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Summary record of the 32nd meeting

Held at the Palais Wilson, Geneva, on Monday, 8 June 2015, at 3 p.m.

Chairperson: Mr. Sadi

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

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Third periodic report of Ireland (E/C.12/IRL/3; E/C.12/IRL/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Ireland took places at the Committee table.*
2. **Mr. Sherlock** (Ireland), introducing the third periodic report of Ireland (E/C.12/IRL/3), said the Government recognized that regular consultation with civil society was critical to promoting transparency and accountability in its work. Accordingly, in April 2015, it had held a consultation in which the coordinator of the principal civil society shadow report and the Irish Human Rights and Equality Commission had participated.
3. On 22 May 2015, the people of Ireland had voted to extend civil marriage rights to same-sex couples in a constitutional referendum. Ireland had thus become the first country in the world to achieve marriage equality through a public vote. The results of the referendum had demonstrated the country's commitment to equality and to promoting the rights of the lesbian, gay, bisexual, transgender and intersex community. Moreover, if adopted, the Gender Recognition Bill 2014 would allow transgender individuals over 16 years of age to change their gender in the eyes of the law. The Children and Family Relationships Act 2015, which enabled civil partners and cohabiting couples who had lived together for three years to apply jointly to adopt a child, had been signed into law in April 2015.
4. Since Ireland had last appeared before the Committee in 2002, the country had enjoyed a period of unprecedented economic prosperity, followed by an equally acute financial crisis. Irish gross domestic product (GDP) had fallen by around 12 percentage points between 2007 and 2009. By the final quarter of 2014, it had grown by around 8.5 per cent but had still not returned to the level recorded in 2007. In 2006, the unemployment rate had stood at approximately 4.5 per cent, whereas in 2012, it had risen to over 15 per cent. While the rate had fallen to less than 10 per cent by the first quarter of 2015, too many people remained out of work, and the Government would continue its efforts to achieve its goal of full employment by 2018.
5. The Government had been faced with tough choices in the wake of the financial crisis. Its approach to budgetary adjustment had not been to apply blanket reductions to all areas of spending, but rather to reform expenditure in a way that continued to protect the most vulnerable in society to the greatest extent possible within available resources. Independent research confirmed that fiscal consolidation had been carried out in such a way as to share the burden of economic adjustment across society, and labour taxes had actually been reduced for the lowest earners over the period 2008–2015.
6. The recent increase in activity and job growth in the construction sector were likely to offset, in part, the adverse impact of the recession. However, the Government was wary of relying on one particular sector for jobs and growth and planned to rebuild the Irish economy on more sustainable foundations. The economic recovery had begun in the exporting sectors, but job and economic growth had since spread to other areas of the economy, including domestic sectors such as tourism, agrifood, retail and domestic financial services.
7. According to the Spring Economic Statement, an estimated 1.2 to 1.5 billion euros in respect of public spending increases and further tax reforms would be available for the

2016 budget, which was in keeping with the country's obligations under the Stability and Growth Pact. A national economic dialogue was scheduled to take place in summer 2015 to discuss the competing economic and social priorities facing the Government as it prepared to set the budget. In addition, a social impact assessment of the main taxation and welfare measures to be included in the 2016 budget would be conducted by an interdepartmental body.

8. The country's comprehensive social protection system had played a critical role in minimizing the social impact of the economic crisis and in helping people gain employment. Government expenditure on social protection had increased by a third since 2007 and, in 2014, 19.8 billion euros had been spent, benefiting over 1.4 million recipients directly and a further 800,000 dependants. The incumbent Government had maintained core social welfare payments, increased the national minimum wage and enhanced in-work benefits. As a result of sustained investment in social transfers, almost a quarter of the population had been lifted out of income poverty, thereby reducing the at-risk-of-poverty rate by over 60 per cent. According to Eurostat, Ireland was the best performing country in the European Union in terms of reducing poverty through social transfers. Furthermore, according to the Organisation for Economic Co-operation and Development, the Irish tax and welfare system was the most effective in reducing market income inequality.

9. Over 100,000 net jobs had been created since unemployment had been at its peak. A Low Pay Commission had been established in February 2015 to ensure that any changes to the minimum wage were incremental and evidence-based. It was expected that legislation to enhance collective bargaining rights for workers and to reinstate local and sectoral wage-setting mechanisms would be enacted in summer 2015. The use of zero-hour contracts and their impact on employees would be reviewed.

10. The Government planned to adopt a 10-year comprehensive employment strategy targeting persons with disabilities in the near future. The main aim of the strategy was to increase the number of persons with disabilities in employment. To that end, the strategy would seek to remove barriers and empower employers to hire persons with disabilities, as well as assisting those who acquired a disability at work. The Government was also in the process of developing guidelines for Irish companies operating abroad, in line with the United Nations Guiding Principles on Business and Human Rights.

11. The Government recognized the need to step up its efforts to guarantee the right to housing. The current housing shortage could be attributed to the undersupply of social housing and to the impact of cuts in exchequer funding. The latter trend had been reversed in 2015 and exchequer investment worth 1.5 billion euros would be made available over the following two years, inter alia, to fund a new 300 million euro public-private housing partnership.

12. A fundamental goal of the Government's health reform programme was to establish a single-tier health-care system that guaranteed equal and timely access for all. Universal health care was the proposed means for achieving that goal. The Government was pursuing its plans to provide free general practitioner care to children aged 6 and under and adults aged 70 and over by July 2015.

13. The Irish education system had a total budget of almost 9 billion euros and catered for more than 1 million full-time students at the primary, secondary and tertiary levels. A significant reform programme was under way, which included an extensive reform of the curriculum at the lower second level (junior cycle). The Government had allocated over 2 billion euros for the period 2012–2016 towards the provision of additional permanent places to meet the demographic need at both the primary and post-primary levels.

14. Following a referendum on 10 November 2012, an amendment providing for the distinct recognition of children's rights had been incorporated into the Constitution on 28

April 2015. The amendment had further provided for children's views to be taken into account and their best interests to be prioritized in specific areas of law.

15. The National Women's Strategy 2007–2016 had served to improve women's standard of living and access to health care, increase female participation in education, expand the provision of early childhood care and reduce the gender pay gap. The Government recognized the need to step up its efforts to raise female participation in the country's political life. In order to increase the number of seats in the Dáil (the lower house of the parliament) held by women, legislation had been enacted in 2012 whereby State funding could be disbursed to political parties only if at least 30 per cent of their candidates were women.

16. The Department of Justice and Equality was holding consultations with Traveller representatives on the recognition of Travellers as an ethnic group. It was hoped that a decision on the matter would be reached soon. Work was also under way to improve the system for collecting disaggregated data on minorities in order to identify their needs and protect their rights more effectively.

17. The Government was pleased to have been appointed, along with Kenya, as co-facilitator of the final intergovernmental negotiations on the post-2015 development agenda. Ireland had expressed strong support for the centrality of human rights in the new agenda. The promotion and protection of human rights was also a key priority in its policy for international development, known as "One World, One Future". In March 2015, the Inter-Departmental Committee on Human Rights had been established to improve coordination across government departments in matters concerning the promotion and protection of human rights in Irish foreign policy. The Inter-Departmental Committee was responsible for promoting ratification of international human rights treaties, monitoring the fulfilment of treaty obligations and facilitating timely reporting to international human rights treaty bodies.

18. **Mr. Pillay** (Country Rapporteur) said it was regrettable that the State party had only submitted its periodic report in May 2012, five years after it was due, and that the data contained therein referred only to the period up to 2010, which made the Committee's task of assessing the situation of economic, social and cultural rights in the State party, the impact of austerity measures on those rights during and after the economic crisis, and the impact of the policies implemented by the new Government all the more difficult.

19. The Committee noted with concern that the austerity measures adopted had resulted in budget cuts in sectors in which it was essential to maintain public spending, such as social security, health and education. Furthermore, it seemed that no effort had been made to assess the impact of austerity on the enjoyment of economic, social and cultural rights, particularly among the most disadvantaged and marginalized segments of society. Cuts in mobility allowances, transport grants, home-help services and housing adaptation grants had adversely affected persons with disabilities living in the State party, while disadvantaged and marginalized children could face difficulties in accessing education on account of cuts to teaching staff, student support services, grants and allowances, and increased transport charges. The fact that expenditure on public health-care services had been reduced by 16 per cent over the period 2009–2014 was also a cause for concern. In addition, the poverty rate for adults and children had risen and the youth unemployment rate remained alarmingly high.

20. According to the State party's reply to paragraph 1 of the list of issues, it had still not acted on the recommendation contained in paragraph 23 of the Committee's previous concluding observations (E/C.12/1/Add.77), in which the Committee had affirmed that all economic, social and cultural rights were justiciable and urged the State party to incorporate those rights into its Constitution and national legislation. The State party's

assurances that the substance of a number of the rights contained in the Covenant was protected by the Constitution and by national legislation and that, while the Covenant could not be invoked in or applied by the courts, litigants who wished to refer to it were not prohibited from doing so, were simply not sufficient.

21. He asked whether the State party planned to incorporate the Covenant into national legislation in the future; how it planned to counter the argument put forward by the Superior Courts that the separation of powers served as a limit on the adjudication of economic, social and cultural rights by the courts on account of the latter's inability to allocate finite public funds; and whether the training dispensed to judges and law enforcement officers included a component on the justiciable nature of economic, social and cultural rights. He also wished to know whether the State party planned to ratify the Optional Protocol to the Covenant; whether the National Action Plan against Racism would be renewed; whether the Irish Human Rights and Equality Commission had been given a clear mandate and adequate resources to function effectively; and how the State party ensured that the principles of non-retrogression, progressive realization, proportionality, non-discrimination and minimum core obligations in respect of economic, social and cultural rights were respected in all decisions affecting disadvantaged persons and marginalized groups. The delegation should explain whether the State party envisaged introducing a legal aid scheme to encourage disadvantaged and marginalized persons to claim their economic, social and cultural rights in areas such as employment, social welfare and housing and whether it planned to collect disaggregated data on Travellers and the Roma to facilitate the adoption of targeted measures to combat the discrimination they faced in the exercise of their economic, social and cultural rights. Lastly, noting that the official development assistance (ODA) given by Ireland in 2010 had constituted 0.52 per cent of the country's gross national product (GNP), rather than the United Nations target figure of 0.7 per cent, he asked what the current figure was and whether the Government had plans to increase its ODA.

22. **Mr. Ribeiro Leão** said that, as a result of the economic crisis, the State party had had to take difficult decisions. He asked how it would develop public policies in the future to take account of economic, social and cultural rights. Moreover, the realization of a significant proportion of those rights, in areas such as health or housing, depended on private actors, so he wondered how the State party would address the issue.

23. **Mr. Uprimny Yepes** said that he could not understand why the European Convention on Human Rights could be incorporated into domestic law, while the Covenant could not. The State party's dualistic system did not provide a sufficient argument. He would appreciate further details of the State party's plans for producing disaggregated data. He welcomed the fact that Ireland had signed the Optional Protocol and looked forward to its ratification. Recalling the criteria set out in the Committee's letter of 16 May 2012 to all States parties to the Covenant, he asked whether the State party had taken them into consideration in implementing austerity measures, notably with regard to the need to consult those affected, study alternative measures and ensure that there was no discrimination, especially against marginalized individuals. Ireland was emerging from its economic crisis and he wondered whether the austerity measures, which had been intended to be temporary, would be lifted. He was concerned that the prohibited grounds for discrimination in domestic law did not cover the issue of discrimination on the grounds of a person's economic situation; the list of grounds was not open-ended, as it was in the Covenant. Lastly, he asked what the current status was of the planned reparation for women forced to work in the Magdalene laundries and whether any progress had been made towards establishing the truth of what had occurred there.

24. **Ms. Shin** asked whether the State party intended to introduce legislation to cover all the grounds for discrimination. As for gender equality, it was a cross-cutting issue and she

was therefore concerned that the annex to the State party report did not contain disaggregated data on the situation of various groups of women. For example, she would like to know how many households were headed by women. She wondered whether the State party undertook a gender impact assessment of all policies and whether there was mandatory gender-sensitive budgeting. Noting that the current stage of the National Women's Strategy ended in 2016, she asked what improvements the State party would seek to make for the next stage. Lastly, she agreed that the issue of the abuse suffered by women in the Magdalene laundries needed to be addressed.

25. **Mr. Atangana** noted that the Irish Convention on the Constitution had recommended that the State should incorporate economic, social and cultural rights into its legislation in such a way that they were cognizable by the courts, in response to which the Government had stated that such a reform would be undertaken by autumn 2014. He wondered what progress had been made in that regard. He also wished to know what the status was of the proposed bill on establishing a judicial committee.

26. **Mr. Abashidze** said that the State party's record on achieving gender equality still fell short: there remained a gender pay gap, women continued to have an unequal place in the labour force and lone female parents still faced discrimination on multiple grounds. He asked what plans the State party had to rectify the situation. He enquired what action would be taken to deal with the situation of asylum seekers, who frequently had to spend six or seven years in so-called "Direct Provision" accommodation while awaiting a decision on their status. They were at risk of suffering violations to their social and cultural rights and their right to work and adequate shelter.

27. **Mr. Schrijver** said he shared the bewilderment of previous speakers at the fact that the European Convention on Human Rights could be regarded as supra-constitutional and incorporated into domestic law, whereas the provisions of the Covenant could not. However, he was heartened by the recommendation by the Convention on the Constitution in that regard and would appreciate details of any progress made in implementing it. As for the ODA figures, he asked whether the State party had been able to maintain the 2010 level of 0.52 per cent of GNP, or whether the figure had fallen or risen. Noting that the quality of ODA was as important as the quantity, he asked to what extent Ireland adopted a human rights approach, using aid to promote economic, social and cultural rights in the beneficiary countries, and with what results.

28. **Mr. Kedzia** said it was regrettable that the data provided predated the economic crisis. The Committee was anxious to learn how the State party, and other countries, had coped. With regard to the standing of the Covenant, he noted that, as stated in paragraph 3 of the replies to the list of issues (E/C.12/IRL/Q/3/Add.1), economic, social and cultural rights were cited before the courts with reference to the Constitution rather than the Covenant. He asked whether that applied only to the rights specifically mentioned in the Constitution, relating to the family, education and religion. The fact that the European Convention on Human Rights had been incorporated into domestic law gave the impression that various categories of rights were treated differently, according to the circumstances. He wished to know how the State party regarded the current status of the austerity measures, which had been intended to be temporary. He was concerned that Ireland prohibited discrimination in its comprehensive equality legislation on nine specific grounds. He asked how the courts interpreted those grounds and whether they ever ventured beyond them. Discrimination on any ground should be prohibited.

29. **Mr. De Schutter**, after congratulating the delegation on the results of the referendum on same-sex marriage recently conducted in Ireland, said that, in the light of the letter dated 16 May 2012 addressed by the Committee to all States parties, he wished to ask four questions.

30. Firstly, he asked whether it was the State party's view that the memorandums of understanding adopted in 2010–2013 had been imposed on the country at a time when it was in a particularly weak position vis-à-vis its creditors and whether they had amounted to coercion. Did Ireland agree that European Union member States had acted in violation of their duties under the Covenant by imposing conditions that they knew or should have known would result in retrogressive measures on economic and social rights?

31. Secondly, he asked whether in the preparation of the memorandums there had been an assessment of the impact on human rights, particularly the rights to health, education, housing, social security and food, and, if not, why not. Did Ireland consider that such an assessment should have been prepared by the European Commission, the Irish Government or another body? The Department of Social Protection prepared social impact assessments of welfare budgetary policies, but, in his view, since they did not include disaggregated data, they were no substitute for a human rights impact assessment. According to the Department, the combined welfare and tax measures for 2014 had resulted in a loss of 0.8 per cent in average household income, while the largest percentage loss was for the top and bottom quintiles, at 1.1 per cent. How had the Government reacted to those findings?

32. Thirdly, more of the burden of the foreign debt crisis might have been carried by investors, yet the Minister of Finance had stated on a number of occasions that the Government was committed to the existing 12.5 per cent corporation tax rate in order to ensure that the country's corporate tax regime remained competitive. He asked whether the Government considered that the failure to move towards harmonization of corporation tax within the European Union was an obstacle to the financing of public services and, if so, what it was doing to improve the situation.

33. Lastly, he noted that the National Recovery Plan 2011–2014 had provided that two thirds of budgetary adjustments would take the form of reduced public expenditure and one third tax-raising measures. He asked whether, in retrospect, the Government believed that the balance had been appropriate in the light of its obligation to dedicate the maximum available resources to the fulfilment of economic, social and cultural rights.

34. **Ms. Bras Gomes** asked what lessons the State party had learned from its conduct during the period of crisis. She suggested that the Government might strengthen consultation mechanisms, given that the haste with which decisions had been made had given the public the feeling that it had been ignored. It should also, in allocating resources for economic, social and cultural rights in the future, follow the Poverty Impact Assessment guidelines introduced in 2006. She wondered how the State party envisaged the future role of the State in the progressive realization of economic, social and cultural rights and whether it would increasingly delegate State powers to non-State stakeholders. Lastly, she asked what role the Inter-Departmental Committee on Human Rights played and what the mechanism of consultation with civil society was. She suggested that the Inter-Departmental Committee could be made responsible for the production of disaggregated data on economic, social and cultural rights.

35. **Mr. Dasgupta** said that, according to his information, some 95 per cent of State primary schools were sponsored by the Roman Catholic Church and required potential pupils to produce a baptism certificate. That clearly constituted discrimination on the grounds of religious belief. He asked whether the State party would honour its obligations under the Covenant and prohibit the practice.

36. **Mr. Atangana** said that the State party's report contained few statistics on domestic violence. The delegation should provide details of legislation in that regard and of any prosecutions and convictions. He was particularly concerned that victims appeared to have no proper remedy and were at risk of suffering repeated abuse. Secondly, he understood that the corporal punishment of children was not fully prohibited, despite recommendations

to that effect by various human rights treaty bodies. He requested details of any action that the Government might take to address the situation.

37. **Ms. Shin** asked when the recently introduced Children and Family Relationships Act would be implemented. She noted that maternity leave and parental leave were relatively generous but wondered whether childcare was available or affordable for families in which both parents worked, for single-parent families or for those with low socioeconomic status. She asked whether all childcare facilities were provided by the private sector and whether more provision could be made by the State.

38. She would appreciate statistics on the number of investigations carried out and punishments handed down in cases of domestic violence and the number of shelters available for victims, as well as information on any prevention measures in place. She also wished to know whether female genital mutilation was a problem in Ireland.

39. Concerning abortion, there was a need to reconcile the rights of the unborn under the Constitution and the woman's right to life and right to health. It seemed that preference was given to the rights of the foetus over those of the mother. She asked how the State party would respond to a recommendation from a treaty body on that issue, such as a recommendation concerning the right to health under the Covenant. Would such a recommendation trigger a system of implementation, including national consultations or a departmental study?

40. **Mr. Chen** said that, although the delegation had detailed the measures taken in order to maintain an adequate standard of living for the population, it remained the case that the severe cuts in welfare following the financial crisis had affected the living standards of children, people with disabilities, migrant workers and single-parent families. He asked whether the Government was close to achieving the national poverty target to eliminate poverty by 2016 and how it intended to protect vulnerable groups and to maintain their standard of living during an economic crisis.

41. **Mr. De Schutter** noted that 25.2 per cent of social benefits were means-tested in Ireland, a comparatively high figure when compared to the European Union average of 11.1 per cent. He asked what measures were taken to avoid a risk of under-inclusion in access to social welfare benefits. The State party report referred to a strategy to assist unemployed persons in entering the labour market, but it was his understanding that new measures had been introduced recently under the guidance of the Troika — the European Commission, European Central Bank and International Monetary Fund — under which a small number of claimants had been penalized. He would appreciate data on the number of claimants who had undertaken low-quality or unsuitable work as a result of the threat of sanctions and on how the suitability of employment was defined. Lastly, he wished to know how the habitual residence condition affected the accessibility of social benefits, particularly for people fleeing domestic violence.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

42. **Mr. Uprimny Yepes** asked whether the habitual residence condition discriminated against the ethnic Traveller community. He noted that the Civil Legal Aid Board provided assistance to those seeking access to justice, but that there were at least two limitations with respect to economic, social and cultural rights, in particular in relation to evictions.

43. Ireland had punitive laws on abortion, with the criminalization of all forms of abortion unless there was a real and substantial risk to the life of the mother, a condition that had been interpreted in a highly restrictive way by the State. He wished to know to what extent the laws on abortion were compatible with women's right to sexual and reproductive health in cases where the woman had been raped, where it was known that the foetus would not survive or where the woman's health, if not her life, was under threat.

44. **Mr. Martynov** said that the statistical data on the prevalence of poverty presented in table 2 in the replies to the list of issues were extremely worrying.

45. **Ms. Ravenberg**, referring to the issue of mental health, said she had received reports that older persons with intellectual disabilities were exposed to inhuman treatment, neglect and physical and mental abuse by carers in congregated care settings. She noted that, once individuals with intellectual disabilities had been moved from congregated settings to community settings, they were frequently deprived of the nursing care needed for epilepsy, diabetes and other medical conditions. It appeared that some children with intellectual disabilities were being treated in age-inappropriate facilities that were intended for adults. She asked what steps were being taken to assure the highest attainable standards of mental and physical health for persons with disabilities. She asked what the impact of Ireland's national mental health strategy was in practice.

46. **Mr. Kedzia** said he was concerned that lone female parents were disproportionately affected by poverty and that the percentage of lone female parents at risk of poverty had increased between 2007 and 2009 to 35.5 per cent. He noted that the Constitution of Ireland referred to the rights of citizens and wondered whether the Irish courts interpreted the Constitution as also covering non-citizens. He asked to what extent the Irish medical care system ensured access to life-saving, but very expensive, medicines such as new medicines to treat cancer and hepatitis C.

47. **Mr. Pillay** asked why the Government would not hold a referendum on the issue of abortion. He wished to know what steps had been taken to ensure that the 2014 guidance document for medical practitioners provided clarity for women patients and their doctors on how, whether and when they could access their constitutional right to life-saving abortion. He asked what measures had been taken with respect to the thousands of women who were obliged to travel abroad to access abortion services, which caused them mental and physical suffering. Lastly, he noted that the situation had a disproportionate and discriminatory impact on poor women, asylum seekers, adolescent girls, women with disabilities and other women in vulnerable situations, who might not have the resources or the ability to travel abroad.

48. **Mr. Sherlock** (Ireland) said that the scale of the challenge facing the Government since the financial crisis had begun was gargantuan: the loss of national income, the credit crisis, the global downturn, an overreliance on one sector of the economy, a banking crisis and a dramatic decrease in taxation revenue. The overriding policy response had been to ensure that minimum levels of social protection were in place and indeed, expenditure on social welfare had increased by 33 per cent between 2007 and 2015.

49. **Mr. Wrafter** (Ireland) said that ratification of the Optional Protocol would take place only once all the issues had been examined, obligations screened and appropriate consultations had been held with all relevant government departments. The Convention on the Constitution had provided an opportunity for all people in Ireland to come together to discuss constitutional reform in eight specific areas. The Government had responded to five of the six reports produced by the Convention and had accepted four recommendations for change. Referendums had been held in May 2015 on two of the recommendations: on lowering the age of eligibility for election to the office of President and on marriage equality. The referendum on marriage equality had been passed, while the referendum on the age of eligibility had not. The Convention had also recommended that certain specific rights, including those established under the Covenant, should be recognized by the courts; a referendum would be needed to incorporate them into the Constitution. The Government's response to the recommendation would be given shortly to the Dáil.

50. Consultation with civil society was key to the Government's approach to human rights, and consultations had been held in November 2014 and in April 2015 in preparation for the meeting with the Committee.

51. **Ms. Luddy** (Ireland) said she acknowledged that the law on legal abortion in Ireland was very limited. Abortion was prohibited unless the life of the mother was at risk, in which case, if the life of the unborn could not be saved, the woman's right to life took precedence. With respect to abortion in other circumstances, for example to protect the woman's right to health or in cases of rape and incest or fatal foetal abnormality, a further constitutional referendum would be needed in order to broaden the scope of the law.

52. Sexual and reproductive health services were available in Ireland and free counselling was available for women seeking a termination in the event of a crisis pregnancy. Free post-abortion services were provided to all women, regardless of their means. The crisis pregnancy programme was available to vulnerable women, including migrant workers and asylum seekers. Clinical guidance to practitioners was the domain of the various professional medical bodies, but general procedural guidance on the Protection of Life During Pregnancy Act 2013 had been drafted by the Department of Health, in conjunction with an expert committee.

53. **Ms. O'Hare** (Ireland) said that Ireland respected the European Convention on Human Rights but had not taken steps to incorporate it into national legislation until it had evaluated the content of the human rights protected by it. The Covenant allowed for progressive realization and therefore States parties were able to implement it gradually and in accordance with the resources available to them. The content of the Covenant was to a large degree incorporated in national legislation through ordinary laws. The formal validity of primary and secondary legislation and the procedural fairness of decisions taken on cases involving Covenant rights were all justiciable before the Irish courts. Regarding training for the judiciary, judges were chosen from among practising lawyers with years of experience. They were thus already experts on the legal system when appointed and they underwent further training when asked to do so by the presidents of their respective courts. The judiciary was not resistant to hearing cases on Covenant rights, but it was deferential to the spheres of responsibility of the legislative and executive branches, as should be the case in any separation of powers system.

54. In addition to the rights relating to family, education and religion, the Constitution was also the source of much of Irish case law on substantive procedural fairness. As to whether the constitutional provision on equality applied only to Irish citizens, the State had never raised that argument as a defence in any case brought against it by a non-citizen. The Law Reform Commission of Ireland was currently examining the extent to which government departments implemented the recommendations of human rights treaty bodies.

55. **Mr. Ó Briain** (Ireland) said that many of the actions set out in the National Action Plan against Racism 2005–2008 were still being implemented. A consultation process was under way on a new migrant integration strategy and efforts to combat racism would be a key component of that strategy.

56. The Irish Human Rights and Equality Commission compared very favourably with national human rights institutions in other States in terms of its legislative base and structural independence. Although substantial cuts had been made to its budget in previous years, the budget had been increased in 2014. It was too soon to provide information on the funding level for 2016.

57. The Government was open to the idea of adopting a comprehensive national human rights plan, but it would first have to determine that such a plan would add value when compared with the current sectoral plans. Consultations had been launched with a broad range of stakeholders with a view to adopting inclusion strategies for the Traveller

community, the Roma and persons with disabilities by the end of 2016. The Government was working together with a Roma NGO to conduct a formal assessment of the needs of the Roma community.

58. The Legal Aid Board provided legal aid in civil matters to persons who could not afford to hire a lawyer. While it could not provide legal representation before tribunals other than the Refugee Appeals Tribunal, it could provide legal advice on matters before those tribunals and could also provide legal aid if a decision by a tribunal was appealed to a court. Tribunals were by nature meant to be more informal and accessible than the court system and parties thus did not require legal representation.

59. The Department of Justice and Equality was aware of the need for disaggregated data on the situation of Travellers, the Roma and women and was seeking ways to produce such data while complying with data protection regulations and avoiding the creation of an undue administrative burden. The current equality structure in Irish legislation was quite robust and there were no plans to add to the nine grounds of non-discrimination already established.

60. An independent inquiry had been conducted into the Magdalene laundries and the Government had accepted the resulting recommendations, including the payment of compensation to any woman who had resided in one of the laundries. The scheme was still open to new applicants and the payments had not been stopped. Compensation was initially provided as a lump sum of up to 50,000 euros and was thereafter paid on a weekly basis, which explained the discrepancy between the total budget and the amount spent.

61. A 2014 review of the implementation of the National Women's Strategy 2007–2016 had shown that several challenges remained, such as violence against women and their underrepresentation in key decision-making roles. Targeted actions were still being taken to address those challenges and would also figure in the strategy for the next period. A gender impact assessment must be conducted for any legislative proposal made to the Government. A working group had been set up to review the Direct Provision system and would issue its report within the next few weeks.

62. **Ms. Connolly** (Ireland) said that the Government's primary aim when implementing fiscal adjustments was to return sustainability to public finances in the light of the massive drop in tax revenues from 2007 to 2010. As the most dramatic decline in revenues had been from 2007 to 2008, a large number of taxation measures had been taken in response to that situation in 2008 and 2009. The Government had reduced expenditure by about 14 per cent between 2009 and 2014. In so doing, it had made it a priority to protect key public services and social support to the extent possible; health, education and social welfare payments currently accounted for 81 per cent of government expenditure. The bulk of the cuts had come from the capital budget and pay for civil servants, whose numbers had been reduced. Tax revenues had begun to recover but had still not reached pre-crisis levels. While it was true that the majority of adjustments made under the Troika programme had been expenditure cuts rather than taxation measures, that was because many taxation measures had already been introduced in previous years. There had been some modest increases in expenditure and tax relief measures taken in 2015. It was expected that, as the economy continued to improve, further expenditure increases and tax reductions would be introduced.

63. **Mr. Quinlan** (Ireland) said that the private sector had indeed taken on a larger role in the provision of social housing in recent years, but that the State was responding to the need for housing through the recently adopted Social Housing Strategy, which introduced a number of reforms in that sector.

64. **Mr. Sherlock** (Ireland) said that Ireland was committed to reaching the ODA target of 0.7 per cent of gross national income GNI and that it sought to ensure that at least 50 per cent of such assistance went to least developing countries. Achieving the target would be a

challenge, as it would mean doubling the current level of assistance. In 2015, ODA had totalled about 637 million euros, much of which had gone to multilateral organizations such as the World Food Programme and the United Nations Development Programme.

The meeting rose at 6 p.m.