuals currently receiving PA services require significantly more hours than they are receiving. Irish Wheelchair Association, [Personal Assistance Services](#) (2023).

<sup>433</sup> In 2014, the national broadcaster aired an investigative documentary on abuse at a residential care facility for people with intellectual disabilities in Mayo. Undercover footage showed a number of staff members physically and psychologically abusing and neglecting residents in the facility. A subsequent investigation by An Garda Síochána resulted in criminal charges against 6 people, 5 of whom were found guilty. National Disability Authority, [Overview of UNCRPD Article 16 in Ireland: Freedom from exploitation violence and abuse](#) (2022) p. 54.

case,<sup>434</sup> the Brandon case<sup>435</sup> and Mary's case<sup>436</sup> are of grave concern, as is the failure to hold perpetrators of abuse to account.<sup>437</sup>

**The Committee should ask the State about what measures it is taking to actively support and resource disabled women to live independently, including its plans to provide person-centred financial supports, a legal right to personal assistance, and seamless and flexible services across the life cycle.**

**The Committee should ask the State about measures it is taking to ensure zero tolerance of violence and neglect in institutional and community settings, including steps taken to ensure professional and organisational accountability and inter-agency coordination.**

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<sup>434</sup> The Farrelly Commission of Investigation was established in 2017 to examine the culture and treatment of individuals with intellectual disabilities in a foster care setting in the South East. The Commission's interim reports describe 'systemic failings and shortcomings' in the care of individuals with intellectual disabilities. Department of Health, [Farrelly Commission of Investigation Substantive Interim Reports](#) (2021); IHREC, [Ireland and the Rights of the Child](#) (2022), p. 42.

<sup>435</sup> An investigation by the HSE's National Independent Review Panel (NIRP) found that at least 18 people with intellectual disabilities in care settings in Donegal were sexually abused by Brandon, another resident, on multiple occasions by between 2003 and 2016. Between 2003 and 2011 Brandon 'engaged in a vast number of highly abusive and sexually intrusive behaviours' against other residents. Staff and management were fully aware of this abuse occurring, but victims' family members were only informed about the abuse in December 2018. Both NIRP and previous HIQA inspections identified failings regarding the governance and management of this particular service. The review team believed a key contributing factor enabling this abuse to continue was the clinical-like environment of the setting which treated residents as patients and promoted a situation where they were completely reliant on staff to protect them. Brandon spent 20 years in this service and there was never a holistic assessment of his needs or a more specialised placement considered for him. National Disability Authority, [Overview of UNCRPD Article 16 in Ireland: Freedom from exploitation violence and abuse](#) (2022) p. 55; National Independent Review Panel, [Independent Review of the Management of Brandon](#) (2021).

<sup>436</sup> In 2017 a report on the case review of Mary's case was published, in response to delays in removing Mary from a foster care placement between 2014 and 2016, despite concerns about abuse by her foster carers. The report highlighted the lack of reliable safeguarding measures and misunderstandings regarding the role and function of post holders from different agencies. HSE and Tusla, [Case Review Mary](#) (2017).

<sup>437</sup> A report prepared by HIQA shows that of the 298 pieces of unsolicited information received in 2017, none were passed on to the Ombudsman and only one was passed to An Garda Síochána. Irish Times, [Hiqa received 4,600 allegations of abuse of disabled residents in 2017](#) (2018). For further information see IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 89-90.



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**  
Irish Human Rights and Equality Commission



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