



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of Ireland*

1. The Committee considered the combined sixth and seventh periodic reports of the Ireland (CEDAW/C/IRL/6-7) at its 1474th and 1475th meetings, on 15 February 2017 (see CEDAW/C/SR.1474 and 1475).

A. Introduction

2. The Committee appreciates the submission of the sixth and seventh periodic report of the State party, which was prepared in response to its list of issues prior to reporting (CEDAW/C/IRL/QPR/6-7). The Committee welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the delegation of the State party, which was headed by Her Excellency Ms. Patricia O'Brien, Permanent Representative of Ireland to the United Nations at Geneva. The delegation also included representatives of the Department of Justice and Equality, the Office of the Attorney General; the Department of Foreign Affairs and Trade; the Department of Health; the Department of Education and Skills; the Department of Social Protection; the Department of Children and Youth Affairs and the Permanent Mission of Ireland to the United Nations Office at Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since its consideration in 2005 of the State party's combined fourth and fifth periodic reports (CEDAW/C/IRL/4-5) in undertaking legislative reforms, in particular the adoption of the following legislation:

* * Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

- (a) The Paternity Leave and Family Benefit Act, in 2016, which introduced paid statutory leave for new fathers;
 - (b) The Gender Recognition Act, in 2015, which provides that, from 16 years of age, the preferred gender of a person will be fully recognised by the State party for all purposes;
 - (c) The Children and Family Relationships Act, in 2015, which protects the rights of children of diverse families, including girls, in relation to guardianship and custody; and
 - (d) The Criminal Justice (Female Genital Mutilation) Act, in 2012.
5. The Committee welcomes the State party's efforts in improving its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:
- (a) The second National Action Plan on Women, Peace and Security (2015-2018); and
 - (b) The National Sexual Health Strategy, in 2015.
6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional treaties:
- (a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2014;
 - (b) The Domestic Workers Convention, 2011 (No. 189) of the International Labour Organisation (ILO), in 2014; and
 - (c) The United Nations Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organised Crime, in 2010.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Parliament (Houses of the Oireachtas), in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

Reservations

8. The Committee recalls its previous recommendation (A/60/38, para. 398) and notes with concern that the State party maintains reservations under articles 11 (1), 13 (a) and 16.1 (d) and (f) notwithstanding its commitment to constantly review them. The Committee notes the State party's explanation that some of the reservations are intended to maintain provisions in domestic legislation that are more favourable to women than men.
9. **The Committee recalls its previous recommendation (A/60/38, para. 399) and recommends that the State party review its reservations within the context of article**

23 of the Convention and the Vienna Convention on the Law of Treaties, with the aim of withdrawing them as soon as possible.

Constitutional and legislative framework

10. The Committee recalls its previous recommendation (A/60/38, para. 382) and regrets that the existing discriminatory provision contained in article 41.2 of the Constitution, which perpetuates traditional stereotypical views on the social roles and responsibilities of women and men in the family and in society at large, has not been amended. The Committee is also concerned that:

(a) The interpretation of article 40.1 of the Constitution is focused on procedural rather than substantive equality; and

(b) Article 40.3.33 of the Constitution (also known as the Eighth Amendment), which protects the right to life of the unborn and therefore unduly restricts access to abortion, has not been amended.

11. **The Committee urges the State party to, within a specific timeframe:**

(a) Amend article 41.2 of the Constitution in order to remove the stereotypical language on the role of women in the home;

(b) Introduce legislative provisions that underline the obligation of the State to pursue actively the achievement of substantive equality between women and men; and

(c) Amend article 40.3.33 of the Constitution (also known as the Eighth Amendment), which impedes the introduction of amendments to current legislation governing access to abortion.

12. The Committee is concerned that section 14 of the Equality Acts 2000-2015 precludes the use of the equality framework to challenge other discriminatory laws. The Committee is particularly concerned that legislation which discriminates against women, or has a disproportionately negative impact on women, falls outside the scope of the Equal Status Acts 2000 – 2015.

13. **The Committee recommends that the State party amends section 14 of the Equal Status Acts 2000-2015 to ensure that an effective remedy is available for discrimination that has a legislative basis.**

Access to justice

14. The Committee notes the numerous recommendations on the unresolved issue of historical abuses of women and girls by other United Nations human rights mechanisms such as the Human Rights Committee (CCPR/C/IRL/CO/6), the Committee Against Torture (CAT/C/IRL/CO/1), and the Committee on Economic, Social and Cultural Rights (E/C.12/IRL/CO/3). While noting the efforts by the State party to resolve the issue of historical abuses regarding the Magdalene Laundries, Mother and Baby Homes and the medical procedure of symphysiotomy, the Committee regrets that the State party has not implemented the aforementioned recommendations. The Committee regrets:

(a) That, notwithstanding the establishment of non-statutory Inter-Departmental Committee on a Magdalene Laundries and the adoption of the Redress for Women in Certain Institutions Act of 2015, the State party has failed to establish an independent, thorough and effective investigation, in line with international standards, into all allegations of abuse, ill-treatment or neglect of women and children in the Magdalene Laundries in order to establish the role of the State and the church in the perpetration of the alleged violations;

(b) That, notwithstanding the publication of the Walsh and Murphy reports and the establishment of an ex gratia scheme in 2014, no effort has been made to establish an independent investigation to identify, prosecute and punish the perpetrators who performed the medical procedure of symphysiotomy without the consent of women; and

(c) That the scope of the terms of reference for the statutory investigation established to investigate abuse in Mother and Baby Homes is narrow such that it does not cover all homes and analogous institutions, and therefore may not address the whole spectrum of abuses perpetrated against women and girls.

15. The Committee observes that the historical abuses in relation to the Madgalene Laundries, the Mother and Baby Homes and the medical practice of symphysiotomy give rise to serious violations that have a continuing effect on the rights of victims/survivors of those violations. The Committee, therefore, urges the State party:

(a) To conduct prompt, independent and thorough investigations, in line with international human rights standards, into all allegations of abuse in Magdalene laundries, children's institutions, Mother and Baby homes, and symphysiotomy in order to prosecute and punish the perpetrators of those involved in violations of women's rights, and ensure that all victims/survivors of such abuse obtain an effective remedy, including appropriate compensation, official apologies, restitution, satisfaction, and rehabilitative services; and

(b) To provide information in its next periodic report on the extent of the measures taken to ensure the rights of victims/survivors to truth, justice and reparations.

National human rights institution

16. The Committee welcomes the adoption of the Irish Human Rights and Equality Commission Act in July 2014, which led to the amalgamation of the Equality Authority and the Human Rights Commission. It also welcomes the introduction of Public Sector Duty in section 42 of Irish Human Rights and Equality Commission Act. The Committee notes the efforts by the State party to ensure that the Irish Human Rights and Equality Commission (IHREC) complies with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and the impact of austerity measures on the State party. However, the Committee is concerned that the IHERC is not fully resourced to effectively undertake its expanded mandate, particularly with regard to women's rights and gender equality.

17. The Committee recommends that the State party allocate sufficient budgetary and human resources to the Irish Human Rights and Equality Commission in order to discharge its functions effectively.

National machinery for the advancement of women and gender -mainstreaming

18. The Committee notes that the Gender Equality Division in the Department of Justice and Equality plays a coordinating role in the implementation of the National Women's Strategy. The Committee notes with concern that a number of institutions that formed part of the national machinery for the advancement of women, such as the Women's Health Council and the National Consultative Committee on Racism and Multiculturalism, were closed. While the Committee notes the State party's efforts to ensure "gender proofing" and introduce a "gold-standard" data collection system, the Committee is concerned at reports of lack of data disaggregated by sex, gender, ethnicity, disability and age.

19. The Committee recommends that the State party:

(a) Continue to strengthen effective coordination and the provision of adequate resources to the Gender Equality Division, which acts as the national machinery for the advancement of women;

(b) Ensure that the recommendations in the present concluding observations and the results of the gender impact assessment of the National Women's Strategy 2007-2016 inform the formulation of indicators, benchmarks and timelines for the National Women's Strategy 2017-2020;

(c) Strengthen the implementation of the gender mainstreaming strategy including "gender proofing" and ensure that the Public Sector Duty is utilised to promote the mainstreaming of gender equality in all areas and sectors; and

(d) Take measures to collect data which should, inter alia, be disaggregated by sex, gender, ethnicity, disability and age in order to inform policy and programmes on women and girls, as well as assist in tracking progress in the achievement of Sustainable Development Goals.

Impact of austerity measures on non-governmental organisations

20. The Committee is concerned at the negative impact of austerity measures on the institutional funding for women's non-governmental organisations, which has negatively affected the advancement of women's rights by non-governmental organisations in the State party.

21. **The Committee urges the State party to take appropriate measures to restore funding for non-governmental organisations working in the field of women's rights to enable them to continue to contribute to the implementation of the Convention.**

Temporary special measures

22. The Committee commends the State party for its efforts to accelerate the achievement of substantive equality such as the Equality for Women Measure 2008-2013 which made funding available to foster the engagement and advancement of women in a number of sectors focusing on access to employment, developing female entrepreneurship and fostering women as decision-makers. The Committee also commends the State party for the amendment of the Electoral Act 1997 in 2012, which sanctions political parties that do not meet the requirement of at least 30% women and 30% men as its candidates at the elections. However, the Committee is concerned that temporary special measures under the Electoral Act do not extend to local government elections and there are no measures in other areas such as in higher education.

23. **The Committee recommends that the State party increase the use of temporary special measures, including statutory quotas, in all areas covered by the Convention in which women are underrepresented, such as in local government elections, decision-making positions in public administration, private companies, and academia. The Committee recommends that such measures should include specific targets and timeframes, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to ensure the achievement of substantive equality of women and men in all areas of the Convention where women are disadvantaged or underrepresented.**

Stereotypes and harmful practices

24. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices such as female genital mutilation following the adoption

of the Criminal Justice (Female Genital Mutilation) Act in April 2012. The Committee is, however, concerned that:

(a) Discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society persist in the State party; and

(b) Medically irreversible and unnecessary sex-assignment surgery and other treatments are performed on intersex children.

25. **The Committee recommends that the State party:**

(a) Adopt a comprehensive strategy to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, which should include a monitoring mechanism to assess the impact of the measures taken and design remedial action; and

(b) Develop and implement an appropriate rights-based health-care protocol for intersex children, which ensures that children and their parents are properly informed of all options and that children are, to the greatest extent possible, involved in decision-making about medical interventions and that their choices are fully respected.

Gender-based violence against women

26. The Committee commends the State party on its efforts to address gender-based violence against women such as the development of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021 and the establishment of Tusla (the Child and Family Agency), which has a mandate to coordinate domestic and sexual violence victim services. The Committee notes that the State party is taking steps to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). However, the Committee is remains concerned at:

(a) The lack of gender disaggregated data on gender-based violence against women, including domestic violence;

(b) The fact that domestic violence is not criminalised and there is no specific definition of domestic violence in the State party's legislation; and at the failure to address psychological, emotional and economic violence;

(c) The lack of legal protection against emerging forms of gender-based violence such as online stalking and harassment; and

(d) Information that non-governmental organisations that provide assistance to victims of gender-based violence against women, including domestic violence face budgetary cuts.

27. **In line with its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party:**

(a) Ensure that the National Office for the Prevention of Domestic, Sexual and Gender-based Violence and relevant institutions implement the "gold standard" so that data on all forms of gender-based violence against women, including domestic violence, is systematically collected, analysed and that it is disaggregated by, inter alia, age, ethnicity and relationship with the perpetrator;

(b) Intensify existing efforts to combat gender-based violence against women, including domestic violence, by ensuring that prosecutors and the police are properly trained to identify, investigate and prosecute cases of gender-based violence,

including domestic violence, particularly targeting Traveller, Roma and migrant women and girls;

(c) Criminalise domestic violence and introduce a specific definition of domestic violence and other emerging forms of gender-based violence such as online stalking and harassment;

(d) Provide adequate financial resources to non-governmental organisations that provide services to victims of gender-based violence, including domestic violence; and

(e) Expedite the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

28. The Committee is concerned at barriers facing victims of domestic violence in accessing civil legal aid services due to, inter alia, long waiting lists, restrictive financial eligibility criteria and the requirement to pay financial contributions where safety, protection or barring orders are sought, consequently denying low income women access to justice.

29. The Committee recommends that the State party increase funding for civil legal aid services, review the financial eligibility criteria and end the requirement for victims of domestic violence to make financial contributions for civil legal aid when seeking court protection under domestic violence legislation to ensure access to justice to all women without sufficient means.

Trafficking and exploitation of prostitution

30. The Committee welcomes the State party's efforts to combat trafficking in persons including the adoption of the Criminal Law (Human Trafficking) Act 2008, which created specific offences that criminalised trafficking in persons for purposes of sexual or labour exploitation. However, the Committee is concerned that the State party remains a source and destination country for trafficking of women and girls for purposes of sexual, labour exploitation and criminal activity. It is particularly concerned at:

(a) The low prosecutions and conviction rates of cases of trafficking in persons; and

(b) The limited collaboration with non-government organisations in the identification of victims of trafficking, and the limited funding to such organisations.

31. The Committee recommends that the State party:

(a) Effectively implement existing legislation on trafficking in persons by ensuring that cases are thoroughly investigated and that the perpetrators are prosecuted and adequately punished; and

(b) Enhance State collaboration with non-governmental organisations to ensure that victims of trafficking are identified at an early stage, protected and assisted; and provide adequate funding to such organisations.

32. The Committee notes that the State party has developed the Criminal Law (Sexual Offence) Bill 2016, which criminalises the purchases of sexual services. The Committee notes that the objective of this law is to reduce the demand of sexual services, which allegedly drives trafficking and the exploitation of women and girls for purposes of prostitution. The Committee also notes that the impact of the Criminal Law (Sexual Offence) Bill 2016 is subject for review after 3 years of implementation. However, the

Committee is concerned at the lack of information on the impact of existing laws in addressing the exploitation of prostitution in the State party.

33. **The Committee recommends that the State party:**

(a) Provide information in the next periodic report, following the scheduled 3 year review of the Criminal Law (Sexual Offence) Bill 2016, on its impact in addressing the exploitation of prostitution in the State party; and

(b) Intensify the implementation of programmes for women who wish to leave prostitution by providing exit programmes including alternative income-generating opportunities.

Participation in political and public life

34. The Committee notes that the State party has made commendable advances around women's participation in some sectors especially in the judiciary where the representation of women in the Supreme Court stands at 44% and that a woman is the Chief Justice. The Committee also notes that the Office of the Attorney General is occupied by a woman. The Committee further commends the State party for its efforts to increase the number of women appointed to State boards following the introduction of the State Boards Alerts System. However, the Committee is concerned at:

(a) The low number of women in the *Dáil Éireann* (lower house of parliament), High Court, ministerial positions, State Boards, senior academic and diplomatic positions;

(b) The fact that the Electoral (Amendment) (Political Funding) Act of 2012 does not extend to local government elections; and

(c) The low level participation of Traveller, Roma and migrant women in political and public life.

35. **The Committee recommends that the State party:**

(a) Continue to take targeted measures to further increase women's representation in political and public life, particularly in *Dáil Éireann* (lower house of parliament), High Court, ministerial positions, State Boards, senior academic and foreign service positions;

(b) Introduce temporary special measures, including quotas, which should be used in conjunction with other policy measures to ensure de facto change such as civic education programmes, mentoring and training programmes, childcare and eldercare, and financial support to women who aspire for decision making positions;

(c) Consider extending the Electoral (Amendment) (Political Funding) Act of 2012 to local government elections; and

(d) Take concrete measures, including temporary special measures, to promote the participation of Traveller, Roma and migrant women in political and public life.

Women, peace and security

36. The Committee welcomes the adoption of the second National Action Plan on Women, Peace and Security 2015-2018, which addresses domestic and foreign policy, and includes women affected by conflict in the State party. However, the Committee is concerned at the low representation of women in post-conflict reconstruction in the State party.

37. **The Committee urges the State party to continue to give due consideration to the Committee's General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by ensuring that the National Action Plan on the implementation of United Nations Security Council Resolution 1325 (2000) is regularly reviewed so as to address all areas of concern in order to ensure durable peace. The Committee further recommends that the State party fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with Security Council resolution 1325 (2000).**

Education

38. The Committee welcomes the number of measures taken to further improve women's and girls' access to quality education such as the Better Outcomes, Brighter Futures (2014-2016), which acknowledges the need to pay particular attention to the need to develop girls' skills in science, technology, engineering and mathematics (STEM). It also welcomes that a number of academic institutions have signed up to the Athena SWAN Charter, which seeks to advance women's careers in STEM. The Committee further welcomes the introduction of a new short course in Social, Personal and Health Education (SPHE) for the junior cycle albeit that it is not mandatory. Nevertheless, the Committee is concerned at:

(a) Reports of stereotypes and sexism in the field of education, and at the lack of concrete measures to curb this phenomenon;

(b) The gender-approach of the apprenticeship training programme, which effectively attracts few women and girls;

(c) The narrow approach towards the provision of sexuality education due to the fact the content of the Relationship and Sexuality Education (RSE) curriculum is left to institutions to deliver it according to the schools ethos and values and as a result it is often taught together with biology and religious courses; and

(d) The fact that Traveller Roma and migrant women and girls have low levels of education attainment and that the Education (Admissions to Schools) Bill 2016, which proposes that the children of past pupils at a given school receive preference in enrolment at that school, would have a negative impact on access to education by Traveller, Roma and migrant women and girls.

39. **The Committee recommends that the State party:**

(a) **Strengthen its strategies, including through the use of temporary special measures, to address discriminatory stereotypes and sexism in the field of education that deter women and girls from pursuing a career in education and rising to the higher echelons of academic positions;**

(b) **Ensure that the 2014 Review of Apprenticeship Training in Ireland report informs the development of a gender-neutral approach to apprenticeship and that the implementation of the Ireland's National Skills Strategy 2015 focuses on increasing the participation of women and girls in apprenticeships;**

(c) **Integrate compulsory and standardised age-appropriate education on sexual and reproductive health and rights into school curricula, including comprehensive sex education for adolescent girls and boys covering responsible sexual behaviours and focused on preventing early pregnancies; and ensure that it is scientifically objective and its delivery by schools is closely monitored and evaluated; and**

(d) Take appropriate remedial action to address the low levels of education attainment among Traveller, Roma and migrant women, including through the use of temporary special measures, such as scholarships, and non-stereotypical career counselling consultation on educational plans and processes; and provide information in the next periodic report on the impact of the Education (Admissions to Schools) Bill 2016, particularly the past-pupil criteria, on access to education by Traveller, Roma and migrant women and girls.

Employment

40. The Committee welcomes the adoption of the Paternity Leave and Benefit Act 2016 and the European Union (Parental Leave) Regulations 2013. However, the Committee is concerned that women continue to be concentrated in low paid employment, which adversely affects women's career development and pension benefits. The Committee is particularly concerned at:

(a) The persistent gender wage gap partly because women work part-time due to family responsibilities;

(b) The limited availability of affordable child care notwithstanding the increased funding for child care services and the introduction of the Early Childhood Care and Education (ECC) Programme;

(c) Reports of the exploitation of women and girls in Au pair industry by unscrupulous recruitment agents;

(d) The fact that although the Homemakers' scheme allows up to twenty years out of the workforce to be discounted from pension assessment, the scheme does not apply to the period before April 1994 which restricts access to State pension by most women.

41. **The Committee recommends that the State party:**

(a) Intensify its efforts to guarantee equal opportunities for women in the labour market and create more opportunities for women to gain access to full-time employment;

(b) Take concrete measures to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value and intensifying the use of wage surveys;

(c) Undertake measures to regularly monitor, investigate and sanction exploitative labour practices, particularly in the *Au pair* industry;

(d) Intensify efforts to promote the use of shared parental leave to encourage men to participate equally in child care responsibilities; and ensure child care services are affordable and readily available in all parts of the State party; and

(e) Consider revising the Homemaker's scheme in order to broaden access to the contributory State pension by women.

Health

42. The Committee welcomes the steps taken by the State party to improve healthcare for women and girls in the State party. The Committee is concerned that access to abortion in the State party is restricted to cases where there is a real and substantial risk to the life of the pregnant woman under the Protection of Life During Pregnancy Act 2013, which was enacted following the decision of the European Court of Human Rights in the case of *A, B, C v Ireland* and that this exception is interpreted in a very restrictive manner. The Committee is also concerned that under the Regulation of Information Act of 1995, the

provision of information by healthcare providers that advocates and promotes the option of abortion is criminal. The Committee is particularly concerned that due to this restrictive legal regime:

(a) Abortion in all cases other than where there is a real and substantial risk to the life of the pregnant woman is criminal and carries a maximum penalty of 14 years imprisonment;

(b) Women and girls are compelled to travel outside the State party to obtain an abortion in countries where it is legally available on wider grounds;

(c) Women and girls without means to travel outside the State party to obtain an abortion, such as poor women, asylum seekers and migrant women and girls, may be compelled to carry their pregnancies to full term or to undertake unsafe abortion which may lead to severe mental pain and suffering; and

(d) Healthcare providers and pregnancy counsellors cannot freely provide information on abortion for fear that they can be prosecuted for violating the Regulation of Information Act 1995.

43. **The Committee recommends that the State party:**

(a) Repeal the Protection of Life During Pregnancy Act 2013 in order to legalise the termination of pregnancy at least in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman, and severe impairment of the foetus, and de-criminalize abortion in all other cases;

(b) Intensify the implementation of health programmes, including awareness raising programmes, to ensure the availability, accessibility and use of modern contraceptives, in line with general recommendation No. 24 (1999) on women and health;

(c) Repeal the Regulation of Information Act of 1995 in order to ensure free access to sexual and reproductive health information and education; and that healthcare providers, physicians and pregnancy counsellors do not operate under a constant fear that their services may be subject to criminal investigation and prosecution; and

(d) Ensure the provision of post-abortion health-care services for women irrespective of whether they have undergone an illegal or legal abortion.

44. The Committee is concerned at information that the State party has a policy of having 3 births per 24 hours for every bed in maternity wards, which does not respect the normal birth process. The Committee is particularly concerned that child delivery is highly medicalised and dependent on the use of artificial methods to accelerate the process such that women are made to deliver babies within 8 hours of hospitalization due to lack of resources in hospitals.

45. **The Committee recommends that the State party revise its policy on medicalisation of child delivery and the use of maternity wards to ensure that women can have access to maternity and delivery services without time pressure or being exposed to artificial methods of accelerating births; and provide information in the next periodic report on the strategic plan aimed at launching a widely supported maternity health-care policy and programme respecting the birth process.**

Economic and social benefits

46. The Committee notes the State party's efforts towards economic recovery in order to alleviate the impact of austerity measures on economic and social benefits. However, the Committee is concerned that:

(a) Women, particularly those belonging to disadvantaged groups who were dependent on social budgets, continue to suffer the impacts of austerity measures; and

(b) The habitual residence condition hinders entitlement to child benefit payments by Roma and migrant women.

47. **The Committee calls on the State party to:**

(a) **Intensify efforts aimed at economic recovery in order to address the impact of austerity measures on social benefits for women, particularly disadvantaged women, which is partly exacerbated by the wider gender pension gap ; and**

(b) **Assess the impact of the habitual residence condition, which hinders entitlement to child benefit payments, particularly for Roma and migrant women.**

Disadvantaged groups of women*Traveller women*

48. The Committee notes with concern that Traveller women and girls continue to register poor outcomes in the fields of health, education, housing and employment as compared to the general population in the State party. The Committee regrets that the Housing (Traveller Accommodation) Act of 1993 has not been revised in order to sanction authorities when they fail to take measures to provide accommodation for Travellers.

49. **The Committee recommends that the State party take concrete measures to improve health, education, housing and employment outcomes for Traveller women and girls, including by ensuring that the new National Traveller and Roma Inclusion Strategy has clear indicators and benchmarks and that its implementation is monitored and regularly evaluated. The State party should also consider revising the Housing (Traveller Accommodation) Act of 1993 in order to sanction authorities when they fail to take measures to provide accommodation for Travellers.**

50. The Committee is concerned that the Traveller community is yet to be recognised as an ethnic group, which affects efforts in addressing intersecting forms of discrimination that Traveller women and girls face in the State party.

51. **The Committee recommends that the State party, without delay, recognise the Traveller community as an ethnic group and ensure that appropriate measures are taken to address intersecting forms of discrimination that Traveller women and girls face in the State party.**

Women in detention

52. The Committee notes the State party's efforts to improve the situation of women in places of deprivation of liberty such as the modernisation and expansion of facilities in Limerick prison for women and the adoption of the Fines (Payment and Recovery) Act 2014. The Committee also notes that the Report on the Strategic Review of Penal Policy made a number of specific recommendations to improve standards of accommodation for women in detention. However, it remains concerned that:

(a) Women in detention are subjected to overcrowding partly due to the fact women are largely detained for defaulting to pay court-ordered fines; and

(b) Traveller women are over-represented in the prison population of the State party.

53. **In line with the United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok rules), the Committee recommends that the State party:**

(a) **Improve women's conditions in all places of deprivation of liberty by addressing the problem of overcrowding in line with international standards; and ensure that monitoring and oversight mechanism are in place and that clear procedures for complaints are available;**

(b) **Ensure that the Civil Debt (Procedures) Act, 2015, which abolishes imprisonment of debtors for non-payment of civil debts, is effectively implemented in order to ensure that no women are detained for failing to pay a civil debt, which is partly responsible for overcrowding in prisons; and**

(c) **Address the root causes of the over-representation of Traveller women in places of deprivation of liberty.**

Rural women

54. The Committee welcomes the adoption of the Rural Development Programme 2014-2020 and notes that a new Action Plan for Rural Ireland, which seeks to advance economic and social progress in rural areas, is being developed. However, the Committee is concerned at the lack of information on specific measures being taken to address the barriers that rural women face in agriculture and land ownership. The Committee is also concerned at reports that rural women face difficulties in accessing social services including access to public transport, childcare, health services, employment, education and training.

55. **The Committee recommends the State Party to ensure the integration of a gender perspective in the new Action Plan for Rural Ireland currently being developed and to provide information in its next periodic report on the overall situation of rural women highlighting the impact of the measures taken to improve on rural women's land ownership and participation in agriculture as well as access to social services including public transport childcare, health services, employment, education and training.**

Marriage and family relations

56. The committee welcomes the adoption of Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, which prevents one spouse or civil partner from selling, mortgaging, leasing or transferring the family or shared home without the consent of the other spouse or civil partner. However, the Committee is concerned that:

(a) There is no data on the economic consequences of divorce on women and girls in light of reports of increasing rates of poverty among single mothers; and

(b) There is no statutory maintenance authority and no amounts are prescribed by legislation, which compels women into litigation to seek maintenance orders.

57. **The Committee recommends that the State party:**

(a) **In line with the Committee's general recommendation No. 29 (2013) on economic consequences of marriage, family relations and their dissolution, undertake research on the economic consequences of divorce on both spouses, with specific attention to the differences in spouses' earning potential and human capital, which addresses gender-based economic disparities between spouses resulting from the**

existing sex segregation of the labour market, the gender wage gap, and women's disproportionate share in unpaid work, particularly focusing on whether judges take these factors into account in their decisions; and

(b) Consider establishing a statutory maintenance authority and prescribing amounts for child maintenance in order to reduce the burden of women to litigate for child maintenance orders.

Beijing Declaration and Platform for Action

58. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

59. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

60. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

Ratification of other treaties

61. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Follow-up to concluding observations

62. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 15 (a), 17, 21 and 43(a) above.

Preparation of the next report

63. The Committee invites the State party to submit its eighth periodic report in February 2021. In case of delay, the report should cover the entire period until the time of its submission.

64. The Committee requests the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 and Corr.1).