



**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

**Summary record of the 693rd meeting**

Held at Headquarters, New York, on Wednesday, 13 July 2005, at 10 a.m.

*Chairperson:* Ms. Manalo

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Convention (*continued*)

*Combined fourth and fifth periodic reports of Ireland*

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (*continued*)

*Combined fourth and fifth periodic reports of Ireland (CEDAW/C/IRL/4-5, CEDAW/PSWG/2005/II/CRP.1/Add.6 and CEDAW/PSWG/2005/II/CRP.2/Add.6)*

1. *At the invitation of the Chairperson, the representatives of Ireland took places at the Committee table.*

2. **Mr. Fahey** (Ireland), introducing his country's combined fourth and fifth periodic reports, said that Ireland currently had the second highest gross domestic product per capita in the European Union, enjoyed nearly full employment and had dramatically increased its spending on education, health and social welfare. Nowhere was the impact of that transformation on women more evident than in the labour market. The employment rate for females between 15 and 64 years of age had increased from 40 per cent in 1994 to 56 per cent in 2004; the female unemployment rate was down to 3.6 per cent, and long-term unemployment of more than one year stood at 0.8 per cent. Amended legislation on maternity, adoptive leave, parental leave, equality, the introduction of tax individualization and reductions in the tax burden on work, the development of a childcare infrastructure and women's educational achievements had all brought about that increase.

3. Under the Equal Opportunities Childcare Programme 2000-2006, the State was providing childcare facilities that met the requirements of both parents and children. Total funding for childcare over the 2000-2009 period would amount to 725 million euros. Under the Childcare Programme, 20,500 facilities were already operating and that number was expected to exceed 36,000 by the programme's completion. Child benefit payments made directly to the mother had more than doubled in real terms since 1997. The Government accorded high priority to continuing its efforts in that area.

4. The gender pay gap in Ireland had been narrowed to 16 per cent — close to the European Union average — thanks to an increase in the minimum wage, the implementation of a number of legislative provisions, the Equal Opportunities Childcare Programme, individualization of the taxation system, increases in

child benefit payments and a strong demand for labour in a flourishing economy. There was no evidence that the gender pay gap in Ireland was caused by discriminatory pay practices, a recent study having identified child-rearing as the main reason women refrained from working. A group chaired by his Department of Justice, Equality and Law Reform and composed of representatives of labour and management, the Central Statistics Office and the National Women's Council had prepared a report containing recommendations to address the pay gap.

5. Since the introduction of changes in the education system in the 1960s, attention had increasingly been focused on girls. Women now accounted for 52.5 per cent of all students in third-level courses and the majority of graduates in many fields of study at the third level, including law (65 per cent), health (82 per cent), veterinary science (67 per cent) and business and administration (60 per cent). Girls outperformed boys on the national baccalaureate examination and more girls qualified for entry into third-level education. In addition, 75 per cent of females who were 18 years of age were enrolled in school full-time, compared to 60 per cent of boys. A number of initiatives had been taken to encourage more females to study engineering and technology. The Minister for Education and Science had established a committee to analyse the situation and make recommendations on increasing the number of females earning a leaving certificate in the physical sciences at the second level and those choosing science, engineering and technology at the third level; its report would be submitted to the Minister for Education and Science in the fall. The under-representation of women in management positions in the education system was being addressed by the Women into Educational Management Initiative. A study of management culture in relation to senior appointments in education, sponsored by the Gender Equality Unit of the Department of Education and Science, was already bearing fruit: the new Secretary-General of the Department was a woman.

6. As for women's participation in political life and decision-making, the President of Ireland was Mary McAleese and her predecessor had been Mary Robinson, who had gone on to serve as the United Nations High Commissioner for Human Rights. The Deputy Prime Minister was a woman, and there were three female members of the Cabinet. Three of the country's eight Supreme Court judges were women,

and the first female President of the District Court had been appointed in May. The President of the Law Reform Commission, the Ombudsman and the Refugee Applications Commissioner were women. Currently, women accounted for 32 per cent of the members of State boards and committees, up from 15 per cent in 1992. The Government had recently decided that nominating bodies must provide it with the names of both men and women for the purpose of ensuring that a 40 per cent gender quota was met. Within the Civil Service, the target set for women at the key Assistant-Principal grade had been met, and a new strategy would be developed later in the year. Currently, there were four women at the Secretary-General level in the Civil Service and a number of female heads of State agencies.

7. In the most recent elections in 2004 19 per cent of those elected had been women, up from 15 per cent in 1999, while 38 per cent of those elected to the European Parliament in 2004 had been women. Overall, the pace of progress in electoral politics was slow; only 13 per cent of the deputies in the national Parliament were women. Ironically, women's significant involvement in politics, including at influential levels, had yet to be reflected in elections. In response to the Committee's 1999 concluding comments, Ireland had introduced a specific strand on political life into the Equality for Women Measure. Under the Measure, funding had been provided to three political parties — Fianna Fáil, Fine Gael and Sinn Féin — for the specific purpose of increasing the number of women holding decision-making positions and the number of female electoral candidates and representatives. The parties were committed to improving the position of women through action plans; his own party, Fianna Fáil, had set specific targets for female participation at all levels.

8. Under its revised 2002 National Anti-Poverty Strategy entitled "Building an Inclusive Society", the Irish Government was addressing the needs of specific groups that were particularly vulnerable to poverty, including women. The overall objective of the Strategy was to reduce or eliminate consistent poverty among women by 2007, and to improve their access to health care, education and employment. The Strategy recognized the particular problems of impoverished and marginalized women in both urban and rural areas and the important role that women's and community groups could play in tackling them. To that end, government departments made grants available for

community-based initiatives to help disadvantaged women.

9. Traveller (nomadic) women had a higher mortality rate, lower life expectancy and stillbirth and infant mortality rates nearly triple those of the population as a whole. The Anti-Poverty Strategy was committed to improving education, health and housing services for Travellers, and to removing barriers to their participation in national economic and social life. He was keenly aware of the situation of Traveller women in Irish society and the need to improve their quality of life. His Department played a key role in monitoring the implementation of the recommendations of the task force on the Traveller community. Pavee Point, a civil society organization for Travellers, was present at the meeting and had contributed to Ireland's reporting process.

10. Under the National Disability Strategy and the Disability Act 2005, special services would be provided to persons with disabilities, including women, and their access to mainstream public services would be improved. Under the 1997 Plan for Women's Health, significant steps had been taken to integrate a gender dimension into the health service and to make it responsive to the health needs of women. BreastCheck, a national breast-screening programme, had been launched in March 2000. In its first phase, the programme covered the Eastern, Midland and North-Eastern Health Board areas; it was expected to provide full national coverage by 2007. The National Cervical Screening Programme, which had been operating in the Mid-Western Health Board since 2000, screened women in the 25-60 age bracket at five yearly intervals free of charge. Under the new health strategy, the programme would be extended to the rest of the country. In recent years, additional funding had been allocated for the development of family planning and pregnancy counselling services. A Crisis Pregnancy Agency had been opened in 2001, and general practitioners provided family planning services free of charge to those who had a card for free general medical services.

11. In response to the Committee's recommendation with regard to Ireland's third periodic report, a broad national dialogue on abortion had been launched. The current constitutional position on abortion had been established by a referendum in 1983 and amended in 1992. Ireland had held five separate referendums on

abortion on three separate occasions and had no plans to put forward further proposals in that regard.

12. He personally chaired the National Steering Committee on Violence against Women, established in 1997, which fostered inter-agency cooperation to raise awareness about the issue, conducted research and monitored the implementation of the recommendations of the Task Force on Violence against Women. Regional Committees on Violence against Women had also been established in each of the 10 Health Board regions to assess existing services and draw up local strategies and implementation plans. A strategic plan to guide the work of the Committee over the next five years would be completed before the end of the year.

13. Ireland had enacted strong legislation criminalizing domestic violence, rape and sexual assault, stalking and harassment and other forms of violence against women. As violence against women was often a hidden crime, his Department had attempted to raise public awareness of the issue through, inter alia, an advertising campaign on the national television and radio stations in conjunction with the National Steering Committee on Violence against Women. The campaign had led to a 64 per cent increase in the number of calls to the Women's Aid Helpline.

14. At least 7 of the 15 members of the newly established Human Rights Commission would have to be women by law. In addition, Ireland had ratified the Optional Protocol to the Convention in September 2000. The Government was very aware of the need to address the exploitation of women by prostitution and to supplement its legislation by providing assistance to prostitution victims. Under the Equality for Women Measure, funding had been made available in recent years to organizations working with prostitution victims.

15. With the transformation of the Irish economy, immigration had replaced emigration as a major challenge. Immigrants to Ireland included asylum-seekers and those seeking employment. Ireland took its responsibilities to asylum-seekers very seriously. Under the Immigration Act 2003, the asylum process was supported by a streamlined legislative framework aimed at dealing efficiently with the high number of applications and providing protection speedily to those who met the definition of refugee. Special measures had been taken to address the concerns of women in

need of asylum. Irish refugee law permitted asylum applications on the ground of gender-based persecution. Women applying for refugee status were assigned female interviewers and interpreters, particularly if they were presenting claims involving gender-specific issues, and, if necessary, were heard by female members of the Refugee Appeals Tribunal.

16. In 1996, the Review Group on the Constitution had recommended that article 40.1 of the Constitution, on the equality of all citizens before the law, should explicitly prohibit discrimination on various grounds, including gender. The All-Party Oireachtas (Houses of Parliament) would be considering the issue on the basis of submissions and oral hearings held earlier in the year during a public consultation on the family. Ireland's far-reaching equality legislation included the Employment Equality Act 1998 and the Equal Status Act 2000. The provisions of the Treaty of Rome, as amended, in relation to gender equality had force of law. Violations of those provisions could be addressed in the national courts and tribunals and ultimately referred to the European Court of Justice.

17. Ireland's three-pronged approach to gender equality consisted of legislation, gender mainstreaming and positive action. In addition to the Employment Equality Act and the Equal Status Act he had just mentioned, equality was promoted by an Equality Authority. The rulings of the Equality Tribunal, which adjudicated in cases of alleged discrimination, were binding and could be appealed only to the High Court on a point of law. In 1999, the Government had decided that the majority of measures set out in the National Development Plan 2000-2006 should be subject to gender mainstreaming. A unit had been established in his Department to provide support, advice and training in gender mainstreaming to other government departments and agencies, and a second unit had been established in the Department of Education and Science for the same purpose. The third prong, positive action, had been developed on the basis of the Committee's 1999 recommendation. Under the first phase of the Equality for Women Measure, 70 projects aimed at improving the economic, social, cultural and political lives of women had been funded. In its second phase, the Measure was funding 58 projects in economically disadvantaged urban areas. The Measure had also supported "equality-proofing" by the Equality Authority of employment policies and organizations, and research on women returning to

employment and training and on women entrepreneurs. Thus far, over 7,000 women had benefited from the Measure, whose lessons learned were required to be mainstreamed into policy.

18. With regard to Irish equality infrastructure, he said that policymaking had historically suffered from a lack of data. The Gender Equality Unit set up under the National Development Plan was working with government departments to develop gender-disaggregated performance indicators and data to monitor progress. The Gender Equality Unit had published a book entitled, “Women and Men in Ireland — Fact and Figures” and a gender report first published by the Central Statistics Office in December 2004 would be published annually. The Government was committed to developing a framework for social and equality statistics, and work had begun on the formulation of data and statistics strategies in each government department.

19. Ireland’s reservations to the Convention were kept under regular review. Following the enactment of the Equality Act 2004, he had sought legal advice with regard to the reservation on article 11, paragraph 1, which was being maintained because of very limited exclusions in the Employment Equality Act 1998. The reservations to article 13 (a) and article 16, paragraphs 1 (d) and 1 (f), were being maintained because of more favourable treatment of women in national legislation.

20. Ireland was currently developing a National Women’s Strategy recommended by the Committee that had drafted the National Plan for Women 2002 on the implementation of the Beijing Platform for Action. The Strategy 2006-2015 would cover key issues relating to women in Ireland. It would include performance indicators, set out actions and targets and identify those responsible for the implementation of various actions.

21. In conclusion, he drew attention to the contribution of NGOs, which had submitted six shadow reports in connection with Ireland’s presentation to the Committee. He commended, in particular, the report of the Women’s Human Rights Alliance, funded by his Department under the Equality for Women Measure.

#### *Articles 1 to 6*

22. **The Chairperson** invited the members of the Country Task Force on Ireland to pose questions.

23. **Ms. Šimonović** asked how the provisions of the Convention were being incorporated into Ireland’s “dualist” legal system, as they were not automatically applicable. Noting that, in 2003, the State party had adopted a specific law enacting the provisions of the European Convention on Human Rights, she asked whether it would follow a similar procedure in the case of the Convention on the Elimination of All Forms of Discrimination against Women. In order for the Optional Protocol to be functional in Ireland, remedies would have to be available at the domestic level.

24. As for the provisions of article 40.1 of the Irish Constitution, there seemed to be a misunderstanding. Equality before the law was not the same as the principle of the equality of men and women, which, under article 2 of the Convention, States parties were to embody in their national constitutions or other appropriate legislation. Furthermore, the State party’s provisions on direct and indirect discrimination must be in line with article 1 of the Convention and should also extend to non-State actors. Lastly, she welcomed the formulation of the National Women’s Strategy and asked whether it would reflect the Committee’s concluding comments and recommendations.

25. **Mr. Flinterman** said that the World Conference on Human Rights of 1993 had called on all nations to withdraw their reservations to international human rights instruments. He had studied the reasons for Ireland’s decision not to withdraw its reservations and had failed to understand them. The reservation to article 11 was based on the premise that the article did not allow for exclusions; he did not agree that article 11, paragraph 1 did not permit exclusions. Ireland’s Equality Act had fewer exclusions in the 2004 revision than it had had in earlier legislation. There was no reason for the reservation, in his view, unless exclusions were excessive.

26. With respect to article 13 (a), Ireland had reserved the right to maintain provisions under its social security legislation that were more favourable to women, such as, for instance, a mother’s entitlement to child-related benefits. The question arose whether that was a reservation, since by definition a reservation was that which restricted or excluded the obligations of the State party. The reservation to article 13 (a) therefore must be based on a misunderstanding. The Convention sought substantive equality; it was not sufficient to ensure identical treatment. Differences between women and men must be taken into account in achieving

substantive equality. Nothing in the Convention prohibited the State party from giving more beneficial treatment to women than to men, and sometimes it would even be obliged to do so, such as, for instance, under article 4.

27. Similarly, he understood that the reservation to article 16, paragraphs 1 (d) and 1 (f) was retained because Ireland did not wish the fathers of children born out of wedlock to have rights equal to those of mothers. Unmarried fathers must acquire guardian status in order to have such rights. But again, was that appropriately a reservation to that article? Under the Convention, in all cases involving the equal rights of women and men, the best interests of the child should prevail. The Committee hoped that Ireland would soon withdraw all its reservations.

28. **Ms. Popescu** said that the report was rich in information, but that it gave no sense of a holistic approach to rights. She would like to know what national machinery was responsible for coordinating Ireland's women's rights policies, along with gender mainstreaming, and in particular whether the Gender Equality Unit of the Department of Justice, Equality and Law Reform of the Ministry of State played that role, whether it played a role in designing strategies for women, whether it monitored the advancement of women under the National Development Plan, how it was structured, staffed and funded, and how it was related to other similar units in other departments.

29. Observing that the Equality Authority and the Equality Tribunal both worked on the basis of nine grounds of discrimination, of which sex was only one, she said she would like to know how multiple cases of discrimination were handled.

30. **Ms. Pimentel** said that the Government was to be commended for the range of measures it had adopted to combat violence against women, which had been discussed in the report, not in the context of articles 1 and 2, or in the context of general recommendation No. 19, but instead in the context of article 16. She wondered what, in the view of the delegation, were the links between violence against women and the realization of a woman's full human rights. She would also like to know what measures Ireland was taking to remedy the underfunding of services related to violence against women, in particular shelters for battered women, and what measures were being taken to protect vulnerable women, for instance, disabled

women and women in the Traveller community. Ireland should, in addition, describe any progress it had made in implementing recommendations of the report on violence against women that had been published in 1999. She asked what was being done to remedy delays in court hearings related to domestic violence cases and how child custody and access issues were handled in such cases. It would be useful to know, as well, what the Government was doing to ensure that the judiciary was properly trained in issues related to violence against women, how it was monitoring and implementing the five-year strategic plan for the National Steering Committee on Violence against Women, and what progress was being made in implementing the recent report on rape and sexual assault in Ireland.

31. There were three essential areas of importance in studying sexual abuse: the frequency and repetitiveness of the abuse, the silence of the victims, and the unawareness of the mothers of victims. It was fundamental to provide education to persons developing public policy, since sexual violence was harmful to the social and psychological development of girls and women.

32. **Ms. Tavares da Silva** said she wondered whether discrimination against women should be dealt with as one among nine categories, since it could lead to an unawareness of the nature of gender discrimination, which was structural and pervaded all societies and cultures. At the same time, women experienced all the other types of discrimination.

33. The report contained no information regarding measures to prevent or punish trafficking in women, and the replies to the list of issues stated that the Government had no evidence that such a practice existed in Ireland. NGOs, however, had been tracking the growth of that phenomenon over the course of years. She would like to know whether legislation was in preparation, and what support and protection measures, if any, were being taken on behalf of such women. Victims of trafficking should not simply be seen as illegal immigrants.

34. The report indicated that temporary special measures were used in Ireland to promote equal opportunities, in particular by removing certain inequalities affecting women. That was a restrictive view. Temporary special measures, within the meaning of article 4, aimed at more than removing existing

inequalities: they must also promote and accelerate equality. Such measures should, for instance, address not only employment but also such areas as participation and representation.

35. Lastly, she said she hoped that Ireland would review the Constitution, removing negative stereotypes of women and eliminating male-oriented language.

36. **Ms. Khan** commended Ireland for its excellent report, and for the level of prosperity it had achieved. The number of women living in poverty was, however, increasing, especially among older women and Traveller women, and more women were living in poverty in Ireland than in any other European country. She would like to know whether the Government had sought to identify the root cause of poverty, and whether it was attempting to redress it. Had it considered taking a gender-based or rights-based approach in order to enable women to escape from the trap of poverty? She would like to know whether the gender equity monitoring committee covered all ministries and departments, to which body it reported, and what was the role of the Commission on the Status of Women in eliminating poverty. In addition, she would like to know whether measures had been taken to reduce the growth of relative income poverty, since the fruits of economic development should be distributed equally throughout a society. Lastly, she asked whether Ireland had envisaged creating temporary special measures to improve the education of disabled women, Traveller women and lone parents, with a view to enhancing their participation in society.

37. **Ms. Gabr**, noting that the growing numbers of immigrants in Ireland was a result of the economic boom, enquired whether Ireland was drafting special protection measures for immigrant women, who were especially vulnerable. She would also like to know whether the National Anti-Poverty Strategy included special measures to protect immigrant women, and whether the National Action Plan against Poverty and Social Exclusion tackled the problem of racism and promoted respect and understanding for the cultures of immigrant women, in particular by the media. She asked whether the Government was taking measures to support cultural identities; whether it was, for instance, providing financial assistance to NGOs working to protect such women. She would also like to know how the National Anti-Poverty Strategy was helping immigrant women in such areas as housing and accommodation. Lastly, she asked whether Ireland

envisaged ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

38. **Mr. Fahey** (Ireland) said that his delegation welcomed the Committee's excellent and detailed questions. Ireland had made much progress in attaining equal rights for women, although much remained to be done. Ireland should perhaps be more pro-active in attaining substantive equality. There were indeed provisions of the Convention which were not a good fit with the Irish Constitution. The Constitution had, however, been drawn up in 1942 and generally speaking, had stood the test of time well. He agreed that in the area of violence against women, the Government was providing insufficient resources to redress the problem of court delays and to finance shelters. In the matter of trafficking in women, the Government's statistics were unsatisfactory: there was work to be done. It seemed to him, however, that the treatment of women migrants was satisfactory and, in any event, better than that of men.

39. It was true that, although the economy had experienced huge growth in recent years, poverty still existed in Ireland, and some sectors suffered more than others, such as the Travellers. The Government was taking a broad range of initiatives to address poverty; the objective was its total eradication. As recently as 10 years before, no foreigners had sought asylum in Ireland; there had been only a small asylum unit. Ireland had quickly adapted to the significant influx, and had not had major difficulties with racism against them, largely owing to the efforts of NGOs. Ireland was studying the experience of the United Kingdom in that regard. The level of racism against the Travellers in Ireland was, however, absolutely unacceptable, and must be challenged.

40. **Mr. O'Callaghan** (Ireland) said that the National Women's Strategy being developed was drawing on the recommendations in the National Plan for Women submitted by the Government to the United Nations in line with its obligations under the Beijing Platform for Action. An interdepartmental committee was responsible for drafting the Strategy, in consultation with representatives of employers, employees, the National Women's Council and other groups. It would cover a wide variety of issues including economic matters, employment, poverty and violence against women, and identify time-bound targets and actions. He assured the Committee that disadvantaged women,

including migrants, would be covered, and that the Strategy would pay due attention to the Committee's concluding comments.

41. The reasons for Ireland's reservations to the Convention had been detailed in the report, and their continued relevance was under constant review. He accepted the Committee's arguments in favour of their withdrawal, but noted that the Attorney-General had repeatedly advised the Government that the reservations must remain.

42. It was true that the variety of gender-equality units was confusing. Despite having the same or similar names, they fulfilled different roles. He himself headed a 10-person gender-equality unit at the Department of Justice, Equality and Law Reform which was responsible for implementing Ireland's international gender-equality commitments. A further group within the unit was responsible for gender mainstreaming in the context of the National Development Plan. The Department of Education and Science Gender Equality Unit focused on the education sector, while the Ministry of Finance Gender Equality Unit oversaw the implementation of equality policies in the employment of civil servants.

43. It was also true that opinions differed over the best approach to policymaking on discrimination. While a single authority dealing with gender issues might have advantages, the approach of the Equality Authority also had merits. Because it dealt with the nine grounds of discrimination covered by Irish legislation, it could apply the lessons of many years of experience with gender discrimination to other forms of discrimination. Moreover, when similar bodies were set up elsewhere in the European Union, they tended to deal with multiple forms of discrimination.

44. **Ms. O'Rourke** (Ireland) said that Ireland's report had described the provisions of the Constitution and the legislation which gave effect to the Convention. As the Constitution was a brief document, adding the Convention as an annex would destroy its balance. Moreover, as the Constitution could be changed only by referendum, appending the Convention to it would "fossilize" the Convention itself, a damaging step, as women's rights were evolving, not static.

45. It was also impractical to enact a single piece of legislation to implement the Convention, owing to the risk of conflict with existing legislation, notably the several acts dealing in very specific terms with various

forms of discrimination. Ireland with its common-law tradition differed from countries with a civil-law tradition precisely in having very specific individual statutes.

46. **Mr. O'Sullivan** (Ireland) said that the National Steering Committee on Violence against Women, set up in 1997, had drawn on the views of many groups, including NGOs. Progress had been made in tackling the phenomenon, but much remained to be done. Broad consultation, including among representatives of disabled people, migrants and the Traveller community, was in progress to devise a five-year strategy for the Steering Committee's work.

47. The five-year strategy would fit within the National Women's Strategy. Frontline services for victims were provided mainly through NGOs, which would be consulted to identify shortcomings. Such services were known to be underfunded. As to the prosecution of perpetrators, the criminal justice response to violence against women was complicated by the fact that the perpetrator and the victim were often related, inhibiting successful prosecution. However, barring orders and safety orders could be issued, access to courts could be speeded up and the role of the police could be expanded. The current policy worked in favour of the arrest of the perpetrator and ensuring the victim's safety.

48. Having changed from a country of net emigration to a country of net immigration, Ireland was confronted with the problem of trafficking. Currently, the Illegal Immigrants (Trafficking) Act of 2000, primarily intended to prosecute those facilitating the illegal entry of individuals into Ireland, could be used to prosecute those trafficking for exploitation. However, the Department of Justice, Equality and Law Reform planned to propose legislation specifically targeting that form of trafficking, to help Ireland to comply with the obligations it would assume under the Council of the European Union Framework Decision on combating trafficking in human beings, the Council of Europe Convention on Action against Trafficking in Human Beings and the Palermo Protocol.

49. Although there was no legislation officially requiring it to do so, the Garda Síochána (Irish Police) had been instructed to deal sympathetically with all victims of trafficking. The ongoing review of immigration legislation and the consultation of NGOs on the adequacy of current measures might lead to



formal legislation on the matter. The Garda National Immigration Bureau investigated all reported cases of trafficking, mainly communicated by NGOs such as Ruhama.

50. **Ms. Faughnan** (Ireland) said that data from the most recent Living-in-Ireland statistical surveys and from the European Union Statistics on Income and Living Conditions had confirmed that the groups most at risk of poverty were families with children, lone parents, and the disabled and older people living alone, but also that there had been a decline in consistent poverty among women. It was certainly possible that a lack of specific sectoral data might hide certain categories of poverty. In general, expenditure aimed at alleviating poverty had increased, with welfare payments rising by three times the expected rate of inflation and pension and child benefits also rising substantially.

51. Recognizing that the route out of poverty for lone parents — most of whom were women — was employment, a steering group chaired by a member of the Prime Minister's Department was examining how to improve lone parents' living standards, and identifying possible obstacles to employment, such as the need for child care. Measures for older women included a Homemaker's Scheme, which established payments for time spent out of the workforce in order to provide care in the home.

52. **Mr. Dowling** (Ireland) said that the rights of migrant workers in Ireland were protected by the Constitution, existing legislation and international human rights instruments to which Ireland was a signatory. Like the other European Union member States, Ireland had not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Government took the view that accession to the Convention would require much domestic legislation to be changed and interfere with migration within the European Union and with the operation of the Ireland-United Kingdom common travel area.

53. The Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal were active in protecting the rights of women asylum-seekers, who were particularly vulnerable, and their efforts were considered effective.

54. The Reception and Integration Agency dealt with integration assistance only for those granted refugee

status or leave to remain in Ireland, but the Government recognized that the need for integration assistance went well beyond those groups. That gap was being addressed through the Immigration and Residence Bill, which was proposing an Irish naturalization and immigration service with a unit to help all legal third-country residents integrate into economic and cultural life. As a coordinating body, the Agency was not directly involved with implementation. It adopted a common agenda with NGOs, which received Government funding and would be helped by European Union financing allocated to help integration for the period from 2007 to 2013.

55. **Mr. Fahey** (Ireland) said that although the experts were perhaps right that his Government had lacked vision in addressing the Convention, he was confident that the National Women's Strategy would remedy that shortcoming. More positive measures were certainly needed to improve women's situation and provide "substantive equality". The Government would take account of the broad lines of the Committee's concluding comments, even if it could not implement every detail.

56. **Ms. Schöpp-Schilling**, returning to the matter of Ireland's reservations, drew the delegation's attention to article 23 of the Convention, which specified that the Convention did not affect national legislation or international agreements which were "more conducive to the achievement of equality between men and women". She wondered if the Government had conducted a thorough review of national legislation to ensure that it covered all areas of the Convention. She also wished to know if any time frame had been established for changes to the Constitution and, since the outcome of a referendum depended heavily on the questions it asked, urged the Government to cast such changes in a positive light.

57. Ireland's efforts to tackle poverty and unemployment among women were positive, but the authorities must exercise care with statistics. Many more women than men worked part-time. Accordingly, in considering the number of women in employment, account must be taken of the number of hours they worked. She wondered whether the Government intended to make the Homemaker's Scheme retroactive, as the Government of her own country, Germany, had done with its equivalent scheme, so that it covered periods prior to 1994.

58. **Ms. Simms** said she was concerned that the influx of immigrants to Ireland would lead to racism. She asked whether specific measures had been taken to integrate those immigrants into Irish society and to ensure that any discriminatory practices inherent to their cultures of origin were not carried across.

59. She enquired about the basis for racist attitudes towards members of the Traveller community. She also highlighted the intersection between gender and race and pointed out that women from ethnic minorities often failed to challenge gender-based discrimination within their own communities. Lastly, she had heard that banks in Ireland often required black women to submit to HIV/AIDS tests before granting them loans. She wished to know whether that information was correct.

60. **Ms. Gaspard** asked whether the report had been submitted to the Irish Parliament and whether a special Parliamentary subcommittee had been established to deal with the issue of equality between women and men.

61. **Mr. Fahey** (Ireland) said that, while the Government acknowledged that Travellers had a distinct cultural identity, it did not consider them to be a separate ethnic group. He was not convinced that the Traveller community itself wished to be regarded as such. In reply to the questions posed by Ms. Gaspard, he said that the report had been submitted to the Parliamentary Committee for Justice, Equality and Women's Affairs, which had been established in November 2003 to deal with all aspects of the issue of gender equality.

62. **Mr. O'Callaghan** (Ireland) said that he had taken note of the comments relating to reservations and would transmit them to the Office of the Attorney General for further consideration. With regard to constitutional reform, he said that a specific timetable could not be established until the All-Party Oireachtas Committee on the Constitution had submitted its report. While all interested parties wanted to move forward, the reform process was intricate and complex and would take time.

63. He stressed that Irish legislation on employment and the provision of goods and services specifically prohibited discrimination against Travellers and that, consequently, members of the Traveller community were entitled to seek legal redress for any violation of their rights. He had not heard any reports of banks

requiring migrant women to undergo HIV/AIDS testing and was unsure about the lawfulness of such practices.

64. **Ms. O'Higgins** (Ireland) said that, as in other European countries, women's participation in the labour market was measured by the number of individuals employed rather than the number of hours worked. According to the most recent statistics, 68 per cent of the female workforce was employed on a full-time basis and 32 per cent worked part-time. Those figures had remained fairly stable since the economy had taken off in 1999.

65. **Ms. Faughnan** (Ireland) said that, under the Homemaker's Scheme, individuals with reduced or interrupted social insurance contribution records could choose to disregard up to 20 years of their contribution history. However, the Scheme, which had been introduced in 1994, was currently under review and a number of reforms, including changing its operative date and replacing the disregard system with one based on credited contributions, were being considered.

#### *Articles 7 to 9*

66. **The Chairperson** invited the members of the Country Task Force to pose questions.

67. **Ms. Šimonović** (Rapporteur), speaking in her personal capacity, said that the new National Women's Strategy must cover all the provisions of the Convention, and include appropriate penalties for violations. She pointed out that the European Convention on Human Rights had been fully incorporated into Irish legislation and, in that connection, enquired as to the main differences between its provisions and those of the Convention on the Elimination of All Forms of Discrimination against Women.

68. With reference to article 7 of the Convention, she asked whether the Irish Government planned to take additional steps to increase the number of women elected to Parliament. While several of the main political parties had implemented gender quota systems, more needed to be done to achieve true equality between women and men. Lastly, she observed that Ireland had no female Grade I Ambassadors or Second Secretaries and asked why quotas had been introduced only for certain posts in the Department of Foreign Affairs.

69. **Ms. Popescu** said that women were seriously underrepresented in national and local government. She asked whether the Parliamentary Committee for Justice, Equality and Women's Affairs had carried out a study on the causes of that situation and on possible measures to address it and, if that was not the case, recommended that such a study should be undertaken. Since a number of Irish political parties had taken positive measures to increase women's participation, she wondered whether it would be possible to use those good practices as the basis for a set of guidelines. She also requested further information on how the Government intended to achieve its 40 per cent gender balance target for State boards.

70. Lastly, she wished to know whether the Government was considering the adoption of temporary special measures to ensure that vulnerable groups, including Travellers, disabled persons and members of other minorities, were adequately represented in local government.

71. **Mr. Fahey** (Ireland) acknowledged that the Irish Government had failed to reach its targets in the area of increasing women's representation in political life but noted that initiatives had been developed to encourage the three main political parties to take a more proactive approach to the selection and appointment of women candidates. In that connection, he would certainly give serious consideration to Ms. Popescu's suggestion concerning the preparation of guidelines. As far as the 40 per cent gender balance target was concerned, all nominating bodies now had to nominate both male and female candidates to fill vacancies. When selecting the successful candidates, the Government must ensure that the 40 per cent target was met and was responsible for submitting progress reports to the Cabinet twice a year.

72. At the local level, a growing number of women had been elected to office in recent years. Representatives of vulnerable and minority groups had also had limited success in local elections, but more needed to be done to facilitate their nomination. Lastly, he pointed out that Irish women had not participated in national politics as aggressively as they could have. To succeed in that arena, they must be more self-confident and garner greater support from other women.

73. **Mr. O'Callaghan** (Ireland) said that the Department of Justice, Equality and Law Reform had funded a number of initiatives designed to promote the

nomination of female candidates by minority groups. He added that local government was a route into national Government in Ireland and pointed out that the election of female mayors in three major Irish cities reflected the increase in the number of women elected to local office.

74. He reassured the Committee that Ireland's commitments under the Convention, as well as under other international instruments, had been taken into account during the development of the National Women's Strategy and took note of the recommendation that a study on the reasons for women's underrepresentation in political life should be carried out.

75. **Mr. Gibbons** (Ireland) said that, according to the most recent statistics on diplomatic staff in the Department of Foreign Affairs, women accounted for 34.6 per cent of First Secretaries/Assistant Principal Officers, 21 per cent of Counsellors and 25 per cent of Grade II Ambassadors. The gender balance in the Department had changed radically in recent years, as illustrated by the fact that almost 60 per cent of new entrants, at the Third Secretary level, were women. The targets set had been 35 per cent and 30 per cent for female appointments at the First Secretary/Assistant Principal Officer and Counsellor levels, respectively.

76. **The Chairperson** invited members of the Committee to pose follow-up questions.

77. **Ms. Tavares da Silva** welcomed the steps taken to ensure that more women were nominated to public office. However, she would like to hear more about the underlying reasons for their failure to seek election in the first place. In her opinion, that reticence stemmed from the fact that women were seen primarily as actors in the private sphere and an attitudinal change therefore would be required if the situation was to be rectified. In addition, the culture of Ireland's male-dominated political life must be made more female-friendly.

78. She pointed out that the Irish Parliament itself had remarked on the male-oriented thrust of the Constitution, stating, *inter alia*, that it was a product of patriarchal times. She stressed the importance of addressing that issue, particularly since the letter of the law should reflect the spirit of the law.

79. **Ms. Belmihoub-Zerdani** wondered why Ireland's social development had not kept pace with its

economic development and why, in particular, women still did not play an equal part in all areas of public life. In that connection, she suggested that legislation should be enacted to ensure that political parties respected the principle of non-discrimination and enquired whether it would be possible to introduce an electoral list system whereby women and men would have an equal chance of being elected to office.

80. **Mr. Fahey** (Ireland) said that it was very difficult for women to succeed in the Irish political arena, which was one of the most competitive in Europe. Furthermore, the electoral system did not lend itself to the introduction of quotas or the establishment of lists. The biggest obstacle to women's participation in the country's political life was the attitude of the general public, which was slowly changing, although more remained to be done in that regard. Lastly, he acknowledged that the Constitution, which had been written in the early 1930s, was male-oriented, but expressed hope that it would be altered in time.

*The meeting rose at 1 p.m.*