

Submission to the Department of the Taoiseach on the European Semester 2023 and the National Reform Programme

Irish Human Rights and Equality Commission
February 2023



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

Published by the Irish Human Rights and Equality Commission.

Copyright © Irish Human Rights and Equality Commission 2023

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.

Contents

1. Introduction	1
2. Evidence-informed policy	3
Data collection	3
Equality budgeting	4
Participation	4
3. National Recovery and Resilience Plan	7
4. Economic inequality	9
Poverty rates	9
Welfare indexation	11
5. Decent work	13
Just transition and decent work	15
6. Adequate housing and energy	18
Constitutional reform	18
Homelessness and housing deprivation	18
Housing and energy costs	20
7. Gender Equality	22
Constitutional and policy reform	22
Gender pay gap	23
Women in public life	24
8. Care	26
9. International and temporary protection	29
Provision of accommodation	29
Vulnerability assessments	30
10. Climate justice	32

Business and climate justice	32
------------------------------------	----

1. Introduction

The Irish Human Rights and Equality Commission ('the Commission') is both 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'). We have a statutory mandate to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality, and to make recommendations to the Government to strengthen, protect and uphold human rights and equality.¹ We are the Independent Monitoring Mechanism for Ireland under the United Nations Convention on the Rights of Persons with Disabilities ('UNCRPD');² the independent National Rapporteur on the Trafficking of Human Beings;³ and will be assigned the role of the Coordinating National Preventive Mechanism under the Optional Protocol to the Convention against Torture, pending ratification.⁴

In our *Strategy Statement 2022-2024*,⁵ we have committed to prioritising the following thematic areas which are relevant to the development of Ireland's National Reform Programme 2023, as well as Ireland's coordination of economic and social policies under the European Semester process: Economic equality; Justice; Respect and Recognition (including through the eradication of racism, ableism, ageism and sexism); Futureproofing; and the Public Sector Duty.

We welcome the opportunity to provide input into the European Semester 2023 and the development of the National Reform Programme ('NRP'), having made previous submissions to the Department of the Taoiseach in March 2020 and February 2022.⁶ As

¹ Section 10(2)(b) and (d) of the *Irish Human Rights and Equality Commission Act 2014*.

² 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.

³ IHREC, [Commission Takes on New Role as Ireland's National Rapporteur on the Trafficking of Human Beings](#) (22 October 2020).

⁴ To be provided under the *Inspection of Places of Detention Bill*, when enacted.

⁵ IHREC, [Strategy Statement 2022-2024](#).

⁶ IHREC, Submission to the Department of the Taoiseach on the European Semester 2022 and the National Reform Programme (February 2022); IHREC, [Submission to the Department of the Taoiseach on the European Semester 2020 and the National Reform Programme](#) (March 2020).

highlighted at the recent stakeholder meeting on the European Semester and NRP, human rights and equality standards should provide the framework for this reporting procedure. This requires the Department to move beyond presenting the commitments and targets in relevant policy frameworks and to focus on social imbalances and the evidenced outcomes of these measures, including their impact on structurally vulnerable⁷ groups in practice.

We remain at the disposal of the Department to further discuss the material presented in this submission.

⁷ For the purpose of this submission, 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 or inherently vulnerable, 'structural vulnerability' refers to the structures in place which render certain sectors of the population particularly vulnerable to human rights abuses.

2. Evidence-informed policy

Sustainable Development Goals 1-17⁸

Data collection

While we welcome the commitment in the National Recovery and Resilience Plan ('NRRP') to progress disaggregated data collection,⁹ there are ongoing considerable shortfalls in equality data in Ireland.¹⁰ We continue to recommend the full implementation of the European Commission's Guidelines on improving the collection and use of equality data, and in this regard note the importance of key national and regional frameworks, including the EU's Equality Data programme, the National Statistics Board's strategic direction on official statistics and the development of the national Equality Data Strategy.¹¹ Furthermore, the EU Data Act, which will facilitate 'data spaces' in combination with the the EU Data Governance Act, provides a driver for the development of equality and human rights data and the creation of data hubs.¹²

⁸ Improving data disaggregation is fundamental for the full implementation of the SDG indicator framework to fulfil the ambition of the 2030 Agenda of leaving no one behind. See OHCHR, [OHCHR and the 2030 Agenda for Sustainable Development](#).

⁹ Government of Ireland, [National Recovery and Resilience Plan](#) (2021), p. 14.

¹⁰ See for example, IHREC, [Submission to the Anti-Racism Committee: Developing a National Action Plan Against Racism](#) (August 2021), pp. 13-18.

¹¹ EU resources on best practice in equality data infrastructure include: European Commission, [European Handbook on Equality Data](#) (revised 2016); European Commission High Level Group on Non-Discrimination, Equality and Diversity – Subgroup on Equality Data, [Guidelines on improving the collection and use of equality data](#) (2018); European Commission High Level Group on Non-Discrimination, Equality and Diversity – Subgroup on Equality Data, [Guidance note on the collection and use of equality data on racial and ethnic origin](#) (2021); see also forthcoming Guidance note on the collection and use of Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) data (2023). See webpage: [European Commission - Equality data collection](#). The 2018 EU Equality Data Guidelines emphasise the legal basis for the collection of equality data, including special category data. The EU Equality Data Subgroup – which is chaired by the Fundamental Rights Agency – is a satellite group of the EU High Level Group on Non-Discrimination, Equality and Diversity. IHREC is represented on this group. See National Statistics Board (NSB), [Strategic Priorities for Official Statistics 2021–2026](#) (2021), p. 27.

¹² See: EU Data Governance Act [EUR-Lex - 52020PC0767 - EN - EUR-Lex \(europa.eu\)](#) and [State of play on the EU Data Act - Ecommerce Europe \(ecommerce-europe.eu\)](#).

Equality budgeting

We are of the view that the State must prioritise the use of resources, including EU investments, to advance human rights and equality in Ireland and to provide leadership internationally to ensure that ‘no person and no place shall be left behind’.¹³ In 2021, the Organisation for Economic Co-operation and Development (‘OECD’) conducted a review of equality budgeting in Ireland,¹⁴ 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.¹⁵ The OECD recommended that an equality budgeting statement be published alongside the budget, and that tax expenditures should be subject to equality review.¹⁶ 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’.¹⁷ Equality budgeting relates to and progresses the positive obligation on all public bodies under Public Sector Equality and Human Rights Duty to eliminate discrimination, promote equality of opportunity and protect human rights.¹⁸

Participation

As highlighted by the European Commission in 2022, there is potential to improve evidence-informed policymaking in Ireland, including through stakeholder engagement, as well as *ex-post* evaluation.¹⁹ In line with OHCHR Guidance, such stakeholder engagement requires the active and informed participation of individuals in the development, implementation,

¹³ See OHCHR, [OHCHR and the 2030 Agenda for Sustainable Development](#).

¹⁴ Equality Budgeting aims to provide greater information on how proposed or ongoing budgetary decisions impact on particular groups in society in order to integrate equality into the budgetary process: Department of Public Expenditure and Reform, [Budget 2022, Equality Budgeting: Equality Audit of Tusla Data](#) (2021), p. 5.

¹⁵ OECD, [OECD Scan: Equality Budgeting in Ireland](#) (2021), p. 4.

¹⁶ OECD, [OECD Scan: Equality Budgeting in Ireland](#) (2021), p. 22.

¹⁷ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), at para 9(c)-(d).

¹⁸ See IHREC, [Implementing the Public Sector Equality and Human Rights Duty](#) (2019).

¹⁹ European Commission, [2022 Country Report- Ireland](#) (2022), p. 45.

monitoring and reviewing of legislative, executive and administrative decisions that concern them.²⁰ It must also include and directly resource the participation of rights-holders from structurally vulnerable groups, including those identified within this submission. We further note that policy consultation can be limited to a system of online consultations,²¹ with short response timeframes, a practice which locks those digitally excluded out of important participation mechanisms, particularly persons experiencing digital poverty (a lack of reliable access to the internet and technology and of digital skills).²² Older people,²³ people with literacy difficulties and those living outside urban centres are more likely to experience difficulties in accessing online services, including online consultations.²⁴ As the designate Independent Monitoring Mechanism for the UNCRPD, we note that the State has specific obligations under Article 4.3 on the participation of disabled people, through their representative organisations, in the implementation and monitoring of their rights.²⁵

The Commission recommends that the State:

- **Develops the collection and use of disaggregated equality data, including on the grounds of age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background;**²⁶
- **Fully implements all European Commission guidance on the collection and use of equality data;**²⁷

²⁰ 2 United Nations Office of the High Commissioner for Human Rights, [Guidelines for States on the effective implementation of the right to participate in public affairs](#) (2018); See also IHREC, [Submission on the General Scheme of the Criminal Justice \(Hate Crime\) Bill](#) (2022): pp. 17-18

²¹ Department of the Environment, Climate and Communications, [Climate Conversations 2022](#), 2022.

²² Irish Human Rights and Equality Commission, [Submission to the Human Rights Committee on Ireland's fifth periodic report](#) (2022) : p. 84

²³ Older Irish people have much lower levels of digital skills than their counterparts in other EU countries. For example, 33 per cent of Irish people aged 65-74 had never used the internet in 2019. See Age Action, [Digital Inclusion and an Ageing Population](#) (2021): p. 18.

²⁴ Citizen's Information, [Digital Exclusion and E-government in Ireland](#), (2022): p.28.

²⁵ 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).

²⁶ This is in line with recent recommendations from the Committee on the Rights of the Child. See Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 10(a).

²⁷ European Commission High Level Group on Non-Discrimination, Equality and Diversity – Subgroup on Equality Data, [Guidelines on improving the collection and use of equality data](#) (2018).

- **Implements the Committee on the Rights of the Child's 2023 recommendations on equality budgeting, including by providing incentives and building the capacities of all Government entities;²⁸ and**
- **Ensures, including through direct resourcing, the active participation of rights holders throughout the design, monitoring, review, evaluation and reform of policy and legislative measures in Ireland.**

²⁸ See Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 9.

3. National Recovery and Resilience Plan

We note the European Commission's approval of Ireland's NRRP in April 2021 and its subsequent adoption by the Council in September 2021.²⁹ Although the NRRP will provide a significant investment of approximately €989 million to strengthen Ireland's sustainability and resilience post-pandemic, particularly in the areas of the green and digital transitions, we have highlighted our concerns that the NRRP does not embed Ireland's human rights and equality obligations.³⁰ As recommended by the European Commission,³¹ there are broad references within the NRRP to advance gender equality and equal opportunities for all but this is not adequately reflected in the targeted objectives and reforms. Given the absence of conscious regard to human rights and equality in emergency law-making during the pandemic,³² this continues to be a significant gap in the State's decision and policy-making structures.

It is our understanding based on recent engagement with the Department that despite the significant challenges being experienced in Ireland with regard to economic equality, access to decent work, and housing for example, Ireland has not yet drawn down any funding under the Recovery and Resilience Facility.³³ We are of the view that human rights and equality standards must be the guiding framework for the Department's implementation of these funds,³⁴ including by ensuring full compliance with the Public Sector Equality and

²⁹ European Commission, [Ireland's recovery and resilience plan](#) (2021).

³⁰ Under the Charter of Fundamental Rights, for example, Title III contains general provisions on equality before the law and the prohibition of any form of discrimination as well as more specific provisions concerning the rights of the child and of the elderly, integration of persons with disabilities, equality between women and men and linguistic diversity. See also section on 'Pandemic impact' in IHREC, [Submission to the UN Committee on Economic, Social and Cultural Rights for the List of Issues on Ireland's Fourth Periodic Report](#) (December 2021), p. 4.

³¹ European Commission, [Guidance to Member States Recovery and Resilience Plans](#) (2021), p. 4.

³² Conor Casey, Oran Doyle, David Kenny, Donna Lyons, [Ireland's Emergency Powers During the Covid-19 Pandemic](#) (IHREC, February 2019).

³³ See also, Department of Public Expenditure and Reform, [EU Funding](#) (November 2022).

³⁴ As an example, see IHREC and the Government of Ireland, [Equality and Human Rights in EU Funds, 2021-27 Guidance Tool](#) (2021). This guidance is to assist public bodies engaged in the EU Funding process to utilise the Public Sector Equality and Human Rights Duty to incorporate equality and human rights considerations in the design and implementation of EU Funded programmes.

Human Rights Duty in the planning, implementation, monitoring, reporting, and evaluation of the programmes.³⁵

Transparency is essential to monitoring and accountability at national level, and we call on the State to ensure that measures and programmes in receipt of NRRP funding are reported on in an accessible manner to key stakeholders and the public. Parliamentary scrutiny and oversight is also necessary but, despite recommendations from the Commission and the Human Rights Council, the State has yet to establish a dedicated Oireachtas Committee on human rights and equality.³⁶

The Commission recommends that the State:

- **Ensures compliance with the Public Sector Equality and Human Rights Duty is included as a requirement in all procurement processes and service level agreements under NRRP programmes; and**
- **Establishes a Parliamentary Committee on human rights and equality with an expansive mandate across all Government departments.**

³⁵ Section 42 of the *Irish Human Rights and Equality Commission Act 2014*. See also, IHREC, [Implementing the Public Sector Equality and Human Rights Duty](#) (2019) and Sections 3.2.1 and 4 on scheme design and implementation in IHREC and the Government of Ireland, [Equality and Human Rights in EU Funds, 2021-27 Guidance Tool](#) (2021).

³⁶ A former Parliamentary Sub-Committee on Human Rights, relative to Justice and Equality matters, met three times before the Government was dissolved on 3 February 2016 and it was not re-established following the 2016 general election. See for example, IHREC, [Submission to the Third Universal Periodic Review Cycle for Ireland](#) (March 2021), p. 2 and Human Rights Council, [Report of the Working Group on the Universal Periodic Review: Ireland](#) (2016) UN Doc. A/HRC/33/17, p. 23.

4. Economic inequality

Sustainable Development Goal 1, 8; European Pillar of Social Rights 5, 6, 7, 8; 12, 13, 14, 15

Economic inequality impacts an entire society and its economy, and especially impacts structurally vulnerable groups.³⁷ We note that a review of equality legislation in Ireland is currently being undertaken by the State, with legislative proposals to be brought forward in 2023.³⁸ We have repeatedly called for the Equality Acts to be amended to provide for discrimination on the grounds of socio-economic status.³⁹

Poverty rates

Current Government policy is to reduce the national consistent poverty rate to 2% or less of the population by 2025 (from a 2018 rate of 5.6%).⁴⁰ The consistent poverty rate represents people who are both at risk of poverty and experiencing enforced deprivation. We note that in 2021, the consistent poverty rate was 4%,⁴¹ the ‘at risk of poverty’ rate was 11.6% and 13.8% of the population experienced enforced deprivation.⁴² The enforced deprivation rate has since increased to 17.1% in 2022.⁴³ By household composition, individuals living in households where there was one adult and one or more children aged under 18 were the

³⁷ Commission-funded research has found that structurally vulnerable groups are particularly impacted by economic inequality, and are overlooked and under-served in the Irish labour market, are more likely to have lower pay, lower security and stability in work, and are more exposed to work-related discrimination. IHREC, [Developing a National Action Plan Against Racism](#) (2021), p. 43; See also IHREC, [Submission to the Department of Social Protection’s public consultation on the Roadmap for Social Inclusion: Mid-term Review](#) (2022), p. 7.

³⁸ 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. For a recent update, see Houses of the Oireachtas, [Legislative Reviews: Dáil Éireann Debate, Wednesday - 18 January 2023](#) (2023) See also, IHREC, [Submission on the Review of the Equality Acts](#) (2021).

³⁹ IHREC, [Submission on the Review of the Equality Acts](#) (2021), pp. 19-21.

⁴⁰ See: [Roadmap for Social Inclusion 2020-2025](#).

⁴¹ The most up-to-date data available on poverty in Ireland is the [Survey on Income and Living Conditions \(SILC\): Enforced Deprivation 2022](#) and the [Survey on Income and Living Conditions \(SILC\) 2021](#) conducted by the CSO.

⁴² See CSO, [Survey on Income and Living Conditions \(SILC\) 2021](#) (2022).

⁴³ See CSO, [Survey on Income and Living Conditions \(SILC\): Enforced Deprivation 2022](#) (2022). 12.1% of households reported difficulties with making ends meet in 2022, and 5.7% reported great difficulty. The data relating to 2022 in this publication is currently under review and will be re-weighted. Revised estimates are expected to be published in early 2023.

most likely to be experiencing enforced deprivation at almost 45.4%.⁴⁴ A recent poll carried out by the Commission reported that 88% of parents with children under 16 plan to reduce their heating and energy consumption to reduce household costs, and 58% are worried that there will be some periods in the next twelve months when they won't have enough money to cover household food.⁴⁵

Despite the significant level of child poverty in Ireland,⁴⁶ there remains a delay in developing the proposed new target for reducing the number of children experiencing consistent poverty by 2025.⁴⁷ Commission-supported research published in September 2022 also highlighted that there is no data on child poverty at a regional, county or electoral area/district level.⁴⁸ The Committee on the Rights of the Child has underscored the importance of a child rights-based approach in addressing child poverty, with a particular focus on children from structurally vulnerable families, especially children of single parents, refugee children and children of ethnic minority groups.⁴⁹

We are of the view that all measures, targets and monitoring and evaluation structures on poverty should be comprehensive, consolidated, aligned, and focused on impact

⁴⁴ See CSO, [Survey on Income and Living Conditions \(SILC\): Enforced Deprivation 2022](#) (2022).

⁴⁵ The data for IHREC's annual poll was collected by Amárach Research via an online poll between 10-21 November 2022, administered to 1200 participants aged 18 or over. See IHREC, [Robust Support Continues for Refugees Says New National Survey on International Human Rights Day](#) (10 December 2022).

⁴⁶ As of May 2022, 13.6% of children are currently at risk of poverty in Ireland, 5.2% are living in consistent poverty, and 17% are experiencing deprivation. In addition, 22.8% of one parent families are at risk of poverty, 13.1% are living in consistent poverty, and 44.9% are experiencing deprivation. See CSO, [the Survey on Income and Living Conditions \(SILC\) Poverty Statistics](#) (2022). We note that the SILC statistics published highlight that Covid-19 income supports had a greater impact on the at-risk of poverty rate of younger respondents. The rate for those aged 0-17 was reduced by almost 11 percentage points from 24.2% without Covid-19 income supports to 13.6%. However, some of the Covid-19 support measures in place have come to an end. We note that the PUP was closed for applications from the 22nd January 2022, and the Employment Wage Subsidy Scheme has ended as of April 2022. Therefore, the number of children at risk of poverty is likely to increase. See also, Children's Rights Alliance, [Statement on SILC Poverty Statistics](#) (2022).

⁴⁷ For further information, see IHREC, [Ireland and the Rights of the Child: Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports](#) (2022), p. 78.

⁴⁸ Conor McCabe, [Towards an Anti-Poverty Strategy for Clare](#) (Clare Public Participation Network: September 2022), p. 28.

⁴⁹ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 35(d). The Committee noted that it remains seriously concerned about the large number of children living in poverty and food insecurity.

measurement.⁵⁰ Furthermore, we note the commentary from international partners and experts that the measurement of poverty often relies on limited statistical data, for example household surveys, and does not capture the full extent of the issue and its underlying causes.⁵¹ Further consideration of the current methodologies used is required, including longitudinal analysis, and such methodological choices concerning data collection and poverty measurement should be based on the direct participation of people living in poverty, including children.

Welfare indexation

In our recent Policy Statement on the Index-Linking of Welfare Payments, we have underscored the importance of taking protective measures to ensure the equality and human rights of those most impacted by economic inequality, particularly in the context of the pandemic, and to futureproof the social welfare system by embedding indexation into the welfare policy process.⁵² We made a series of recommendations which should be taken into account through the EU Semester process, including that welfare supports in Ireland are indexed to wages, and that the Government actively progresses with the establishment of an independent Indexation Commission to assess and recommend an appropriate reference point for indexation.⁵³

The Commission recommends that the State:

- **Amends Irish equality law to prohibit discrimination on the basis of socio-economic status;**

⁵⁰ At the Social Inclusion Forum 2022, participants raised the need to address discrimination and victimisation of children in poverty by allowing spaces for meaningful participation: Department of Social Protection, [Report of Social Inclusion Forum 2022](#) (2022), p. 7.

⁵¹ ENNHRI, [Applying a Human Rights-Based Approach to Poverty Reduction and Measurement](#) (2019) and O. De Schutter, [A human rights-based approach to measuring poverty](#) (January 2022). See also ATD Ireland, [The Hidden Dimensions of Poverty – International Participatory Research](#) (2022). Minister O’Brien also acknowledged at the Social Inclusion Forum that statistics may not reflect lived experience: Department of Social Protection, [Report of the Social Inclusion Forum 2022](#) (2022), p. 6.

⁵² IHREC, [Policy Statement on the Index-Linking of Welfare Payments](#) (Welfare Indexation) (2023).

⁵³ IHREC, [Policy Statement on the Index-Linking of Welfare Payments](#) (Welfare Indexation) (2023).

- Ensures, through the establishment of the new child poverty unit,⁵⁴ the full implementation of the 2023 Concluding Observations of the Committee on the Rights of the Child;⁵⁵
- Addresses the index-linking of all welfare payments to ensure that the gap between welfare and other incomes is reduced; and
- Establishes the independent Indexation Commission, which should be tasked with assessing and recommending an appropriate reference point for indexation.

⁵⁴ In December 2022, Tánaiste Varadkar announced that a new unit will be set up in the Department of An Taoiseach to focus on reducing child poverty and improving well-being – the purpose is to coordinate cross-Government action on children and families.

⁵⁵ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), paras 34-35.

5. Decent work

Sustainable Development Goal 8; European Pillar of Social Rights: 1-5; 6-10

Improved equality of access to decent work and fair remuneration, in particular for groups facing high or systemic labour market barriers,⁵⁶ is central to the improvement of greater economic equality.⁵⁷ We are of the view that the focus on the labour market and job creation through the European Semester process must ensure protection of the six key dimensions of decent work: access to work; adequate earnings; employee voice; security and stability of work; equality of opportunity for and treatment in employment; and health and safety.⁵⁸

Specific groups in Ireland continue to have a higher risk of low pay and labour market insecurity. Young people, non-Irish nationals, particularly East Europeans,⁵⁹ lone parents, and those with low educational attainment are at significantly higher risk of low hourly wages and low weekly work.⁶⁰ Overall, 6 out of 10 low paid workers are women.⁶¹ Almost half of 22 year olds who were put on temporary layoff, or who lost their job, during the pandemic experienced a long-term impact on their employment quality and pay levels for

⁵⁶ The Commission has highlighted the structural barriers to labour market access for ethnic minority groups including, among others, issues with recognising experience, English language acquisition, and lack of familiarity with Ireland's job culture and employment system. The unemployment rate among members of the Irish Traveller community stood at 80% in Census 2016. Non-EU migrants report lower employment and high unemployment when compared to Irish-born, and EU-East migrants report lower occupational attainment than Irish-born. Further, women in Ireland had lower rates of employment in 2019 (68 per cent) than men (79 per cent). See F. McGinnity, H. Russell, I. Privalko and S. Enright, [Monitoring Decent Work in Ireland](#) (IHREC and ESRI) (2021).

⁵⁷ A recent report by NERI 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': Dr P. Gallagher and C. Nugent, [Temporary Employment, Low Paid Work and Job Security amongst Young Irish Workers](#) (2022).

⁵⁸ F. McGinnity, H. Russell, I. Privalko and S. Enright, [Monitoring Decent Work in Ireland](#) (IHREC and ESRI) (2021).

⁵⁹ New research from the ESRI found that while non-Irish nationals as a whole earned 22 per cent less per hour than Irish nationals, East European workers earned, on average, 40 per cent less than Irish workers in the period 2011-2018. The study also finds that migrant women face a double wage penalty: J. Laurence, E. Kelly, F. McGinnity, S. Currigan, [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (2023).

⁶⁰ F. McGinnity, H. Russell, I. Privalko and S. Enright, [Monitoring Decent Work in Ireland](#) (IHREC and ESRI) (2021), pp. x, 68-75. See also, Dr P. Gallagher and C. Nugent, [Temporary Employment, Low Paid Work and Job Security amongst Young Irish Workers](#) (2022).

⁶¹ OECD, [Decile ratios of gross earnings:Incidence of low pay](#).

the following years.⁶² The Central Statistics Office has previously reported on in-work poverty, noting that the risk of poverty rate for employed individuals was 4.4% in 2021, but would have been 11.7% without Covid-19 income supports, highlighting the importance of State intervention and support.⁶³ There is a need to reframe Government policies on the National Minimum Wage⁶⁴ in light of recent reform on the establishment of a Living Wage,⁶⁵ the Low Wage Commission's Final Report in 2022,⁶⁶ and European Union legislative developments on adequate minimum wages.⁶⁷ Given current levels of inflation and the cost of living crisis, there is considerable scope for the creation of new commitments in this area.

While Irish data on trade union membership is conflated with data on membership of staff associations, a recent study shows that Ireland has comparably lower rates of trade union coverages than Germany, France and Denmark and structurally vulnerable groups are less likely to be members.⁶⁸ It should be recognised in the National Reform Programme that trade union membership is largely unaddressed in overall employment or equality strategies in Ireland.⁶⁹ Furthermore, trade unions have no legislative right to be recognised in the workplace for collective bargaining purposes and employees have no right to make

⁶² See National Longitudinal Study of Children, Growing Up in Ireland, [Growing Up in Ireland: Key Findings: Special Covid-19 Survey](#), p. 19. See also C. Nugent, [Trends in the Irish Labour market – Special Focus: The impact of the coronavirus \(so far\)](#), NERI Report Series No. 9.

⁶³ CSO, [Survey on Income and Living Conditions \(SILC\) 2021](#).

⁶⁴ See Government of Ireland, [Roadmap for Social Inclusion 2020-2025: Ambition, Goals, Commitments](#) (2020): Supporting workers and families – ensuring work pays.

⁶⁵ See Department of Enterprise, Trade and Employment, [Tánaiste outlines proposal to bring in living wage for all](#) (June 2022).

⁶⁶ Low Pay Commission, [Living Wage Report](#) (2022)

⁶⁷ European Council, [Council adopts EU law on adequate minimum wages](#) (2022).

⁶⁸ 26% of the employed population are trade union or staff association members, with employees born in Ireland being more likely to be a trade union member than employees born elsewhere. Younger workers are less likely to be members of a union or staff association: F. McGinnity, H. Russell, I. Privalko and S. Enright, [Monitoring Decent Work in Ireland](#) (IHREC and ESRI) (2021), p. 82. Recent research from the ESRI also found that non-Irish nationals are much less likely to be members of trade unions or staff associations (13 per cent compared to 34 per cent for Irish nationals): J. Laurence, E. Kelly, F. McGinnity, S. Curristan, [Wages and Working Conditions of Non-Irish Nationals in Ireland](#) (2023).

⁶⁹ See for example, the Migrant Integration Strategy, the National Strategy for Women and Girls 2017-2020, National LGBTI+ Inclusion Strategy 2019-2021 and National Traveller and Roma Inclusion Strategy 2017-2021. While the Comprehensive Employment Strategy for People with Disabilities 2015-2024 sets out a commitment to develop trade union supports and employment opportunities, it does not focus on the access to trade union membership and recognition.

representations to their employer through their union.⁷⁰ We welcome the Council's recent adoption of the EU Directive on Adequate Minimum Wages in the European Union,⁷¹ particularly as regards the promotion of collective bargaining on wage setting across the EU.

Just transition and decent work⁷²

Ireland's National Reform Programme must address employment vulnerability in the context of the transition towards a carbon-neutral economy, including a particular focus on upskilling, reskilling and redeployment of those affected.⁷³ We note the impact on the Midlands region in particular.⁷⁴ Concerns have also been raised in relation to 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.⁷⁵ The transition to a climate-neutral economy will impact all sectors of the Irish economy and society.⁷⁶ In this context, we underline the importance of adopting a human-rights based approach to decent work, having regard to all structurally vulnerable groups as referenced above. The State's response should incorporate high-impact targeted funding, with the greatest possible local impact.⁷⁷ EU funding mechanisms, including the EU Just Transition Fund, must be used as a means of allocating necessary financial resources for re-training and upskilling in vulnerable regions and communities.

⁷⁰ For this reason, an anomaly exists where many union members (one-third of all union members in 2013) are members of unions which cannot engage in collective bargaining with an employer on their behalf. For further discussion see IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 30.

⁷¹ European Council, [Council adopts EU law on adequate minimum wages](#) (2022).

⁷² Further discussion will be included in IHREC, Policy Statement on the Just Transition (forthcoming).

⁷³ As part of its 'Decent Work Agenda', the ILO identifies four essential pillars for the Just Transition: social dialogue, social protection, rights at work and employment. See ILO, [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#) (2019), p. 4.

⁷⁴ 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.

⁷⁵ Services Industrial Professional and Technical Union (SIPTU), [There are No Jobs on a Dead Planet: What a Just Transition Means for Workers](#) (2017).

⁷⁶ Just Transition Alliance, [Joint Declaration](#) (2022).

⁷⁷ National Economic and Social Council, [Addressing Employment Vulnerability as Part of a Just Transition in Ireland](#) (2020), p. viii.

At a European level, the Just Transition takes a broader focus towards a green and digital Europe where no one will be left behind.⁷⁸ Among the European Commission's priorities is responding to the impact of digital technology on our lives in a way that is just and fair, as set out in the European Digital Strategy.⁷⁹ The European Commission's work includes efforts to address digital skills gaps and support digitalisation.⁸⁰ We note that a comprehensive just transition must actively take into account the risk of job losses that will arise from digital transformation.⁸¹ Workers will continue to be affected by job substitution, job elimination and job transformation.⁸² While technological innovation is positively associated with employment across all sectors, artificial intelligence and digitalisation challenge high-routine jobs.⁸³

Employment vulnerability in the context of climate action is also more likely to negatively impact already structurally vulnerable groups. Older people are more likely to be employed in carbon-intensive sectors.⁸⁴ 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.⁸⁵ Workers in the most affected territories are also more likely to have lower levels of education, a barrier to redeployment.⁸⁶

⁷⁸ Eurofound, [Just Transition](#), (2023).

⁷⁹ See: Eurofound, [Just Transition](#), (2023). European Commission, [A Europe Fit for the Digital Age](#), (2023)

⁸⁰ European Commission, [A Europe Fit for the Digital Age](#), (2023)

⁸¹ Neither the digital nor just transitions exist in isolation. Both represent major changes in the operation of society, with the potential to create new economic opportunity and improve overall quality of life. The rapid pace of technological change, the advancement of clean energy technology and the efficiencies of automation can reduce costs and accelerate the transition to a carbon-neutral economy. See IHREC, Policy Statement on the Just Transition (forthcoming, 2023)

⁸² United Nations, [Just Transition of the Workforce, and the Creation of Decent Work and Quality Jobs](#), (2021).

⁸³ The OECD has estimated that 14% of jobs are at high risk of automation. By sector, the risk of automation was typically higher for occupations in manufacturing and in agriculture, although jobs in a number of service sectors, such as postal and courier services, land transport and food services, also faced a high risk. See OECD, [Policy Brief on the Future Work: What happened to jobs at high risk of automation?](#) (2021): p. 1. See also: Marcolin, L., S. Miroudot and M. Squicciarini, "Routine Jobs, Employment and Technological Innovation in Global Value Chains", *OECD Science, Technology and Industry Working Papers*, No. 2016/01, OECD Publishing (2016).

⁸⁴ European Trade Union Institute, [Why the EU's patchy 'just transition' framework is not up to meeting its climate ambitions](#) (2022).

⁸⁵ Akgüç, M., Arabadjieva, K., & Galgóczi, B., [Why the EU's patchy 'just transition' framework is not up to meeting its climate ambitions](#) (2022).

⁸⁶ Aarc, [Report on the Challenges, Needs and Recommended Actions for the Most Affected Territory](#), EU Structural Reform Support Programme Report (2022), p. 10.

The Commission recommends that the State:

- **Improves equality of access to decent work through the National Reform Programme, in particular for groups facing high or systemic labour market discrimination and barriers, and including through legislation and policy to establish an adequate Living Wage;**
- **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;**
- **Prioritises participation and social dialogue in the context of the just transition to address employment vulnerability; and**
- **Prioritises community development in areas affected by climate action and digital transformation, including through funding, supporting alternative and sustainable employment opportunities, and training and development.**

6. Adequate housing and energy

Sustainable Development Goals 7, 11; European Pillar of Social Rights: 19

Constitutional reform

Access to affordable, safe, secure, and decent standard housing is essential for individuals' physical health, psychological wellbeing, and to live a life with dignity, and is a core target of SDG 11 under the 2030 Agenda.⁸⁷ In our 2022 submission to the Commission on Housing, we call for a constitutional right to housing.⁸⁸ We are of the view that economic, social and cultural rights, including housing, must be protected in the Irish legal order,⁸⁹ and backed by appropriate supplementary statutory protections and policy measures.⁹⁰ A recent poll carried out by the Commission reported that a majority of people in Ireland believe that housing is a basic human right (80%), which should be protected in the Constitution (64%).⁹¹

Homelessness and housing deprivation

Despite repeated commitments by Government, including measures under the NRRP,⁹² Ireland continues to experience an ongoing structural housing crisis⁹³ and, as of December

⁸⁷ Sustainable Development Goals. Available at: <https://irelandsdg.geohive.ie/pages/goal11>. There is a critical link between the right to adequate housing and the enjoyment of other related and interdependent rights, including the right to family life and the right to privacy: OHCHR and the right to adequate housing: <https://www.ohchr.org/en/housing>.

⁸⁸ See IHREC, [Submission to the Third Universal Periodic Review Cycle for Ireland](#) (2021), p. 15; IHREC, [Comments on Ireland's 17th National Report on the Implementation of the European Social Charter](#), (2020), p. 3; 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), p. 10; IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 3.

⁸⁹ IHREC, [Policy Statement on the Incorporation of Economic, Social and Cultural Rights in the Irish Constitution](#) (February 2023 p. 4.

⁹⁰ The Commission has previously expressed its view that socio-economic rights should be enshrined in the Irish Constitution. See for example, IHREC, [Comments on Ireland's 19th National Report on the implementation of the European Social Charter](#) (2022), p. 3.

⁹¹ See IHREC, [Robust Support Continues for Refugees Says New National Survey on International Human Rights Day](#) (10 December 2022).

⁹² Target 3.8 NRRP: to increase the provision of social and affordable housing.

⁹³ As recognised by the European Commission: European Commission, [2022 Country Report – Ireland](#) (2022), p. 48.

2022, there were 11,632 people in homeless accommodation in Ireland.⁹⁴ There are concerns that homelessness will increase as the country continues to transition out of the pandemic and as tenancy supports and protections are lifted.⁹⁵ Furthermore, there is a need to address gaps in existing data in order to accurately measure access to adequate housing in Ireland overall, and for protected and structurally vulnerable groups in particular.⁹⁶ As recently outlined by the Committee on the Rights of the Child, child homelessness is of significant concern in Ireland, and it called on the State to strengthen measures to phase out temporary and emergency accommodation schemes, and to significantly increase the availability of adequate and long-term social housing for families in need.⁹⁷

Progress in responding to the housing crisis remains slow, including in increasing the housing supply as noted by the European Commission in its Country Report 2022.⁹⁸ The Government's delivery of annual targets under the *Housing for All 2021-2030* plan⁹⁹ has been inconsistent, with significant shortfalls in housing delivery throughout the Covid-19 pandemic.¹⁰⁰ More recently, a report by IBEC highlighted that an increase of social and affordable housing targets is needed to reflect ongoing deficits and an increasing population,¹⁰¹ raising concerns about the overall adequacy of the initial targets contained within *Housing for All*.

⁹⁴ Department of Housing, Planning & Local Government, Homelessness Report (December 2022), available at: <https://www.gov.ie/en/publication/22abb-homeless-report-december-2022/>.

⁹⁵ The current eviction ban is due to be lifted on 1 April: Dáil debates, [Questions on Policy or Legislation](#) (2 February 2023).

⁹⁶ H. Russell, I. Privalko, F. McGinnity and S. Enright, [Monitoring adequate housing in Ireland](#), (IHREC and the ESRI, 2021), p. 65.

⁹⁷ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023): at para 35(b).

⁹⁸ European Commission, [2022 Country Report – Ireland](#) (2022).

⁹⁹ Department of Housing, Local Government and Heritage: [Housing for All – A New Housing Plan for Ireland](#), 2021.

¹⁰⁰ At the end of 2020, social housing delivery had reached just over 70% of the original target, with the Minister for Housing, Local Government and Heritage referencing the public health restrictions as the reason for the delays. See IHREC, [Comments by the Irish Human Rights and Equality Commission on the 18th National Report on the implementation of the European Social Charter](#) (2021), p. 30.

¹⁰¹ While targets for social and affordable housing under Housing For All will increase from 9,000 social homes and 4,000 affordable and cost rental homes in 2022 to approximately 10,000 social homes and 6,000 affordable and cost rental homes annually, IBEC has recommended that around 20,000 social, affordable and cost rental units annually will be needed. See IBEC, [Better Housing Better Business Report](#) (2023), p. 9.

Housing and energy costs

A rights-based approach to housing is essential in the context of Ireland's limited progress in the Just Transition, evidenced by the high levels of energy poverty and increasing energy costs in Ireland.¹⁰² Research demonstrates that those experiencing poverty are more likely to live in homes with low energy ratings, and are consequently more likely to rely on fossil fuels.¹⁰³ Lower-rated homes have both higher emissions and higher fuel costs.

Approximately 44.5% of rental properties in Ireland have a BER rating of D or lower.

Moreover, upfront costs associated with accessing sustainable energy grants can act as a barrier for low income households.¹⁰⁴ These issues fall into stark relief for structurally vulnerable groups that are more likely to live in energy inefficient housing and substandard accommodation, including persons aged 60 and older,¹⁰⁵ people living in rural communities,¹⁰⁶ and minority ethnic communities,¹⁰⁷ including the Traveller community.¹⁰⁸

The Commission recommends that the State:

- **Provides an update on measures taken to progress the constitutional referendum on the right to housing;**

¹⁰² For further discussion, see IHREC, Policy Statement on the Just Transition (forthcoming).

¹⁰³ Research demonstrates that those experiencing poverty are more likely to live in homes with low energy ratings, and are consequently more likely to rely on fossil fuels. Social Justice Ireland, [Energy poverty and a just transition](#) (2021).

¹⁰⁴ Social Justice Ireland, [Energy Poverty and a Just Transition](#), (2021).

¹⁰⁵ The majority of homes with a BER of E, F and G are occupied by people aged 60 or older. See Age Action, [An Energy Guarantee for Older Persons: Policy Brief](#), (2022).

¹⁰⁶ Central Statistics Office, [Domestic Building Energy Ratings](#) (2022).

¹⁰⁷ Research demonstrates higher levels of energy poverty amongst minority ethnic communities, who also experience higher levels of housing discrimination, an additional barrier to accessing more energy-efficient homes. See European Commission, [Discrimination against migrants in the Irish housing market](#), (2019); Sonal, J., Sawyer, S. & Hernández, D. [Energy, poverty, and health in climate change: a comprehensive review of an emerging literature](#), *Frontiers in Public Health* 2019, pp. 357; Reames, T.G. [Targeting energy justice: Exploring spatial, racial/ethnic and socioeconomic disparities in urban residential heating energy efficiency](#), *Energy Policy* 97, 2017, pp. 549-558.

¹⁰⁸ Energy costs tend to be higher for Traveller families, exacerbated for those living on unauthorised sites with little to no energy infrastructure. See Money Advice and Budgeting Service, [Accommodating Ethnicity: Addressing Energy Poverty Among Travellers Living in Mobile Homes and Trailers: An Exploratory Study](#), (2019).

- **Addresses the root causes of homelessness and significantly increases the availability of adequate and long-term social housing; and**
- **Places greater emphasis on evidence-informed targeted measures in tandem with one-off measures, to forestall the impact of energy poverty on structurally vulnerable households.**

7. Gender Equality

Sustainable Development Goal 5; European Pillar of Social Rights: 2

Constitutional and policy reform

There has been limited progress in advancing gender equality in the Irish Constitution, and current constitutional provisions such as Article 41.2 perpetuate stereotypical attitudes towards the role of women.¹⁰⁹ As highlighted in the 2022 National Reform Programme, the Citizens' Assembly on Gender Equality published a set of 45 priority recommendations in 2021, including for constitutional reform.¹¹⁰ Alternative wordings for Articles 40.1¹¹¹ and 41.2 of the Constitution have since been recommended by the Oireachtas Joint Committee on Gender Equality.¹¹² Despite the Committee's call that the Government hold a referendum in 2023, a concrete timeline has yet to be published and this now requires a priority focus. We also draw particular attention to the absence of any published final independent evaluation of or successor strategy to the *National Strategy for Women and Girls 2017–2020*,¹¹³ which expired at the end of 2021.¹¹⁴ The development of a new National Strategy should involve an independent evaluation of the gender impact of the State's

¹⁰⁹ Article 41.2 of the Constitution of Ireland: 1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved; 2° The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

¹¹⁰ See IHREC, [Submission to the Citizens' Assembly on Gender Equality](#) (March 2020) and [Report of the Citizens' Assembly on Gender Equality](#) (2021).

¹¹¹ Article 40.1 of the Constitution of Ireland: All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.

¹¹² See Houses of the Oireachtas, [Interim Report on Constitutional Change](#) (July 2022); Houses of the Oireachtas, [Unfinished Democracy: Achieving Gender Equality Final Report](#) (December 2022). We appeared before the Joint Committee in March 2022 and made a subsequent submission in November 2022, outlining our recommendations for constitutional reform and possible wording. See IHREC, Submission to the Joint Committee on Gender Equality (2022); and Houses of the Oireachtas, [Joint Committee on Gender Equality debate - Thursday, 10 Mar 2022](#) (2022).

¹¹³ See Gov.ie, Gender Equality: National Policy and Strategies (2021). A combined evaluation of the Migrant Integration Strategy, the National Strategy for Women and Girls, and the National Traveller and Roma Inclusion Strategy has been commissioned and this exercise was due to conclude by Q3 2022. The report of the evaluation is due to be published when concluded. See Government of Ireland, [National Reform Programme for the European Semester](#) (April 2022), p. 57.

¹¹⁴ The Strategy was extended to 2021 to take account of the pandemic impact. See Houses of the Oireachtas, [Joint Committee on Gender Equality debate - Thursday, 24 Mar 2022](#) (2022).

response to Covid-19, and include specific measures to mitigate the impact of Covid-19 and future emergencies on gender equality.¹¹⁵

Gender pay gap

The gender pay and pension gaps stand at approximately 14%, and 38%, respectively.¹¹⁶

Recent measures have been introduced to address the gender pay gap in Ireland through the enactment of the *Gender Pay Gap Information Act 2021*, although the impact in practice has yet to be seen.¹¹⁷ We welcome that the State is planning to introduce an online platform in 2023 to improve public oversight of the gender pay gap, and stress the importance of such a facility in ensuring transparency.¹¹⁸ However, we remain concerned by reports that some Government Departments missed their December 2022 deadlines, and we call for greater urgency and prioritisation in implementing the statutory obligations under the 2021 Act.¹¹⁹

In 2022, we prepared a Code of Practice on Equal Pay, with the approval of the Minister for Children, Equality, Disability, Integration and Youth and after consultation with relevant organisations representing equality interests. The Code seeks to promote the development and implementation of procedures that establish workplaces where employees receive

¹¹⁵ See Compendium of resources: the gender impact of the COVID-19 pandemic and gender-sensitive responses. See also Rethink Ireland and National Women's Council, [The impact of Covid-19 on women's economic mobility](#) (2021).

¹¹⁶ The gender pay gap figure is based on data from 2014 and relates to the 'unadjusted gender pay gap' which is defined as the difference between the average gross hourly earnings of men and women expressed as a percentage of the average gross hourly earnings of men. For further details see: https://ec.europa.eu/eurostat/statisticsexplained/index.php/Gender_pay_gap_statistics. For a discussion on the gender pension gap, see IHREC, [Citizens' Assembly on the Challenges and Opportunities of an Ageing Population](#) (2017).

¹¹⁷ The reporting obligations under the Act apply to private and public sector employers with 250+ employees. The Act widens the scope to employers with 150+ employees on or after the second anniversary of the regulations and to employers with 50+ employees on or after the third anniversary of the regulations. There will be no requirement on employers with less than 50 employees to report on the gender pay gap. See also IHREC, [Submission to the UN Committee on Economic, Social and Cultural Rights for the List of Issues on Ireland's Fourth Periodic Report](#) (2021), p. 24.

¹¹⁸ According to the Departmental press release, plans are in place to develop an online reporting system for the 2023 reporting cycle. See Government of Ireland, [Minister O'Gorman announces introduction of gender pay gap reporting in 2022](#) (2022).

¹¹⁹ See C. O'Carroll, [Four government departments miss deadline to publish gender pay gap reports](#) (Irish Examiner, 12 January 2023).

equal pay for like work.¹²⁰ The code provides practical guidance to employers, employers' organisations, trade unions and employees on the right to equal pay, the elimination of pay inequality and the resolution of pay disputes.

Women in public life

While the number of women participating in public life has improved in Ireland in recent years, disparity in gender balance persists across a range of spheres, including in senior civil service posts. As of 2021, women represented 32% of those at the most senior grade of Secretary General, and 43% at the next most senior grade, Assistant Secretary.¹²¹

There has been progress on increasing women's representation on public boards, however the measure of average membership means that the high concentration of women on particular boards is masking that a high proportion of boards are not meeting their gender targets.¹²² We welcome the Citizens' Assembly recommendation to make funding to public bodies contingent on reaching a 40 per cent gender balance quota by 2025. Our own statute-based requirement of equal gender balance on the Commission is exemplary of best practice.

There remains a significant gender gap in the leadership of private sector businesses in Ireland. According to 2022 figures,¹²³ Irish publicly-listed companies have an average female representation of 32% at the board level.¹²⁴ Moreover, progress in increasing women's representation in key roles, including Chairs, Chief Executive Officers and Chief Financial Officers, remains slow, with women now accounting for 30% of Senior Independent Directors.¹²⁵ In June 2020, the European Committee of Social Rights found Ireland to be in

¹²⁰ The provisions of the Code are admissible in proceedings before a court or the WRC or Labour Court.

¹²¹ Houses of the Oireachtas, [Gender Equality: Dáil Éireann Debate, Tuesday - 1 March 2022](#) (2022).

¹²² E. Berkery, C. Murphy and C. Cross, "Gender Balance on State Boards in Ireland: To the Forefront of Progress or Concealing the Status Quo?" *Social Politics: International Studies in Gender, State & Society* (2022).

¹²³ Balance for Better Business is a Government-sponsored business-led review group established in 2018 to ensure that women play a role at board level and in senior leadership. See Balance for Better Business, [Press Release March 2022](#) (2022)

¹²⁴ This figure related to ISEQ20 companies in Ireland, an increase from 18% in 2018 when Balance For Better Business was established. Boards of other listed companies, however, have an average of 23% female representation. See Balance for Better Business, [Press Release March 2022](#) (2022)

¹²⁵ See Balance for Better Business, [Press Release March 2022](#) (2022)

violation of Article 20 of the Revised European Social Charter due to insufficient progress in ensuring a balanced representation of women in private sector decision-making positions.¹²⁶

The Commission recommends that the State:

- **Progresses the implementation of the recommendations of the Citizens' Assembly on Gender Equality and the Joint Oireachtas Committee on Gender Equality, including through holding a constitutional referendum in 2023;**
- **Addresses the effectiveness of gender pay gap reporting and the timeline for the extension of reporting obligations to smaller establishments, including through progressing the online reporting system; and**
- **Introduces a statutory 40 per cent gender balance quota for State and private company boards, and ensures that funding of public bodies is contingent on reaching this quota by 2025.**

¹²⁶ University Women of Europe (UWE) v. Ireland, Complaint No. 132/2016 (June 2020).

8. Care

Sustainable Development Goals 4-5; European Pillar of Social Rights: 2, 11

The care sector in Ireland, including early years and long term care, continues to be heavily reliant on private sector providers.¹²⁷ In our ongoing public information campaign ‘Care About Equality’, we have stressed the need for an overhaul of the State’s policy framework for care, to ensure that care work in Ireland is adequately supported, publically valued, and equally shared.¹²⁸ As noted above, constitutional reform in this area is also required.¹²⁹

In our previous submission, we welcomed the Citizens’ Assembly on Gender Equality 2021 recommendations that the State transition to a publicly funded model of childcare, and increase the share of GDP spent on childcare to at least 1%.¹³⁰ In December 2022, the Joint Oireachtas Committee on Gender Equality reiterated this call for the State to immediately move away from privatised care provision and ensure free childhood education and care, with prioritisation for low income and one-parent families.¹³¹ While we welcome recent significant reforms to address the high costs of childcare in Ireland and improve wage

¹²⁷ See Houses of the Oireachtas, [Joint Committee on Gender Equality: Unfinished Democracy - Achieving Gender Equality \(Final Report\)](#) (December 2022).

¹²⁸ The Commission also recommends that the State modernise the legislative and policy framework for the promotion of family-friendly measures in the workplace, including that paid parental leave be extended to cover the first year of the child’s life, be non-transferable between parents to encourage sharing of childcare responsibilities, provide lone parents with the same total leave period as a couple, and be incentivised to encourage take up. We have also repeatedly commented about the highly gendered nature of unpaid care work in Ireland. See IHREC, [Care About Equality Campaign](#) (2022) and IHREC, Submission to the European Semester 2022 and the National Reform Programme (2022).

¹²⁹ The Joint Oireachtas Committee on Gender Equality has recommended that Article 41.2 of the Constitution should be deleted and replaced with language that is not gender specific and obliges the State to take reasonable measures to support care within the home and wider community: Houses of the Oireachtas, [Joint Committee on Gender Equality: Unfinished Democracy- Achieving Gender Equality \(Final Report\)](#) (December 2022).

¹³⁰ [Report of the Citizens’ Assembly on Gender Equality](#) (2021).

¹³¹ Houses of the Oireachtas, [Joint Committee on Gender Equality: Unfinished Democracy - Achieving Gender Equality \(Final Report\)](#) (December 2022), p. 11.

structures for staff,¹³² ongoing investment and planning is needed to ensure the full transition to a public model of childcare.¹³³

We are concerned that the State continues to be overly reliant on institutional care for older people and disabled people,¹³⁴ and that timelines for implementation of the State's commitment to deinstitutionalise residential disability services have not been met.¹³⁵ A Parliamentary Committee has observed that the lack of statutory clinical oversight of care for residents in the private nursing home sector is one of the biggest weaknesses exposed by Covid-19.¹³⁶ There are also many younger disabled people inappropriately accommodated in nursing homes.¹³⁷ The pandemic has highlighted the need for the State to phase out institutional disability services and re-allocate funds into the development of both disability specific and accessible mainstream community-based alternatives. It has also demonstrated how rapidly policy and practice can change, and limitations on resources be overcome, when deemed necessary.

The new European Care Strategy should guide the delivery of reforms and investments in this area, in particular its recommendations to Member States to revise targets on early

¹³² Including the allocation of an additional €121 million to reduce average parental co-payments for early learning and care by 25%. Government of Ireland, [Minister O'Gorman secures €1 billion investment in early learning and childcare](#) (2022). See also, Department of Children, Equality, Disability, Integration and Youth and Department of Enterprise, Trade and Employment, ['Historic' new pay agreement to provide pay increases and wage structure for early learning and childcare workers - Ministers English and O'Gorman](#) (September 2022).

¹³³ We note, for instance, the Joint Oireachtas Committee on Gender Equality recommendation in 2022 to reduce childcare fees by up to two-thirds, compared to the Budget 2023 target of 25%. Civil society organisations have also called for sustained increases in investment in subsequent Budgets. See National Women's Council of Ireland (NWC), [Budget 2023: Childcare measures hailed as breakthrough for women's equality](#) (2022). Various human rights monitoring bodies have repeatedly called for increased investment and to transition to a publicly-funded model of childcare, particularly given the impacts of high costs on working parents and persons in disadvantaged situations. See the recent recommendation by the Committee on the Rights of the Child in February 2023. Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023): at para 26(d).

¹³⁴ National Disability Authority, [Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021](#) (2022) p. 40. For further commentary see, IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), p. 54.

¹³⁵ HSE, *Time to Move on from Congregated Settings A Strategy for Community Inclusion* (2011). National Disability Authority, [Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021](#) (2022) p. 40.

¹³⁶ Oireachtas Special Committee on COVID-19 Response, [Interim report on COVID-19 in nursing homes](#) (July 2020) p. 14.

¹³⁷ As of June 2020, there were here were 1,320 people under 65 years of age supported by the Nursing Homes Support Scheme; see Office of the Ombudsman, [Wasted lives: Time for a better future for younger people in nursing homes](#) (2021) p. 7.

childhood education and care and to draw up national actions plans to make care more available, accessible and better quality for all.¹³⁸

The Commission recommends that the State:

- **Takes measures to fully implement the Citizens' Assembly and Joint Oireachtas Committee recommendations on care, including by transitioning to a publicly funded model of childcare and prioritising parents with low incomes and lone parents; and**
- **Accelerates the deinstitutionalisation process to ensure that people have the right to in-home, residential and community support services, including personal assistance, necessary to support living in the community.**

¹³⁸ See European Commission, [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Care Strategy](#) (2022) and European Commission, [Proposal for a Council Recommendation on access to affordable high-quality long-term care](#) (2022).

9. International and temporary protection

Sustainable Development Goal 10; European Pillar of Social Rights: 3, 19 and 20

Provision of accommodation

As of January 2023, there were approximately 19,350 people residing in accommodation provided by the International Protection Accommodation Service, up from 11,689 people in February 2022.¹³⁹ Furthermore, Ireland is now providing accommodation for approximately 54,000 Ukrainians under the temporary protection system.¹⁴⁰ We note that while the Health Information and Quality Authority is currently establishing its role as the independent monitoring mechanism of accommodation centres, inspections of emergency accommodation will not be carried out. This is of particular concern given the State's increased and longer term use of emergency accommodation for applicants for international and temporary protection.¹⁴¹

In February 2021, the Government committed to replacing Direct Provision with a 'human rights and equality based' model by December 2024.¹⁴² However, the implementation of the White Paper is already behind schedule and the projected timelines and deliverables are being reviewed.¹⁴³ We have growing concerns about the delays in progressing reform, given the deteriorating conditions faced by people seeking international protection and the

¹³⁹ Department of Children, Equality, Disability, Integration and Youth, [International Protection](#) (2023). According to a 2022 press release by the Irish Refugee Council, a record 11,689 people, including nearly 2,800 children, were living in Direct Provision in February 2022. Irish Times, [More than 11,600 people in direct provision as numbers rise to record levels](#) (2022).

¹⁴⁰ Data provided by the State at the review by the Committee on the Rights of the Child in January 2023.

¹⁴¹ HIQA will commence inspections in early 2023 once legislation is in place: Department of Children, Equality, Disability, Integration and Youth, [International Protection](#) (2023).

¹⁴² Measures proposed include: ending the 'for profit' approach to reception of international protection applicants; earlier access to the labour market; provision of own-door community-based accommodation; provision of support payments; improved legal, health, education, childcare, and employment activation supports. See Department of Children, Equality, Disability, Integration and Youth, [A White Paper to End Direct Provision and to Establish a New International Protection Support Service](#), (February 2021). The White Paper was drafted following the publication of recommendations by an Advisory Group: See Department of Justice, [Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process](#) (October 2020).

¹⁴³ Department of Children, Equality, Disability, Integration and Youth, [International Protection](#) (2023).

regression in standards.¹⁴⁴ A recent poll carried out by the Commission reported that 64% of people in Ireland agree that those in the Direct Provision system experience racism and discrimination, while 68% believe the State should set a clear date to end Direct Provision.¹⁴⁵

Finally, we note the January 2023 communication from the Department of Children, Equality, Disability, Integration and Youth, which suspended the provision of accommodation for newly arriving applicants for international protection, who present as single people without children.¹⁴⁶ Such a policy is a clear breach of Ireland's human rights obligations under the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230/2018) and the related European Directive.¹⁴⁷

Vulnerability assessments

Since our comments in our 2022 European Semester submission, we continue to have ongoing concerns about the manner in which vulnerability assessments are being carried out. In particular, assessments are not taking place at the beginning of the asylum procedure, as required, and there is inconsistencies between the two-step and one-step assessments, and a backlog in preparing the reports on completed assessments.¹⁴⁸ We are also concerned about the lack of a disability focus, the refusal to facilitate further

¹⁴⁴ We are currently witnessing application backlogs, delays getting longer, and a decline in the already dire direct provision accommodation standards, resulting from an already creaking system coming under great strain. See IHREC Chief Commissioner Op-ed in: Irish Times, [We welcome refugees from Ukraine, but why is there less sympathy for those coming from elsewhere?](#) (2022). See also, [Coalition to end Direct Provision in Ireland launched by leading not-for-profit groups](#) (January 2022) and Children's Rights Alliance, [Government must ensure the children and families are not in freefall – says Children's Rights Alliance at conference on the White Paper to End Direct Provision](#) (6 December 2022).

¹⁴⁵ IHREC, [Robust Support Continues for Refugees Says New National Survey on International Human Rights Day](#) (10 December 2022).

¹⁴⁶ Government of Ireland, [Citywest Transit Hub to pause entry of new International Protection arrivals to its emergency accommodation area](#) (2023).

¹⁴⁷ IHREC, [State in Clear Breach of Human Rights Obligations to International Protection Applicants](#) (2023).

¹⁴⁸ As of February 2021, a vulnerability assessment pilot programme has been in operation by the International Protection Accommodation Service, in which applicants for international protection are entitled to participate. See Houses of the Oireachtas, [Dáil Éireann Debate-International Protection](#), 3 February 2022. For further commentary see for example, Asylum Information Database (AIDA), [Identification: Republic of Ireland](#) (last updated on 20 April 2022); IHREC, [Submission to the Human Rights Committee on Ireland's fifth periodic report](#) (2022), p. 71; and K. Barry, [Assessing Vulnerability: Asylum Seekers with Disabilities in Direct Provision in Ireland](#) (October 2021).

assessments on an on-going basis and when new information is provided by applicants, and the risks of disrupting supports when people are transferred to other services.¹⁴⁹ It remains unclear whether vulnerability assessments are being conducted for Ukrainian refugees applying for temporary protection.¹⁵⁰ As recently recommended by the Committee on the Rights of the Child, the State must further ensure that vulnerability assessments for all unaccompanied children are conducted in a child-friendly manner by trained professionals, within 30 days of their arrival.¹⁵¹

The Commission recommends that the State:

- **Takes active measures to progress the planned phasing out of Direct Provision by 2024, with clearly defined targets and regular, publicly accessible updates on the timeline for implementation;**¹⁵²
- **Extends the independent monitoring role of HIQA to emergency accommodation for international and temporary protection applicants, to ensure compliance with national standards;**
- **Ensures vulnerability assessments are carried out within 30 days of an international protection claim, and on an ongoing basis, and provides data on the number of vulnerability assessments undertaken for Ukrainians applying for temporary protection; and**
- **Ensures that vulnerability assessments for all unaccompanied children are conducted in a child-friendly manner by trained professionals.**¹⁵³

¹⁴⁹ As above, see Asylum Information Database (AIDA), [Identification: Republic of Ireland](#) (last updated on 20 April 2022); IHREC, [Submission to the Human Rights Committee on Ireland's fifth periodic report](#) (2022), p. 71; and K. Barry, [Assessing Vulnerability: Asylum Seekers with Disabilities in Direct Provision in Ireland](#) (October 2021).

¹⁵⁰ Children's Rights Alliance, [Initial submission on the reception and integration of Ukrainian children and young people arriving in Ireland](#) (2022), p. 10.

¹⁵¹ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023): at para 40(c).

¹⁵² See also Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023): at para 40(a).

¹⁵³ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023): at para 40(c).

10. Climate justice

Sustainable Development Goal 13; European Pillar of Social Rights 1-20

Climate change poses an immediate threat to the protection and enjoyment of human rights both in Ireland and abroad. Nature is declining at an unprecedented rate, greenhouse gas emissions have doubled and global temperatures continue to rise.^{154,155} As much as 85% of Ireland's energy needs are met by fossil fuels¹⁵⁶ and Ireland is the seventh worst performing country on climate change in the European Union.¹⁵⁷ The Climate Change Advisory Council ('CCAC')¹⁵⁸ has reported that having failed to meet its 2020 national, European Union, and international targets for the reduction of greenhouse gas emissions, Ireland will continue to have to use allowances purchased from other Member States to meet the shortfall.¹⁵⁹ As noted by the CCAC, this approach is no longer acceptable as it deepens carbon lock-in, forgoes the benefits of transition and imposes a cost on the exchequer, and thereby ultimately on all citizens.¹⁶⁰ In our forthcoming Policy Statement on the Just Transition, we stress that climate change is a human rights¹⁶¹ and equality issue.¹⁶²

Business and climate justice

While international efforts at addressing climate change focus heavily on the obligations of States, businesses also play a critical role in the Just Transition. Effective governance and human rights due diligence is essential if Ireland is to successfully transition to a carbon-neutral economy. The new Corporate Sustainability Reporting Directive requires businesses to identify and, where necessary, prevent, end or mitigate adverse impacts of their activities

¹⁵⁴ Irish Human Rights and Equality Commission, [Strategy Statement 2022 -2024](#) (2022).

¹⁵⁵ Friends of the Earth, Available at: <https://www.foe.ie/about/>.

¹⁵⁶ Environmental Research Institute, [The Russian energy crisis and Ireland's reliance on fossil fuels](#) (2022).

¹⁵⁷ [Climate Change Performance Index 2021: Ireland](#).

¹⁵⁸ Independent statutory body established under Section 8 of the [Climate Action and Low Carbon Development Act 2015](#), whose role is to review national climate policy and advise the Government on how Ireland can move to a low carbon, climate resilient economy and society by 2050.

¹⁵⁹ Climate Change Advisory Council, [Annual Review 2022](#) (2022), p. 15.

¹⁶⁰ Climate Change Advisory Council, [Annual Review 2022](#) (2022), p. 34.

¹⁶¹ In our 2022 Annual Poll, 61% of respondents agreed that climate change is a human rights issue. See: Irish Human Rights and Equality Commission, [Annual Poll 2022](#) (2022).

¹⁶² See: Equinet, [2023 Work Plan](#) (2022), p. 7.

on human rights, including the environment.¹⁶³ However, we note civil society concerns about limitations in its scope and revisions to the text.¹⁶⁴ Ireland's ongoing leadership role and expansive implementation of legal requirements in this area is vital.

We note the launch of the online Climate Toolkit 4 Business to provide SMEs with support in calculating their carbon footprint, including a carbon calculator and template action plan.¹⁶⁵ However, we regret that Ireland's current business and human rights policy framework - the *National Action Plan on Business and Human Rights* - expired in 2020 and despite a review, a new plan has not been advanced.¹⁶⁶

The Commission recommends that the State:

- **Fully assesses the impact of climate change on human rights and equality and improves the data available, and includes the participation of structurally vulnerable groups in decision-making on climate action policies and mitigating measures;**
- **Ensures full and expansive implementation of the proposed Corporate Sustainability Reporting Directive; and**
- **Takes active measures to progress a successor National Action Plan on Business and Human Rights, with time-bound and measurable goals, and a particular focus**

¹⁶³ On 28 November 2022, the Council of the EU announced its adoption of the [Corporate Sustainability Reporting Directive](#). On 5 January 2023 the Directive entered into force.

¹⁶⁴ Trócaire, [Irish human rights coalition criticises dilution by EU member states of crucial legislation aimed at ending global corporate exploitation and abuse](#) (2022) and Oxfam Ireland, [New EU corporate accountability law 'riddled with loopholes'](#) (2022).

¹⁶⁵ The Climate Toolkit 4 Business was developed jointly by the Department of Enterprise, Trade and Employment and the Department of Environment, Climate and Communications with detailed input from Enterprise Ireland, IDA Ireland, SEAI, the Local Enterprise Offices, Skillnet Ireland, IBEC, Chambers Ireland, Irish Water and others. Further information here: climatetoolkit4business.gov.ie/about.

¹⁶⁶ Department of Foreign Affairs, [National Plan on Business and Human Rights \(2017- 2020\)](#) (2017). Houses of the Oireachtas, [Dail Debate](#), (December 2022).

on human rights due diligence and governance, in line with international obligations.¹⁶⁷

¹⁶⁷ The Committee on the Rights of the Child has recently recommended that the State ensure that the second National Action Plan on Business and Human Rights includes a specific focus on children's rights and has time-bound and measurable goals, in line with the 2021 review of the current National Action Plan. See Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6 (2023), para 13(a).



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

