



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

Executive Summary

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.

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Executive Summary

∩∩ *If we are to become a fairer and more equal Ireland, one that recognises the cost of exclusion of large sections of society based on factors such as poverty, gender, age, and disability, and one that sees our differences as strengths, values each of its members and empowers them to reach their full potential, then we must engage fully with the transition that can take us there.*

Sinéad Gibney, Chief Commissioner

Introduction

The Irish Human Rights and Equality 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*. As well as our broad mandate to protect and promote human rights and equality, we hold independent monitoring mandates on disability and human trafficking and will soon be assigned a new role in relation to the prevention of torture. Since the last reporting cycle, we have commenced work to uphold equality and rights protections on the island of Ireland post Brexit.

We are providing this parallel report to the Committee on Economic, Social and Cultural Rights (‘the Committee’) almost nine years after the previous cycle, in advance of the fourth periodic examination of Ireland in February 2024. In the development of this report, we have drawn on the expertise and on-the-ground insights of a wide range of rights-holders and civil society actors.

Despite a transformation in Ireland’s economic development in the last decade, 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. 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. A paradigm shift is needed to eradicate poverty, build up our public service provision, and respond to the needs of our structurally vulnerable communities.

General obligations

The practical implementation of the International Covenant on Economic, Social and Cultural Rights (‘ICESCR’) requires the State to adopt all legislative, policy, administrative and other measures necessary to give full effect to the rights protected and to engage all sectors of society. We note the failure of the State to ensure the **domestic incorporation of ICESCR**, and recommend constructive engagement to progress full incorporation, the removal of reservations, and ratification of the Optional Protocol. Judicial hesitance to engage with distributive questions on economic, social and cultural (‘ESC’) rights must be remedied by enshrining them as justiciable rights in the Irish Constitution.

Civil society organisations occupy a key space in providing basic services and fulfilling the ESC rights obligations of the State. The advocacy functions of these organisations should not be reduced through proposed legislative changes or wider resource shortages. The State must recognise the value of Disabled Persons’ Organisations, and

the community and voluntary sector should be supported to carry out the democratic engagement, participation and social inclusion functions which are central to their mandate. Given the important role of public bodies and local authorities in protecting ESC rights, as recognised by over 75% of the public, it is essential that compliance with the **Public Sector Duty** is advanced through a formal State communication and that the Duty extends to contractual partners.

Despite recent improvements, Ireland remains a low-performing country in **climate action** and the adaptation measures have been profoundly inadequate to date. We recommend that the State mobilises the maximum available resources, including through domestic and EU financing mechanisms, to protect against climate related harms and align national targets with those at the European and international level. The recommendations of the Citizens’ Assembly on Biodiversity Loss should be progressed as a matter of urgency and disproportionate impacts of the climate crisis on structurally vulnerable groups should be addressed, including through improved participatory mechanisms for children, women and disabled people.

In relation to **business and human rights**, research shows that Irish companies are not adequately checking and taking responsibility for human rights and environmental harms within their operations. The State should play an active role in regulating private business through the introduction of mandatory human rights due diligence legislation, enhanced access to justice, urgent transposition of relevant EU directives and publication of the second National Action Plan on Business and Human Rights.

The State must respond to recent, current and emergent crises that threaten ESC rights, including by putting protective measures and investments in place. The planned **Covid-19** inquiry should include a thorough examination of the impact of emergency measures on ESC rights and embed human rights and equality standards in the terms of reference. In the aftermath of **Brexit**, it is essential 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. The potential for **artificial intelligence** to create accessibility, bias and discrimination issues requires strict controls and oversight mechanisms to be put in place as a matter of priority.

Maximum available resources

On ratifying ICESCR, the State committed to using all available resources to ensure the widest possible enjoyment of ESC rights. This requires equitable, progressive and fair **tax policies** which ensure the long-term sustainability of public finances. In light of the negative impacts of income inequality on ESC rights, the State should consider the introduction of a wealth tax, while poorly designed tax expenditures, cliff-edges and joint taxation should be removed. Corporate tax avoidance and profit-shifting impacts low-income countries and must be urgently addressed. Maximising resources

also means ensuring that **bribery and corruption** are rigorously addressed, particularly amongst those involved in politics and public life.

Non-discrimination

The State should dismantle 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. In relation to legislation, we welcome plans to review the **Equality Acts** but are concerned about the lack of a concrete timeline for reform. In particular, we recommend that discrimination based on socio-economic status is introduced as a prohibited ground under the Acts. The **Intoxicating Liquor Act** must also be amended to address issues with access to justice which disproportionately affect Travellers submitting discrimination claims against licenced premises.

National policy and oversight frameworks are a critical means of mainstreaming non-discrimination, however, a number of key equality strategies have expired with no successor strategies in place. Once strategies are published, their effectiveness is limited due to the poor policy implementation and monitoring record of the State. Policies and strategies are ineffective without adequate resourcing, and comprehensive **equality budgeting**, based on a statutory framework, must be adopted to monitor the impact of public spending on specific groups.

Accurate and comparable **equality data** is essential to understand the nature and extent of ESC rights protections in Irish society, and to enable evidence-informed policymaking. Current shortfalls in data collection impede a thorough and accurate assessment of Ireland's human rights record, and should be addressed in the forthcoming National Equality Data Strategy.

Equal rights of women and men

The State has committed to holding a referendum for **constitutional reform** on family and care, but this referendum will not enshrine the principles of gender equality and non-discrimination in the Irish Constitution. The electorate must be supported to participate effectively in the referendum process. Improving rights protections in practice requires constitutional change to be accompanied by ambitious and resourced legislative and policy measures.

Gender pay gaps and **gender pension gaps** continue to persist in Ireland. The limited scope of current pay gap reporting obligations fails to capture data on small and medium enterprises and does not disaggregate across equality grounds. In relation to pensions, the impact of the male breadwinner model and tax reliefs which disproportionately benefit men have negative effects on gender equality.

Women’s **participation in public life**, including politics, the civil service, corporate boards and State boards, is significantly lower than men. Quotas are a key tool for use in political elections and corporate and State boards, but must be supported by other measures which address the barriers faced by women seeking to enter public life.

Labour rights

The ‘full employment’ narrative emphasised by the State fails to recognise that certain groups disproportionately face institutional discrimination and structural barriers which impact **equal access to work**. Employers can perpetuate negative stereotypes, and racism and ableism continue to influence employment outcomes for Travellers, Roma, migrants, ethnic minorities and disabled people. Structural weaknesses, such as the income inadequacy of schemes for the long-term unemployed, poor public transport, and lack of harmonisation of employment and social welfare policies, mean that in many cases the costs of working outweigh the benefits.

The high rates of in-work poverty in Ireland demonstrate that a significant proportion of people in employment are not receiving **decent wages**. The State has committed to gradually introducing a living wage by 2026, however, we are concerned about the adequacy of living wage calculations in the context of inflation, and the fixed threshold approach. While there is a substantial data gap in relation to workers in the informal economy, the available evidence demonstrates that structurally vulnerable groups are more likely to be engaged in **precarious work**, such as zero-hour contracts. We recommend that existing legislation is strengthened to remove gaps, including by protecting workers in bogus self-employment arrangements.

The transition to a digital and green economy presents **decent work** challenges. Disabled people, victims of human trafficking, frontier workers across the island of Ireland and undocumented workers all face complex issues in accessing decent work, which need to be proactively addressed. The protection of labour rights must also recognise the unique historical context of **forced labour** in Magdalen Laundries and Mother and Baby Homes, and the legacy of the State’s failure to ensure adequate redress. These failures should not be repeated in the State’s response to more recent findings of sexual violence and harassment in the Defence Forces. Issues of decent work should be addressed through **collective bargaining**; however, the collective bargaining structures in Ireland are weak, due to the lack of legislative protection, low membership rates and restrictions on the right to strike.

Right to social security

Social protection should be understood by the State as a human right rather than charity, and as an investment that will reduce poverty and create an inclusive economy that is more resilient to shocks. Discrimination in **access to social security** is reinforced

by structures such as the Habitual Residence Condition, inaccessible application processes, cliff-edges and stigmatising narratives. We have raised concerns about plans to reform disability payments, including issues with scoping research containing inaccurate narratives around the willingness of disabled people to take up paid work.

The **inadequacy of social welfare payments** is reflected in the high poverty rates in Ireland, with particular impacts for children and one parent families. Regressive and discriminatory measures relating to social welfare payments for international and temporary protection applicants are of serious concern, as is the prioritisation of one-off payments over long-term structural recalibration. We recommend that the arbitrary calculation of social welfare payment levels is replaced with the formal adoption of welfare indexation as a matter of priority.

Protection of the family and children

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 and guardians should be supported to balance care responsibilities alongside full participation in social and cultural life. Despite very strong public support for free **Early Childhood Education and Care**, existing schemes and programmes are not universally accessible. While we welcome the extension of statutory parental leave entitlements, the proposals fall short, both in terms of length and adequacy of payments.

The State is responsible for coordinating prevention tools, support services and access to justice measures to eradicate **domestic, sexual and gender-based violence** ('DSGBV'). Since DSGBV is a leading cause of homelessness, we are concerned about the inadequacy of refuge accommodation in Ireland. Proposed increases will not meet need, in light of the lack of transitional facilities and barriers faced by victims and survivors when accessing social housing. We are also concerned that the current legal aid system does not facilitate the participation of victims and survivors in relevant criminal proceedings, except in limited circumstances. This should be addressed in the review of the Civil Legal Aid Scheme currently underway.

Right to an adequate standard of living

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. Many of these people have been subjected to intergenerational poverty for decades. The State must improve its institutional framework, policy co-ordination and data collection, and take a human rights-based approach to poverty eradication. Root causes, such as the social protection system, low paid work, financial exclusion and socio-economic discrimination must all be adequately addressed. As people are

forced to make choices about spending, particular impacts of poverty manifest in compromises around food, energy and hygiene, with detrimental impacts on standards of living.

Given that **social exclusion** is the product of consistent violations of a range of ESC rights, its prevalence in both urban and rural communities is a cause for concern. 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. 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.

Ireland's **housing and 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. It is vital that the State takes necessary measures to increase the stock of public and social housing in Ireland, and ensure non-discrimination in the application of social housing policies. Short-term measures to increase the supply of rental accommodation should incentivise affordability, quality and security of tenure, and be accompanied by long-term planning. Access to culturally appropriate and high-quality accommodation must be ensured for structurally vulnerable groups, and institutionalisation in all forms should cease.

Right to physical and mental health

The **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. Ireland's lack of a universal healthcare system makes it a European outlier, resulting in structural socio-economic discrimination and access to services which is based on the ability to pay. The specific healthcare needs of structurally vulnerable groups must be addressed, including lower income households, international and temporary protection applicants, Travellers and trans people. Many essential healthcare services were halted during the **Covid-19** pandemic, while the quality of other services was greatly compromised. The existing focus on temporary solutions must be replaced with a strategic approach to reform prioritising sustainable investment.

While **sexual and reproductive healthcare** in Ireland has improved since the last review, we are concerned about the State's commitment to implementing operational and legislative recommendations to improve access to such services. Improved access to maternal and fertility health services is also required, in line with research and international best practice.

There is a longstanding implementation gap in mental healthcare services, where ambitious policy commitments are reproduced in successive **mental health** strategies but are not implemented in practice. Similar to other areas of healthcare, this sector is characterised by long waiting lists, lack of community-based supports, inappropriate treatments, gaps between public and private services, and regional inequalities in accessibility and quality of care. Structurally vulnerable groups also have particularly poor mental health outcomes, linked to the systemic discrimination that they face in many aspects of their lives. We recommend that the mental health needs of such groups are addressed, including through identifying and responding to root causes, streamlining access to services and providing cultural competence training to all staff.

Right to education

Education across all levels must be accessible, high quality, adaptable and culturally appropriate. However, the cross-cutting impacts of inequality and discrimination affect **equal access to education**. At the primary and post-primary level, the past pupil criterion and religious discrimination restricts inclusion of particular cohorts of children, while the lack of financial resources and entry pathways have a negative impact on access to further and higher education for those on lower incomes. We recommend that the State develops additional integrated supports to improve access to further and higher education, including through the resourcing of community education programmes.

Structurally vulnerable groups also experience discrimination within the education system, including racism, identity-based bullying, language barriers, low teacher expectations, harmful gender stereotypes and lack of reasonable accommodations. This results in poor educational participation rates for these groups, which must be addressed through curricula development and targeted, sustainably-funded programmes to improve outcomes. The State must ensure the full transition to an **inclusive education** system for disabled students, and gender equality should be a central guiding principle for the system as a whole. A rights-based evaluation of the extent to which the **Covid-19** pandemic and the State's response measures deepened educational inequality in Ireland must be completed.

Cultural rights

Inequalities experienced across education, health, accommodation and decent work raise significant concerns about the extent to which the State is guaranteeing the preconditions for the **participation of Travellers in cultural life**. Traveller language, norms and crafts are 'dying out', and young Travellers have limited awareness and understanding of their culture and history. Traveller culture has been eroded and criminalised through legislation, and policy commitments to promote culture have

stagnated. We recommend that the State strengthens the recognition of Traveller ethnicity through legislation and implements a programme of well-resourced initiatives to promote Traveller culture.

Equal access to technology and the internet is guaranteed in many human rights instruments. However, the **digital divide** persists in terms of access to information and communication technologies. Giving the growing centrality of digitalised public services, we are concerned that broadband connection rates and speeds are lower for those in rural areas, those on lower incomes and those living in poverty. Noting also the low levels of digital literacy among groups such as older people, disabled people and people with lower levels of education, we recommend that public services remain accessible by retaining adequately staffed non-digital access options.

Appendix:

List of recommendations

Domestic incorporation of ICESCR

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 State enshrines economic, social and cultural rights in the Irish Constitution.

Civil society participation

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 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.
- 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.
- 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. Such 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

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.

- **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

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 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 State reviews all existing commitments to ensure alignment with national, European Union and international targets for the reduction of greenhouse gas emissions.**
- **the State progresses the recommendations of the Citizens’ Assembly on Biodiversity Loss, including through Constitutional reform to expressly protect substantive environmental rights.**
- **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 State fully realises procedural environmental rights by ensuring effective public participation in the formation of legal and policy measures, and wide access to justice.**
- **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

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

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.**

Brexit

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.**

Artificial intelligence

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 State ratifies Convention C108+ for the protection of individuals with regard to the processing of personal data.

Taxation

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 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.
- cliff-edges in the Irish tax system should be removed and replaced by more gradual or tapered thresholds.
- the State commits to a phased move towards a fully individualised tax system.
- 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.

Bribery and corruption

The Commission recommends that:

- the State fully implements the recommendations of the Group of States Against Corruption's Fourth and Fifth Evaluation Reports.

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

Equality legislation

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.

Intoxicating Liquor Act

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

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

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.
- 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

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 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.

Constitutional reform

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

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.
- 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

The Commission recommends that:

- gender quotas of 40% are extended to local, Seanad and European elections.
- maternity leave is introduced for TDs and Senators prior to the 2024 General Elections.
- the State increases funding for community organisations working to dismantle barriers to political participation for structurally vulnerable women.
- 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 State undertakes research on gender inequality in senior public service positions and makes evidence-based policy commitments to implement findings.

Access to work

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.
- 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.
- 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.

- 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 State reviews and reforms employment schemes to provide supports tailored to individual requirements and self-employment option.

Decent wages

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.
- 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 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.

Precarious work

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

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.
- the State legislates to establish a proactive duty of employers to consult the person affected when considering the provision of reasonable accommodation.
- 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 provides 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.
- 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.
- standalone offences for holding a person in slavery, servitude or forced or compulsory labour be introduced in Irish law.
- 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.
- 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.

- 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

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.
- 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 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 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.

Access to social security

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

- **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.**
- **all staff engaged in the administration of social welfare receive training on their obligations and duties under the Public Sector Duty.**
- **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.**
- **codes of conducts for public officials and election candidates should clearly prohibit the use or endorsement of prejudicial and discriminatory discourse.**

Adequacy of social security

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

Childcare and family-friendly employment policies

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 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 CESCR review cycle.
- 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

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.
- 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.

Poverty

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.
- 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.

- **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.**
- **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

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.**
- **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.**
- **investment is made in community interventions and public spaces to protect cultural rights, facilitate a cohesive society and combat social isolation.**

Housing and accommodation

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 State accepts Article 31 of the Revised European Social Charter on the right to housing.**

- 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 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.
- 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.
- 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.
- 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 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.
- 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.
- 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 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.

Accessibility, availability, affordability and quality of health services

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 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.
- 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 State prioritises the establishment and rollout of national electronic health and social care records.
- 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 Department of Health and Health Service Executive implement existing commitments to introduce the ethnic identifier across the health system without delay.
- 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

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 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

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.
- 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 State revises the publicly funded fertility treatment scheme to eliminate discrimination in access to healthcare services, in line with international best practice.

Mental health

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 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.

Accessibility and availability of education

Primary and post-primary education

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 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

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 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

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.
- 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.

- **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 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.**
- **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.**
- **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

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.**
- **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.**
- **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

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.

Cultural rights

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

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.
- 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.



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