



**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 694th meeting

Held at Headquarters, New York, on Wednesday, 13 July 2005, at 3 p.m.

Chairperson: Ms. Manolo

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The meeting was called to order at 3 p.m.

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

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

Articles 10 to 14

1. **Ms. Patten** said that, despite often excellent laws and mechanisms, there was still relative poverty among women and, despite a high level of education, women were concentrated in only a few fields of study, thus reducing their employment opportunities and creating their occupational segregation in lower-paying positions. She would like to know whether women had provided input to the new committee established by the Department of Education and Science to devise strategies to increase the number of women in science, engineering and technology, and whether the Department was working in isolation or taking a multidisciplinary approach in conjunction with other government departments and with NGOs.

2. Although women were over-represented in the part-time labour force, the equal opportunities and childcare programmes outlined at the previous meeting did not seem to be linked to part-time workers. The sharing of family responsibilities by both spouses had to be emphasized. She questioned the delegation's contention that there was no evidence that the gender pay gap was caused by discrimination; it was more likely that there had been an insufficient gender analysis of the labour market. She wondered if the Government was planning to strengthen its job evaluation scheme. It was not enough to raise the national minimum wage periodically; a reformulation of the wage structures in female-dominated professions was needed. An overview of the Government's long-term plans for the employment of women and its long-term assessment of the obstacles to be overcome would be interesting.

3. **Ms. Khan** asked for details about how the National Framework Committee for the Development of Equal Opportunities was assisting employers in both the public and private sectors, and how it was helping women to balance work and family responsibilities.

Overcoming gender stereotyping, present both in the Constitution and among the public, was the challenge. Commendably, Ireland had instituted good childcare programmes, but parents appeared to be paying 20 per cent of their earnings for childcare, making it less affordable than in the rest of the European Union. She would like information on the childcare coverage in rural areas, where Travellers and other low-income parents lived.

4. According to the report, 40 per cent of all women over 15 lived in rural areas but very little data had been provided on women working on farms, many of whom were not classified as farmers because they did not own the land they worked. More information about the pattern of land ownership and the land-title laws would be useful.

5. Under article 14, which extended the obligations of States parties in a number of areas, she asked if the Government had recognized and included in its calculations the contribution that women specifically had made to the rising gross domestic product in Ireland. She requested more information about the access of rural women to land, credit, the job market, education, training and health, and whether they received the same level of social insurance coverage as their farmer spouses. Was the network of women in farming referred to in the report (CEDAW/C/IRL/4-5, para. 14.9) currently in operation?

6. **Ms. Pimentel** observed that the abortion situation in Ireland had not improved since the last report. Given the prevalence of illegal abortions, the health risks to mother and child of frequent unwanted pregnancies and the ambiguity surrounding the provision of even the abortions that were permissible, she asked what the Government was planning to do to clarify the legal guidelines on life-saving abortions and make them readily available, and if it would consider holding another referendum to legalize abortion in the case of pregnancies resulting from rape or incest or where severe fetal abnormalities were present, in view of the demonstrated public support for such liberalization. Failing a referendum, she asked what the Government would do to ensure the access of women to reproductive healthcare, as required by article 12 and recommended in the Committee's general recommendation No. 24. She urged the Government to confront entrenched cultural and social patterns that discriminated against women and led to the criminalizing of needed healthcare services.

7. **Ms. Gabr**, referring to article 11, asked for further information regarding Government action to prevent harassment in the workplace, including details of the anti-harassment policy for the civil service. One positive step had been the combating of gender stereotyping in the schools and in adult education courses. The delegation should comment on the documented reports of the exploitation and sexual harassment of migrant female domestic workers, who were particularly vulnerable. She noted that, in amending its equality legislation to bring it into line with the European Union anti-discrimination directives, Ireland had not incorporated the recommendation that representative bodies like trade unions could bring cases on behalf of individuals, thus placing the full burden of challenging an employer on the individual woman.

8. **Ms. Popescu**, observing that education was the antidote to the persistence of gender stereotypes, asked if the Government had revised manuals, textbooks and curricula at all levels to incorporate a gender perspective and reflect women as contributors to society. She wondered if the Government was also actively combating stereotypes by steering women towards non-traditional career choices. She would like more information on the access of Traveller women and girls to education, and especially on the implementation and effectiveness of the five-year Traveller Education Strategy referred to in the responses to the list of issues and questions (CEDAW/PSWG/2005/II/CRP.2/Add.6, question 25). Also, on an issue taken up at the previous meeting, she asked if Traveller women could appeal to the Equality Tribunal on the combined grounds of gender and Traveller status.

9. **Mr. Fahey** (Ireland) said that, following the Government's adoption in 2000 of new childcare standards as a way of encouraging women to work, childcare had quickly become the most significant issue in relation to the employment of women. There were admittedly too few places in childcare centres, and the costs were higher than the European average, although outside Dublin a parent paid less than the 20-per-cent figure cited. The Government had done much to create a family-friendly workplace, but it still had a long way to go to relieve women of their burdens.

10. The high concentration of women in part-time work was largely a matter of choice; and the number of women working full-time had almost doubled from

nine years earlier, a much greater increase than in the case of men. Women now formed the backbone of the economy: it was perhaps not sufficiently recognized that their flexibility had allowed them to step in immediately to meet the new demands of the booming economy and had made them a major contributing factor to the high economic growth rate.

11. On the issue of reproductive rights, the Crisis Pregnancy Agency was doing good work but had only recently been established. Since several referendums had been held on the issue of abortion, no further action was planned at the moment.

12. While there had been some instances in which migrant domestic workers had been exploited, such women were fully protected by Irish labour law. The Labour Inspectorate did comprehensive work in monitoring their situation and ensuring proper conditions of employment, including payment of at least the minimum wage.

13. While initially reluctant to embark on non-traditional careers, women were increasingly being attracted by them. An aggressive effort was definitely being made to revise school textbooks and manuals to combat any gender stereotyping.

14. **Mr. O'Callaghan** (Ireland) said, with reference to questions on the gender-based pay gap, that wage determination in Ireland, unlike in much of the rest of Europe, involved a combination of free bargaining and a national agreement between employers' organizations and the trades unions. There were also specific aspects of women's employment that needed to be taken into consideration, such as the fact that the average employed woman in Ireland spent as much as 9 years away from work, usually in connection with bearing and caring for children. Part-time work was very much in demand, as it allowed women to keep some connection with the labour market and not lose their entire wages, although not all employers were willing to offer such atypical work arrangements. The actual arrangements varied and might include fewer hours per day, fewer days per week, or fewer months per year. The cost of childcare was a function of high demand and inadequate supply, which the Government was working to increase.

15. Sexual harassment in the workplace was being dealt with vigorously through information campaigns and the promulgation of a new code in 2002. Employers and the trade unions had expressed intense

interest in Government support in their efforts to raise awareness and address the problem. Issues involving the development of equal opportunity were being dealt with in the context of a social partnership that brought together trades unions, employers, the health sector and Government. A framework committee was developing guidelines on employment equality policies, recruitment and equal status, based mainly on best practices, and disseminating them to employers and organizations. The committee also conducted reviews and prepared action plans for organizations to assist them in ensuring equality for women.

16. Much information on the intense national dialogue in Ireland on the issue of abortion had been submitted in the periodic reports before the Committee. Recent reports of rising support for a more liberal policy on abortion could not, however, be taken at face value, as experience had shown that predictions based on opinion poll surveys were not borne out in referendum results. The latest proposal to amend the law had been very narrowly defeated in the 2002 referendum, and the Government had no further plans to revisit the issue.

17. **Ms. Luddy** (Ireland) said that the Crisis Pregnancy Agency was relatively new but quite active and productive in providing access to reproductive health services for women, which covered contraception, prenatal care, pregnancy and postnatal care, but not abortion. Postnatal care included care for women who had obtained an abortion outside Ireland, care for single mothers who elected to keep their child and care for women who wished to give their baby up for adoption. In the context of the current reform of the health sector the Agency was also working with the Government to develop a national strategy for maternity care.

18. **Ms. O'Higgins** (Ireland) said that the proportion of women among professional and technical workers had risen to over half of such workers. Part-time work was usually a matter of choice, but demand for it exceeded supply. Such work was particularly helpful for women seeking to return to the labour force after an absence for maternity leave. The Government was working to increase the supply and reduce the cost of childcare, which helped women to continue to work.

19. Various initiatives had been undertaken to increase the number of women in the science and technology sectors, which constituted a major growth

area in the Irish economy, by training girls and young women for entry into the field and by assisting mothers to return after time away from work. A science foundation had been established to increase the participation of women through grants and awards to assist female academics in their careers and programmes to encourage and train girls to study and work in the science and technology fields. County enterprise boards sought to increase women's involvement in entrepreneurship and management through role models and mentoring.

20. **Ms. McDonnell** (Ireland) said that the Department of Education and Science worked closely with other departments and agencies to tailor education programmes to particular needs, such as programmes for asylum seekers and refugees. Gender stereotyping in fields of study had been sharply reduced, as female graduates now outnumbered males in most fields. Various curriculum initiatives had been undertaken to revise the content of courses, adding material on gender issues, the role of women in Irish history and gender participation and democracy. School inspectors were required to include gender mainstreaming in their evaluations. Guidance counsellors had been provided with materials aimed at increasing the study of science, particularly by girls. A new Traveller education strategy was being developed to improve access by Travellers to education. The strategy included pre-school programmes, visiting teachers and senior training centres, where more than half the participants were women.

21. **Ms. Faughnan** (Ireland) said that the difficulty farmers' wives had in obtaining social insurance coverage had been under review for some time. Current social welfare provisions recognized that family members regularly supported each other without any intent of entering into a formal contractual arrangement, which was ordinarily the basis for pay-related social insurance. The current exclusion of farmers' wives had been designed to facilitate family-based work by keeping it separate from the legal requirements of an established commercial partnership. If a business partnership was involved, spouses could pay social insurance and build up their own social insurance record. A social partnership group was working to develop a fully inclusive social insurance model that would include the partnership option. Another option was to develop a social insurance record on the basis of off-farm earnings or by

continuing contributions on the basis of previous, non-farm employment.

Articles 10 to 14, follow-up questions

22. **Ms. Schöpp-Schilling** said she appreciated the difficulties surrounding abortion but insisted that the Government had an obligation to recognize the health and human rights dimensions of the issue and could not simply say that it had no plans to revisit it, which would be to accept the inequality of results produced by the current impasse. With regard to cancer among women, especially breast cancer, she asked when cancer screening would be made universal and covered by health insurance. To say that women sought part-time work by choice was rather disingenuous. If cultural stereotypes conditioned men to participate less than women in child and family care, women would have no real choice until those stereotypes were eliminated. The long-term consequences for women were lower earnings, lower pensions and greater vulnerability in old age. With regard to constitutional amendments aimed at ensuring substantive equality for women, she urged the Government to study the examples of Germany and Finland, which had eliminated legal barriers to temporary special measures in amending their constitutions.

23. **Ms. Morvai** said that the pro-life vs. pro-choice debate on abortion had become sterile and was obscuring a number of other important factors. Choice was not a meaningful term in the abortion debate, as women did not freely choose to have an abortion, a procedure that was very dangerous to women psychologically and spiritually. Men must assume their responsibility for unwanted pregnancies and must participate fully in family planning and contraception. Crisis pregnancy centres should, for instance, work with men to form a progressive model of masculinity.

24. **Ms. Shin** said that the reasons inducing women to seek part-time work needed to be explored. Women must balance work and family responsibilities, but they should not be alone in bearing the burden. Parents should be treated equally. Men needed to be more fully involved and receive the same benefits. Awareness campaigns and incentives might be necessary in order to ensure that men took full parental leave, for instance.

25. **Ms. Tan** asked what the Government intended to do to expedite access in the rural areas to the supply of

potable water, the sewerage system and public transport, and within what time-frame.

26. **Ms. Tavares da Silva** noted that the delegation had stated that domestic workers were fully covered by Ireland's labour legislation but also that they were excluded from the scope of the Equal Status Act. She therefore wondered how domestic workers — which were a vulnerable group and often migrants — were fully covered by the labour legislation. Was there a plan to bring them within the scope of the Equal Status Act? She welcomed the high priority the Government was giving to the key issue of childcare, but noted that the problem would not be solved by institutions alone. It was essential that men should play their full part in childcare.

27. **Ms. Khan** asked whether Ireland's forthcoming Employment Permits Bill would adopt an approach that would protect the migrant worker's right to employment. Was it the case, as the Committee had been told by the Irish Human Rights Commission, that the private homes where domestic workers were employed were not subject to inspection by the Labour Inspectorate? Were there cases, as the Committee had been told by the Irish Congress of Trade Unions, of domestic workers' passports being withheld by employers who threatened them with deportation if they complained of unfair treatment?

28. **Mr. Fahey** (Ireland) accepted that fathers had not been required to assume their full share of responsibilities — a matter that had to be addressed. He suggested that there had been some misunderstanding regarding the question of part-time work. In the late 1980s, before the Irish economy had begun its recent period of growth, there had been levels of unemployment of up to 17 per cent, and women had had difficulty getting full-time work. That was no longer the case. Ireland had almost full employment, and if people wanted part-time work it was a choice. It was a lifestyle issue for many women, who often opted for part-time work or job-share arrangements.

29. A comprehensive programme, with extra financial resources, was in place to upgrade the socio-economic infrastructure of rural areas. Some disadvantages persisted for women in outlying areas such as the offshore islands, but they were being dealt with. The situation of domestic workers was not covered by the labour legislation for a number of

reasons including the complexities involved in legislating about matters in private homes.

30. **Mr. O'Callaghan** (Ireland) said that increasing numbers of employees were seeking to balance their working and non-working lives and were being encouraged not to regard their non-working lives only in terms of their family responsibilities. Presenteeism was an important issue, particularly for men, but all workers were being actively encouraged by the National Framework Committee not to regard work as the only factor in their lives, and some were opting to work four days a week and engage in social or recreational activities on the fifth day.

31. Turning to the issue of domestic workers, he said that while discrimination under Irish legislation did include gender as a ground in its own right, one of the exclusions under the Employment Equality Act related to domestic work. The Irish Congress of Trade Unions had voiced its concern regarding the treatment of domestic workers, and it was true that migrant workers might need to be considered as a special case, but the issue was a complex one. Irish law regarded the domestic environment as in some way a private environment and considered, for example, that an elderly woman wishing to engage a domestic help should be free to choose the person she was bringing into her own home. If the Employment Equality Act were to apply in such a case and a man were to answer the advertisement and was the best candidate, he could take legal action against the elderly woman if he was not hired. It was felt that enforcing such rules in the home environment was not necessarily desirable.

32. **Ms. Luddy** (Ireland) said it was hoped that the national breast screening programme would be launched in 2007; it would be free of charge to the target 50-65 age group. The Crisis Pregnancy Agency regarded men as bearing responsibility, although it was not certain that men themselves did, and research had only recently been conducted on their attitudes in that regard. The Agency was tackling the issue of awareness through promotional campaigns in schools, advertisements on television some of which targeted men, and the distribution of leaflets at such events as music festivals, where there was a high percentage of young people and an assumed high risk of unprotected sexual activity.

33. **Ms. O'Higgins** (Ireland) said that in the area of pay and conditions domestic workers came under the

National Minimum Wage Act and the Organization of Working Time Act. In a case of worker mistreatment, inspectors from the Labour Inspectorate visited the home in question, but under the Constitution could do so only at the invitation of the occupant or with a warrant from a district court. The Labour Inspectorate, upon receiving a complaint from a domestic worker, wrote to the employer seeking the documents concerning hours, pay and conditions which he or she was legally obliged to keep. Failure to supply such documents would be a cause for prosecution. With regard to the Work Permits Bill and the protection of migrant workers, she said that the employer would still have to apply for the work permit, which would be held by the employee, and it would be an offence for the employer to retain the employee's personal documents. As for the onus that was placed on the domestic worker to take action, and the consequent difficulties that produced, including those of a linguistic nature, she said that the Labour Inspectorate had recently issued a consultation document to the social partners which considered the matter of employment rights information and invited migrant workers themselves to contribute to the consultation process.

34. **Ms. Faughnan** (Ireland) said that the rural transport initiative, which had been operational since 2002, provided funding on a pilot basis for rural community organizations and partnerships to address the transport needs of their areas through the provision of local transport services, particularly where gaps had been left by the commercial sector. Some €6 million had been provided by the Department of Transport for the initiative in the two-year period to 2003, and a further €3 million for 2004. Following a recent comprehensive appraisal of the initiative, it had been extended to 2006. The free travel scheme operated by the Department of Social and Family Affairs had been extended to the rural transport initiative in July 2003.

Articles 15 and 16

35. **Ms. Patten**, noting that the Matrimonial Home Bill had not been enacted in 1993 because of a Supreme Court ruling that it was incompatible with article 41 of the Constitution, sought clarification regarding the current law regulating the ownership, acquisition and disposal of property among spouses. The Constitution Review Group had recommended in its report of 1996 that article 41 should be revised; she

asked what were the main obstacles to implementation of that recommendation. Did the Supreme Court ruling refer to the provisions of the Convention, because the law had to be compatible with its article 16, paragraph 1 (h)? Was the Irish judiciary familiar with the provisions of the Convention? Was training provided to the judiciary in that regard? What would be the procedure once the all-party committee had completed its deliberations, and to what extent was constitutional reform a priority for the Government, especially revision of article 41, which was based on a strong stereotypical view of the role of women in Irish society? The Human Rights Committee, in its concluding observations in 2000, had expressed concern about the scope of article 41. Had there been any recent developments regarding the Family Law Bill? Had it been enacted since the report was published? Had the Family Support Agency been established? If so, what was its mandate and what were its main provisions? Following the judgment of the European Court of Human Rights and consequent domestic legislation giving effect to that judgment, what were the legal obligations of natural fathers, especially with regard to child support?

36. **Ms. Tavares da Silva** said it seemed very strange to her that spouses did not have equal rights with respect to their common home. While there had undoubtedly been many very positive changes and very positive efforts on the part of the Government, she still had doubts about whether there was a strategic plan to build equality in all areas of life and why so many good intentions seemed to take so long to become effective. Tribute should be paid to the capacity of Irish women and their important contribution to the current dynamism of Irish society and the Irish economy. Mrs. Mary Robinson had spoken, when she was elected President, of their capacity to rock the cradle and to rock the system. It was to be hoped that they would continue to do so, along with men and the Government.

37. **Mr. Fahey** (Ireland) acknowledged that Mrs. Robinson's election had been a very positive turning point, and that women were making a very significant contribution to its life, achievements and reforms in Ireland.

38. **Mr. O'Callaghan** (Ireland) said that the Family Law Bill was still being developed and would make a number of changes to family law.

39. **Ms. Faughnan** (Ireland) said that the Family Support Agency had been established on a statutory basis in 2003 and currently had an annual budget of 17 million. Its functions were threefold. It supported and strengthened families through the delivery of high-quality support services to families through a network of some 70 family resource centres; the target was for there to be 100 such centres by the end of 2006. The centres fostered a supportive community environment in partnership with the community voluntary and statutory sectors. Also, the Agency had under its remit the Family Mediation Service, which consisted of a network of voluntary groups which provided marriage, relationship and bereavement counselling. Thirdly, the Agency undertook research into all issues and policies related to family support.

40. **Ms. O'Rourke** (Ireland) explained that in 1993 a bill on matrimonial property whose purpose was to propose that there should be joint ownership of the matrimonial home had been submitted to the Supreme Court, which had struck it down as unconstitutional. The Supreme Court had accepted that the encouragement of joint ownership of matrimonial property was an important element of the common good and very conducive to good family relationships, but had held that under the Constitution the right of a married couple to make a joint decision was a constitutional right. That might lead people to suppose that women in Ireland did not have an automatic right to joint ownership of the matrimonial home. However, important protection existed for women, especially in cases of marital breakdown. Under the Family Home Protection Act, one spouse could not sell the matrimonial home which was in his or her ownership without the permission of the other spouse. In cases of marital breakdown, courts could and did make orders in favour of the non-owning spouse, granting him or her right of occupation of the matrimonial home to the exclusion of the other spouse. In cases of domestic violence, courts could and did exclude the abusive spouse from the matrimonial home irrespective of who owned it. The Succession Act gave rights in the matrimonial home to a surviving spouse. She was unable to say whether the Supreme Court had referred to the Convention in its judgement.

41. **Ms. Shin**, disagreeing that women freely chose part-time work, asked whether the Government had carried out a study on the reasons why women took part-time work or a time-use study on men and women.

She asked for the information to be included in the country's next report.

42. **Ms. Morvai** sought assurance that the Committee's closing comments would be widely distributed and that they, together with the Convention, would be reflected in the planned national women's strategy.

43. **Ms. Tan** asked whether Mr. Fahey had statistics on the number of women seeking protection orders, on the ease and the length of the process, and on the actions taken when a court order was violated.

44. **Ms. Belmihoub-Zerdani** noted that the Irish Constitution gave the Church considerable power. Article 41 of the Constitution underlined women's crucial domestic role and sought to protect women from having to work outside the home. That ultimately hindered gender equality. She congratulated Ireland on its extraordinary work with developing countries and noted its relatively large official development assistance contribution. However, a gender equality perspective should be incorporated into development programmes.

45. **Ms. Bokpe-Gnacadjia**, seeking clarifications on the Family Home Protection Act and article 41 of the Constitution, asked whether a spouse's agreement was needed for the sale of the family home and whether the article's provisions had an influence in that respect or with respect to the principle of equality.

46. **Ms. O'Rourke** (Ireland) replied that, under the Family Home Protection Act, the consent of both spouses was needed for sale of the family home. A 1993 bill sought to give both spouses joint home ownership, but that was found to contravene article 41 of the Constitution, which recognized the right of couples to regulate their own affairs.

47. **Mr. O'Callaghan** (Ireland) said that trade unions in particular had conducted research on the reasons why women took part-time work. As a pilot project, a detailed, gender-disaggregated survey on time use had been done in conjunction with the Central Statistics Office, and, if it was successful, full-scale time-use studies would be carried out on a regular basis. He welcomed the comment on Ireland's development aid and said that Development Cooperation Ireland had a gender-mainstreaming strategy for development aid. Regardless of what had occurred in the past, he would ensure that the Committee's conclusions and

recommendations were widely disseminated, including on the Ministry's website.

48. **Mr. Fahey** (Ireland) clarified that the family home now had to be jointly owned by both spouses and that, in older cases, the consent of both spouses was required to dispose of the family home.

49. **The Chairperson**, speaking in a personal capacity, welcomed Ireland's efforts to eradicate gender discrimination and promote equality and commended the Government for ratifying the Optional Protocol to the Convention. The vibrant relationship between the Government and civil society, including NGOs, was highly commendable, as was the establishment of the National Steering Committee on Violence against Women and the National Development Plan's Gender Equality Unit. She looked forward to the immediate implementation of the proposed five-year integrated action plan concerning violence against women, including women victims of trafficking and women migrants, and invited the Minister to look at the Committee's general recommendation No. 19 in that regard. The efforts to address the problem of the consistently poor were praiseworthy, but the Government could and should do more for vulnerable sectors.

50. She urged the Government to overcome its reservations to the Convention and to do more to support women wishing to participate in politics and public life, including by creating infrastructure. The adoption of a law on sexual harassment in the workplace and the systematic revision of curricula and textbooks to remove stereotypes were welcome, and Ireland's next report should detail the results of those two efforts. She noted the Minister's comment that the Convention and the Irish Constitution were at variance on some points and that a specific bill incorporating provisions of the Convention had ultimately been struck down, as a result of the country's common-law tradition. Nevertheless ways to incorporate a definition of discrimination and the Convention's provisions on equality into the country's legal framework should be found.

The meeting rose at 5.25 p.m.