

## IRELAND

### CEDAW A/44/38 (1989)

63. The Committee considered the initial report of Ireland (CEDAW/C/5/Add.47) at its 135<sup>th</sup> and 140<sup>th</sup> meetings, on 22 and 24 February 1989 (CEDAW/C/SR.135 and 140).

64. The representative of Ireland introduced the report by providing additional information on the situation of women subsequent to the submission of the initial report in 1987. He stressed that progress since then had taken place at a time of great economic and fiscal stringency. Ireland still had high levels of unemployment and emigration. The former was a major cause of poverty, the stress of which usually had more impact on women, and so the Irish Government had preserved the real value of social welfare (income support) entitlements. Further provisions had been made in the 1989 Budget for the poorest people and particularly families with low incomes.

65. The representative reported that a new government mechanism for supporting and developing equal opportunities for women had been set up in April 1987 to replace the Office of the Minister of State for Women's Affairs. Also, an overall co-ordinator of government policy responsible for monitoring developments had been appointed, and a co-ordinated report on equal opportunity, the first of a series, had been produced by the Minister of State at the end of 1988. The representative gave details of the continuing work of the Joint Parliamentary Committee on Women's Rights, the Employment Equality Agency and the Council for the Status of Women.

66. In the area of education, the representative emphasized that the promotion of equal opportunities throughout the entire educational system had been sustained and developed to eliminate sexism and sex-stereotyping at all levels. Curricula and the assessment of educational attainment at primary- and secondary-school levels had been subjected to review bodies, and equality in access to training had been promoted. Further policy measures to encourage a greater participation of women in sport included the award of additional grants to women's organizations.

67. In the area of employment, the representative reported that the most significant statistic was the high unemployment rate of 18.6 per cent. He reported that the overall figure for women's participation in the labour force was 30.9 per cent. Since the submission of the initial report, the Employment Equality Agency had assisted complainants with all matters relating to employment. A major development was the fact that the Minister for Labour had recently submitted proposals for the reform of existing equality legislation in order to solve problems that had arisen in enacting it. The representative also reported on new initiatives in training, in non-traditional vocations and in giving encouragement to women entrepreneurs.

68. The representative reported on developments in regard to the legal protection of children. He also outlined the initiatives taken to study women alcoholics and to amend the law on rape.

69. In the area of social welfare, the representative reported on the extension of health insurance schemes, at the demand of Irish women's groups, to include dependent spouses. A further positive

development was the extension of social insurance cover to self-employed persons thus removing the necessity for widows to undergo a means test. Further measures contained in the 1989 Budget would bring into line the social welfare entitlements of all persons.

70. The representative referred to the development co-operation programme of Ireland, which actively pursued and supported specific policies for the promotion of women in development and the bilateral and multilateral levels.

71. Since 1987, Ireland had enacted legislation that had permitted the withdrawal of reservations with respect to the Convention, made at the time of its accession, on nationality and citizenship, domicile and equal treatment in matters of social security. It was not envisaged, however, that the remaining reservations would be withdrawn.

72. In his conclusions, the representative stressed the commitment of the Irish Government to realising the objectives of the Convention. He said that Ireland was fully aware of the work that remained to be done to ensure de facto as well as de jure equality of opportunity in Irish society.

73. The Committee expressed its appreciation for the technically excellent and comprehensive report, which had been produced in accordance with the guidelines. The report gave a clear picture not only of the legislation, but also of the actual situation of women, in Ireland. The commitment of the Irish Government to the implementation of the articles of the Convention was noted as was the prompt submission of the report after the accession by Ireland to the Convention. The Committee took note of the Government's view that further improvement was possible and encouraged the Government to maintain the initial impetus.

74. The withdrawal of several reservations was particularly welcomed and members of the Committee expressed the hope that the remaining reservations would be reviewed and withdrawn soon. Clarification was requested on the representative's comment with regard to the reservation of the State party to article 15, paragraph 3, of the Convention in which he had stated that strict adherence to it would be against the spirit of the Convention.

75. The Committee welcomed the use of the media and the publicity that had been given to the Convention by the Irish Government. The Committee requested information on the new office that had replaced the Office of the Minister of State for Women's Affairs as regards its budget, the number of persons involved, how it was organized and how it functioned. The importance given to women's organizations was noted.

76. It was observed that the new policies were not well balanced and that the ones concerned with employment were less conservative than those concerned with the family. It was noted that women were not integrated into political decision-making and information was requested on any steps that had been taken to encourage women to participate in political decision-making bodies.

77. The Committee requested more details on the "external forces" mentioned in the report under the section on women in Irish society and it was asked if those forces still existed and what had been the consequences. The Committee also asked whether factors other than emigration had contributed to the high level of unemployment in Ireland and what proportion of the migrants were women.

78. Observing that the terminology used in the Irish Constitution could lead to discrimination, the Committee asked whether it was considered sufficient to safeguard the rights of women in the social sphere.

79. The Committee asked for comments on whether the positive measures taken to amend the legislation might not also have potential adverse consequences. More details were requested on the nature of the complaints handled by the Labour Court. Also, clarification was sought on who could report a rape to the authorities.

80. It was asked whether standards had been established and goals set for achievements and progress within the year in the positive action programmes.

81. Emphasizing the importance of the media in eliminating stereotypes, the Committee asked whether a self-regulating body was sufficient and how successful it had been. It was asked whether all advertisements had to comply with the law and how many, in fact, did, and whether a bill was being prepared to cover private television companies. The Committee also asked if any publicity programme was being used to encourage women to enter public life and suggested that such a measure could help to bridge the gap between the law for equality and the low level of participation of women in politics.

82. The Committee inquired how prostitution was dealt with by law and whether it could be considered an offence by both sexes. Details of the treatment under the law of procurers and clients were requested. It was asked whether the law on soliciting had been implemented. Information was requested on the incidence of prostitution and whether any studies on it had been carried out, and what happened in the case of rape.

83. Details of how the National Women's Talent Bank was organized, how it was used and whether it had been beneficial to the employment of women were requested. The statistical data presented in tables in the report showed the representation of women in the Senate and in the main political parties to be low and reasons for that were requested. It was asked if there was any evidence of more involvement or interest on the part of women, rather than a natural increase in the population, that had led to the increase in female candidates. Information was requested on the participation of women in political parties, on their roles and posts at the executive levels and whether the work of women was confined to the social areas. Observing that there was a low level of participation of women in all levels of administration in public life, the Committee asked the representative if any reasons for that were known. The Committee observed that only recently had married women been able to make a career in public life and an improvement in their participation was noted.

84. Members of the Committee requested statistics on the proportion of women in the diplomatic service and the level of their involvement, as well as on the overall number of women in the foreign service and the reasons for their low participation.

85. In the area of education, the Committee asked if co-education was well received and prevalent and if the programme of action had been successful. More details of scholarships and study grants were requested. Information was requested on whether sex education was conducted and, if so, what had been the effect of it. Data on the drop-out rate for women were requested as well as on efforts

made by the Government to reduce it. Details of the reasons for women not completing their education were requested.

86. In the area of employment, more information was requested on shared work and on the figures for part-time work. Clarification of the conditions of maternity leave for part-time workers was requested. While there appeared to be legislation to safeguard the equal pay for work of equal value, the Committee noted that there were still obstacles to its implementation. The report of Ireland was one of the few that had attempted to clarify the situation and members of the Committee said that it would appreciate being informed of the experiences of the Government; since the laws applied to both the public and private sectors, details of the experience of applying the legislation to both sectors were requested.

87. The Committee asked questions about access to, and policies governing, child-care facilities including whether crèches and kindergartens were open to all women or only working women or those who could afford the fees. Details of the amount of funds available for child-care facilities and the degree of reliance on voluntary organizations were requested. The Committee also wished to know who were involved in those voluntary organizations and, if they were women, whether that situation perpetuated their role of helper. The Committee was interested to know if there were any sectors of employment that were not open to women who were married or had family responsibilities.

88. One Committee member observed that the report had stated that it was the duty of the State to provide the right to work and wished to know how the Government would evaluate the existing level of unemployment. The report stated further that the Government guaranteed economic security for women and the Committee wished to know how that was achieved.

89. In the area of health, more information was requested on the degree of access to contraceptives for women under the age of 18 in the light of the rising incidence of teenage pregnancies, generally. It was asked why a prescription was required for contraceptives. Statistics, if available, were requested on the number of Irish women who had had clandestine abortions (in Ireland or abroad). It was also asked whether the fact that abortion was illegal was not considered by the Government to be contrary to the objectives of equality of opportunity and self-determination enshrined in the Convention. Exact data were requested on deaths resulting from illegal abortions and it was asked whether any action had been taken to stem the increase in deaths. Further, the Committee wanted to know if there was a strong movement from feminist groups with regard to legalizing abortion and if anything was being done to change the law. The Committee also wished to know whether abortion in the case of rape was illegal and whether there were any legal consequences for persons in that situation.

90. The Committee asked if the health education programmes were co-ordinated by the Health Education Bureau with general education programmes. Information was requested on the Government's plans with regard to research and awareness programmes on the acquired immunodeficiency syndrome (AIDS).

91. In the report, health programmes and services were stated to be free to all. The Committee sought clarification on whether that meant the working population or everyone.

92. Details of the number of refuges for rape victims and drug abusers were requested. The Committee asked if there was any law to control drug abuse and at whom it was directed. Statistics were requested on the incidence of drug abuse in youth in general, as evidence had shown that newborn babies were affected by the drug addictions of both parents. Details of the task force to deal with drug abuse were requested. The Committee asked for figures on the number of women drug addicts and for details of any positive action that had been taken. Details of the legal penalties for consuming, selling, distributing and buying drugs and on the type of drugs involved were requested.

93. Members of the Committee asked for details of the assistance given to indigent women living in rural areas.

94. The Committee inquired about the number of couples cohabiting in Ireland and whether the partners in such an arrangement were treated equally in society. Although there was no provision for divorce in the Constitution and divorce had been rejected by the 1986 Referendum, it was asked whether there was any form of judicial separation. The Committee asked about the extent to which religion affected married life and children, and for information on the incidence of breakdown of marriage as well as on the effectiveness of the pilot project on the Family Mediation Service.

95. The Committee asked how the new adoption act differed from the earlier one and if single parents could adopt. Members were interested to know whether any of the recommendations of the Review Committee on Adoption Services had been accepted.

96. The Committee inquired whether any studies on violence within marriage had been made and whether rape within marriage was regarded as an offence.

97. The representative responded first to the general questions that had been posed by the Committee. He described the three-year programme on national recovery that was part of the global policy of the Irish Government to combat unemployment. That programme had been agreed by the social partners (employers, workers, farming organizations) and its main objective was to develop the economy, thereby increasing employment and reducing the excessive levels of government borrowing and debt. The programme set out the targets for new jobs in key sectors of the economy and the agreed strategies for the social partners to achieve those targets. The representative reported that the Labour Force Survey of 1988 had shown that, for the first time since 1980, the number of jobs had increased appreciably and unemployment had been reduced.

98. In response to questions posed on the new organizational arrangements for equality issues within the Irish Government, the representative reiterated that the Prime Minister had personally instructed all the members of the Government to advance the position and status of women in all aspects of their responsibilities and had assigned specific responsibility in women's affairs to individual ministers. The Prime Minister had assigned a Minister of State within his Department to co-ordinate and monitor all government initiatives on equality. In 1988, the Minister of State had published a public document on the developments that had occurred since the new arrangements were introduced.

99. The representative said that it was difficult to compare funding for the new co-ordinating arrangements with those for the former Office of the Minister of State for Women's Affairs. The

Prime Minister's Department continued to fund the Council for the Status of Women and had increased its allocation in 1988 and 1989. Other women's organizations were funded directly by the department concerned. He said that the Council for the Status of Women was a broad-based organization open to any group that was actively or primarily involved in furthering the interests of women. Currently, 75 women's groups were affiliated to the Council, whose constitution specifically precluded political organizations from becoming members. The Council operated on the basis of consensus but could also decide its position by referendums.

100. The representative reported that the involuntary or forced emigration of persons seeking jobs was currently a serious problem for Ireland. That problem was particularly acute because of the age structure of the population, with 28 per cent aged 15 years or under. Other emigrants were mainly young single men and women although another pattern of older emigrants had emerged, whereby a husband would work abroad to support a family at home. A disaggregation of figures for emigrants by gender was not available.

101. The representative clarified the position of the Irish Government regarding the remaining reservations to the Convention. Regarding article 13 (b) (access to bank loans, mortgages and other forms of financial credit), and 13 (c) (participation in recreational activities, sports and all aspects of cultural life), the Constitution allowed any citizen to pursue a grievance through the courts and further specific legislation was not considered necessary. With regard to the statement on access to private clubs, it was considered that a ruling of the High Court that was pending might determine the fate of the objections in relation to individual rights under the Constitution. With regard to the reservation on legal capacity, it was felt that the argument could well be a semantic one and a further study had been proposed with a view to withdrawing the reservation. He said that there was no intention of withdrawing the remaining reservations. The Irish Government considered them fully in conformity with the aims of the Convention.

102. Responding to questions raised under specific articles of the Convention, the representative explained that the Irish Constitution did not guarantee absolute equality for all citizens in all circumstances but provided a guarantee of equality for all citizens as human persons commensurate with their dignity as human beings. The Constitution guaranteed against any inequalities founded upon the assumption or belief that some individuals or classes of individuals, by reason of their human attributes or ethnic, racial, social or religious backgrounds, were to be treated as inferior or superior to other individuals in the community. As regards the terminology used in the Irish Constitution, the Government was satisfied that the reference in article 40.1 to "social function" created no obstacle to eliminating discrimination against women in Irish society.

103. The Irish Government defended the scheme for flexible working hours, job-sharing and career breaks in the public sector as it provided a means by which women could maintain a foothold in the labour market and return to secure full-time employment as their personal circumstances and job vacancies allowed. The representative said that those measures had been sought and welcomed by the trade unions in Ireland.

104. The representative said that anyone could report an incident of rape or sexual attack but prosecution depended on the victim bringing charges against the perpetrator. The support programmes for victims of rape consisted of a specialized medical and counselling centre in Dublin

and a network of rape crisis centres in the larger urban centres, which provided full medical counselling and psychological support for the victim. An important role of the centres had been the contact with, and the sensitizing of, the police.

105. The representative reported that positive action strategies were assessed by continuous appraisal, which was an integral part of the monitoring and evaluation process. The practical effects of the appraisal process were an increase in the Small Industries Grants to women from 3 per cent in 1984 to 20 per cent in 1987; an increase in the participation of women in apprenticeships in the period 1986-1988 of 12 per cent; and the issuance of a policy statement by the Minister of Justice setting an initial target for levels of female staffing in the prison services, which had yet to be achieved. Furthermore, in 1988, 36 per cent of the persons receiving vocational training were women.

106. The representative responded to questions on the effectiveness of controls over advertising standards. The Code of Advertising Standards for the State radio and television service (RTE) required that all advertisements should have a high degree of responsibility and pay due regard to the changed role of women in Irish society. Further self-regulatory controls applied by the Advertising Standards Authority for Ireland included references to decency, honesty, the inherent equality between the sexes and the need to avoid derogatory judgements of either sex. It was considered that the close monitoring ensured a correct portrayal of women in the media. A recent study had shown that there were fewer advertisements exploiting the female body and a trend to portray men carrying out domestic tasks. The ultimate sanction for non-compliance with the Code of Advertising Standards was the withdrawal of the offending advertisement at a substantial financial loss to the advertiser.

107. It was felt that article 41.2.1 of the Irish Constitution, which provided that “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” reflected the sentiments expressed in the preamble to the Convention and there were no proposals to change it.

108. With regard to the article on prostitution, the representative stated that in cases of soliciting of women by men, charges were preferred against both the prostitute and her client under general legislation dealing with indecent exposure and actions contrary to public decency. Legislation was also in force with regard to cases of the soliciting of men by other men on behalf of prostitutes or of men soliciting for homosexual purposes. The representative reiterated that the proposals for legislative reform referred to in the report remained under consideration by the Government. No objective assessment could be made of the incidence of prostitution owing to Court decisions in recent years that had rendered the legislation inoperative. The representative was not aware of any studies on prostitution that had been undertaken in Ireland.

109. The representative explained that the National Women’s Talent Bank was a directory of women who were considered suitable for appointment to State boards on the basis of their skills and experience. The directory had been compiled by a unit operating under the aegis of the Council for the Status of Women and was supplied to all government departments.

110. The representative confirmed that the higher proportion of female members of parliament and

senators for the period 1957-1982 had resulted from the increased participation of women in Irish political life rather than any changes in the population structure. That increase reflected the efforts of the feminist movement since the early 1970s and, in particular, of the Women's Political Association. Disaggregated statistics of membership for all political parties according to gender were not available, but two of the five main political parties reported that women constituted 45 per cent and 24 per cent of their membership, respectively. With one exception, the participation of women in the main political parties had increased since 1984. Women currently held the posts of Minister for Education, Minister of State for European Affairs and Government Co-ordination, Chairperson of the Senate and chaired the parliamentary committees dealing with women's rights and European Community legislation. Among the opposition parties, the portfolios held by women included foreign affairs, Northern Ireland, agriculture, justice, marine affairs, health and development co-operation.

111. The representative informed the Committee that over the past 10 years, 33 per cent of the recruits to the diplomatic service, which incorporated the consular service, had been female.

112. The representative reported that the Department of Education had issued guidelines to post-primary schools for sex education, which emphasized the importance of consultation with, and the support of, parents in devising programmes of education and guidance on sexuality. Machinery for liaison between the Department of Education and the Department of Health (including the Health Promotion Unit) had been designed to ensure that the policies affecting life skills, including sex education, pursued by the two departments were complementary.

113. The representative stated that approximately 75 per cent of the national primary schools were co-educational and 77 of the 84 new schools established since the Programme for Action in Education had been adopted in 1984 were co-educational. At the secondary-school level, all new state-run schools were co-educational as a matter of policy and the trend for privately managed secondary schools to amalgamate and become co-educational was encouraged by the Department of Education.

114. Statistics showed that, at the post-primary level, the drop-out rate for girls was 19.7 per cent compared with 32.4 per cent for boys. The completion rate at tertiary-level institutions showed little difference between male and female students, 94 and 87 per cent respectively; for institutions offering non-degree courses, the figures were reported to be less reliable and estimated at 65 and 51.5 per cent for male and female students, respectively. A new programme of special education and training for those who left school with few or no qualifications came into force in January 1989 aimed equally at young people of both sexes.

115. The representative reported that the two sources of educational scholarships at the tertiary level were grants funded by the State (which had been drawn on by 23.2 per cent of the female students and 20.5 per cent of the male students), and grants funded by the European Social Fund, which applied mainly to the job-training sectors (which had been drawn on by 36.2 per cent of the female students and 42.4 per cent of the male students). Overall, grants were available to 60.9 per cent of the female university students and to 62.7 per cent of the total student population.

116. As regards employment, the representative quoted statistics that showed that, in the civil



service, 67 per cent of the persons taking career breaks and 95 per cent of those sharing jobs were women. Figures for the wider public service (in which the main professions of teaching and nursing were female-dominated) were not available but were likely to show a higher incidence of women interrupting or sharing their careers. Sixty-nine per cent of the part-time workers were women. In order to qualify for protective legislation, part-time workers had to work for a minimum of 18 hours a week; and of those working for fewer hours, 86 per cent were women.

117. Within the context of the State having to reduce its level of borrowing and debt, child-care services were currently provided for disadvantaged children only. The legislation on child care currently before parliament would establish standards for the supervision of nurseries, crèches and play groups in private day-care centres. The costs of private child care were estimated to constitute 10-13 per cent of a combined male and female average industrial wage. Many families relied on family resources to assist with child care. Women had access to child-care facilities, if provided, at the spouse's place of work. Reliance on voluntary organizations providing child care was recognized as not being an ideal solution but it would have to continue under the current economic climate.

118. The representative stated that the protection afforded by employment equality legislation extended to pregnant women who applied for jobs.

119. The maternity allowance was paid, together with a non-taxable social welfare benefit, for the 14-week period of maternity leave and was equivalent to, or higher than, the usual take-home pay. The representative clarified the fact that the maternity allowance applied to women in full-time employment, who were entitled to resume work with their current employers at the end of the 14-week period, while maternity benefit applied to women currently out of work who had sufficient insurance contributions and to women who intended to stop working after the birth of the child. Maternity benefit was paid at a lower rate than the maternity allowance and for 12 weeks.

120. In response to the question on whether there were any sectors of the labour market in which the marital or family status of women remained an obstacle, the representative stated that minor exclusions existed only in the defence forces, the police and the prison services.

121. It was considered that the cases currently referred to Equality Officers of the Labour Court were of a more complex nature than earlier ones and the decrease in the number of cases was on account of fewer infringements of the legislation that had been in existence for more than a decade.

122. The criteria for judging work of equal value in equal pay claims were explained by the representative. He gave an example of a case in 1985 of equal pay for work of equal value that had been successfully upheld. In answer to the question on how the law on equality could cover both the public and private sectors, the representative stated that the employment laws did not impose restrictions but, rather, conferred rights on some individuals and obligations on others and thus struck a balance between the two. The Constitution conferred those rights globally, in both the public and private sectors, except in circumstances where a distinction could be clearly justified as in laws that protected a category of citizens such as children.

123. The representative responded to the questions in the area of health. On the subject of abortion,

he explained that Irish law did not distinguish between clandestine and other abortions. Abortion had been illegal since 1860 and the provision had been upheld by a referendum held in Ireland in 1983. A number of women's groups had played a prominent role in lobbying for abortion rights during the debate preceding the referendum but the feminist movement was not united on the issue. Police authorities had not reported any incidences of clandestine abortion in Ireland and it was believed not to occur as Irish women could avail themselves of legal and safe abortion facilities in the United Kingdom. On the question of the demand for abortion, the number of women who had given an address in the Ireland and who had availed themselves of an abortion in the United Kingdom in 1987 was reported to be 3,700, but it was considered that that figure might be low due to under-reporting. In answer to the question of whether the absence of abortion rights meant that many women would have to function as single parents with the attendant economic difficulties, the representative informed the Committee of the special weekly unmarried mother's allowance, which was available subject to a means test.

124. With regard to the entitlement of citizens to hospital services, the representative stated that persons whose means were below a certain level were entitled to the full range of health services without charge and that approximately one third of the population fell into that category. Charges for in-patient services and specialist services in out-patient clinics were related to the patient's income. Maternity services were free of charge for women with low and middle incomes.

125. It was reported that out of a total of 17,534 persons in Ireland who had voluntarily taken the test for the human immunodeficiency virus (HIV) antibodies, 742 had tested positively. No disaggregation of the figure by gender was available. Of the total number of confirmed clinical cases of AIDS, fewer than 10 per cent were women. Besides male homosexuals/bisexuals and haemophiliacs, there were a disturbing number of intravenous drug abusers whose test had been positive. A confidential HIV-testing service was available through any general practitioner, clinic for sexually-transmitted diseases or major general hospital. Testing for women was also available through maternity hospitals and the maternity clinics of general hospitals, and pre- and post-test counselling were an integral part of the test.

126. The representative stated that the specific laws on drug abuse were contained in the Misuse of Drugs Acts of 1977 and 1984. Cases of persons who had been convicted for drug abuse were punishable by imprisonment and fines. There was no limit to the financial penalty for supplying drugs and the maximum term of imprisonment was life. Statistics showed that 27 per cent of the total number of patients attending the Drug Advisory and Treatment Centre at Dublin were women or girls. In response to a specific question, the representative identified the most frequently abused drugs as heroin, minor tranquillisers, alcohol, cannabis, Temgesic, physeptone, DF118 and morphine and reported that many addicts in Ireland abused several drugs simultaneously. He said that the requirement for prescriptions for contraceptives was considered important so that regular medical supervision could be maintained.

127. On the question of poverty in rural areas, the representative stated that with the large shift of the population to urban areas during the previous 20 years, poverty in Ireland was based mainly in the cities. A State agency to combat poverty had been established with a central focus on giving support to community development projects. Seven specific areas had been identified for support, including women's and family groups.

128. The representative explained that the 1988 Adoption Act had been devised to cope with the specific problem of children who had been neglected or abandoned by their parents and who were taken into care by the State. Before the enactment of the 1988 legislation, such children could not be adopted without the consent of their parents. Those children were in many cases condemned to an institutionalized life as the parents were, by definition, either negligent or uncontactable. Under the new Act, such children could be adopted following an application through the High Court. In general, only married couple could adopt.

129. On the question of marital breakdown, the representative reported that the only available statistic indicated that separated and divorced persons had represented 2 per cent of all married couples in 1987. Indications were that social attitudes varied in accordance with age and domicile. The provision for judicial separation under Irish law, divorce a mensa et thoro, had been described in the report. Agreement had been reached between the Government and the main opposition parties on the terms of judicial separation and a nascent Family Law Reform Bill would greatly ease the conditions under which a judicial separation could be obtained. The Bill would also empower the court in separation proceedings to make orders for maintenance, secured maintenance, lump-sum payments and orders relating to the property owned by either spouse. The Bill would also provide for a more informal hearing and the use of counselling and mediation services. The representative said that recent Court judgements had halted the introduction of a statutory right to an equal share in the family home and its contents. He informed the Committee that a High Court decision of 1988 had conferred a half share in the family home and contents on a non-working spouse. No realistic conclusions could be drawn regarding the success of the operations of the Family Mediation Service as that was still under trial.

130. No details of studies on violence within the family were available owing to the time constraints in preparing replies to the questions. Refuges for women who were victims of violence and their children existed in all Health Board regions and received considerable Government funds.

131. On the subject of the influence of religious bodies on life in Ireland, the representative stated that the Constitution expressly provided that the State would not give preferential status to any religious denomination and accordingly, there was no State Church. In Ireland, the level of religious practice among members of all denominations was fairly high but, although religious leaders were free to express their opinion on issues of current concern, decisions on legislation were a matter for the determination of members of parliament only.

## **CEDAW A/54/38/Rev.1 (1999)**

161. The Committee considered the combined second and third periodic reports of Ireland (CEDAW/C/IRL/2-3) at its 440<sup>th</sup> and 441<sup>st</sup> meetings, on 21 June 1999 (see CEDAW/C/SR.440 ad 441).

### **(a) Introduction by the State party**

162. The representative of Ireland began his introduction by emphasizing Ireland's involvement of women in politics, giving the example of the election of their second successive woman President, which followed an election in which four of the five candidates were women. Although the number of women in Parliament was still lower than desired, the Second Commission on the Status of Women had made several recommendations to the Government and political parties were seeking to increase women's representation. The representative explained that the 1998 Employment Equality Act outlawed discrimination on nine grounds, including gender, marital status, family status, sexual orientation and membership in the "traveller" community.

163. The representative described the role of women in the labour force, noting the participation of women in the civil service and policies with regard to sexual harassment, childcare, parental leave, work sharing and part-time work. He noted that childcare was seen as one of the most important ways of reconciling work and family life, and a working group had been established to report on that. He described the national development plan on equal opportunities between women and men.

164. The representative noted that the educational system enabled each person to fulfil her or his potential, and was reinforced by the Education Act of 1998, which made specific provisions for the promotion of equality of access to and participation in education. The Equality Committee of the Department of Education and Science had been established to monitor and coordinate activities relating to equality of opportunity for girls and boys in education. It was also developing strategies for mainstreaming gender equality and had also addressed the under-representation of women in decision-making positions in education. Following research and a series of pilot courses designed specifically for women interested in seeking promotion to decision-making positions, more women had been appointed to senior positions, but the Government recognized that more women in top management positions were still required.

165. The representative described the National Anti-Poverty Strategy and its key objective of reducing inequalities and focussing on the gender dimensions of poverty. Single-parent and single-adult households were given particular attention in the Strategy. The representative noted that women in both urban and rural areas experienced problems arising from poverty and marginalization, and that women's and community groups had an important role in tackling those problems.

166. The Committee was informed that Ireland's five reservations to the Convention were being kept under regular review. The reservation to article 13 (b) and (c) concerning access to financial credit and recreational facilities would be lifted when an equal status bill, which would prohibit

discrimination in areas other than employment, was enacted. The removal of the reservation relating to contracts entered into by women was also expected.

167. The representative informed the Committee that in 1993, the Government had established a task force to examine the needs of “travellers”, which had resulted in a report containing over 300 recommendations. The report recommended the examination of gender implications in order to ascertain how policies and practices contributed to or hampered progress for “traveller” women. Proposals for future initiatives would be monitored and resources would be made available for the collection and collation of data. The representative noted that the health of “traveller” women was a priority area, that outreach services and on-site and special clinics had been introduced or were in the planning stages and that the Primary Health Care for Travellers Project established in 1994 trained “traveller” women in the delivery of primary health-care services.

168. The representative indicated that measures, included the Refugee Act of 1996, had been introduced to deter discrimination against refugees and asylum seekers. Measures to address vulnerable categories of refugees, such as victims of trauma, torture or rape, had also been introduced.

169. The representative informed the Committee about the new women’s prison that had been built to replace existing inadequate accommodation. Education, work-training and physical education facilities for female prisoners had also been introduced.

170. The representative indicated to the Committee that in order to meet women’s health needs fully, the Plan for Women’s Health, 1997-1999, had been developed. Its four main objectives include maximizing the health and social gains for Irish women; creating a woman-friendly health service; increasing consultation with, and representation of, women in health services; and enhancing the contribution of the health services to promoting women’s health in the developing world. The plan had been supplemented by the establishment of a Women’s Health Council, which provided for women’s participation in the policy-making processes.

171. The representative noted that violence against women continued to be of grave concern to the Government, and had led to the establishment in 1997 of the National Steering Committee on Violence against Women. Its objectives included the development of public-awareness campaigns, criminal justice intervention, services and support. Regional Committees on Violence had been formed in the eight Health Board regions and were designed to draw together the services available to women to provide a sympathetic and consolidated approach to the treatment of victims of violence. Rape crisis centres were regarded as vital for the victims of rape and sexual abuse.

172. In concluding, the representative indicated that Ireland had supported a strong optional protocol during negotiations, and expected to ratify it as soon as the protocol was adopted and opened for signature, accession or ratification.

#### (b) Concluding comments of the Committee

##### Introduction

173. The Committee expresses its appreciation to the Government of Ireland for submitting its combined second and third periodic report, containing data disaggregated by sex. It commends the Government for the comprehensive written replies to the Committee's questions and its oral presentation which provided additional information on the current situation of the implementation of the Convention. It appreciates the manner in which the State party identified areas for further progress.

174. The Committee commends the Government of Ireland for having sent a large delegation, headed by the Second Secretary of the Department of Justice, Equality and Law Reform, and including officials from various branches of Government. Their participation enhanced the quality of the constructive dialogue between the State party and the Committee. The Committee notes that information was provided in the combined second and third periodic report, as well as in the written replies, on Ireland's follow-up to the Beijing Declaration and Platform for Action.

#### Positive aspects

175. The Committee commends the Government on its steady progress in withdrawing reservations entered to the Convention upon ratification, and on the fact that remaining reservations are kept under review.

176. The Committee welcomes legislative changes since the consideration of the initial report in 1989, including the adoption of the Criminal Law (Rape) (Amendment) Act (1990), the Criminal Justice Act (1993), the Domestic Violence Act (1996), the Parental Leave Act (1998), the Education Act (1998) and the Employment Equality Act (1998) and the forthcoming entry into force of the Equal Status Bill, published in April 1999. In particular, the Committee welcomes the amendment to the Constitution allowing for the introduction of divorce, and the subsequent adoption of the Family Law (Divorce) Act of 1996. The Committee also notes the pending establishment of an independent statutory-based Human Rights Commission, as well as consideration of the incorporation of the European Convention for the Protection of Human Rights and Fundamental Freedoms into Irish law.

177. The Committee notes with appreciation the appointment, in 1993, of a Cabinet Minister for Justice, Equality and Law Reform, responsible for institutional, administrative and legal reform and for coordinating and monitoring government policies with regard to women's equality. It welcomes the Government's commitment to mainstreaming a gender perspective into all policies and programmes, and the regular scrutiny of all governmental proposals for their impact on women. It also welcomes the issuance of guidelines for dealing with sexual harassment in the civil service, and the adoption of a plan of action on elderly women.

178. The Committee notes with appreciation that women have benefited from a strong economic growth rate in recent years and have entered the labour market in unprecedented numbers. The Committee welcomes the Government's commitment to reaching the target of a minimum of 40 per cent of women on each State board, and the increase to over 33 per cent of Irish women in the elections to the European Parliament in June 1999.

#### Factors and difficulties affecting the implementation of the Convention

179. The Committee considers that the persistence of the emphasis on the role of women and mothers and caregivers tends to perpetuate sex role stereotypes and constitutes a serious impediment to the full implementation of the Convention. The lack of emphasis, in public perception and in State policy, on the shared responsibility of men for family and caring work further compounds the situation of de facto inequality of women.

#### Principal areas of concern and recommendations

180. The Committee notes that although Ireland is a secular State, the influence of the Church is strongly felt not only in attitudes and stereotypes but also in official State policy. In particular, women's right to health, including reproductive health, is compromised by this influence. The Committee notes that Ireland did not enter a reservation to article 12 upon ratification of the Convention. The Committee recommends implementation of this article in full.

181. The Committee expresses its concern that, notwithstanding recent favourable economic growth, which has led to women's labour force participation reaching 40 per cent, there is a considerable age gap in that participation, with almost no women over the age of 50 years in paid employment. It is also concerned that women hold the majority of part-time jobs and earn less than men, and that little progress is being made in assessing and valuing work of comparable value.

182. The Committee urges the Government to ensure that legislation and policies create the structural and systemic framework that will lead to women's long-term participation in the labour force on a basis of equality with men. In particular, the Committee urges the Government to take further measures to reduce the pay gap in women's earnings, taking into account developments that have refined the concepts of equal pay for work of comparable value, and to assess the impact of cultural stereotypes and women's reproductive responsibilities on the continuing pay gap.

183. While welcoming the Government's recent focus on developing and adopting family-friendly, childcare and parental leave policies to facilitate women's participation in the labour market, the Committee expresses its concern that these policies continue to place primary responsibility for family work and childcare on women, rather than emphasizing the shared responsibility of men and women.

184. The Committee urges the Government to monitor and review its work and family life policies and legislation so as to ensure that they create incentives and opportunities for women and men to share, equally, paid work outside the home and unpaid family work. In particular, the Committee recommends that such regulations and policies be accompanied by awareness-raising and educational efforts aimed at changing attitudes concerning women's traditional roles and responsibilities for child and family care. It also recommends that parental leave regulations be assessed with a view to providing for paid parental leave so as to create an incentive for men to take advantage of their legal entitlements.

185. While noting with appreciation the existence of a Plan for Women's Health, 1997-1999, and the establishment of a Women's Health Council, as well as the wide availability of various programmes to improve women's health, the Committee is concerned that, with very limited exceptions, abortion remains illegal in Ireland. Women who wish to terminate their pregnancies

need to travel abroad. This creates hardship for vulnerable groups, such as female asylum seekers who cannot leave the territory of the State.

186. The Committee urges the Government to facilitate a national dialogue on women's reproductive rights, including on the restrictive abortion laws. It also urges the Government to further improve family planning services and the availability of contraception, including for teenagers and young adults. It also urges the Government to promote the use of condoms to prevent the spread of HIV/AIDS.

187. Noting that a National Steering Committee on Violence against Women has been established to develop a national strategy to this issue, the Committee is concerned that no comprehensive and multidimensional strategy has yet been adopted to prevent and eliminate violence against women.

188. The Committee requests the inclusion in the next report of comprehensive statistical information on the types and frequency of violence against women, including domestic violence, the number of complaints brought by women and the results of investigations. The Committee also requests detailed information on sexual harassment against women in the workplace, and on means of redress available to and used by women and the results thereof.

189. The Committee notes with concern that women continue to be under-represented in public and political life, and that structural and attitudinal reasons, including limiting cultural and social values, difficulties in reconciling family life, paid employment and political tasks, have been identified among the reasons for this low representation.

190. The Committee urges the Government to make full use of temporary special measures in accordance with article 4.1 of the Convention to increase women's participation in politics and decision-making. It also recommends that the Equal Status Bill (1999) be implemented to provide for temporary special measures to overcome systemic and indirect discrimination against women. The Committee recommends awareness-raising and educational measures to redress cultural stereotypes, increase men's sharing of domestic work and encourage mentoring, networking and support systems to facilitate women's entry into public life.

191. The Committee recommends that the impact of such legislation and policies on achieving equality for women be rigorously monitored and regularly assessed and evaluated with a view to taking corrective action when and if necessary. The Committee requests that detailed information on these policies, including data disaggregated by sex, a discussion of methodologies and of indicators used and of their impact on women's equality, be included in the next report.

192. The Committee encourages the Government to ensure that the Convention on the Elimination of All Forms of Discrimination against Women is included in the terms of reference of the Human Rights Commission, and that the Commission is made up of a balanced number of women and men.

193. The Committee expresses its concern about the continuing existence, in article 41.2 of the Irish Constitution, of concepts that reflect a stereotypical view of the role of women in the home and as mothers. It is aware that amendments to this article are being considered by the Parliamentary Committee on Constitutional Reform. The Committee also notes with concern that the constitutional



guarantee of non-discrimination does not extend to private, non-State actors.

194. The Committee emphasizes that article 5 of the Convention stipulates that all appropriate measures to modify the social and cultural patterns of conduct of men and women be taken, with a view to the elimination of prejudices and customary and all other practices that are based on stereotyped roles for men and women. The Committee calls upon the Government to ensure that the Parliamentary Committee on Constitutional Reform is fully aware of Ireland's obligations under the Convention, including article 5.

195. The Committee requests that the next report provide comprehensive information, including statistical data covering life expectancy, literacy rates, employment and property rights, on the situation of rural women. Noting with concern that a recent poverty survey did not provide data disaggregated by sex, the Committee requests that a detailed analysis be included in the next report of the causes, forms and extent of women's poverty and its intergenerational perpetuation, as well as of the impact of measures to reduce and eliminate women's poverty in general and that of vulnerable groups of women in particular.

196. The Committee is concerned about the lack of sex-disaggregated data on members of the academic profession with respect to different fields and levels. This is necessary to assess women's advancement in higher education. It is also concerned about the inadequacy of information provided on women's studies in tertiary education in Ireland.

197. The Committee requests that the next report provide sex-disaggregated data on academic personnel in the universities, as well as information on the activities and programmes on women's studies centres, particularly with respect to whether or not they grant degrees and to what extent gender and women's studies courses are integrated into the curricula of conventional disciplines in tertiary education.

198. Noting the recent and extensive legislative developments in Ireland as they pertain to women's equality, the Committee also notes that there is a need for continuing and ongoing training of the judiciary, including magistrates, on gender sensitivity.

199. The Committee encourages the Government to ensure, through various means and channels, that gender training is not only an integral part of Law School curricula but that it is also part of the continuing education of legal professionals and the judiciary. It also encourages the Government to ensure that an adequate number of women are selected for appointment to specialized courts, such as family courts.

200. The Committee requests that the Government respond in its next periodic report to the specific issues raised in these concluding comments.

201. The Committee requests the wide dissemination in Ireland of the present concluding comments, in order to make the people of Ireland, and in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention,

the Committee's general recommendations and the Beijing Declaration and Platform for Action.