



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

# Ireland and the International Covenant on Economic, Social and Cultural Rights

**Submission to the Committee on Economic,  
Social and Cultural Rights on Ireland's  
fourth periodic report**



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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.

ISBN: 978-1-913492-18-2

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Irish Human Rights and Equality Commission

January 2024

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# Abbreviations

AI	Artificial Intelligence
CAMHS	Child and Adolescent Mental Health Services
CESCR	Committee on Economic, Social and Cultural Rights
CPI	Consumer Price Index
CSO	Central Statistics Office
DPO	Disabled Persons Organisation
DSGBV	Domestic, Sexual and Gender-Based Violence
ECEC	Early Childhood Care and Education
ECNI	Equality Commission for Northern Ireland
EPSEN	Education for Persons with Special Educational Needs
ESC	Economic, social and cultural
ESRI	Economic and Social Research Institute
ETB	Education and Training Board
EU	European Union
FDI	Foreign Direct Investment
FGM	Female Genital Mutilation
GNI	Gross National Income
GRECI	Council of Europe Group of States Against Corruption
HAP	Housing Assistance Payment
HSE	Health Service Executive
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHREC	Irish Human Rights and Equality Commission
ISL	Irish Sign Language
MESL	Minimum Essential Standard of Living
NAPAR	National Action Plan Against Racism
NIHRC	Northern Irish Human Rights Commission
NTRIS	National Traveller and Roma Inclusion Strategy
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner of Human Rights
PRSI	Pay Related Social Insurance
REV	Revised Estimates Process
RSE	Relationships and Sexuality Education
SPHE	Social, Personal and Health Education
STEM	Science, Technology, Engineering and Mathematics
SUSI	Student Universal Support Ireland
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WRC	Workplace Relations Commission

# Introduction

*Too many people are living below the breadline in this country. No one should have to depend on charity to feed or clothe their children or have a place to live.*

*A good and equitable standard of living leads to a stable society with minimal unrest.*

*Everyone is entitled to a reasonable standard of living including sufficient income to cover food, heat and light, adequate housing, education and health care.*

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\*Quotes from the open question in the ICESCR poll 2023



The Irish Human Rights and Equality Commission ('the Commission') is the 'A' status National Human Rights Institution and the National Equality Body for Ireland, established under the *Irish Human Rights and Equality Commission Act 2014* ('2014 Act'). As well as our broad mandate to protect and promote human rights and equality, we are the Independent Monitoring Mechanism for Ireland under the United Nations Convention on the Rights of Persons with Disabilities ('UNCRPD'),<sup>1</sup> and the independent National Rapporteur on the Trafficking of Human Beings.<sup>2</sup> We 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> Since the last reporting cycle, we have also taken up a role in working to uphold equality and rights protections on the island of Ireland post Brexit.<sup>4</sup>

The previous examination of Ireland by the Committee on Economic, Social and Cultural Rights ('the Committee') in 2015 provided a valuable expert assessment of the State's compliance with the International Covenant on Economic, Social and Cultural Rights ('ICESCR'), and influenced some welcome national reform.<sup>5</sup> Almost nine years on, we are providing this parallel report to update the Committee in advance of the forthcoming fourth periodic examination of Ireland in February 2024.<sup>6</sup> We look forward to continued engagement throughout the review and in the follow-up stages to further progress the protection of economic, social and cultural ('ESC') rights in Ireland. This parallel report is informed by our Strategy Statement 2022-2024 and the prioritisation of the following areas within the context of our work: Economic equality; Justice; Respect and recognition (including through the eradication of racism, ableism, ageism and sexism); Futureproofing; and the Public Sector Duty.<sup>7</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 holding a Civil Society Forum,<sup>8</sup> engaging with our Disability Advisory Committee, participating in regional meetings, and issuing a 2023 public

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1 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.

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

3 To be provided under the Inspection of Places of Detention Bill, when enacted.

4 See the section in this report on 'Brexit'.

5 Directly aligned to the Committee's 2015 Concluding Observations, as noted later in this report, there has been progress in legislative and policy reform including on domestic violence, the introduction of additional family leave, and the introduction of abortion services.

6 This report follows our engagement with the Committee to inform its List of Issues in relation to the fourth periodic report of Ireland and our preparation of a guidance document for civil society on reporting under ICESCR. IHREC, [Ireland and the International Covenant on Economic, Social and Cultural Rights: Submission to the UN Committee on Economic, Social and Cultural Rights for the List of Issues on Ireland's Fourth Periodic Report](#) (2021); IHREC, [Guide to reporting under the International Covenant on Economic, Social and Cultural Rights](#) (2023).

7 IHREC, [Strategy Statement 2022-2024](#).

8 We also held a consultation on ICESCR in June 2023 which was attended by more than 70 participants from a range of national and local civil society organisations, including trade union representatives.

poll on ESC rights in Ireland.<sup>9</sup> These inputs are of significant value and have informed our assessment of ESC rights protections throughout this report. We appreciate the generosity civil society colleagues have shown us, particularly when they are experiencing considerable funding, service delivery and staffing challenges.

The last time the Committee reviewed Ireland in 2015, we were facing the lengthy impacts of seven years of austerity. Despite a transformation in Ireland’s economic development in the last decade and our position as a wealthy nation, we are living in a country on an alarming trajectory. Intersecting emergencies and crises – including housing and homelessness, extreme poverty, income and wealth inequalities, and climate impacts – violate the ESC rights of entire sections in our society and are growing threats to community cohesion. These critical failures have real impacts in practice; they fuel division and mistrust and ignite far-right sentiment and political polarisation, which is becoming a visible and unsettling part of everyday life.<sup>10</sup>

Based on our recent work and engagements, we have a number of observations about the inadequacy of the State’s response to these widespread inequalities and rights violations. Firstly, across every sector and regional area there is a common theme: policy implementation failure. While the State publishes numerous strategies and actions plans, they do not adequately improve the circumstances of individuals and communities in practice, due to weak monitoring and implementation of the agreed commitments. This gap between policy and the lived realities of communities is impacted by poor inter-agency collaboration, limited human rights and equality proofing, and underpinning assumptions about the administration of social security and public services, which feed into increased privatisation, institutionalisation, commodification of basic rights and the recasting of entitlements as ‘charity’. Widespread shortfalls in data collection and reporting also result in service planning without the underpinning evidence of need. Despite enduring crises in health, housing, poverty and the cost of living, for example, emergency and temporary measures are being put in place in the absence of long-term, forward looking, innovative and sustainable solutions that address the root causes. Furthermore, many of the challenges faced are exacerbated at a rural and regional level, including due to the impacts of climate events and mitigation measures, poor investment in infrastructure such as public transport, the ‘delocalisation’ of services, insecure employment, and social exclusion.

A paradigm shift is needed based on a human rights model, including through transformative investment by the State to eradicate poverty, build up our public service

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9 This poll was administered by Behaviour and Attitudes on behalf of the Commission in November 2023 to a nationally representative sample of 1,200 adults. We also conducted our Annual IHREC Poll in October 2023, administered by Behaviour and Attitudes on behalf of the Commission to a nationally representative sample of 1,201 adults. The data from both of these polls are represented throughout this report.

10 Department of An Taoiseach, [Comments of the Taoiseach, Dublin Castle, Friday 24 November 2023](#) (2023).

provision, and respond to the needs of our structurally vulnerable communities.<sup>11</sup> There is an opportunity for such positive structural reforms as we build back from the pandemic and manage the transition from the long-standing prioritisation of economic growth to a more social and sustainable Ireland. We urge the State to comprehensively assess and consider the recommendations in this report and those provided by civil society, and to proactively engage with the Committee experts on the way forward.



# 42%

agree that we will see a more social and sustainable Ireland by 2030

\*Data from the Commission's public poll on ESC rights in 2023

## Structure of the report

The report follows the structure of the List of Issues adopted by the Committee in 2022, as well as the order of the substantive provisions within ICESCR. Following this introduction, the first section on 'General Information' details a number of significant updates since Ireland's previous examination in 2015 and includes specific information requested by the Committee. The subsequent ten sections adopt a thematic approach to ICESCR, from 'Maximum Available Resources' (Article 2) to 'Cultural Rights' (Article 15).

Throughout this report, we focus on highlighting the systemic human rights and equality issues being experienced by communities across Ireland. Reflecting our approach, which seeks to identify structural solutions across ESC rights, we reject any narrative that seeks to create hierarchies between different groups or create division. In line with the Committee's position that cumulative discrimination has a unique and specific impact on individuals and merits particular consideration, we consider the intersectional inequalities experienced by structurally vulnerable groups in every section.<sup>12</sup>

11 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. Examples of such communities in an Irish context are provided throughout this report.

12 CESCR, [General Comment No. 20 on non-discrimination in economic, social and cultural rights \(art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights\)](#), (2009), para. 17.

# General information

👉 *Invest in community and youth work that challenges structural inequality and creates the conditions for change.*

👉 *The country has almost entirely wiped out its biodiversity, large swathes of land need to be left to return to the wild, right now it's just a green desert.*

👉 *We are failing future generations in regards to policies around climate change. We aren't doing enough and we're not doing it fast enough. We need to be more ambitious and put climate change at the top of our agenda.*

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\*Quotes from the open question in the ICESCR poll 2023

The practical implementation of ICESCR requires the State to adopt all legislative, policy, administrative and other measures necessary to give full effect to the rights protections. This implementation process must engage all sectors of society, and include cooperation with civil society and the private business sector. The State must also respond to crises that threaten economic, social and cultural rights, including by putting protective measures and investments in place to ensure we are better prepared for future pandemics and climate events.

### Domestic incorporation of ICESCR



69%

in Ireland have never heard of ICESCR

\*Data from the Commission's public poll on ESC rights in 2023

Since Ireland's last examination, the State has not directly incorporated ICESCR into domestic law or ratified the Optional Protocol,<sup>13</sup> and has retained its reservations to Article 2(2)<sup>14</sup> and Article 13(2)(a).<sup>15</sup> As set out in the State report, this is consistent with Ireland's general approach to the domestic incorporation of international treaties, rooted in its dualist legal system.<sup>16</sup> However, despite repeated Concluding Observations by UN Committees,<sup>17</sup> the State has demonstrated a lack of willingness to review this

13 Similarly, Ireland has not yet ratified the Optional Protocol of the Convention against Torture, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

14 Ireland reserves the right to require, or give favourable consideration to, a knowledge of the Irish language for certain occupations.

15 Ireland reserves the right to allow parents to provide for the education of their children in their homes provided that minimum standards are observed.

16 Committee on Economic, Social and Cultural Rights, [Replies of Ireland to the List of Issues in relation to its Fourth Periodic Report](#) (2023), paras 1-4.

17 For example, CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), paras 7, 37.



approach and engage in constructive dialogue about how it can use all of the means at its disposal to give best effect to international human rights law.<sup>18</sup>

There are real costs and consequences to this failure to adequately protect ESC rights, as demonstrated in the commentary on the persistent and acute crises across healthcare, housing and economic equality throughout this report. While the State notes a ‘relatively high degree of awareness’ of ICESCR within the judiciary and legal profession, there is no information on the evidence underpinning this assessment.<sup>19</sup> We have observed a judicial culture that is reluctant to engage with rigorous adjudication and distributive questions on ESC rights, particularly without more explicit constitutional authorisation to do so.<sup>20</sup> We are also concerned about the adversarial and defensive strategies adopted by the State in response to individuals seeking to assert their rights, including in the context of disability services and supports,<sup>21</sup> nursing homes,<sup>22</sup> and healthcare,<sup>23</sup> for example.



1 in 3

believe that the State is not doing enough to protect ESC rights

\*Data from the Commission’s public poll on ESC rights in 2023

We are of the view that ESC rights must be incorporated at a constitutional level in Ireland, backed by appropriate supplementary statutory protections and policy measures. In this context, it is regrettable that the proposed replacement of Article 41.2 indicates continued hesitance to incorporate ESC rights into the Constitution.<sup>24</sup>

18 We note that while the precise method by which Covenant rights are given effect in national law is a matter for each State to decide, the means used should be appropriate in the sense of producing results which are consistent with the full discharge of its obligations by the State. CESCR, [General comment No. 9: The domestic application of the Covenant](#) (1998), para 5.

19 CESCR, [Replies of Ireland to the List of Issues in relation to its Fourth Periodic Report](#) (2023), para 3.

20 IHREC, [The Incorporation of Economic, Social and Cultural Rights into the Irish Constitution](#) (2023), p. 8.

21 See for example, Arthur Cox, [High Court confirms that the statutory obligation to provide disability services and mental health services rests with the HSE](#) (11 November 2021); [HSE spent over €1.2m in legal costs related to child disability care cases from 2018 to 2021](#) (RTE, 12 April 2022).

22 Dáil Éireann debate, [Nursing Home Charges and Disability Allowance Payments: Statements](#) (9 February 2023).

23 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.

24 The Joint Committee on Gender Equality recommended replacing Article 41.2 with a provision which requires the State to take reasonable measures to support care within and outside the home and family. However, the proposed wording for the replacement text is much weaker, obliging the State to ‘strive to support’ the provision of family care. See [General Scheme of the Fortieth Amendment of the Constitution Bill 2023](#). See also the section of this report on ‘Equal rights of women and men’.

It is crucial that ESC rights are included in the core rights provisions of the Constitution as justiciable rights.<sup>25</sup>

**The Commission recommends that the State conducts a comprehensive audit of its legislation to assess alignment with ICESCR, and constructively engages with the Committee about the next steps required to progress full domestic incorporation, the removal of reservations, and ratification of the Optional Protocol.**

**The Commission recommends that the State enshrines economic, social and cultural rights in the Irish Constitution.**

### Civil society participation

Reflecting the failure of the State to provide many essential public services,<sup>26</sup> civil society organisations play an expansive role in ensuring access to ESC rights in Ireland.<sup>27</sup> However, despite the wealth of expertise in the sector and close contact with structurally vulnerable groups, consultations between civil society and the State are irregular, unpaid, inaccessible and do not effectively inform long-term change.<sup>28</sup> While the State repeatedly highlights the critical contribution of civil society at an international level,<sup>29</sup> it has recently withdrawn funding support for Irish civil society organisations to attend UN State reviews.<sup>30</sup>

25 IHREC, [The Incorporation of Economic, Social and Cultural Rights into the Irish Constitution](#) (2023), p. 2.

26 See the section of this report on ‘Social exclusion’ and references throughout this report.

27 In total, charitable organisations registered with the Charities Regulator have an estimated 189,000 employees and around 300,536 volunteers whose work is valued from €648.8 million to €1.5 billion per year when estimated in 2021. European Anti-Poverty Network, [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022), p. 24. Reflecting the historical dependence of the State on voluntary organisations to provide public services, legislative provisions in sections 38-39 of the *Health Act 2004* and section 10 of the *Housing Act 1988* provide a statutory basis enabling the State to contract non-profit organisations to provide a variety of public services across health, social care, and homelessness. Tasc & The Wheel, [The Future of Public Service Delivery by the Community & Voluntary Sector](#) (2023), pp. 8-12.

28 Issues raised at our ICESCR Civil Society Forum in June 2023. Participants also noted experiencing ‘consultation fatigue’ due to raising the same issues in multiple consultations over many years without any discernible changes or improvements. In a recent survey carried out by the Irish Council of Civil Liberties, 87% of respondents said that issues raised at stakeholder consultation are taken on board sometimes, rarely or never. Irish Council of Civil Liberties, [Freedom to advocate? A survey on advocacy restrictions in Ireland and freedom of association and expression](#) (2023).

29 See for example, Department of Children, Equality, Disability, Integration and Youth, [Minister’s Opening Statement: UN Committee on the Rights of the Child](#) (2023); 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).

30 We have called 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.

*It is very disheartening to have to ask staff to bag-pack in supermarkets to pay for their own salaries, which are already very low.<sup>31</sup>*

Against a backdrop of acute and increasing need for services, insufficient State funding for civil society organisations creates challenges at many levels.<sup>32</sup> Staff undertaking a high volume of complex work receive inadequate wages, limited pay increments, and insufficient pension contributions.<sup>33</sup> This creates recruitment and retention issues, as civil society organisations struggle to compete with the public sector, which in turn fuels employee burnout among remaining staff.<sup>34</sup> It also has implications for the gender pay gap<sup>35</sup> and inter-organisational collaboration.<sup>36</sup> In some concerning cases, organisations have reported reducing hours and services due to a lack of resources.<sup>37</sup> Our consultations with civil society highlight the State's unwillingness to engage on these issues, in addition to capacity issues to meet governance requirements<sup>38</sup> and prescriptive project-based funding.<sup>39</sup> Persistence of these poor practices will likely

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31 Issue raised at our ICESCR Civil Society Forum in June 2023. One form of fundraising by civil society organisations in Ireland is packing the bags of shoppers in supermarkets in exchange for a donation.

32 Significant budget cuts which were made as a result of austerity measures taken over a decade ago have still not been restored to pre-2008 levels, despite large increases in inflation. See for example, National Collective of Community Based Women's Networks, [Pre-Budget 2022 Submission](#) (2021); European Anti-Poverty Network, [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022), p. 25.

33 Recent research notes as an example the inadequate pay of a caseworker employed in a housing NGO. This mid-to late-career employee earned €34,293 in 2023, having received a 2% wage increase in 14 years. Tasc & The Wheel, [The Future of Public Service Delivery by the Community & Voluntary Sector](#) (2023), pp. 19-28.

34 Tasc & The Wheel, [The Future of Public Service Delivery by the Community & Voluntary Sector](#) (2023), pp. 28-35.

35 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).

36 A coalition of civil society organisations working to prevent domestic, sexual and gender-based violence has noted that current funding allocation processes create a competition system between services which discourages collaboration. National Observatory on Violence Against Women and Girls, [Shadow Report to GREVIO in respect of Ireland](#) (2022), p. 27.

37 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. Tasc & The Wheel, [The Future of Public Service Delivery by the Community & Voluntary Sector](#) (2023), p. 30. A number of non-profit Early Childhood Education and Care providers we have engaged with have had to close their services for babies and toddlers due to funding issues. IHREC, [Policy Statement on Care](#) (2023), p. 55.

38 Tasc and The Wheel have recommended adding additional financial resources to public service contracts with non-profit organisations to build their capacity to comply with governance and regulatory requirements. Tasc & The Wheel, [The Future of Public Service Delivery by the Community & Voluntary Sector](#) (2023), p. 49.

39 As noted in our engagements with civil society organisations, the majority of available funding is project-based rather than core funding, which means there are precise rules about what has to be covered. Additionally, project-based funding often has a thematic focus, meaning that projects have to be designed ad hoc to fall within the remit of grants. This is detrimental to the development of long-term projects and programmes. Civil society organisations have expressed concerns that these funding streams indicate a lack of trust in them to determine the most pressing issues in the community and use the available funding accordingly.

result in further shrinking or closure of organisations, with detrimental impacts on the realisation of ESC rights.

Particular barriers exist for Disabled Persons Organisations ('DPOs'),<sup>40</sup> who are often ineligible for funding due to requirements related to minimum turnover, charitable status, previous grant awards, and the age of the organisation.<sup>41</sup> As the Independent Monitoring Mechanism for the UNCRPD, we note that the State has specific obligations under Article 4.3 on the participation of disabled people, including through their representative organisations, in the implementation and monitoring of their rights.<sup>42</sup>

## *We are very silenced because we receive State funding.*<sup>43</sup>

We have concerns about research published in 2023 which suggests that receipt of State funding has a chilling effect on civil society advocacy.<sup>44</sup> In the context of insufficient State funding and restrictions on fundraising for certain organisations,<sup>45</sup> 37% of respondents agreed that their organisations have restricted advocacy due to fears of losing funding, while more than four out of five organisations agreed that the Government would prefer if they were engaged in service delivery only.<sup>46</sup> While we welcome proposed changes to the *Charities Act 2009* which will enable human rights organisations to have charitable status, we are concerned that restrictive charitable purposes requirements in the General Scheme of the *Charities (Amendment) Bill 2022* have the potential to further erode civil society advocacy.<sup>47</sup>

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40 Independent Living Movement Ireland, [Invest in Inclusion: Independent Living Movement Ireland Budget 2023 Priorities](#) (2022), p. 1.

41 Commission consultation with Disabled Women Ireland has revealed particular burdens faced by Disabled Persons Organisations, which are often only eligible for funding for service provision and unable to fund essential advocacy activities. The meaningful participation of disabled persons in advocacy activities is highly beneficial, due to their lived experience and their knowledge of the rights to be implemented. See also IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2023), pp. 33-34.

42 United Nations Convention on the Rights of Persons with Disabilities, [General comment no. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention](#) (2018).

43 Issue raised at our ICESCR Civil Society Forum in June 2023.

44 Irish Council of Civil Liberties, [Freedom to advocate? A survey on advocacy restrictions in Ireland and freedom of association and expression](#) (2023).

45 We note that Public Participation Networks are restricted from fundraising.

46 Irish Council of Civil Liberties, [Freedom to advocate? A survey on advocacy restrictions in Ireland and freedom of association and expression](#) (2023).

47 Head 4 of the General Scheme of the Charities (Amendment) Bill 2022 establishes human rights as a defined charitable purpose. However, it also proposes restrictions on the charitable purpose of a charity, which may prevent charities from participating in activities to conduct political advocacy related to their purpose and mission. Joint Committee on Social Protection, Community and Rural Development and the Islands, [Report on the Pre-Legislative scrutiny of the General Scheme of the Charities \(Amendment\) Bill 2022](#) (2022), pp. 11-12.

**The Commission recommends that core, multi-annual, ring-fenced and autonomous funding is made available to civil society organisations, which ensures decent work and adequate wages for staff and builds capacity to meet increasing need for advocacy and services.**

**The Commission recommends that the State supports the establishment and work of local and national DPOs, including through increasing and reorienting funding to allow for the genuine inclusion of disabled people.**

**The Commission recommends that Head 4 of the General Scheme of the *Charities (Amendment) Bill 2022* is revised to enable charities to conduct relevant political advocacy as part of their work.**



70%

believe that investing directly in community work is a good way of addressing poverty, social exclusion and inequality

\*Data from the Commission's public poll on ESC rights in 2023

Community development work is a vital tool in the protection of ESC rights, involving the application of principles of participation, capacity building and collective decision-making to achieve long-term, sustainable social change and inclusion.<sup>48</sup> However, we are concerned that the increasing responsibility of community and voluntary sector organisations for the provision of basic services such as food banks, hospice care, early childhood care and education, and disability support is eroding the essential function of this work.<sup>49</sup> The State-driven extension of the community development role, to encompass this provision of crisis supports, makes it difficult to undertake vital advocacy work which facilitates communities to have a critical voice on social issues of importance and builds democratic engagement at the local level.

<sup>48</sup> Community Work Ireland, [What is Community Work?](#) (2023). See also the section of this report on 'Social exclusion'.

<sup>49</sup> European Anti-Poverty Network, [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022), p. 25.



**The Commission recommends that the State ceases its reliance on the community and voluntary sector to provide for basic needs and alleviate the key failings of public service provision. Community and voluntary organisations should be adequately supported to carry out the advocacy, participation and social inclusion functions which are central to their mandate.**

## Public Sector Equality and Human Rights Duty

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>50</sup>



3 in 4

believe that local authorities and public bodies have a responsibility to protect economic, social and cultural rights.

\*Data from the Commission's public poll on ESC rights in 2023

This Public Sector Duty, and its full and effective implementation by public bodies,<sup>51</sup> creates the foundation on which the State can accelerate progress on implementing ICESCR at a national level. It must also be integrated into national action on the Sustainable Development Goals, including existing capacity-building commitments.<sup>52</sup> The Committee on the Rights of the Child has called on the State to enhance

50 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>.

51 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. IHREC, [Submission on the Review of the Equality Acts \(2023\)](#), p. 18.

52 For example, the State has committed to strengthening capacity building on the SDGs through bespoke training for local authorities. This training should include learning and resources on the Public Sector Duty, and on the relevance of human rights and equality frameworks in informing SDG implementation. Government of Ireland, [Ireland's Second National Implementation Plan for the Sustainable Development Goals 2022 - 2024](#) (2022), p. 74.

accountability in public procurement by requiring non-State actors delivering goods and services to comply with the Duty.<sup>53</sup>

**The Commission recommends that the State should issue a formal communication, in the form of a circular, to public bodies to advance compliance with the Public Sector Duty, in line with the Commission’s guidance.**

**The Commission recommends that public bodies bound by the Duty include equality and human rights obligations in agreements with contractual partners, to prevent rights violations in outsourced public functions.**

## Climate action



7 in 10

believe that a failure to reduce greenhouse gas emissions in line with targets is a human rights violation

\*Data from the Commission’s public poll on ESC rights in 2023

Transformative climate adaptation and mitigation measures are essential for the protection of ESC rights,<sup>54</sup> including the right to sustainable development.<sup>55</sup> As highlighted by the Committee, a failure to mobilise the maximum available resources to protect against the existing and foreseeable adverse impacts of climate change can constitute a violation under ICESCR.<sup>56</sup>

53 Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), para 13. In November 2023, the Committee on the Elimination of Discrimination Against Women also asked Ireland to provide information on ‘legislative and administrative measures the State party will adopt to progress the full and effective application of the Public Sector Duty’: [List of issues and questions prior to the submission of the eighth periodic report of Ireland](#) (3 November 2023), para 5.

54 Under Article 2 of ICESCR, States parties are required to adopt measures to both adapt and mitigate the negative consequences of climate change, and to integrate such measures within existing social, environmental and budgetary policies. See also IHREC, [Submission to the 2023 UN High-Level Political Forum on the second Voluntary National Review of Ireland](#) (2023) and IHREC, [Policy Statement on a Just Transition](#) (2023).

55 The Committee has advised States on how to discharge ICESCR obligations while pursuing sustainable development. We note the relevance of the forthcoming General Comment on Sustainable Development which is currently in preparation. A number of environmental SDGs relevant to ESC rights include clean water and sanitation (SDG 6), affordable and clean energy (SDG 7), decent work and economic growth (SDG 8), sustainable cities and communities (SDG 11), responsible consumption and production (SDG 12), climate action (SDG 13), life below water (SDG 14), life on land (SDG 15) and partnership for the goals (SDG 17).

56 OHCHR, [Committee releases statement on climate change and the Covenant](#) (2018).

*Despite the clear imperative, Ireland's national climate mitigation and adaptation measures remain profoundly inadequate.*

2023 reporting highlights that 87% of Ireland's energy needs are met by fossil fuels (a reduction of only 2% since 2018),<sup>57</sup> and notwithstanding recent improvements, Ireland remains a 'low-performing' country in climate action.<sup>58</sup> Ireland's Climate Action Plan 2023<sup>59</sup> reported an overall implementation rate of 67% by Quarter 3,<sup>60</sup> and there continues to be an upward trend of energy-related emissions.<sup>61</sup> Without urgent action, including a complete transformation of the Irish economy,<sup>62</sup> Ireland will not meet its national or EU emissions targets<sup>63</sup> in the first and second carbon budget periods (2021-2025; 2026-2030).<sup>64</sup> We note that there are a number of climate financing mechanisms at both national and European level, including the National Development Plan 2021-

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57 Climate Change Advisory Council, [Annual Review 2023](#) (2023), p. 29.

58 [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.

59 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).

60 87 of 129 actions have been marked as delivered: Government of Ireland, [The Climate Action Plan: Q3 2023 Progress Report](#) (November 2023), p. 3.

61 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](#).

62 In June 2023, the European Commission expressed concern that Ireland is yet to achieve genuine progress in curbing greenhouse gas emissions. It also noted that limited resources and insufficient prioritisation have led Ireland to fall behind in the implementation process of its National Recovery and Resilience Plan: [2023 Country Report - Ireland](#) (2023), pp. 5-6.

63 The Climate Action and Low Carbon Development (Amendment) Act 2021 requires that the first two carbon budgets (2021–2025 and 2026–2030) must achieve a 51% reduction in greenhouse gas emissions and commits Ireland to achieving climate neutrality by 2050. A third carbon budget for the period 2031-2035 has been proposed by the Climate Change Advisory Council and remains provisional and subject to proposed amendments from the Council no later than 12 months before the expiry of the first carbon budget in 2025. See Section 9 of [the Climate Action and Low Carbon Development \(Amendment\) Act 2021](#).

64 Current climate policies and measures in Ireland, if fully implemented, will only reduce emissions by 29% in 2030 compared to 2018 levels, falling significantly short of Ireland's national 51% target. In line with the European Green Deal framework, legally binding targets are now in place to reduce EU net greenhouse gas emissions by at least 55% by 2030, and this is likely to be increased to 57% pending adoption of a further legislative package. See Environmental Protection Agency (EPA), [Ireland projected to fall well short of climate targets, says EPA](#) (2023) and Climate Change Advisory Council, [Annual Review 2023](#) (2023), p. 6. See also, European Commission, [Commission welcomes completion of key 'Fit for 55' legislation, putting EU on track to exceed 2030 targets](#) climate action must go beyond public expenditure and include routine climate-proofing across all Government policy and legislative measures.

2030 ‘NDP’ and the National Recovery and Resilience Plan<sup>65</sup> as well as the EU Social Climate Fund.<sup>66</sup> We welcome the increased allocation to climate and environmental measures in Budget 2024, including funds to support climate related initiatives over the medium and long term.<sup>67</sup> However, previous fiscal and budgetary policies have been shown to increase carbon emissions across several areas, with €1.9 billion allocated in Budget 2023 assessed as ‘potentially climate harmful’.<sup>68</sup>

**The Commission recommends that the State mobilises the maximum available resources through domestic and EU financing mechanisms, green budget tagging, and fair taxation, to protect against all current and foreseeable climate related harms and provide effective remedies for environmental injustices.**

**The Commission recommends that the State ensures policy coherence and a participatory approach in the development of the Social Climate Plan under the EU Green Deal and national action plans, including the equality strategies.**

**The Commission recommends that the State reviews all existing commitments to ensure alignment with national, European Union and international targets for the reduction of greenhouse gas emissions.**

Biodiversity and environmental protection are directly linked to the enjoyment of cultural rights under Article 15(1)(a) of ICESCR.<sup>69</sup> Despite the Government declaring a ‘Biodiversity Emergency’ in 2019, Ireland continues to experience unprecedented biodiversity degradation loss, with 85% of Ireland’s protected areas in an ‘unfavourable

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65 The National Development Plan 2021-2030 (‘NDP’) sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approximately €165 billion. The NDP has been designed to ensure that it supports the Government’s climate ambitions. For the first time in Ireland, climate and environmental assessment of the NDP measures has been undertaken, along with an assessment of the alignment of the NDP as a whole with the principle of a green recovery. Post COVID-19, Ireland’s National Recovery and Resilience Plan prioritises a sustainable, equitable, green and digital recovery. Government of Ireland, [Climate Action Plan 2023](#) (2023), p. 26; See also Department of Public Expenditure NDP Delivery and Reform, [National Development Plan 2021-2030](#) (2021).

66 The Social Climate Fund will cover the 2026-2032 period and will provide support to vulnerable households, micro-enterprises and transport users for investments to reduce their reliance on fossil fuels. Member States are required to submit their social climate plans outlining concrete measures by 30 June 2025. European Parliament, [At a Glance: Fit for 55 explainer: Social Climate Fund](#) (2023).

67 See information on the Future Ireland Fund and Infrastructure, Climate & Nature Fund here: [Minister McGrath publishes the General Scheme of the Future Ireland Fund and Infrastructure, Climate and Nature Fund](#) (2023).

68 Government of Ireland, [Review of Fossil Fuel Subsidies and other Potentially Climate Harmful Supports](#) (2023): p. 8; See also Houses of the Oireachtas, [Climate Action Plan: Dáil Éireann Debate, Thursday - 11 May 2023](#) (2023).

69 As outlined by the Committee, cultural rights under Article 15(1)(a) entail the right to ‘follow a way of life associated with the use of cultural goods and resources such as land, water, biodiversity, language or specific institutions’: [General Comment No. 21: Right of everyone to take part in cultural life \(art. 15, para. 1\(a\), of the International Covenant on Economic, Social and Cultural Rights\)](#) (2009), para. 15(b).

condition’ and 46% demonstrating ongoing decline.<sup>70</sup> Similarly, Ireland’s fresh water supply continues to decline, with almost 50% of fresh water systems in poor and deteriorating condition.<sup>71</sup>

In March 2023, the Citizens’ Assembly on Biodiversity Loss<sup>72</sup> published its final report to Government outlining a series of measures needed to transform Ireland’s relationship with the natural environment. Amongst 159 recommendations, the Citizens’ Assembly called for substantive environmental rights to be enshrined within the Constitution, including the right to a clean, healthy, safe environment;<sup>73</sup> the right to a stable and healthy climate; and the rights of future generations to these and other environmental rights.<sup>74</sup> We are concerned about the limited progress to date in advancing many of these recommendations.<sup>75</sup> While the creation of a duty on public bodies to integrate biodiversity into plans and policies represents a significant development,<sup>76</sup> training and guidelines will be essential to ensure its implementation in practice.

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70 Citizens’ Assembly, [Report of the Citizens’ Assembly on Biodiversity Loss](#) (2023), p. 7.

71 Citizens’ Assembly, [Report of the Citizens’ Assembly on Biodiversity Loss](#) (2023), p. 7.

72 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).

73 Citizens’ Assembly, [Report of the Citizens’ Assembly on Biodiversity Loss](#) (March 2023), p. 88; 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 also been explicitly recognised by the UN General Assembly in 2022: [Resolution A/76/L.75: the human right to a clean, healthy and sustainable environment : resolution / adopted by the General Assembly](#) (2022).

74 According to academic experts, the Constitution of Ireland does not expressly guarantee substantive or procedural environmental rights. Potential advantages of enshrining environmental rights in our constitutional include, amongst others, providing a basis for stronger environmental legislation; creating a level playing field vis-à-vis other constitutional rights; providing a safety net where there are gaps in the law; and acting as a valuable enforcement tool, in particular if both individuals and NGOs have standing to litigate the right. Together, these can facilitate better environmental outcomes. See intervention by Dr. Orla Kelleher, Associate Professor of Law at Maynooth University: Houses of the Oireachtas, [Joint Committee on Environment and Climate Action debate - Tuesday, 17 Oct 2023](#) (2023). See also Citizens’ Assembly, [Report of the Citizens’ Assembly on Biodiversity Loss](#) (March 2023), p. 16.

75 The Citizens’ Assembly final report is now under examination by the Joint Committee on Environment and Climate Action. The Committee will then bring its conclusions to the Houses of the Oireachtas for debate, where the Government will provide a response to each recommendation of the Assembly and, if accepting some or all of the recommendations, will indicate the timeframe it envisages for implementing those recommendations. Houses of the Oireachtas, [Citizens’ Assembly Dáil Éireann Debate, Thursday - 22 June 2023](#) (2023).

76 Department of Housing, Local Government and Heritage, [New public sector duty will strengthen national action on biodiversity](#) (2023).



**The Commission recommends that the State progresses the recommendations of the Citizens' Assembly on Biodiversity Loss, including through Constitutional reform to expressly protect substantive environmental rights.**

It is well evidenced that the climate crisis has a disproportionate impact on structurally vulnerable groups and exacerbates existing inequalities, including for those living in poverty, young people, older people, disabled people, women, and minority ethnic people.<sup>77</sup> This is compounded by the exclusion of these groups from environmental decision-making, and amounts to a failure to meet the procedural obligations under ICESCR with regard to participation, information, justice, transparency and accountability.<sup>78</sup>

For example, children and young people will endure the long-term consequences of climate change and are disproportionately impacted by its immediate harms, including due to an increased rate of mental health issues<sup>79</sup> and vulnerability to child trafficking.<sup>80</sup> While national mechanisms exist to facilitate the engagement of young people in climate action,<sup>81</sup> greater participation at a local level should be resourced, including through Public Participation Networks.<sup>82</sup> Participation barriers must also be addressed, including skill gaps to effectively organise action, a lack of information on how to get involved, and negative perceptions of the impact that can be achieved.<sup>83</sup> We welcome the State's recognition of the gender-differentiated impacts of climate change,<sup>84</sup> and we note in particular the disproportionate effects on the health, socio-economic status and

77 See for example, EQUINET, [Preliminary assessment of the EU Green Deal's impact on equality: Survey of current practices and needs of European Equality Bodies](#) (2023).

78 CESCR, [Committee releases statement on climate change and the Covenant](#) (2018).

79 ECO-UNESCO, [Youth Climate Justice Survey 2022](#) (2022).

80 Office of the United Nations High Commissioner for Human Rights, Analytical Study on The Relationship Between Climate Change and the Full and Effective Enjoyment of The Rights of The Child, Thirty-fifth session, U.N. Doc. A/HRC/35/13 (2017)

81 See for example: [National Youth Assembly on Climate 2023](#).

82 Public Participation Networks (PPNs) are networks for local authorities to connect with community groups around the country. We note the importance of PPNs at local level which, through their proximity to societal inequalities and on-the-ground problems, are uniquely positioned to identify local needs and the resources required. See Department of Rural and Community Development, [Public Participation Networks](#) (2023) and Department of Rural and Community Development, [Public Participation Networks: Annual Report 2021](#) (2021), p. 51.

83 54% of respondents in a survey of young people reported feeling that they are not listened to when they engage on this issue. ECO-UNESCO, [Youth Climate Justice Survey 2022](#) (2022). We note recent and forthcoming measures, including the introduction of the second National Strategy for Education on Sustainable Development 2022-2030 with actions on climate-related SDGs and the proposed new Leaving Cert specification for Climate Action and Sustainable Development to be introduced in schools on a phased basis from September 2025. However, their practical impact on ensuring the education of young people in climate action and environmental protection has yet to be determined.

84 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.

unpaid work of women.<sup>85</sup> While the State has demonstrated commitment to advancing a gender-sensitive approach at an international level,<sup>86</sup> there is no evidence that the gendered nature of climate and environmental risks receive the necessary priority at national level.<sup>87</sup> Women and girls should also be seen as agents for climate action,<sup>88</sup> but to date their voices have been excluded or marginalised from local, regional and national environmental decision-making.<sup>89</sup>

*Policy and tools already exist which call for inclusive disaster preparedness and response. Yet, the disability community continues to see little progress in their implementation.<sup>90</sup>*

Furthermore, in line with international obligations, climate adaptation and mitigation measures must be disability-proofed and informed by the active participation of disabled people and their representative organisations.<sup>91</sup> According to a 2023 national survey, over 75% of participants felt that Ireland's Climate Action Plan 2021 did not adequately address the impact of climate change on disabled people, with a general consensus that disabled people are excluded from climate policy at every stage. Climate Action Plan 2023 has limited references to disability,<sup>92</sup> and DPOs have

85 IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), pp. 83-85 and EQUINET, [Preliminary assessment of the EU Green Deal's impact on equality: Survey of current practices and needs of European Equality Bodies](#) (2023).

86 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.

87 The current Climate Action Plan 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. See: Department of the Environment, Climate and Communications, [Climate Action Plan 2023](#) (2023). In November 2023, the Committee on the Elimination of Discrimination Against Women asked Ireland to provide information on the steps taken to integrate a gender perspective into national policies on climate change: [List of issues and questions prior to the submission of the eighth periodic report of Ireland](#) (3 November 2023), para 5.

88 United Nations, [Joint statement by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities](#) (2020), HRI/2019/1: para 8.; See also 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).

89 IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), p. 85.

90 European Disability Forum, [Resolution of the European Disability Forum calling for inclusive and participatory response to ongoing humanitarian crises](#) (2023).

91 United Nations, [Joint statement by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities](#) (2020), HRI/2019/1, para 8.

92 There are two references to disability; one in relation to disabled parking (under 'Transport') and one on labour market activation (under 'Support for Employees at Risk and Labour Market Activation'). See Department of the Environment, Climate and Communications, [Climate Action Plan 2023](#) (2023).

highlighted that due to the lack of engagement, some measures to reduce Ireland's carbon footprint, including transport measures, are disproportionately impacting disabled people.<sup>93</sup> Our Disability Advisory Committee has also highlighted the lack of consideration of the specific impacts of climate events on disabled people, including people in institutions in areas affected by flooding.

Finally, we recently raised concerns about legislative proposals which will put in place significant barriers for non-governmental organisations seeking to judicially review actions and decisions relating to planning and the environment.<sup>94</sup>

**The Commission recommends that all climate action and adaptation measures are poverty and equality proofed throughout the design, development and implementation stages, to assess and reduce the impact on structurally vulnerable groups.**

**The Commission recommends that the State fully realises procedural environmental rights by ensuring effective public participation in the formation of legal and policy measures, and wide access to justice.**

While Ireland has committed to providing at least €225 million per year in climate finance to developing countries by 2025,<sup>95</sup> academics have highlighted that Ireland is paying less than 50% of its 'fair share' based on financial capacity and historic emissions.<sup>96</sup> Civil society also estimates that Ireland's 'fair share' of the new loss and damage finance will be at least €1.5 billion by 2030.<sup>97</sup>

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93 Independent Living Movement Ireland, [Submission to the Committee on Disability Matters 30th March 2023](#) (2023): p. 3.

94 The Bill includes new requirements which will be relevant to non-governmental organisations seeking to judicially review actions and/or decisions which relate to planning and the environment, namely that the organisation must be a company, have no fewer than ten members, and must pass a resolution before issuing proceedings. The cumulative nature of these new, more stringent requirements will result in significant hurdles, and even barriers, being put in the way of organisations seeking to advance legal challenges in this area and we recommend that they should be removed from the Bill. IHREC, [Submission on the Planning and Development Bill 2022](#) (2023).

95 We note that Ireland's climate finance measures form part of a broader policy framework on international development, A Better World, which also commits to increasing funding on climate action and to exploring innovative approaches to climate finance, further articulated in the whole-of-Government International Climate Finance Roadmap 2022. See also *Government of Ireland*, [Ireland's International Climate Finance Roadmap 2022](#), p. 3.

96 See Pettinotti et al., [A fair share of climate finance? The adaptation edition](#) (ODI Working Paper 2023).

97 Christian Aid and Trócaire, [The Cost of Inaction: Ireland's fair share of Loss & Damage finance](#) (2023).

In 2021, Ireland’s international climate finance accounted for approximately 10.2% of its Official Development Assistance (‘ODA’) budget.<sup>98</sup> Under SDG Target 17.2, Ireland has committed to allocating 0.7% of its Gross National Income (‘GNI’) by 2030 to ODA.<sup>99</sup> While we welcome the increased allocation of approximately €60 million to the ODA in Budget 2024 (approximately 0.36% GNI), we note that Ireland’s contribution is still behind the minimum required under Agenda 2030.<sup>100</sup>

**The Commission recommends that the State takes active measures to increase allocation to climate financing and overseas development assistance in line with its requirements under Agenda 2030, taking into account Ireland’s financial capacity and emissions record.**

## Business and human rights

While Ireland is known for its success in attracting foreign direct investment and multinational corporations,<sup>101</sup> it has a high proportion of small and medium enterprises, and Irish companies have extensive activities overseas and in global value chains.<sup>102</sup> For example, we have repeatedly highlighted our concerns about the ongoing purchasing of coal by a State-owned electricity company from a mining complex in Colombia linked with serious human rights abuses.<sup>103</sup> Research on the top 50 publicly-listed firms

98 Department of Foreign Affairs, [Ireland’s Climate and Environmental Finance Report 2021](#) (2021), p. 5. We note that Budget 2024 commits to an additional €42.5 million in international climate finance, intended to progress Ireland’s target of €225 million by 2025. As indicated by Government, €30 million of the 2024 increase will be provided from the Department of Foreign Affairs and €12.5 million from the Department of the Environment, Climate and Communications. See Government of Ireland, [Tánaiste welcomes expansion of Ireland’s global reach in Budget 2024](#) (2023).

99 Goal 17.2 of Agenda 2030; See United Nations Department of Social and Economic Affairs: Sustainable Development, [Strengthen the means of implementation and revitalize the global partnership for sustainable development](#), Accessed in October 2021; See also Government of Ireland [A Better World- Ireland’s Policy for International Development](#), 2019: p. i

100 In 2022, the Government’s expenditure on ODA in the annual budget was €2.291bn (0.63% GNI). As per 2017 reporting clarifications by the OECD Development Assistance Committee, however, this figure includes eligible first-year costs associated with the provision of services for refugees and asylum seekers. Excluding the costs relating to Ukrainian refugees, Ireland’s expenditure on ODA in 2022 was €1.411 billion (0.39% of GNI). This figure includes eligible first-year costs for asylum seekers and refugees, not from Ukraine. It is notable that all three figures (Government budgetary allocation to ODA, ODA expenditure including costs relating to Ukrainian refugees in Ireland, and ODA including costs relating to non-Ukrainian refugees and asylum seekers in Ireland) are all below the 0.7% GNI target. Government of Ireland, [Official Development Assistance: Annual Report 2022](#) (2023), p. 8. According to civil society reports, the additional allocation for Budget 2024 also falls short of the 0.7% GNI target to meet our climate finance commitments. While ODA allocation within Budget 2024 stands at €2bn or 0.48% of GNI, it drops to approximately 0.36%, excluding costs relating to Ukrainian refugees. Dochás, [The 2024 Budget Allocation for ODA is Welcome, But it is not Enough to Meet Ireland’s Targets](#) (2023).

101 For example, Ireland is a base for the top five global software companies, 14 of the top 15 medical technology companies, 18 of the top 25 financial services companies, all of the top ten pharmaceutical companies, and eight of the top ten industrial automation companies. IDA Ireland, [Why Invest in Ireland?](#) (2020).

102 Central Statistics Office, [Business in Ireland 2020](#) (2022). See commentary below in the ‘Equal rights of women and men’ section.

103 See for example, IHREC, [Ireland and the Convention on the Rights of the Child](#) (2022), p. 21 and The Irish Coalition for Business and Human Rights, [Submission to Ireland’s second NAP on business and human rights](#) (2023).

operating in Ireland highlights that companies are not adequately checking and taking responsibility for human rights and environmental harms within their operations. ‘Embedding respect and human rights due diligence’ was the lowest-scoring theme, with more than half of companies scoring zero on each indicator.<sup>104</sup> Furthermore, rights holders who experience business-related adverse impacts face significant barriers to accessing a remedy, including due to the lack of collective redress mechanisms, significant legal costs, and limited legal aid or third party funding.<sup>105</sup>



# 79%

believe that private businesses have a responsibility to ensure that their activities do not violate ESC rights

\*Data from the Commission’s public poll on ESC rights in 2023

We have called on the State to introduce a mandatory statutory requirement for human rights due diligence, including as an eligibility criterion for Government procurement.<sup>106</sup> This will require capacity-building among business enterprises to develop such due diligence as a norm, in particular on impacts which occur in the downstream value chain and tailored supports for small and medium enterprises.



# 3 in 10

agree that the State is effective in holding private businesses responsible when they violate economic, social and cultural rights

\*Data from the Commission’s public poll on ESC rights in 2023

104 B.F. Hogan, ML Rhodes and M. Lawlor, [Irish Business and Human Rights: A snapshot of large firms operating in Ireland](#) (2020). 72% of companies failed to disclose whether they assess salient risks and impacts and none of Ireland’s ten-largest state-owned enterprises made such a disclosure.

105 Dr Rachel Widdis, [Review of access to remedy in Ireland](#) (2020), p. 1. See also FLAC, [Annual Report 2021](#) (2022).

106 See for example, IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination](#) (2019), p. 148 and IHREC, [Ireland and the Convention on the Rights of the Child](#) (2022), p. 20. See also the recommendation of the Committee on the Rights of the Child that Ireland should introduce mandatory requirements for the business sector to undertake assessments of, consultations on, and full public disclosure of the environmental, health-related and children’s rights impacts of their business activities and their plans to address such impacts: [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), para 12(b).



In progressing legislation in this area, the State must consider relevant initiatives underway at the EU and UN and Organisation for Economic Co-operation and Development, and ensure a coordinated approach.<sup>107</sup> We welcome the EU proposal for a Corporate Sustainability Due Diligence Directive which, if sufficiently broad in scope,<sup>108</sup> has the potential to advance corporate accountability and minimise the negative impacts of businesses on human rights and the environment. Relatedly, the proposed EU Regulation to ban and withdraw a product from the EU market where it is the result of forced labour prioritises the prevention of, and aims to combat, human trafficking within business activities and supply chains.<sup>109</sup> Ireland should take a leadership role in the finalisation of such EU legislation and moves ahead of and beyond the new standards set, to ensure the full transposition of Directives<sup>110</sup> alongside regular benchmarking assessments and a comprehensive national policy response.

**The Commission recommends that robust and mandatory human rights due diligence legislation is introduced, that includes the full value chain of all companies and environmental protections within its scope, prioritises transparency in reporting, and ensures effective sanctions and enforcement.**

**The Commission recommends that the State ensures access to effective remedies for victims of human rights abuses of Irish-domiciled companies, whether harms occur domestically or overseas.**

**The Commission recommends that national preparatory work on the transposition of the *Corporate Sustainability Due Diligence Directive* should be progressed rapidly, including through stakeholder participation and alignment with the State's anti-trafficking response.**

<sup>107</sup> See The Irish Coalition for Business and Human Rights, [Submission to Ireland's second NAP on business and human rights](#) (2023).

<sup>108</sup> We note civil society and NHRI concerns about limitations in its scope and revisions to the proposed text, including that the Directive, as currently drafted, focuses primarily on upstream due diligence in the context of a business's 'chain of activities', and not on downstream due diligence to cover an entire value chain. See for example, Germanwatch, [Downstream due diligence: A must-have for the EU's Corporate Sustainability Due Diligence Directive](#) (March 2023); Danish Institute for Human Rights, [State of Play on the EU's Corporate Sustainability Due Diligence Directive: Five Key Takeaways](#) (2023); Oxfam Ireland, [New EU corporate accountability law 'riddled with loopholes'](#) (2022); and OHCHR, [Mandating Downstream Human Rights Due Diligence](#) (2022).

<sup>109</sup> IHREC, [Trafficking in Human Beings in Ireland: Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2023), pp. 73-74.

<sup>110</sup> The Committee on the Rights of the Child has recommended that Ireland ensures full implementation of the European Union corporate sustainability reporting directive: [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), para 12(c). We also note the new EU Corporate Sustainability Reporting Directive.



# 83%

would consider it a human rights violation if the State failed to intervene when private businesses seriously harm the safety and wellbeing of the public

\*Data from the Commission's public poll on ESC rights in 2023

Ireland's first National Plan on Business and Human Rights has concluded,<sup>111</sup> and produced a baseline study of the existing legislation and regulatory framework applying to business and human rights in Ireland<sup>112</sup> and Guidance for Business Enterprises.<sup>113</sup> While a high implementation rate is reported,<sup>114</sup> there was a failure to meet key commitments within agreed timeframes and the Plan focused on 'promotion' rather than mandatory and ambitious requirements.<sup>115</sup> We note that the State is currently preparing the second National Plan,<sup>116</sup> and must implement the recommendations that it should focus on time-bound and measurable goals, specific and directive language, and clear timelines and responsibilities.<sup>117</sup> The State recognises that this Plan needs to adequately respond to developments at a national and international level,<sup>118</sup> and this should include the adoption of an all-island approach.<sup>119</sup>

111 Government of Ireland, [Ireland's National Plan on Business and Human Rights 2017 – 2020](#).

112 ReganStein and Leading Edge Group, [National Plan on Business and Human Rights: Baseline Assessment of Legislative and Regulatory Framework](#) (Department of Foreign Affairs and Trade: 2019).

113 Department of Foreign Affairs, [Business and Human Rights Guidance for Business Enterprises](#) (2021).

114 Department of Foreign Affairs, [Review of implementation of National Plan on Business and Human Rights 2017-2020](#) (2021). According to the Report, 91% of priority commitments are either fully implemented or are being implemented on an ongoing basis.

115 C. Hackett, C. O'Kelly and C. Patton, [The case of the Irish National Contact Point for the OECD Guidelines for Multinational Enterprises: Challenges and opportunities for the business and human rights landscape in Ireland](#) (2020) and S. Darcy, [Embedding Business & Human Rights in Ireland: Legislating for Human Rights Due Diligence](#) (2020).

116 Department of Foreign Affairs, [National Plan on Business and Human Rights: Launch of Public Consultation for new National Plan on Business and Human Rights](#) (2023). This second National Plan is being jointly prepared by the Department of Foreign Affairs and the Department of Enterprise, Trade and Employment.

117 See the recent Concluding Observations of the Committee on the Rights of the Child: [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), para 13(a). See also, Department of Foreign Affairs, [Review of implementation of National Plan on Business and Human Rights 2017-2020](#) (2021) and the recommendations of the Implementation Group regarding structures and policy coherence (of which the Commission is a member): [Ireland's Second National Plan on Business and Human Rights \(2024-2027\)](#).

118 The UN Special Rapporteur on Human Rights Defenders has highlighted the risks and targeting faced by human rights defenders highlighting violations by business of internationally agreed rights, including people fighting against environmental degradation. She has called for human rights defenders to be prioritised in the second National Action Plan: UN Special Rapporteur on Human Rights Defenders, [Submission to Ireland's new National Plan on Business and Human Rights](#) (2023).

119 See for example, C. Hackett and M. McVey, [Responding to the DFA's consultation on a second National Action Plan for BHR in Ireland](#) (2023).

**The Commission recommends that the State publishes the second National Action Plan on Business and Human Rights - informed by stakeholder input, international obligations, best practice in other countries, and all-island considerations - alongside clear indicators for evaluating success.**

## Covid-19



# 77%

would consider it a human rights violation if the State failed to adopt sufficient measures to prepare for future public health emergencies

\*Data from the Commission's public poll on ESC rights in 2023

The Covid-19 pandemic had profound impacts on the enjoyment of ESC rights in Ireland, including due to direct impacts on the right to health and access to decent work,<sup>120</sup> as well as the indirect outcomes of the restrictions imposed. It illustrated the importance of the indivisibility and interdependence of all human rights. It also exacerbated decades of underinvestment in public services and the inequalities experienced by structurally vulnerable groups.<sup>121</sup> We welcome recent comments regarding the establishment of a State inquiry to examine Ireland's legislative and policy responses to the Covid-19 pandemic, but are concerned that no concrete details about the scope, timeframes or approach are available.<sup>122</sup> A Government-appointed Public Health Reform Expert Advisory Group published a report on the public health response in September 2023, and recommended the strengthening of national preparedness for future pandemics and other public health threats.<sup>123</sup>

120 See the section in this report on 'labour rights'.

121 For example, IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), pp. 22-23. See also, CESCR, [Statement on the coronavirus disease \(COVID-19\) pandemic and economic, social and cultural rights](#) (2020).

122 Dáil Éireann Debate, [Departmental Reports](#) (7 November 2023) – 'There will be a Covid inquiry. I anticipate the memorandum to establish it and agree the terms of reference will go to Cabinet in the next couple weeks.' The scope of the inquiry is broadly expected to include a whole-of-government response to the pandemic, including consideration of the health service response along with the wider economic and social response': Department of Health, [Covid-19 Pandemic](#) (21 September 2023).

123 [Report of the Public Health Reform Expert Advisory Group](#) (2023).



*[Ireland] should consider carrying out a comprehensive review of its response to the COVID-19 pandemic, including a human rights impact assessment that evaluates the effect of restrictions on rights, specifically with regard to minority groups.<sup>124</sup>*

We have previously recommended that a State inquiry must examine the impact of its Covid-19 response with regard to the use of emergency powers, gender equality, and the rights of children and other structurally vulnerable groups.<sup>125</sup> The evidence demonstrates that State measures disproportionately affected those from disadvantaged socio-economic backgrounds,<sup>126</sup> and had differential impacts on groups of workers and sectors in the Irish labour market and people living in institutions.<sup>127</sup> To ensure that the inquiry is rights based, human rights and equality standards must be formally embedded in the terms of reference and reflected in the expertise of the membership.<sup>128</sup> Furthermore, the representation and active participation of structurally vulnerable groups must be supported throughout the inquiry, as well as in future emergency planning and decision-making structures.

**The Commission recommends that human rights and equality standards and expertise are embedded in the terms of reference and membership of the State’s Covid-19 inquiry, which should include a thorough examination of the impact of emergency measures on ESC rights in order to plan for future similar events.**

124 Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2023), para 28.

125 IHREC, [Ireland and the Rights of the Child](#) (2022), pp. 11-12; IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), pp. 22-23; IHREC, [Submission to the Oireachtas Joint Committee on Justice, Covid-19 and Civil Liberties](#) (2021); IHREC, [Submission to the Special Committee on Covid-19 Response Regarding the Adequacy of the State’s Legislative Framework to Respond to Covid-19 Pandemic and Potential Future National Emergencies](#) (2020).

126 For example, see A. Whelan, A. Devlin, S. McGuinness and P. Redmond, [Pandemic unemployment and social disadvantage in Ireland](#) (2023 ESRI Research Series) – the employment situation of individuals in deprived areas was more heavily impacted by pandemic lockdown conditions than was the case for individuals from more affluent areas.

127 See the sections in this report on ‘labour rights’ and ‘health’.

128 IHREC, [Policy Statement on Care](#) (2023), p. 63.

## Brexit

In the wake of the UK's withdrawal from the EU, the Commission, along with the Northern Ireland Human Rights Commission ('NIHRC') and the Equality Commission for Northern Ireland ('ECNI') comprise the Article 2(1) Working Group of the Dedicated Mechanism.<sup>129</sup> This group is mandated to provide oversight of, and report on, rights and equality issues falling within the scope of the Article 2 commitment that have an island of Ireland dimension.<sup>130</sup>



# 81%

believe that everyone on the island of Ireland should have the same level of human rights and equality protections

\*Data from the Commission's poll on equality and human rights protections after Brexit in 2023

Post Brexit, there is the potential for human rights and equality on the island of Ireland to diverge, with Northern Ireland falling increasingly behind protections in Ireland. Research we have published, together with ECNI and NIHRC, identifies this risk in relation to specific EU legislative developments, including developments in relation to the rights of women, disabled people and older people, such as the *Work-life Balance Directive*, and the *European Accessibility Act*.<sup>131</sup>

**The Commission recommends that the Irish Government works with the Northern Ireland Executive and UK Government to enhance and harmonise equality and human rights protections on the island of Ireland, in a manner aligned to their respective remits. We are also calling on the Irish Government to make a clear commitment to working towards ensuring North-South equivalence of rights on the island of Ireland so as to strengthen protections.**

<sup>129</sup> The UK signed the UK-EU Withdrawal Agreement in January 2020 and the Windsor Framework (previously referred to as the Protocol on Ireland/Northern Ireland), which is part of the treaty, took effect from 1 January 2021. Article 2 of the Windsor Framework is a commitment by the UK Government to ensuring that certain rights, safeguards and equality of opportunity protections are not diminished as a result of the UK leaving the EU. The Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission are mandated in accordance with Article 2 to act as dedicated mechanisms to oversee this UK Government commitment.

<sup>130</sup> See for example, [Equality and Human Rights on the Island of Ireland after Brexit: Annual joint report of IHREC, ECNI and NIHRC on the implementation of Article 2 of the Windsor Framework](#) (October 2022-September 2023).

<sup>131</sup> S. Craig, A. Deb, E. Frantziou, A. Horne, C. Murray, C. Rice and J. Rooney, [European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland](#), (ECNI, NIHRC, IHREC 2022).

## Artificial intelligence



7 in 10

are concerned about the impact of artificial intelligence on society

\*Data from the Commission's Annual poll 2023

The State has a responsibility to protect structurally vulnerable groups in the transition to a digital and automated future.<sup>132</sup> We welcome the human-rights based approach adopted in the National Artificial Intelligence strategy for Ireland, but caution that some groups may be disproportionately impacted by Artificial Intelligence ('AI') technologies in accessing platforms and services, including through issues of accessibility, and potential bias and discrimination.<sup>133</sup> Despite AI already being embedded in the provision of some public services,<sup>134</sup> the regulatory controls the State is putting in place include advisory functions and guiding principles, rather than robust oversight and monitoring mechanisms.<sup>135</sup> We note the recent political agreement reached on the EU Artificial Intelligence Act,<sup>136</sup> but regret that Ireland has not yet ratified Council of Europe Convention 108+ for the protection of individuals with regard to the processing of personal data.<sup>137</sup>

**The Commission recommends that the State implements robust oversight mechanisms to ensure that AI technologies are developed and used in a way that is human rights compliant, protects democracy, and avoids discrimination, bias, and harmful consequences for structurally vulnerable groups and wider society.**

**The Commission recommends that the State ratifies Convention C108+ for the protection of individuals with regard to the processing of personal data.**

132 For further discussion on the just transition, particularly with regard to decent work, see the section in this report on 'Labour rights'.

133 See for example, European Union Agency for Fundamental Rights, [Bias in Algorithms: Artificial Intelligence and Discrimination](#) (2022). The European Commission has reported that the use of artificial intelligence by Irish companies is at par with the EU average: [2023 Country Report – Ireland](#) (2023), p. 46.

134 Government of Ireland, [AI – Here for Good: A National Artificial Intelligence Strategy for Ireland](#) (2021), p. 9.

135 Dáil Éireann, [Other Questions: Artificial Intelligence](#) (October 2023). See also, ENNHRI, [ENNHRI Common Position on EU Artificial Intelligence Act](#) (2023). See also, the section in this report on social security.

136 EU Commission, [Commission welcomes political agreement on Artificial Intelligence Act](#) (9 December 2023).

137 Council of Europe, [Ireland – Data Protection](#) (2023)



# Maximum available resources

- 👉 *Wealth inequality is spiralling out of control.*
- 👉 *The gap between rich and poor in Ireland needs to be addressed. People on average incomes are really struggling due to current economic conditions while higher income people seem to be getting wealthier.*
- 👉 *Taxation of the richer cohorts of society does not occur and needs to occur.*

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\*Quotes from the open question in the ICESCR poll 2023

On ratifying ICESCR, the State committed to using all available resources to ensure the widest possible enjoyment of economic, social and cultural rights. This obligation applies during periods of adjustment or economic recession, includes resource generation, allocation and spending, and is informed by the principles of transparency, participation and accountability.

## Taxation

The European Commission has expressed concern at the overreliance of Ireland's public finances on the tax receipts of multinational corporations.<sup>138</sup> Such receipts are too volatile to be a sustainable source of funding for State services.<sup>139</sup> As this tax base cannot adequately resist and mitigate against shocks to the economy while protecting living standards, we are concerned that it increases the likelihood of future budgetary cuts in the areas of social protection and public services.<sup>140</sup>

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138 The European Commission described the situation in Ireland as 'very volatile' and recommended that '[b]roadening the tax base and reducing the reliance on volatile corporate taxes would buttress the long-term sustainability of public finances: [Country Report Ireland 2020](#) (2020), p. 4. See also: European Commission, [Country Report Ireland 2023](#) (2023), p. 3 – 'reliance on multinationals presents risks in the longer term.' GNI\* is a modified measure of gross national income that strips out most of the impact of multinational corporations. Ireland's GNI is a third lower than its GDP, the second biggest gap in the EU after Luxembourg: Commission on Taxation and Welfare, [Briefing paper: GDP and GNI\\* as a measurement of national income](#) (2021).

139 'A question mark remains over the sustainability of corporate tax collection. Its solid growth might not persist over time, and a sudden reversal cannot be ruled out. The high concentration of tax receipts among a few large firms, their volatility and potentially transitory nature, along with the rising share of corporation tax in total tax revenue, underline the risks of relying on this revenue source': European Commission, [Post-Programme Surveillance Report: Ireland, Spring 2021](#) (2021), p. 16. The corporation tax take during Quarter 3 2023 was down 23% on the same period in 2022: B. O'Halloran and P. Leahy, [Irish corporation tax revenues slip 12% to €1.8bn in September as budget day nears](#) (Irish Times: 3 October 2023).

140 As was demonstrated by the financial crash, when an economic downturn is combined with fiscal unsustainability, structurally vulnerable groups are disproportionately affected. See Commission on Taxation and Welfare, [Tax Volatility in Ireland](#) (2021), p. 5; E. Heffernan, J. McHale and N. Moore-Cherry (eds.), [Debating austerity in Ireland: crisis, experience and recovery](#), Part 2: Experiencing austerity, (2017: Royal Irish Academy), pp. 83-219; and Oxfam, [The True Cost of Austerity and Inequality: Ireland Case Study](#) (2013).



# 79%

would consider budget cuts to ESC supports and services to be a violation of human rights

\*Data from the Commission's public poll on ESC rights in 2023

The cost of living crisis,<sup>141</sup> just transition,<sup>142</sup> digital transition,<sup>143</sup> housing crisis,<sup>144</sup> an ageing population<sup>145</sup> and public underspending,<sup>146</sup> are all significant challenges facing the State that it must be financially and politically prepared to confront. These pressures require the State to consider evidence-based measures, which broaden the tax base and increase revenue,<sup>147</sup> and to discontinue regressive tax cuts.<sup>148</sup> We note the recent Commission on Taxation and Welfare's recommendations for reform of the tax system,<sup>149</sup> and regret that the State has not demonstrated any commitment to progress their implementation.



*Wealth inequality is a growing issue in Ireland, and extreme wealth has become increasingly concentrated.*<sup>150</sup>

141 See the section in this report on 'the right to an adequate standard of living'.

142 For more see, IHREC, [Policy Statement on a Just Transition](#) (2023).

143 See section in this report on 'access to information and digital rights'.

144 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](#) (October 2018). See section in this report on 'housing and accommodation'.

145 While Ireland has a young population relative to EU peers, historically low fertility rates and continually increasing life expectancies are contributing to demographic shifts, which will bring Ireland's old-age dependency ratio closer to other countries. An ageing population is linked to increased expenditure primarily in pensions, healthcare and social services. For more see: Commission on Taxation and Welfare, [Sustainability of the Public Finances](#) (2021), pp. 9-14.

146 Per capita public spending is the lowest among comparable EU member states. Ireland spends €2,801 per person below the average spend; an annual spending shortfall of €14 billion when scaled to the population see: Irish Congress of Trade Unions, [The Social Wage](#) (2022), pp. 6-9.

147 Revenue from taxes and social contributions in Ireland is lower than the EU27 average as a proportion of output, on a GNI\* basis: T. McDonnell, [How heavy is the weight of tax in the Republic of Ireland – Some high-level facts](#), Nevin Economic Research Institute (2021).

148 Despite the Commission for Taxation and Welfare recommending that revenues will need to increase substantially, analysis of Budget 2023 has criticised regressive tax cuts which benefit higher earners to the detriment of middle income workers: Tom McDonnell, [A consequential but flawed budget](#), Nevin Economic Research Institute (2023).

149 Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022). The Commission's recommendations relate to fiscal sustainability, the balance of taxation, tax equity, wealth and capital, and tax expenditures for example.

150 Recent figures indicate that the richest 1% of Irish society owns 27% of wealth, and the poorest 50% owns only 1% of wealth: Oxfam Ireland, [Ireland's two richest people have more wealth – €15 billion – than half of the Irish population who have €10.3 billion](#) (2023).

In order to increase the tax intake, provide a more predictable source of revenue and redistribute the balance of power,<sup>151</sup> a wealth tax must be considered as part of the move to a more equitable, progressive and fair system. Taxes on wealth have minimal impacts on the economy relative to taxes on labour<sup>152</sup> and have a strong symbolic value as a gesture of social solidarity that those who can pay more do, thereby enhancing the social contract. The European Commission has also been critical of Irish tax expenditures,<sup>153</sup> a form of hidden public spending with deliberately uneven distributional impacts.<sup>154</sup> Despite the cost of tax expenditures to the Exchequer, and evidence that poorly designed expenditures are not achieving their objectives,<sup>155</sup> the data and evaluations underpinning such measures are inadequate.<sup>156</sup>

**The Commission recommends that the State progresses the recommendations of the Commission on Taxation and Welfare to grow the tax base and generate greater revenues to ensure the long-term sustainability of public finances.**

**The Commission recommends that the State considers introducing a tax on wealth and carries out an equality-based review of tax expenditures with a view to significantly limiting their scope and number.**

151 For example, see the Wealth Tax and associated principles proposed by Oxfam in its submission to the Commission on Taxation and Welfare – Oxfam Ireland, [Submission to the Commission on Welfare and Taxation](#) (2021).

152 As wealth taxes are not deducted from labour derived income, they are less likely to influence behaviour which has knock-on effects for the economy, such as a raise in labour taxes leading to decreased consumption. T. McDonnell, [Some thoughts on a wealth tax](#), Nevin Economic Research Institute (2022); Commission on Taxation and Welfare, [Taxes on Wealth](#) (2022), pp. 14-16.

153 The Commission issued recommendations to limit the scope and number of tax expenditures and broaden the tax base in 2017, 2018 and 2019. In its 2023 Country Report, the Commission concluded that limited progress has been made implementing this recommendation: European Commission, [Country Specific Recommendations – Ireland](#) (2017); European Commission, [Country Specific Recommendations – Ireland](#) (2018); European Commission, [Country Specific Recommendations – Ireland](#) (2019); and European Commission, [Country Report Ireland 2023](#) (2023).

154 Tax expenditures are understood to be a transfer of public resources, which reduce tax obligations or reduce/postpone revenue for a comparatively narrow population of taxpayers relative to the base. Their intended function is to address market failure, attract investment or offset shortcomings in other areas of policy. For an overview of tax expenditures in Ireland see: Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022), pp. 400-411.

155 According to the Commission on Taxation and Welfare, poorly designed tax expenditures encourage individuals to artificially engage in steps in order to avail of the relief in a manner that does not align with the objective, or it provides benefits to people who would have engaged in the incentivised activity regardless of the relief. See Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022), p. 428. There can also be an imbalance in the beneficiaries of a tax credit. For example, large corporate claimants comprised 12% of the total number of claimants for the Research and Development tax credit in 2020, but claimed 73% of the total amount available: Committee on Budgetary Oversight, [Report on Tax Expenditures: Research & Development Tax Credit and Knowledge Development Box](#) (2022), p. 10.

156 Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022), pp. 423-424.

There are a number of cliff edges<sup>157</sup> in Ireland’s taxation system.<sup>158</sup> Strict thresholds, and the sudden incurrence of previously inapplicable tax obligations, influence the decisions and capacity of low-income workers to pursue higher earnings or secure more hours. This is a poverty trap and the more gradual or gentler tapering of thresholds could help significantly in addressing the inequalities of the system by slowing the rate at which benefits are withdrawn.<sup>159</sup> The current orientation of the tax system towards joint taxation also has demonstrable impacts on gender inequalities.<sup>160</sup> Research demonstrates that the individualisation of tax correlates with increased labour market participation rates for women.<sup>161</sup>

**The Commission recommends that cliff-edges in the Irish tax system should be removed and replaced by more gradual or tapered thresholds.**

**The Commission recommends that the State commits to a phased move towards a fully individualised tax system.**

157 A cliff-edge refers to ‘where benefits entitlements and other supports are withdrawn sharply (or entirely) as income rises or where tax and social insurance liabilities increase steeply as income rises.’ M. Doolan and C. Keane, [Cliff edges in the Irish tax-benefit system](#), Budget Perspectives (ESRI: 2023), p. 1.

158 A person whose income rises from €352 per week to €353 will begin to pay PRSI contributions and incur liability of at least €119 per year from their disposable income. USC is a tax payable on total income. If a person’s annual income increases from €13,000 to €13,001, they are now considered eligible for USC and incur an additional annual liability of at least €80 from their disposable income. M. Doolan and C. Keane, [Cliff edges in the Irish tax-benefit system](#), Budget Perspectives (ESRI: 2023), pp. 5-11.

159 M. Doolan and C. Keane, [Cliff edges in the Irish tax-benefit system](#), Budget Perspectives (ESRI: 2023).

160 A joint system of taxation applies for married, co-habiting and civil union partners. Part of the standard rate tax band may be transferred between the higher earner and the lower earner. This means the higher earner can pay tax at the standard or lower rate for a greater share of their income than if they were single. The overall tax burden for the couple is lowered by the lower earner who faces a higher rate of tax on their income. This has financial consequences and behavioural implications for the lower earner who is usually the woman in heterosexual couples. Joint taxation can be regarded as endorsing the patriarchal male breadwinner model. See discussion in IHREC, [Submission to the Committee on the Elimination of Discrimination against Women for the List of Issues Prior to Reporting on Ireland’s 8th periodic cycle](#) (2023), p. 26. Full individualisation of the tax system was a key recommendation of the Commission on Taxation and Welfare. Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022). In November 2023, the Committee on the Elimination of Discrimination Against Women asked Ireland how it has assessed the recommendations of the Commission on Taxation and Welfare regarding an individualised system and cliff-edges. CEDAW, [List of issues and questions prior to the submission of the eighth periodic report of Ireland](#) (2023), para 21.

161 K. Doorley, [Taxation, work and gender equality in Ireland](#), Journal of the Statistical and Social Inquiry Society of Ireland, 47 (2018), p. 17: Part individualisation of the tax system was associated with a 5-6% increase in the labour participation rates of married women.

Finally, we are concerned that Ireland's tax policies facilitate corporate tax avoidance and profit-shifting<sup>162</sup> from low income countries.<sup>163</sup> The Committee on the Rights of the Child recently recommended that the State ensures its tax policies do not contribute to tax abuse in other countries.<sup>164</sup> While the State denies that this occurs,<sup>165</sup> the evidence underpinning this assertion is not sufficiently comprehensive and it does not align with the issues raised by Irish and international experts.<sup>166</sup>

**The Commission recommends that the State addresses the identified tax structures which are impacting rights protections in other territories, and carries out ongoing independent and regular assessments of the impact of its policies on cross-border tax abuse.**

162 For example, tax structures in Ireland are enabling corporate 'profit-shifting' from developing countries, thereby eroding their tax bases. Irish policies are also depriving developing countries of the right to increase their own tax revenue from corporate activity carried out in their territories. For further information see: Action Aid Ireland, Christian Aid Ireland, Global Legal Action Network, Integrated Social Development Centre (Ghana), Oxfam Ireland, Tax Justice Coalition Ghana and Tax Justice Network, [Ireland's Responsibility for the Impacts of Cross-border Tax Abuse on the Realisation of Children's Economic, Social and Cultural Rights](#) (2022) and University of St. Andrews and University of Leicester, [Policy Brief - #1.1 Case study – Ireland](#) (2021: Government Revenue and Development Estimation).

163 Ireland was ranked 11th on the Corporate Tax Haven Index 2021 and is responsible for approximately 3.3% of global corporate tax abuse despite having less than 0.1% of the global population. See Tax Justice Network, [Corporate Tax Haven Index – 2021 Results](#) (2021).

164 Committee on the Rights of the Child, [Concluding Observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), para 13(f): 'Ensure that tax policies do not contribute to tax abuse by companies registered in the State party but operating in other countries, leading to a negative impact on the availability of resources for the realization of children's rights in those countries.' Action Aid Ireland, Christian Aid Ireland, Global Legal Action Network, Integrated Social Development Centre (Ghana), Oxfam Ireland, Tax Justice Coalition Ghana and Tax Justice Network, [Ireland's Responsibility for the Impacts of Cross-border Tax Abuse on the Realisation of Children's Economic, Social and Cultural Rights](#) (2022) – 'Ireland is creating a regulatory environment which enables business enterprises to prevent children's rights from being realised.'

165 Committee on the Rights of the Child, [Combined fifth and sixth periodic reports submitted by Ireland](#) (2022), paras. 82-85; Department of Finance, [IBFD Spillover Analysis: Possible Effects of the Irish Tax System on Developing Economies](#) (2015).

166 The Spillover analysis commissioned by the State has been criticised as inadequate, including as it was narrow in scope and is now outdate. For example, it examined a very narrow list of thirteen developing countries, twelve of whom were among the lowest recipients of Irish Foreign Direct Investment ('FDI'). A number of developing countries that receive proportionately the most Irish FDI were omitted. Furthermore, only two years of data or 4% of the available data was examined and the report did not address indirect investment linkages. See: Action Aid Ireland, Christian Aid Ireland, Global Legal Action Network, Integrated Social Development Centre (Ghana), Oxfam Ireland, Tax Justice Coalition Ghana and Tax Justice Network, [Ireland's Responsibility for the Impacts of Cross-border Tax Abuse on the Realisation of Children's Economic, Social and Cultural Rights](#) (2022); Christian Aid, [Global Linkages: re-examining the empirical basis of the 2015 tax Spillover analysis](#) (2017); Christian Aid, ['Impossible' structures: tax outcomes overlooked by the 2015 tax Spillover analysis](#) (2017). See also, University of St. Andrews and University of Leicester, [Policy Brief - #1.1 Case study – Ireland](#) (2021: Government Revenue and Development Estimation).



## Bribery and corruption

We welcome recent progress in the perceptions of corruption in Ireland,<sup>167</sup> and the development of a cross-sectoral strategy on economic crime and corruption.<sup>168</sup> However, the State still has much to do to create and maintain a rigorous and robust anti-corruption framework, including with regard to corruption in public bodies.<sup>169</sup>

*👏 The State should continue its efforts...to combat corruption and promote good governance, transparency and accountability.<sup>170</sup>*

The latest assessment indicates that the State has fully implemented less than half of the Group of States Against Corruption's ('GRECO') 2014 recommendations for dealing with corruption in respect of parliamentarians, judges and prosecutors.<sup>171</sup> In 2023, both GRECO and the EU Commission called for the strengthening of anti-corruption measures<sup>172</sup> and the Standards in Public Office Commission's role as an enforcement

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167 European Commission, [Special Eurobarometer 523: Corruption Report](#) (2022). See also, Transparency International: [Corruption Perceptions Index](#) (2022): Ireland ranks tenth globally. We note that this Index takes no account of private sector corruption, only measures perceived corruption as opposed to actual incidence, and reduces the complex area of public sector corruption into a single score. For more commentary on the practical value of the CPI see: A. Cobham, [Corrupting Perceptions: Why Transparency International's Flagship Corruption Index Falls Short](#) (2013); D. Hough, [Here's this year's \(flawed\) Corruption Perception Index. Those flaws are useful](#) (27 January 2016: The Washington Post); and Global Integrity, [A Users' Guide to Measuring Corruption, United Nations Development Programme](#) (2008), pp. 5-32.

168 In 2022, on foot of recommendations made in the [Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption](#), the [Advisory Council against Economic Crime and Corruption](#) was established. Its function is to advise and make proposals on strategic and policy responses and to develop multi-annual strategies to combat economic crime and corruption. Recently, the Department of Justice launched a public consultation surveying the public to inform the development of a cross-sectoral strategy to combat economic crime and corruption: [Minister McEntee launches online public survey to inform cross-sectoral strategy to combat economic crime and corruption](#) (2023).

169 For example, in 2022, the Human Rights Committee raised its concerns about the lack of data regarding the number of prosecutions and convictions for corruption, and the possible lack of independence within the Garda Anti-Corruption Unit established to prevent, detect and investigate corruption and criminality within the police: [Concluding observations on the fifth periodic report of Ireland](#) (2023), paras. 9-10.

170 Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2023), para 10.

171 GRECO, [Preventing corruption and promoting integrity in central governments \(top executive functions\) and law enforcement agencies: Evaluation Report – Ireland](#) (2023), para 12: 45% of the recommendations from the Fourth Evaluation Period are considered by GRECO to have been fully implemented, while 20% are only partly implemented and 35% remain without any implementation.

172 In relation to anti-corruption measures, GRECO recommends reforms relating to integrity checks, risk assessments, codes of conduct, anti-corruption training and statements of interest: [Preventing corruption and promoting integrity in central governments \(top executive functions\) and law enforcement agencies: Evaluation Report – Ireland](#) (2023), paras 32, 40, 52, 60, 65, 88, 129.

body,<sup>173</sup> as well as tightening post-employment restrictions for policymakers.<sup>174</sup> With regard to the protection of whistle-blowers, the *Protected Disclosures (Amendment) Act 2022* came into operation in January 2023. We published observations and recommendations on the legislative proposals in 2021, including on the absence of adequate data on the total number of protected disclosures made each year and their outcome.<sup>175</sup>

**The Commission recommends that the State fully implements the recommendations of the Group of States Against Corruption's Fourth and Fifth Evaluation Reports.**

**The Commission recommends that all policy and legislative measures implemented by the State to address corruption and protect whistle-blowers are underpinned by adequate, disaggregated and published data.**

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173 Reforms recommended by GRECO relating to the Standards Commission include requiring the declaration of ad hoc conflicts of interest, providing the Commission with the power to investigate and sanction breaches of lobbying standards and violations of post-employment restrictions and that the Commission be adequately resourced to regularly examine statements of interests and issue sanctions where breaches occur: [Preventing corruption and promoting integrity in central governments \(top executive functions\) and law enforcement agencies: Evaluation Report – Ireland](#) (2023), paras 88, 118, 129. See also, European Commission, [Rule of Law Report: Country Chapter on the rule of law situation in Ireland](#) (2023), p. 2. The Commission, noting that the State had achieved some progress on the same recommendation in the 2022 report, repeated its recommendation that Ireland should strengthen the existing ethics framework, and in particular the monitoring and enforcement capacity of the Standards in Public Office Commission.

174 GRECO recommends that post-employment restrictions be strengthened by making rules on taking employment after leaving office enforceable for all persons with top executive functions and ensuring the Standards Commission has the power to investigate and sanction breaches: [Preventing corruption and promoting integrity in central governments \(top executive functions\) and law enforcement agencies: Evaluation Report – Ireland](#) (2023), para 118. See also, European Commission, [Rule of Law Report: Country Chapter on the rule of law situation in Ireland](#) (2023), pp. 14-15.

175 Our recommendations also included applying the requirement to establish internal reporting channels and procedures to all private employers, ensuring the right to report to a Minister is not weakened, removing a provision which provides that interpersonal grievances are not relevant wrongdoings and providing greater clarity as to what types of communication qualify as protected disclosures, among others. IHREC, [Observations and Recommendations on the General Scheme of the Protected Disclosures \(Amendment\) Bill 2021](#) (2021).

# Non- discrimination

👉 *Inclusive policies for all economic groups.*

👉 *Social society is slowly breaking down.*

👉 *Racism towards Travellers is widespread and tolerated to a shocking extent.*

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\*Quotes from the open question in the ICESCR poll 2023

Pervasive discrimination and socio-economic inequality continue to undermine the development of an Irish society that provides each person with a fair and equal opportunity to participate in economic, political, social and cultural life. The State must address the structural and institutional arrangements, practices, policies and cultural norms which have the effect of discriminating against individuals or groups, and acknowledge the intersectionality between diverse identities.

### Equality legislation



6 in 10

agree that equality legislation should include socio-economic discrimination

\*Data from the Commission's Annual Poll 2023

Irish equality legislation has 'lost its teeth' and is not providing adequate equal protection or non-discrimination guarantees to address widespread inequalities within the State.<sup>176</sup> We welcome the Government's commitment to review the Equality Acts,<sup>177</sup> including their functioning and effectiveness in practice<sup>178</sup> and the grounds for discrimination.<sup>179</sup> While the report on the 2021 public consultation was recently

176 IHREC, [Submission on the Review of the Equality Acts](#) (2023).

177 A full list of legislation within the scope of the review can be found at Government of Ireland, [Consultation on the Review of the Equality Acts](#) (2021).

178 Our work providing legal assistance in discrimination cases has revealed a number of practical issues with the operation of the Equality Acts, including strict time limits, inaccessible complaints forms and burdensome notification requirements.

179 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. In June 2021, the Minister for Children, Equality, Disability, Integration and Youth announced a review of the Equality Acts, including the *Equal Status Acts 2000-2018* and the *Employment Equality Acts 1998-2015*. Government of Ireland, [Programme for Government](#) (2020), p. 77.

published,<sup>180</sup> there are ongoing delays in bringing forward legislative proposals and no concrete timeline for reform has been announced to date.<sup>181</sup> The finalisation of this review must be prioritised within the lifetime of the current Government.<sup>182</sup>



*Growing evidence demonstrates that socio-economic discrimination is widespread and needs to be tackled, including in accessing public amenities, education and in employment.*<sup>183</sup>

Through our engagement with the review, we have called for legislative amendments to prohibit discrimination based on socio-economic status. Such legislative reform has been sought for more than two decades, and should be underpinned by indicators developed in consultation with structurally vulnerable groups and adopt an asymmetric approach.<sup>184</sup> We have further called for amendment of the Equality Acts to provide for intersectional discrimination, including to ensure compliance with Article 3 of ICESCR.<sup>185</sup>

**The Commission recommends that Irish equality law is amended to prohibit discrimination based on socio-economic status and intersectional discrimination as a matter of priority.**

180 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).

181 Department of Children, Equality, Disability, Integration and Youth, [Equality Issues](#) (July 2023).

182 As set out in Section 10 of the Electoral Act 1963, Dáil Éireann cannot continue without dissolution for longer than 5 years since the date of its first meeting. This leaves the latest date for the next general election, under Irish law, at March 2025. Dáil Éireann may be dissolved sooner, however, if the Taoiseach makes a request to the President of Ireland. This may arise where the Taoiseach and Government lose a vote of no confidence. See Citizens Information, [General elections](#).

183 IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 51-52. For more information on examples of socio-economic discrimination in Ireland, see the sections of this report on ‘Poverty,’ ‘Housing and accommodation’ and ‘Accessibility, availability, affordability and quality of health services’. See also, Community Law and Mediation, [A submission by Community Law & Mediation to the Department of Children, Equality, Disability, Integration and Youth on the Review of the Equality Acts](#), p. 22.

184 An asymmetric approach limits the application of this ground to only those who are disadvantaged. We recognise the need to achieve sufficient clarity and precision in defining the ground in order to secure foreseeability and transparency, which is required in the law. IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 50-57.

185 IHREC, [Submission on the Review of the Equality Acts](#) (2023). ‘Some individuals or groups of individuals face discrimination on more than one of the prohibited grounds, for example women belonging to an ethnic or religious minority. Such cumulative discrimination has a unique and specific impact on individuals and merits particular consideration and remedying’: CESCR, [General Comment No. 20 on non-discrimination in economic, social and cultural rights \(art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights\)](#) (2009), para 17.



# 62%

believe that refusing Travellers access to services on the basis of their ethnicity is a violation of human rights

\*Data from the Commission's public poll on ESC rights in 2023

The operation of the *Intoxicating Liquor Act 2003* has significant implications for cultural rights under ICESCR,<sup>186</sup> particularly for the Traveller community as they are frequently refused admission to licenced premises, including for family events,<sup>187</sup> and are more likely to require redress.<sup>188</sup> Section 19 of the 2023 Act requires people claiming discrimination against licensed premises to apply to the District Court rather than the informal, more accessible Workplace Relations Commission ('WRC'). The transfer of jurisdiction to the District Court creates more adversarial conditions and imposes onerous obligations on claimants.<sup>189</sup> In particular, formal rules, burden of proof requirements and technical documentation create a procedurally complex system which is more costly than the WRC, with negative impacts for access to justice.<sup>190</sup>

**The Commission recommends that jurisdiction for discrimination cases against licensed premises is returned to the Workplace Relations Commission by repealing section 19 of the *Intoxicating Liquor Act 2003*.**

## National policy and oversight frameworks

National equality strategies are a critical means of mainstreaming anti-discrimination measures and substantive rights protections across all Government policy and practice, and form an essential part of the State's obligations under Articles 2 and 3

186 For further information on issues relating to the protection of cultural rights in Ireland, see the section 'cultural rights of Travellers and Roma' below.

187 FLAC, [WRC finds Family refused access to hotel for Confirmation celebration were subject to discrimination on the Traveller Community ground](#) (2023). Note, in this case the Adjudication Officer affirmed that the cases should be heard by the WRC and not the District Court.

188 Commission-supported research demonstrates that Travellers are 38 times more likely to experience discrimination in shops, pubs and restaurants than white Irish people: IHREC and ESRI, [Who experiences discrimination in Ireland?](#) (2017), p. 36. We conducted a review of this Act in 2021 and reported data that in 2019 a total of 45 proceedings were instituted in the District Court, of which 43 related to discrimination on the Traveller ground. 36 applications were either withdrawn, struck out or adjourned generally: IHREC, [Report of a review of section 19 of the Intoxicating Liquor Act 2003 carried out pursuant to section 30 of the Irish Human Rights and Equality Commission Act 2014](#) (2022).

189 IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 35-36.

190 Furthermore, our review found that only an extremely small number of cases at the District Court resulted in an Order for compensation: IHREC, [Report of a review of section 19 of the Intoxicating Liquor Act 2003 carried out pursuant to section 30 of the Irish Human Rights and Equality Commission Act 2014](#) (2022).



of ICESCR.<sup>191</sup> While acknowledging that the National Action Plan Against Racism 2023-2027 ('NAPAR') was recently published,<sup>192</sup> inequalities and violations of ESC rights are continuing in the absence of national policy across a range of areas. For example, despite the expiry of multiple strategies in 2021 and 2022, successor policy frameworks on women and girls,<sup>193</sup> migrants, Travellers and Roma, disabled people and LGBTI+ people remain outstanding.<sup>194</sup>

*There are many plans that look promising but they are not funded properly and no one is accountable when they fail.*<sup>195</sup>

Based on our expertise as the National Equality Body and engagements with civil society, our assessment is that significant structural changes are required in Ireland's development, implementation and monitoring of national equality strategies. Overall, the core issue is the policy implementation record, and the failure to adequately resource implementation partners such as civil society organisations.<sup>196</sup> Furthermore, there must be a priority focus on ensuring: better alignment with EU and international standards; an evidence-based and collaborative approach; human rights and equality proofing under the Public Sector Duty; the incorporation of a regional and local lens; coherence across overlapping frameworks; the participation of civil society; institutional and structural reform rather than standalone and pilot projects; future-proofing; all-island considerations; and the public provision of services.

This aligns with the assessments of UN Committees,<sup>197</sup> as well as a State-commissioned report on the effectiveness of the implementation processes for three national

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191 For example, the obligation to ensure that strategies, policies, and plans of action are in place and implemented in order to address both formal and substantive discrimination by public and private actors. See CESCR, [General Comment No. 20 on non-discrimination in economic, social and cultural rights \(art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights\)](#) (2009), para 38.

192 Department of Children, Equality, Disability, Integration and Youth, [Minister Joe O'Brien announces publication of Ireland's National Action Plan Against Racism 2023-2027](#) (2023). The accompanying one-year implementation plan for the first year of this Action Plan has yet to be published. For our observations on NAPAR, see: IHREC, [Accountability needed from State to Combat Racism](#) (2023).

193 For our comments on the National Strategy for Women and Girls 2017-2020, see for example: IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023).

194 We await the development and publication of the updated National Strategy for Women and Girls 2017-2020; Migrant Integration Strategy 2017-2020; National Traveller and Roma Integration Strategy 2017-2021; National Disability Inclusion Strategy 2017-2022; and the National LGBTI+ Inclusion Strategy. We note that it is not adequately highlighted in the State report that these policy frameworks have expired: CESCR, [Replies of Ireland to the list of issues in relation to its fourth periodic report](#) (2023). We welcome the publication of [Young Ireland: the National Policy Framework for Children and Young People \(0-24\) 2023-2028](#) on 21 November 2023.

195 Issue raised at our ICESCR Civil Society Forum in June 2023.

196 See also, the section above on 'civil society participation'.

197 See for example, Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023) and Human Rights Committee, [Concluding observations on the fifth periodic report of Ireland](#) (2022).

equality strategies.<sup>198</sup> Common issues identified include: inadequate implementation structures;<sup>199</sup> a lack of Departmental ownership over assigned actions; and the need for greater financial resources and administrative support.<sup>200</sup> The report makes a suite of recommendations, including the need to adopt an intersectional approach and an evidence-informed and expert-validated framework of implementation.<sup>201</sup>

**The Commission recommends that the State develops a robust framework of national equality strategies targeting specific groups and addressing intersectionality, based on our recommendations, the concluding observations of UN Committees, evaluation outcomes, and resourced civil society input.**

## Equality budgeting

Ireland must ensure comprehensive equality budgeting<sup>202</sup> to fulfil ICESCR obligations and this extends to the non-regression principle, requiring resources allocated to the realisation of ESC rights to increase proportionally to any overall budgetary increases.<sup>203</sup> While we welcome the information on public expenditure provided by the State,<sup>204</sup> and increased allocations in Budget 2024 across many ESC areas,<sup>205</sup> Ireland's prosperity and high GDP<sup>206</sup> is not reflected in its performance across all policy domains.<sup>207</sup>

198 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).

199 In July 2023, the Department of Children, Equality, Disability, Integration and Youth published a commissioned report to examine and evaluate the effectiveness of the processes for implementation of three equality strategies - the Migrant Integration Strategy, the National Strategy for Women and Girls, and the National Traveller and Roma Inclusion Strategy - with a view to informing how the department develops and implements whole-of-government equality policy in the future with a strong outcomes-focused approach. This study conducted by the Centre for Effective Studies focussed on the processes of the strategies rather than the content of the strategies: [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#) (2023).

200 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.

201 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.

202 Equality budgeting is an essential means by which to assess government's efforts to realise ESC rights and serves two primary functions: to allocate sufficient resources to ESC rights, in line with maximum available resources; and to undertake ex ante and ex poste evaluation on the potential impacts of policy measures across equality grounds. Aoife Nolan & Juan Pablo Bohoslavsky, Human rights and economic policy reforms, *The International Journal of Human Rights* (2020), 24:9, 1247-1267. See also OHCHR, [Realizing human rights through government budgets](#) (2017), p. 30.

203 OHCHR, [Realizing human rights through government budgets](#) (2017), p. 99.

204 Government of Ireland, [Supplementary information to reply to list of issues in relation to the fourth periodic report of Ireland](#) (2023), pp. 4-6.

205 Government of Ireland, [Budget 2024: Expenditure Report](#) (2023).

206 According to the European Commission's May 2023 Economic forecast for Ireland, GDP is projected to remain on a solid growth path of 5.5% in 2023 and 5.0% in 2024: [Economic forecast for Ireland](#) (May 2023).

207 Human Rights Measurement Initiative (HRMI), [Rights Tracker: Ireland](#): this assessment reports that Ireland is doing 79.6% of what should be possible at its level of income to protect ESC rights. See also, IHREC, [Ireland and the Sustainable Development Goals](#) (2023).



# 26%

believe that decisions made by the State on national spending have created a more equal society

\*Data from the Commission's public poll on ESC rights in 2023

Ireland's current 'incremental approach' to equality budgeting<sup>208</sup> across Government Departments<sup>209</sup> has yet to yield any concrete results,<sup>210</sup> despite repeated recommendations across international treaty monitoring bodies, most recently the Committee on the Rights of the Child.<sup>211</sup> In the absence of an overarching strategy, Government programming and budgetary decisions are not adequately equality proofed, and this impacts the extent to which we can monitor the impact of spending on specific groups.<sup>212</sup> It also creates challenges in assessing whether the equality budgeting objectives, as reported by Departments in the Revised Estimates process

208 Equality budgeting forms part of broader ongoing budgeting reform initiatives, including well-being budgeting under the Well-being Framework, which is a commitment within the Programme for Government to measure overall progress as a country and to improve quality of life. The Framework consists of eleven dimensions and thirty-five indicators. Dimensions include environment, climate and biodiversity; housing and built environment; safety and security; mental and physical health; income and wealth; etc. See DPER, Public Service Performance Report 2022 (2023), p. 179.

209 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. Ireland is also currently in the process of carrying out research on international best practice for incorporating the SDGs into the budgetary process: Government of Ireland, Ireland's 2023 Voluntary National Review: Sustainable Development Goals \(2023\), p. 43.](#)

210 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 Ireland re-introduce Pre-Budget Estimates with an accompanying White Paper in July, as well as publish a Pre-Budget report in July to allow for adequate Parliamentary discussion. See OECD, [OECD Scan: Equality Budgeting in Ireland \(2021\).](#)

211 In February 2023, the Committee on the Rights of the Child called on Ireland to '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:' [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 9(c)-(d).

212 See for example, Government of Ireland, [The Framework Convention for the Protection of National Minorities: Fifth Periodic Report](#) (2023), p. 78.

(‘REV’),<sup>213</sup> ‘align with real needs or if they are sufficiently ambitious’.<sup>214</sup> Of the total 45 Votes presented in the REV 2023, 23 Votes report equality budgeting objectives and performance indicators, and there is a noticeable absence of intersectional considerations across the metrics. Programme allocations are also not linked to specific output targets or outcomes.<sup>215</sup>

In line with international best practice, equality budgeting must incorporate three fundamental principles: development (including public participation); implementation (including awareness raising); and evaluation (including *ex-poste review*). The development principle requires key budgetary documents to be publicly available in accessible formats and in a timely fashion to ensure adequate pre-budgetary participation and consultation.<sup>216</sup> While improvements are required at a national level,<sup>217</sup> participatory budgeting by local authorities needs particular attention.<sup>218</sup>

**The Commission recommends that the State places equality budgeting on a statutory footing, and ensures that all Government Departments and public bodies are required to actively demonstrate application of the Public Sector Duty in their budgets.**

213 At present, equality budgeting is reflected in two key outputs each year in Ireland: the Revised Estimates Volume for the Public Services (the REV) and the Public Service Performance Report (PSPR). The REV is published in mid-December, providing detail on the allocations that were announced in the Budget in October and summarising the forecasted spending that has taken place throughout the current year. The PSPR, on the other hand, provides information on how each Department performed in the achievement of their REV targets for the preceding year and is typically published the following June. See Houses of the Oireachtas, [Equality Issues: Dáil Éireann Debate, Wednesday - 18 October 2023](#) (2023)

214 According to the Parliamentary Budget Office, the equality budgeting objectives within the REV are, for the vast majority of Votes, not divided into specific equality dimensions. There are nine dimensions under equality budgeting tagging by Departments: gender, disability, minority groups, health and well-being services, education, housing, children and young people, society, and disadvantage. The Parliamentary Budget Office analyse equality metrics pertaining specifically to two dimensions of equality (gender and disability) under their own headings, with the remaining 7 equality dimensions analysed under the ‘equality (other)’ heading. In addition, the PBO also analyse metrics under the environmental, socio-economic, and well-being dimensions. PBO, [An Analysis of Equality Budgeting Content in the Revised Estimates for Public Services 2023](#) (2023).

215 Furthermore, the total number of Equality Budgeting high-level goals is 51, under which there are 107 metrics. The current approach in the presentation of the equality budgeting objectives in the Revised Estimates for Public Services 2023 exhibits a relative emphasis on gender related metrics (26% of all metrics), compared to disability metrics (15%), broader equality metrics (17%) and socio-economic metrics (15%). Parliamentary Budget Office, [An Analysis of Equality Budgeting Content in the Revised Estimates for Public Services 2023](#) (2023).

216 OHCHR, [Realizing human rights through government budgets](#) (2017), p. 38.

217 For example, despite the OECD recommending in 2021 that Ireland disseminate a number of important budgetary documents earlier in the fiscal year, many pre-budgetary documents continue to be finalised in early October shortly before publishing the annual Budget: [OECD Scan: Equality Budgeting in Ireland](#) (2021), pp. 68-70.

218 L. Shannon, J. O’Riordan, and R. Boyle, [Furthering Citizen Engagement in Local Authority Budgetary Processes Through Participatory Budgeting in Ireland – Feasibility Study](#) (Institute of Public Administration: 2019).

**The Commission recommends that the State progresses the 2021 recommendations from the OECD to ensure enhanced public participation in all budgetary processes, with the direct and active involvement of structurally vulnerable groups and their representative organisations, in line with international best practice.**

## Equality data

Accurate and comparable equality data<sup>219</sup> is essential in understanding the nature and extent of ESC rights protections in Irish society, and in enabling evidence-informed policy-making and service provision. We welcome the State's commitment to the development of an *Equality Data Strategy*, and related commitments to identify gaps in equality data, provide guidance on how to fill those gaps, develop standard practices in the classification of data, and build an Equality Data Hub.<sup>220</sup> We also note existing efforts to map equality data through an Equality Data Audit.<sup>221</sup>

However, we have repeatedly highlighted the shortfalls in equality data in Ireland,<sup>222</sup> despite the existence of key frameworks offering clear direction. The European Commission's EU Subgroup on Equality Data<sup>223</sup> has produced guidance to support Member States to improve the collection and use of equality data, including a Guidance note on equality data based on racial or ethnic origin, and most recently, a guidance note on data for LGBTIQ equality.<sup>224</sup> Furthermore, the role of official statistics in capturing data on social exclusion and discrimination is highlighted in the National Statistics Board's Strategic Priorities for Official Statistics 2021-2026.<sup>225</sup>

219 The European Handbook on Equality Data defines equality data as any piece of information that is useful for the purposes of describing and analysing the state of equality. The information may be quantitative or qualitative in nature. See European Commission, [Equality Data](#) (2023).

220 Led by the Department of Children, Equality, Disability, Integration and Youth in partnership with the Central Statistics Office, the overall goal of the proposed Strategy for the period of 2023-2027 is to improve the collection, disaggregation and use of equality data. The approach will focus on collection, standards and classifications, use, and monitoring and oversight. As part of the Strategy, an Equality Data Hub will be developed which will act as a central point for access to relevant data. See: Department of Children, Equality, Disability, Integration and Youth, [Minister O'Gorman announces the development of a National Equality Data Strategy](#) (2022).

221 Central Statistics Office, [Equality Data Audit](#) (2020).

222 See IHREC, [Ireland and the Convention on the Rights of the Child](#) (2022); IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2023); IHREC, [Submission to the Department of the Taoiseach on the European Semester 2023 and the National Reform Programme](#) (2023). IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022).

223 The Subgroup on Equality Data was established by the EU High Level Group on Non-discrimination, Equality and Diversity in 2018. Facilitated by FRA, the purpose of the Subgroup is to help Member States improve the collection and use of equality data. It includes representatives from EU Member States and Norway, the European Commission, Eurostat and FRA. IHREC is the Irish representative on the Subgroup. See European Commission, [Equality Data](#) (2023).

224 Through its collective and collaborative work, the Subgroup has produced a number of outputs, including a Compendium of Practices on Equality Data, a diagnostic mapping tool, and a suite of guidelines, including: guidelines on improving the collection and use of equality data (2018), a guidance note on the collection and use of equality data based on racial or ethnic origin (2021), and a guidance note on the collection and use of data for LGBTIQ equality (2023). For all outputs, see European Commission, [Equality Data](#) (2023).

225 Central Statistics Office, [Quality Information for All – Numbers Matter – National Statistics Board Strategic Priorities for Official Statistics, 2021 – 2026](#) (2021), p. 27.



## *How can you plan for support services when you have no data?*<sup>226</sup>

The persistent data gaps are impeding a thorough and accurate assessment of the extent to which Ireland is meeting its human rights commitments, as highlighted in the 2023 observations of the Committee on the Rights of the Child, and by this Committee in previous cycles.<sup>227</sup> In particular, civil society has highlighted the difficulties in measuring outcomes for minority ethnic groups and the impact of State policies and schemes, as well as the absence of published regional and county level data. While NAPAR contains an action on introducing a standardised ethnic classification across administrative systems, State agencies and surveys, the implementing bodies are indicative and the target completion date is by the end of 2025.<sup>228</sup>

**The Commission recommends that the State prioritises the publication, promotion and implementation of the forthcoming *National Equality Data Strategy*. Government Departments and public bodies should be adequately resourced to deliver on its strategic approach and put in place actions to improve the collection, use and dissemination of disaggregated equality data.**

**The Commission recommends that the Equality Data Hub is advanced as a matter of priority, and acts as a systematic, comprehensive, robust, centralised system for equality data, including data on economic, social and cultural rights.**

226 This question was raised by a civil society representative at our ICESCR Civil Society Forum in 2023.

227 In its Concluding Observations, the UN Committee on the Rights of the Child recommended that the Equality Data Strategy include commitments to improved disaggregated data on all areas of children's rights, including structurally vulnerable groups. In its 2015 Concluding Observations, the Committee emphasised the need for improved disaggregated statistical data. See UN Committee on the Rights of the Child, [Concluding Observations](#) (2023), p. 3; CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), p. 2. See also, Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence, [Baseline Evaluation Report: Ireland](#) (2023), p. 26.

228 Government of Ireland, [National Action Plan Against Racism](#) (2023), pp. 26-27.



# Equal rights of women and men

*∩∩ We need to address the gender pay gap and the amount of women in senior positions needs to increase.*

*∩∩ Don't penalise women who stayed at home to mind family and give them a full State pension.*

*∩∩ There is too much inequality.*

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\*Quotes from the open question in the ICESCR poll 2023

This Committee has previously expressed its concerns about pervasive gender inequality and strong gender role stereotypes in Ireland. Robust political leadership and coordination across law, policy and practice is needed to combat the systemic discrimination restricting equal access to ESC rights.

### Constitutional reform

*It is embarrassing that we still have a Constitution that pigeon-holes and stereotypes women.*<sup>229</sup>

In its 2015 Concluding Observations, the Committee expressed regret that Article 41.2 of the Constitution remained unchanged.<sup>230</sup> More than eight years later, this article continues to present an outdated portrait of women in Irish society.<sup>231</sup> Constitutional reform is necessary to tackle gender stereotypes embedded in the repository of our highest rights and values, and should extend to Articles 40.1 and 41.3.<sup>232</sup>

While we note substantial delays,<sup>233</sup> we welcome the commitment of the State to hold a referendum updating Articles 41.2 and 41.3 of the Constitution in March 2024.<sup>234</sup> This

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229 This quote was taken from an IHREC consultation with women in 2016. Its continued relevance underlines the lack of progress made in the past eight years. IHREC, [What is life like for women in Ireland in 2016?](#) (2017), p. 24.

230 CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), para. 15. Article 41.2 provides the following: '(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.'

231 In the List of Issues Prior to Reporting for its eight periodic review of Ireland, the Committee on the Elimination of All Forms of Discrimination against Women asked the State to describe efforts undertaken to amend Article 41.2 of the Constitution in order to remove the stereotypical language on the role of women in the home, and introduce legislative provisions that underline the obligation of the State to pursue actively the achievement of substantive equality between women and men. CEDAW, [List of issues and questions prior to the submission of the eighth periodic report of Ireland](#) (2023), p. 1.

232 Article 40.1 provides that '(1) All citizens shall, as human persons, be held equal before the law. (2) 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.'. Article 41.3 provides that '(1) The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.'

233 The State committed to holding a referendum in 2023, however, the referendum will now take place in 2024. Government of Ireland, [Taoiseach and Minister O'Gorman announce holding of referendum on gender equality](#) (2023).

234 The Citizens' Assembly, [Government approves referendums on family and care to be held on 8th March 2024](#) (2023).

progress has been driven by the work of the Citizen’s Assembly on Gender Equality<sup>235</sup> and the Parliamentary Joint Committee on Gender Equality,<sup>236</sup> however the wording published by the State differs from the proposals of these groups in key respects. The referendum will not enshrine the principles of gender equality and non-discrimination in Article 40.1, despite repeated recommendations from civil society and human rights treaty bodies.<sup>237</sup> Similarly, as noted elsewhere in this report, the commitment to support care is narrow and indicates resistance to placing justiciable ESC rights on a constitutional footing.<sup>238</sup> The Irish electorate must be given information to participate effectively in the referendum process in line with international human rights law, including through voter registration.<sup>239</sup>

**The Commission recommends that the State maximises public engagement in the upcoming referendums on family and care, including through voter registration and supporting the participation of structurally vulnerable groups. Constitutional reform must also be accompanied by ambitious and resourced legislative and policy measures to ensure improved rights protections in practice.**

## Gender pay gap

We regret that progress on achieving gender pay equality since the Committee’s last review of Ireland has been limited in practice. In 2022, the estimated gender pay gap was 12.6%.<sup>240</sup> The State was found to be in violation of the Revised European Social Charter in 2020 for failures in this area.<sup>241</sup> While we note the introduction of the

235 In 2021, the Citizens’ Assembly on Gender Equality published 45 priority recommendations to advance gender equality in Ireland, which included calls for constitutional reform. Citizens’ Assembly on Gender Equality, [Final Report](#) (2021), p. 12.

236 The Parliamentary Joint Committee on Gender Equality recommended that 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. It also recommended that Article 40.1 is amended to ensure explicit constitutional recognition for the principles of gender equality and non-discrimination, and that Article 41.3 is amended to adopt a broader definition of the ‘family’ beyond marital family. IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), pp. 18-19.

237 See for example Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality](#) (2022), pp. 38-40; GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), pp. 15-16.

238 The proposed replacement text will focus on family care rather than community care. See the section of this report on ‘Domestic incorporation of ICESCR’.

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

240 Price Waterhouse Cooper, [PwC’s Gender Pay Gap analysis reveals a mean gender pay gap of 12.6% \(2023\). We note research that indicates a ‘marked pattern of occupational gender segregation with more women occupying poor-quality jobs.](#) Nevin Economic Research Institute, [Job Quality in Ireland, First findings from the UCD Working in Ireland Survey 2021 \(2023\)](#), p. 70. Analysis of the 2023 data was not available at the time of writing as the reporting deadline for organisations is December 2023.

241 IHREC (2023) [Comments on Ireland’s 20th National Report on the Implementation of the European Social Charter](#), p. 28.

*Gender Pay Gap Information Act 2021* and other planned measures to improve pay transparency,<sup>242</sup> the limited scope of current 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>243</sup> The data that is produced through reporting must give an accurate representation of women's economic equality, which can be used to identify root causes of pay inequality and provide an evidence base for future policies such as the successor to the *National Strategy on Women and Girls 2017-2020*.<sup>244</sup>

Although there is no obligation in the legislation to disaggregate data across equality grounds, evidence suggests that the gender pay gap is wider for Black women,<sup>245</sup> Traveller women,<sup>246</sup> disabled women,<sup>247</sup> non-Irish women<sup>248</sup> and other structurally vulnerable groups.<sup>249</sup> The *EU Pay Transparency Directive* and *EU Directive on Adequate Minimum Wages* address some of these issues, and provide the State with an opportunity to go beyond existing commitments, with the ultimate goal of ensuring access to equal pay for women.<sup>250</sup>

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242 Department of Children, Equality, Disability, Integration and Youth announced plans to develop an online reporting for the 2023 reporting cycle, but this has been delayed: E. O'Regan, ['No timeline' for delivery of online gender pay gap reporting platform](#) (13 November 2023). The Commission has legal powers under the Act, which empower the Commission to apply for a compliance order if there are reasonable grounds to believe that an employer has failed to publish gender pay gap information. The Commission may also carry out, or invite equality reviews and may prepare and implement equality action plans. *Gender Pay Gap Information Act 2021*, s. 3, 5.

243 OECD [Financing SMEs and Entrepreneurs 2022: An OECD Scoreboard: Ireland](#) (2023). The reporting obligations under the Act apply to private and public sector employers with over 250 employees in 2022 and 2023. The Act will apply to employers with over 150 employees 2024 and to employers with over 50 employees in 2025. There will be no requirement for employers with less than 50 employees to report on the gender pay gap. Government of Ireland (2022), [20th National Report on the implementation of the European Social Charter submitted by the Government of Ireland](#).

244 See the sections of this report on 'equality strategies' and 'equality data'.

245 While data for Ireland is not available, 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. Office for National Statistics [Ethnicity pay gap reference tables](#) (2020).

246 According to a 2019 survey, the majority of Travellers are in part-time employment (58%), and only 26% have a permanent contract. Fundamental Rights Agency, [Travellers in Ireland: Key results from the Roma and Travellers Survey 2019](#) (2020), p. 4.

247 15% of disabled women in Ireland were in full-time employment in 2020, the lowest rate of employment across the EU. Disabled people earn less when employed, despite requiring more income to meet the additional costs of living in an ableist society. European Disability Forum, [Majority of persons with disabilities locked out of quality employment](#) (2023).

248 Non-Irish women earn 30 per cent less than Irish men. ESRI, [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (2023) pp. 15-20.

249 Young workers, EU-East-born migrants, one parent families and people with low educational attainment are all at a significantly higher risk of being low paid. ESRI [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (2023), p. 55. Women, people under 25, part-time workers, migrants, people living in rural areas and people without a third level degree are more likely to be earning the national minimum wage. Parliamentary Budget Office, [The Living Wage in Ireland \(2022\). The European Institute for Gender Equality has stated that](#) awareness of structural causes of gender inequalities could be improved if gender statistics including relating to the gender pay gap added intersectional perspective and relevant disaggregation. European Institute for Gender Equality, [Gender Equality Index 2023: Towards a green transition in transport and energy](#) (2023), p. 124.

250 The *EU Directive on Pay Transparency provides for intersectional discrimination, requires employers to consider the needs of disabled workers and obliges employers to publish gender pay gap data by 'categories of worker' including job functions or grades*. European Council, [Gender Pay Gap: Council adopts new rules on pay transparency](#) (2023).

**The Commission recommends that gender pay gap reporting is extended through ambitious transposition of the *EU Pay Transparency Directive* to increase the scope of organisations covered and mandate the collection of data across the grounds of discrimination in the *Employment Equality Acts*. The online reporting system should be progressed in a timely manner.**



12.6%

the Gender Pay Gap in 2022

\*Data from PwC and ESRI

35%

the Gender Pension Gap in 2019

\*Data from PwC and ESRI

Latest available data shows a gender pension gap of 35% in Ireland.<sup>251</sup> This stark example of gender discrimination is linked to the gender pay gap, care inequality,<sup>252</sup> and the male breadwinner model of welfare.<sup>253</sup> Women are less likely to have a private pension,<sup>254</sup> and are more likely to receive the non-contributory pension from the State, as opposed to the higher, contributory alternative.<sup>255</sup> Tax relief measures disproportionately benefitting men and high earners cast doubt on the extent to which maximum available resources are being used.<sup>256</sup> The legacies of historical injustices such as the ‘marriage bar’ create further obstacles for older women, which have not been adequately addressed to date.<sup>257</sup>

251 ESRI, [Ireland has a gender pension gap of 35 per cent](#) (2019). The EU Directive on Adequate Minimum Wages will also narrow the gender pay gap and benefit women on lower incomes. European Institute for Gender Equality, [Gender Equality Index 2023: Towards a green transition in transport and energy](#) (2023), p. 31.

252 Women are often unable to take on paid work due to disproportionate caring responsibilities, meaning they do not have the opportunity to accumulate private pensions or qualify for the State (Contributory) pension. IHREC, [Policy Statement on Care](#) (2023), pp. 20-21.

253 Many women derive pension benefits through their partner under the ‘qualified adults’ system, which perpetuates their economic dependence. IHREC, [Policy Statement on Care](#) (2023), p. 20.

254 In 2020, 61.9% of women in employment had an occupational or personal pension, compared to 67.1% of men. Of those who did not have an occupational or personal pension, women were more likely to say this was because they could not afford it (39.3%) than men (32%). CSO, [Statistical Yearbook of Ireland 2021: Part 1 People and Society](#) (2021).

255 Almost 60% of State (Non-contributory) Pension recipients in 2022 were women. Department of Social Protection, [Statistical Information on Social Welfare Services Annual Report 2022 \(2022\)](#), p. 37.

256 National Women’s Council, [Post-Budget Analysis Snapshot: What does Budget 2024 mean for women?](#) (2023), p. 4.

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

**The Commission recommends that the State urgently addresses pension inequality in Ireland, including through the introduction of a Universal State Pension system and broader social welfare and tax reform.**

### Participation in public life

While the number of women in politics increased significantly following the introduction of gender quotas in the 2016 general election, progress stagnated between 2016 and 2023,<sup>258</sup> and Ireland continues to perform poorly in the area of female political participation.<sup>259</sup>

*👏 In January 2023, Ireland ranked 100 out of 186 countries on women in parliament.<sup>260</sup>*

We note that gender quotas are not in place for local, Seanad or European elections, despite calls from UN Treaty Bodies,<sup>261</sup> civil society,<sup>262</sup> and the Citizens' Assembly on Gender Equality.<sup>263</sup> The State must also address the structural barriers preventing women from running for public office,<sup>264</sup> including childcare, cash, confidence, culture, and candidate selection procedures.<sup>265</sup> We are particularly concerned with the

258 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*; 38.3% of *Seanad Éireann* (Ireland's upper house of parliament), 38.5% of Irish members of the European Parliament and 23.8% of councillors. *Women for Election*, [Data Hub](#) (2023).

259 In 2022, Ireland ranked 21st 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.

260 Inter-parliamentary Union & UN Women, [Women in Politics 2023](#) (2023).

261 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.

262 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.

263 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./

264 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).

265 Even following the introduction of gender quotas, women continue to share experiences where they felt lacking in confidence and were not sufficiently supported by their party, noting that selection procedures lack transparency. Women for Election, [More Women – Changing the Face of Politics](#) (2021), p. 8, 28-29. 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). Women's Collective Ireland has noted that while women are highly engaged and visible at the local level, they are not progressing beyond local school boards and community group volunteering roles and has criticised the lack of pathways from local activism to political leadership. Women's Collective Ireland, [Pre-Budget Submission 2024](#) (2023).

high prevalence of violence and harassment of women in politics,<sup>266</sup> a phenomenon exacerbated by the growth of social media platforms and poor regulation.<sup>267</sup>

Policy responses to the underrepresentation of women in politics should adopt an intersectional approach<sup>268</sup> and should take steps to improve women's political participation at all levels, including exercising the right to vote. They should also consider the strong link between socio-economic and political disempowerment.<sup>269</sup> For example, personal finances have been identified as a barrier to running for election,<sup>270</sup> and maternity leave is not available for TDs and Senators.<sup>271</sup> We look forward to the impact of the newly established Electoral Commission in this area in performance of its research, advisory and education roles,<sup>272</sup> and call for good practice in this area to be extended to other under-represented groups.<sup>273</sup>

**The Commission recommends that gender quotas of 40% are extended to local, Seanad and European elections.**

**The Commission recommends that maternity leave is introduced for TDs and Senators prior to the 2024 General Elections.**

266 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).

267 National Women's Council, [Toolkit on Social Media Policies for Political Parties](#) (2022).

268 Recent research has recommended the introduction of ethnic quotas to address the underrepresentation of ethnic minority women. P. Cullen and S. Gough, [Different Paths, Shared Experiences: Ethnic Minority Women and Local Politics in Ireland](#) (2022), p. 16.

269 Women's Collective Ireland, [Pre-Budget Submission 2024](#) (2023).

270 In research undertaken with women who have run for election, 45% of respondents identified personal finances as a barrier. L. Keenan and F. Buckley, [Exploring political ambition in the Republic of Ireland: a survey of politically interested women](#) (2023), p. 20.

271 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. 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 for TDs and Senators. Department of Children, Equality, Disability, Integration and Youth, [Written Answers](#) (2023).

272 Electoral Reform Act 2022, s. 30, 66-67. 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 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. See also, The Electoral Commission, [Draft Research Programme 2024-2026](#) (2023).

273 In this context, we note poor political representation of structurally vulnerable groups such as disabled people and Travellers. Joint Committee on Disability Matters, [Participation of People with Disabilities in Political, Cultural, Community and Public Life](#) (2022); Seanad Public Consultation Committee, [Report on Travellers: Towards a More Equitable Ireland Post-Recognition](#) (2020), pp. 18-25.



**The Commission recommends that the State increases funding for community organisations working to dismantle barriers to political participation for structurally vulnerable women.**

Despite repeated recommendations,<sup>274</sup> findings by the European Committee of Social Rights,<sup>275</sup> and political momentum at the European level,<sup>276</sup> the State has yet to introduce 40% gender quotas on corporate boards. Irish publicly-listed companies have an average female representation of 32% at board level.<sup>277</sup> Women's representation in key leadership roles falls significantly short, with concerning patterns of regression in certain areas.<sup>278</sup>

Given the widespread impact of public sector decision-making on human rights and equality, we are also concerned by indications that women are significantly less likely to take up senior roles in the civil service than men.<sup>279</sup> We also note the lack of gender equality on State boards,<sup>280</sup> and welcome efforts to combat this.<sup>281</sup>

274 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.

275 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).

276 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).

277 Balance for Better Business, [Press Release March 2023](#) (2023).

278 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).

279 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).

280 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).

281 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.



**7 in 10**

would consider it a human rights violation if the State failed to take adequate measures to improve women's representation in politics and public life

\*Data from the Commission's public poll on ESC rights in 2023

**The Commission recommends that the State introduces legislative quotas of 40% for corporate and State boards and that public funding is contingent on compliance. Quotas should be complemented by policy commitments to promote women's leadership in the successor to the National Strategy on Women and Girls 2017-2020.**

**The Commission recommends that the State undertakes research on gender inequality in senior public service positions and makes evidence-based policy commitments to implement findings.**

# Labour rights

- Wages need to be corrected so they are adequate for society and reviewed regularly.
- Create more job opportunities in towns rather than just the cities.
- There needs to be more help for people with a range of disabilities to gain employment.

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\*Quotes from the open question in the ICESCR poll 2023

Commission-supported research has identified six dimensions of decent work: access to work; adequate earnings; employee voice; security and stability; equality of opportunity; and health and safety. It has also provided evidence that particular groups in society are underserved and being ‘left behind’ in the Irish labour market. Policy commitments by the State must not only focus on increasing the quantity of people in employment, but on the quality of work available. The protection of labour rights must also recognise and proactively respond to the unique historical context of institutionalisation and forced labour in Ireland, and the legacy of the State’s failure to ensure adequate redress.

### Access to work

The ‘full employment’ narrative emphasised by the State fails to adequately recognise that certain groups disproportionately face persistent attitudinal and structural barriers in accessing decent work and obtaining the benefits of periods of high employment. National policy frameworks focus on activating structurally vulnerable groups to join the labour market, rather than addressing the prevalence of labour market discrimination in Ireland.<sup>282</sup> In particular, further attention is required on the role that employers play in perpetuating negative stereotypes and allowing biases to impact employment outcomes for particular groups.<sup>283</sup> Similarly to other EU Member

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282 F. McGinnity, R. Grotti, O. Kenny and H. Russell, [Who experiences discrimination in Ireland?](#) (2017).

283 For example, people from their mid-fifties onwards report difficulties in accessing work opportunities, with many unable to secure another full-time job before retirement. Age Action, [Submission to the Department of Enterprise, Trade and Employment on the development of a white paper on enterprise](#) (2022), p. 3. See the section in this report on ‘Protection of the family and children’ on the gendered impact of unpaid care and deficits in available care services. See also Department of Social Protection, [Pathways to Work 2021-2025](#) (2021); IHREC, [Public consultation on the mid-term review of the Pathways to Work Strategy 2021–2025](#) (2023).

States,<sup>284</sup> Ireland must combat racism, including colour-based racism, within the labour market. For example, Black non-Irish people are five times more likely to experience discrimination when seeking employment in Ireland when compared to White Irish people.



# 51%

of workers with long-term pain or a chronic illness believe that the recruitment policies in their workplace are fair

\*Data from the Commission's public poll on ESC rights in 2023

With regard to structural barriers, employment supports and services are fragmented and difficult to navigate.<sup>285</sup> Schemes for people who are long-term unemployed – for example the ‘community employment’ scheme – provide a low income which is just above the social welfare rate, resulting in a low take-up.<sup>286</sup> Furthermore, better access to public transport is required to facilitate job searches and employment opportunities.<sup>287</sup> As discussed below, the lack of adequate transport options in rural areas can result in ‘forced car ownership’ to access employment, and this particularly impacts young people who are required to work longer hours to pay the cost of higher insurance premiums, for example.<sup>288</sup> Inaccessible and irregular public transport and unaffordable private transport are also significant barriers to accessing work for disabled people.<sup>289</sup>

**The Commission recommends that the State proactively addresses institutional discrimination and structural barriers impacting labour market access, including through human rights and equality proofing existing schemes and delivering integrated childcare and transport supports.**

284 European Union Agency for Fundamental Rights, [Being Black in the EU: Experiences of People of African Descent](#) (2023).

285 Values Lab, Report on the outcome of the local consultation process with Traveller and Roma organisations, community groups, and individuals to inform the development of the successor strategy to the National Traveller and Roma Inclusion Strategy (unpublished).

286 Those who have to travel for work are particularly disincentivised from engaging with the scheme and may lose money as a result of the scheme's income inadequacy. Houses of the Oireachtas, [Community Employment Schemes: Dáil Éireann Debate](#) (13 October 2022).

287 J. Bastiaanssen and D. Johnson, [Does transport help people to gain employment? A systematic review and meta-analysis of the empirical evidence](#) *Transport Reviews*, 40(5), 607-628, p. 616.

288 R. Greaney and K. Harrahill, [Fair Clare: Securing Socio-Economic Rights and a Just Transition in County Clare](#) (2023), p. 104. See the section of this report on ‘Social exclusion’.

289 Independent Living Movement Ireland, [Statement to the Joint Committee on Disability Matters](#) (2022), p. 2.

We have ongoing concerns about the unemployment rate of Travellers and Roma,<sup>290</sup> and Ireland compares unfavourably with other EU countries in this area.<sup>291</sup> The significant employment equality gap is due to barriers such as racism and discrimination in access to employment,<sup>292</sup> the lack of recognition of Traveller and Roma culture,<sup>293</sup> poor educational outcomes,<sup>294</sup> the Habitual Residence Condition,<sup>295</sup> and caring responsibilities.<sup>296</sup> Travellers and Roma in employment can feel compelled to hide their identity due to the fear of negative treatment, including losing their job, and can experience identity-based harassment and micro-aggressions.<sup>297</sup> Civil society monitoring of the *National Traveller and Roma Inclusion Strategy 2017-2021* ('NTRIS') has identified a policy gap in the provision of targeted approaches within employment schemes to attract Travellers and Roma and support their entry into employment, including specific attention on their unique situations, experiences and cultural identities.<sup>298</sup> Despite the high unemployment rate, the State has not yet met its commitment to develop a comprehensive *Traveller and Roma Training, Employment and Enterprise Plan*,<sup>299</sup> and there is no timeline available.

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290 Census 2016 data reported that 80.2% of Travellers and 83.3% of Roma face unemployment. Recent Census 2022 data indicates that 61.7% of Travellers and 16.5% of Roma 'in the labour force' self-declared that their principal economic status is 'unemployed'. Of the 9,038 Travellers in the labour force, 5,520 recorded that they were looking for their first job or had lost or given up their previous job. Of the 8,687 Roma in the labour force, 1,433 recorded that they were looking for their first job or had lost or given up their previous job. CSO, [Census 2022 Profile 7 – Employment, Occupations and Commuting](#) (2023). See also Council of Europe, [Fifth Report submitted by Ireland Pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities](#) (2023), p. 76.

291 A 2020 survey of five EU countries found that Ireland had the lowest percentage of Travellers in employment. EU Fundamental Rights Agency, [Roma and Travellers in Six Countries](#) (2020), p. 53.

292 Travellers are ten times more likely to report recruitment discrimination than White Irish people. F. McGinnity, R. Grotti, O. Kenny and H. Russell, [Who experiences discrimination in Ireland?](#) (2017), p. 35. 67% of people in Ireland report that a Traveller would be at a disadvantage when seeking employment due to their ethnicity, while 63% felt that someone from the Roma community would be at a disadvantage. Government of Ireland, [Survey on People in Ireland's attitude towards diversity](#) (2023), p. 15.

293 M. Collins, Supporting Irish Traveller Entrepreneurship Small Enterprise Research (2017) Vol 24(1), p. 89.

294 See the section in this report on 'Education'.

295 See the section in this report on 'Access to social security'. The Habitual Residence Condition can result in Roma people being ineligible for State-funded supports for education, training and job-seeking. Pavee Point, [Civil society monitoring report: Lessons learnt from implementation of the National Traveller and Roma Inclusion Strategy 2017-2021 and recommendation for the post-2022 strategy in Ireland](#) (2022), p. 15.

296 Values Lab, Report on the outcome of the local consultation process with Traveller and Roma organisations, community groups, and individuals to inform the development of the successor strategy to the National Traveller and Roma Inclusion Strategy (unpublished).

297 Values Lab, Report on the outcome of the local consultation process with Traveller and Roma organisations, community groups, and individuals to inform the development of the successor strategy to the National Traveller and Roma Inclusion Strategy (unpublished).

298 Pavee Point, [Civil society monitoring report: Lessons learnt from implementation of the National Traveller and Roma Inclusion Strategy 2017-2021 and recommendation for the post-2022 strategy in Ireland](#) (2022), p. 16.

299 Government of Ireland, [Programme for Government](#) (2020), p. 77.

**The Commission recommends that the State prioritises the development and publication of a time-bound and adequately resourced *Traveller and Roma Training, Employment and Enterprise Plan*, informed by the participation of Traveller and Roma groups.**

Migrants, international and temporary protection applicants, and refugees seeking employment in Ireland also face complex hurdles, including due to discrimination in recruitment procedures.<sup>300</sup> For these groups, practical obstacles include a lack of recognition of international qualifications; a lack of networks and knowledge of how to navigate the employment system; limited access to childcare; Irish language requirements; lack of work references; as well as other administrative barriers.<sup>301</sup> International and temporary protection applicants encounter particular struggles when seeking employment in their preferred sector and at the appropriate qualification level.<sup>302</sup> Furthermore, the issues are exacerbated by a lack of employer knowledge about the relevant work permits and labour market permissions, as well as the insecure and short-term funding provided to civil society to support integration measures.<sup>303</sup> Despite recognition that these groups face barriers to work, the policy response has been delayed and inadequate.<sup>304</sup> For example, while NAPAR commits to introducing mechanisms for the recognition of qualifications earned outside of Ireland, this action is not scheduled for completion until 2027, the final year of the Plan.<sup>305</sup>

**The Commission recommends that the State puts in place a coordinated national programme to support the integration of migrants, international and temporary protection applicants and refugees into the labour market, based on systematic monitoring of the barriers faced and improved data collection measures.**

300 For example, in 2019 workplace discrimination was experienced by 19.8% of those from ‘non-white ethnic background’ and 14.4% of ‘non-Irish’ people: CSO, [Equality and Discrimination: Quarter 1 2019](#). See also, Department of Children, Equality, Disability, Integration and Youth, [International Decade for People of African Descent: Consultation Report](#) (2023).

301 Doras, [Getting Right to Work](#) (2021), p. 29; IHREC, [Public consultation on the mid-term review of the Pathways to Work Strategy 2021–2025](#) (2023). See also Department of Children, Equality, Disability, Integration and Youth, [International Decade for People of African Descent: Consultation Report](#) (2023), p. 8.

302 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. M. Polakowski and E. Cunniffe, [Labour market integration of international protection applicants in Ireland](#) (2023), pp. vii – viii.

303 Doras, [Getting Right to Work](#) (2021), p. 31 and M. Polakowski and E. Cunniffe, [Labour market integration of international protection applicants in Ireland](#) (2023), p. 64.

304 While the Pathways to Work Strategy recognises that these groups face barriers to work, there are no time-bound, targeted commitments to address the structural inequalities impacting them: Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), pp. 77-78. Furthermore, no specific nation-wide governance structures to support the labour market integration of international protection applicants in Ireland were identified in 2023 research: M. Polakowski and E. Cunniffe, [Labour market integration of international protection applicants in Ireland](#) (2023).

305 Department of Children, Equality, Disability, Integration and Youth, [National Action Plan Against Racism](#) (2023), p. 19.





# 22%

believe that disabled people receive equal employment opportunities

\*Data from the Commission's Annual Poll 2023

The disability employment gap in Ireland is among the largest in the EU;<sup>306</sup> a clear reflection of the poor progress and outcomes achieved to date by the *Comprehensive Employment Strategy for People with Disabilities 2015-2024*.<sup>307</sup> The labour force participation rate for those experiencing at least one long-lasting condition or difficulty to any extent is 40%, compared to 61% for the rest of the population. For people experiencing a long-lasting condition or difficulty to a great extent, this figure is much lower at 22%.<sup>308</sup> This participation rate is due to the level of ableism in Irish society, which is exemplified by the barriers faced by disabled people in accessing further and higher education,<sup>309</sup> and the undeveloped employer engagement and support structure.<sup>310</sup> Disabled women also face intersectional barriers, with family caring responsibilities a key reason for their lower rates of employment than disabled men.<sup>311</sup> As highlighted further with regard to social security below, anomalies in the provision of welfare need to be addressed as too many disabled people are prevented from taking up the limited short-term or part-time employment options available to them due to the risk of losing supports.<sup>312</sup>

*It is very hard to work and...to live on the income you earn. Social welfare is cut once you start working – this is vital support that is still needed, especially with the rising cost of living.*<sup>313</sup>

Our Disability Advisory Committee has also emphasised the wider infrastructural issues that impact on equal access to work, including the limited access to Personal Assistants and Irish Sign Language interpreters and inflexibility in working hours, as well

306 OECD, [Disability, Work and Inclusion in Ireland: Engaging and Supporting Employers](#) (2021).

307 Government of Ireland, *Comprehensive Employment Strategy for People with Disabilities 2015-2024*.

308 Central Statistics Office, [Census 2022 Profile 4 – Disability Health and Carers](#). Those who experienced an intellectual disability to a great extent had a labour force participation rate of 13%.

309 See the section in this report on 'education'.

310 OECD, [Disability, Work and Inclusion in Ireland: Engaging and Supporting Employers](#) (2021).

311 Disabled Women Ireland, [Coalition Submission to the UN Committee on the Elimination of all forms of Discrimination against Women: List of Issues Prior to Reporting on Ireland's Report under CEDAW](#) (2023).

312 Commitment 50 of the Pathways to Work Strategy requires the Department to 'review the current long-term disability payment schemes with a view to removing inconsistencies/anomalies and ensure that they recognise the continuum of disabilities and support employment'; Department of Social Protection, [Pathways to Work 2021-2025](#) (2021), p. 68. However, progress on this action has been slow.

313 Issue raised by our Disability Advisory Committee.

as a paternalistic culture that does not recognise the added value and employability of disabled people.

**The Commission recommends that the State publishes a human rights-based policy on the right of disabled people to employment based on UNCRPD General Comment 8, with ambitious, time-bound commitments to achieve access to decent work and career advancement for disabled people.**

**The Commission recommends that the State reviews and reforms employment schemes to provide supports tailored to individual requirements and self-employment options.**

## Decent wages



# 93%

consider adequate earnings to be an important aspect of work and family life

\*Data from the Commission's Annual Poll 2023

Despite a strong guiding human rights framework,<sup>314</sup> the State is failing to adequately protect decent wages and has some of the highest rates of low-paid work in the EU.<sup>315</sup> Even in the current period of high labour force participation, poverty and deprivation rates are increasing, with one in eight people in work experiencing deprivation.<sup>316</sup> For households on low incomes, earnings are completely inadequate to meet rising costs such as housing, energy and food and to guarantee an adequate standard of living.<sup>317</sup> Structurally vulnerable groups, including Travellers, young people, non-Irish nationals, one parent families, disabled people, and women continue to be affected by systemic

314 See CESCR, [The Right to Work, General Comment No. 18](#) (2005); Council of Europe, [European Social Charter \(Revised\)](#) (1966); IHREC, [Work and Human Rights in Ireland](#) (2023). Reflecting this human rights framework, our *Strategy Statement 2022-2024* seeks to promote the principle and practice of a living wage. IHREC, [Strategy Statement 2022-2024](#) (2022), p. 11.

315 CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), para 17. The International Labour Organisation's Committee of Experts on the Application of Conventions and Recommendations has also highlighted the need for better conditions for domestic workers, and for the State to protect against discrimination in employment. ILO, [Direct Request - Domestic Workers Convention](#) (2022); ILO, [Observation - Discrimination \(Employment and Occupation Convention\)](#) (2021). A recent report by Nevin Economic Research Institute notes that 'in a European context, Ireland is an outlier in terms of earnings inequality, market income inequality and has one of the highest shares levels of low paid work in the EU': P. Gallagher and C. Nugent, [Temporary Employment, Low Paid Work and Job Security amongst Young Irish Workers](#) (2022).

316 In SILC 2022, the at risk of poverty rate was 13.1%, compared with 11.6% in 2021. The deprivation rate for those at risk of poverty in 2022 was 40.7% compared with 34.1% in 2021. 12.7% of employed people experienced enforced deprivation in 2022. CSO, [Survey on Income and Living Conditions 2022](#) (2023).

317 See the section of this report on 'Right to an adequate standard of living'.

labour market barriers and job insecurity, resulting in disproportionately low wages and income inadequacy.<sup>318</sup>

*Two* ***The minimum wage is not commensurate with the current economy and the lived reality of household needs.***<sup>319</sup>

We welcome the *EU Directive on Adequate Minimum Wages*,<sup>320</sup> as well as the State's plans to increase the minimum wage in Ireland from 2024.<sup>321</sup> The Programme for Government commits to introducing a living wage incrementally by 2026,<sup>322</sup> however, we are concerned about the adequacy of the living wage calculations in the context of inflation,<sup>323</sup> and the extent to which the State's fixed threshold approach meets the standards of human rights and equality-based, effective or futureproofed policy-making.<sup>324</sup> In its decision-making process, the State refers to the United Kingdom's fixed threshold approach, which has been subject to considerable criticism by civil society organisations.<sup>325</sup> It is essential that Ireland moves beyond the current approach

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318 For example, research from the ESRI found that while non-Irish nationals as a whole earned 22% less per hour than Irish nationals, East European workers earned, on average, 40% less than Irish workers in the period 2011-2018. The study also finds that migrant women face a double wage penalty. ESRI, [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (2023). 6 out of 10 low paid workers are women. OECD, [Decile ratios of gross earnings: Incidence of low pay](#) (2022). 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), pp. 51-70; European Disability Forum, [European Human Rights Report -The Right to Work: The employment situation of persons with disabilities in Europe](#) (2023). Wage discrimination against structurally vulnerable groups is also evident from our legal outreach and assistance.

319 Issue raised at our ICESCR Civil Society Forum in June 2023.

320 Directive (EU) 2022/2041 on adequate minimum wages in the European Union. The State's approach to transposition of this directive remains unclear. In this context, we note that Ireland has been referred to the Court of Justice of the EU for failure to communicate transposition of the Work Life Balance Directive with the agreed deadline. This suggests that the State is not taking a proactive approach to transposition of EU Directives which seek to make improvements to workers' rights. European Commission, *Work-life balance: Commission decides to refer Belgium, Ireland and Spain to the Court of Justice of the European Union for failing to fully transpose the Work-Life Balance Directive* (2023).

321 The Low Pay Commission Annual Report 2023 recommended an increase in the National Minimum Wage of €1.40 cent to €12.70 per hour. This recommendation was accepted by Government in Budget 2024. Department of Enterprise, Trade and Employment, [Low Pay Commission](#) (2023).

322 Government of Ireland, [Programme for Government- Our Shared Future](#) (2020).

323 The living wage is expected to be set at 60% of hourly median wages, as per the recommendations of the Low Pay Commission. Houses of the Oireachtas, [Living Wage Dáil Éireann debate](#), (12 October 2023). However, civil society organisations have argued that a living wage of between €14.80 and €15.30 more accurately reflects inflation and the needs of low income families. Irish Congress of Trade Unions, [ICTU call for an increase of €2 to the national minimum wage](#) (2023); Social Justice Ireland, [Cost of living pressures push the living wage to €14.80 per hour](#) (2023).

324 We have previously called for the Minimum Essential Standard of Living method for determining a living wage to be the foundation of all calculations to ensure the cost of living is the primary consideration: IHREC, [Ireland and the Sustainable Development Goals](#) (2023), p. 29. The Special Rapporteur on Extreme Poverty and Human Rights has noted that fixed wages which are not adjusted to match the increasing cost of living result in a decline in real terms, exemplified by the fall of 0.9% in global monthly wages in 2022. Special Rapporteur on Extreme Poverty and Human Rights, [The working poor, a human rights approach to wages](#) (2023), para. 4.

325 The fixed threshold approach was introduced by the Conservative Government in the United Kingdom. Maynooth University, [Research on the Introduction of a Living Wage in Ireland: Final Report](#) (2022), p. 14. The Real Living Wage Foundation, who adopt the MESL approach, record that the current living wage in the United Kingdom (£10.42) is too low for London, where they propose a real living wage of £13.15, calculated using MESL: [Real Living Wage](#) (2023).

to setting minimum wages which can only facilitate narrowly escaping poverty. The State must embrace a living wage that can have a transformative effect on addressing income inequality and providing a decent standard of living for workers and families.<sup>326</sup>



# 52%

agree that their income fairly reflects the work they do

\*Data from the Commission's public poll on ESC rights in 2023

We have repeatedly called for equal access to decent wages, which is integral to the advancement of economic equality.<sup>327</sup> Unfortunately, serious disparities in access to fair remuneration persist, which create poverty traps for workers from structurally vulnerable groups and their dependents. In 2023, Ireland was found to be in breach of the Revised European Social Charter, due to shortcomings which included the ongoing failure to ensure pay transparency in the context of the gender pay gap.<sup>328</sup> Similarly, current minimum wage legislation in Ireland allows for sub-minimum wages to be paid to younger people.<sup>329</sup> While these sub-minimum wage payments by employers are relatively uncommon in practice,<sup>330</sup> the existence of this discrimination in principle provides a major qualification to the principle of equal pay and perpetuates ageism. Disabled people's access to fair wages and income inadequacy is significantly compromised by ableist legislation which permits employers to provide different rates of remuneration for disabled employees.<sup>331</sup> Unequal access to decent wages is also

326 Economic and Social Research Institute, [Monitoring Decent Work in Ireland](#) (2021); IHREC, [Ireland and the Sustainable Development Goals](#) (2023), p. 29.

327 We have recommended that the State focuses on improving equality of access to decent work through the implementation of the 2030 SDG Agenda. In our submission to the mid-term review of the State's Roadmap for Social Inclusion, we identified the need to address in-work poverty, and heightened vulnerabilities experienced by some workers as a result of the Covid-19 pandemic and cost of living crisis. See IHREC, [Ireland and the Sustainable Development Goals](#) (2023), p. 23; [Submission to the Department of Social Protection's public consultation on the Roadmap for Social Inclusion: Mid-Term Review](#) (2022).

328 See European Committee of Social Rights, [Conclusions 2022 \(Ireland\)](#) (2023), p. 21. In 2017, the Committee on the Elimination of Discrimination against Women expressed concern at the concentration of women in low-paid employment. CEDAW, [Concluding observations on the combined sixth and seventh, periodic reports of Ireland](#) (2017), p. 11. For information on the gender pay and pension gaps, see the section in this report on the 'Equal rights of women and men.'

329 Those aged less than 18 years can be paid 70% of the full minimum wage rate, while those aged 18 years and 19 years can be paid 80% and 90% of the full rate, respectively. ESRI, [Sub-minimum wages in Ireland](#) (2023).

330 In 2022, 1.4% of all employees were sub-minimum wage employees, approximately 30,000 individuals. In the same year, 5.6% of employees were earning the full-rate minimum wage, equivalent to approximately 120,000 individuals. ESRI, [Sub-minimum wages in Ireland](#) (2023), p. v.

331 IHREC, [Submission on the Review of the Equality Acts](#) (2023).

intrinsically linked to barriers to employment for structurally vulnerable groups,<sup>332</sup> unequal education outcomes<sup>333</sup> and poor structures for collective bargaining.<sup>334</sup>

**The Commission recommends that as part of the full transposition of the *EU Directive on Adequate Minimum Wages*, the State prioritises adequate earnings as a key dimension of decent work, and adopts targeted actions to address the nature, extent and impact of low paid work and in-work poverty.**

**The Commission recommends that any wage exemptions are strict, limited and exceptional, and take account of international human rights obligations. In particular, the different rates of remuneration for disabled people should be removed from the *Employment Equality Acts*.**

**The Commission recommends that the State adopts the Minimum Essential Standard of Living method for determining a living wage as the foundation of all calculations, informed by the active participation of rights-holders.**



92%

consider security and stability to be an important aspect of work and family life

\*Data from the Commission's Annual Poll 2023

## Precarious work

Precarious and low-paid workers, including those in the gig economy, are particularly at risk of long working hours and inadequate rest periods in order to make a decent living.<sup>335</sup> While there is a substantial data gap in capturing workers in the informal economy and those at the margins of the labour market, the available evidence demonstrates that structurally vulnerable groups are more likely to have lower

332 For example, without the ability to transfer professional qualifications to the Irish employment market, migrants and international and temporary protection applicants may seek lower paid work which does not require any qualifications. We note recent Census data which indicates that migrants disproportionately work in health, social work and hospitality services compared to Irish citizens. CSO, [Census 2022 Profile 7 – Employment, Occupations and Commuting](#) (2023). Similarly, people who are long-term unemployed may be reliant on community employment schemes which provide low rates of remuneration. See the section of this report on 'Access to work'.

333 See the section of this report on 'Education'.

334 See the section of this report on 'Collective bargaining'.

335 ECSR, [Question on Group 3 provisions \(Conclusions 2022\) Labour Rights](#) (2021), p. 2.

stability and security in work.<sup>336</sup> National legislation prohibiting zero-hour contracts<sup>337</sup> does not cover all categories of precarious work,<sup>338</sup> and applies to employees but not to independent contractors. The State's *Roadmap for Social Inclusion* refers to the protections created by this legislation but does not create new commitments for the period 2020-2025.<sup>339</sup> There is therefore a significant gap between the legislative prohibition of zero-hour contracts and the protection of all workers in practice.<sup>340</sup>



# 47%

agree that their income allows them to plan for the future

\*Data from the Commission's public poll on ESC rights in 2023

Legislative shortcomings in relation to zero-hour contracts are also concerning in the context of gaps in the protection of employees from bogus self-employment.<sup>341</sup> Where employees are misclassified as self-employed independent contractors, they are deprived of important employment rights and protections, including protections against zero-hour contracts, and certain social welfare benefits.<sup>342</sup> There are three

336 IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021). See also M. Polakowski and E. Cunniffe, [Labour market integration of international protection applicants in Ireland](#) (2023); Pavee Point Traveller and Roma Centre and Applied Social Studies Maynooth University, [Roma in Ireland: Access to Fair and Decent Work](#) (2023); ESRI, [Wages and working conditions in non-Irish nationals in Ireland](#) (2023). The International Labour Organisation found that, in the UK, women, migrants, non-white workers, and workers with disabilities are disproportionately employed under zero hours work arrangements: International Labour Organisation, [Zero-Hours Work in the United Kingdom](#) (2018). Women are more likely to have precarious, low-paying and routine jobs than men. [Nevin Economic Research Institute, Job Quality in Ireland, First findings from the UCD Working in Ireland Survey 2021 \(2023\), pp. 58-59.](#)

337 In its [19th National Report on the Implementation of the European Social Charter](#) (2021), pp. 10-11, the State points to the Employment (Miscellaneous Provisions) Act 2018 as amending the Organisation of Working Time Act 1997 to prohibit zero-hour contracts except in certain circumstances.

338 The legislation does not apply where the work is of a casual nature, where work is done in emergency circumstance, or to short-term relief work to cover routine absences for the employer. For example, the legislation may not apply where the expectation of work is based solely on the employee having done work of a casual nature on prior occasions, even if the number of those occasions or other circumstances are such to give rise to a reasonable expectation that they would be required to do work for the employer. Sections 18(1) and 18(3) of the *Organisation of Working Time Act 1997*, as amended by s. 15 of the *Employment (Miscellaneous Provisions) Act 2018*.

339 See Government of Ireland, [Roadmap for Social Inclusion 2020-2025: Ambition, Goals, Commitments](#) (2020), p. 31.

340 While the legislation has introduced some improvements to zero-hour contracts, including by requiring employers to make certain minimum payments where an employee is not required to work, employees may continue to experience instability of income and may find it difficult to engage in financial planning. The unpredictability of hours and income are major challenges to employees, and can impact on stress levels, access to mortgages, and the restricted ability to organise family life, including childcare. IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021), pp. 25-26.

341 Bogus or false self-employment arises where a worker who is working as an employee with a contract of service is treated as though they are under a self-employed independent contract for services.

342 For example, misclassification affects Pay Related Social Insurance Fund payments ('PRSI') and tax.



different statutory bodies in Ireland which determine employment status,<sup>343</sup> and the decisions of these bodies are not binding on one another. The State has introduced a general code of practice on the question of employment status,<sup>344</sup> and established a unit of Social Welfare Inspectors with a focus on targeting false self-employment.<sup>345</sup> However, further proactive measures are needed to protect employees from bogus or false self-employment.<sup>346</sup>

**The Commission recommends that the State addresses the inadequate protections for employees in precarious employment, zero-hour contracts, bogus self-employment, and workers in the platform or gig economy, including through legislative measures.**

## Decent work

With regard to the full breadth of the six dimensions of decent work, there are a number of other issues we would like the Committee to consider in its review of Ireland.<sup>347</sup>

The impacts of transitioning to a digital and green economy are already being felt in Ireland,<sup>348</sup> and this is set to continue across all sectors of the economy and society.<sup>349</sup> Workers are affected by job substitution, job elimination, job transformation, the

343 The Department of Social Protection (for PRSI purposes), the Office of the Revenue Commissioners (for the purposes of tax treatment), and the Workplace Relations Commission (for the purpose of determining employment rights) are all involved in making such determinations. For more detail on this issue, see Government of Ireland, [Code of Practice on Determining Employment Status](#) (2021).

344 See Government of Ireland, [Code of Practice on Determining Employment Status](#) (2021).

345 See Department of Social Protection, [Mid-term Review of the Roadmap for Social Inclusion 2020-2025](#) (2023), p. 29.

346 The enactment of legislation to penalise incorrect self-employment declarations was projected for Q2 2021 but has been repeatedly delayed. See Department of Social Protection, [Roadmap for Social Inclusion 2020-2025: Report Card January 2020- September 2021](#) (2022) p. 10; Department of Social Protection, [Roadmap for Social Inclusion 2020-2025: Report Card October 2021- June 2022](#) (2022), p. 10; and Department of Social Protection, [Mid-term Review of the Roadmap for Social Inclusion 2020-2025](#) (2023), p. 31. In its Conclusions 2022, the European Committee of Social Rights noted the Commission's concerns and asked the State to provide information on the measures being taken to ensure fair remuneration of workers in atypical jobs as well as misclassified self-employed persons in the platform economy: [Conclusions 2022](#) (2023), p. 17.

347 IHREC and ERSI, [Monitoring decent work in Ireland](#) (2021). We note recently published research which demonstrates a link between job quality and the health and wellbeing of workers in Ireland. [Nevin Economic Research Institute, Job Quality in Ireland, First findings from the UCD Working in Ireland Survey 2021 \(2023\), p. 73.](#)

348 Considerable job losses occurred following the decision of Bord Na Móna to cease extraction by 2028, with hundreds more losses anticipated in the coming years. This has been highlighted by the Just Transition Commissioner. Fast-tracked closures in the peat industry raise further concerns over alternative employment opportunities for workers directly employed in the industry, as well as workers employed in industry adjacent enterprise. See Just Transition Commissioner, [Just Transition Progress Report](#), (2020), p. 42.

349 Just Transition Alliance, [Joint Declaration](#) (2022).



digital divide,<sup>350</sup> and the broader impact of automation.<sup>351</sup> Employment vulnerability in the context of climate action disproportionately impacts structurally vulnerable groups, such as older people,<sup>352</sup> foreign-born workers,<sup>353</sup> workers with low educational qualifications,<sup>354</sup> and workers living outside of urban areas.<sup>355</sup> Digitisation, artificial intelligence, an increase in teleworking and the platform economy are also transforming the economy of Europe.<sup>356</sup> While the risk of automation will vary across Ireland, factors such as an educated workforce, age demographics and sectoral differences will influence the impact on communities and their ability to adapt to technological change.<sup>357</sup>

*Two speech marks icon* *The State's response should include a human-rights based assessment of the environmental, employment and social impacts of the just transition and incorporate high-impact targeted funding, including by drawing on available European funds.*<sup>358</sup>

**The Commission recommends that the State prioritise community development in areas particularly affected by climate action and the digital transformation, including through pre-emptive workforce planning, supporting alternative and sustainable employment opportunities, and adequate social protection for job losses and displacement.**

350 One large employer in Ireland conducted research in 2020 which found that that 42 percent of Irish people describe themselves as being 'below average' for digital skills: Accenture, [Bridging the gap – Ireland's digital divide](#) (2020). IHREC, [Policy Statement on a Just Transition](#) (2023).

351 UN, [Just Transition of the Workforce, and the Creation of Decent Work and Quality Jobs](#) (2021); Cedefop, [Assessing the employment impact of technological change and automation: the role of employers' practices](#) (2020), p. 36.

352 Older people are more likely to be employed in carbon-intensive sectors; European Trade Union Institute, [Why the EU's patchy 'just transition' framework is not up to meeting its climate ambitions](#) (2022).

353 Foreign-born workers tend to be employed in lower-paying and polluting sectors, with less access to training or upskilling towards a low-carbon economy; European Trade Union Institute, [Why the EU's patchy 'just transition' framework is not up to meeting its climate ambitions](#) (2022).

354 Workers in the most affected sectors are more likely to have lower levels of education, a barrier to redeployment; Aarc, [Report on the Challenges, Needs and Recommended Actions for the Most Affected Territory](#), EU Structural Reform Support Programme Report, (2022), p. 10.

355 Dáil Debates, [Early Exit from Peat for Electricity Generation: Statements](#) (6 Nov 2019). There are also concerns about the age demographics of workers in the Irish context, and lack of suitable employment opportunities for those affected as a challenge to re-training and upskilling; Services Industrial Professional and Technical Union (SIPTU), [There are No Jobs on a Dead Planet: What a Just Transition Means for Workers](#) (2017).

356 The number of people who recorded that they worked mainly from home increased by 173% between 2016 and 2022. CSO, [Census 2022 Profile 7 – Employment, Occupations and Commuting](#) (2023).

357 F. Crowley and J. Doran, [The geography of job automation in Ireland: what urban areas are most at risk](#) (2023) *The Annals of Regional Science* 71:727-745, p. 741.

358 IHREC, [Policy Statement on the Just Transition](#) (2023).

As noted above and highlighted in our legal outreach and assistance, disabled people face particular issues in securing decent work, including due to failures to put reasonable accommodations in place for disabled employees.<sup>359</sup> While employers have legislative obligations to provide such reasonable accommodation,<sup>360</sup> the Supreme Court has found that a failure to consult with employees on its provision is not itself discrimination.<sup>361</sup> This has significantly limited the scope of the duty to provide reasonable accommodation.<sup>362</sup> We also note that disabled people have called for the inclusion of Personal Assistant services in the existing Reasonable Accommodation Fund.<sup>363</sup>

**The Commission recommends that the State legislates to establish a proactive duty of employers to consult the person affected when considering the provision of reasonable accommodation.**

359 J. Banks, R. Grotti, É. Fahey and D. Watson, [Disability and Discrimination in Ireland](#) (2018), pp. 61-62; IHREC and ESRI, [Monitoring decent work in Ireland](#) (2021), p. 57. Our experience providing legal assistance to disabled rights-holders has revealed issues including the failure to provide suitable working conditions for people with intellectual disabilities, the failure to assign appropriate work, and failures due to the accessibility of websites, technologies and the built environment.

360 Under the Employment Equality Acts, an employer is required to take appropriate measures/reasonable accommodation to enable a disabled employee to have access to employment, to participate or advance in employment, or to undergo training, unless the measures would impose a disproportionate burden on the employer: Section 16(3) of the Employment Equality Act 1998. Such appropriate measures/reasonable accommodation means effective and practical measures, where needed in a particular case, to adapt the employer's place of business to the disability concerned. This may include the adaptation of equipment, patterns of working time, distribution of tasks or the provision of training or integration services; Section 16(4) of the Employment Equality Act 1998.

361 *Nano Nagle School v Daly* [2019] IESC 63. 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. See also IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 82-83; IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), pp. 33-34.

362 Further, while the Supreme Court held that it was appropriate to consider redistribution of tasks as a reasonable accommodation measure, an employer 'cannot be under a duty entirely to re-designate or create a different job to facilitate the employee'; *Nano Nagle School v Daly* [2019] IESC 63 at [83]. This is at odds with a recent decision of the CJEU, which accepted that it could be an appropriate measure to reassign an employee to a different role in the organization. The Court emphasised, however, that this was subject to not creating a disproportionate burden for the employer and that there needed to be a vacancy to which the employee could be transferred; Case C-485/20 HR Rail ECLI:EU:C:2022:85).

363 The Reasonable Accommodation Fund provides financial support to private sector employers, jobseekers and employees with disabilities to make the workplace more accessible. Independent living Movement, [Budget 2023 Priorities](#), p. 2.



*Women are viewed as occupying a low status in the Defence Forces. The problems that exist will not go away without immediate and significant steps being taken to address them.*<sup>364</sup>

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>365</sup> The report identifies a culture of discrimination towards women, as well as a profoundly deficient system for the investigation of complaints.<sup>366</sup> The State has agreed to progress the report's recommendations, including through statutory inquiry,<sup>367</sup> establishment of an external oversight body and passage of the *Criminal Law (Sexual Offences and Human Trafficking) Bill 2023*.<sup>368</sup>

**The Commission recommends that the State addresses the recommendations of the Independent Review Group on Dignity and Equality Issues in the Defence Forces, ensuring an effective, human rights and equality-based inquiry with involvement of rights holders and their representative organisations.**

**The State should provide information on progress achieved to date, including any interim measures; projected timelines for completion; the inter-agency division of responsibilities; and if and how human rights and equality standards are being embedded.**

<sup>364</sup> Department of Defence, [Report of the Independent Review Group on Dignity and Equality issues in the Defence Forces](#) (2023), p. 16.

<sup>365</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).

<sup>366</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. Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence recently expressed its concerns at these findings. GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 72.

<sup>367</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>368</sup> Department of Defence, [Written Answers](#) (13 July 2023) and Department of Defence, [Defence Forces](#) (3 October 2023).

The *Employment Equality Acts*, transposing the *Employment Equality Directive*,<sup>369</sup> prohibits discrimination on the grounds of age subject to certain exemptions, including permitting employers to fix a mandatory retirement age<sup>370</sup> and to offer a fixed term contract to a person over the compulsory retirement age for that employment,<sup>371</sup> if in both cases it is objectively justified by a reasonable aim.<sup>372</sup> Mandatory retirement policies and such fixed term contracts can have a significant impact on the income<sup>373</sup> and wellbeing of older people,<sup>374</sup> and increase the potential for age discrimination.<sup>375</sup> Acknowledging these issues, the Joint Oireachtas Committee on Social Protection, Community and Rural Development and the Islands has endorsed the recommendation of the Pensions Commission<sup>376</sup> that the State enact legislation that allows but does not compel an employee to stay in employment until the State Pension age.<sup>377</sup>

**The Commission recommends that the State legislates to remove the use of mandatory retirement clauses in employment contracts, and allow for the retroactive application of this legislation to ongoing work contracts.**

369 Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation ('the Employment Equality Directive'). While the Employment Equality Directive is expressed to be without prejudice to national provisions laying down retirement ages (Employment Equality Directive, recital 14), it is well established as a matter of EU law that both fixing of retirement ages and offering fixed term contracts to those who have reached compulsory retirement age must be objectively justified. See IHREC, [Retirement and Fixed-Term Contract Guidelines](#) (2018).

370 The Acts provide that it will not constitute discrimination on the age ground to fix different ages for the retirement (whether voluntarily or compulsorily) of employees or any class or description of employees, if it is objectively and reasonably justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary; Employment Equality Act 1998, section 34(4), substituted by the Equality (Miscellaneous Provisions) Act 2015, section 10.

371 The Acts provide that the offering of a fixed term contract to a person over the compulsory retirement age for that employment, or to a particular class or description of employees in that employment, will not be taken as constituting discrimination on the age ground if it is objectively and reasonably justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary; Employment Equality Act 1998, section 6(3)(c), substituted by the Equality (Miscellaneous Provisions) Act 2015, section 4.

372 See IHREC, [Retirement and Fixed-Term Contracts Guidelines](#) (2018).

373 The current State Pension Age is 66. The Pensions Commission has highlighted that, while official statistics are not available, it appears common for employers to set a mandatory retirement age in employee contracts at 65. This creates a gap for some employees of one year between retirement age and eligibility for the State Pension; The Pensions Commission, [Report of the Commission of Pensions](#) (2021), p. 115.

374 In engagement with the Commission, community and voluntary sector workers have noted that an abrupt and involuntary transition from working life to retirement can impact the confidence, physical health, and mental health of older people. See also Joint Committee on Social Protection, Community and Rural Development and the Islands, [Response to the Report of the Commission on Pensions](#) (2022), p. 10.

375 For example, see IHREC, [Woman Successfully Challenges An Post Discrimination in Retirement and Fixed-Term Contracts Case](#) (2021).

376 The Pensions Commission, [Report of the Commission of Pensions](#) (2021).

377 Joint Committee on Social Protection, Community and Rural Development and the Islands, [Response to the Report of the Commission on Pensions](#) (2022), pp. 9-11.

There are no standalone criminal offences of slavery, servitude or forced labour. Labour exploitation is only criminalised when it forms part of a trafficking offence under the *Criminal Law (Human Trafficking) Act 2008*,<sup>378</sup> which requires all three elements of the trafficking offence to be proven beyond reasonable doubt.<sup>379</sup>

To our knowledge, no victim of labour exploitation has received compensation for the harm endured, either in criminal or tortious action,<sup>380</sup> and the current mechanisms for redress are inadequate.<sup>381</sup> Victims in the State continue to face obstacles to obtaining compensation, due in part to a lack of awareness of their rights,<sup>382</sup> understanding of the criminal and civil compensation proceedings,<sup>383</sup> legal representation,<sup>384</sup> and wider support.<sup>385</sup> While victims of employment law breaches may be compensated through the Workplace Relations Commission, this is not a viable or appropriate avenue for most victims of labour exploitation.<sup>386</sup>

**The Commission recommends that standalone offences for holding a person in slavery, servitude or forced or compulsory labour be introduced in Irish law.**

378 Section 1, Criminal Law (Human Trafficking) Act 2008 as amended by the 2013 Act defines ‘forced labour’ as ‘work or service which is exacted from a person under the menace of any penalty and for which the person has not offered himself or herself voluntarily’ but includes a number of exemptions such as military service. Victims can be compensated under Section 6 of this Act.

379 ‘... there are no separate specific offences of servitude and forced labour in Irish law, independent of the anti-human trafficking regime, meaning that labour exploitation scenarios that do not satisfy the stringent three-part trafficking test of action-means-exploitation will not ground a prosecution.’ See M.D. Doyle, C. Murphy, M. Murphy, P. Rojas Coppari and R. Wechsler, [‘I felt like she owns me’: Exploitation and uncertainty in the lives of labour trafficking victims in Ireland](#) (2019), pp. 231-251.

380 IHREC, [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), (2023), p. 115.

381 OSCE, [Conclusion and recommendations for Ireland following the visit by OSCE Special Representative and Co-ordinator for Combatting Trafficking in Human Beings, Valiant Richey](#) (2020), p. 8. For example, There is a lack of compensation for pain and suffering in the Criminal Injuries Compensation Scheme, which sets Ireland apart from other countries: European Commission, [Commission Staff Working Document Evaluation of the Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victim](#) (2022), p. 40.

382 During the Survivors’ Consultation performed in 2021-2022, the National Rapporteur learned that survivors were not informed about their right to compensation.

383 European Commission, [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 \(Fourth Progress Report\)](#) (2022), p. 15.

384 GRETA, [‘Evaluation Report Ireland. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings’](#), (2022), p. 24.

385 OSCE/ODIHR, [National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons](#) (2022), p. 230.

386 IHREC, [Trafficking in Human Beings in Ireland: Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2022), p. 114-116.

**The Commission recommends that redress avenues for victims of labour exploitation are reformed to include, at a minimum: the inclusion of ‘pain and suffering’ as a ground for compensation from the Criminal Injuries Compensation Scheme; the need to make provision for expert witness reports to substantiate such claims related to ‘pain and suffering’, and; the use of existing legislative provisions as a means of compensating victims within the criminal process.**

Domestic work, particularly for undocumented workers,<sup>387</sup> is a high risk environment, often due to pressures to accept exploitative terms and conditions.<sup>388</sup> There is a gap in the collection of data on domestic workers, as a significant amount of this care work is undeclared.<sup>389</sup> However, reports indicate a rise in the number of live-in migrant workers providing care services through informal arrangements.<sup>390</sup> The demand for domestic workers will likely grow given the difficulties in accessing care services in Ireland, and the State must take proactive action to prevent the exploitation of structurally vulnerable women to meet care needs.<sup>391</sup> We have repeatedly criticised the express exclusion of domestic workers from the definition of employee in the *Employment Equality Act 1998*, due to the disproportionate impact of this absence of protection against discrimination and harassment on migrant women.<sup>392</sup>

**The Commission recommends that the State formalises and regulates the legal pathways and employment protections of domestic workers and live-in carers, including by protecting their right to dignity at work and amending the Employment Equality Acts.**

We are concerned by the effects of Brexit on the right to decent work across the island of Ireland. Recent research commissioned by the NIHR identifies a diminution of rights for frontier workers and their families, particularly in relation to work-life balance and access to employment.<sup>393</sup> Certain workers are particularly at risk post-

387 Often undocumented workers are Stamp 2 holders, or dependents of work permit holders, who have no right to work but take up employment due to rising costs.

388 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. The US Department of State has noted the vulnerability of migrant women to be trafficked into domestic work in Ireland. US Department of State, [Trafficking in Persons Report: Ireland](#) (2023).

389 Migrant Rights Centre Ireland, [Migrant Workers in the Home Care Sector: Preparing for the Elder Boom in Ireland](#) (2020), p. 4.

390 See for example Doras, [Getting Right to Work: Access to Employment and Decent Work for International Protection Applicants in Ireland](#) (2023).

391 IHREC, [Trafficking in Human Beings in Ireland: Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2023).

392 IHREC, [Comments on Ireland’s 19th National Report on the implementation of the European Social Charter](#) (2022), p. 45.

393 S. de Mars and C. O’Brien, [Frontier Workers and their Families: Rights After Brexit](#) (2023).



Brexit, including people that do not engage in frontier work continuously or with great regularity.<sup>394</sup>

**The Commission recommends that the State reviews current gaps in protection for frontier workers to ensure a non-discriminatory approach to decent work applies to all workers across the island of Ireland, regardless of nationality or country of residence.**

### Collective bargaining

Collective bargaining and trade union representation play a key role in strengthening industrial democracy, mitigating the effects of inequality in the labour market, and represent an essential basis for the fulfilment of other fundamental rights.<sup>395</sup>

*Collective bargaining is essential to ensure decent work for structurally vulnerable groups.*<sup>396</sup>

Commission-supported research demonstrates that a statutory right to collective bargaining can be created without conflicting the Constitution.<sup>397</sup> However, despite this conclusion, as well as multiple obligations under international law,<sup>398</sup> the State has failed to introduce strong legislative protection for collective bargaining and union recognition in Ireland.<sup>399</sup> This is coupled with low union representation,<sup>400</sup> the

394 Categories of frontier workers that have been found to be particularly at risk post-Brexit include workers that fail to meet the definition of frontier or retained frontier worker in the Windsor Agreement (not engaging in regular or continuous frontier work), as well as the family members of EU national frontier workers (who are not Irish) living in Ireland and working in the UK, and the family members of EU national frontier workers (who are not Irish) living in the UK and working in Ireland. See S. de Mars and C. O'Brien, "[Frontier Workers and their Families: Rights After Brexit](#)" (Northern Irish Human Rights Commission: 2023), pp. 71, 73.

395 Collective bargaining is defined as a process of voluntary negotiation between one or more employers (or their organisations) and one or more workers' organisations (that is, trade unions). See International Labour Organisation, [Social Dialogue Report 2022](#) (2022), p. 14.

396 Commentary raised at our ICESCR Civil Society Forum in June 2023.

397 A. Eustace and D. Kenny, *Collective Bargaining and the Irish Constitution – Barrier or Facilitator?* (forthcoming).

398 Ireland has ratified the International Labour Organisation [Right to Organise and Collective Bargaining Convention](#) (1949). In addition, Article 6 of the [European Social Charter](#) states that all workers and employers have the right to bargain collectively. Article 11 of the [European Convention on Human Rights](#) specifies trade union membership as an important political right, essential to democracy. Article 28 of the [Charter of Fundamental Rights of the European Union](#) recognises the right of collective bargaining and collective action, including the right to strike.

399 Trade unions currently have no legislative right to be recognised in the workplace for collective bargaining purposes and employees have no right to make representations to their employer through their union. IHREC, [Ireland and the Sustainable Development Goals](#) (2023), pp. 32-33. See also Irish Congress of Trade Unions [Making Work Pay: Unions Transforming Work and Workplaces](#) (2023) and National Economic and Social Council, [An Opportunity to Review and Reframe Collective Bargaining and the Industrial Relations Regime](#) (2022), p. 4. The International Labour Organisation Committee of Experts has expressed disappointment that the Government had not provided a report in time for the Committee of Expert's review. ILO, [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\) – Ireland](#) (2016).

400 It is reported that the proportion of the workforce that is in union membership has declined from a high of over 60% in the early 1980s to about 25% by 2022. Nevin Economic Research Institute, [Union Voice in Ireland: Evidence from the UCD Working in Ireland Survey](#) (2022).



differential treatment of some categories of workers,<sup>401</sup> and restrictions on the right to strike.<sup>402</sup>



4 in 5

believe that advocating for workers' rights through trade union membership is an important aspect of work and family life

\*Data from the Commission's public poll on ESC rights in 2023

We welcome the report of the High-Level Group on Collective Bargaining,<sup>403</sup> but remain concerned that its recommendations have yet to be advanced.<sup>404</sup> We also note the requirement in the *EU Directive on Adequate Minimum Wages for Member States* with a collective bargaining coverage rate below 80% to provide a framework of enabling conditions and an action plan for the implementation of collective bargaining.<sup>405</sup> While we acknowledge the work of the Labour Employer Economic Forum in this context,<sup>406</sup> there is a lack of specific information from the State on how it will bring the Directive into national law by November 2024.<sup>407</sup>

**The Commission recommends that the State takes immediate action to address the ongoing absence of a statutory right to collective bargaining and the imbalance of power in the labour market in Ireland.**

401 In its Conclusions 2022, the European Committee of Social Rights noted the insufficient promotion of collective bargaining and the restrictions on the right to collective bargaining on behalf of a certain category of workers. ECSR, [Conclusions 2022](#) (2023), p. 30.

402 The European Committee of Social Rights noted in 2022 that the situation in Ireland is not in conformity with Article 6.4 of the Charter on the grounds that: only authorised trade unions, their officials and members are granted immunity from civil liability in the event of a strike; the police are denied the right to strike; and an employer may dismiss all employees for taking part in a strike. ECSR, [Conclusions 2022](#) (2023), p. 36.

403 The High Level Group on Collective Bargaining was established under the auspices of the Government's Labour Employer Economic Forum (LEEF) in March 2021 to review the collective bargaining landscape in Ireland and to make recommendations for improvement. See Department of Enterprise, Trade and Employment, [Publication of the Final Report of the LEEF High-Level Working Group on Collective Bargaining](#) (2022).

404 See Department of Enterprise, Trade and Employment, [Publication of the Final Report of the LEEF High-Level Working Group on Collective Bargaining](#) (2022).

405 [Directive \(EU\) 2022/2041 on adequate minimum wages in the European Union](#).

406 Houses of the Oireachtas, [EU Directives – Dáil Éireann Debate](#) (12 October 2023).

407 In November 2023, the Minister of State at the Department of Enterprise, Trade and Employment noted that the transposition deadline of 15 November 2024 is expected to be met: Houses of the Oireachtas, [EU Directives Dáil Éireann Debate, Wednesday - 29 November 2023. We note that the](#) Expert Group Report on the Transposition of Directive (EU) 2022/2041 on adequate minimum wages in the EU was also published in November 2023 and provides a useful roadmap for the State: European Commission, [Employment, Social Affairs & Inclusion: Publications catalogue & documents database](#).

**The Commission recommends that the State publishes a roadmap on the legislative and administrative measures required to give effect to the recommendations of the High-Level Group on Collective Bargaining and the *EU Directive on Adequate Minimum Wages*.**

### Institutionalised forced labour

The State has failed to ensure rights-based, independent, survivor-centred, thorough and effective investigations into past human rights violations, including forced labour, in the Magdalen Laundries and Mother and Baby Homes. We have previously highlighted concerns about the scope of the McAleese Committee mandate, which fell considerably short of a full investigation,<sup>408</sup> as well as the Final Report of the Commission of Investigation into Mother and Baby Homes.<sup>409</sup>

*“The ‘legacy’ of impunity for violence against women perpetrated in public institutions is endured to this day by thousands of victims.”<sup>410</sup>*

These deficiencies have had a direct effect on the State’s framing of the abuses,<sup>411</sup> as well as the lack of identification, prosecution and conviction of perpetrators.<sup>412</sup> Given the impact that the State’s response to historical abuses has on the re-traumatisation of victims and survivors, we are also concerned about the limitations of the State

408 The McAleese Committee did not have statutory footing, was confined to fact-finding only, and did not have the remit to seek, investigate or make determinations. 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. Conversely, other investigations into historical abuse have been given a statutory basis under the Commissions of Investigations Act 2004 and the Tribunals of Inquiry (Evidence) Acts 1921-2011, resulting in an inconsistent approach to investigation of historical abuse. We note that IHREC’s powers of inquiry is based on the Commissions of Investigations Act 2004 and the Tribunals of Inquiry (Evidence) Acts 1921-2011. [Irish Human Rights and Equality Commission Act 2014](#), Schedule 2.

409 The Final Report was subject to considerable criticism by survivors. For example, the report finds no evidence of discrimination, which has since been criticised by the representative group, Association of Mixed Race Irish. The rights of eight former residents, identifiable in the report, were breached by the failure to provide them with a draft copy. IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), p. 14.

410 GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 98.

411 In reports to the UN Committee against Torture, the State has claimed that there is ‘no factual evidence to support allegations of systematic torture’. However, the limited mandate of the McAleese Committee meant that it did not have the remit to make such a determination. 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. 2-3. 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. IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), p. 14.

412 GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 98.

apology,<sup>413</sup> and its approach in making successive redress schemes progressively more limited.<sup>414</sup> While plans to introduce a Special Advocate for Survivors of Institutional Abuse were announced in November 2022, there has been limited information available about the scope of this role since then.<sup>415</sup> Finally, given the ongoing issues with the State's investigative and redress responses to human rights violations which occurred in these institutions and other settings,<sup>416</sup> it is regrettable that the State report to the UN Committee Against Torture is overdue by more than two years.<sup>417</sup>

**The Commission recommends that the State reviews and amends the *Commissions of Investigation Act 2004* and the *Tribunals of Inquiry (Evidence) Acts 1921-2011* to embed human rights and equality standards and a consistent approach to investigations of historical human rights abuses, including forced labour.**

**The Commission recommends that the State overhauls its approach to redress to ensure an effective remedy for victims and survivors of historical abuse, including through schemes based on the right to truth, justice, reparation, non-recurrence and memory processes.**

413 The State has never adequately acknowledged the harm caused by family separation, and its apologies have largely focused on the stigma suffered by victims and survivors. 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 family separation. Department of An Taoiseach, [Taoiseach Enda Kenny's Statement on Magdalene Report](#) (2013) and Justice for Magdalenes Research, [About the Magdalene Laundries](#) (2023). GREVIO has noted that the State's 'public apologies fail to adopt a human rights perspective which acknowledge responsibility for having failed in the duty to prevent and protect victims from the human rights violations committed': [Baseline Evaluation Report: Ireland](#) (2023), p. 98.

414 While we welcome the expansion of the Magdalen Laundries Restorative Justice scheme in 2018 following recommendations of the Ombudsman, we note that the State has still not implemented the recommendations of the Magdalen Commission Report in full. For example, as of January 2023, access to a Health Amendment Act card is only available to victims and survivors from two named institutions. HSE, [Medical Cards redress for women resident in certain institutions](#) (2023). 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, including by excluding those who stayed in an institution for less than six months from eligibility for free health services. IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), pp. 38-39. In November 2023, the Committee on the Elimination of Discrimination Against Women asked the State for information on the development of central Government guidance for future redress schemes, and the proportion of allocated budgets for Magdalene Laundries, Mother and Baby Homes, and O'Keeffe payment schemes that have been spent, the number of unsuccessful applicants to the payment schemes, and the reasons for the refusal [List of issues and questions prior to the submission of the eighth periodic report of Ireland](#) (3 November 2023), para 4.

415 The role of the Special Advocate will be to facilitate consultation with survivors of Industrial Schools, Magdalen Laundries, Mother and Baby and 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.

416 For example, we have raised concerns elsewhere about child abuse in schools, foster care and other settings; and the practice of Symphysiotomy. IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), pp. 36-37.

417 UN Treaty Body Database, [Reporting Status for Ireland](#) (2023).

# Right to social security

*With rising cost of living, I would advise the Government to create a suitable environment where economic conditions do not affect the poor adversely and to look for ways to reduce the ever-widening inequality between the rich and the poor.*

*Many people, with disabilities, with young children or immigrants, are really suffering and need more financial support to thrive, not just survive. More needs to be done urgently to address this issue.*

*Devise a better way to ensure those on low incomes receive support so that all can have a reasonable standard of living.*

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\*Quotes from the open question in the ICESCR poll 2023

The Irish State must view social protection as a human right rather than charity, and as an investment that will create an inclusive economy more resilient to shocks. During the pandemic, the State's response demonstrated that social supports can be deployed effectively when necessary and that change can happen rapidly. We are of the view that the introduction of Welfare Indexation carries real potential to reduce income inequality in our communities and prevent structurally vulnerable groups being trapped at or below the poverty line.

### Access to social security

We share the Committee's concerns regarding the Habitual Residence Condition and other administrative obstacles, which impede equal access to social welfare services for structurally vulnerable groups.<sup>418</sup> The Habitual Residence Condition and Housing Circular 41/2012<sup>419</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>420</sup> housing supports<sup>421</sup> and Disability Allowance.<sup>422</sup>

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418 CESCR, [List of issues in relation to the fourth periodic report of Ireland](#) (2022), para 15.

419 For further information on this Circular, see the section in this report on 'Housing and accommodation'.

420 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.

421 Due to discrimination, their employment rates, 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. The National Roma Network, [Roma Accommodation Advocacy Paper](#) (2022). 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. We have also been informed by civil society that the Habitual Residence Condition 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 Condition. Irish Traveller and Roma Women, [Alternative Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#) (2022). As noted above, for further information on the Housing Circular, see the section in this report on 'Housing and accommodation'.

422 We are aware of individuals granted permission to remain in the State under the *International Protection Act 2015* being refused Disability Allowance as they have been deemed to fail to satisfy the habitual residence condition.

Despite repeat criticism from treaty monitoring committees,<sup>423</sup> the Commission<sup>424</sup> and civil society,<sup>425</sup> the State has not acknowledged or assessed the discriminatory impact these conditions have on specific communities, citing their universal application.<sup>426</sup>

Issues have also arisen through our legal work about the inaccessible application processes for social welfare payments, particularly with regard to Disability Allowance and payments for international protection applicants.<sup>427</sup> There are high rates of initial refusals which are often overturned on appeal, as well as inconsistencies in decision making, exacerbated by the failure to offer people adequate reasonable accommodation and support when applying to social welfare schemes.<sup>428</sup> Civil society has further reported procedural barriers to accessing the social welfare appeals system, as well as concerns about transparency and the accessibility of the process.<sup>429</sup>

**The Commission recommends that the State reviews and equality proofs all administrative social protection criteria, application procedures, and the appeals process to ensure they are not impeding access to social welfare for structurally vulnerable groups.**

We are concerned about the withdrawal of eligibility for social supports in response to a change in circumstances, for example the age of a child dependant<sup>430</sup> or increased access to employment, which can act as strong incentives to cluster at an income threshold rather than seek more hours, higher pay, or promotions.<sup>431</sup> For example,

423 GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), pp. 16, 52; CEDAW, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#), (2017), paras 46-47; CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), para 21.

424 IHREC, [Submission to the Anti-Racism Committee](#) (2021) and IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2023), p. 81.

425 The National Roma Network, [Roma Accommodation Advocacy Paper](#) (2022); Pavee Point, [Habitual Residence Condition – Briefing Paper](#) (2014); Safe Ireland, [Report on the impact of the Habitual Residence Condition on women seeking protection and safety for themselves and their children from a domestic violence perpetrator](#) (2013).

426 Government of Ireland, [Fourth periodic report submitted by Ireland](#) (2021), paras 105-108.

427 For example, the Daily Expense Allowance and Exceptional Needs Payment.

428 For example, from January-September 2023, 21,341 applications for Disability Allowance were received. 12,231 of these applications were awarded, and 13,207 were refused. From January-October 2023, 5,034 appeals for Disability Allowance were received, 2,176 were allowed, and 41 were partially allowed. Department of Employment Affairs and Social Protection, [Social Welfare Benefits](#) (7 November 2023). See also, Age Action, Community Law and Mediation, Crosscare and Disability Federation of Ireland, [Submission to the public Consultation on Changes to the Social Welfare Appeals Regulations](#) (2023), p. 1.

429 Age Action, Community Law and Mediation, Crosscare and Disability Federation of Ireland, [Submission to the public Consultation on Changes to the Social Welfare Appeals Regulations](#) (2023).

430 The child age limit for the One-Parent Family Payment is set at 7 years of age, while the Jobseekers Transitional Payment is designed for one-parent families where the children are under 14. However, as costs increase as a child goes through adolescence, supports such as these should not cease at the ages of 7 or 14. R. Thornton, H. Boylan and N. O'Carroll, [Minimum Essential Standard of Living 2023: Annual Update](#) p. 22.

431 The Commission on Taxation and Welfare has identified a number of cliff-edges and step-effects across the taxation and welfare systems in Ireland. These can result in individuals being left financially worse off as a result of taking up employment, increasing their hours of work or getting a pay rise. Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022), pp. 254-255.



civil society has highlighted to us that hesitancy is created as payments are adjusted downwards very quickly, but not restored for a long time if the person becomes unemployed again. There are income thresholds in place for the Working Family Payment,<sup>432</sup> and Disability Allowance.<sup>433</sup> As highlighted by our Disability Advisory Committee, there is a need to harmonise social transfers so that disabled people do not lose benefits when accessing the labour market, resulting in a net loss of income.<sup>434</sup> One parent families also encounter complex conditions attached to social protection payments, which can result in an administrative burden and act as a disincentive to seek employment or educational opportunities.<sup>435</sup> Similarly, there are cliff edges associated with non-cash State supports, such as the medical card.<sup>436</sup>

**The Commission recommends that cliff-edges in the social welfare system are removed, and that supports are tapered in response to a change in circumstance.**

Although restructuring to improve and simplify long-term disability payments is an important policy goal, we share the concerns of civil society regarding the Department of Social Protection’s Green Paper for Disability Reform.<sup>437</sup> Despite obligations under the UNCRPD,<sup>438</sup> disabled people and DPOs were not consulted at the initial development stage of this paper.<sup>439</sup> Consultations with DPOs post-publication highlight significant concerns about the potential changes, including due to the ‘misrepresentation and misunderstanding’ that the low employment rate of disabled

432 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’s 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, including the unavailability of accessible public childcare. A person who cannot secure full-time employment or 38 hours per fortnight faces a disincentive to work. M. Doolan and C. Keane, [Cliff edges in the Irish tax-benefit system](#) (ESRI: 2023), pp. 15-16.

433 Joint Committee on Disability Matters, [Employment Participation and Career Progression for People with Disabilities: Discussion](#) (2023). We also note that disability payments are generally not available once a person reaches 66, which can create income inadequacy for disabled older people. Citizens Information Board, [Guide to entitlements for over sixties](#) (2022), p. 3.

434 For example, the Committee has highlighted that certain job schemes pay extremely low wages but result in a participant not being eligible for social welfare payments.

435 One Family, [Pre-Budget Submission 2024](#) (2023).

436 Medical cardholders are entitled to free primary, community and public healthcare. Eligibility is means tested and differs by family type. Linking a benefit to an income threshold creates a cliff edge 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 people with consistent ongoing health complications. M. Doolan and C. Keane, [Cliff edges in the Irish tax-benefit system](#) (2023), pp. 19-22.

437 Department of Social Protection, [Green Paper on Disability Reform: A Public Consultation to Reform Disability Payments in Ireland](#) (2023).

438 Committee on the Rights of Persons with Disabilities, [General Comment No. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention](#) (2018).

439 Independent Living Movement Ireland, [ILMI Summary of the Green Paper on DA Consultations](#) (2023).



people is caused by an individual's lack of interest in accessing work, rather than structural issues and deficits in services and supports.<sup>440</sup>

*Creating a link between welfare reform and employment suggests that disabled people are 'not trying hard enough to get work' and plays into fears that these proposals are based on UK welfare reforms which had a hugely negative impact on disabled people's lives.<sup>441</sup>*

Our Disability Advisory Committee has highlighted that the Paper adopts a medical model of disability. In particular, it categorises disabled people based on concepts of 'incapacity' and perpetuates the current system of requiring repeat assessments to access social welfare payments. As the proposals are at an early stage, we call on the State to actively engage with disability rights advocates to ensure the reforms are in full compliance with the UNCRPD and the human rights model of disability.

**The Commission recommends that policy changes to disability payments are designed with the active participation of disabled people and their representative organisations at all stages of development, implementation, monitoring and evaluation, in line with international human rights commitments.**

*Shame and stigma are particularly important where conditionalities are attached to the provision of social protection, since the...narrative underlying such conditionalities is that recipients should be disciplined into improving their behaviour.<sup>442</sup>*

Conditions to access entitlements reinforce stigmatising narratives that it is the claimant who is responsible for their individual circumstances, rather than broader

440 Such disabling barriers include the lack of accessible transport, accessible built environment, lack of accessible jobs and failure to provide the supports to access employment such as Personal Assistance Services. Independent Living Movement Ireland, [ILMI Summary of the Green Paper on DA Consultations](#) (2023).

441 Independent Living Movement Ireland, [ILMI Summary of the Green Paper on DA Consultations](#) (2023).

442 Human Rights Council, [Non-take-up of rights in the context of social protection: Report of the Special Rapporteur on extreme poverty and human rights](#) (2022), para. 55.

structural and economic societal problems.<sup>443</sup> This fuels ‘povertyism’ and the perception that ‘undeserving applicants’ must be targeted by making the experience more punitive,<sup>444</sup> thereby playing a role in keeping welfare rates low and creating consent for budget cuts.<sup>445</sup> Social welfare recipients report stigma permeating everyday interactions across their lives, with a particularly gendered impact for one parent families.<sup>446</sup> This is felt through violations of privacy, public degradation<sup>447</sup> negative and shaming encounters with staff,<sup>448</sup> and is accompanied by feelings of constant scrutiny and dread.<sup>449</sup> We are also concerned that such bias and discrimination could be embedded in the delivery of such public services through the increasing reliance on AI technologies. Discourses around welfare stigma are culturally and politically

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443 ‘By attributing a claimant’s reliance on social support to their individual circumstances, rather than the broader economic problems of a society, such programmes convey a stigmatizing discourse targeted at the individual rather than their surrounding economic and social context.’ Human Rights Council, [Non-take-up of rights in the context of social protection: Report of the Special Rapporteur on extreme poverty and human rights](#) (2022), para. 55.

444 Human Rights Council, [Non-take-up of rights in the context of social protection: Report of the Special Rapporteur on extreme poverty and human rights](#) (2022), para. 25 and UN General Assembly, [Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter: Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty](#) (2022), para. 28.

445 E. Devereux and M.J. Power, [Fake news? A critical analysis of the ‘Welfare Cheats, Cheat Us All’ campaign in Ireland](#), *Critical Discourse Studies* 16(3) (2019); K. Flanagan, [‘Problem families’ in public housing: discourse, commentary and \(dis\)order](#), *Housing Studies* 33(5) (2017). As noted in a recent study, ‘In the case of employment, lone parents are problematized as working part-time and ‘nesting’ on in-work benefits and in the case of homelessness, lone parents who prioritise the security of tenure embedded in social housing are accused of “gaming” the system.’ M. Murphy, [Dual conditionality in welfare and housing for lone parents in Ireland: Change and continuity?](#) *Social Policy and Administration* (2019), p. 252.

446 As noted in a recent study, ‘These experiences take on gendered contortions for lone parents since it is their roles, activities and work as mothers which is erased due to its perceived irrelevance against the necessity of finding paid employment. The stigma gaze is refined further to the category of female lone parent itself through invasions of privacy regarding status, past and current relationships and living arrangements. Such invasions are often grounded in moralising judgments about sexuality, blame and responsibility.’ P. Finn and M. Murphy, [A Multi-Dimensional View of Stigma Experienced by Lone Parents in Irish Homeless and Employment Services](#), *Social Policy & Society* 21(4) (2022), p. 682. Reports also note abuses of power by social welfare inspectors against lone parents including unannounced visits and searches of possession. A. Moore, [Welfare claimants fear retribution if they complain about inspectors](#), *The Irish Examiner* (26 October 2020).

447 Social welfare recipients have described the requirement to physically attend State buildings to claim payments as degrading, undignified, stigmatising and judgemental. We note that during the Covid-19 pandemic the State swiftly shifted to a system of remote provision of social welfare payments, and regret that the State has since reversed this progress and continues to require physical attendance. For more on the lived experiences of these requirements see J. Whelan, [We have our dignity, yeah? Scrutiny under suspicion: Experiences of welfare conditionality in the Irish social protection system](#) (2020).

448 F. Dukelow, J. Whelan and M. Scanlon, [In transit? Documenting the lived experiences of welfare. Working and caring for one-parent families claiming Jobseeker’s Transitional Payment](#) (2023). See also, A. Moore, [Overreach of power: Intimidation and harassment in the social welfare system](#), *The Irish Examiner* (19 October 2020); A. Moore, [Welfare claimants fear retribution if they complain about inspectors](#), *The Irish Examiner* (26 October 2020).

449 P. Finn and M. Murphy, [A Multi-Dimensional View of Stigma Experienced by Lone Parents in Irish Homeless and Employment Services](#), *Social Policy & Society* 21(4) (2022); J. Whelan, [We have our dignity, yeah? Scrutiny under suspicion: Experiences of welfare conditionality in the Irish social protection system](#), *Social Policy and Administration* (2020).

crafted through the words<sup>450</sup> and actions<sup>451</sup> of politicians and public officials,<sup>452</sup> and how they are distilled through the media.<sup>453</sup> Social welfare must be reconceived as an entitlement and a safety net, rather than a charitable gift to be bestowed.<sup>454</sup>



# 61%

agree that there is a stigma associated with receiving welfare payments

\*Data from the Commission's public poll on ESC rights in 2023

**The Commission recommends that all staff engaged in the administration of social welfare receive training on their obligations and duties under the Public Sector Duty.**

**The Commission recommends that the State takes measures to combat stigmatising narratives about social welfare recipients, including through public awareness campaigns and the monitoring role of the Standards in Public Office Commission.**

**The Commission recommends that codes of conducts for public officials and election candidates should clearly prohibit the use or endorsement of prejudicial and discriminatory discourse.**

450 In a recent debate, when questioned about disability payments the Taoiseach referenced the television programme 'Benefits Street' as a valid depiction of welfare recipients. Dáil debates, [Just Transition](#) (27 September 2023). This programme has been widely criticised for demonising people living in poverty and is considered to have contributed significantly to welfare stigma discourses in the UK. See L. Paterson, L. Coffey-Glover and D. Peplow, [Negotiating stance within discourse of class: reactions to Benefits Street](#), *Discourse and Society* 27(2) (2016); K. Runswick-Cole and D. Goodley, [DisPovertyPorn: Benefits Street and the dis/ability paradox](#), *Disability and Society* 30(4) (2014).

451 In 2017 the then Minister for Social Protection initiated a campaign named 'Welfare Cheats, Cheat Us All' which was designed to have individuals inform on people they believed to be engaging in welfare fraud. By end of year, it was conceded by the Department that the framing of the campaign was problematic and the extent to which social welfare fraud was occurring had been exaggerated. For more on the design, implementation, reception and outcome of this campaign see M.J. Power, E. Devereux and M. Ryan, [Framing and Shaming: The 2017 Welfare Cheats, Cheat Us All Campaign](#), *Social Policy and Society* 21(4) (2022); E. Devereux and M.J. Power, [Fake news? A critical analysis of the 'Welfare Cheats, Cheat Us All' campaign in Ireland](#), *Critical Discourse Studies* 16(3) (2019).

452 We note comments of the former Chief Executive of Dublin City Council who argued that one of the prices to be paid for such 'a compassionate response' is that such services 'are a magnet' for people. V. Clarke, [Owen Keegan defends saying homeless numbers would drop if services were cut](#), *The Irish Times* (18 February 2019):

453 M.J. Power, E. Devereux and M. Ryan, [Framing and Shaming: The 2017 Welfare Cheats, Cheat Us All Campaign](#), *Social Policy and Society* 21(4) (2022); E. Devereux and M.J. Power, [Fake news? A critical analysis of the 'Welfare Cheats, Cheat Us All' campaign in Ireland](#), *Critical Discourse Studies* 16(3) (2019).

454 'States should ensure that social protection is perceived by administrations and other public institutions as a right that each person is entitled to receive. That recognition should translate into public employees treating welfare recipients with dignity and respect and public welfare offices being well-staffed welcoming and accessible to all.' Human Rights Council, [Non-take-up of rights in the context of social protection: Report of the Special Rapporteur on extreme poverty and human rights](#) (2022), para 58.

## Adequacy of social security

In 2023, only 13% of test household cases in receipt of social welfare demonstrated income adequacy.<sup>455</sup> Many households reported that their social welfare income met less than 90% of what they need to achieve a minimum essential standard of living.<sup>456</sup> Adequate social welfare rates are of central importance to reducing poverty and ensuring an equitable society with a robust safety net.<sup>457</sup>



# 77%

believe that those on lower incomes are being left behind

\*Data from the Commission's public poll on ESC rights in 2023



*Income supports continue to be set at low and fixed rates which do not reflect individual circumstances, the cost of living crisis, and rising inflation.*

There is an adequacy gap between the income provided by child related social welfare supports and the needs of households with children.<sup>458</sup> Full-time employment can be effective in lifting families out of poverty,<sup>459</sup> but this creates huge challenges for those who either cannot work because of a disability or health condition<sup>460</sup> or have limited capacity to work due to caring responsibilities.<sup>461</sup> Social welfare supports are particularly critical for reducing child poverty among one parent and unemployed

455 R. Thornton, H. Boylan and N. O'Carroll, [Minimum Essential Standard of Living 2023: Annual Update](#) (2023), p. 19.

456 Research by the Vincentian Minimum Essential Standard of Living Research Centre found in all cases examined that their social welfare income met less needs in 2023 than 12 months before. R. Thornton, H. Boylan and N. O'Carroll, [Minimum Essential Standard of Living 2023: Annual Update](#) (2023), pp. 19-20.

457 Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022), pp. xi, xxv, 238, 250, 254.

458 R. Thornton, H. Boylan and N. O'Carroll, [Minimum Essential Standard of Living 2023: Annual Update](#) (2023), p. 22. See also B. Maitre, H. Russell and E. Smyth, [The Dynamics of Child Poverty in Ireland: Evidence from the Growing Up in Ireland Survey](#) (2021), pp. 49-51.

459 B. Maitre, H. Russell and E. Smyth, [The Dynamics of Child Poverty in Ireland: Evidence from the Growing Up in Ireland Survey](#) (2021), pp. 49-51.

460 We note there was no targeted cost of disability payment in Budget 2024. Budget 2023 provided a cost of disability payment of €500 however the additional cost of disability are estimated to be €8,700-€12,300. Disability Federation of Ireland, [Devastating sidelining of disabled people in Budget 2024](#) (2023); Indecon, [The Cost of Disability in Ireland](#) (2021).

461 Those who are not working due to caring responsibilities may be entitled to carer's allowance, however this payment is also inadequate to meet need. 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, [The State of Caring](#) (2022), p. 19; IHREC, [Policy Statement on Care](#) (2023), pp. 46-48.

households.<sup>462</sup> Despite this, supports for one parent families cease as the child enters adolescence,<sup>463</sup> at the same time as the cost of having a child increases.<sup>464</sup>

Social welfare inadequacy is evident throughout the life cycle and has particular impacts for structurally vulnerable groups. In relation to international and temporary protection applicants, the failure of the State to make child benefit payments available to families is a discriminatory practice,<sup>465</sup> while reports that payments to temporary protection applicants will be significantly reduced is a regressive measure of serious concern.<sup>466</sup> Due to gender inequalities in pension provision,<sup>467</sup> the State pension system is inadequate to meet basic needs of older women, and results in deprivation.<sup>468</sup>

As discussed below, the State has prioritised once-off social welfare payments through recent budgets to address the extreme rise in living costs.<sup>469</sup> In the absence of more permanent adjustments to core social welfare rates, these short-term bailouts are ineffective as the income of recipients does not materially change.<sup>470</sup> They can also be compared to the permanence of various tax changes announced in Budget 2024.<sup>471</sup> During a cost of living crisis fuelled by inflation, the topping up of income in order to pay high market prices for essentials is subsidising a regression in living standards, not addressing it. Furthermore, the income supports provided are not adequately targeted

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462 14.1% of one parent families live in consistent poverty and 31% are at risk of poverty. Central Statistics Office, [Survey on Income and Living Conditions](#) (2023); One Family, [Another Year Where Children Are Left Looking for More](#) (2023); B. Maitre, H. Russell and E. Smyth, [The Dynamics of Child Poverty in Ireland: Evidence from the Growing Up in Ireland Survey](#) (2021), p. 15. A 2023 research report by the ESRI/Community Foundation recommends introducing a new Child Income Support Payment 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). B. Roantree and K. Doorley, [Poverty, income inequality and living standards in Ireland: Third annual report](#) (2023), p. 13.

463 Eligibility for the Jobseekers Transitional Payment ceases when the youngest child turns 14 years old.

464 '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.' R. Thornton, H. Boylan and N. O'Carroll, [Minimum Essential Standard of Living 2023: Annual Update](#) (2023), p. 22.

465 In the absence of such a payment, 88% of parents surveyed felt that the Daily Expenses Allowance is insufficient to cover basic needs. 84% stated that the allowance is insufficient to cover childcare-related needs. S. Cid, [Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct Provision](#) (2023).

466 Proposals to cut weekly social welfare payments from €220 per week to €38.80 per week have been approved by the Government. Department of the Taoiseach, [Government approves changes to measures for those fleeing war in Ukraine](#) (2023).

467 See the section in this report on the 'Equal rights of women and men'.

468 Age Action, [Spotlight on Income in Older Age: The State of Ageing in Ireland 2023](#) (2023).

469 Vincentian Minimum Essential Standard of Living Research Centre, [Budget 2023: MESL Impact Briefing](#) (2022), p. 3. See also, the section in this report on 'poverty and social exclusion'.

470 For more critique of once-off welfare measures see: T. McDonnell, [A consequential but flawed budget](#), Nevin Economic Research Institute (2023); Saint Vincent DePaul, [Reliance on one-off measures leaves households exposed to increasing cost of living](#) (2023); National Women's Council of Ireland, [Post Budget Analysis Snapshot](#) (2023); One Family, [Another Year Where Children Are Left Looking for More](#) (2023).

471 For example, an increase of €2,000 in income tax standard rate cut-off point of €40,000. Government of Ireland, [Budget 2024: Tax Policy Changes](#) (2023).

towards those who need them most.<sup>472</sup> Investment in the expansion of universal basic services as a form of virtual income for all should be prioritised over such single cash transfers when addressing income inequalities.<sup>473</sup> We note ongoing research on Universal Basic Incomes and consider it important that the State continues an examination of this policy area.<sup>474</sup>

A major contributing factor to the inadequacy of social supports is the arbitrary and discretionary nature of their calculations, in the absence of formal requirements for living costs, poverty alleviation or the protection of living standards to be considered. The Commission on Taxation and Welfare has recommended that increases in social welfare rates should be based on a transparent and evidence-led process, with working age payments benchmarked.<sup>475</sup> We have previously called for the indexation of all social welfare payments against national wages and reiterate our view that such measures would significantly help to address the systemic inadequacies of Irish social protection.<sup>476</sup>

**The Commission recommends that the State commits to the full implementation of the Commission on Taxation and Welfare’s recommendations on social protection reforms.**

**The Commission recommends that the State formally adopts Welfare Indexation across social welfare policy development and reform, as a matter of priority, in line with the guiding principles of poverty reduction and the protection of living standards.**

**The Commission recommends that all developments, reforms and new policies relating to social welfare provision be assessed for their fiscal and distributional impact on structurally vulnerable groups.**

472 No targeted measures were announced in the Budget for one parent families despite their disproportionate experience of poverty. Central Statistics Office (2023) [Survey on Income and Living Conditions](#) (2023); One Family, [Another Year Where Children Are Left Looking for More](#) (2023).

473 For more on universal basic services as a means of addressing income inequality see T. McDonnell, [Universal Basic Services](#) (2020).

474 D. Quinn and J. Baker, [A Model of Basic Income for Ireland](#) (2023); Low Pay Commission, [Report on piloting a Universal Basic Income](#) (2022); Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, [Basic Income for the Arts Pilot Scheme](#) (2022).

475 Commission on Taxation and Welfare, [Foundations for the Future: Report of the Commission on Taxation and Welfare](#) (2022), pp. 287-295.

476 IHREC, [Policy Statement on the Index-Linking of Welfare Payments \(2023\)](#).

# Protection of the family and children

*☞☞ I can't go back working as I can't afford childcare, and if I go back to my old job fulltime I lose all benefits - I wouldn't be earning enough to afford everything on single earnings alone. Childcare works out at half [of] my weekly take-home wage after taxes.*

*☞☞ Parents with children under 12 should have flexible work options.*

*☞☞ Early child care free for all.*

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\*Quotes from the open question in the ICESCR poll 2023



Recognised by the Committee as a fundamental unit of society, the rights of families must be prioritised in national economic, social and cultural policy. Children should enjoy equal access to quality early education, while their parents should be supported to balance care responsibilities alongside full participation in social and cultural life. The State must also coordinate prevention tools, support services and access to justice measures to eradicate domestic, sexual and gender-based violence.

### Childcare and family-friendly employment policies

A progressive approach to work and family life which combines employee supports with quality, affordable Early Childhood Education and Care ('ECEC') is vital to protect the rights of families in Ireland. In light of our concerns about the high proportion of women working part-time or taking extended leave to facilitate care,<sup>477</sup> we welcome the recent extension of statutory parental leave entitlements.<sup>478</sup> However, the proposed expansion of parent's leave to nine weeks per parent continues to fall short,

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477 The 'hours gap' refers to the difference in the rates of part-time employment between men and women. As women are more likely to take reduced hours to take on caring responsibilities than men, it is indicative of where care really impacts employment. In Ireland, 30.7% of women and just 9% of men are engaged in part-time employment, a gap of 21.7 percentage points. The EU average is 24% of women and 7.46% of men, a gap of 16.54 percentage points. 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), p. 16. 77% of those who receive carer's allowance are women. Dáil Debates, [Reform of the Carer's Allowance Scheme](#) (2023).

478 The Parent's Leave and Benefit Act 2019 introduced parent's leave, and was subsequently expanded from two to seven weeks by the Parent's Leave and Benefit Act 2019 (Extensions of Periods of Leave) Order 2022. As noted in Budget 2024, it will be further expanded to nine weeks from August 2024. Department of Social Protection, [Mid-term Review of the Roadmap for Social Inclusion 2020-2025](#) (2023), pp. 23, 26; Department of An Taoiseach, [Breaking the Cycle: New Measures in Budget 2024 to reduce Child Poverty and Promote Wellbeing](#) (2023). The Work Life Balance and Miscellaneous Provisions Act 2023 also includes a right to request a flexible working arrangement for caring purposes and leave for healthcare purposes. At the time of writing, the majority of provisions in this Act have yet to be commenced [and Ireland has been referred to the Court of Justice of the EU for failure to communicate transposition of the Work Life Balance Directive with the agreed deadline. European Commission, Work-life balance: Commission decides to refer Belgium, Ireland and Spain to the Court of Justice of the European Union for failing to fully transpose the Work-Life Balance Directive](#) (2023).

both in terms of weeks covered,<sup>479</sup> and the rates of pay.<sup>480</sup> The State has not provided the Committee with information on the uptake of leave;<sup>481</sup> however, recent data indicates that only half of eligible fathers avail of paternity benefits and mothers are over twice as likely to avail of parent's benefit.<sup>482</sup> Statutory leave schemes also produce discriminatory impacts for children in one-parent families.<sup>483</sup>

*It is essential that the State acts with a greater sense of urgency to deliver transformational change in the ECEC sector.*<sup>484</sup>

We welcome improvements in ECEC in recent years;<sup>485</sup> however, the legacy of low spending means that there is still much to be done so that the State can deliver on its obligations to families and provide equal opportunities for all children.<sup>486</sup> Despite very strong public support for free ECEC,<sup>487</sup> current supports such as the National Childcare Scheme and Early Childhood Care and Education programme are not universally accessible and leave significant gaps.<sup>488</sup> Additionally, there are serious issues accessing

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479 As of June 2023, statutory maternity leave is 26 weeks, while paternity leave is 2 weeks. Combined with 9 weeks' parent's leave per parent, the total paid leave available is 46 weeks, which falls short of the Citizens' Assembly on Gender Equality recommendation of one year of paid parent's leave. IHREC, [Policy Statement on Care](#) (2023), pp. 22-23.

480 We echo the concerns of the Joint Committee on Gender Equality regarding the inadequacy of statutory leave payments, which do not reflect the rising cost of living and associated costs of caring. As of January 2024, the weekly rate of maternity and paternity benefits is €274. The Joint Committee has criticised these payments for their insufficiency, noting that the 2022 rate was a third of the average industrial wage. 46% of women do not receive top-ups from their employers. Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (2022), p. 91. Commission consultation included engagement with women who had to expedite their return to the workplace, due to the insufficiency of maternity benefit. IHREC, [Policy Statement on Care](#) (2023), p. 23.

481 Government of Ireland, [Supplementary information to the reply to the list of issues in relation to the fourth periodic report of Ireland](#) (2023), p. 13.

482 Irish Congress of Trade Unions, [The Social Wage: Pay-Related Benefit for Unemployed Workers](#) (2023) p. 25

483 One Family has recommended that the State amends the Parent's Leave and Benefit Act to ensure children in one-parent families have the same level of State supported time with their parent as children in two-parent families. One Family, [Pre-Budget Submission 2024](#) (2023), p. 5.

484 IHREC, [Policy Statement on Care](#) (2023), p. 39.

485 Recent achievements include 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.

486 In this connection, we note that Early Childhood Education and Care has been strongly linked to child poverty reduction and is therefore a vital pathway for low-income families. Early Childhood Ireland, [Policy Brief: Child Poverty Monitor 2023](#) (2023).

487 Early Childcare Ireland, [Barometer 2023: Public Attitudes to Early Years and School Age Care](#) (2023), p. 2.

488 The Early Childhood Care and Education programme is only available after a child turns two years and eight months, for three hours a day, five days per week and 38 weeks per year. Similarly, while subsidised childcare is available under the National Childcare Scheme, children receiving care from unregistered childminders cannot avail of these supports. The vast majority of childminders in Ireland are unregistered. IHREC, [Policy Statement on Care](#) (2023), pp. 54-55.

decent work for staff in the ECEC sector, which has knock-on effects on the quality of services.<sup>489</sup>



57%

between 35 and 49 years believe that increases in public spending on Early Childhood Education and Care have had a positive effect for families

\*Data from the Commission's public poll on ESC rights in 2023

To combat these and other failings, 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 Observations of the UN Committee on the Rights of the Child;<sup>490</sup> Sustainable Development Goal 4,<sup>491</sup> and recommendations of the Citizens' Assembly on Gender Equality.<sup>492</sup>

**The Commission recommends that provision is made for parental leave schemes which are adequate both in terms of length and payment; apply equally to children in one-parent families; and are coordinated with ECEC to eliminate periods where neither paid leave nor affordable childcare is available.**

**The Commission recommends that the State increases spending on ECEC, with a view to reaching UNICEF's 1% of Gross National Income target and transitioning to a public model of childcare by the next CESC review cycle.**

489 Engagement with ECEC not-for-profit service providers in 2023 indicate that the sector continues is characterised by low pay, severe staffing shortages, high employee turnover and instability. It is also adversely impacted by supply side issues; long waiting lists and higher adult-child ratios impact both the quality of care and the long-term sustainability of a career in the sector. IHREC, [Policy Statement on Care](#) (2023), pp. 51-53.

490 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': [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), p. 8.

491 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).

492 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.

**The Commission recommends that the quality of ECEC services and the sustainability of the workforce is significantly improved, including through developing a graduate-led workforce and better pay and conditions.**

## Domestic, sexual and gender-based violence

Domestic, sexual and gender-based violence ('DSGBV') policy is an area which has seen several positive reforms in recent years.<sup>493</sup> However, we are concerned that these developments are failing to translate into tangible improvements for victims and survivors.<sup>494</sup> While we welcome progress in the establishment of a statutory DSGBV Agency, we have concerns about the strength of its mandate.<sup>495</sup> The Group of Experts on Action against Violence against Women and Domestic Violence recently evaluated Ireland, making a variety of recommendations across its prevention,<sup>496</sup> protection,<sup>497</sup> prosecution,<sup>498</sup> and policy co-ordination pillars.<sup>499</sup>

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493 Measures include the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention'); ratification of ILO Convention C190; publication of the Third National Strategy on Domestic, Sexual and Gender Based Violence; plans to establish a statutory DSGBV agency; and enhanced legislative protections for those subjected to DSGBV. IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), p. 31.

494 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. Younger people report higher levels of sexual violence; 22% of those aged 18-24 experienced sexual violence both as an adult and as a child compared with 8% of those aged 65 and over. CSO, [Sexual Violence Survey 2022 – Main Results](#) (2023). We also note the publication of a study on filicide and domestic and family violence, which found that at least 166 people were killed in incidents of family violence between 2000 and 2019. Department of Justice, [A Study on Filicide & Domestic and Family Violence Death Reviews](#) (2023), p. 69.

495 Legislation to establish Cuan, the Domestic, Sexual and Gender-Based Violence Agency, was passed in November 2023; Department of Justice, [Legislation to establish Cuan: the Domestic, Sexual and Gender-Based Violence Agency passed by Oireachtas](#) (2023); see also *Domestic, Sexual and Gender-Based Violence Bill 2023. The Commission published legislative observations on the general scheme of this Bill in July 2023.* IHREC, [Submission on the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill](#) (2023). The Committee on the Elimination of All Forms of Discrimination against Women recently asked the State for information on the agency, 'to address concerns about its independence, mandate, monitoring function and resourcing'. CEDAW, [List of Issues and questions prior to the submission of the eighth periodic report of Ireland](#) (2023), para. 9.

496 GREVIO has recommended creating targeted awareness-raising campaigns on intersectional discrimination and integrating gender stereotypes and gender based violence issues into educational curricula at all levels. GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 103.

497 GREVIO has recommended adopting institutionalised structures for interagency co-ordination to ensure adequate protection and support for victims and survivors. It called for adequately staffed and geographically spread specialist support services which cater to the needs of structurally vulnerable groups. GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 106.

498 GREVIO has urged the State to improve police training, evidence collection and guidelines to ensure access to justice for victims and survivors. It has also recommended addressing delays and backlogs and extending free legal aid to all forms of DSGBV. GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), pp. 110-111.

499 GREVIO has recommended introducing budget lines for policy commitments related to DSGBV; ensuring coherence between the Third National Strategy and Sectoral Strategies; and providing sufficient multi-annual funding to NGOs working on DSGBV issues. GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 101.



*It is necessary to bridge the gap between the progressive policies and legislation that Ireland has enacted and the reality on the ground.<sup>500</sup>*

There are notable deficits in specialist support services for victims and survivors of DSGBV.<sup>501</sup> Given that DSGBV is a leading cause of homelessness, we are concerned about the inadequacy of refuge accommodation for victims and survivors and have cautioned that proposed increases will not meet need,<sup>502</sup> particularly in light of the lack of transitional facilities and barriers to accessing social housing.<sup>503</sup> These issues are compounded by additional challenges faced by structurally vulnerable groups,<sup>504</sup> and gaps in protection in the *Domestic Violence Act 2018*,<sup>505</sup> which create difficulties for victims and survivors wishing to remain in the home.

**The Commission recommends that the State significantly scales up the provision of culturally appropriate, universally designed refuge accommodation units; provides guidance to local authorities on supporting victims and survivors seeking emergency accommodation and social housing; and amends the *Domestic Violence Act 2018* to expand the circumstances where victims and survivors can remain in the home.**

Given the Committee's well-founded concerns about gaps in the provision of legal aid in Ireland for victims and survivors of DSGBV,<sup>506</sup> we welcome the ongoing review

500 GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 98.

501 For more information on therapeutic services, Female Genital Mutilation services, support for victims and survivors of sexual violence, helplines and court accompaniment services, 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.

502 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, [Combatting 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. IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 66-73, 100-101.

503 Barriers include inadequate supply of social housing and failure to meet criteria due to co-ownership of properties and rigid rules about calculation of household income. Mercy Law Resource Centre, [Social Housing, Domestic Violence and the Public Sector Duty](#) (2023), pp. 12-14.

504 For example, the State fails to accommodate victims of trafficking in refuge accommodation, instead placing them in Direct Provision centres which are ill-equipped to cater to their support needs. IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), pp. 114-115.

505 Interim barring orders and barring orders may not be granted if the perpetrator has a legal or beneficial interest in the residing property but the victim/survivor does not, or if the perpetrator's interest is greater than the victim's. Although the victim does not have to satisfy the property test to be able to get an emergency barring order, this order can only last for a maximum of eight days and a new emergency barring order may not be made until a month after the first one expires, except in exceptional circumstances. IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), p. 98.

506 CESCR, [List of issues in relation to the fourth periodic report of Ireland](#) (2022), para. 17; CESCR, [Concluding Observations on the third periodic report of Ireland](#) (2015), para. 22.

of the Civil Legal Aid Scheme, although the timelines for the review are unclear.<sup>507</sup> At present, victims and survivors who require legal assistance in areas such as housing, eviction, social welfare and workplace sexual harassment are not entitled to legal aid.<sup>508</sup> Similarly, the current Scheme does not extend to facilitate participation of victims in all relevant criminal proceedings.<sup>509</sup> For proceedings within the scope of the Scheme, there is an inconsistent approach to contribution charges, with contributions of between €30 and €150 payable in some cases.<sup>510</sup> There are also issues with delays due to under-resourcing of legal aid boards throughout Ireland, which have a particularly negative impact on those involved in family law proceedings.<sup>511</sup>

**The Commission recommends that review of the Civil Legal Aid Scheme is progressed as a matter of priority, to address pressing issues relating to scope, affordability and delay for victims and survivors of DSGBV.**

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507 Department of Justice, [Minister announces review of Civil Legal Aid Scheme](#) (2022). The public consultation closed in February 2023. Department of Justice, [Public Consultation on the Review of the Civil Legal Aid Scheme](#) (2022).

508 IHREC, [Submission to the Independent Review of the Civil Legal Aid Scheme](#) (2023), pp. 20-26.

509 The Legal Aid Board does not provide free legal advice to victims and survivors of DSGBV who are involved in criminal proceedings, with a limited exception in relation to two procedural applications for victims and survivors of rape, aggravated sexual assault and sexual acts with a minor. GREVIO, [Baseline Evaluation Report: Ireland](#) (2023), p. 88.

510 Although the Legal Aid Board may waive contributions in cases of DSGBV this is at the discretion of the Board. In general, advice contributions range between €30 and €150 while aid contributions may be €130 or more. National Observatory on Violence Against Women and Girls, [Shadow Report to GREVIO in respect of Ireland](#) (2022), p. 35.

511 Legal Aid Board Law Centres reports waiting times of up to 44 weeks for an initial consultation with a solicitor for victims and survivors engaged in family law proceedings. National Women's Council, [Submission on the Review of Civil Legal Aid Scheme](#) (2023).

# Right to an adequate standard of living

- ∩∩ The ability to maintain a basic standard of living, including but not limited to accommodation, is an essential human right in any developed society.*
- ∩∩ More needs to be done to get families out of the poverty trap.*
- ∩∩ I think that adequate housing is vital for a fulfilled life especially for children...There has been too much reliance on the market to solve the problem.*

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\*Quotes from the open question in the ICESCR poll 2023



Poverty, social exclusion and inadequate accommodation are at the core of ESC deprivation in Ireland. Significant cohorts of society lack the basic resources to live with dignity, despite broader trends of economic growth and prosperity at the national level. Longstanding rights violations and deprivations are exacerbated by new and overlapping environmental, public health and cost of living challenges. Without basic standards of living, the full and equal realisation of other ESC rights is out of reach.

### Poverty



*In Ireland, 13.1% of people were at risk of poverty in 2022, an increase of 1.5% from 2021.<sup>512</sup>*

Recent data on poverty and deprivation and the testimonies of people working in communities throughout the country send a clear message; poverty is pervasive and widespread in Ireland.<sup>513</sup> We are particularly concerned about alarmingly high rates of poverty amongst one parent families<sup>514</sup> and disabled people.<sup>515</sup> While the cost

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512 CSO, [Survey on Income and Living Conditions \(SILC\) 2022](#) (2023).

513 At-risk-of-poverty, material deprivation and consistent poverty are the three main poverty indicators. In 2022, 13.1% of people were at risk of poverty; 17.7% of people experienced enforced deprivation and 5.3% of people were in consistent poverty. All of these figures increased between 2021 and 2022. A sharp increase was also noted in the number of children living in consistent poverty, rising from 5.2% to 7.5%. CSO, [Survey on Income and Living Conditions \(SILC\) 2022: Poverty](#) (2023). For the perspectives of those working directly with people in poverty, see R. Greaney and K. Harrahill, [Fair Clare: Securing socio-economic rights and a just transition in County Clare](#) (2023); European Anti-Poverty Network, [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022).

514 14.1% of one parent families experience consistent poverty, while 31% are at risk of poverty. CSO, [Survey on Income and Living Conditions \(SILC\) 2022: Poverty](#) (2023).

515 Between 19% and 27% of disabled people are at risk of poverty, which is significantly above the rate for the general population. Indecon International Research Economists, [Cost of Disability in Ireland](#) (2021), p. 46.

of living crisis significantly exacerbates the issue,<sup>516</sup> the majority of people living in poverty today have been subjected to intergenerational poverty for many decades.<sup>517</sup> This problem is not a new one, but a concerning lack of consistent poverty reduction measures by successive governments has created a gap which is increasingly being filled by the overstretched and underfunded community and voluntary sector.<sup>518</sup>



# 63%

believe the cost of living crisis is a human rights issue

\*Data from the Commission's Annual Poll 2023

Efforts to eradicate poverty have been hampered by a weak institutional framework,<sup>519</sup> as well as issues with policy co-ordination<sup>520</sup> and data collection. In the context of acute and increasing need, the lack of a whole-of-government anti-poverty strategy with ambitious commitments is a cause for serious concern.<sup>521</sup> The State must acknowledge its responsibility for addressing this crisis and embrace a vision for poverty reduction that prioritises human rights approaches to ending poverty over charitable ones.<sup>522</sup> It should be coherent with sectoral strategies for structurally vulnerable groups and avoid

516 Research undertaken to calculate the rise in the cost of essential goods and services found an increase of 10.6% between 2022 and 2023. As noted elsewhere in this report, these inflationary increases have not been matched by increases in wages or social transfers. Vincentian Minimum Essential Standard of Living Research Centre, [Annual Update 2023](#) (2023). See also the sections of this report on 'decent wages' and 'social security'.

517 The ESRI has found that a significant number of adults living in poverty also experienced poverty at a young age. ESRI, [Intergenerational Poverty in Ireland](#) (2022), pp. 67-68.

518 European Anti-Poverty Network, [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022). See also, the section in this report on 'civil society participation'. In 2015, the Committee noted its concern at the lack of integration of ESC rights into poverty reduction policies, as well as at the absence of concrete policies addressing the specific needs of the groups affected. CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), p. 7.

519 The Combat Poverty Agency, a public body with an anti-poverty mandate, was established in 1986 and had four general functions: policy advice, project support and innovation, research and public education. During the austerity period following the 2008 recession, the agency was closed and absorbed into Government departments. Some of its functions were subsumed into the Social Inclusion Office of the Department of Social Protection. IHREC, [Ireland and the International Covenant on Economic, Social and Cultural Rights: Report to UN Committee on Economic, Social and Cultural Rights on Ireland's third periodic review](#) (2015), p. 11.

520 Civil society consultation has highlighted the need for poverty impact assessments to be introduced as part of legislative and policymaking processes across all departments. This function could be coordinated by the Child Poverty and Wellbeing Programme Office.

521 Although the Roadmap for Social Inclusion 2020-2025 ('Roadmap') has goals related to poverty reduction, it does not contain standalone objectives, but primarily restates the commitments of 'sectoral plans already in place that have social inclusion as a core objective'. The Roadmap commits to reducing consistent poverty to 2% or less by 2025, however the rate of consistent poverty increased from 4% to 5.3% between 2021 and 2022, which indicates that the State is not on track to meet this target. Department of Social Protection, [Roadmap for Social Inclusion 2020-2025](#) (2020); Department of Social Protection, [Mid-term review of the Roadmap for Social Inclusion 2020-2025](#) (2023).

522 The Committee has underlined the need for human rights approaches to anti-poverty strategies which emphasise the obligations of duty-holders, prioritise empowerment of the individual, and contain mechanisms to hold the Government to account. CESCR, [Substantive Issues Arising in the Implementation of ICESCR: Poverty And The International Covenant on Economic, Social and Cultural Rights](#) (2001).

attributing responsibility to the individual.<sup>523</sup> These efforts must be supported by robust evidence,<sup>524</sup> disaggregated data,<sup>525</sup> appropriate forecasting,<sup>526</sup> and measurable targets.<sup>527</sup> In this context, we note that many people in serious financial difficulty with inadequate living standards are excluded from poverty figures due to limitations in statistical data collection, meaning that the real figure is even higher than existing evidence suggests.<sup>528</sup> Recognising and understanding the lived experience of everyone affected by poverty is necessary to create an ambitious and impactful strategy.

**The Commission recommends that the State develops a strategy and implementation plan on poverty reduction which embraces a human-rights approach; is supported by enhanced data collection and sophisticated poverty measurements; sets ambitious targets and sub-targets; and is accompanied by an independent monitoring and evaluation framework with clear institutional accountability.**

*Persons experiencing poverty... live in a vicious cycle of powerlessness, stigmatization, discrimination, exclusion and material deprivation, which all mutually reinforce one another.*<sup>529</sup>

523 See the section of this report on ‘Equality Strategies’.

524 Evidence must include qualitative data reflecting lived experience; this was a key issue highlighted during the public consultation on the Mid-Term Review of the Roadmap for Social Inclusion. Department of Social Protection, [Mid-term Review of the Roadmap for Social Inclusion](#) (2023), p. 17. See also J. Whelan and E. Garcia Albarran, [Walking, Thinking and Talking: An exploration of the lived experiences and hidden geographies of poverty using walking as a participatory arts methodology](#) (2023).

525 We have previously highlighted significant gaps in poverty data collection, including lack of data at county level, lack of child poverty data and the absence of an official indicator for food insecurity. IHREC, [Ireland and the Sustainable Development Goals](#) (2023), p. 22.

526 There have been calls for a human rights-based approach to economic modelling to be adopted, which uses the Minimum Essential Standard of Living (‘MESL’) measurement rather than the Consumer Price Index (‘CPI’) when calculating the necessary wage and social transfer increases needed to lift people out of poverty. The CPI underestimates changes in the cost of living and does not recognise that inflationary changes are felt differently by different groups in society. Vincentian Minimum Essential Standard of Living Research Centre, [Social Welfare Benchmarking](#) (2019). See the sections of this report on ‘Adequacy of social security’ and ‘decent wages’.

527 In its List of Issues, the Committee requested information on whether structurally vulnerable groups are the subject of specific poverty reduction targets and resource allocations in the Roadmap. In its response, the State failed to mention that there are no specific resource allocations or targets in the strategy. In fact, the need for sub-targets for structurally vulnerable groups was highlighted as part of the mid-term review. ESRI, [Technical Paper on the Poverty Indicators for Social Inclusion in Ireland](#) (2023), p. 27. We welcome the launching of a ‘[National Child Poverty Target Consultation](#)’ on 20 November 2023’.

528 For example, issues have been highlighted in relation to the at risk of poverty measurement which reflects income distribution but has no relation to the cost of living. The indicator looks at households rather than individuals, meaning that low-wage workers who cannot move out of the family home are not adequately captured in the data. The arbitrariness of this figure is further demonstrated when comparing it to the minimum wage, living wage and Housing Assistance Payment (‘HAP’) threshold. IHREC, Commission engagement with the Nevin Economic Research Institute (2022).

529 Report of the Special Rapporteur on Extreme Poverty and Human Rights, [Banning Discrimination on the grounds of socioeconomic disadvantage: an essential tool in the fight against poverty](#) (2022), p. 4.

As noted above, in response to rising inflation in recent years the State has adopted once-off relief measures to dull the effects of high cost of living.<sup>530</sup> These measures indicate a perception of the current situation as a temporary problem caused by external factors, rather than a prolonged poverty crisis in which the State bears responsibility for failing on its human rights obligations. By treating symptoms of the crisis rather than targeting the root causes, the current approach does little to eradicate the structures trapping people in poverty for generations. On the other hand, promising practices are emerging in connection with the development of a Child Poverty and Wellbeing Programme Office in the Department of An Taoiseach.<sup>531</sup> This unit reflects international best practice and insofar as it covers a broad range of policy areas including education, health and housing, it signifies a nuanced and multi-dimensional approach to poverty reduction.<sup>532</sup>

**The Commission recommends that the Child Poverty Unit is adequately resourced; empowered to assign actions to Government departments and public bodies, monitor delivery and evaluate outcomes; and scaled up by successive governments to achieve long-term reduction of child poverty.**

With regard to root causes of poverty, we have already noted how the social protection system,<sup>533</sup> low-paid work<sup>534</sup> and discrimination in access to employment<sup>535</sup> can block pathways out of poverty. In a similar way, people in poverty are more likely to face financial exclusion,<sup>536</sup> which in turn can prevent them from improving their

530 A number of civil society organisations have criticised once-off measures in Budgets 2023 and 2024. See Barnardos, [Food Insecurity in Ireland: Impact on Children and their Parents](#) (2023), p. 11; Vincentian Minimum Essential Standard of Living Research Centre, [Budget 2023: MESL Impact Briefing](#) (2022), p. 3.

531 Department of An Taoiseach, [Child Poverty and Wellbeing Office](#) (2023).

532 The Office has identified six priority areas for child poverty reduction: income support and joblessness; early learning and childcare; the cost of education; family homelessness; service integration and participation in arts, culture and sport. Children's Rights Alliance, [Child Poverty Monitor 2023](#) (2023), pp. 10-11.

533 In engagement with the Commission, community and voluntary sector workers have noted the complicated relationship between social protection payments and precarious work. Faced with a choice between precarious work with potential future job loss and social protection, people may prefer to remain on social protection payments due to concerns that these payments would be difficult to reinstate in the future if a job is lost. For a more detailed discussion in this, see the section of this report on 'social security'.

534 There are serious issues with in-work poverty in Ireland, with 5.8% of people in employment at risk of poverty in 2022. This is linked to the inadequacy of the minimum wage, which does not align with inflation. CSO, [Survey on Income and Living Conditions \(SILC\) 2022](#) (2023). See the section of this report on 'decent wages'.

535 See the section of this report on 'Access to work'.

536 A variety of research projects undertaken since 2011 show strong links between poverty and financial exclusion. In some cases, this results in lower income households relying on call and collect moneylenders and high-interest short-term loans. Many financially excluded people have reported an inability to meet day to day costs. European Anti-Poverty Network, [Money Matters: Addressing the Unmet Needs of People Living with Inadequate Income and Experiencing Financial Exclusion](#) (2018). See also European Anti-Poverty Network, [Services and supports for people living with inadequate income and experiencing financial exclusion](#) (2017).

financial circumstances.<sup>537</sup> The State has noted that almost 6% of the population have no private banking arrangements, but has failed to address this issue through tangible commitments.<sup>538</sup> Even among those with bank accounts, lack of access to credit, including mortgages and other loans, is a barrier to escaping poverty which is disproportionately experienced<sup>539</sup> by disabled people,<sup>540</sup> older people,<sup>540</sup> and people of lower-socio-economic status.<sup>541</sup> We are also concerned by the limited Islamic finance options in Ireland,<sup>542</sup> which may force Muslims to choose between income inadequacy, housing insecurity and respecting cultural and religious practices.



2 in 3

disagree that the cost of living crisis affects everyone equally

\*Data from the Commission's public poll on ESC rights in 2023

As has been noted by the Committee, socio-economic discrimination is not only an effect of poverty, but is itself a cause.<sup>543</sup> It pushes low income households further into poverty through reduced access to education, employment, healthcare and housing.<sup>544</sup>

537 Financial exclusion is widely recognised as a barrier to ending poverty. As part of Sustainable Development Goal 1, Ireland must ensure equal access financial services by 2030. Sustainable Development Goals, [Goal 1: End poverty in all its forms everywhere](#) (2023).

538 The Roadmap notes the need to expand supports to help people manage their finances, however it commits only to reviewing options for improving the financial management competence and literacy and access to financial management for people on low incomes. This is an imprecise commitment which lacks a measure for success. Department of Social Protection, [Roadmap for Social Inclusion 2020-2025](#) (2020), pp. 35-37.

539 This issue has been raised in engagement with the Commission's Disability Advisory Committee.

540 Stakeholders at the Social Inclusion Forum 2023 have noted that older people have issues accessing credit for home repairs and essential maintenance. Department of Social Protection, [Report of the Social Inclusion Forum 2023](#) (2023), pp. 16-18. Age Action has raised concerns about high interest loan products which target older people and facilitate borrowing against the equity of their homes. Age Action, [Spotlight on Income in Older Age: The State of Ageing in Ireland 2023](#) (2023), p. 49.

541 European Anti-Poverty Network, [Money Matters: Addressing the Unmet Needs of People Living with Inadequate Income and Experiencing Financial Exclusion](#) (2018), p. 35.

542 A lack of consumer-level Islamic finance in Ireland may result in participation in informal financial arrangements which are conducted outside of the regulated financial system without consumer protection mechanisms. In a survey of Muslim entrepreneurs in Ireland, 90% saw a domestic need for Shari'a compliant financial products. E. Richardson, [Islamic Finance for Consumers in Ireland: A Comparative Study of the Position of Retail-level Islamic Finance in Ireland](#) (2011).

543 CESCR, [Substantive issues arising in the implementation of the international covenant on economic, social and cultural rights: poverty and the International Covenant on Economic, Social and Cultural Rights](#) (2001), para 11.

544 The Special Rapporteur on Extreme Poverty and Human Rights has provided a number of salient examples which highlighted the interconnected discrimination, noting that 'people living on low incomes cluster in certain neighbourhoods where housing is affordable, but which are often less well connected to job opportunities and closer to sources of pollution... If they live in impoverished and remote neighbourhoods, people in poverty will face employers who will suspect that they are less reliable since they have to travel longer distances to work, and their health may deteriorate as a result of a lack of access to green areas, which may reduce their productivity at work. Children living in low-income neighbourhoods typically attend schools that prepare them less well for the world of work, which in turn increases the rate of dropout, especially if they anticipate that they will face discrimination in employment.' Report of the Special Rapporteur on Extreme Poverty and Human Rights, [Banning Discrimination on the grounds of socioeconomic disadvantage: an essential tool in the fight against poverty](#) (2022).

Its prevalence in Ireland can be seen through the widening gap between ‘advantaged’ and ‘disadvantaged’ communities across a number of deprivation indicators.<sup>545</sup> Elsewhere in this report, we have recommended the introduction of socio-economic discrimination as a separate ground under the Equality Acts.<sup>546</sup> Legislative efforts must be supported by policy commitments which address socio-economic discrimination in the provision of all goods and services.<sup>547</sup>

**The Commission recommends that strategic approaches to poverty alleviation consider the effects of the social protection system; low-paid and precarious work; financial exclusion; and socio-economic discrimination in obstructing the right to an adequate standard of living, and include actions to dismantle these and other poverty traps.**

The experience of poverty affects all aspects of a person’s life and limits the realisation of many human rights. As people are forced to make choices about spending, particular impacts of poverty manifest in compromises around food, energy and hygiene. Fragmentation of food poverty, energy poverty, hygiene poverty<sup>548</sup> and other forms of poverty can be a misleading framing if interpreted incorrectly, as deprivation in any of these areas amounts to an inadequate standard of living and human rights violation.<sup>549</sup> However, understanding the forced choices made by people in poverty is a key analytical tool to ensure that targeted supports are available.

 *1 in 5 families have gone without or cut down on food due to cost of living increases.*<sup>550</sup>

Growing reliance on food banks demonstrates the scale of the crisis,<sup>551</sup> and exemplifies the issues with the policy response, which is charitable rather than human-rights

545 The Pobal Deprivation Index maps communities across ten measures of disadvantage. In 2023, it found that while most communities experienced improvements, these were not felt by the least advantaged communities, which has had the effect of further widening overall inequality. Pobal, [Pobal HP Deprivation Index Launched](#) (2023).

546 See the section of this report on ‘Equality Acts’.

547 For example, although the National Childcare Scheme provides an enhanced childcare subsidy for low-income families, it is only available if parents are engaged in work or study. This suggests that the objective of the National Childcare Scheme is to encourage labour market participation, rather than provide equal access to Early Childhood Care and Education as a matter of right. It results in socio-economic discrimination against children whose parents are not working or studying. IHREC, [Policy Statement on Care](#), p. 55. See also the section of this report on ‘social security’.

548 There is strong evidence in this report showing that hygiene related needs are socially significant and cut across income groups. 65.1% of respondents indicated that they experienced difficulty affording essential hygiene items in the past 12 months. Dr J. Whelan and J. Greene, [An exploration of hygiene poverty in Ireland: Final Report](#) (2023).

549 European Anti-Poverty Network, [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022), p. 16.

550 Barnardos, [Cost of Living Crisis– Impact on Children 2023](#) (2023), p. 4.

551 As part of our ICESCR Civil Society Forum in June 2023, a number of representatives of the community and voluntary sector raised concerns with the normalisation of food banks in their localities. See also, Department of Social Protection, [Report of the Social Inclusion Forum 2023](#) (2023), p. 8.



based;<sup>552</sup> focused on short-term relief rather than structural change; and provided by the community and voluntary sector rather than the State.<sup>553</sup> We are particularly concerned about the prevalence and impact of food insecurity on children,<sup>554</sup> one parent families<sup>555</sup> and international protection applicants.<sup>556</sup> Responses to food insecurity should be situated at the intersection between anti-poverty and public health policies and should scale up sustainable measures which are already in place.<sup>557</sup>



1 in 2

are worried that there will be periods in the next twelve months where they won't have enough money to cover energy costs

\*Data from the Commission's Annual Poll 2023

Although the impact of high energy inflation has been felt across the country,<sup>558</sup> energy insecurity does not affect everyone equally. It pushes those already experiencing financial difficulty further into inadequate living standards.<sup>559</sup> Commission consultation has revealed particular concerns for older people, due to substandard housing

552 European Anti-Poverty Network has noted that food banks 'place citizens in interactions of charitable giving that are often harmful to the self-esteem of receivers and can induce a range of emotions including shame, gratitude, and anger': [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022), p. 19.

553 The community and voluntary sector is now heavily engaged in providing basic services, making it difficult to focus on genuine community development and advocacy work. See the section of this report on 'civil society participation'.

554 Childhood food insecurity has a negative impact on physical, social and emotional development, education and relationships. Barnardos, [Child Food Poverty](#) (2022).

555 Household composition is the strongest indicator of food insecurity, with the chances of food security increasing for households with more than two children and one parent households. In 2022, 11.3% of one parent families were unable to afford a roast dinner once a week, compared with 2.9% of two parent families. Barnardos, [Food Insecurity in Ireland: Impact on Children and their Parents](#) (2023), p. 3.

556 In a recent survey, 42.7% of international protection applicants noted difficulties accessing appropriate food and nutrition. Problems include illness due to unsafe food preparation, failure to cater for particular diets such as diabetes, overcrowded kitchens and lack of culturally familiar meals. Irish Refugee Council, [Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct Provision](#) (2023), pp. 33-35.

557 For example, we welcome the commitment to introduce hot school meals in all primary schools. We encourage timely delivery on this promise, as well as expansion to Early Childhood Education and Care settings. Department of An Taoiseach, [Speech by Taoiseach Leo Varadkar at the inaugural meeting of the Cross-Government Network on Child Poverty and Well-being](#) (2023). We also note plans to launch a pilot project to support people experiencing food insecurity, however the project has yet to commence despite being scheduled for Q3 2023. Department of Employment Affairs and Social Protection, [Written Answers](#) (2023).

558 Cumulatively, from March 2020 to March 2023, home energy costs increased by 117.1% for urban based households and by 75.8% for rural based households. Vincentian Minimum Essential Standard of Living Research Centre, [Annual Update 2023](#) (2023), p. 15.

559 The ESRI has noted that the impact of increases in energy prices is substantial for lower-income households whose main source of income is social transfers: [Energy poverty and deprivation in Ireland](#) (2022), p. 20. Barnardos staff have noted the detrimental effects of energy increases on the families they support: [Cost of Living Crisis—Impact on Children 2023](#) (2023).



conditions, health needs and susceptibility to cold weather. Similarly, disabled people have higher than average energy costs,<sup>560</sup> which is compounded by the additional energy needs of those living independently.<sup>561</sup> Targeted supports should be prioritised to ensure that the rights of structurally vulnerable groups are protected while incentivising climate conscious energy consumption among the general population.<sup>562</sup>

**The Commission recommends that integrated supports to reduce food, hygiene and energy insecurity are seamlessly provided as part of health, education, housing, and other public services and are appropriately targeted to reach structurally vulnerable groups.**

### Social exclusion

Given that social exclusion is the product of consistent violations of a range of ESC rights,<sup>563</sup> its prevalence in both urban and rural communities in Ireland is a cause for concern.<sup>564</sup> A lack of adequate public transport links, common recreational spaces and quality public services in the local area has led to alienation which is disproportionately experienced by structurally vulnerable groups. Social exclusion also occurs when there are poor participation mechanisms at the local level.<sup>565</sup> We note that the expansion of community and voluntary sector organisational mandates to encompass the provision of basic services reduces capacity for local advocacy projects.<sup>566</sup> As community division and mistrust can flourish when there is a sense of scarcity and inadequacy of collective resources, swift action is needed to invest directly in communities and avoid competition between identity groups.

560 Indecon, [The Cost of Disability in Ireland](#) (2021), pp. 56-60.

561 For example, disabled people may require a higher room temperature, use of electrical equipment or access to a car. D. Ivanova and L. Middlemiss, [Characterizing the energy use of disabled people in the European Union towards inclusion in the energy transition](#) (2021). See also Oireachtas Library and Research Service, [Energy Poverty in Ireland](#) (2022), pp. 5-6.

562 ESRI research has shown that increases in welfare payments are more effective than indirect tax cuts. It notes that tax cuts weaken incentives to invest in energy-saving technology and behaviour: [Energy poverty and deprivation in Ireland](#) (2022), pp. 28-29.

563 Social exclusion has been described as ‘a state in which individuals are unable to participate fully in economic, social, political and cultural life, as well as the process leading to and sustaining such a state.’ It is linked to a lack of material resources, voice, participation and unequal respect for human rights and dignity. United Nations Department of Economic and Social Affairs, [Leaving no one behind: Report on the World Social Situation 2016](#) (2016), p. 18.

564 Department of Social Protection, [Report of the Social Inclusion Forum 2022](#) (2022), pp. 13-14.

565 United Nations Department of Economic and Social Affairs, [Leaving no one behind: Report on the World Social Situation 2016](#) (2016), p. 18.

566 See the section of this report on ‘civil society participation’.



# 23%

living in rural areas agree that their homes are located close to basic services and amenities

\*Data from the Commission's public poll on ESC rights in 2023

Quality public transport services are essential to ensure that people can participate in social, economic and cultural life. However, in engagements with civil society, we are consistently informed about the lack of public transport services for people living in rural areas, with disproportionately negative consequences for the health, employment, education and cultural rights of lower income households.<sup>567</sup> These views are reflected in census data demonstrating increasing car dependency between 2016 and 2022.<sup>568</sup> The OECD has highlighted issues with public transport from an environmental perspective, noting that the Irish system, 'fosters growing car use and emissions by design'.<sup>569</sup> In addition to sustainability issues, the system excludes those who cannot drive,<sup>570</sup> cannot obtain a driving license,<sup>571</sup> or cannot afford the costs associated with car ownership<sup>572</sup> from full participation in society. Of the available public transport services in rural areas, there are issues with reliability and accessibility,

567 For example, public transport in rural areas does not connect people to employment centres, and accordingly acts as a barrier for those who are unemployed. R. Greaney and K. Harrahill, [Fair Clare: Securing socio-economic rights and a just transition in County Clare](#) (2023), pp. 103-106. 53% of international protection applicants listed lack of public transport or difficulty affording public transport as a challenge of living in international protection accommodation. Irish Refugee Council, [Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct Provision](#) (2023), p. 31.

568 The number of people who drove to work increased by 4% to 1.2 million between 2016 and 2022. CSO, [Census of Population 2022 - Summary Results: Employment, Occupation, Industry and Commuting](#) (2023). Similarly, the National Household Travel Survey found that almost 7 out of 10 journeys were made by car in 2022. It notes that 'comparatively low rates of public transport usage are recorded at the national level... reflecting the fact that these services are not universally available and are dependent on location:' [National Household Travel Survey 2022: Final Report](#) (2023), p. 26.

569 OECD, [Redesigning Ireland's Transport for Net Zero: Towards systems that work for people and the planet](#) (2022).

570 In research conducted in 2017, 50% of those over 75 had ceased driving or reduced their driving frequency. The research also found that one in five of those over 75 and living in rural areas felt that the lack of local transport facilities affected their lifestyle. 12-18% indicated an impact on their ability to socialise, attend business-related appointments and health or social care appointments. The Irish Longitudinal Study on Ageing, [Transport patterns in community-dwelling adults aged 50 years and over in Ireland](#) (2017), pp. 13-16. Nearly 50% of women over 65 in rural areas have unmet transport needs. Age Action, [Spotlight on Income in Older Age: The State of Ageing in Ireland 2023](#) (2023), p. 37.

571 Although as of December 2021 international protection applicants may apply for driving licenses and learner's permits, this is a costly process which may not be affordable given the inadequacy of social protection payments and low-paid work. We are also concerned about lengthy wait times for driving tests, which in some areas are in excess of eight months. Road Safety Authority, [When am I likely to get invited to book my car driving test?](#) (2023).

572 The minimum costs of running a car are over 75€ a week, which is unaffordable for many in low-paid jobs or receiving social protection payments. Age Action, [Spotlight on Income in Older Age: The State of Ageing in Ireland 2023](#) (2023), p. 37.

with services not operating regularly enough to facilitate freedom of movement in a meaningful way.<sup>573</sup>



# 44%

living in rural areas agree that their homes are located close to basic services and amenities

\*Data from the Commission's public poll on ESC rights in 2023

The negative impacts of inadequate public transport are exacerbated by an increasingly centralised approach to public services.<sup>574</sup> Rural communities face challenges in realising their ESC rights as essential services are moved outside of towns and into larger regional centres, which are not readily accessible by public transport.<sup>575</sup> In some cases, services are not available at all in the region, but must be accessed digitally, with detrimental effects on those with poor internet connection and those who cannot afford or comfortably use digital technology.<sup>576</sup> Finally, the lack of non-commercial recreational spaces in the community and community interventions for those experiencing social isolation have consequences for social inclusion and cultural rights of structurally vulnerable groups.<sup>577</sup>

**The Commission recommends that investment in rural public transport is significantly increased to create a system which connects people to employment, education, public services and social amenities; complies with universal design principles; provides a viable alternative to car dependency; and is accompanied by improvements to infrastructure to facilitate active travel.**

573 Wheelchair users and children in pushchairs are often in competition due to the lack of accessible spaces on buses. R. Greaney and K. Harrahill, [Fair Clare: Securing socio-economic rights and a just transition in County Clare](#) (2023), p. 116. We have also been informed that limited regional transport links to and from higher education institutions results in students having to miss lectures or face long and inconvenient waiting times.

574 Community Welfare Officers are not available in all towns and regions. Department of Social Protection, [How to access community welfare services](#) (2023).

575 For example, public transport connections between towns and regional hospitals are not available, meaning that people may have to pay for taxis to travel long distances or skip healthcare appointments. R. Greaney and K. Harrahill, [Fair Clare: Securing socio-economic rights and a just transition in County Clare](#) (2023), pp. 103-104.

576 See the section of this report on 'access to information and the digital divide'.

577 Parents in rural communities have noted the lack of playgrounds within walking distance and linked this to social isolation. R. Greaney and K. Harrahill, [Fair Clare: Securing socio-economic rights and a just transition in County Clare](#) (2023), pp. 106-107. According to research published in 2019, more than one-third of older adults experience emotional loneliness some of the time. Age Action has recommended consideration of how inadequate public transport, isolated housing and low income contributes to loneliness in future policy frameworks for older people. The Irish Longitudinal Study on Ageing, [Loneliness, social isolation and their discordance among older adults](#) (2019), p. 3; Age Action, [Spotlight on Income in Older Age: The State of Ageing in Ireland 2023](#) (2023), p. 18.

**The Commission recommends that the State increases the provision of Community Welfare Officers across Ireland and enhances its capacity to deliver human-fronted public services at the local level.**

**The Commission recommends that investment is made in community interventions and public spaces to protect cultural rights, facilitate a cohesive society and combat social isolation.**

## Housing and accommodation

Given the conclusions of the Committee in 2015 in relation to the ‘difficult housing situation’ in Ireland,<sup>578</sup> the lack of progress over the past eight years across virtually all of its recommendations is very alarming. Ireland’s accommodation system is in crisis, starkly exemplified by ever-increasing homelessness figures, with monthly figures reaching record highs in eight out of the first ten months of 2023.<sup>579</sup> Slow progress in improving accessibility, affordability and quality of housing results in serious deprivation for many, including members of structurally vulnerable groups whose lack of access to adequate housing makes it impossible to access a variety of ESC rights on an equal basis.<sup>580</sup>



**6 in 10**

believe that the right to housing should be protected in the Constitution

\*Data from the Commission’s Annual Poll 2023

Our engagement with civil society organisations and rights-holders evidences a clear desire for the right to housing to be enshrined in the Constitution.<sup>581</sup> While constitutional provision cannot substitute appropriate policy measures, it would symbolise an important national priority and build the capacity of the courts to

578 CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), paras. 26-27.

579 Record highs in the numbers of people accessing State-funded emergency accommodation were reached in January, March, April, May, June, July, September and October 2023. Department of Housing, Local Government and Heritage, [Homelessness Data](#) (2023). Current figures represent an increase of over 50% since Housing for All: A New Housing Plan for Ireland was published in 2016, and an increase of over 94% since its predecessor, Rebuilding Ireland was published. Social Justice Ireland, [Budget 2024: No move for record homeless](#) (2023).

580 The Committee has noted that the right to housing ‘is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised’: [General Comment no. 4: The Right to Adequate Housing](#) (1991), para. 7.

581 We further note that in 2014, a large majority (84%) of the Constitutional Convention voted in favour of constitutional recognition of the right to housing. IHREC, [The Incorporation of Economic, Social and Cultural Rights into the Irish Constitution](#) (2023), pp. 10-11.

intervene in cases of infringement.<sup>582</sup> The Housing Commission recently submitted its report on a proposed referendum. However, the report has not been made public, and it is not clear whether its recommendations will be accepted by the State, and, if so, whether there is an agreed timeline for delivery.<sup>583</sup> Delays in progressing a referendum on Article 41.2 of the Constitution,<sup>584</sup> as well as general trends of unwillingness to place ESC rights on a legal footing,<sup>585</sup> set concerning precedents in this respect. We also regret that Ireland has not accepted Article 31 of the Revised European Social Charter.<sup>586</sup>



# 41%

agree that their monthly housing costs are affordable

\*Data from the Commission's public poll on ESC rights in 2023

**The Commission recommends that a referendum is held proposing insertion of the right to housing into the Constitution. The proposed constitutional provision should extend to all persons, establish minimum core obligations and introduce the concept of progressive realisation.**

**The Commission recommends that the State accepts Article 31 of the Revised European Social Charter on the right to housing.**

At its core, the housing crisis is a crisis of chronic undersupply, linked to decades of inadequate futureproofing and planning and an over-reliance on the private market. Similar to policy measures for other ESC rights, the approach of the State has been to adopt emergency supports in place of long-term planning.<sup>587</sup> This creates a vicious cycle, where the gravity of current issues acts as a justification for failing to consider future needs, placing long-term structural change out of reach. We reiterate our longstanding concern about the quality of data collection in Ireland, as referenced

582 IHREC, [Submission to the Public Consultation on a Referendum on Housing in Ireland](#) (2022).

583 The Minister for Housing, Local Government and Heritage confirmed his receipt of the report in November 2023, noting that he would be bringing proposals to Cabinet and the Joint Committee on Housing, Local Government and Heritage. Opposition members expressed concerns that extensive parliamentary review at multiple stages could be a delaying tactic. Dáil Debates, [Housing Policy](#) (2023).

584 See the section of this report on 'Equal rights of women and men'.

585 See the section of this report on 'Domestic incorporation of ICESCR'.

586 IHREC, [Comments on Ireland's 18th National Report on the Implementation of the European Social Charter](#) (2021).

587 For example, in 2022 Local Authorities spent almost 14 times more on emergency accommodation than homelessness prevention. Social Justice Ireland, [Housing First, Not Hidden Homelessness – Budget 2024](#) (2023).

throughout this report, and note research which indicates that actual annual housing demand is far higher than official projections.<sup>588</sup> The State must take account of changing population demographics<sup>589</sup> and the impact of immigration<sup>590</sup> to ensure the development of innovative and targeted housing policies which accurately reflect current and future need.<sup>591</sup>

The European Committee of Social Rights has repeatedly issued findings of non-compliance with Article 16 of the Revised Charter due to State failures in the provision of social housing.<sup>592</sup> As a result of short-term planning, including privatisation of the public housing stock<sup>593</sup> and a sharp decrease in social housing construction in the aftermath of the 2008 recession,<sup>594</sup> current demand for social housing is far in excess of what is available.<sup>595</sup> In *Housing for All: A New Housing Plan for Ireland*, the State identifies social housing as a vital pathway out of homelessness and social exclusion,<sup>596</sup> however, yearly targets for social housing construction are not being met, with the State delivering less than 83% of the social housing units it had promised in 2022.<sup>597</sup> The State should not only be meeting all of its targets, but striving to exceed these

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588 Actual housing demand is between 7,000 and 27,000 units higher than projections of 35,000. P. O'Sullivan and R. McGuckin, [Supply and Demand in the Irish Housing Market – Can they be aligned?](#) (2022), p. 26.

589 We note that the proportion of Ireland's population over 45 years is set to double in the next 30 years. ALONE & Threshold, [Double Deficit: Older and Ageing Persons in the Irish Private Rental Sector](#) (2023), p. 7.

590 Current housing estimations are based on projections of 15,000 net migration per year, far below actual figures. P. O'Sullivan and R. McGuckin, [Supply and Demand in the Irish Housing Market – Can they be aligned?](#) (2022), p. 40.

591 For example, we regret that mortgage relief introduced in Budget 2024 did not take a targeted approach for mortgage holders who are in arrears. Social Justice Ireland, [Budget 2024: No Focus on Mortgage Arrears](#) (2023). Similarly, Focus Ireland recommended expediting 10,000 unused planning permissions for social and affordable housing units in its Pre-Budget Submission, however this innovative suggestion was not accepted by the State. Focus Ireland, [Recommendations to Government for Budget 2024](#) (2023), p. 6

592 In 2017, the European Committee of Social Rights found a Charter violation due to the State's failure to take sufficient and timely measures to ensure the right to housing for a significant number of families living in Local Authority housing, with regard to habitability and access to essential services. In 2020 and 2021, it found continued violations due to poor housing conditions and lack of completion of regeneration projects. In 2023, we provided further evidence to the Committee indicating that the situation has not improved. IHREC, [Comments on Ireland's 20th National Report on the Implementation of the European Social Charter](#) (2023), p. 19.

593 Policies to incentivise purchase of social housing were introduced in the 1970s, with two-thirds of Local Authority houses sold by the mid-1980s. M. Norris and T. Fahey, [From Asset Based Welfare to Welfare Housing: The Changing Function of Social Housing in Ireland](#) (2010), pp. 8-9.

594 Whereas 4,986 new build Local Authority homes were delivered in 2007, this figure fell to 494 homes in 2011 and further decreased to a low of 75 homes delivered in 2015. Department of Housing, Local Government and Heritage, [Overview of Social Housing Activity 2004-2015](#) (2023).

595 57,842 households were on the social housing waiting list as of November 2022, with 22.3% of these households waiting for more than seven years. Housing Agency, [Summary of Social Housing Assessments 2022](#) (2023), p. 8. This figure does not include those who are in receipt of Housing Assistance Payment, since HAP recipients are removed from the social housing waiting list, regardless of their housing preference. IHREC & ESRI, [Monitoring adequate housing in Ireland](#) (2021), p. 24.

596 Department of Housing, Local Government and Heritage, [Housing for All: A New Housing Plan for Ireland](#) (2021), p. 21.

597 It is likely that there will be a larger shortfall in 2023, as just 1,401 of the target of 9,100 social houses had been built as of Q2 2023. Social Justice Ireland, [Budget 2024: Analysis & Critique](#) (2023), p. 5.



and provide quality and appropriate social housing and cost rental units<sup>598</sup> to all who require it, with a view to ending reliance on the private sector and Housing Assistance Payment ('HAP')<sup>599</sup> for social housing solutions.

*Two The issue with HAP discrimination is that only the most egregious cases can be brought forward.<sup>600</sup>*

In the context of competition for scarce social housing amongst different groups, there is troubling evidence of inconsistent implementation of social housing policies; notable discrimination against recipients of the HAP payment; and serious barriers to accessing justice. Civil society organisations working with social housing applicants have noted widely differing approaches to the assessment of applications by Local Authorities, with particularly detrimental effects for structurally vulnerable groups such as people with mental health challenges,<sup>601</sup> victims and survivors of DSGBV,<sup>602</sup> migrants,<sup>603</sup> and Travellers and Roma.<sup>604</sup> In our engagement with civil society and rights-holders we hear countless experiences of landlords refusing to rent to HAP recipients, a clear manifestation of socio-economic discrimination. Despite prohibition of HAP

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598 Housing for All: a New Housing Plan for Ireland commits to an average of 2,000 new Cost Rental homes every year with rents targeted at least 25% below market level. We welcome this measure, which will need to be scaled up significantly to have a moderating effect on market rent. Threshold, [We Are Generation Rent: Threshold's annual tenant sentiment survey 2023](#) (2023), p. 49.

599 HAP is a form of social housing support operated by Local Authorities. Under the scheme, monthly rental payments are made directly from Local Authorities to landlords on behalf of the HAP recipient. HAP recipients are responsible for finding their own accommodation in the private rented sector, do not have security of tenure and may have to make additional 'top-up' payments to landlords. Department of Housing, Local Government and Heritage, [Overall social and affordable housing provision](#) (2023); Focus Ireland, [Recommendations to Government for Budget 2024](#) (2023), p. 11; IHREC & ESRI, [Monitoring adequate housing in Ireland](#) (2021), p. 24; V. Lima. (2021) [Trends in Social Housing Supports: Housing Assistance Payment](#) (2021).

600 Issue raised at our ICESCR Civil Society Forum in June 2023.

601 Social housing applicants with mental health difficulties have identified issues such as a lack of understanding and tolerance, inaccurate information, adversarial approaches, insistence on rigid application of non-binding guidelines, and lack of standardised data. Mercy Law Resource Centre, [Mental health and social housing supports](#) (2023), pp. 7-8.

602 See the section of this report on 'Protection of the family and children'.

603 Migrants are impacted by Housing Circular 41/2012 which provides advice to Local Authorities on whether to accept a social housing application and recommends granting applications depending on conditions such as visa status, length of residence in Ireland or employment. The Circular has not been updated since 2012 and does not reflect changes to immigration law in the intervening period. It is also applied stringently by Local Authorities, despite the lack of a legislative basis, which leads to disproportionate exclusion of migrants from the social housing list. Migrants with limited financial means or who are originally from countries with inefficient administrative systems are also impacted by onerous and bureaucratic requirements to prove they do not own property abroad. Mercy Law Resource Centre, [Minority groups and housing services: barriers to access](#) (2021), pp. 5-8, 13-16.

604 Nomadic cultural practices amongst Travellers and Roma may result in difficulties establishing a 'normal residency' and a 'local connection', which is required as part of the Social Housing Assessment Regulations 2011. Some Local Authorities refuse to accept that Travellers living in unauthorised halting sites are normally resident, creating barriers to access to social housing. Mercy Law Resource Centre, [Minority groups and housing services: barriers to access](#) (2021).



discrimination under the *Equal Status Acts 2000-2018*, avenues for redress are limited by the high burden of proof for the claimant.<sup>605</sup>

**The Commission recommends that the State significantly scales up supply of public and social housing to match current and future need, including through expedited planning permission procedures and timely construction of high quality homes.**

**The Commission recommends that the State makes the necessary changes to Circular 41/2012, the ‘normal residency’ requirement and the ‘local connection’ test to remove barriers for ethnic minority social housing applicants.**

**The Commission recommends that Local Authorities develop mandatory, comprehensive training for all staff involved in social housing provision to eliminate discriminatory attitudes and protect the rights of structurally vulnerable groups, as required by the Public Sector Duty.**

*Having just 1,800 homes on the rental market for a country that has... at least 330,000 households in the private rental market is far too little.*<sup>606</sup>

On the private rental market, limited supply of properties and surging demand is increasing prices at a concerning rate.<sup>607</sup> Although there have been marginal improvements to supply in recent months,<sup>608</sup> these improvements are uneven across the country,<sup>609</sup> and must be understood in the context of a rental sector which has

605 R. Hearne and J. Walsh, [Scoping Study on the ‘Housing Assistance’ Ground under the Equal Status Acts 2000-2018](#) (2021), pp. 37-38. We also note that claimants in HAP discrimination cases are not entitled to legal aid, which is a significant barrier to redress. IHREC, [Submission to the Independent Review of the Civil Legal Aid Scheme](#) (2023), pp. 18-20.

606 This was the assessment of economist Ronan Lyons in November 2023. Daft, [The Daft.ie Rental Price Report: An analysis of recent trends in the Irish residential rental market 2023 Q3](#) (2023), p. 3.

607 Rents rose by 8% between Q3 2022 and Q3 2023, with the year-on-year inflation particularly high in Limerick (21%), Donegal (20.2%) and Mayo (18.9%). Daft, [The Daft.ie Rental Price Report: An analysis of recent trends in the Irish residential rental market 2023 Q3](#) (2023), p. 6.

608 In November 2023, there were just under 1,800 houses available to rent in Ireland, compared with 851 houses in May 2022. Daft, [The Daft.ie Rental Price Report: An analysis of recent trends in the Irish residential rental market 2023 Q3](#) (2023), p. 3; Daft, [The Daft.ie Rental Price Report: An analysis of recent trends in the Irish residential rental market 2022 Q1](#) (2021), p. 3.

609 We note particularly low supply in areas outside of Dublin. For example, there was no increase in rental housing supply in Munster between 2022 and 2023 and accordingly rental prices have increased by 13% during the same period. Daft, [The Daft.ie Rental Price Report: An analysis of recent trends in the Irish residential rental market 2023 Q3](#) (2023), p. 24.

been failing to guarantee the right to adequate standards of living for many years.<sup>610</sup> A recent study of the 2022 private rental market found no available properties within the standard HAP rate, making it impossible for low income households to secure housing through the rental sector.<sup>611</sup> In light of the insecure tenure caused by high numbers of landlords exiting the market<sup>612</sup> or opting for short-term rentals,<sup>613</sup> we regret that the State's introduction of tax reliefs for landlords was not tied to the commitment of landlords to longer-term tenancies or improved affordability for tenants.<sup>614</sup> Other safety net measures such as the Tenant in Situ scheme should be scaled up to match the number of tenants at risk of homelessness, with appropriate mechanisms to ensure adequacy of living standards.<sup>615</sup>

**The Commission recommends that safety net measures to increase the supply of housing in the rental market prioritise the right to housing of tenants; incentivise increased affordability, quality and security of tenure; and are viewed as supplementary measures to complement longer-term increases to supply.**



3 in 10

renters are worried they will be required to leave their home in the next 12 months

\*Data from the Commission's public poll on ESC rights in 2023

Unprecedented levels of homelessness in Ireland are an extreme manifestation of the State's failure to protect human rights and evidence housing policy deficits at every

610 Limited supply of rental accommodation creates conditions in which landlords can adopt discriminatory practices when selecting tenants. This has a particularly negative effect on Travellers, who are 22 times more likely than White Irish people to experience discrimination in the housing market, which is closely linked to discrimination in the private rental market. IHREC, [Submission to the Joint Committee on Key Issues affecting the Traveller Community](#) (2021), pp. 5-10.

611 Simon Communities of Ireland, [Locked Out of the Market Study in March 2023: The Gap between HAP Limits and Market Rents](#) (2023), p. 4.

612 Focus Ireland, [Recommendations to Government for Budget 2024](#) (2023), pp. 9-10.

613 Focus Ireland, [Submission to the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media](#) (2023).

614 Tax reliefs which increase stability and security of tenure have been called for by civil society as a short term measure to reduce exits from the private rental market while new housing is being built. However, the tax relief scheme announced in Budget 2024 falls short of measures proposed by civil society. Social Justice Ireland, [Budget 2024: Analysis & Critique](#) (2023), p. 5; Focus Ireland, [Recommendations to Government for Budget 2024](#) (2023), p. 8.

615 We note that many Tenant in Situ properties require significant refurbishment work, which should be carried out immediately by Local Authorities and approved housing bodies. Focus Ireland, [Recommendations to Government for Budget 2024](#) (2023), pp. 9-10.

level.<sup>616</sup> Research on the lived experience of people in homelessness show that in addition to failures of prevention, emergency measures to protect homeless people produce gaps which compromise a variety of ESC rights.<sup>617</sup> Families have been refused emergency accommodation by Local Authorities exercising wide discretion,<sup>618</sup> and those who are deemed to satisfy the emergency accommodation criteria may be given responsibility to self-source a hotel room,<sup>619</sup> or assigned accommodation on a night-by-night basis.<sup>620</sup> People in homelessness have complex and intersecting needs, and require streamlined access to specialist services,<sup>621</sup> as well as targeted supports for over-represented groups.<sup>622</sup> Given their heightened vulnerability and trauma, we are seriously concerned about the rise in homelessness among international

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616 In October 2023, there were 13,179 people accessing emergency accommodation, including 3,991 children. Department of Housing, Local Government and Heritage, [Monthly Homelessness Report: October 2023](#) (2023), pp. 2, 9. These figures do not represent the true levels of homelessness in Ireland, as they do not include people sleeping rough, staying temporarily with family or friends, or unable to leave domestic violence shelters, hospitals, care homes, emergency reception centres or other institutions due to lack of housing. The actual figure is likely to be much higher. IHREC & ESRI, [Monitoring adequate housing in Ireland](#) (2021), p. 23.

617 For example, there is a complex relationship between homelessness and health incorporating physical health, mental health and addiction. Health issues can exist before a person becomes homeless or can arise as a consequence of rough sleeping or emergency accommodation. Simon Communities of Ireland, [Homelessness and Health: Opening Statement to the Oireachtas Committee on Health from the Simon Communities in Ireland](#) (2017). People who are homeless have a life expectancy of 42 years. Merchants Quay Ireland, [Submission to the Joint Committee on Housing, Planning and Local Government](#) (2023). Similarly, children placed in emergency accommodation far from their schools may not be able to travel to school or may find it difficult to engage with learning as a result of living conditions. Mercy Law Resource Centre, [Report on the Lived Experiences of Homeless Families](#) (2019), p. 17.

618 A one parent family has recounted the experience being refused emergency accommodation on the basis that they could stay with friends and family, and having to sleep rough for two months as a result. Mercy Law Resource Centre, [Report on the Lived Experiences of Homeless Families](#) (2019), p. 10.

619 In a time of high demand for hotel accommodation, it is inappropriate to expect people seeking emergency accommodation to source their own hotel or B&B accommodation. Mercy Law Resource Centre, [Report on the Lived Experiences of Homeless Families](#) (2019), p. 17. We have also received reports from civil society organisations about hotels refusing to provide accommodation when they realise that it is being funded by Local Authorities.

620 Individuals and families accessing this type of accommodation must leave each morning with all their belongings and cannot return until the evening. As a result, they must spend prolonged periods of the day in public spaces. Mercy Law Resource Centre, [Report on the Lived Experiences of Homeless Families](#) (2019), p. 12.

621 In particular, it is essential to ensure wraparound support services for people in addiction who become homeless. Housing, mental health supports, detox and drug-free rehabilitation services should be readily available and free of charge. Merchants Quay Ireland, [The Effects of COVID-19 on People Experiencing Mental Ill-health, Substance Use Disorder and Homelessness or Housing Insecurity in the Dublin Region: A Longitudinal Qualitative Exploration](#) (2023). We note that the Housing First National Implementation Plan 2022-2026 aims to provide a holistic approach to addressing homelessness for people experiencing mental health, physical health, substance misuse, social, behavioural, and other challenges, however commitments to create an additional 264 tenancies per year fall far short of what is required. Department of Housing, Local Government and Heritage, [Housing First National Implementation Plan 2022-2026](#) (2021).

622 In this connection, we note that Travellers are up to 22 times more likely to enter homelessness, linked to due to overlapping factors including discrimination and lack culturally appropriate housing. Cork and Kerry Regional Traveller Accommodation Working Group, [Traveller Homelessness: A Hidden Crisis](#) (2022) p. 2.

protection applicants, linked to the regressive practice of not providing emergency accommodation to new arrivals which became official State policy in January 2023.<sup>623</sup>

**The Commission recommends that the State increases provision of emergency accommodation and wraparound support services to match need, with the ultimate aim of replacing night-by-night and self-accommodation for people experiencing homelessness.**

**The Commission recommends that the State immediately reverses its policy of not offering emergency accommodation to international protection applicants arriving in Ireland, in accordance with its obligations under domestic and international law.**

There are persistent issues securing the right to culturally appropriate and quality accommodation for structurally vulnerable groups. Many Travellers have been on waiting lists for Traveller-specific accommodation for years, with some changing their accommodation preference away from halting site or group housing accommodation due to their belief that these culturally appropriate options will never become available.<sup>624</sup> Although Local Authorities have drawn down the full Traveller accommodation budget in recent years,<sup>625</sup> there is evidence that funding has been concentrated on refurbishments rather than addressing issues with supply.<sup>626</sup> The State's pilot caravan loan scheme offers loans amounts which are often too low to

623 Between January and May 2023, 1,393 international protection applicants arriving to Ireland were not been offered accommodation on arrival, and many have been forced to sleep on the street as a result. In the week beginning 4 December 2024, 185 male applicants presented and 147 are awaiting an offer of accommodation. Applicants not provided with accommodation are receiving a temporary increase in a contingency payment to €113.80/week. International Protection Accommodation Services, [Statistics on International Protection Applicants not offered accommodation](#) (2023). The Irish Refugee Council has documented instances of racism, violence and deterioration of physical and mental health experienced by homeless international protection applicants. Irish Refugee Council, [‘Now I Live On The Road’ The experience of homeless international protection applicants in Ireland](#) (2023), p. 6. The High Court has found that this treatment by the State amounts to a breach of the right to human dignity. IHREC, [Commission welcomes important ruling in International Protection Case](#) (2023).

624 IHREC, [Comments on Ireland’s 20th National Report on the Implementation of the European Social Charter](#) (2023), pp. 9-10.

625 Government of Ireland, [20th National Report on the Implementation of the European Social Charter](#) (2022), p. 6.

626 Dublin City Council commissioned an independent review of their Traveller Accommodation Programme, which found underperformance in meeting targets for new units and significant over performance in refurbishments. No new halting site bays were delivered in 2019 while the delivery or refurbishment of bays was 50% higher than the target. Dublin City Council, [Review of Traveller Accommodation Programme Dublin](#) (2023), pp. 9, 7.

purchase quality caravans or make repairs.<sup>627</sup> Travellers,<sup>628</sup> Roma<sup>629</sup> and migrants<sup>630</sup> are at a greater risk of living in overcrowded and poor quality living conditions, in violation of multiple ESC rights.<sup>631</sup>

**The Commission recommends that increases to Local Authority housing stock account for the cultural preferences of structurally vulnerable groups, and include high quality permanent and transient halting site accommodation, group housing schemes, and public and social housing which can cater to the needs of larger families.**



68%

with long-lasting difficulties with basic physical activities agree that their home is suitable for their physical needs

\*Data from the Commission's public poll on ESC rights in 2023

We have grave concerns about the significant levels of institutionalisation in Ireland.<sup>632</sup> Commission consultation demonstrates that the preference of older adults is to age in place,<sup>633</sup> while the preference of disabled people is to live independently in the community.<sup>634</sup> However, these preferences are not adequately respected in Ireland, and older and disabled people are often required to live in inappropriate institutional settings as a result.<sup>635</sup> Engagement with civil society has highlighted the need for

627 Community Law and Mediation, [The Legal Implications and Lived Experiences of the Caravan Loan Scheme](#) (2020).

628 We provided legal assistance to an extended Traveller family who, for sixteen years, had been living in conditions unsuitable for human habitation. They resided on an unauthorised halting site, which was deemed a fire hazard and was infested with rodents. An agreement was signed before the case was heard whereby the local authority committed to applying for permission to build a permanent site nearby. IHREC, [Comments on Ireland's 20th National Report on the Implementation of the European Social Charter](#) (2023), p. 14.

629 24% of Roma are living in households of 8 or more people and 45% do not have enough beds in their home. National Roma Network, [Roma Accommodation Advocacy Paper](#) (2022), pp. 3-4.

630 Migrants have higher housing deprivation scores and are more likely to live in overcrowded conditions, compared to Irish-born residents. ESRI, [Origin and Integration: Housing and Family among Migrants in the 2016 Irish Census](#) (2022), pp. 28, 65-72.

631 For example, inadequate living conditions has a detrimental impact on mental and physical health. Special Rapporteur on the right to adequate housing, [Discrimination in the context of housing](#) (2021), p. 3.

632 Further to the groups discussed below, we note that children in care may be subject to institutionalisation in private care centres due to a lack of Tusla-operated group homes and foster care settings. These institutions are not subject to independent oversight. Empowering People in Care, [Pre-Budget Submission 2024](#) (2023), p. 7.

633 IHREC, [Policy Statement on Care](#) (2023), pp. 59-64.

634 Article 19 of the UNCRPD includes a right to a range of in-home, residential and community support services, including personal assistance. IHREC, [Policy Statement on Care](#) (2023), p. 14.

635 1,300 people under the age of 65 have been inappropriately placed in nursing homes.

universally designed<sup>636</sup> social, public and private housing,<sup>637</sup> personal assistance<sup>638</sup> and a range of essential services which are easily accessible in the community.<sup>639</sup> Similarly, international and temporary protection applicants living in Direct Provision centres often find themselves living in overcrowded, deteriorating buildings, in conditions which make it difficult to ensure privacy and maintain cultural practices.<sup>640</sup> While we note State commitments to end Direct Provision, we are concerned about the lack of progress that has been made to date.<sup>641</sup>



# 1300

people under 65 were inappropriately placed in nursing homes in 2023

\*Data from the Commission's policy statement on Care

**The Commission recommends that the State takes active measures to guarantee the right to independent living, including through increasing provision of universally designed housing and coordinated personal assistance services.**

**The Commission recommends that the State redoubles its commitment to ending Direct Provision as a matter of urgency, including through implementation of the recommendations of the External Advisory Group on Ending Direct Provision.**

636 See National Disability Authority, [The Centre for Excellence in Universal Design](#) (2023).

637 For example, our engagement with disability advocates shows disproportionately long wait times for disabled social housing applicants due to lack of universally designed housing, as well as poor data collection in relation to use of mobility devices and inadequate communication with applicants during the waiting period. Adaptation has also been raised as a significant issue for older people seeking private rental accommodation. ALONE & Threshold, [Double Deficit: Older and Ageing Persons in the Irish Private Rental Sector](#) (2023), pp. 65-66.

638 There is no legislative right to personal assistance, budgetary allocations are insufficient, and a lack of coordination creates gaps at transition points in the lift cycle. IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (223), p. 91-92.

639 Issues raised by IHREC's Disability Advisory Committee. See also the section of this report on 'Social exclusion'.

640 Recent research highlights issues including entire families sharing bedrooms; bathrooms shared by up to 14 families; infrastructural issues such as broken lifts and insufficient heating systems; and meals provided by catering companies in place of facilities to prepare culturally appropriate foods. Irish Refugee Council, [Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct Provision](#) (2023). We have recommended that Direct Provision centres be considered 'places of detention' for the purposes of the *Inspection of Places of Detention Bill 2022*. IHREC, [Submission on the General Scheme of the Inspection of Places of Detention Bill](#) (2022), pp. 34-35.

641 In February 2021, the Government committed to replacing Direct Provision with a 'human rights and equality based' model by December 2024. The External Advisory Group has recently called on the Government to re-commit to its stated objective, even if a longer time-frame is needed. Department of Children, Equality, Disability, Integration and Youth, [A White Paper to End Direct Provision and to Establish a New International Protection Support Service](#), (2021); Department of Children, Equality, Disability, Integration and Youth, [Report No. 2 From the External Advisory Group on Ending Direct Provision](#) (2023).

# Right to physical and mental health

- 👏 *The health service in Ireland needs to be overhauled.*
- 👏 *Mental health needs to be prioritised.*
- 👏 *There is a real lack of availability of GP care; it is impossible to get an appointment. Overcrowded hospitals, a broken health care system and long waiting lists. People denied their right to healthcare.*

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\*Quotes from the open question in the ICESCR poll 2023



The right to health is an essential right in itself, and an integral pathway to full enjoyment of many other fundamental human rights. However, the Irish healthcare system has severe capacity issues at every level, resulting in shortages in primary, community and hospital care; in- and outpatient appointments; scheduled procedures and emergency services. The State is failing to allocate resources in a way that ensures the availability of services as of right, rather than contingent on ability to pay. The result is a system in crisis, with concerning health inequalities for lower income households and structurally vulnerable groups.

### **Accessibility, availability, affordability and quality of health services**

We are strongly of the view that State efforts to ensure accessible, available, affordable and quality health services are falling significantly short of human rights obligations.<sup>642</sup> Ireland's lack of universal healthcare provision makes it a European outlier,<sup>643</sup> and results in socio-economic discrimination which is embedded in the system and structures. Plans to move towards a universal system are wholly lacking in momentum,<sup>644</sup> as exemplified by the high-profile resignations of senior members of the *Sláintecare Implementation Advisory Council in 2021*.<sup>645</sup> A similar lack of ambition is evident in the health budget for 2024, which is not enough to maintain existing levels

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642 In 2017, the European Committee on Social Rights made a finding of non-conformity with Article 11.1 of the Revised European Social Charter 'on the ground that it has not been established that the right of equal access to healthcare is guaranteed in practice.' European Committee on Social Rights, [Conclusions 2017 – Ireland – Article 11.1](#) (2017). IHREC submitted Comments on the State Report. IHREC, [Comments on Ireland's 14th National Report on the Implementation of the European Social Charter](#) (2017).

643 [State of Health in the EU: Ireland Country Health Profile 2021](#) (2021), p. 10.

644 40% of actions to implement Sláintecare in 2022 were delayed, including significant delays for 16% of actions. Department of Health, Sláintecare [Progress Report 2022](#) (2023), pp. 57-88.

645 Laura Magahy, Tom Keane and Anthony O'Connor resigned from the Sláintecare Implementation Advisory Council in September 2021. Laura Magahy cited slow progress in three key areas: regional health areas, digital health and waiting lists. Following these resignations the Council was dissolved and replaced by the Sláintecare Programme Board. Joint Committee on Health, [Debates](#) (1 March 2023).

of service delivery,<sup>646</sup> and does not come close to what is needed for the required infrastructural updates and improvements across the system.<sup>647</sup> These cumulative failures evidence a model of healthcare provision which fails to put human rights and the needs of the individual at the centre.



# 43%

on waiting lists for healthcare services have been waiting for more than a year

\*Data from the Commission's public poll on ESC rights in 2023

Despite welcome efforts to address the issue in recent years, Ireland has made negligible improvements in combating long waiting lists and wait times for healthcare services.<sup>648</sup> At the end of November 2023, 48,728 people had been on waiting lists for inpatient services for more than 12 weeks,<sup>649</sup> with expedited access to services only available from private healthcare providers.<sup>650</sup> This creates a two-tier system which only guarantees timely access to healthcare for those who can afford to pay high insurance premiums, out-of-pocket payments or both.<sup>651</sup>

In addition to limited access to private healthcare, lower-income households often live further from healthcare services, with insufficient access to affordable transport

646 CEO of the HSE, Bernard Gloster, estimated that at least €2.4 billion in additional funding is required to address the 2023 deficit and ensure existing levels of service are maintained. However, Budget 2024 provided just over €800 million in additional core funding. Irish Medical Times, [HSE 2024 Plan to include "built-in deficit"](#) (2023).

647 The ESRI estimates that there has been a bed capacity deficit of 1,000 inpatient beds in public acute hospitals in 2023. This includes bed shortages due to delayed transfers of care, linked to inadequate community or home care supports. ESRI, [Inpatient bed capacity requirements in 2023: Evidence on the public acute hospital system](#) (2023), p. 1, 9. 17 HSE community care buildings are over 200 years old, while 319 buildings are over 100 years old. Older buildings can cause a variety of issues including patient safety, functional suitability, technical compliance with modern health standards and arising future maintenance and refurbishment costs. Department of Health, [Health Capital Spending in Ireland](#) (2022), p. 8. The Irish Hospital Consultants Association estimates that €4 billion would be required to develop the four elective hospitals, six surgical hubs, and 1,500 rapid build public hospital beds which have been promised. However, Budget 2024 allocated €1.23 billion in capital funding for health. Irish Hospital Consultants Association, [Budget 2024 fails to deliver funding for promised extra hospital capacity](#) (2023).

648 The Department of Health has published annual Waiting List Action Plans since Q4 2021. In 2022, the number of patients exceeding these Sláintecare maximum wait times fell by 11%, in line with targets. However, acute scheduled care waiting lists fell by just 4% in 2022, well below the target of 18%. Department of Health, [Waiting List Action Plan 2023](#) (2023), pp. 5-6.

649 Department of Health, [Monthly waiting list figures - 8 December 2023](#) (2023).

650 As a result of the insufficiency of public healthcare, Ireland has the second-largest private health insurance market in the EU. World Health Organisation, [Can people afford to pay for health care? New evidence on financial protection in Ireland](#) (2020), p. 7.

651 We note a number of efforts to improve the affordability of healthcare in recent years. Department of Health, [Health Budget 2023](#) (2022), p. 3. However, we are of the view that these expansions are not having the desired effect if delays and backlogs are forcing people to use private healthcare services or forego treatment completely. Data from our public poll on ESC rights in 2023 highlights that 37% of people have relied on private healthcare services due to delays in the public system.

options.<sup>652</sup> They may struggle to shoulder the non-medical costs associated with illness, such as accommodation, childcare and loss of income, which are not sufficiently supported by the State.<sup>653</sup> All of these factors combine to create discriminatory and precarious conditions for lower income households seeking access to healthcare, in clear violation of ESC rights obligations.<sup>654</sup>



# 38%

living in rural areas travelled for more than an hour to receive healthcare services in the past 12 months

\*Data from the Commission's public poll on ESC rights in 2023

Emergency departments are frequently at full capacity,<sup>655</sup> with concerning consequences for the timeliness and adequacy of patient care. In 2022, 43% of patients waited over six hours for completion of emergency care, and more than 1 in 10 patients between 20 and 45 years old left an emergency department without receiving medical attention.<sup>656</sup> Of those who are admitted, many are on trolleys in corridors due to lack of beds.<sup>657</sup> Ambulance services are also under strain, resulting in slower call-out and turnaround times and substantial geographical variance in quality of services.<sup>658</sup> As well as underlining the acute need for resource increases for emergency care, these statistics speak to failings and shortages across the system.<sup>659</sup> In particular, it highlights

652 Research undertaken with structurally vulnerable groups living in County Clare has highlighted the impact of overlapping socio-economic discrimination on the right to health. Participants without cars experienced financial strain as a result of paying for taxis to travel long distances for hospital appointments, and some recounted missing hospital appointments as a result. R. Greaney and K. Harrahill, [Fair Clare: Securing socio-economic rights and a just transition in County Clare](#) (2023), pp. 103-104.

653 Children in Hospital Ireland has highlighted the particularly acute impact of these expenses on children and families. Children in Hospital Ireland, [The Hidden Costs of Hospital Care for Children](#) (2019).

654 This Committee has noted in relation to the provision of healthcare that privatisation should go hand in hand with public sector obligations to ensure that profit maximisation does not exclude people based on their inability to pay. CESCR, [General Comment no. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities](#) (2017), para. 21.

655 Houses of the Oireachtas, [Dáil Debates: Emergency Departments](#) (1 June 2023).

656 Department of Health, [Hospital Performance: An Analysis of Unscheduled Care Activity 2017-2022](#) (2023), pp. 13, 27-29.

657 Houses of the Oireachtas, [Dáil Debates: Emergency Departments](#) (1 June 2023).

658 In 2022, it took over an hour for an ambulance to reach 6,200 life-threatening emergency cases. Dáil Debates, [Future of Pre-Hospital Emergency Care: Motion](#) (2023).

659 For example, patients under 50 have a 25% likelihood of admission, indicating that a significant number of patients presenting at emergency departments do not require hospital care but could have their health concerns attended to in other, more efficient ways. Department of Health, [Hospital Performance: An Analysis of Unscheduled Care Activity 2017-2022](#) (2023), p. 40.

the need for alternative, intermediary forms of care in the community to be developed for less urgent cases.<sup>660</sup>



2 in 5

have experienced difficulties accessing GP care in the last 12 months

\*Data from the Commission's public poll on ESC rights in 2023

While we welcome expansion of entitlement to free General Practitioner ('GP') care in recent years,<sup>661</sup> there are currently not enough GPs and associated primary health teams to meet need, meaning that in many cases, expansions have little practical effect on the realisation of the right to health.<sup>662</sup> A number of primary health centres are not accepting new patients due to capacity limitations, which has particular impacts on socio-economically disadvantaged populations<sup>663</sup> and groups who are traditionally less engaged with healthcare services.<sup>664</sup> Newly arrived migrants and international and temporary protection applicants struggle to access primary care services with appropriate interpretation services.<sup>665</sup> We are also concerned about poor GP coverage in rural areas, particularly given the higher proportion of older people living with considerable healthcare needs.<sup>666</sup> Incentives and supports must be created to ensure

660 The need for a redistribution of healthcare services from hospitals to communities was recognised by the Department of Health in the Sláintecare Implementation Strategy in 2018, which underlines the need for implementation as a matter of priority. Department of Health, Sláintecare [Implementation Strategy](#) (2018), p. 33.

661 GP care for children under 8 years old has been available since August 2023. Department of Health, [Minister for Health encourages families to register for free GP care for children aged 6 and 7](#) (2023). However, civil society organisations have called for the restoration of free GP care to all over 70s, which was available until the introduction of a means test in recent years. This measure was not introduced in Budget 2024. AgeAction, [Pre-Budget Submission for Budget 2024](#) (2023), p. 30.

662 European Anti-Poverty network has noted that it is often medical card holders with low incomes who experience the longest waiting times for primary care services. European Anti-Poverty Network, [More than Just a Temporary Crisis: The growing need for support with basic necessities and the impact on Low-Income Households and the Community and Voluntary Sector](#) (2022), p. 22. Delays in obtaining GP appointments have a cumulative negative effect when combined with delays for specialist services following a GP referral.

663 People living in socio-economically disadvantaged areas have lower life expectancies and higher mortality at all ages. These areas tend to have a lower number of primary health centres and GPs have approximately 40% more patients with multi-morbidity. Deep End Ireland, [Briefing Document: Meeting with An Taoiseach, Dr Leo Varadkar](#) (2023), p. 1.

664 This includes Travellers and Roma; in 2018, almost half of Roma women reported that they did not have access to a GP. Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), p. 3. Cultural norms which result in low uptake of primary healthcare services among these groups are exacerbated by systemic shortages.

665 While international and temporary protection applicants are given medical cards covering GP care, they are often relocated in areas where there are GP shortages, meaning they are not able to register as a patient. Commission consultations with civil have revealed a severe lack of interpretation services, which may result in friends and family having to act as translators, in breach of the privacy and human dignity of the patient.

666 Irish College of General Practitioners, [Shaping the Future: A Discussion Paper on the Workforce & Workload Crisis in General Practice in Ireland](#) (2022), p. 10.

equality of access to primary care,<sup>667</sup> while futureproofing and capacity building is essential to meet the needs of an ageing population.<sup>668</sup>

Unsurprisingly, the impact of shortages across this system compromises access to decent work for healthcare staff,<sup>669</sup> which has further knock-on effects for the accessibility and quality of healthcare services,<sup>670</sup> as high pressure environments and inadequate work life balance further exacerbates existing recruitment and retention issues.<sup>671</sup> The State's technological infrastructure is also significantly outdated, which slows down delivery, places administrative burdens on staff and compromises quality of care.<sup>672</sup>

Overall, it is essential that the existing focus on temporary solutions, including reliance on contracts with private hospitals,<sup>673</sup> is reconsidered in favour of a strategic approach to resource allocation which prioritises sustainable investment to ensure accessibility, affordability and quality of services. While current approaches seek to treat the symptoms of the crisis, attention must shift to transformative structural change that addresses root causes, including investment in preventative healthcare and social prescribing.<sup>674</sup>

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667 Deep End Ireland has called for an increase to the Social Deprivation Practice grant to reflect the additional consultation time needed to address complex health needs in socio-economically disadvantaged populations. Deep End Ireland, [Briefing Document: Meeting with An Taoiseach, Dr Leo Varadkar](#) (2023), p. 4.

668 Projections indicate that the population of Irish citizens aged over 45 years is likely to double in the next 30 years. Department of Finance, [Population Ageing and the Public Finances in Ireland – Summary](#) (2021), p. 1.

669 Research undertaken before and during the pandemic has noted high numbers of healthcare staff experiencing burnout. O. Sheehan et al, [Burnout on the frontline: the impact of COVID-19 on emergency department staff wellbeing](#) (2022); P. Chernoff et al, [Burnout in the Emergency Department hospital staff at Cork University Hospital](#) (2019).

670 For example 30% of disabled people have had experiences where they felt their health concerns were not heard or respected by healthcare professionals. This is relevant to the discussions on the prevalence of ableism in Irish society across this report. Data from the Commission's public poll on ESC rights.

671 Ireland has 40% less consultants than the EU average. In a survey issued to members of the Irish Hospital Consultants Association, 73% of respondents were not confident that new public-only consultant contracts introduced as part of *Sláintecare reforms will address the recruitment crisis*. *Irish Hospital Consultants Association, IHCA Statement on new Consultant Contract*. We note the Workforce Plan developed for the Early Childhood Care and Education sector, which sets out plans to raise qualification levels, create professional development pathways, and promote careers in the sector. We are not aware of a corresponding plan for the healthcare workforce in the public domain. Department of Children, Equality, Disability, Integration and Youth, [Nurturing Skills: The Workforce Plan for Early-Learning and Care and School-Age Childcare 2022-2028](#) (2021).

672 We welcome the publication of the general scheme of the Health Information Bill 2023; however less than 0.8% of the public budget on health was spent on e-health and health technologies in 2021. This is significantly lower than neighbouring and European countries. ESRI, [Developments in Healthcare Information Systems in Ireland and Internationally](#) (2023), p. 40. See also IHREC, [Policy Statement on Care](#) (2023), pp. 34-35.

673 A significant policy of the HSE during the Covid-19 pandemic was the use of private hospitals for public patients due to insufficient public capacity. The HSE Winter Plan 2022-2023 evidences the continued use of this policy by the HSE; actions include funding private capacity for minor injuries, acute care, older people care and private ambulances. The HSE pays the private hospitals a commercial rate for the services provide, i.e. the same rate that would be paid by voluntary health insurance companies assuming each patient was fully covered. J. Mercille, B. Turner, D. Lucey, [Ireland's takeover of private hospitals during the Covid-19 pandemic](#) (2021); HSE, [Winter Plan 2022-2023](#) (2022); HSE, [PQ 12836/22 – The total cost of purchasing care for public patients in private hospitals in each of the years 2016 to 2021 and to date in 2022, by private hospital](#) (2022).

674 European Anti-Poverty Network, [Giving Health Inequality a Voice](#) (2023).



# 50%

18-24 year olds put off a healthcare appointment due to concerns about the cost in the past 12 months

\*Data from the Commission's public poll on ESC rights in 2023

**The Commission recommends that the State renews its commitment to the timely implementation of *Sláintecare*, including through significantly increasing public spending to meet the required levels for long-term reconfiguration of the healthcare system and to end disproportionate reliance on private healthcare services.**

**The Commission recommends that the State creates a Workforce Plan for healthcare staff which addresses recruitment and retention issues; provides education and training to meet future healthcare needs; and ensures access to decent work at all grades.**

**The Commission recommends that Social Deprivation Practice grants and rural practice supports are significantly scaled up to build the capacity of primary health centres in communities with complex healthcare needs.**

**The Commission recommends that the State prioritises the establishment and rollout of national electronic health and social care records.**

While systemic issues with access to healthcare violate the ESC rights of people across the country, the impacts on structurally vulnerable groups are particularly concerning.<sup>675</sup> Despite disproportionately poor health outcomes among Travellers,<sup>676</sup>

675 We have raised the issue of inadequate cultural competence of healthcare staff in relation to Female Genital Mutilation ('FGM') on many occasions, and have called for better data collection; wraparound supports, including for women living outside of Dublin; and training for frontline workers. IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), p. 35; IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2022), p. 71.

676 Census data shows that 15% of Travellers experience a long-lasting condition to a great extent, nearly twice the rate for the total population. CSO, [Census 2022 Profile 5 – Diversity, Migration, Ethnicity, Irish Travellers & Religion](#) (2023).



a number of the health actions in NTRIS were delayed or not fully implemented.<sup>677</sup> We welcome the National Traveller Health Action Plan ('NTHAP'); however it is our view that the ambition demonstrated in the plan's vision and values cannot be executed without a genuine whole-of-government approach.<sup>678</sup> Actions must be assigned to a variety of relevant government departments and public bodies, reflecting the consensus that socially determined factors such as accommodation, employment and education, which are largely beyond the remit of the Health Service Executive ('HSE'), can have a damaging effect on Traveller health. Finally, we note that the NTHAP relies on a report from 2010 for its evidence, indicating serious shortcomings in data collection.<sup>679</sup>

**The Commission recommends that the whole-of-government and social determinants approach envisaged by the National Traveller Health Action Plan is adequately implemented through assignment of actions across relevant departments and includes regular progress reports.**

**The Commission recommends that the Department of Health and Health Service Executive implement existing commitments to introduce the ethnic identifier across the health system without delay.**

Failure to provide universal, affordable, gender-affirming care for trans people is a violation of the right to health.<sup>680</sup> In this context, we are concerned about long waiting lists for gender-affirming care for adults,<sup>681</sup> and the total absence of services for children and young people since direct referrals to an English service provider halted

677 Despite the NTRIS timeframe of 2017-2021, the mid-term review was only circulated to Steering Group members in 2021 and was not made publicly available. Analysis of information in the public domain highlights key failings in relation to healthcare. For example, although NTRIS committed to the implementation of a standardised ethnic identifier across all health administrative systems, this was once again included as an action in the National Traveller and Roma Health Action Plan 2022-2027, indicating that this action was not achieved during the lifetime of NTRIS.

678 Although NTHAP commits to a social determinants and whole-of-Government approach, its position under the HSE means it lacks the authority to create actions for government departments. Virtually all actions are to be undertaken by the HSE or Department of Health, with no targets given to the Department of Children, Equality, Disability, Integration and Youth; the Department of Education; the Department of Housing, Local Government and Heritage; or the Department of Enterprise, Trade and Employment. Department of Health, [National Traveller Health Action Plan \(2022-2027\)](#) (2022), pp. 12, 28-37.

679 Department of Health, [National Traveller Health Action Plan \(2022-2027\)](#) (2022); University College Dublin, [All Ireland Traveller Health Study](#) (2010).

680 United Nations Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, [Ensuring healthy lives for all, leaving no-one behind](#) (2023), p. 1.

681 As of November 2023, the waiting list for an initial appointment following referral was three and a half years. National Gender Service, [Waitlist FAQs](#) (2023).



in 2022.<sup>682</sup> A lack of timely access to gender affirmation services can create mental health issues, due to the added stress of waiting lists, not-fit-for-service gender clinics, transphobia, and delayed intervention.<sup>683</sup>

**The Commission recommends that the State develops and adequately resources rights-based, evidence-based gender-affirming healthcare for trans children, young people and adults as a matter of urgency.**

### Impact of Covid-19 on the right to health

Given the limited resources of the Irish healthcare system, it is unsurprising that many essential healthcare services were halted during the Covid-19 pandemic, while the quality of other services was significantly compromised. Disabled and older people in residential care institutions were severely impacted by the pandemic, as insufficient pandemic preparedness resulted in high mortality rates, a decline in the quality of patient care and adverse psychological effects linked to fear and isolation.<sup>684</sup> Shortcomings in the quality and accessibility of healthcare have been identified across cancer screening and treatment,<sup>685</sup> chronic disease treatment,<sup>686</sup> public health nurse visits<sup>687</sup> and school immunisations.<sup>688</sup> The lack of resources in the context of acute need

682 While the HSE had a referral pathway to the Tavistock Clinic in London, the clinic stopped accepting direct referrals in January 2021, resulting in the collapse of gender-affirming healthcare services for children and young people in Ireland. Belong To, [Leading Youth work organisations & youth workers call for action on healthcare crisis for trans and non-binary young people](#) (2022). See also, Ombudsman for Children's Office, [Healthcare supports for transgender children; A children's rights perspective from the Ombudsman for Children's Office](#) (2023).

683 National Women's Council, [Gender-Sensitive Mental Health: Developing Policy and Services Which Meet the Particular Needs of Women and Girls](#) (2023), p. 59.

684 More than half of all deaths during the first wave of the Covid-19 pandemic were older people in residential care institutions. In a survey of staff in these settings, respondents noted significant adverse psychological impacts on residents, with remote interactions with friends and family considered inadequate. Staff also noted a reduction in the quality of physical healthcare for residents that did not contract the virus. M. Sweeney et al, [Experiences of residents, family members and staff in residential care settings for older people during COVID-19: A mixed methods study](#) (2021) *Journal of Nursing Management* pp. 873, 876-877. The redistribution of home care workers to residential care institutions during the Covid-19 pandemic had negative implications for community care which may persist. M. Pierce, F. Keogh and E. O'Shea, [The impact of COVID-19 on people who use and provide long-term care in Ireland and mitigating measures](#) (2020), p. 2.

685 There was a 20% reduction in the number of cancer surgeries that were carried out in 2020 compared to 2019, and a 15% reduction in radiation oncology patients. L. Foley, [The Pandemic: Two years that have changed Ireland. Part 1: Health, Healthcare and the Labour Market](#) (2022).

686 Staff redeployment to testing and tracing meant that community chronic disease services were badly affected. P. Crowley and A. Hughes, [The impact of the COVID-19 pandemic and the societal restrictions on the health and wellbeing of the population and on the health service capacity and delivery: A plan for healthcare and population health recovery](#) (2021), p. 11.

687 Extra precautions relating to infection control and lower staff capacity due to sickness and redeployment has resulted in long waiting lists for public health nurse visits and essential therapies. P. Crowley and A. Hughes, [The impact of the COVID-19 pandemic and the societal restrictions on the health and wellbeing of the population and on the health service capacity and delivery: A plan for healthcare and population health recovery](#) (2021), p. 11.

688 These were halted due to school closures. P. Crowley and A. Hughes, [The impact of the COVID-19 pandemic and the societal restrictions on the health and wellbeing of the population and on the health service capacity and delivery: A plan for healthcare and population health recovery](#) (2021), pp. 11-12.

has caused distress and burnout among healthcare staff, which can be linked to current recruitment issues.<sup>689</sup> Additionally, women accessing maternal healthcare during the pandemic have described the experience as a time of extreme stress and fear,<sup>690</sup> with particular concerns raised about the requirement that the vast majority of antenatal appointments were attended without the support of a partner.<sup>691</sup> We welcome plans to establish a dedicated emerging threats agency and note that the scope and functions of the agency are yet to be determined.<sup>692</sup>

**The Commission recommends that the emerging threats agency is empowered to protect public health, including through adequate financial, technical and human resources and a human rights and equality-based mandate.**

**The Commission recommends that the development of an emerging threats agency should be accompanied by improvements in physical and technical infrastructure, including enhanced Intensive Care Unit and hospital bed capacity, with the aim of mitigating negative impacts of future public health crises on access to services and health outcomes.**

## Sexual and reproductive healthcare

We welcome the introduction of abortion services since the Committee's last review of Ireland, as well as plans to establish Safe Access Zones in legislation.<sup>693</sup> While we note the recent publication of the Independent Review of the Operation of the *Health (Regulation of Termination of Pregnancy) Act 2018*,<sup>694</sup> we are concerned about a lack

689 Research indicates that the prevalence of moderate to severe PTSD symptoms experienced by Irish healthcare workers during the pandemic is higher than UK and other international estimates. The same study found significantly higher instances of moral injury among Irish hospital workers than international averages. C. Brady et al, [Dublin hospital workers' mental health during the peak of Ireland's COVID-19 pandemic](#) (2022).

690 Uplift, [Being Pregnant During the Covid-19 Pandemic](#) (2020), pp. 6, 9.

691 In a survey of women who were pregnant during the pandemic, all participants agreed that partners should be allowed to attend all antenatal visits. Uplift, [Being Pregnant During the Covid-19 Pandemic](#) (2020), pp. 6, 9.

692 Department of Health, [Minister for Health announces plans to appoint an expert to design a new emerging health threats agency](#) (2023). In developing the scope and function of the agency, regard should be had for Ireland's international human rights obligations, for example [Article 11 of the UNCRPD](#).

693 IHREC, [Oireachtas must now legislate to vindicate the human rights of women and girls in accessing healthcare](#) (2018). The [Health \(Termination of Pregnancy Services\) \(Safe Access Zones\) Bill 2023](#) is currently before the Seanad. In September 2022 we recommended that the Bill was enacted as soon as possible. IHREC, [Submission on the General Scheme of the Health \(Termination of Pregnancy Services\) \(Safe Access Zones\) Bill 2022](#) (2022), pp. 7-8.

694 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).

of political will to make changes on foot of the report's recommendations.<sup>695</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>696</sup> Civil society consultations have indicated that the mandatory waiting period and unequal geographic access to services are also having a negative effect.<sup>697</sup>

**The Commission recommends that the State provides a precise timeline on implementation of both operational and legislative recommendations of the Review Group of the Health (Regulation of Termination of Pregnancy) Act 2018.**

*I did not go to hospital until I got into labour. I had no GP, no English, no PPS, did not know anything about Ireland, even if I lived for a year here already.*<sup>698</sup>

Despite overlapping policy commitments in this area,<sup>699</sup> data evidences significant disparities in perinatal mortality rates for ethnic minority and migrant women, indicating failures of the State to guarantee access to maternal health services on an equal basis.<sup>700</sup> Expectant mothers from Roma communities face barriers at all stages, including lack of access to free maternal healthcare; racism and discrimination; limited

695 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). The State report notes that, 'the HSE will establish an implementation group to progress the operational recommendations, while those proposing legislative change have been referred to the Joint Committee on Health.' The wording of this response calls the State's commitment to implementing legislative changes further into question. Government of Ireland, [Reply to the list of issues in relation to the fourth periodic report of Ireland](#) (2023), p. 16. The Committee on the Elimination of All Forms of Discrimination against Women has sought information on steps being taken to ensure full and effective implementation of the review. CEDAW, [List of issues and questions prior to the submission of the eight periodic report of Ireland](#) (2023), para. 20.

696 M. O'Shea, [The Independent Review of the Operation of the Health \(Regulation of Termination of Pregnancy\) Act 2018](#) (2023). The National Women's Council has noted that at least 860 women travelled to the UK for abortions since the legislation was introduced. National Women's Council, [Everyone who needs an abortion must be able to access it: NWC](#) (2023).

697 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 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.

698 Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), p. 11.

699 The *Second National Intercultural Health Strategy 2018-2020* includes an action to 'ensure that maternity services are responsive to the specific needs of migrant women and women from the Traveller and Roma communities and that they are culturally appropriate'. Health Service Executive, [Second National Intercultural Health Strategy 2018-2023](#) (2018), p. 28. The National Maternity Strategy 2016-2026 notes that 'additional supports will be provided to pregnant women from vulnerable, disadvantaged groups or ethnic minorities'. Department of Health, [National Maternity Strategy 2016-2026](#) (2016), p. 65.

700 ESRI, [The Integration of Non-EU Migrant Women in Ireland](#) (2022), pp. 20-21; Amal, [Experiences of Muslim Women in Irish Maternity settings](#) (2021).

culturally appropriate information; and inconsistent post-natal care.<sup>701</sup> We welcome the introduction of publicly funded fertility treatment services in Ireland in 2023,<sup>702</sup> however, we note a number of eligibility restrictions, including restrictions with a discriminatory effect on lesbian women<sup>703</sup> and women over 41.<sup>704</sup>

**The Commission recommends that the State draws on recent research and policy recommendations on equal access to maternal health services for Roma, migrant and ethnic minority women, to inform implementation, monitoring and evaluation of the Intercultural Health Strategy 2018-2023 and National Maternity Strategy 2016-2023.**

**The Commission recommends that the State revises the publicly funded fertility treatment scheme to eliminate discrimination in access to healthcare services, in line with international best practice.**

## Mental health

There is a longstanding implementation gap in mental healthcare services, where ambitious policy commitments are reproduced in successive mental healthcare strategies but are never implemented in practice.<sup>705</sup>

701 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. Similarly, 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. 7, 10-12, 17-19.

702 HSE, [HSE-funded Fertility Treatment Services to start in September](#) (2023). Prior to the introduction of this service, Ireland was a European outlier in this area. 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.

703 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).

704 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).

705 For example, both *A Vision for Change, the national mental health policy framework between 2006 and 2020*, and *Sharing the Vision, the current mental health policy framework*, make recommendations around enhancing community-based mental health support and patient advocacy services, however issues in both of these areas still persist in 2023. Health Service Executive, [A Vision for Change](#) (2006); Department of Health, [Sharing the Vision: A Mental Health Policy for Everyone](#) (2020). The issue of implementation gaps in mental healthcare was repeatedly highlighted in our engagement with civil society organisations.

*Unreliable diagnoses, inappropriate prescriptions, poor monitoring of treatment and potential adverse effects.*<sup>706</sup>

Similar to other areas of healthcare, this sector is characterised by long waiting lists,<sup>707</sup> lack of community-based supports,<sup>708</sup> inappropriate treatments,<sup>709</sup> gaps between public and private services,<sup>710</sup> and regional inequalities in accessibility and quality of care.<sup>711</sup> Many policy implementation failures can be explained by inadequate resource allocation,<sup>712</sup> which impacts public sector recruitment and retention and puts pressure on the community and voluntary sector to fill in the gaps.<sup>713</sup>

As the Independent Monitoring Mechanism under the UNCRPD, we are concerned that the continued use of the medical model approach to mental health prevents

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706 S. Maskey, [Report on the look-back review into child and adolescent mental health services County MHS Area A](#) (2022), p. 12.

707 In 2023, waiting lists for the Child and Adolescent Mental Health Services ('CAMHS') surpassed 4,500 for the first time. 735 of these children have been waiting for more than a year for an initial appointment. Dáil debates, [Investment in Healthcare: Statements](#) (2023).

708 The lack of local primary care and community support for common mental health disorders means that mental health services are largely provided in hospitals which is often the inappropriate level of care. Foundation for Progressive European Studies, [Is an EU-wide approach to the mental health crisis necessary?](#) (2023), p. 35. 6,400 children have been admitted to Emergency Departments for mental health problems since June 2020, and over 2,500 of these children were hospitalised. It is likely that many of these hospitalisations occurred due to the lack of community-based care options and the failure to intervene at an early stage. Dáil debates, [Investment in Healthcare: Statements](#) (2023).

709 The Maskey review into South Kerry CAMHS reported that the care received by 240 young people did not meet the acceptable standards, finding 'unreliable diagnoses, inappropriate prescriptions, poor monitoring of treatment and potential adverse effects.' S. Maskey, [Report on the look-back review into child and adolescent mental health services County MHS Area A](#) (2022), p. 12.

710 In 2021 and 2022 private service providers achieved higher levels of compliance with mental health legislation and regulations than HSE facilities. Mental Health Commission, [Annual Report 2022](#) (2023), p. 23.

711 For example, in 2019 less than 5% of all adult cases were on a waiting list for mental health care for more than 12 weeks. However, this figure was over 10% in parts of Dublin, Wicklow and Kildare. HSE Mental Health Service, [Delivering Specialist Mental Health Services](#) (2019), p. 75. Conversely, emergency or out-of-hours mental health service provision is less likely to be available in rural areas. Mental Health Commission, [Independent Review of the provision of Child and Adolescent Mental Health Services \(CAMHS\) in the State by the Inspector of Mental Health Services](#) (2023), p. 77.

712 Mental health funding comprised 5.7% of the overall health budget for 2024. Between 2022 and 2023 the proportion of the overall health budget spent on mental health decreased from 5.4% to 5.1%. Department of Health, [Ministers for Health announce budget for the delivery of health services in 2024](#) (2023); Department of Health, [Statement by Minister Donnelly at the Department of Health Budget 2023 Press Briefing](#) (2022); Department of Health, [Budget 2022: Minister Donnelly announces €21 billion, the biggest ever investment in Ireland's health and social care services](#) (2021). In 2015 Ireland spent 3.17% of GDP on mental healthcare, which is considerably below Denmark (5.38%), Finland (5.32%), the Netherlands (5.12%) and the EU average (4.1%). OECD, [Health at a glance: Europe 2018](#) (2018), p. 28.

713 Mental health policy in Ireland has been called 'a crisis of underinvestment,' leading to high staff turnover and less holistic and thorough engagement with patients. Historically, civil society organisations have played an important role in filling the gaps, however these groups also have insufficient funding to meet acute demand for services. Foundation for Progressive European Studies, [Is an EU-wide approach to the mental health crisis necessary?](#) (2023), p. 34. We have engaged with Family Resource Centres who share experiences being contacted by GPs seeking counselling services due to the lack of availability of public services.

people with psychosocial disabilities from accessing their rights.<sup>714</sup> Reform in this area has been hampered by legislative delays,<sup>715</sup> meaning that people with psychosocial disabilities continue to be subject to seclusion and restraint;<sup>716</sup> family separation;<sup>717</sup> reduced decision-making capacity;<sup>718</sup> unequal access to appropriate treatments for physical health conditions;<sup>719</sup> and deprivation of liberty due to restricted movement in inpatient psychiatric facilities.<sup>720</sup> We are also concerned by the practice of admitting children to adult psychiatric facilities,<sup>721</sup> as recently noted by the Committee on the Rights of the Child.<sup>722</sup>

Structurally vulnerable groups have particularly poor mental health outcomes in Ireland, which are linked with the systemic discrimination that they face in many aspects of their lives.<sup>723</sup> For example, the over-representation of Travellers in homeless

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714 This is exemplified by the fact that although responsibility for specialist disability services was transferred from the Department of Health to the Department of Children, Equality, Disability, Integration and Youth in 2023, psychosocial disability services were not included in this transfer. Department of Children, Equality, Disability, Integration and Youth, [Transfer of the specialist Disability services function to Department of Children, Equality, Disability, Integration and Youth](#) (2023).

715 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.

716 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.

717 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.

718 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 people 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.

719 Our Disability Advisory Committee has raised the issue of people with psychosocial disabilities experiencing barriers to physical healthcare due to diagnostic overshadowing; and being unable to access medication for physical health issues, due to concerns about contraindications. For example, many disabled women are not offered Hormonal Replacement Therapy (HRT) due to a lack of knowledge about how it interacts with other treatments. IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women](#) (2023), p. 72. See also Mental Health Commission, [Physical Health of People with Severe Mental Illness](#) (2019).

720 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.

721 In 2022, the 19 children were admitted to adult inpatient units. Mental Health Reform, [Mental Health Reform condemns continued admission of children to adult inpatient units](#) (2023).

722 Committee on the Rights of the Child, [Concluding Observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), p. 10.

723 Research has highlighted the practice of prescribing medication to people whose emotional distress is linked to systemic issues such as poverty and inadequate living standards. Clare Public Participation Network, [Towards an Anti-Poverty Strategy for Clare](#) (2022), p. 35.



accommodation,<sup>724</sup> racism,<sup>725</sup> and a lack of cultural connectedness<sup>726</sup> have been linked to disproportionately high levels of anxiety, depression and suicide.<sup>727</sup> Similarly, insecure visa status and other pre- and post-migration stressors result in international protection applicants being five times more likely to be diagnosed with a ‘psychiatric illness’ than Irish citizens.<sup>728</sup> We have elsewhere highlighted the links between racism and mental health which impact ethnic minority groups.<sup>729</sup> The State must address these underlying factors which harm mental health using an intersectional,<sup>730</sup> whole-of-government and whole-of-society approach. It must take preventative measures to eliminate mental health conditions which arise as a direct result of individual or systemic discrimination.

*Travellers are depressed because we are treated like dirt everywhere we go. It’s not really that complicated.*<sup>731</sup>

As well as taking a preventative approach, the State must create targeted supports which address the barriers to access faced by structurally vulnerable groups.<sup>732</sup> Given the stigmatisation of people with addiction issues, we welcome the recommendation of the Citizens’ Assembly on Drug Use prioritising a health-led response.<sup>733</sup> Harmonisation between addiction treatment and mental health services is essential

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724 See the section of this report on ‘Housing and accommodation’.

725 South Dublin Travellers, [Nature, Extent and Impact of Suicide Among the Traveller Community in South County Dublin and Ballyfermot](#) (2023), pp. 17-21.

726 J. Villani et al, [Traveller Mental Wellness Continuum: A qualitative peer research study of Travellers’ views](#) (2023), p. 88.

727 Travellers are 6.6 times more likely to die by suicide than the general population. South Dublin Travellers, [Nature, Extent and Impact of Suicide Among the Traveller Community in South County Dublin and Ballyfermot](#) (2023), p. 5.

728 M. O’Connell, [Refugees, the asylum system and mental healthcare in Ireland](#) (2016).

729 IHREC, [Ireland and the Rights of the Child](#) (2022), p. 77.

730 Intersectional approaches are vital, as they indicate where conflicting identities can create additional and compounding mental health issues. For example, research demonstrates mental health issues experienced by LGBTI+ Travellers and Roma, linked to fractured relationships with family and community members. National Action Group for LGBTI+ Traveller and Roma Rights, [Unveiling Inequality: Experiences of LGBTI+ Travellers & Roma](#) (2022), pp. 42-47.

731 South Dublin Travellers, [Nature, Extent and Impact of Suicide Among the Traveller Community in South County Dublin and Ballyfermot](#) (2023), p. 17.

732 In this context, we welcome mental health actions in the National Traveller Health Action Plan and encourage similar policy frameworks in respect of other structurally vulnerable groups. Department of Health, [National Traveller Health Action Plan \(2022-2027\)](#) (2022), pp. 12, 28-37.

733 Under a ‘Comprehensive health-led’ approach, the State would respond to drug use and misuse primarily as a public health issue rather than as a criminal justice issue. The Citizens’ Assembly also recommended the development of a strategy to enhance resilience, mental health, wellbeing and prevention capital across the population, including a focus on providing therapeutic supports for children and young people, and for people dealing with trauma and adverse childhood experiences and dual diagnosis. Citizens’ Assembly on Drug Use, [Recommendations](#) (2023).



for sustainable recoveries for people in addiction.<sup>734</sup> Victims of human trafficking must have streamlined access to psychological support by suitably qualified, culturally competent providers.<sup>735</sup> Pathways to mental health supports must also be available for institutionalised groups with disproportionate mental health needs, including children in care<sup>736</sup> and people in the criminal justice system.<sup>737</sup>

**The Commission recommends that the proportion of the overall health budget spent on mental health funding is significantly increased to match need, ring-fenced to protect resourcing in successive budgets and re-oriented towards human rights based provision.**

**The Commission recommends that the State addresses the mental health needs of structurally vulnerable groups, including through identifying and responding to root causes, streamlining access to services and providing cultural competence training to all staff.**

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734 The National Women's Council has recommended adoption of a 'mental health first model,' so people with a dual diagnosis of addiction and mental health are no denied mental health support. National Women's Council, [Gender-Sensitive Mental Health: Developing Policy and Services Which Meet the Particular Needs of Women and Girls](#) (2023), pp. 61-62.

735 IHREC, [Trafficking in Human Beings in Ireland: Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#) (2023), p. 26.

736 Research indicates that there is a higher incidence of mental health issues amongst care-leavers. A lack of coordination between relevant agencies, including CAMHS, Tusla and the HSE makes it difficult for children in care to access wraparound, holistic supports. Empowering People in Care, [Headphones, Odd Shoes & A Second Chance at Life An Exploration of the Experience of Children in Care & Care-leavers with Disabilities](#) (2023), p. 22, 35; Department of Children, Equality, Disability, Integration and Youth, [Children in Care and Young Adults Leaving Care: a literature review of Irish research](#) (2023).

737 Poor mental health and serious mental disorders are prevalent in the prison population. There are issues with lack of access to primary care mental health assessment tools; mental health nursing resources; data and technology; medication; and places in the Central Mental Hospital for prisoners. Irish Prison Service, [Health Needs Assessment for the Irish Prison Service](#) (2022), pp. 35-38. Research demonstrated that 4 in 10 people under the supervision of the probation service experience mental health issues. There is a significant level of unmet psychological and psychiatric need amongst this group. Probation Service, [Moving Forward Together: Mental health among persons supervised by the Probation Service](#) (2021).

# Right to education

- There needs to be more investment in education across all levels.*
- Education is a fundamental human right. Good education can also bring people out of poverty, and can help reduce discrimination.*
- Everyone deserves the right to access education, from primary to post primary to further education.*

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\*Quotes from the open question in the ICESCR poll 2023

Education plays a vital role in life-long learning and social development, and provides an indispensable means of realising other ESC rights. However, the full realisation of this right in Ireland is facing challenges, including due to the cross-cutting impacts of inequalities and discrimination, and increased recognition of education as a common good is crucial for a renewed social contract. Education across all levels must be accessible, high quality, adaptable and culturally appropriate.

## **Accessibility and availability of education**

### **Primary and post-primary education**

Despite repeated recommendations,<sup>738</sup> the past pupil criterion under the *Education (Admissions to Schools) Act 2018* continues to act as a barrier to accessing education,<sup>739</sup> particularly for children of Travellers, disabled people, and migrants.<sup>740</sup> Religious discrimination in school admissions is also still permitted, including to maintain the ‘ethos’ of a school.<sup>741</sup> We remain concerned by Ireland’s failure to comply with Article 13(3) of ICESCR due to the lack of religious pluralism within the Irish education

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738 For example, the Committee on the Rights of the Child recommended the prohibition of this practice through amending legislation in 2023: [Concluding observations on the combined fifth and sixth periodic reports of Ireland \(2023\)](#), para 37.

739 The Act sets out that 25% of the places in a school that is oversubscribed can be reserved for children or grandchildren of past pupils.

740 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.

741 See Section 7(3)(a) of the *Equal Status Acts 2000-2018* as amended by the 2018 Act, Section 11(b). Privately funded primary schools and secondary schools which purport to be providing education in an environment which promotes religious values can give preferential treatment to students of a particular religion, and publicly-funded schools providing education in an environment which promotes religious values can refused to admit students on the basis of religion where doing so is considered essential to maintain the ‘ethos’ of the school. In our legal outreach, we have engaged with religious minority families whose children must travel long distances to attend school. To ensure equal access to education, including for children of non-faith backgrounds, we continue to call for review of the relevant legislative provisions. IHREC, [Submission on the Equality Acts Review \(2021\)](#), p. 36; IHREC, [Submission to the Committee on the Rights of the Child on Ireland’s combined fifth and sixth periodic reports \(2022\)](#), p. 31.

system.<sup>742</sup> There has been slow progress in the secularisation of schools, with the State unlikely to meet its stated target of 400 multi-denominational primary schools by 2030.<sup>743</sup>

**The Commission recommends that the State amends legislation on schools admissions to prohibit the use of the past pupil criterion and to ensure access to education for all children, including to define what is required to maintain the ‘ethos’ of a school.**

**The Commission recommends that the State establishes a clear long-term plan for how it will meet its targets for the establishment of non-denominational and multi-denominational schools and the divestment of schools from religious patronage.**

### Further and higher education

Only 10% of Irish higher education undergraduate students come from disadvantaged areas, with this figure dropping to 4% in both medicine and economics courses.<sup>744</sup> In particular, access to further and higher education is impacted by lack of finance and insufficient entry pathways, and such exclusion can result in multi-generational unemployment, poor health and poverty.<sup>745</sup> Barriers to access also include the lack of recognition that engagement is a longer process for structurally vulnerable women in particular, and that specific needs-based supports are required, including childcare, mentoring, ICT equipment, transport and sustainably resourced community education programmes.<sup>746</sup> More broadly, the lack of affordable accommodation continues to

742 CESCR, [General comment No. 13: The right to education \(article 13 of the Covenant\)](#) (1999), para 28. Children continue to be educated in schools that promote a particular ethos due to the integrated nature of the curriculum and the fact that few schools have the facilities or personnel to enable children to opt out of denominational teaching. IHREC, [Developing a National Action Plan Against Racism: Submission to the Anti-Racism Committee](#) (2021), p. 39.

743 In 2020, the Government committed to progress secularisation through the establishment of new multi-denominational schools and the divestment of patronage from religious orders towards these models: Government of Ireland, [Programme for Government](#) (2020), p. 96. In the academic year 2022/23, only 150 (4.8%) of primary schools were classed as multi-denominational, and 16 (0.5%) are inter-denominational. At post-primary level, 211 (29%) of post-primary schools are multi-denominational, and 147 (20%) are inter-denominational. See Department of Education, [Primary Schools 2022/2023](#) (2023); Department of Education, [Post Primary Schools 2022/2023](#) (2023). Overall, between 2012 and 2022 there was a nominal increase of 69 multi-denominational schools in Ireland: Department of Education, [Statistical Bulletin – July 2023 Overview of Education 2002 – 2022](#) (2023), p. 4.

744 If the higher education student population was representative, around 15-16% of students would come from disadvantaged areas. In 2020, only 46.7% of DEIS second-level school students went on to higher education: Parliamentary Budget Office, [Public Service Performance Metrics: Higher Education Access and Outcomes](#) (2022).

745 Women’s Collective Ireland, [Statement by Miriam Holt on Challenges facing women accessing education, leadership and political roles](#) (13 June 2023). Census 2022 indicates that unemployment is highest among people who did not obtain second-level, further or higher education, demonstrating strong links between education and employment outcomes. CSO, [Census 2022 Profile 7 – Employment, Occupations and Commuting](#) (2023).

746 See for example, Women’s Collective Ireland, [Statement by Miriam Holt on Challenges facing women accessing education, leadership and political roles](#) (13 June 2023).

impede access to and participation in higher education, with students reporting severe housing stress and a risk of homelessness.<sup>747</sup>



83%

believe that education can lift people out of poverty

\*Data from the Commission's public poll on ESC rights in 2023

**The Commission recommends that higher and further education providers measure access and outcomes for socio-economically disadvantaged students, and publish detailed data to inform policy and provision.**

**The Commission recommends that the State progresses additional integrated supports for structurally vulnerable groups to increase access to further and higher education, including through the resourcing of community education programmes.**

### Inequality at all levels of education

Despite repeat recommendations by human rights monitoring bodies,<sup>748</sup> institutional and individual racism and discrimination against the Traveller and Roma communities is pervasive across all levels of the Irish education system.



*Approximately 20% of the Irish population is 'uncomfortable' with a Traveller or Roma child being in the same class as their child.<sup>749</sup>*

747 According to a 2022 student survey at University of Limerick, 35% of respondents were unable to find suitable accommodation and were forced to commute long distances, stay in hotels, sleep in cramped conditions, or became homeless: UL Student Life, [UL Student Life release stark findings from their Accommodation Survey](#) (2022). According to the Union of Students Ireland, the paucity of purpose-built student accommodation for third level education in Ireland has led to students deferring university or dropping out due: [USI sleep-out at Dáil Éireann to demand urgent action on student accommodation crisis](#) (2021). For further information, see the section in this report on 'housing and accommodation'.

748 Most recently by the Committee on the Rights of the Child in 2023: [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#) (2023), paras. 36-37. See also CESCR, [Concluding observations on the third periodic report of Ireland](#) (2015), para 31.

749 State data has indicated that 21% of the population is 'uncomfortable' with a Traveller child being in the same class as their child (the figure changes to 20% in the case of a Roma child). Government of Ireland, [Survey on People in Ireland's Attitude towards Diversity](#) (2023), p. 13.

This results in poor education participation rates and outcomes,<sup>750</sup> particular difficulties in transitioning from primary to secondary level, and experiences of isolation.<sup>751</sup> We are also concerned about the recent State data demonstrating that Traveller and Roma children are significantly more likely to be placed on reduced schools days across primary and secondary level.<sup>752</sup> Despite the prevalence of identity-based bullying,<sup>753</sup> Traveller and Roma culture remains absent within national curricula and teaching practice. Proposed legislative and policy measures, including the *Traveller Culture and History in Education Bill 2018*<sup>754</sup> and the *National Traveller Education Strategy*,<sup>755</sup> have no clear timeline for finalisation.



# 32%

agree that school curricula challenge racial discrimination

\*Data from the Commission's public poll on ESC rights in 2023

Additional measures are also needed to address the significant inequalities, including gender-based inequalities,<sup>756</sup> experienced by Travellers and Roma in accessing further and higher education. Particular barriers include uncertainty surrounding the application processes, limited awareness of alternative routes to higher education, inhibitory fees,

750 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: 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.

751 Values Lab, Report on the outcome of the local consultation process with Traveller and Roma organisations, community groups, and individuals to inform the development of the successor strategy to the National Traveller and Roma Inclusion Strategy (2023).

752 Department of Education, [Reduced School Days: January to June 2022](#) (2023) and Pavee Point, [Reduced school hours important in Traveller Education Strategy](#) (2023).

753 See for example, Dr M. Dupont, [A study into the effectiveness of the Anti-Bullying Procedures on Traveller and Roma pupils' experiences in the school system](#) (DCU: 2022). Civil society organisations have also highlighted that Travellers can feel compelled to hide their identity, to avoid negative treatment, which can result in them being cut off from potential supports.

754 The [Bill](#) aims to provide for the 'inclusion of traveller culture and history in the curriculum taught by recognised schools in the State and for that purpose to amend the Education Act 1998'. See also, See National Council for Curriculum and Assessment, [Traveller culture and history in the curriculum: a curriculum audit](#) (2019).

755 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.

756 Traveller women in particular report additional challenges to accessing higher education, such as a lack of targeted, family-friendly supports, childcare and financial support. For example, research recommends the following: 'Any course targeting Traveller women should be aware of their family obligation. Classes should be scheduled during school times. Students should also be given enough time to drop-off and collect children.' Cummins et al. [Pavee Beoir Leaders: Traveller Women in Higher Education](#) (2021), pp. 41, 52-53. 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 unavailability of suitable placements, as well as a lack of clarity on available bursaries and grants.<sup>757</sup>

**The Commission recommends that the State puts in place independently evaluated, sustainably-funded, mainstream programmes to improve educational outcomes for Traveller and Roma children at all levels of education and lifelong learning.**

**The Commission recommends that national teaching and school curricula are updated to include mandatory content on Traveller and Roma history and culture, and to build respect for racial, cultural and intersectional diversities.**

There are persistent barriers to primary and post-primary education for migrants, refugees and asylum-seekers, including inadequate English language supports, school culture,<sup>758</sup> temporary and remote accommodation and the related uncertainty,<sup>759</sup> and the need for additional psychological supports.<sup>760</sup> As noted above, issues relating to racial discrimination and cultural diversity are not adequately addressed within teacher education programmes and Irish schools,<sup>761</sup> and we have heard reports of low teacher expectations about the academic ability and English language proficiency of minority ethnic students.<sup>762</sup> This underscores the need for mandatory teacher training in

757 Technical University Dublin, [Action Research Project: ‘What works in supporting Travellers’ access and participation in higher education](#) (2023) and Values Lab, Report on the outcome of the local consultation process with Traveller and Roma organisations, community groups, and individuals to inform the development of the successor strategy to the National Traveller and Roma Inclusion Strategy (2023).

758 This includes the school environment, subjects and workloads, fairness or otherwise of school rules, and language support and recognition. See S. Martin, D. Horgan, J. O’Riordan & R. Maier, [Refugee and migrant children’s views of integration and belonging in school in Ireland – and the role of micro- and meso-level interactions](#), International Journal of Inclusive Education (2023).

759 The Children’s Rights Alliance has highlighted that the availability of schools places has been guiding relocation. This means that some children are experiencing challenges locating school places or are spending long periods of time travelling to get to schools: [Report Card 2023](#) (2023), pp. 213-214.

760 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. We note 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.

761 While NAPAR 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. Government of Ireland, [National Action Plan Against Racism](#) (2023), p. 20.

762 Issues were raised at our June 2023 ICESCR Civil Society Forum. According to academic research, minority ethnic participants’ academic ability was constructed by their teachers in deficit terms, connected to (usually incorrect) assumptions about their proficiency in English. Many of the participants also reported not being encouraged to progress to higher education. M. Ní Dhuinn and E. Keane, ‘But you don’t look Irish: Identity constructions of minority ethnic students as ‘non-Irish’ and deficient learners at school in Ireland’, Int. Stud. Sociol. Educ. (2021), pp. 1–30.



equality and diversity, as well as steps to encourage under-represented groups into the teaching profession.<sup>763</sup>

With regard to further and higher education, second generation minority ethnic young people and asylum seekers have reported the need for substantial economic and social capital, including due to exorbitant costs.<sup>764</sup> While we welcome that the International Protection Student Scheme has been established on a long-term basis, there are ongoing issues about public awareness and unsuccessful applications.<sup>765</sup>



42%

agree that the State is doing enough to ensure the accessibility of higher and further education in Ireland

\*Data from the Commission's public poll on ESC rights in 2023

**The Commission recommends that disaggregated education-related data is collected and reported on, through the use of an ethnic identifier, to fully assess and address the impact of educational policies on migrants, refugees, asylum-seekers and other ethnic minority groups, as recommended by the Committee on the Rights of the Child.**

The education of disabled people in Ireland does not meet the standards required under human rights law.<sup>766</sup> The *Education for Persons with Special Educational Needs Act 2004* ('EPSEN Act') has not been fully commenced twenty years later, leading to

763 The importance of equality and diversity training, both as a means of supporting students and improving diversity of staff within the teaching profession, was raised throughout our Civil Society Forum to inform this report. 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. Centre for Human Rights & Citizenship Education, [Experiences of second-generation ethnic minority young people in Ireland](#) (IHREC: 2022), pp. 41, 49.


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

765 The International Protection Student Scheme (for Further and Higher Education Students) 2023-2024 provides financial grants for students who are in the protection system or at the leave to remain (but not deportation order) stage. See Department of Further and Higher Education, Research, Innovation and Science, [International Protection Student Scheme \(for FE/HE Students\) 2023/2024](#) (2023). As of August 2021, there had been a total of 187 applications to the Student Support Scheme since its inception in 2015, with 51 applicants qualifying for support. Through our legal outreach and assistance, we have also become aware of onerous residency requirements which act as a barrier for International Protection Applicants seeking the Student Universal Support Ireland ('SUSI') grant.

766 Including Articles 13-14 ICESCR; Article 24 CRPD; Article 28 CRC; Article 2 of Protocol 1 to the European Convention of Human Rights; and Article 14 of the European Fundamental Charter of Human Rights Charter.

significant barriers to an inclusive education for disabled children and adults.<sup>767</sup> The review of the EPSEN Act announced in 2021 is ongoing and must be prioritised for completion, in line with our recommendations for it to adopt a human rights and equality-based approach and include the direct involvement of disabled people and their representative organisations.<sup>768</sup>

In practice, ongoing issues include the lack of assessments of educational need and coordination between the pre-school and primary school systems;<sup>769</sup> inadequate in-school supports for deaf students due to the limited availability of Irish Sign Language teachers;<sup>770</sup> the inappropriate use of suspension, expulsion and reduced school days for disabled students;<sup>771</sup> as well as the failure to ensure an inclusive approach from the curriculum and exam papers delivered to participation on sports days.<sup>772</sup> Civil society has highlighted that children with multiple disabilities, or with intersecting identities on the basis of disability and ethnic minority status for example, experience additional barriers in accessing tailored supports.<sup>773</sup>

 ***Inclusive education must begin in preschool and extend right through to adult education.***<sup>774</sup>

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767 The EPSEN Act was signed into law on 19 of July 2004, with certain sections being commenced in July and October 2005 respectively. However, Articles 3 to 13 of the EPSEN Act have not been commenced. For further information, see IHREC, [Ireland and the Rights of the Child](#) (2022), pp. 64-65.

768 IHREC, [Submission on the Review of the Education for Persons with Special Educational Needs \('EPSEN'\) Act 2004](#) (2023).

769 Sections 3–13 of the Act provide a statutory entitlement to an education assessment of a student's needs, the creation of an Individual Education Plan on the basis of the assessment, the provision of educational supports set out in the Plan, a review of the Plan and an independent appeals process. However, these provisions have never been commenced. Currently, disabled students who require an assessment of their educational needs are instead being assessed under the *Disability Act 2005*, which provides for a diagnosis led rather than needs led model. IHREC, [Submission on the Review of the Education for Persons with Special Educational Needs \('EPSEN'\) Act 2004](#) (2023), pp. 46-47.

770 Irish Sign Language ('ISL') became a recognised national language in 2020. In March 2022, a Scheme was announced to provide in-school support for students who are Deaf and whose primary form of communication is ISL. While we welcome this scheme, we note the need for the State to provide sufficient training, resources and supply of sign language interpreters. We have recommended that an in-depth modelling study is essential to identify the training, resources and supports required to fully implement the ISL Act for Deaf students, and parents/caregivers, which should then be published in a timely manner and in accessible formats. See IHREC, [Submission on the Review of the Education for Persons with Special Educational Needs \('EPSEN'\) Act 2004](#) (2023), pp. 76-78

771 As highlighted by our Disability Advisory Committee, we are concerned by reports of increased suspensions and expulsions in 'special schools' and of withdrawal decisions being made in schools without knowledge of the student's disability. Reduced timetables are often the first step towards suspending or expelling students. Recent State data demonstrates that of the total number of students on a reduced school day from January – June 2022, 70.9% had 'special educational needs'. See IHREC, [Submission on the Review of the Education for Persons with Special Educational Needs \('EPSEN'\) Act 2004](#) (2023): pp. 78-90 and Department of Education, [Reduced School Days: January to June 2022](#) (2023).

772 At our Civil Society Forum on ICESCR, participants highlighted that exams are not inclusive for visually impaired students in particular, and this reduces their educational opportunities.

773 Issues raised at our June 2023 Civil Society Forum.

774 Issue raised by our Disability Advisory Committee.

Post-secondary school, the education gap between disabled people and those without a disability is persistently high.<sup>775</sup> While there have been some improvements at an undergraduate level, there is increased access for disabled students with financial means<sup>776</sup> and the postgraduate participation rate of disabled students remains persistently low.<sup>777</sup> With the focus on increasing the number of disabled students, there has been little attention and support provided to increasing their wider social engagement in higher education.<sup>778</sup> Furthermore, our legal work has highlighted failures by a third level educational institute to provide equal access to a course through the provision of sign language interpretation.<sup>779</sup>

**The Commission recommends that the State develops a clear, time bound implementation plan for the legislative and policy changes required to transition to an inclusive education environment and to support increased the participation of disabled students in further and higher education.**

While we welcome recent policy commitments and funding arrangements,<sup>780</sup> young people with care experience continue to experience poorer educational outcomes.<sup>781</sup> Recent data demonstrates absence rates in primary and post-primary school are higher for children in care,<sup>782</sup> and a higher percentage leave school without completing the

775 In 2019, only 39% of disabled people had a post-secondary level of education compared to 57% of those without disabilities: ESRI, [Identification of Skills Gaps among Persons with Disabilities and their Employment Prospects](#) (2021), p. 13. Census 2022 found that only 18% of those experiencing at least one long lasting condition or difficulty to any extent had an honours degree or higher, compared to over 25% for the rest of the population: Central Statistics Office, [Census 2022 Profile 4 – Disability Health and Carers](#).

776 E. Carroll, K. Ye and S. McCoy, [Educationally maintained inequality? The role of risk factors and resilience at 9, 13 and 17 in disabled young people’s post-school pathways at 20](#) (2022) Irish Educational Studies, p. 4.

777 According to the Equal Access Survey (EAS) 2023, 17.8% of respondents reported having a disability, and 28.3% of new entrants reporting accessing higher education through DARE. See HEA, [Student Disability Data \(EAS Disability 2023\)](#) (2023). See also, Ahead, [Students with Disabilities Engaged with Support Services in Higher Education in Ireland 2020/21](#) (2022), p. 12.

778 Wider social engagement involves engaging in social networks both inside and outside of class, allowing students to develop social and cultural capital, as well as fostering a sense of belonging, all of which are important to the pursuit of employment. See V. Rath, [The Social Engagement Experiences of Disabled Students in Higher Education in Ireland](#) (2021), p. ii. See also, E. Carroll, K. Ye and S. McCoy, [Educationally maintained inequality? The role of risk factors and resilience at 9, 13 and 17 in disabled young people’s post-school pathways at 20](#) (2022) Irish Educational Studies, p. 5.

779 IHREC, [Commission Welcomes Important WRC Decision on failure of College to Provide Equal Access to Course](#) (2023).

780 For example, the [National Access Plan: A Strategic Action Plan for Equity of Access, Participation and Success in Higher Education 2022-2028](#) recognises young people in care and care leavers as a specific underrepresented and marginalised cohort. We also note plans to provide funding to support the accommodation expenses of people with care experience accessing higher education, although these plans do not address the structural shortage of student accommodation. Department of Further and Higher Education, Research, Innovation and Science, [Minister Harris announces funding of €1.15 million to support Care Leavers and members of the Traveller and Roma communities](#) (2023).

781 CSO, [Educational Attendance and Attainment of Children in Care, 2018 - 2023](#) (2023).

782 In the academic year 2018/2019 a higher proportion of children in care were absent from primary or post primary school for more than 20 days (11%) compared with all children (7%).

Leaving Certificate.<sup>783</sup> Research also highlights that negative assumptions are made about disabled children in care in relation to their educational abilities,<sup>784</sup> and people with care experience face barriers to further and higher education due to the lack of preparation and institutional support.<sup>785</sup>

**The Commission recommends that as part of ongoing longitudinal research on children in care and adults with care experience, the State examines and progresses the policy measures required to improve educational participation rates and outcomes.**

Although the evidence base is limited, available data indicates that nearly 50% of young people in Oberstown Children Detention Campus were not participating in formal education prior to their committal, and a significant proportion have additional learning needs.<sup>786</sup> A 2022 inspection report noted some discrepancies in placement plans, including less comprehensive plans with sections on education left blank for example.<sup>787</sup> There is also a markedly low level of education attainment among the adult prison population in Ireland.<sup>788</sup> While we welcome improvements to education provision, including prisoners' increased participation in formal secondary and higher education programmes,<sup>789</sup> we note concerns about the limited access to technology

783 Of the children in care who started post primary education between 2012 and 2015, 28% left school early without completing the Leaving Certificate. The percentage for all children was lower at 8%. CSO, [Educational Attendance and Attainment of Children in Care, 2018 - 2023](#) (2023)

784 EPIC, Headphones, [Odd Shoes & A Second Chance at Life: An Exploration of the Experience of Children in Care & Care-leavers with Disabilities](#) (2023).

785 A. Dworsky, Improving the postsecondary educational attainment of youth in foster care. New directions for community colleges (2018) (181), pp. 11-19; See also: E. Brady, R. Gilligan and S. Nic Fhlannchadha, Care-experienced Young People Accessing Higher Education in Ireland, *Irish Journal of Applied Social Studies* 19(1) (2019), p. 11. We note State plans to conduct longitudinal research on people with care experience. Department of Children, Equality, Disability, Integration and Youth, [Minister O’Gorman launches largest ever examination of the lives of children in care and adults who were in care as children](#) (2022).

786 Oberstown Children Detention Campus, [Education – Closing the Gap for Children in Detention](#) (2018).

787 Health Information and Quality Authority, [Report of Oberstown Children Detention Campus](#) (2022), p. 16.

788 Irish Penal Reform Trust (IPRT), [Progress in the Penal System \(PIPS\): A framework for penal reform](#) (2022), p. 60.

789 In 2022, 11 prisoners completed the Junior Certificate, 64 prisoners completed the Leaving Certificate, and a small number of prisoners were registered in higher education institutes. In October 2022, 84 prisoners were registered with the Open University. Irish Penal Reform Trust, [Progress in the Penal System \(PIPS\): A framework for penal reform](#) (2022), p. 60.

and laptops to facilitate learning,<sup>790</sup> as well as the continued impact of teaching staff shortages and resulting prison school closures.<sup>791</sup>

**The Commission recommends that the State should commission and publish an independent review of the outcomes of children and adults in detention who engage in education, and allocate additional staffing and ICT resources to education programmes in line with its recommendations.**

### Inclusive education

In providing for inclusive education in legislation and policy, we draw attention to the relevance of the Public Sector Duty.<sup>792</sup> Uncertainty remains, however, as to whether all educational settings in Ireland meet the definition of a ‘public body’ under the 2014 Act.<sup>793</sup> We are of the view that the Public Sector Duty should be explicitly and directly applicable to all educational settings in receipt of public funding in the State, furthering the protection and respect of human rights standards across the Irish education system.<sup>794</sup>

**The Commission recommends that the State amend Section 2 of the Irish Human Rights and Equality Commission Act 2014 to extend the definition of a public body to include bodies in the educational sector that are wholly or partially in receipt of public funds, thereby ensuring that the Public Sector Duty is directly applicable to all schools and educational settings in the State.**

790 As of early 2023, 70 prisoners had access to a laptop for educational purposes. Irish Penal Reform Trust (IPRT), [Progress in the Penal System \(PIPS\): A framework for penal reform](#) (2022), p. 60. Between April and June 2022, the Office of the Inspector of Prisons, in partnership with the Department of Education Inspectorate, carried out a Thematic Inspection of Education & Work Training, assessing the provision of education and work training across three prisons in Ireland. The final report notes that there is scope to develop IT as an effective learning tool across the three prisons, recommending that further access to technology for learning be provided for students in their cells. Apart from the Open University students with access to laptops, students currently access IT through supervised sessions in the computer rooms. Office of the Inspector of Prisons, [Thematic Inspection on Education & Work Training: Wheatfield Prison, Mountjoy Men’s Prison & Arbour Hill Prison April - June 2022](#) (2023), p. 65.

791 Irish Penal Reform Trust, [Progress in the Penal System \(PIPS\): A framework for penal reform](#) (2022), p. 60.

792 Section 42 of the [Irish Human Rights and Equality Commission Act 2014](#).

793 Section 2 of the [Irish Human Rights and Equality Commission Act 2014](#) implies that the scope of ‘public body’, in the context of educational settings, only explicitly applies to Education and Training Board (‘ETB’) schools, and universities and institutes of technology. It could be considered that educational settings, including primary and secondary schools, which are not ETB schools, do not meet the definition of a ‘public body’ and are therefore outside the scope of the Public Sector Duty. It may be possible for educational settings to be regarded as covered within the scope of ‘any other person, body or organisation established by any Scheme administered by a Minister of the Government’. However, it is not clear whether educational settings have been established by a scheme rather than by the State. See IHREC, [Submission on the Review of the Education for Persons with Special Educational Needs \(‘EPSSEN’\) Act 2004](#) (2023), pp. 21-23.

794 See IHREC, [Submission on the Review of the Education for Persons with Special Educational Needs \(‘EPSSEN’\) Act 2004](#) (2023), pp. 21-23 and IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 70-71.

We welcome reform of the Social, Personal and Health Education ('SPHE') curriculum at Junior Cycle with a strand on Relationship and Sexuality Education ('RSE'), and the recent public consultation on the new SPHE curriculum for Senior Cycle.<sup>795</sup> However, there is 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>796</sup> Furthermore, parents can continue to allow their children opt of these subjects and the 'ethos' of schools can impact the delivery of RSE in practice.<sup>797</sup>



*International human rights standards on the right to freedom of religion or belief do not entitle parents to withdraw children from sexuality education classes where relevant information is conveyed in an objective and impartial manner.*<sup>798</sup>

The inclusion of a range of LGBTI+ material within the new Junior Cycle curriculum is welcome, particularly given LGBTI+ students' widespread experiences of physical and verbal harassment and assault.<sup>799</sup> GREVIO has highlighted the demand for teacher training in the delivery of this curriculum,<sup>800</sup> which is essential to ensure an open, inclusive, non-judgemental approach and school culture. RSE programmes must also address the cultural context of toxic masculinity, challenge attitudes, beliefs and behaviours to prevent sexual exploitation and reduce demand that fosters trafficking,<sup>801</sup> and be fully accessible to disabled women and girls.<sup>802</sup>

795 See NCCA, [Junior Cycle SPHE curriculum](#) (2023) and NCCA, [Senior Cycle Social, Personal and Health Education](#) (2023). See also, IHREC, [Re: Public consultation on Draft Junior Cycle SPHE Short Course Curriculum Specification](#) (2022).

796 Houses of the Oireachtas, [School Curriculum: Dáil Éireann Debate, Tuesday - 9 May 2023](#) (2023).

797 Group of Experts on Action against Violence against Women and Domestic Violence, [Baseline Evaluation Report: Ireland](#) (2023), p. 34.

798 This has been noted by the Council of Europe Commissioner for Human Rights. Dunja Mijatović, [Comprehensive sexuality education protects children and helps build a safer, inclusive society](#) (2020).

799 According to a 2022 survey by Belong To, 63.9% of respondents had been verbally harassed for their sexual orientation and 61.9% for their gender expression; moreover, one in four students had been physically harassed because of their sexual orientation, and one in five physically harassed because of their gender expression: [New findings in the 2022 School Climate Survey research from Belong To](#) (2022).

800 Group of Experts on Action against Violence against Women and Domestic Violence, [Baseline Evaluation Report: Ireland](#) (2023), p. 34.

801 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](#) (2017), para. 68.

802 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.



**The Commission recommends that the delivery of RSE education is grounded in the principles of gender equality, equal access and intersectionality, and that independent monitoring and evaluation mechanisms are in place.**

Gender norms and stereotypes continue to be reinforced within the education system,<sup>803</sup> including through gendered uniforms, single-sex schooling, and limitations in subject choices and career guidance information.<sup>804</sup> Despite national policy commitments,<sup>805</sup> and evolving societal attitudes,<sup>806</sup> girls remain underrepresented in Science, Technology, Engineering, and Mathematics ('STEM') Leaving Cert subjects.<sup>807</sup> While the low take-up is partly explained by limited subject provision in schools,<sup>808</sup> a recent report by the Gender Balance in STEM Advisory Group<sup>809</sup> has also attributed this to persistent negative gender stereotypes and reduced confidence amongst young girls.<sup>810</sup>

803 In 2017, CEDAW 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). See also, CEDAW, [List of issues and questions prior to the submission of the eighth periodic report of Ireland](#) CEDAW/C/IRL/QPR/8 (2023), para 15.

804 Joint Committee on Gender Equality, [Unfinished Democracy: Achieving Gender Equality](#) (2022), p. 60.

805 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).

806 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.

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

808 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.

809 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.

810 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.

In a 2022 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. I Wish, [2022 Survey of Female Students' Attitudes to Stem](#) (2022).

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. See 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 158,146 persons working in STEM related careers (professional, scientific and technical activities) in Ireland, 44.5% (70,452) are women. See Figure 2.9 in the CSO [Population aged 15 years and over by full-time or part-time employment, broad industrial group and sex, 2022](#) (December 2023).



Furthermore, there is a need for policy guidance from the Department of Education to protect the rights of non-binary students enrolled in single-sex primary and post-primary schools, and to ensure the consistent provision of supports.<sup>811</sup>

**The Commission recommends that the State takes active measures to address gender norms and stereotypes in schools, further and higher education, in line with the recommendations of the Joint Oireachtas Committee on Gender Equality, and establishes clear policies and supports for non-binary students.**

## The impact of Covid-19 on education



# 64%

believe that remote learning as a result of the Covid-19 pandemic negatively affected students

\*Data from the Commission's public poll on ESC rights in 2023

The Covid-19 pandemic and the State's response measures deepened educational inequality in Ireland.<sup>812</sup> Lengthy school closures and the transition to remote learning resulted in 'learning loss' and the widening of the 'learning gap' among students, with a disproportionate impact on children from socio-economically disadvantaged backgrounds, asylum-seeking, refugee and migrant children, Traveller and Roma children, disabled children with complex needs, and children in detention.<sup>813</sup> While many children did not have the appropriate environment, equipment, connectivity and support for their online studies,<sup>814</sup> students from socio-economically disadvantaged backgrounds were more likely to have inadequate space in which to work and to be in a 'stressed house', including due to precarious housing situations.<sup>815</sup> Overall,

811 Issues raised at our ICESCR Civil Society Forum (June 2023).

812 IHREC, '[Submission to the UN Committee on the Rights of the Child on the List of Issues Prior to Reporting for the fourth periodic examination of Ireland](#)' (2020), p. 39 and E. Carroll and S. McCoy, [All in This Together? New and enduring forms of inequality post-pandemic](#), Ireland's Education Yearbook (2021), p. 176.

813 E. Carroll and S. McCoy, [All in This Together? New and enduring forms of inequality post-pandemic](#), Ireland's Education Yearbook (2021), p. 177; M. Darmody, E. Smyth and H. Russell, 'Impacts of the COVID-19 Control Measures on Widening Educational Inequalities' 29(4) (2021) *Young* 366; and Pavee Point, National Traveller Women's Forum, Galway Traveller Movement, Donegal Travellers Project and Minceirs Whiden, [Submission to 70th Pre-Sessional Working Group \(07 Mar 2022 - 11 Mar 2022\) of the Committee on Economic, Social and Cultural Rights](#) (2021), p. 6. Children in Oberstown reported a number of challenges throughout the pandemic, including a lack of formal schooling and work experience. See Oberstown, [Annual Report 2020](#) (2021), pp. 12-1; Health Information and Quality Authority, [Report of Oberstown Children Detention Campus](#) (2021); Oberstown, [Annual Report 2021](#) (2022).

814 OCO, [No Filter: A survey of children's experiences of the Covid Pandemic](#) (April 2022), p. 5.

815 E. Carroll and S. McCoy, [All in This Together? New and enduring forms of inequality post-pandemic](#), Ireland's Education Yearbook (2021), p. 177 and M. Darmody, E. Smyth and H. Russell, "Impacts of the COVID-19 Control Measures on Widening Educational Inequalities" 29(4) (2021) *Young* 366, p. 370.

the medium and long term impacts of school closures during the pandemic remain relatively unknown, including due to the failure to implement and mainstream child rights impact assessments and evaluations as a practice.<sup>816</sup>

**The Commission recommends that as part of the forthcoming Covid-19 inquiry the State conducts a systematic and rights-based evaluation of the impact of school closures across specific groups of children, including to inform future crisis response measures.**

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816 Ombudsman for Children's Office, [The impact of school closures on children's rights in Ireland - A Pilot Child Rights Impact Assessment \(CRIA\)](#) (2022).

# Cultural rights

*When people have a good standard of living it reflects on society. It gives pride and equality, which encourages ambition, learning and social inclusion.*

*Include everybody; give every person a fair chance.*

*Members of the Traveller Community are highly discriminated against and [the] Government is not taking sufficient steps to change this; in fact the State is part of such discrimination.*

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\*Quotes from the open question in the ICESCR poll 2023

The right to cultural life is interdependent with other ESC rights, including the right to education, to seek, receive and impart information, and to participate in society. We are of the view that the State must pay particular attention to ethnic minorities and older people in promoting and protecting these rights, including through recognition of the important role they play in sharing information, traditions and cultural values.

### Traveller cultural rights

In line with Article 15, the State must ensure the preconditions for participation, facilitation and promotion of cultural life, including to preserve the distinctive character of minority cultures.<sup>817</sup> As documented throughout this report, the inequalities experienced by Travellers in education, health outcomes, access to adequate housing and accommodation, and decent work raise significant concerns about the extent to which the State is guaranteeing these preconditions. The impact of the State's assimilation policy is that Traveller language, norms and crafts are 'dying out', and young Travellers in particular have limited awareness and understanding of their culture and history.<sup>818</sup> The impact in practice cannot be underestimated, with Travellers identifying that the loss of their cultural way of living is a root cause of Traveller mental ill-health.<sup>819</sup>



*While the recognition of Irish Travellers as an ethnic minority in 2017 had symbolic value, it is of no legal effect.<sup>820</sup>*

817 CESCR, [General Comment No. 21: Right of everyone to take part in cultural life](#) (2009), paras 2, 6, 32-33. For example, education is the vessel through which cultural references are passed on and where mutual understanding and respect for cultural value is fostered.

818 Values Lab, Report on the outcome of the local consultation process with Traveller and Roma organisations, community groups, and individuals to inform the development of the successor strategy to the National Traveller and Roma Inclusion Strategy (2023). See also the section in this report on 'education'.

819 J. Villani and MM Barry, A qualitative study of the perceptions of mental health among the Traveller community in Ireland, *Health Promot Int.* 36(5) (2021), p. 1457.

820 This was restated in the High Court, where Justice Eager remarked that the recognition 'has no legal effect, clearly it is not legislation'. See *Mongans & Ors v Clare County Council* [2017] IEHC 709, para. 37.

The State made a number of commitments on cultural identity in NTRIS,<sup>821</sup> but we do not have sufficient evidence of concrete results or positive outcomes.<sup>822</sup> There was no ring-fenced investment for the relevant actions, and their implementation has been described by civil society as ‘the most stagnant of all’.<sup>823</sup> Furthermore, rather than addressing institutional and structural racism, the funding provided to support and value Traveller culture is ad hoc in nature and project based.<sup>824</sup> National and local Traveller organisations are not adequately resourced to work in the area of culture and heritage,<sup>825</sup> and have highlighted the lack of visibility of the Traveller community in programming by the State broadcaster.<sup>826</sup> Recent research also highlights the exclusion of Travellers from sport, due to discrimination, racism, the conditions on halting sites, and affordability.<sup>827</sup>

Traveller culture has also been eroded and criminalised through legislation,<sup>828</sup> including for example the *Control of Horses Act 1996* which placed significant limitations on the ability of Travellers to keep horses, despite their cultural significance.<sup>829</sup> Horses have both an economic and social role in the lives of Travellers,<sup>830</sup> and traditionally provided an opportunity for young men to gain employment and life skills.<sup>831</sup> Keeping horses is also linked with improved mental health outcomes for young Traveller men, including combating suicide.<sup>832</sup> Finally, the Council of Europe has recommended that the State

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821 Department of Justice and Equality, [National Traveller and Roma Inclusion Strategy 2017-2021](#) (2017), p. 24.

822 For example, Pavee Point have highlighted that only the Department of Social Protection has marked the action on anti-racism and cultural awareness training as ‘on track’, and the Department of Education has marked this action as completed, advising that staff have completed the Public Sector Duty training. However, the PSD training is not specific anti-racism training. Pavee Point have also highlighted that there are two activities related to culture in the expired NTRIS where no Department or agency was named as lead. Pavee Point, [Civil society monitoring report: Lessons learnt from implementation of the National Traveller and Roma Inclusion Strategy 2017-2021 and recommendation for the post-2022 strategy in Ireland](#) (2022), pp. 20-21, 26.

823 Advisory Committee on the Framework Convention for the protection of National Minorities, [Fifth Report Submitted by Ireland](#) (2023), p. 95.

824 For example, the funding provided for Traveller Pride Week: Advisory Committee on the Framework Convention for the protection of National Minorities, [Fifth Report Submitted by Ireland](#) (2023), p. 81. Our legal outreach and assistance has revealed that Traveller culture is often the subject of bespoke projects or annual festivals; however it is treated like celebration of history.

825 Advisory Committee on the Framework Convention for the protection of National Minorities, [Fifth Report Submitted by Ireland](#) (2023), p. 95.

826 Values Lab, Report on the outcome of the local consultation process with Traveller and Roma organisations, community groups, and individuals to inform the development of the successor strategy to the National Traveller and Roma Inclusion Strategy (2023).

827 TRUST Ireland, Sport as it should be: A rights-based approach to inclusion in Irish Sport (2023).

828 See also, our comments on the criminalisation of nomadism through trespassing legislation: IHREC, [Comments on Ireland’s 20th National Report on the Implementation of the European Social Charter](#) (2023), pp. 15-16.

829 IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination](#) (2019), p. 80.

830 P. Burke Wood, Significance of Horses: Control Legislation and Impact on Irish Travellers, *Society & Animals*, 27(5-6) (2019) 487-504, p. 495. When Travellers talk about culture they talk about horses and it is clear that horses touch many different aspects of Travellers lives: Pavee Point, [Traveller Horse Ownership](#) (2018), p. 8.

831 P. Burke Wood, Significance of Horses: Control Legislation and Impact on Irish Travellers, *Society & Animals*, 27(5-6) (2019) 487-504, p. 495.

832 Pavee Point, [Traveller Horse Ownership](#) (2018), p. 10.

immediately support Travellers to preserve and develop their identities and culture by consulting on a permanent cultural centre.<sup>833</sup> Despite civil society support, there are no policy commitments to implement this recommendation.<sup>834</sup>

**The Commission recommends that the State strengthens the recognition of Traveller ethnicity through legislation, alongside the implementation of a programme of well-resourced initiatives to promote Traveller culture. Such initiatives should include support for Traveller horse ownership and consultation on a permanent cultural centre.**

### Access to information and digital rights

Equitable access to technology and the internet, and associated opportunities, are addressed directly through human rights frameworks, and the principles of non-discrimination and equality.<sup>835</sup> However, the digital divide persists in terms of access to information and communication technologies, and use of the Internet for a wide variety of activities.<sup>836</sup> The need to tackle this divide in the Irish context has been highlighted by us, the Committee on the Rights of the Child, and previously in the context of ICESCR.<sup>837</sup>



65%

agree that some people in Ireland experience digital exclusion

\*Data from the Commission's Annual Poll 2023

833 Advisory Committee on the Framework Convention for the protection of National Minorities, [Fourth Opinion on Ireland](#) (2018), p. 2.

834 Advisory Committee on the Framework Convention for the protection of National Minorities, [Fifth Report Submitted by Ireland](#) (2023), p. 81.

835 CESCR, [General comment No. 25 \(2020\) on science and economic, social and cultural rights](#) (2020). See also, Article 21 in United Nations, [Universal Declaration of Human Rights](#) (1948). United Nations, [Sustainable Development Goals](#) (2016).

836 Organisation for Economic Co-operation and Development, [Understanding the Digital Divide](#) (2001), p. 5.

837 In our parallel report to the UN Committee on the Rights of the Child, we recommended that the State adopt measures to address the digital divide, and that public services remain accessible to those who do not use or have access to technology by retaining non-digital options. In its Concluding Observations, the UN Committee on the Rights of the Child placed emphasis on the need to improve digital inclusion for children, and enhance digital literacy. In General Comment No. 25, the Committee has highlighted the opportunities and challenges associated with the rapid development of science and technology, and emphasises accessibility and a human rights-focused approach. See: UN Committee on the Rights of the Child, [Concluding Observations](#) (2023), p. 6 and IHREC, [Submission to the Committee on the Rights of the Child \(UNCRC\) on Ireland's combined fifth and sixth periodic reports](#) (2022), p. 34. See also, CESCR, [General comment No. 25 \(2020\) on science and economic, social and cultural rights](#) (2020).

We acknowledge commitments in the Digital Ireland Framework,<sup>838</sup> to universal access to high speed broadband, and to digital inclusion. We welcome the progress of the National Broadband Plan,<sup>839</sup> but have concerns that the connection rates and speeds remain lower for some groups, including those in rural areas, those on lower incomes and those living in poverty. Furthermore, broadband remains unavailable in some areas.<sup>840</sup>

We are also concerned about the persistent digital skills divide, and the gap between the knowledge and literacy of some groups and what is required for full and active participation in a digital society. We note the State's increasing preference for the digitalisation of public services,<sup>841</sup> and the particular impacts on older people,<sup>842</sup> disabled people, those who have lower levels of education and/or lower incomes, and those living in rural areas.<sup>843</sup> Recent research in a rural area highlights the frustrations reported by participants when directed to phone systems and websites, particularly when their digital literacy acts as a barrier to access services or State supports that are being increasingly digitalised and 'de-localised'.<sup>844</sup>

**The Commission recommends that the State adopts measures to address the digital divide, and the digital skills divide, with a focus on complementarity across national policy and strategy.**

**The Commission recommends that public services remain accessible to those who do not use or have access to digital technology, including by retaining adequately staffed and non-digital access options.**

838 Government of Ireland, [Harnessing Digital: The Digital Ireland Framework](#) (2022), p. 15.

839 The National Broadband Plan is a framework for the delivery of high speed broadband services through commercial and State investment. See: Government of Ireland, [Update on the Delivery of the National Broadband Plan](#) (2023).

840 National Economic and Social Council, [Digital Inclusion in Ireland: Connectivity, Devices and Skills](#) (2021).

841 Government of Ireland, [Civil Service Renewal 2030 Strategy: Building on our Strengths](#) (2021), pp. 18-22; Department of Public Expenditure and Reform, [Public Service ICT Strategy](#) (2015); and Government of Ireland, [Harnessing Digital: The Digital Ireland Framework](#) (2022), p. 15. The State's aim is to have 90% of all public service transactions occur online: N. O'Connor and M.A. Murphy, [Reframing Ageing: The State of Ageing in Ireland 2022](#) (Age Action Ireland - 2022), p. 21.

842 Age Action reports that 25% of people aged 60-74 and more than half (56%) of people aged 75 or older do not use the internet. Of those aged 65-74 who are online, 43% have digital skills below basic levels: N. O'Connor and M.A. Murphy, [Reframing Ageing: The State of Ageing in Ireland 2022](#) (Age Action Ireland - 2022).

843 National Economic and Social Council (NES), [Digital Inclusion in Ireland: Connectivity, Devices and Skills](#) (2021). Accenture, [Ireland's Digital Society- Towards a Digital Index](#) (2022).

844 This research recommends the provision of help and information centres at a very local level in key locations to support community members with low levels of digital literacy in accessing services or information. See R. Greaney and K. Harrahill, [Fair Clare: Securing Socio-Economic Rights and a Just Transition in County Clare](#) (2023).









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