



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-third session 5-22 July 2005

Concluding comments: Ireland

1. The Committee considered Ireland's combined fourth and fifth periodic report (CEDAW/C/IRL/4-5) at its 693rd and 694th meetings, on 13 July 2005.

Introduction by the State party

2. In introducing the report, the representative emphasized the significance the State party attached to the Convention, its review process and the recommendations of the Committee. Major changes in the country included recent economic prosperity and related increases in spending on education, health and social welfare, and a surge in employment and immigration.

3. Women's employment had increased considerably and stood at 56 per cent in 2004, aided by higher demand for labour, legislative changes in relation to parental leave, tax reform, the development and funding of a childcare infrastructure, and women's education. While a gender pay gap persisted and measures had been taken towards its continuing reduction, there was no evidence of any discriminatory pay practices.

4. Owing to the increased focus on the education of girls, women now constituted the majority of graduates in many fields at the tertiary level, and girls outperformed boys at the national baccalaureate. The number of women in full-time education was higher than that of men. Despite those successes, women remained underrepresented in the engineering and technology sectors and in senior education management positions. Strategies and initiatives for increasing their numbers in those fields were under consideration, as were ways to support female teachers wishing to enter administrative and management roles.

5. Women were increasingly visible in decision-making forums, including the current and former presidents, the deputy prime minister, three Cabinet members and three of eight Supreme Court judges. Based on a recent decision by the Government, future nominations to State boards and committees would have to include both women and men so that the 40 per cent target could be met. Targets

were also being pursued in the civil service. By law, seven of the fifteen members of the Irish Human Rights Commission were women. However, the number of women in decision-making positions remained significantly below desirable levels in many areas of the public and private sectors, including electoral politics. The Government has provided funding to political parties to increase the number of women candidates and representatives.

6. The National Anti-Poverty Strategy was in place, and the National Action Plan against Poverty and Social Exclusion, 2003-2005, also aimed at reducing or eliminating consistent poverty for women by 2007 and improving their access to health care, education, and employment. Particular emphasis was placed on community-based initiatives that would enable disadvantaged women to move out of poverty. Traveller women as a group were particularly affected by poverty. The Government was committed to achieving tangible progress in improving their quality of life by pursuing a range of initiatives to improve outcomes. Women with disabilities would also benefit from recent developments, including the National Disability Strategy of 2004 and the Disability Act of 2005.

7. Steps had been taken to integrate a gender dimension into the health service and to make it responsive to the particular needs of women. Additional funding had been provided for family planning and pregnancy counselling services. The Crisis Pregnancy Agency had been set up in 2001. Extensive national dialogue had occurred on the issue of abortion, with five separate referendums held on three separate occasions. The representative noted that the Government had no plans to put forward further proposals at the present time.

8. The Government attached great importance to the elimination of violence against women, and a strategic plan covering the next five years would prioritize action. Legislation had been passed to address domestic violence, rape and sexual assault, clearly defining them as criminal acts, and was complemented by support measures for victims and public awareness-raising efforts.

9. In regard to immigration, special measures had been taken to address the needs of women asylum-seekers, and the refugee law provided for asylum applications on grounds of gender-based persecution. The Government also sought to eliminate the trafficking of women for prostitution.

10. While the Constitution guaranteed equality before the law for all citizens, the Houses of the Oireachtas (Parliament) were considering proposals to prohibit explicitly discrimination on a number of grounds, including gender. Other provisions of the Constitution, including those on the family and on the position of women, also deserved attention. The representative underlined that the outstanding three reservations, none of which was contrary to the object and purpose of the Convention, were kept under regular review. Finally, the Government had ratified the Optional Protocol to the Convention in 2000.

11. The representative concluded by referring to the National Women's Strategy, 2006-2015, which was being developed, and recognized the contribution of non-governmental organizations to the achievement of gender equality in Ireland.

Concluding comments of the Committee

Introduction

12. The Committee commends the State party for its combined fourth and fifth periodic report, which was submitted in accordance with the Committee's guidelines for the preparation of reports. It also commends the State party for the frank oral presentation and written replies to questions posed by the Committee's pre-session working group, which provided additional information on the implementation of the Convention.

13. The Committee commends the State party for its delegation, headed by the Minister of State of the Department of Justice, Equality and Law Reform, and composed of representatives of different departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the openness and seriousness of the constructive dialogue that took place between the delegation and the members of the Committee.

14. The Committee commends the State party for the withdrawal of the reservations to articles 15 (3) and 13 (b) and (c).

15. The Committee welcomes the regular consultation procedures with civil society institutions and the State party's recognition of the contribution that non-governmental organizations make towards achieving gender equality and the value that it places on their work.

Positive aspects

16. The Committee notes with appreciation that, since the consideration of its combined second and third periodic report (CEDAW/C/IRL/2-3) in 1999, the State party has enacted the Equal Status Act, 2000 and the Equality Act, 2004, the latter amending both the 2000 Act and the Employment Equality Act, 1998; the Carer's Leave Act, 2001; the Protection of Employees (Part-Time Work) Act, 2001; the Pensions (Amendment) Act, 2002; the Maternity Protection (Amendment) Act, 2004; and that the State party has also included the comprehensive Equality for Women Measure in the National Development Plan, 2000-2006.

17. The Committee welcomes the establishment of the Irish Human Rights Commission under the Human Rights Commission Act 2000, and its amendment of 2001, which provide for equal gender representation in that at least seven of 15 commissioners must be women and seven must be men. The Committee commends the Commission for having identified gender as one of its key areas of work in its strategic plan for 2003-2006 and for making a submission in respect of Ireland's combined fourth and fifth periodic report.

18. The Committee notes with appreciation the increase in the employment rate for women aged 15-64 from 40 per cent in 1994 to 56 per cent in 2004.

19. The Committee welcomes the incorporation of gender mainstreaming as part of Ireland's development aid.

20. The Committee commends the State party for its ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

Principal areas of concern and recommendations

21. **The Committee notes the State party's obligation regarding the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls on the State party to focus on those areas in its implementation activities and, in its next periodic report, to report on action taken and results achieved. It calls on the State party to submit the present concluding comments to all relevant ministries and to the Oireachtas so as to ensure their full implementation.**

22. The Committee notes that not all provisions of the Convention have been incorporated into the domestic law of the State party. It is concerned at the absence of a detailed definition of discrimination covering all areas of life in accordance with article 1 of the Convention, the principle of equality between women and men, as set forth in article 2 (a) of the Convention and other specificities of the Convention, such as article 5 (a) that requires States to address social and cultural patterns that lead to discrimination and stereotyped roles for women and men and article 14 on rural women.

23. **The Committee recommends that the State party take appropriate measures to incorporate all the provisions of the Convention into domestic law and to ensure that effective remedies are available to women whose rights are violated. It also recommends inclusion of a definition of discrimination against women in line with article 1 of the Convention, and the principle of equality of women and men as set forth in article 2 (a) of the Convention in the Constitution or other appropriate legislation. It also recommends campaigns to raise awareness of the Convention, including its interpretation by the Committee through its general recommendations aimed, inter alia, at parliamentarians, government officials, the judiciary and the legal profession.**

24. The Committee is concerned at the persistence of traditional stereotypical views of the social roles and responsibilities of women and men in the family and in society at large which are reflected in article 41.2 of the Constitution and its male-oriented language, as recognized by the All-Party Oireachtas Committee on the Constitution, in women's educational choices and employment patterns, and in women's low participation in political and public life.

25. **The Committee recommends that the State party take additional measures to eliminate traditional stereotypical attitudes, including through sensitization and training of all educational actors and sustained awareness-raising campaigns directed at both women and men. It recommends that the All-Party Oireachtas Committee on the Constitution take the Convention fully into account in considering any amendments to article 41.2 of the Constitution as well as including a provision to underline the obligation of the State to actively pursue the achievement of substantive equality between women and men. The Committee also suggests that the State party consider replacing male-oriented language with gender-sensitive language in the Constitution to convey the concept of gender equality more clearly. Considering the important role of the media in regard to cultural change, the Committee furthermore recommends that the State party encourage the media to project a positive image of women**

and of the equal status and responsibilities of women and men in the private and public spheres.

26. The Committee is concerned that, in spite of a large variety of measures and programmes envisaged or already in place, including under the Equality for Women Measure, there seems to be no comprehensive strategic view and framework for the achievement of gender equality in all areas of life and with the involvement of all sectors and all social actors.

27. The Committee recommends that an effort be made to speed up the completion and adoption of the National Women's Strategy and to take a comprehensive and integrated approach to women's human rights under which all current gender inequalities and problems faced by different categories of women, including women of the most vulnerable groups in Irish society, may be considered and effectively addressed. The Committee further recommends that the national machinery for gender equality be fully empowered, staffed and funded to effectively pursue coordination and monitoring of the National Women's Strategy, while promoting gender mainstreaming into all areas and sectors of governance and maintaining at the same time women-targeted projects aiming at gender equality.

28. While acknowledging the efforts made to address violence against women, including legislative measures, refuges and rape crisis centres, research and awareness-raising initiatives, the Committee is concerned about the prevalence of violence against women and girls, low prosecution and conviction rates of perpetrators, high withdrawal rates of complaints and inadequate funding to organizations that provide support services to victims. The Committee is also concerned that insufficient information was provided on the question of sexual harassment as requested in the previous concluding comments (A/54/38/Rev.1). The Committee is furthermore concerned about violence suffered by women from marginalized and vulnerable groups, including Traveller women, migrant women, asylum-seeking and refugee women and women with disabilities.

29. The Committee urges the State party to take all necessary measures to combat violence against women in conformity with the Committee's general recommendation 19 to prevent violence, punish offenders and provide services for victims. It recommends that the State party adopt without delay its strategic plan and systematically monitor and regularly evaluate its components, particularly in relation to marginalized and vulnerable women including Traveller women, migrant women, asylum-seeking women and refugee women and women with disabilities. The Committee recommends that sustained training and awareness-raising initiatives be carried out for public officials, the judiciary, health professionals and members of the public. The Committee also recommends that the State party closely monitor the incidence of all forms of violence against women, including sexual harassment.

30. The Committee is concerned about trafficking in women and girls into Ireland, the lack of information on the extent of the problem and on specific legislation in this area, and the lack of a comprehensive strategy to combat it.

31. The Committee recommends the adoption and implementation of a comprehensive strategy to combat trafficking in women and girls, which should include preventive measures, the prosecution and punishment of offenders and

the enactment of specific legislation in the area. The Committee also recommends that measures be put in place to provide for the physical, psychological and social recovery of women and girls who have been victims of trafficking, including the provision of shelter, counselling and medical care. It further recommends that border police and law enforcement officials be provided with the requisite skills to recognize and provide support for victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on the measures taken to combat the phenomenon.

32. While acknowledging that the President, the Deputy Prime Minister and three members of the Cabinet are women, and that women occupy other visible decision-making positions, including three Supreme Court judges, the President of the District Court, the President of the Law Reform Commission and the Ombudsman, the Committee is concerned at the significant underrepresentation of women in elected political structures, particularly in the Oireachtas. The Committee is further concerned at the low representation of women in the civil service and in the Department of Foreign Affairs at the higher grades.

33. The Committee encourages the State party to take sustained measures to increase the representation of women in elected bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It recommends that research be carried out under the aegis of a parliamentary committee into the root causes of the lack of progress in this area.

34. While recognizing that the second National Action Plan against Poverty and Social Exclusion and the National Anti-Poverty Strategy provide for an integrated focus of addressing the needs of specific groups, including women, the Committee is concerned at the situation of vulnerable groups of women who are considered to be at high risk of consistent poverty and social exclusion, including rural women, older women, Traveller women, women who are single parents and women with disabilities. The Committee is particularly concerned at the barriers faced by those vulnerable groups in relation to access to education, employment, health care and other social services.

35. The Committee recommends that the State party closely monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of the State party's prosperity. The Committee also recommends that a gender impact analysis of all social and economic policies and anti-poverty measures be conducted regularly. It further recommends that the State party consider allowing for the Homemaker's Scheme (1994) to be applied retroactively so as to benefit older women.

36. While acknowledging the initiatives taken by the State party to foster women's participation in employment, including the Equal Opportunities Childcare Programme, 2000-2006, the Committee is concerned that women remain disadvantaged in the labour market. It is particularly concerned that they are concentrated in part-time and low-paid work and that the pay gap between women and men, although recently reduced, is still significant. The Committee is further concerned about the precarious situation of migrant domestic workers, the vast

majority of whom are women, who are excluded from the protection against discrimination extended to employees under the Equality Act, 2004.

37. The Committee recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of affordable childcare, and that the equal sharing of domestic and family tasks between women and men be promoted. It also recommends that the State party adopt policies and concrete measures to accelerate the eradication of pay discrimination against women and to work towards ensuring de facto equal opportunities for women and men in the labour market. The Committee calls on the State party to ensure that women domestic workers, including migrant women, are duly protected against discrimination.

38. While acknowledging positive developments in the implementation of article 12 of the Convention, in particular the Strategy to Address the Issue of Crisis Pregnancy (2003) that addresses information, education and advice on contraceptive services, the Committee reiterates its concern about the consequences of the very restrictive abortion laws under which abortion is prohibited except where it is established as a matter of probability that there is a real and substantial risk to the life of the mother that can be averted only by the termination of her pregnancy.

39. The Committee urges the State party to continue to facilitate a national dialogue on women's right to reproductive health, including on the very restrictive abortion laws. It also urges the State party to further strengthen family planning services, ensuring their availability to all women and men, young adults and teenagers.

40. While welcoming the fact that reservations to articles 11 (1) and 13 (a) and articles 16.1 (d) and (f) are being kept under regular review, the Committee notes that they remain.

41. The Committee calls upon the State party to study carefully the nature and thrust of the remaining reservations within the context of article 23 of the Convention on the Elimination of All Forms of Discrimination against Women and the Vienna Convention on the Law of Treaties with the aim of withdrawing them as soon as possible.

42. The Committee requests the State party to ensure the wide participation of all Departments and public bodies in, and to consult with non-governmental organizations during the preparation of its next report. It encourages the State party to involve the Oireachtas in a discussion of the report before its submission to the Committee.

43. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.

44. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the

achievement of the MDGs and requests the State party to include information thereon in its next periodic report.

45. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Ireland to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

46. The Committee requests the wide dissemination in Ireland of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

47. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in 2007.

Notes

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.