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Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Third periodic reports of States parties due in 2007

Ireland*

[7 May 2012]

* The present document is being issued without formal editing.

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Introduction

1. This document is the third national periodic report by Ireland on the measures taken in this State to give effect to the undertakings under the International Covenant on Economic, Social and Cultural Rights as required under Article 16 and 17 of that Covenant. This report relays information applicable to the time period ending 31 December 2010. For an outline of the structure of Government Departments between the time period 2002-2010 see annex 2.

2. The report consists of four parts:

- Part I provides relevant updates on the general political structure of the State and the legal framework within which human rights are protected within the State. More detailed information can be found in Ireland's common core document (HRI/CORE/1/Add.15/Rev.1);
- Part II contains a series of Chapters devoted to the various Articles of the Covenant and demonstrates how Ireland has sought to comply with them. In the interests of clarity, the information provided in the context of each Article or sub-article relates directly to the specific Article or sub-article under discussion in that particular chapter;
- Part III of the Report is devoted to addressing the Concluding Observations of the Committee on Economic, Social and Cultural Rights on the second National Periodic Report by Ireland;
- The attached annex of the Report contains details of the views of civil society actors and representatives on the Report and on Ireland's compliance with the Covenant. These views were expressed during a consultation process held by the State.

I. Information of a general nature

A. General political structure

3. Detailed information on Ireland's general political structure can be found in Ireland's common core document: HRI/CORE/1/Add.15/Rev.1.

1. Policing

4. Ireland has a single national police service, the Garda Síochána. It has approximately 13,500 full time members. In addition, there are currently 100 part-time voluntary reserve members and it is intended to expand this reserve to reach 10% of Garda strength. There are no other police services in the jurisdiction and the Garda Síochána also serves as the State's security, intelligence, immigration and border control service.

5. The Garda Síochána is established by legislation and its internal management is subject to Regulations made by the Minister for Justice. The Garda Síochána has operational independence subject to the general financial and regulatory framework established by the Minister.

6. Section 7 of the Garda Síochána Act, 2005, sets out the functional objectives of the Garda Síochána as:

- preserving peace and public order,
- protecting life and property,

- vindicating the human rights of each individual,
- protecting the security of the State,
- preventing crime,
- bringing criminals to justice, including by detecting, and
- investigating crime,
- regulating and controlling road traffic and improving road safety,
- other functions conferred by law including those relating to immigration.

7. All senior officers, including the Commissioner, are appointed by the Government. The democratic accountability of the Garda Síochána has been strengthened by the provisions of the Garda Síochána Act 2005. The Garda Commissioner's Strategy Statements and Annual Policing Plans are subject to the approval of the Minister. The Commissioner must report to the Minister as required. The Minister is in turn politically accountable to the Irish Parliament for the Garda Síochána.

8. The powers of the police are set out in statute and all their actions are subject to review by an active and constitutionally independent judiciary.

2. Garda Síochána Ombudsman Commission

9. The Garda Síochána Ombudsman Commission is an independent statutory body established under the Garda Síochána Act 2005 and represents a model of independent oversight of policing in the State. Neither a member nor a former member of the Garda Síochána can be a member of the Commission. The Commission is currently chaired by a former Secretary General of the Department of Foreign Affairs. The statutory objectives of the Commission are to ensure that its functions are performed in an efficient and effective manner and with full fairness to all persons involved in complaints and investigations concerning the conduct of members of An Garda Síochána and also to promote public confidence in the process of resolving those complaints.

B. General legal framework within which human rights are protected

10. Detailed information on Ireland's general legal framework within which human rights are protected can be found in Ireland's common core document <http://daccess-dds-nny.un.org/doc/UNDOC/GEN/G98/167/05/PDF/G9816705.pdf?OpenElement>.

C. Legislation, conventions and treaties

1. Relevant domestic legislation

11. A number of the most significant developments which have taken place since the submission of Ireland's 2nd Periodic Report are outlined below. Further information on relevant Irish legislation is provided in annex 1.

(a) The European Convention on Human Rights Act 2003

12. The European Convention on Human Rights and Fundamental Freedoms has been incorporated into domestic law by way of The European Convention on Human Rights Act, 2003. The Act came into effect on 31 December, 2003. Briefly, the Act provides for rights under the Convention to be pleaded directly before Irish Courts and tribunals rather than cases having to be taken before the European Court of Human Rights in Strasbourg.

(b) **The Human Rights Commission Acts 2000 and 2001**

13. Provision was made in the Human Rights Commission Acts 2000 and 2001 for the establishment of a Human Rights Commission. The Commission has been fully operational since July 2001 and is now in its second term of office. Its function involves the ongoing review of the adequacy and effectiveness of law and practice in the State relating to the protection of human rights. The Irish Human Rights Commission has 15 members, appointed by the Government for a period of 5 years. Its membership is pluralist in line with the statutory requirement that the Commission must broadly reflect the nature of Irish society. In accordance with the legislation not less than 7 of the members of the Commission must be female and not less than 7 must be male.

(c) **Employment legislation**

The Employment Equality Acts 1998-2010 and the Equal Status Acts 2000-2010

14. Ireland now has in place a broad-based anti-discrimination regime in the areas of employment and in the access to and provision of goods and services whether by the private or public sector, including the provision of education and access to accommodation. The Acts prohibit discrimination on nine grounds against those in employment, seeking access to employment or participating in vocational training, and those seeking goods and services. These grounds are gender, civil status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community. The Acts also outlaw victimisation, that is, discrimination against an individual because he or she has taken a case or is giving evidence under the equality legislation, or has opposed by lawful means discrimination which is prohibited under this legislation.

(d) **Health legislation**

Mental Health Act, 2001

15. The Mental Health Act, 2001 provides a modern legal framework for the admission and treatment of persons with a mental disorder including a high level of protective measures in relation to patients' rights, and brings Ireland's mental health law into compliance with international conventions.

(e) **Protection of migrants**

(i) *Refugee Act 1996 – Geneva Convention*

16. The Refugee Act 1996 was commenced in full on 20 November, 2000. The Act, inter alia, gives effect in Irish law to commitments under the Geneva Convention relating to the status of refugees to which the State is fully committed and places the procedures for processing applications for refugee status on a statutory footing. The Act resulted in the establishment of two independent statutory offices to provide for processing asylum applications, a Refugee Applications Commissioner and a Refugee Appeals Tribunal.

17. The scope of the Act is wide ranging and as well as dealing with first instance decisions and appeals also covers the right to legal representation and interpretation and provides for the potential involvement of the UNHCR in the asylum determination process.

18. On 10 October, 2006 the European Communities (Eligibility for Protection) Regulations, 2006 were signed into domestic law. The Regulations give full effect in Irish law to the provisions of Council Directive 2004/83/EC on minimum standards for the qualifications and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection

granted. Additionally, the European Communities (Asylum Procedures) Regulations 2011 and the Refugee Act 1996 (Asylum Procedures) Regulations 2011, which give further effect in Irish law to the Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (Council Directive 2005/85/EC: "The Asylum Procedures Directive"), came into operation on 1 March 2011.

(ii) *Immigration Act 1999, Immigration Act 2003 and Immigration Act 2004*

19. The laws relating to the control of entry into the State, the duration and conditions of stay in the State, obligations while in the State and removal from the State of non-nationals is set out in the Immigration Act 1999, Immigration Act 2003 and Immigration Act 2004. The provisions governing deportation from the State are set out in section 3 of the Immigration Act 1999 and are subject to the overarching principle of non-refoulement contained in section 5 of the Refugee Act 1996. The provisions governing removal from the State of non-nationals who have been unlawfully present in the State for a continuous period of less than 3 months are set out in section 5 of the Immigration Act 2003 and are subject to the overarching principle of non-refoulement contained in section 5 of the Refugee Act 1996 and section 4 of the Criminal Justice (United Nations Convention against Torture) Act 2000. The Immigration, Residence and Protection Bill 2010 (see below) will, when enacted, restate and reinforce those protections.

(iii) *The Immigration, Residence and Protection Bill 2010*

20. The Minister for Justice and Equality recently restored the Immigration, Residence and Protection Bill 2010 to the Dáil order paper. The Bill comprehensively reforms and simplifies the law and the current refugee status determination process described above. It proposes, inter alia, the introduction of a single procedure for the investigation of all grounds for protection and other reasons to remain in the State presented by applicants. This change of the processing framework will remove the current multi-layered and sequential process associated with the existing system, thereby allowing an applicant to get a final decision on their application in a timely manner. Together with other provisions of the Bill, it is anticipated that the time required to reach a final decision in a given case will be reduced, which can only be in the interests of the applicant and indeed the protection of the integrity of the refugee status determination process.

(f) **Criminal Law (Human Trafficking) Act 2008**

21. The Act creates separate offences of trafficking in children for the purpose of their labour exploitation or the removal of their organs, trafficking in children for the purpose of their sexual exploitation and trafficking in adults for the purposes of their sexual or labour exploitation or the removal of their organs. It also makes it an offence to sell or offer for sale or to purchase or offer to purchase any person, adult or child, for any purpose. It is an offence to solicit or importune a trafficked person for the purpose of prostitution. Specifically, it creates the following offences in sections 2 to 5:

- Section 2: Trafficking in children for the purpose of their labour exploitation and the removal of their organs and the selling or purchasing of a child for any purpose.
- Section 3: Trafficking in children for the purpose of sexual exploitation (by means of substitution into the child Trafficking and Pornography Act 1998).
- Section 4: Trafficking in adults for the purposes of their sexual or labour exploitation or the removal of their organs and the selling or purchasing of adults for any purpose. Penalties of up to life imprisonment and at the discretion of the Court, a fine apply in respect of these offences.

- Section 5: Soliciting or importuning a trafficked person for the purpose of prostitution. Unlike the existing prostitution offences, the soliciting or importuning can be in private as well as in a public place and the trafficked person does not commit any offence. Penalties of a fine or a term of imprisonment not exceeding 5 years or both apply in respect of these offences.
- Section 7: This section provides a wide range of jurisdictions for the Irish courts. Any trafficking offence committed abroad by an Irish person or person ordinarily resident in Ireland can be prosecuted in Ireland and any trafficking offence committed abroad against an Irish person or person ordinarily resident in Ireland can also be prosecuted in Ireland.
- Sections 10 to 12: These sections provide protection through the criminal law to alleged victims of trafficking. These include the exclusion of the public from proceedings in trafficking cases; the anonymity of victims of trafficking and the giving of evidence by victims of trafficking through a television link.

(g) Child Trafficking and Pornography Act 1998

22. The Act, as amended by the Criminal Law (Human Trafficking) Act 2008, provides for the offence of trafficking in children, i.e. persons under the age of 18 years, for the purpose of their sexual exploitation, punishable by up to life imprisonment and at the discretion of the Court, a fine. It also provides for a new offence of knowingly producing, printing, publishing, exporting, importing, distributing, selling or showing child pornography, for which the penalty will be up to 10 years imprisonment and makes it an offence to possess child pornography, punishable by up to 5 years imprisonment. Account has been taken of the EU Joint Action to combat trafficking in human beings and the sexual exploitation of children, in so far as it applies to children, as well as of Article 34 of the UN Convention on the Rights of the Child which influenced the text of the Joint Action.

(h) Persons with a disability

Disability Act 2005

23. Enacted in July 2005, this is a positive action measure designed to support the provision of disability-specific services to people with disabilities and to improve access to mainstream public services for people with disabilities. The main elements of the Act are: the right to an individual needs assessment with a related service statement and redress; access to public buildings, services and information; sectorial plans for key authorities to ensure integral service planning and provision; and the obligation on public bodies to proactively employ people with disabilities. All sections of the Act have been commenced. A review of the operation of the Act was completed in July 2010.

(i) Right to Housing

Housing (Miscellaneous Provisions) Act, 2009

24. The Housing (Miscellaneous Provisions) Act, 2009 provides the regulatory underpinning for the reform agenda. Included in the Act are measures relating to:

- the adoption by housing authorities of housing services plans for the delivery of social and affordable housing supports, homelessness action plans and anti-social behaviour strategies;
- new, more objective methods of assessing need and allocating housing; and
- a more effective management and control regime covering tenancies, rents, etc.

25. The 2009 Act broadens the choices available to those in need of social housing supports by enacting a more developed framework for the provision of rented social housing by means of leasing or contract arrangements with private accommodation providers. It expands opportunities for home ownership by lower-income households through an incremental purchase scheme and a tenant purchase scheme for apartments. An equity-based approach is adopted in the Act to the approach to the recovery of discounts granted by housing authorities to affordable housing purchasers.

26. The 2009 Act also includes new powers for the Minister to issue policy directions, with which housing authorities must comply, and guidelines, to which housing authorities must have regard, in the performance of their statutory functions.

2. International Treaties

27. Ireland is party to various international treaties including:

- the International Covenant on Civil and Political Rights and its Optional Protocols;
- the International Covenant on Economic, Social and Cultural Rights;
- the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;
- the International Convention on the Elimination of All Forms of Racial Discrimination;
- the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict;
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

28. Ireland has signed the following United Nations Human Rights Treaties:

- the International Convention on the Protection of All Persons from Enforced Disappearance;
- the Convention on the Rights of Persons with Disabilities;
- the Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Optional Protocol to Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

29. Ireland has not yet signed the Optional Protocol. Signature is currently being given consideration.

II. Information in relation to Covenant articles

Article 1 – Right to self-determination

30. There have been no developments relating to this Article of the Covenant since Ireland's last report to the Committee.

Article 2 – Progressive realization of rights

International Development Aid Assistance

31. Ireland's budget for Official Development Assistance (ODA) in 2011 is set at €659 million. Based on current Gross National Product (GNP) projections, this will represent about 0.52% of GNP, consolidating the aid programme in volume and percentage terms at the 2010 levels. Against the background of a difficult economic situation, this is a clear demonstration of Ireland's commitment to the reduction of poverty and achievement of human rights in the developing world. Ireland's aid programme, Irish Aid, continues to receive strong international recognition for its quality and effectiveness and for its sharp focus on the poorest countries and communities in the world, particularly in sub-Saharan Africa. Its aim is to work strategically and in partnership with those countries, so that ultimately development aid will no longer be necessary and Ireland's relationship with Africa will be one of trade, commerce and mutual interest.

32. Ireland understands that developing countries are responsible for their own development and has a strong commitment to the partnership principles embodied in the Paris Declaration on Aid Effectiveness and to implementing the commitments in the Accra Agenda for Action. Consistent with Article 2 of the International Covenant on Economic, Social and Cultural Rights, the Accra Agenda for Action states that "Developing countries determine and implement their development policies to achieve their own economic, social and environmental goals."

33. Economic, Social and Cultural rights are a central element of our development cooperation programme, addressing both the capacity of countries to meet their responsibilities and the capacity of citizens to understand and demand their rights.

Article 3 – Non-discrimination and equality

1. Government policy discussions and parliamentary debates

34. Public policy making requires the consideration of the impact of a policy proposal on each sex at the development, implementation and evaluation stages. All documents, including legislative proposals, being submitted to Government for approval must include a gender equality impact statement to include the likely effects of the policy on both men and women and, if necessary, to identify any actions necessary to ensure that the policy promotes gender equality.

2. Responsibility for the achievement of gender equality

35. Responsibility for the achievement of gender equality in Ireland rests with the Minister for Community, Equality and Gaeltacht Affairs. A dedicated Division within his Department (Ministry) prepares and implements policy in this regard.

3. Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action

36. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) impacts in a positive way on the promotion of gender equality in Ireland.

37. Its concluding observations are circulated to all Government Departments as appropriate and serve as guidance for the development of new and revised policies. Beijing, Beijing + 5 and the Commission on the Status of Women provide useful structures and recommendations against which national policies are benchmarked, largely in an EU context, in relation to the promotion of gender equality.

4. National mechanisms

(a) The Legal Base

38. Both the Employment Equality Acts and the Equal Status Acts prohibit discrimination on the gender ground in employment and in the provision of goods and services. These pieces of legislation also provided for the establishment of the Equality Authority (established 1999) and the Equality Tribunal (previously the Office of the Director of Equality Investigations (established 1999) and renamed the Equality Tribunal in 2004).

(b) The Equality Authority

39. The Equality Authority was established in 1999 under the Employment Equality Act 1998. Although funded through the Vote of the Department of Community, Equality and Gaeltacht Affairs, the Authority is an independent state body. Its functions and powers were amended under the Equal Status Act 2000, the Equality Act 2004 and the Civil Law (Miscellaneous Provisions) Act 2008. For further information, please see <http://www.equality.ie/index.asp?locID=3&docID=-1>. The Annual Reports of the Equality Authority, of which the report for 2009 is the most recent published, show that the Authority responds to between 8,000 and 10,000 queries each year. The Equality Authority supports individuals to take claims of discrimination under the equality legislation where such cases are strategic in nature. It operates a Public Information Service which answers 8,000 queries annually on the equality legislation. It publishes research to develop the evidence base for discrimination in Ireland. It supports public and private sector organisations to develop equality competency to enable them to meet their obligations under the equality legislation.

(c) The Equality Tribunal

40. The Equality Tribunal is the accessible and impartial forum to remedy unlawful discrimination. It is an independent statutory office which investigates or mediates complaints of unlawful discrimination. It operates in accordance with the principles of natural justice and its core values are impartiality and professionalism, accessibility and timeliness. The Tribunal has powers to investigate under three pieces of legislation: the Employment Equality Acts, the Equal Status Acts and the Pensions Acts. For further information, please see <http://www.equalitytribunal.ie/> The 2009 Annual Report of the Equality Tribunal shows that it received 906 referrals in 2009. This included 731 under the Employment Equality Acts, 126 under the Equal Status Acts and 16 under the Pensions Acts. Under the Employment Equality Act, 95 cases referred to gender alone (an increase of 20% from the previous year) while five of the cases referred under the Equal Status Acts referred to gender alone (again an increase of 25% on the previous year).

Representing Women's Interests – the National Women's Council of Ireland

41. The Irish Government continues to make significant funding available (over €540,000 in 2010) to the National Women's Council of Ireland, the umbrella organisation for women's groups in Ireland. For further information please see <http://www.nwci.ie/about/>.

5. Indicators on gender equality

42. A number of data sets are accessed to provide information on the position of gender equality in Ireland. The Central Statistics Office (CSO) is the primary source of national statistics. Eurostat and the European Commission also gather statistics on gender related issues on a regular basis. The Gender Equality Division collects data from all Government

Departments on the number of Women on State Boards and this Report is presented to Government periodically. Apart from these publications which focus specifically on gender issues, the CSO also endeavours to present gender disaggregated data for all its key publications.

6. The National Women's Strategy 2007 – 2016

43. Following the publication of the National Action Plan for Women in 2002, the then Department of Justice, Equality and Law Reform was tasked by the Irish Government with the preparation of a National Women's Strategy. In this co-ordinating role, the Department worked with all other Government Departments to prepare a comprehensive Strategy. It also consulted with the social partners, the Equality Authority and the National Women's Council of Ireland. For the full strategy, please see <http://www.inis.gov.ie/en/JELR/National%20Womens%20Strategy%20PDF.pdf/Files/National%20Womens%20Strategy%20PDF.pdf>.

44. Responsibility for overseeing the implementation of the Strategy rests with the Gender Equality Division of the Department of Community, Equality and Law Reform.

7. Progress in implementation of the critical areas of concern identified under the Beijing Platform for Action

45. As mentioned previously, considerable progress has been made in Ireland to advance gender equality thanks to the publication of a National Action Plan and more recently to the National Women's Strategy 2007-2016 (NWS). The paragraphs which follow include reports of key developments in relation to the areas of concern identified in the Beijing Platform for Action.

(a) Women and poverty

46. The NWS includes as its first key theme the equalisation of socio-economic opportunity, which, it is envisaged, will be achieved in part through the increased engagement of women in the labour market and, in part, through a range of interventions which foster social inclusion. Table 1 in annex 2 shows statistics from the Central Statistics Office Survey on Income and Living Conditions (EU-SILC) in relation to poverty, and poverty among women.

47. The Irish social welfare system includes a number of payments, which are payable to women who might otherwise be at risk of poverty. Conditions usually apply. Details of some of the key payments and the numbers of beneficiaries in both 2003 and 2009 are given in Table 2 in annex 2. It is worth noting that the cost of living increased by 16% over this time period.) Overall, some 523,000 weekly social welfare supports were paid from the State to women each week in 2003, while the number of supports paid rose to about 688,000 in 2009. This excludes child benefit.

48. Child benefit is paid to the mothers (or guardians) of all children irrespective of family means. The rates of Child Benefit have been increased very significantly since 2001, by over 160% for the first and second child and by over 150% for each other child. From 1 January 2010 child benefit is now payable at monthly rates of €150 for the first and second child, €187 for the third child for subsequent children. In the same period, total expenditure on Child Benefit has increased by almost 300%. Details of the numbers of beneficiaries are summarised in Table 2.

49. The Department of Social Protection also operates a number of initiatives which aim to assist persons to become economically independent. The Activation and Family Support Programme which was restructured in January 2008 to assist individuals and families to enhance their employability through education, training and personal development

opportunities and to improve their quality of life. It targets people who find it most difficult to access employment and the means to achieving improved quality of life. In the period 2004-2009 over 120 projects costing over €2 million catered specifically for women.

50. Much attention has been given to women's access to pension entitlement in both State and private schemes. Measures are in place since 1994 to protect the pension entitlements for up to 20 years for those who take time out of the paid workforce for caring duties. There are also a number of other ways in which pension entitlements can be protected. People who qualify for payments such as Carer's Allowance or Carer's Benefit may, subject to conditions, qualify for credited contributions for the period during which they receive the payment. In addition, the yearly average contribution rate required for a minimum state pension has been reduced from 20 to 10. These measures have been beneficial to people with less than complete insurance records, particularly older women. The issue was considered in detail in the Green Paper on Pensions which was published in October 2007. Following a consultation process on the Green Paper the National Pensions Framework was published in March 2010 – it provides for the current system of disregards under the homemaker's to be replaced by credits for determining eligibility for State pension (contributory). Supplementary pension coverage for female workers has increased significantly in comparison to their male counterparts. In Quarter 1 2002, 45% of females and 57% of male workers had a pension. In 2008, this gap had narrowed, as the rate for female workers had increased to 50% and the rate for male workers was 56%. The Pensions Board is continuing to run focused initiatives through the National Pensions Awareness Campaign aimed at increasing pensions' coverage amongst women.

(b) Women and employment

51. Participation of Women in the Labour Market (as at Quarter 3 2010). Ireland's strong economic performance in recent years has delivered significant advances for gender equality. Table 3 in annex 2 displays employment, unemployment and participation rates by sex 2003 and 2009. Table 4 in annex 2 looks at the occupational split by sex in 2003 and in 2009. The engagement of women in typically female roles such as clerical and secretarial posts and sales posts is still very marked. Table 5 in annex 2 shows that women are more likely than men to work shorter hours. The National Framework Committee for Work-Life Balance Policies continue to support and facilitate the development of family friendly policies aimed at assisting the reconciliation of work and family life at the level of the enterprise. Table 6 shows Persons aged 15 years and over (Thousand) by Sex, ILO Economic Status, Young Persons and Older Workers.

52. The increased participation of women in the work force has been accompanied by improvements to maternity and adoptive leave provisions as well as the introduction of parental and carer's leave. The current provision of maternity leave makes 26 weeks of consecutive paid leave available to Irish mothers, of which at least two weeks must be taken before the birth. Under Social Welfare Benefit, 80% of earnings (calculated by dividing gross earnings in the relevant tax year by the number of weeks worked), subject to a minimum of €217.80 per week and up to a ceiling of €262.00 a week for 26 weeks. The majority of public sector employees may draw their full salary during periods of maternity leave. Mothers may also take a period of up to 16 weeks of consecutive unpaid maternity leave. Parental leave arrangements were amended in 2006. Unpaid parental leave of up to 14 weeks may now be taken for each child in the period before the child reaches 8 years of age (16 years in the case of a child with a disability). Force majeure leave is available for a period of three days over a 12 month period, subject to not more than five days over a 36 month period.

(c) Training of women in and for employment

53. The primary focus of the FÁS “Expanding the Workforce” (ETW) Programme is to improve women's access to, and participation in, the labour market and to progress women, or returnees, into employment as quickly as possible. The target group for the ETW programme is women who: have been out of the workforce for a period of 12 months or more, are not in receipt of Jobseeker Allowance or Jobseeker Benefit, are identified as wishing to return to work and need assistance/development to take the next step back to work. The FÁS “Return to Work” Programme is suitable for people who may have been out of paid employment for a long time and who are interested in returning to the labour market. The programme is mainly for mature adults who have good basic skills i.e. literacy, numeracy and communication skills. Women make up the majority of people completing Return to Work Programmes with 489 women completing “Return to Work” programmes in 2009, accounting for 80% of the total participants.

(d) Women and entrepreneurship

54. The Global Entrepreneurship Monitor (GEM) report – Entrepreneurship on the Island of Ireland – tracks Ireland’s entrepreneurial activity over a range of specific indicators including gender. The 2007 GEM Report found that Ireland showed a significant increase in the number of women entrepreneurs, with women’s entrepreneurial activity rising to 5.9% in 2007 from 4.2% in 2006, representing over 1,000 women on average starting new businesses in Ireland each month. The 2008 GEM Report shows that women’s entrepreneurial activity decreased sharply to 4.0%, however, Ireland is just above the EU average of 3.9% for this period.

55. Enterprise Ireland provides business development assistance to companies. Enterprise Ireland monitors and encourages female entrepreneurship in Ireland. They organise a high level international Female Entrepreneurship Policy and Proactive Conference in Ireland in September 2006. This conference brought together international speakers, entrepreneurs and policy makers to share their understanding of female entrepreneurship. They develop female entrepreneurship case studies and profiles for use in Irish schools and third level institutions. This positive role models of female entrepreneurship will be used to promote the idea of women entrepreneurs. The Going for Growth Initiative, which was rolled out in October 2007, was supported by Enterprise Ireland and the NDP Gender Equality Unit with EU funding. This initiative was designed to be complementary to the role of the development agencies and aims to support women entrepreneurs with a clear aspiration for growth by providing peer support and leadership of a more experienced or lead entrepreneur. A series of roundtables on a pilot basis were set up (2007). Following on from the success of the pilot programme, the Initiative was repeated in 2008 with 64 female entrepreneurs participating and again in 2009 with a further 62 female participants. The work of Enterprise Ireland is complemented at local level by the 35 City and County Enterprise Boards (CEBs). CEBs have been very successful at attracting the active participation of women in their range of training programmes such as Start your Own Business courses and Management Development Programmes. During 2007 over 21,000 people participated on these training programmes of which 12,000 were female (nearly 60% of total participants). In 2008, the percentage of women participating on these training courses increased to 61%. The CEBs also collaborate on the organisation of National Women’s Enterprise Day. For more information please see: www.NWED.ie.

(e) Women in agriculture

56. Approximately 10% of farms in Ireland are owned by women (CSO 2007) and 54% of these owners full time on the farm. In total 10.2% of women are employed in agriculture,

fisheries and forestry (CSO 2009). The 2007 Farm Structures Survey records that 10% of sole holders are women. The Report of the Advisory Committee on the Role of Women in Agriculture was published in September 2000 and contained 36 recommendations in total, covering a very broad range of policy and operational areas relating to women in rural communities generally. A comprehensive progress report on all of the recommendations relevant to government departments and agencies was finalised. Recommendations have been taken into account by all the relevant Government Departments and agencies, in as far as was possible, across the broad range of issues raised by the Advisory Committee. The issue of Social Welfare entitlements for farm spouses was addressed by the Department of Social Protection who published a leaflet in 2008 which clearly sets out how commercial partnerships are viewed from a Tax and PRSI point of view. The leaflet was produced in conjunction with the Farm Bodies. Generally spouses working with their partners do not pay social insurance contributions. However, as the leaflet clarifies, spouses who operate in a “commercial partnership” may be brought into the social insurance system. In this way, both spouses incur a liability to pay self-employed PRSI and build up entitlements towards a contributory State Pension and other Social Welfare benefits.

57. Teagasc provides a wide variety of training courses for individuals involved in agriculture. These courses are open to men and women equally. For the 2010/11 academic year female participation rates in Teagasc courses are:

Equine	55%
Horticulture	48%
Advanced Certificate in Agriculture (Award Holders)	33%
Forestry	20%
Floristry	85%
All other courses	5%

(f) Childcare to support women in employment and training

58. The Equal Opportunities Childcare Programme 2000-2006 made a significant investment in the development of child day care services. It received support from the European Union and led to the creation of 39,550 new childcare places and supported a further 26,900 existing places. This represented a doubling of centre based childcare places over a seven year period. A successor programme, the National Childcare Investment Programme 2006-2010, was introduced and is expected to create a further 25,000 new childcare places. In addition a system of subsidies is in place to support the cost of childcare for disadvantaged families who may be in employment or and who would otherwise be unable to afford childcare or remain in work, and to enable those who are engaged in certain education and training programmes to access childcare facilities for the duration of their course. As part of the April 2009 Budget, a new scheme to provide for a free Pre-School Year in Early Childhood Care and Education (ECCE), without charge to parents, was announced by the Government. Please see paragraph 396.

(g) Women in power and decision-making

59. Women are still very much under-represented in political office in Ireland with women occupying less than 14% of the seats in the two Houses of Parliament. However Ireland has had two successive female Presidents since 1990 and three of the cabinet Ministers are women (including the Tánaiste or Deputy Prime Minister). Women also hold two junior Ministerial posts. An Oireachtas (Houses of Parliament) Sub-Committee on Women’s Participation in Politics was established in April 2009 to examine the challenges facing women who wish to pursue a career in politics at local, national and European levels.

The Report of the Sub-Committee was published in October 2009. For the full report, please see: http://www.oireachtas.ie/documents/committees30thdail/j-justiceedwr/reports_2008/20091105.pdf.

60. Women only form 8% of Board level members of “Blue Chip” companies. Statistics for 2010 show that 207,600 men hold managerial and administrator roles, while there are only 105,800 women at this level. However, this represents an almost 7% increase from the 2005 figure for female managers and administrators, while the figure for men has decreased by 4.6% over the same period. Government policy with regard to equal opportunities in the Civil Service has continued to focus on increasing the representation of women in the key middle management grades with the aim of ensuring that a sufficiently large pool of women would be available to provide more senior managers. The adoption of strategic objectives and targets, both centrally and at individual Department level, has proved successful in addressing the representation of women in the key middle management grade of Assistant Principal. The target is that one third of all posts at Assistant Principal level be filled by women by June 2005 has been achieved in all Departments and exceeded in several. A shift in focus has been set on individual targets in the Assistant Principal grade relevant to existing level of representation of women in each Department. The next challenge will be to ensure that the increases achieved at this key grade are followed through in the senior management grades. The target is that 27% of Principal Officer level posts be filled by women by 2011. The Irish Civil Service continues to monitor and improve on a comprehensive range of family-friendly working arrangements that are available to staff. A Sub-Committee of the National Women’s Strategy Monitoring Committee (paragraphs 45–46) has been established to examine the issues surrounding the low number of women in decision-making roles in Ireland and to identify and propose key strategies to increase this position.

(h) Women’s representation on State Boards

61. In January 2005 the Government decided that all agencies nominating persons to State Boards and committees should provide both male and female nominations to the relevant Minister. The most recent figures, relating to 2009, show that female membership on State Boards remains almost static at 34%, representing no change on the 2008 figure. During 2009, women comprised 37.9% of appointments made to State Boards, an increase of five percentage points on the figure of 32.9% reported for 2008. The percentage of State Boards chaired by women in 2009 was 17.8%, an increase of 1.3 percentage points on the 16.5% figure recorded for 2008.

8. Positive Actions for the Advancement of Women

62. See ‘National Mechanisms – Part D’ above for details of the Equality machinery which deals with gender equality in Ireland

(a) Equality for Women Measure

63. The Department of Justice and Equality has delivered a programme of positive actions to support gender equality since 2000. The first Equality for Women Measure covered the period 2000-2007 and formed part of the National Development Plan for the period. The Measure was part funded by the European Social Fund.

64. The Measure was delivered in a number of phases, making almost €30 million in funding available over the eight year period to 140 projects. It is estimated that over 30,000 women engaged with the various projects, with over 8,000 receiving formal training programmes.

65. In May 2007, the Minister for Justice, Equality and Law Reform announced a successor measure which would encompass four strands addressing: access to employment, the advancement of women already in employment, women and entrepreneurship and women and decision-making. The extremely difficult Exchequer position which has prevailed since September 2008 required the Department to curtail the commitment of ESF funding and the prerequisite Exchequer match funding at that stage. Accordingly, the 2008-2013 Measure has a total funding package of €11.575 million, of which 50% is ESF funding.

66. The total funding allocated for 2009 was just over €1.1 million for 38 projects supporting the self-development of women to enable them to access employment. This funding was renewed for a second period and this phase is now complete. Funding was also made available under the Measure for two projects on women's entrepreneurship.

67. A new phase was advertised in 2010, leading to €1.9 million in grant funding being made available to another 43 projects under the Equality for Women Measure (EWM) 2010-2013. The projects enable a mix of community groups and national bodies to provide developmental support and training for women currently outside the labour market with a view to helping them return to work; or to support female entrepreneurs or to help advance the development of women already in the workforce. This funding has been renewed for a further year. Decisions on future phases of the Measure will be made in early 2012.

9. Education and training of women

(a) Primary and post-primary education

68. The Department of Education and Skills plays a significant role in mainstreaming gender at primary and post-primary education levels in Ireland. Boards of Management of primary and post-primary schools are required to produce a school plan setting out how they propose to deliver on the equal opportunities objective. The Department of Education and Skills supports positive action measures to address social exclusion and inequality in the education system. In line with statutory requirements and Government policy, the promotion of gender equality using the strategy of gender mainstreaming is evaluated in the course of subject inspections and in whole-school evaluations in primary and post-primary schools. All new inspectors receive training in gender equality issues during the induction programme. Indicators have been developed by the Inspectorate to evaluate the gender mainstreaming process in the course of inspections. To assist schools in providing equal opportunities for girls and boys, through the strategy of gender mainstreaming, the Inspectorate has developed resource materials and guidelines. A similar resource has been developed for post-primary schools. Under the Equal Opportunities Promotion and Monitoring measure of the National Development Plan 2000-2006, a dedicated Gender Equality Unit was established in the then Department of Justice and Equality in June 2001, with co-funding from the European Social Fund. Following the cessation of EU funding in March 2007 the role of this unit has been integrated into the Central Policy Unit. The Unit also supports research in a wide range of areas and at every level from pre-school to third-level related to gender and education.

(b) Boys' and girls' educational achievement

69. In July 2007, the then Department of Education and Science published *Sé Sí Gender in Irish Education* outlining statistics by gender in recent decades in education at primary, post-primary, further and higher levels. The report shows that girls are consistently more likely than boys to remain in school to completion of upper post-primary level education, and consistently outperform boys overall in the State examinations, although the gender gap is modest in the international context. Subject take-up patterns by gender have remained

largely unchanged over time, with evidence of sex stereotyping in subject choice. Boys far outnumber girls in the take up of engineering, technical drawing and construction studies, while girls far outnumber boys in home economics, music, art and European languages. In the sciences, significantly more girls study biology and to a lesser extent chemistry, while significantly more boys study physics. For a number of years now girls have been outperforming boys in post-primary level State examinations. In 2009, 23.2% of girls achieved a minimum of six grade C's at higher level in the Leaving Certificate as compared with 16.5% of boys. There is also an increase in the numbers of girls succeeding at higher levels in non-traditional subjects

70. Figures from the Central Statistics Office annual publication 'Women and Men in Ireland' for 2010 show the following statistics in relation to the Leaving Certificate examinations. 50.3% of students sitting the Leaving Certificate in 2010 were female. Just over two-thirds (66.8%) of girls sitting the Leaving Certificate took English at higher level compared with 54.3% of boys. Less than 1% of girls took Engineering as a higher level Leaving Certificate exam subject compared with 13.7% of boys, while boys accounted for 96.1% of overall candidates in Engineering.

(c) Higher Education

71. The Universities Act 1997 and the Education Act 1998 place obligations on educational authorities at primary, post-primary and third level to provide equal opportunities for all, including gender equality. Under Section 12 of the Universities Act, 1997, universities are required "to promote gender balance and equality of opportunity among students and employees of the university". The Report of the High Level Group on University Equality Policies, published by the Higher Education Authority in 2004, emphasised the importance of gender equality in higher education.

72. Females accounted for 51% of full-time undergraduate new entrants to higher education in 2009/10 (57% of entrants into universities, 45% into Institutes of Technology). New entrant females dominated the Social Sciences, Business and Law, Education and the Health and Welfare categories, while new entrant males dominated the Engineering, Manufacturing and Construction and Science categories. (HEA, 2011). In 2009, females outnumbered male graduates at primary degree, master's and post graduate diploma level. At doctorate and post-doctoral level, 45.5% of graduates are female, and 54.4% are male. In 2009, women constituted 60% of all higher education award recipients in science, mathematics and computing. These figures indicate that Ireland will have a good foundation from which to build greater levels of equal opportunities within third level education and in the labour market. However, women's representation in engineering has not progressed and in 2009 only 9% of graduates were women, and women continue to be over-represented in the social sciences. More promisingly women now constitute the majority of law, accounting and medical entrants on graduate programmes.

10. Gender and health

(a) Women's Health Council

73. Until 1st October 2009, women's health issues were overseen by the Women's Health Council (WHC). Ireland was among six countries invited by the WHO to conduct a case study with the aim of performing a gender analysis of a national health policy. On 1st October 2009, the Women's Health Council was subsumed into the Department of Health and Children and its staff became part of the Social Inclusion Unit there.

(b) Health services targeting women

74. Under the Maternity and Infant Care Scheme, expectant mothers can avail of combined community and hospital programmes where they are supported in their pregnancy and receive medical care free of charge. National maternity hospitals have developed programmes which provide a high level of personal assistance to birth mothers. The maternal mortality rate for Ireland for 2008 was 4 per 100,000 total live and still births. To address Ireland's low breastfeeding rates a multi-disciplinary expert group developed 'Breastfeeding in Ireland: A Five Year Strategic Action Plan', which was published by the Department of Health and Children in October 2005. Following its publication the Health Service Executive (HSE) took the lead responsibility in its implementation and appointed a National Strategy Implementation Monitoring Committee to spearhead the implementation of the Strategy's Actions at national, regional, and local levels.

75. The HSE's National Cancer Screening Service (NCSS) encompasses BreastCheck, the National Breast Screening Programme and CervicalCheck, the National Cervical Screening Programme. BreastCheck provides free mammograms to all women aged 50-64 and became available nationwide in 2009. The age limit will be extended to 69 years as logistics and resources allow. CervicalCheck became available to over 1.1 million women aged 25 to 60 on 1 September 2008.

(c) Men's Health Policy

76. In January 2009 the first National Men's Health Policy for Ireland was published by the Department of Health and Children. The aim of the policy is to promote optimum health and well-being for all men in Ireland, by supporting men to take greater responsibility for their own health, while integrating a health promotion and preventative approach in the delivery of services. The main focus of the policy is to highlight the need for a specific focus on "men" as service users with particular needs. Following discussions with the Women's Health Council, the Health Service Executive set up a Working Group on Gender Mainstreaming in Health Service Policy and Provision in April 2009.

11. Sexual and reproductive health

77. The Fertility Rate in Ireland was 1.94 in 2006, 2.05 in 2007, 2.10 in 2008 and 2.07 in 2009 (DOHC, *Health in Ireland Key Trends: 2010*). Ireland has the highest fertility rate in the EU. The Health Service Executive (statutory health authority) is required to make available an equitable, accessible and comprehensive family planning service either directly or by way of an arrangement with other agencies. These services are provided primarily through general practitioners, non-government organisations and, to some extent, maternity hospitals and units.

78. Abortion is illegal in Ireland except when there is a real and substantial risk to the life, as distinct from the health, of the mother and this real and substantial risk can only be averted by the termination of the pregnancy. The European Court of Human Rights heard in December 2009 an application by three women that it is a breach of their rights under the European Convention on Human Rights for the Irish State not to provide abortion in circumstances where a woman wishes to undergo an abortion (the A, B and C case). On 16th December 2010, the Court dismissed the application of the first and second applicants, Ms A and Ms B. The Court found that Ireland had failed to respect the third applicant's (Ms C) private life contrary to Article 8 of the Convention, as there was no accessible and effective procedure to enable her to establish whether she qualified for a lawful termination of pregnancy in accordance with Irish law. The Department of Health and Children – in conjunction with its legal advisors is currently examining options for implementing the judgment concerned. Since 2001 the number of women giving Irish addresses at UK abortion clinics has decreased by 2,073. The abortion rate (number of abortions per 1,000

women aged 15-44) has fallen from 7.5 in 2001 (UK only data) to 4.5 in 2009 (UK and Netherlands data). The Crisis Pregnancy Agency was established in October 2001 and was integrated into the Health Service Executive in January 2010 as the HSE Crisis Pregnancy Programme. For further information please see: <http://www.crisispregnancy.ie/about.html>

HIV/AIDS

79. Please see paragraphs 377-382.

12. Violence against women

(a) New structure to address violence against women

80. Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, was established in June 2007 as an executive office of the Department of Justice and Equality. The work of Cosc covers issues relating to domestic, sexual and gender-based violence against both women and men, including older people.

81. In 2010 Cosc completed its priority work on the development of a National Strategy on Domestic, Sexual and Gender-based Violence for the five-year period from 2010 to 2014. The strategy was developed through a thorough process of research and consultation with interested stakeholders from State, Non-Governmental Organisations and the broader community. Early in the year the national strategy was approved by the Government and published. At the core of the approach to the strategy is action based on primary and secondary interventions. Primary intervention relates to the prevention of domestic, sexual and gender-based violence through generating greater understanding, increasing recognition and raising awareness. Secondary intervention deals with responding to the violence concerned by ensuring better provision of services to and protection for victims, improving co-ordination and dealing with the offending behaviour of perpetrators. The overall aim of the strategy is the development of a strong framework for sustainable intervention to prevent and effectively respond to domestic, sexual and gender-based violence.

82. During 2010 a Strategy Oversight Committee monitored implementation of the strategy and assisted in identifying solutions to any high level difficulties or delays. The committee, which is chaired by the Secretary General of the Department of Justice and Equality, includes senior officials from key government departments and state agencies responsible for implementing actions in the strategy. The committee met twice during the year. In addition progress on the implementation of the strategy was encouraged and monitored by Cosc on an ongoing basis. Overall good progress was made on the implementation of the strategy during the year.

(b) HSE Policy

83. In 2009, the HSE published its Policy on Domestic, Sexual and Gender-based Violence. The HSE policy dovetails into the Strategy of the National Office for the Prevention of Domestic, Sexual and Gender-based Violence (Cosc), an executive office of the then Department of Justice and Law Reform. The HSE strategy is about delivering 8 key high-level Goals and actions including standardisation of service provision across the country, training of all HSE Staff and Voluntary/Community Sector providers and a strong focus on hearing the voice of service users in all aspects of service planning, design, development, delivery and evaluation.

(c) Sexual Assault Treatment Units

84. The implementation of the National Review of Sexual Assault Treatment Services is complete, with 6 Sexual Assault Treatment Units (SATUs) now operating nationally. These

units strive to provide a 24 hour a day service, 7 days a week for men and women who have experienced incidences of rape or sexual assault. As well as undertaking clinical and forensic examination of men and women who are engaging with the criminal justice system, these units also provide care for people who choose not to report an incident to An Garda Síochána. Holistic care (including clinical and forensic examination, emergency contraception and psychological support) is offered according to patient needs; many units now also offer all patients preventative treatment for sexually transmitted infections, and it is hoped that all units will be offering this service in 2011.

13. Steps to overcome human trafficking

85. An Anti-Human Trafficking Unit was established in the Department of Justice and Equality in February 2008 to ensure that the Irish State's response to human trafficking is coordinated, comprehensive and holistic. The Unit is also responsible for the development and implementation of the National Action Plan to Prevent and Combat Trafficking of Human Beings 2009-2012 which was published by the Minister for Justice and Equality in June 2009. Dedicated anti-human trafficking units have also been established in An Garda Síochána, the Health Service Executive and the Legal Aid Board.

86. An interim review of the National Action Plan to Prevent and Combat Trafficking of Human Beings 2009-2012 is being conducted at present. It is expected to be finalised before the end of 2011. For further information on the National Action Plan, please see <http://www.inis.gov.ie/en/JELR/Final%20National%20Action%20Plan2.pdf/Files/Final%20National%20Action%20Plan2.pdf>

87. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was ratified by Ireland on 17 July 2010. The Council of Europe Convention on Action against Trafficking in Human Beings was ratified on 1 November 2010.

14. Gender equality in Ireland's Development Cooperation Programme

88. Ireland's programme of development cooperation recognises that gender inequalities determine the poor economic and social status of women, families and communities in many developing countries and that the attainment of the fundamental human right of equality is essential to effective poverty reduction. The 2004 Irish Aid Gender Equality Policy focuses on the achievement of gender equality as an essential component of sustainable human development. Ireland is committed to supporting specific actions to improve the position and status of women and to increasing funding for women's organisations. Irish Aid's commitment to gender equality and women's empowerment is guided by the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Beijing Declaration and Platform for Action, the 1994 Cairo Programme of Action and the Millennium Development Goals. Partners in government and civil society as well as multi-lateral organisations, are supported to promote women's economic empowerment, increase political participation, ensure greater access to quality education for both boys and girls and strengthen community-based health programmes that enable women's access to reproductive and other health services. Irish Aid works to combat gender-based violence with a number of multi-lateral and civil society partners as well as with partner governments in Irish Aid programme countries. In humanitarian and conflict situations, we are committed to the implementation of UN Security Council Resolution 1325 on women, peace and security which recognises the need for women to participate on equal terms with men at all levels and in all roles to promote peace and security. Irish Aid has implemented a partnership programme with the International Labour Organisation (ILO) since 2001. This programme assists women and men to secure decent employment by focusing on the development of women entrepreneurship and promoting enhanced

employment for disabled people. It also provides assistance for the Special Action Programme on enforced labour – the main objective of which is to combat all forms of bonded, coercive and child labour.

Article 4 – Limitation on rights

89. There have been no developments relating to this Article of the Covenant since Ireland's last report to the Committee.

Article 5 – No restriction on or derogation

90. There have been no developments relating to this Article of the Covenant since Ireland's last report to the Committee.

Article 6 – Right to work

1. Employment in Ireland

(a) Labour market policies

91. Ireland's current labour market has changed rapidly in the last few years, from a period of unprecedented growth in the economy and employment to a period of high unemployment. In 2010, there was a significant increase in long term unemployment.

92. To prevent the drift into long term unemployment the Government decided to prioritise four cohorts of the unemployed who are most at risk for support and assistance, The four cohorts are:

- the low skilled;
- those under 35 years of age;
- those on the Live Register for longer than 1 year; and
- those suffering from structural unemployment in the manufacturing, construction and retail sectors.

93. The Irish Government continues to prioritise tackling Ireland's rising unemployment levels. Since mid-2009 resources have been significantly increased aimed at providing more capacity in job search services and the training and education places that are available to the unemployed. In 2010, the capacity of training and work experience places was doubled to over 160,000 places for the unemployed compared to the 66,000 places delivered in 2008. This included 12,000 training places for the unemployed under a new initiative, the Labour Market Activation Fund. A total of €32 million is being invested from this initiative to fund 59 projects. Skillnets and FÁS offered almost 10,400 training places for the unemployed or those on short time working. Another important initiative, of particular relevance to young people, was the Work Placement Programme (WPP) which provided 2,000 places, of which 1,000 are for graduates

94. The Government recently announced a suite of new and expanded initiatives designed to provide assistance to the unemployed as part of The National Recovery Plan and Budget 2011. The training, work experience and education measures that will be implemented in 2011 are designed to help those who are unemployed to gain valuable work experience, maintain close linkages with the labour market, improve their skills and education levels and ultimately to improve their career prospects. In 2011 the number of

places on the Work Placement Programme will be increased from the current 2,000 places to 7,500 places. This programme provides unemployed individuals with valuable work experience for up to 9 months which will considerably improve their chances of securing employment in the future.

95. A new Skills Development and Internship Programme for the Unemployed will be introduced in 2011. This programme aims to enable the unemployed maintain their links with the labour market while also facilitating their up-skilling and re-skilling, thereby improving their employability. As part of the programme participants will undertake a 12 month placement in a private sector and will also receive a substantial education and training offering.

96. Ireland has benefited from the arrival and availability of skilled workers from within and outside the EU. Ireland, together with Sweden and the UK, were the only European Union Member States to open their labour markets to the 10 new Accession States in 2004. The policy objective underlying this decision was to ensure that Irish employers would be able to meet their lower-skilled labour requirements from within the enlarged Union. The significance, and success, of this initiative is reflected in the participation rate of workers from Accession States EU 15 to EU 27, who represented approximately 66% of the total number of workers from other EU member states in employment in Ireland at the end of the third quarter of 2010.

97. Despite the current jobs downturn and the opening up of our labour market to the EU27, skill shortages still persist in some key occupations. The Department continues therefore to monitor the results of research conducted by FÁS and encapsulated in the National Skills Bulletin. This analysis of the Irish labour market is set within the context of an overall slowdown in economic activity and will assist the Department in ensuring that its list of identified skills shortages, necessitating the recruitment of non-EEA nationals, remains current.

(b) Ratification of ILO conventions

98. Ireland reported on the ILO Discrimination (Employment and Occupation) Convention 1958 (no. 111) for the period ending 31 May 2004.

2. Accessibility to the labour market

99. For information on measures to ensure the accessibility of the labour market (particularly for women, young persons, older persons, persons with disabilities and migrant workers) see paragraphs 14, 137-144 and annex 1, paragraphs 1-10.

(a) Equality in employment

100. Differences in treatment on the grounds protected under the Employment Equality Acts is permitted by law in certain circumstances, whereby the general prohibition on discrimination is subject to a number of general and specific exemptions. Some of the exemptions apply to particular types of employment, some apply to all kinds of employment, some apply to particular grounds and some apply to provisions in other legislation.

- Capacity and competence: An employer is not required to employ someone who will not undertake the duties or is not fully competent or capable of doing the job. However, a person with a disability is fully competent and capable of undertaking any duties if the person would be so fully competent and capable on reasonable accommodation being provided by the employer.

- Educational, technical or professional qualifications: The Act allows requirements in relation to the holding of specified educational, technical or professional qualifications, which are generally accepted qualifications in the State for the post in question. The Act allows requirements in relation to the production and evaluation of information about any qualification other than such a specified qualification.
- Benefits in respect of an employee's family: The Act allows employers to provide certain benefits in respect of an employee's families and family events and in relation to the provision of childcare or other care provision.
- In relation to all grounds – Occupational requirement: difference in treatment which is based on a characteristic related to any of the nine grounds in respect of access to employment is allowed, but only to the extent that the characteristic constitutes a genuine and determining occupational requirement and the objective is legitimate and the requirement proportionate.
- In relation to the gender and marital status grounds – pregnancy, maternity & breastfeeding: treatment which confers benefits on women in connection with pregnancy and maternity, including breastfeeding, is allowed. Anything done in compliance with any provisions of the maternity protection and adoptive leave legislation is not discrimination on the marital status ground.
- In relation to the age ground: an employer may set a minimum age, not exceeding eighteen years, in recruitment and may offer a fixed term contract to a person over the compulsory retirement age. Exemptions are provided in relation to age based criteria for occupational benefits schemes and entitlement to benefits and severance pay, provided it does not constitute discrimination on the gender ground. Exemptions are provided in relation to terms in collective agreements to the effect that where length of service would otherwise be regarded as equal, seniority may be determined by reference to relative ages of employees. An employer can set different ages for the retirement of employees. Moreover, anything done in compliance with the Protection of Young Persons (Employment) Act 1996, the National Minimum Wage Act 2000 or Section 3 of the Redundancy Payments Act 1971, as amended by Section 5 of the Redundancy Payments Act 1979, is not discrimination on the age ground. A number of other sections of various Acts are also exempted.
- In relation to the age and race grounds: different treatment by vocational/training bodies in relation to fees and the allocation of places to people who are nationals of an EU member State is allowed. Different treatment by vocational training bodies in relation to assistance to particular categories of persons by way of sponsorships, scholarships, bursaries is allowed, but only to the extent that the assistance is reasonably justified having regard to traditional and historical considerations. Different treatment by universities or other third level institutions in relation to allocation of places for mature students is allowed.

- In relation to the religion ground: certain religious, educational and medical institutions may give more favourable treatment on the religion ground to an employee or prospective employee where it is reasonable to do so in order to maintain the religious ethos of the institution. Certain religious, educational and medical institutions may take action which is reasonably necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution. Certain religious, educational and medical institutions may reserve places on specified vocational training courses and schools of nursing in such numbers (as seem necessary to the relevant Minister) to ensure the availability of nurses and primary teachers. Further information on religion is available at paragraphs 101–105 of this report.
- In relation to nationality: there is an exemption for any action taken in accordance with the Employment Permits Act 2003.
- In relation to the disability ground: there is an exemption in relation to the provision of a particular rate of remuneration for work of a particular description where, due to disability, the amount of work done during a particular period is less than the amount of similar work done, or which could reasonably be expected to have been done, over that period by an employee without a disability.
- In relation to officers or servants of the State (including the Garda Síochána and the Defence Forces) and officers or servants of a local authority, a harbour authority, a health board or a Vocational Education Committee: the application of any provision in relation to residence, citizenship and/or proficiency in the Irish language is allowed.
- In relation to teachers in primary and post primary schools: the application of any provision in relation to proficiency in the Irish language is allowed.
- In relation to the Defence Forces: there is an exemption on the age and disability grounds.
- In relation to employment in another person's home for the provision of personal services: there is an exemption in relation to access to such employment (this exemption does not extend to other areas, such as conditions of employment etc.).
- In relation to employment in the Garda Síochána or the Prison Service: there is an exemption on the gender ground in relation to the assignment to a particular post based on issues of privacy or decency, the control of violent individuals or crowds and the rescue of hostages. There are exemptions in relation to the application of height criteria for men and women and to the maintenance of a sufficient number of either men or women in the Garda Síochána or Prison Service.

(b) Religion

101. Section 37 of the Employment Equality Act 1998 permits difference of treatment in certain occupations. Section 37(1) provides that it shall not be unlawful for a religious, educational or medical institution, run by a body established for religious purposes, to differentiate on the religion ground where such different treatment is essential for the maintenance of the religious ethos of the institution or is reasonable in order to prevent an employee or prospective employee undermining that ethos.

102. The provision was drafted to meet Constitutional considerations which protect the religious ethos of many educational, religious and medical institutions of the State. It is strictly conditional on the institution concerned being one under the direction or control of a body established for religious purposes.

103. The distinction made in Section 37(1) is between permitting more favourable treatment of one person compared to another, under sub-paragraph (1)(a), and taking action to prevent a person from undermining such an ethos, under sub-paragraph (1)(b). In the former case, different treatment is permitted by reference to the religion ground and must be defended by reference to the religion or non-religion of the person discriminated against. In the latter case, the religious ethos of the employer may give rise to a need to take action to prevent another person, regardless of that person's religion or non-religion, from undermining this ethos. Strict tests apply to the application of the exemption in subsection 37(1)(b). First, the different treatment must be essential for the maintenance of the religious ethos of the institution. Second, it must be reasonable in order to avoid undermining that ethos. These are not subjective tests which would apply on the simple say so of the institution concerned. They are balanced tests which can be adjudicated on by independent third parties, that is, equality officers, the Labour Court or other courts.

104. Prior to enactment of the Employment Equality Act in 1998, the Irish Supreme Court (in *Re Article 26 and the Employment Equality Bill 1996* [1997] 2 IR 1) considered in some detail whether Section 37 contravened the Constitutional guarantees of freedom of conscience and the free profession and practice of religion and the ban on discrimination on the ground of religious profession, belief or status. In addition, it considered whether the Employment Equality Act preserved the proper balance between the rights of members of the various religious denominations to manage their own affairs and maintain institutions for religious and charitable purposes and the rights of other citizens to equality before the law and to earn their livelihood. The Court accepted that "occasions may arise when it is necessary to make distinctions in order to give life and reality to the constitutional guarantee of the free profession and practice of religion". The Court cited the judgment in *Quinn Supermarket Ltd. v. Attorney General* [1972] IR 1 which found that "the primary purpose of the guarantee against discrimination is to ensure the freedom of practice of religion. Any law which by virtue of the generality of its application would by its effect restrict or prevent the free profession and practice of religion by any person or persons would be invalid having regard to the provisions of the Constitution, unless it contained provisions which saved from such restriction or prevention the practice of religion of the person or persons who would otherwise be so restricted or prevented". In examining the proportionality of section 37(1) of the Employment Equality Act, the Court found that the words "reasonable" and "reasonably necessary" implied that "the test is to be an objective one and that the matter is to be resolved on a case to case basis". The Court also held that the final decision on what constitutes a "religious ethos" and what would be reasonable or reasonably necessary for its protection, rests with the Court and, in making its overall decision, the Court will be conscious of the need to reconcile the various constitutional rights involved.

105. Section 37 was reviewed relatively recently in the context of amending the Employment Equality Act 1998 to implement Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. Article 4.2 of that Directive provides that where "a person's religion or belief constitute a genuine, legitimate and justified occupational requirement [in the context of occupational activities within churches/other organisations with a particular ethos] a difference of treatment [made on this basis] shall not constitute discrimination". Article 4.2 further provides that the Directive is without prejudice to the right of churches/other organisations with a particular ethos to require their employees to "act in good faith and with loyalty to the organisation's ethos". As the exclusion under Section 37(1) is limited by reference to "religious, educational or medical institutions ... under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values" it is considered to be within the scope of Article 4.2 and has not been amended.

(c) **Legislative proposals to combat discrimination**

106. Further information on recent developments in legislative provisions to combat discrimination and to promote equal opportunities in the area of employment is outlined in paragraphs 11 to 14 of Ireland's Third Report on the implementation of the ICCPR (CCPR/C/IRL/3). This legislation addresses discrimination in access to employment and in access to vocational training and discriminatory dismissal.

(d) **Employment Support Services**

107. As part of its Employment Support Services, the Department of Social Protection provides a range of opportunities for unemployed people, lone parents, people with disabilities and other social welfare customers to return to employment or education/training. Further information on supports for education is covered in paragraphs 406-413.

(e) **Back to Work Allowance scheme**

108. The Back to Work Allowance (BTWA) scheme was introduced in September 1993 to assist long term unemployed people, lone parents and other social welfare recipients to return to the active labour market force or to self-employment. On returning to work, participants retain a proportion of their social welfare payment over a number of years. The Short Term Enterprise allowance scheme was introduced from 1 May, 2009 to give support to people on jobseekers' benefit who have lost their job and want to start their own business. To qualify you must be getting jobseekers' benefit. It is paid instead of the jobseekers benefit and for the same duration.

109. There are two strands to the scheme:

- The Back to Work Allowance (BTWA), which allows participants to return to employment and retain their social welfare payment on a reducing scale over a three year period, i.e. 75% in year one, 50% in year two and 25% in year three. This scheme was closed to new applications on 1 May 2009; and
- The Back to Work Enterprise Allowance (BTWEA) scheme was introduced in September 1993 to assist long term unemployed people, lone parents and other social welfare recipients to take up self-employment and retain their social welfare payment on a reducing scale over a two year period; with 100% being paid in the first year; followed by 75% in year two.

110. The Back to Work Enterprise Allowance scheme has remained under constant review by the Department of Social Protection to ensure that it continues to be relevant to the prevailing labour market and economic climate. In recent years there were numerous changes made to the system which show active consideration or specific provision for potentially marginalised groups. In 1997, 1,000 places were provided on the scheme for people with disabilities (Disability Allowance and Blind Persons Pension). In 1999, the Scheme was extended to those in receipt of Carer's Allowance. In 2000, the Scheme was extended to those in receipt of Invalidity Pension and Incapacity Supplement (formerly Unemployability Supplement) and in 2001 the Scheme was extended on a pilot basis to those in receipt of Illness Benefit (formerly Disability Benefit) for 5 years. The qualifying period was further reduced to 3 years in 2002.

111. Since 2006, periods spent in receipt of Supplementary Welfare Allowance, and by asylum seekers in State-supported "Direct Provision", count towards the qualifying period for Back to Work Enterprise Allowance, provided the applicant establishes an entitlement to a relevant social welfare scheme prior to commencing on the BTWEA. From May 2009,

the qualifying period for jobseekers' benefit/allowance recipients was reduced from two to one year provided there is an underlying entitlement to jobseekers allowance.

(f) Direct provision for asylum applicants

112. Asylum applicants are not entitled to take up paid employment pending a final decision being made on their applications. While their applications for refugee status are being considered, their accommodation, food, clothing and other needs are provided for by the State.

(g) Technical and vocational training programmes

113. FÁS, the Training and Employment Authority established in 1988, delivers an extensive range of training through its network of 20 Training Centres and contracted training providers spread throughout the 8 FÁS regions in Ireland. The provision of Ireland's National Employment Service is through a 'dual stranded' approach which comprises 63 FÁS Employment Services Offices and the Local Employment Service (LES) which operates in 24 designated areas of disadvantage.

114. Strategic Alliances are one of the key components of the One Step Up programme which involved FÁS entering into strategic partnership with third party organisations to manage, organise, deliver or procure the delivery of training. FÁS had two Strategic Alliance initiatives in operation. The first was aimed at management development training for owner/managers of SMEs in response to the 'Ahead of the Curve' report and the SME management development report 'Small Business is Big Business'. The second Initiative was aimed at up-skilling vulnerable or low-skilled workers in response to the Social Partnership Agreement 'Towards 2016' and the National Skills Strategy Report. The last of the current round of contracts are due to conclude in June 2011. To date between these two Strategic Alliance initiatives, approximately 8,558 people have received training at a cost of €11.3 million

115. The current emphasis is on the activation of the unemployed. This is a direct response to the need to prioritise resources in the short term so that increased support and assistance is provided to the significant increase in the number of people who have been made redundant in recent times. Therefore, FÁS have increased their investment in training programmes aimed at training people for employment at the expense of programmes aimed solely at training people in employment. Nonetheless, Ireland remains committed to investing in lifelong learning for individuals currently employed and those seeking employment.

116. In addition there have also been significant increases in the number of apprentices who have been made redundant. At the end of 2010, the number of redundant apprentices eligible for progressing in their apprenticeship was 4,630, (this excludes 'redundant-referred' apprentices who have not reached the minimum standard in off-the-job training). FÁS resources in the apprenticeship system have been directed at assisting these redundant apprentices progress through the system and complete their apprenticeship. This will continue to be a priority area in 2011.

117. The Department is providing FÁS with a budget of €7.3m with the objective of subsidising the work placement of up to 1,000 redundant apprentices in the public and private sectors which will help redundant apprentices to finish their training.

118. The method of subvention under the 2011 Redundant Apprentice Placement Scheme is being changed to make the placement of a redundant apprentice more sustainable for employers. Currently FÁS provides a €250 weekly wage contribution to an employer who has taken a redundant apprentice on a work placement. The employer must bring the apprentice's wages up to agreed industry rates dependant on their phasing. In 2011

employers will not have to supplement a redundant apprentice's wages but instead FÁS will pay a standard training rate to all apprentices irrespective of their employer being in the public or private sector at weekly training rates of €260 (Phase 3), €350 (Phase 5) and €400 (Phase 7).

119. The current Redundant Apprentices Placement Scheme will be expanded in 2011 to encompass work placement in the public as well as the private sector. Public sector employers such as the Health Service Executive, the local authorities and the Office of Public Works are being included in order to provide the widest possible range of employers who are in a position to give redundant apprentices on-the-job placements at Phases 3, 5 and 7 of the apprenticeship cycle. This broadening out of the current scheme has been devised to overcome the current reduction in private sector placements arising from the downturn in construction sector activity.

120. The budget for apprenticeship training in 2010 was €77.03 million and this provided for the training of 11,658 apprentices in the course of the year. In 2010 the level of new apprentices registered by employers was 1,204 which was down on the 2009 figure of 1,535 reflecting the continuation of the downturn in the construction industry.

121. Skillnets Ltd., an enterprise-led support body dedicated to the promotion and facilitation of training and up-skilling as key elements in sustaining Ireland's national competitiveness currently delivers the Training Networks Programme (TNP) and the Finuas Networks Programme. Skillnets is funded from the National Training Fund through the Department of Education and Skills.

122. In 2010 some €15m was invested in the Training Networks Programme (TNP). The programme delivered some 178,000 training days to over 37,000 trainees in 2010.

123. The Finuas Networks Programme commenced in 2009 facilitating international financial services companies to form enterprise-led learning networks to deliver training and professional development programmes that meet specific business needs. Finuas aims to support the sector in maintaining Ireland's position as a top international financial services centre through investment in the specialist skills and expertise of its workforce. In 2009, Skillnets invested €586k in the Finuas Networks Programme (TNP) and member companies invested €614k bringing it to a total network investment of €1.2m. Since 2009, some 2,700 trainees from 245 companies have availed of Finuas training.

124. Skillnets is dedicated to up-skilling those in employment. The Training Networks Programme (TNP) 2010/11 embarked on an initiative to provide learning support to the unemployed via the existing structures of networks who support the learning needs of the employed.

125. The European Globalisation Adjustment Fund (EGF), which has a budget of up to €500 million a year and covers the period 2007-2013, was launched in 2007 to assist EU Member State to provide retraining supports to workers made redundant as a result of globalisation and changing global trade patterns. The EGF generally only funds active labour market interventions such as occupational guidance, training and re-training, outplacement assistance and entrepreneurship promotion/aid for self-employment, where there has been 500+ redundancies within a certain time period.

126. In 2009, Ireland submitted applications for EGF co-funding targeted at former workers at Dell Computers, Limerick (2,400 redundancies), Waterford Crystal (598) and SR Technics (838) for a total value of €38.227m of which 65% (24.848m) is EGF-funded. Programmes run for 24 months from 2009 to 2011.

(h) People with disabilities

127. The Sectoral Plan for the then Department of Enterprise, Trade and Employment under the Disability Act, 2005, published in 2006 under the National Disability Strategy, contains proposals for providing fully accessible services by the Department and its agencies over the period 2006-2010.

128. Under the Sectoral Plan an outline for a Comprehensive Employment Strategy for people with disabilities has been advanced in discussions with other Government Departments and stakeholder representatives. The aim of this strategy is to address the diversity of circumstances, needs and abilities of people with disabilities, and to enhance the operation and effectiveness of the range of FÁS supports and services for facilitating increased participation of the cohort in the labour market. The strategy is being further advanced in discussions in a Cross Sectoral Group comprising relevant Government Departments and state agencies.

129. The Sectoral Plan contained an employment target of 7,000 job placements over the period 2006-2010 for people with disabilities who do not have a difficulty in holding a job. A review of progress under the target indicated total placements of 6,707 over the period 2006-2009.

130. The longer-term goal is to raise the employment rate of people with disabilities from 37% to 45% by 2016 as measured by the Quarterly National Household Survey (QNHS). The overall participation in education, training and employment will be increased to 50% by 2016.

131. Part 5 of the Disability Act 2005 provides for a statutory target, currently set at 3%, for the recruitment and employment of people with disabilities in the public sector. The Act provides a framework for monitoring this employment target in all public bodies through monitoring committees under the aegis of relevant Ministers of the Government. The NDA has an overall monitoring and reporting role under the Act. Reports on compliance by the public service with the employment of people with disabilities are published annually.

(i) Employment services

132. FÁS provides a series of services for those seeking employment. The main employment schemes are Community Employment and Job Initiative, which provide opportunities for work and/or training with local communities. In 2010 there were over 24,000 places overall on these schemes.

133. FÁS provides a placement and career guidance service and has self-service access to a wide range of job vacancies, including opportunities in other EU Member States and European Economic Area.

134. Under the National Employment Action Plan, the Preventive Strategy provides a systematic engagement of FÁS Employment Services and Local Employment Services (LES) staff with the unemployed. The focus is on early intervention with persons referred to FÁS/LES by the Department of Social Protection for the purpose of assisting their integration into the labour market and to provide, where appropriate, the necessary skills to improve their employability.

135. Up to end of November 2010 over 75,164 persons were referred to FÁS/LES and of these over 46,220 left the Live Register. FÁS/LES is continuing to engage with the rest.

(j) National Adult Literacy Agency (NALA)

136. The National Adult Literacy Agency (NALA) is a voluntary body that receives a substantial part of its annual income from the Department of Education and Skills. NALA

lobbies on adult literacy, advises on quality, provides training for staff across a range of agencies, particularly the VECs, FÁS, TEAGASC and employment and welfare services. NALA also commissions research in the field of adult literacy and has advised on the educational content of the 2010 TV adult literacy series '*Stuck for Words*' achieved average weekly viewership of 200,000 per episode, representing 20% of the viewing public, in addition to staffing a free-phone literacy helpline.

(k) Employment rights of migrant workers

137. Section 20 of the Protection of Employees (Part-Time Work) Act 2001 provides that all employee protection legislation in the State applies to a person, irrespective of his or her nationality or place of residence, who

- has entered into a contract of employment that provides for his or her being employed in the State, and
- works in the State under a contract of employment, or
- where the employment has ceased, entered into a contract of employment referred to in sub-paragraph (i) or worked in the State under a contract of employment.

138. The main pieces of employee protection legislation are covered in paragraph 14 and annex 1, paragraphs 1-10.

(l) Redress for migrant workers

139. The legislation cited above establishes a range of quasi-judicial appeals mechanisms such as a Rights Commissioner, the Labour Court, the Employment Appeals Tribunal or the Equality Tribunal, to which, workers who feel that they are, or have been, exploited by their employer in a way which breaches any of the above legislation can refer their case for adjudication.

(m) Enhanced rights for migrant workers pursuant to Employment Permits Act 2006

140. The Employment Permits Act 2006 provides wide ranging protections for migrant workers. The main new protections enshrined in the legislation include:

141. Permit Granted to employee only – An application may be made by either the employer or the employee, but in all cases the Green Card or Work Permit will be granted and issued to the employee. Hitherto, the Work Permit was granted to the employer. This will undoubtedly strengthen the position of the employee in the employer/employee relationship.

142. Payment-Related Rights – The permit will contain a statement of the entitlements of the migrant worker including their remuneration, their entitlement to the National Minimum Wage their right to change employers after twelve months, and any deductions for board and accommodation. Furthermore, where it can be demonstrated that exploitation of the employee has taken place, a new employment permit can be granted to the employee concerned to enable him or her to change employer within the first 12 months of commencing employment.

143. Summary of principal employment rights and protections to be provided to the migrant employee – The Permit or Green Card will be accompanied by a summary of the principal employment rights of the employee. Furthermore, the new Act expressly prohibits employers from deducting recruitment expenses, including employment permit fees, from the remuneration of the employees, as well as prohibiting them from retaining personal documents of the employee, including their passport, driving licence or identity card.

Article 7 – Right to just and favourable conditions of work

1. Social partnership

(a) National Minimum Wage

144. The National Minimum Wage was introduced in Ireland in April 2000. Please see annex 2, table 31 for further details. It was introduced as a social policy commitment of Government in the framework of an assault on exclusion, marginalisation and poverty with an aim to protect vulnerable workers who were prone to be exploited. At its introduction on 1 April 2000, the National Minimum hourly rate of pay was set at £4.40 (€5.59). Since then there have been six increases to the rate, the last of which saw it increase to €8.65 per hour on 1 July 2007. An explanatory booklet on the implementation and enforcement of the minimum wage available on the NERA website: www.employmentrights.ie

(b) Joint Labour Committees

145. Minimum rates of pay, and other conditions of work, for workers in certain sectors are determined by the Labour Committees (JLCs). Currently, there are 13 JLCs in existence (See table 34 in annex 2). Each JLC is composed of representatives of workers and employers in the sector concerned. JLCs operate in areas where collective bargaining is not well established and wages tend to be low.

146. The function of a JLC is to draw up proposals for fixing minimum rates of pay and conditions of employment for the workers involved. When proposals submitted by a JLC are confirmed by the Labour Court through the making of an Employment Regulation Order (ERO), they become statutory minimum pay conditions of employment for the worker concerned. Employers are then bound under penalty to pay wage rates and provide conditions of employment not less favourable than those prescribed.

147. Employment Regulation Orders are enforced by the National Employment Rights Agency (NERA), which has the power to enter premises, inspect wage sheets and other records, interview the employers and workers concerned, recover arrears and, if necessary, take legal proceedings against an employer who is in breach of an ERO.

(c) Registered Employment Agreements

148. Registered Employment Agreement (REA) is a collective agreement made between employers and workers in any sector or enterprise and registered with the Labour Court under the Industrial Relations Act 1946. An REA can deal with any matter that comes under the general heading of pay or conditions of employment. The effect of registration is to make the provision of an REA binding not only on the trade unions and employers involved in its negotiations but on others who were not parties to its negotiations but who are in the categories covered by the agreement. Before registering the agreement, the Labour Court must satisfy itself that the parties to the agreement are substantially representative of the workers and employers to which it will apply.

149. A trade union, an association of employers or an individual employer may complain to the Labour Court that a particular employer is not complying with an REA. If, after investigating a complaint, the Labour Court is satisfied that the employer is in breach of an REA it may, by order, direct compliance with the agreement. Failure to comply with such an Order is an offence punishable by a fine.

150. An ERO or an REA may not set an inferior rate of pay to that provided for under the National Minimum Wage Act.

151. Pay and conditions may also be set at the place of employment either collectively or individually.

152. The National Recovery Plan, 2011 to 2014, published by the Government in November 2010, commits to a range of structural reforms to the labour market aimed at removing barriers to employment creation and disincentives to work; and at re-orientating activation measures. In addition to a commitment National Minimum Wage, it also made a commitment to review the framework of ERO and REA wage-setting mechanisms. On 28th November 2010, in the context of its announcement of the joint EU-IMF Programme for Ireland, the Government reiterated its commitment to this review.

2. Minimum conditions of occupational health and safety

153. For further information on minimum conditions of occupational health and safety please see Ireland's Report on the "Convention No. 155 – Occupational Safety and Health Convention, 1981 Ratification registered by Ireland on 4 April 1995", dated November 2005, (UN ref number) outlines much of Ireland's position in relation to occupational safety and health matters.

154. For information on the Safety, Health and Welfare at Work Act 2005, please see annex 1, paragraph 11.

155. Please see annex 2, Tables 10-15 for statistical information in relation to occupational health and safety trends in Ireland.

3. Organisation of Working Time Act 1997

156. European Union Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time was adopted on 23 November 1993 and was transposed into Irish law by the Organisation of Working Time Act 1997.

157. The original Working Time Directive i.e. Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time excluded from its scope air, rail, road, sea, inland waterway and lake transport, sea fishing, other work at sea (offshore work) and the activities of doctors in training. Accordingly, these areas were excluded from the Organisation of Working Time Act 1997. Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amended Council Directive 93/104/EC to bring the above sectors and activities – other than sea transport – back within the remit of the original working time Directive – Directive 93/104/EC. Directive 93/104/EC and Directive 2000/34/EC were consolidated in Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organization of working time.

158. Two separate Directives, were agreed in relation to the organization of working time in the sea transport sector namely,

- Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association and the Federation of Transport Workers' Unions in the European Union, and
- Directive 1999/95/EC of the European Parliament and of the Council of 13 December concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports.

159. The following measures have been taken in relation to transposition of Directive 2000/34/EC:

- The Minister for Communications, Marine and Natural Resources on 18 December 2003 made S.I. No. 709 of 2003 entitled European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulations 2003. These Regulations provide that subject to the limit of an average of 48 hours of work a week over a reference period not exceeding 12 months, the limits on hours of work and rest in respect of a worker on board a sea-going fishing vessel shall be either: (a) maximum hours of work which will not exceed (i) 14 hours in any 24-hour period, and (ii) 72 hours in any seven-day period or (b) minimum hours of rest which shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period. The Regulations also provide that hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length and the interval between consecutive such periods shall not exceed 14 hours.
- The Minister for Health and Children on 28th July 2004 made S.I. No. 494 of 2004 entitled European Communities (Organisation of Working Time)(Activities of Doctors in Training) Regulations 2004. The main effect of these Regulations is that they provide for the reduction of the maximum average weekly working hours of doctors in training to 58 hours during the period 1st August 2004 to 31st July 2007, averaged over a 12 month period, to 56 hours during the period 1st August 2007 to 31 July 2009, averaged over a 6 month period (and over a period of up to 12 months if a collective agreement approved by the Labour Court provides so) and to 48 hours averaged over a period of 6 months (and over a period of up to 12 months if a collective agreement approved by the Labour Court provides so). These Regulations also provide for the rest breaks and rest periods provided for under the Organisation of Working Act 1997 referred to above.

160. The final touches were made in relation to transposition of Directive 2000/34/EC when on 13th December 2004 the Minister for Enterprise, Trade and Employment made two sets of Regulations entitled Organisation of Working Time (Inclusion of Transport Activities) Regulations 2004-S.I. No. 817 of 2004 and Organisation of Working Time (Inclusion of Offshore Work) Regulations 2004-S.I. No. 819 of 2004. The main effect of these Regulations is to apply the maximum average 48 hour working week to air, road, rail, and inland waterway and lake transport and offshore work. These Regulations also exempt transport workers and offshore workers from the rest breaks and rest periods provided for under the Organization of Working Time Act 1997, as referred to above, subject to transport workers receiving adequate rest and offshore workers receiving equivalent compensatory rest.

4. Gender pay gap

161. It is estimated that there is a gender pay gap of some 11% between women and men working in Ireland at present, compared with 22% in Ireland in 1999. However, as the Central Statistics Office points out in “Women and Men in Ireland 2006”, persons working fifteen hours or fewer are excluded from this indicator and that these persons are more likely to be female and persons on lower incomes.

162. It is likely that the introduction of the National Minimum Wage has impacted very positively on women. Prior to its introduction, women were traditionally more likely to have received very low wages if they were working in the sectors which were predominantly female. While the narrowing of the gender pay gap cannot be attributed solely to the introduction of the National Minimum Wage, it is worth noting that the gap was 22% in 1999, the year prior to the introduction of the National Minimum Wage and (using the same statistical series) has now apparently narrowed to about 11% in 2004.

163. The report of the Consultative Group on male/female wage differentials informs a range of Government policies (including childcare, equality legislation, education, tax reform and employment rights) aimed at reducing the gender pay gap and occupational segregation. The biggest root cause of this disparity is the time women take out of the workforce. To address this, Government policy is focused on facilitating access to affordable, quality childcare services for parents and work/life balance. Please see paragraph 58.

(i) *ILO Equal Remuneration Convention*

164. Please see Ireland's most recent detailed report for the ILO Equal Remuneration Convention (no. 100).

(ii) *Equal opportunity for promotion*

165. Please see paragraphs 59-61.

Article 8 – Right to form and join trade unions

1. The right to form a trade union

166. Information on the Right to form a trade union is contained in Ireland's third report under the ICCPR from paragraphs 427 to 430 and paragraphs 227 to 242 of Ireland's initial report under the International Covenant on Civil and Political Rights (CCPR/C/68/Add.3).

2. Collective bargaining

167. For further information on concerns raised by the Committee on Economic, Social and Cultural Rights in the Concluding Observations of the last report on continued impediments to collective bargaining licences for Trade Unions, please see paragraphs 549-564 in part III of this report.

Article 9 – Right to social security

1. Minimum wage and welfare payments

168. The Department of Social Protection has primary responsibility for the development and administration of social insurance and social assistance schemes. Medical care is the responsibility of the Department of Health and Children, and is administered through the Health Service Executive. Further information on minimum wage and welfare payments may be found in annex 2, table 31 and table 18.

2. ILO convention reports

169. Ireland has ratified the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and the ILO Employment Injury Benefits Convention 1964 (No. 121) and submitted reports on compliance with these conventions to the supervisory committees in August and July 2006 respectively. The following material summarises the key changes during the period since 1998, and addresses matters which are not covered fully in those reports or in the first two reports under this Convention.

3. Branches of social security available in Ireland

170. Ireland provides a comprehensive social security package that includes Medical care; Cash sickness benefits; Maternity benefits; Old-age benefits; Invalidity benefits; Survivors' benefits; Employment injury benefits; Unemployment benefits and Family benefits. The ILO Convention No 102 report covers the branches which have been included in that ratification, which are:

- Cash sickness benefits;
- Unemployment benefits;
- Survivors' benefits

171. The Government is currently considering a proposal to add the following branches to Ireland's ratification of the Convention as the relevant standards are met:

- Old-age benefits;
- Family benefits.

172. Employment injury benefits satisfy the higher standards required by ILO Convention No 121.

173. Ireland has not undertaken the obligations of Convention No 102 in respect of:

- Medical care because the number of persons who are covered for free provision of all medical expenses does not reach the required standard, and the level of cost-sharing between the State and the other beneficiaries on GP and pharmaceutical supplies cannot be quantified;
- Maternity benefit, because there is uncertainty as to whether the maximum rate of benefit will remain above the required standard;
- Invalidity benefits because there is no provision for payment of benefit in cases of partial incapacity. Being a flat-rate benefit, it is paid at full rate where a person is incapable of work, and not paid if a person is not incapable of work (a person who is capable of work, but has suffered a loss of physical or mental faculty, may be entitled to disablement pension provided that the loss is a result of work injury or occupational disease);
- In addition, Ireland has not undertaken the obligations of the Convention in relation to old-age benefits or family benefits.

(a) Types of social security schemes and financing

174. The Irish social security system continues to be a mixed system with contributory social insurance benefits for the various contingencies and means-tested social assistance schemes for those who are not entitled to insurance benefits. Table 17 in annex 2 lists the principal schemes for each branch, and indicates the method of financing. Reference to insurance contributions infers employer contribution also.

(b) New and renamed schemes

175. The information given in Ireland's first and second reports (E/1990/5/Add.34 and E/1990/6/Add.29) to the Committee on the different schemes, at paragraphs 186 to 238 and paragraphs 92 to 142 respectively, continues to apply with the following changes:

- Farm Assist was introduced in April 1999 for low-income farmers between 18 and 66 years of age. It is payable to persons who are actively farming and is subject to a means-test.

- A bereavement grant of €635 was introduced in 1999 to replace the death grant. Since 2007 the grant has been €850. The grant is a once-off payment based on PRSI contributions which is paid on the death of certain people such as insured persons, the spouse or partner of an insured person, a child under 18 or under age 22 if in full time education, a contributory pensioner, and the spouse or partner of a contributory pensioner.
- Carer's benefit was introduced in October 2000, providing an insurance-based payment for a person giving full-time care and attention to a person who requires such care. This complements the means-tested carer's allowance which was described at paragraph 115 of the second report. It was introduced simultaneously with employment legislation (Carer's Leave Act 2001) protecting the employment rights of persons who have to give up employment temporarily to provide such care. From October 2000 the benefit was payable for up to 15 months, but this was extended from December 2005 to 2 years. A person who chooses to continue providing such care after the end of this entitlement may claim carer's allowance, subject to satisfying the means condition.
- A Respite Care Grant was introduced in 1999, giving persons in receipt of carer's allowance an annual payment of €254 to enable them to obtain respite care. In 2001 this was doubled and a person who was caring for more than one person was entitled to twice that. Subsequent increases brought the standard amount to €1700 in 2008. In 2005, the respite care grant was extended to all persons (except those registered as unemployed) who are providing full-time care and attention to an incapacitated person, not just to those receiving carer's allowance or benefit. In addition, the standard amount is now payable in respect of each incapacitated person that is being cared for. The grant is payable regardless of whether respite care is purchased or not.
- A widowed parent grant was introduced in 2000 for widows or widowers who are either in receipt of a specified pension or entitled to bereavement grant, and who have at least one qualified child (i.e. under 18 years or under 22 years and in full-time education). The grant is a single payment on the death of the spouse, initially €1270 in 2000, but increased incrementally to €6000 in 2008.

176. The following schemes were renamed during 2006:

- Disability Benefit is now Illness Benefit;
- Retirement Pension is now State Pension (transition);
- Old Age Pension is now State Pension (contributory) or State Pension (non-contributory);
- Orphans Pension is now Guardian's Payment (contributory) or Guardian's Payment (non-contributory);
- Unemployment Payments are now Jobseeker's Benefit and Jobseeker's Allowance;
- Unemployability Supplement – an occupational injury benefit – is now Incapacity Supplement.

177. A new early childcare supplement was introduced from April 2006, providing a payment of €1,000 annually (payable quarterly) for each child under 6 years of age. This was increased to €1,100 in 2008, and was changed in 2009 to a monthly payment of €92.00 up to the age of 5 ½ years. This is a universal payment and is not subject to contribution condition or means test. However, from January 2010 ECS was replaced with a free pre-school year of Early Childhood Care and Education (ECCE) for all children between the ages of 3 years 3 months and 4 years 6 months.

(c) Comprehensiveness of coverage

178. All persons between the ages of 16 and 66 who are employed under a contract of employment are covered for the social insurance benefits, without distinction as to gender or nationality, with certain variations as shown below. At April 2010, the estimated population of Ireland was 4.471 million (CSO Population and Migration Estimates, <http://www.cso.ie/releasespublications/documents/population/current/popmig.pdf>). Of these 3.512 million were over the age of 15 years, including 509,400 over 65 years of age and 369,000 students. A total of 3.108 million are recorded as insured persons (2009 Statistical Report of DSFA). Of these 221,539 are non-active persons covered for health contributions only (Classes K and M, mainly retired pensioners).

179. Over 2.4 million (54% of the entire population, or about 90% of the population between 15 and 65, excluding students) are insured at classes A and H, who are covered for all benefits.

180. The following summarises the other principal classes and shows the percentage for each category related to the total number of the Insured People. Further details of the Classes, including rates of contributions, are given in the Rates of Payment Guide (http://www.welfare.ie/EN/Publications/SW19_08/Pages/sw19_sect1.aspx). The statistics regarding insured persons are taken from the 2009 Statistical report of the Department of Social Protection:

- Self-employed persons are covered only for survivors, old age, maternity and adoptive benefit, and bereavement grant. They represent 10.9% of the insured population.
- Civil and public servants who were employed in permanent and pensionable employment before 1995 pay a reduced contribution and are covered for survivors' benefits, carer's benefit, bereavement grant and limited occupational injuries benefits, as their terms of employment provide full cover for all other contingencies. These are covered by Classes B, C, and D. The number of people involved is 3.5% of the insured population. Similar employees who entered the civil or public service after that date are covered for all contingencies, and their civil/public service pension entitlement is modified, by comparison with earlier employees, to take account of their entitlement to State Pension.
- 1.1% of the insured population are persons over 66 years of age or whose wage is below €38.00 per week who are in Class J. (This wage represents less than 4.5 hours work weekly at the minimum wage, and such a person would be dependent on other sources of income or entitled to social assistance.) Both groups are covered for occupational injury benefits only.
- A list of excepted employments is contained in Part 2 of Schedule 1 to the Social Welfare Consolidation Act 2005. Where a spouse is employed directly by their husband or wife, such employment is excepted for social insurance coverage. This provision, which is longstanding, recognises the practical difficulties in establishing the existence of a genuine contract of employment in these circumstances. Similarly a spouse who is co-helping in an enterprise run by the other spouse is excepted from liability from social insurance unless the business is run as a partnership or is an incorporated legal entity.
- Ireland's social insurance system is complemented by a wide range of social assistance payments, covering those who do not qualify for insurance payments, or who qualify for reduced rates of insurance payments.

(d) Payment rates

181. With the exception of illness benefit, maternity and adoptive benefits, all contributory benefits are flat rate. The personal rate may be reduced where the person's contribution record is intermittent or where they do not have sufficient contributions to qualify for the maximum benefit. In some cases these reductions are minimal e.g., a person with an annual average of 20 contributions will receive 98% of the maximum rate of State Contributory Pension. In other cases payment rates for annual averages below that figure are reduced more proportionally. In addition, a person may be entitled to an increase for the following:

- A qualified adult whose income is less than €310 (maximum rate is payable where income is below €100 weekly, and scaled rates apply where income is above that and under €310); and
- Qualified children (i.e. children under 18 years of age and, in the case of persons in receipt of long-term benefits or short-term benefits for more than 6 months, children between 18 and 22 who are in full time education).

182. Full personal rate of Illness Benefit is payable where the person is otherwise qualified and has an 'average weekly reckonable earnings' of €300.00 or more in the relevant tax year. Where the person's average weekly earnings are less than €300.00, reduced rates are payable and the rate is determined by reference to the appropriate earnings band. Reckonable weekly earnings for this purpose are earnings derived from employment where was insured at PRSI Class A, B, C, D, E, H, J and P. Maternity and Adoptive benefit are calculated as a percentage of earnings in the relevant tax year, initially 70% but this increased to 75% in 2005 and 80% in 2006, subject to a minimum and maximum rate. The minimum rate is based on the benefit rate in other schemes for a beneficiary and one child. The maximum rate is defined by reference to a weekly earnings threshold, which is not tied to any external point of reference but is reviewed from time to time in the context of the annual budget. Table 18 in annex 2 illustrates sample payment rates in 1998, 2002 and 2009 for the principal schemes and the total expenditure of the Department of Social Protection (DSFA) and compares these with the Consumer Price Index (CPI) and the Average Industrial Earnings (AIE). Table 18 highlights that both social insurance and social assistance benefits increased until the economic crisis at a faster rate than industrial earnings and the cost of living. Benefit levels for people of working age have been reduced in the last two Budgets reflecting the exceptional economic circumstances since late in 2008. Child benefit has also been reduced in these Budgets, but some increased targeting of resources for welfare dependent households and families with childcare costs have been introduced to ease the effect of these cuts. Pensioner's incomes have been maintained in recent years, after experiencing significant income gains prior to the economic crisis which resulted in substantial reduction in poverty for people over 65 years of age. While it is acknowledged that the current financial circumstances has meant a decrease in some social welfare payments, it should be seen in the context of very large improvements during the economic boom, and most of the progress which was made in improving rates during the boom years has been maintained.

183. Further information on the schemes can be obtained from the Department's website at <http://www.welfare.ie/EN/Pages/default.aspxpublications> – where the Guide to Social Welfare Services which gives a comprehensive overview of all schemes, booklets giving more detailed information on each scheme, and rates of payment annually from 2003 to 2010 can be accessed. See also, Social Welfare Services Statistical Information Reports which give annual statistics from 1998 to 2009 <http://www.welfare.ie/EN/Policy/ResearchSurveysAndStatistics/Pages/StatInfoReportsIndex.aspx>. Detailed guidelines for each scheme for deciding officers are also published on this website.

(e) Financing

184. In 2010, employer contributions amounted to 74.5% of the income to the social insurance fund, employees contributed 20.5% and the self-employed 4.9%. Prior to 1995, shortfalls in the fund were covered by a State subsidy annually, but this was not required during the period of strong economic growth. However, increased unemployment has meant increased demands on the social insurance fund and as a result it has been necessary for the Exchequer to resume contributing. The rate of contributions has varied only slightly over the relevant period, but there have been significant increases in the thresholds governing employee contributions (Class A). The 2010 rates are:

- Earnings below €352 weekly: Employer 8.5%, employee nil;
- Earnings between €352 and €356 weekly: Employer 8.5%, employee nil on first €127 and 4% on balance. These employee thresholds are applied on a week to week basis;
- Earnings between €356 and €500: employer's contribution increases to 10.75%, employee's remains at nil on first €127 and 4% on balance;
- Earnings above €500: employer's contribution 10.75%, employee's remains at nil on first €127 and 4% on balance.

(f) Overall expenditure

185. Table 18 in annex 2 provides comparisons between the overall expenditure by the Department of Social Protection and GNP and covers the most recent 10 year period available.

186. The following factors should be kept in mind, especially if comparing the level of expenditure with that in other developed countries:

- The level of expenditure is significantly influenced by the age profile of the population. Ireland, currently with a relatively young population, needs to spend less on pensions and healthcare/care of the elderly than most other developed countries.
- For most of the period in question the level of unemployment in Ireland was quite low reaching an average of 4.6% in 2007. However, from 2007 onwards the unemployment rate rose dramatically as the economic crisis took hold and at the end of 2010 stood at 14.1%.
- Comparisons are also affected by the fact that Irish social security payments are flat-rate while most other developed countries have pay-related benefits, financed by considerably higher rates of social security contributions - in some cases 3 times higher than the Irish rates.
- The growth of GNP through most of the period under review has been significantly ahead of that in most other developed countries but, as with the unemployment rate, this has adversely affected in a dramatic way by the economic crisis, falling for 3 years in succession (-3% in 2008, -10% in 2009, -2% in 2010).
- Table 18 in annex 2, showing the increases in benefit rates and in the overall expenditure on social insurance and social assistance benefits in comparison with increases in the cost of living and in the average industrial earnings, is a much more realistic evaluator of the improved standards of social protection than a comparison with GNP.

(g) Private pension schemes

187. Voluntary supplementary pensions play a very important role in the Irish pensions system and account for approximately one quarter (Government of Ireland (2007) Green Paper on Pensions) of overall income in retirement. About one third of retired people have a private or occupational pension (Government of Ireland (2007) Green Paper on Pensions). About 51% of those at work (or 58% of workers aged 30 to 65) are contributing to a supplementary pension (Central Statistics Office (2011) Quarterly National Household Survey (Pension Provision) Q4 2009). The role of supplementary pensions in the Irish system is to supplement the basic rate pensions provided through the social welfare system to ensure that income in retirement is more closely related to the income received by a person when they were employed. The pensions can be provided through a person's employment or directly through pension providers such as banks or insurance companies.

188. The State encourages and promotes membership of occupational and personal pension schemes through favourable tax treatment and regulation to safeguard entitlements. There is tax relief on contributions to such schemes and on the returns on investment while pension funds are being built up. Pension payments are taxable with the exception of a tax-free lump sum.

189. The benefits which derive from supplementary pension schemes are based on the rules of the individual schemes. However, in the case of occupational defined benefit schemes, the benefits are often "integrated" with the State pension to arrive at the overall benefit promised under the scheme.

4. Right to Social Security

(a) Equal treatment

190. With regard to liability for contributions and entitlement to social insurance benefits, women are treated equally to men and non-nationals equally to nationals. Similarly social assistance payments are available without distinction of gender or nationality.

(b) Habitual residence

191. Up to 2004 there was no residence qualification for social assistance payments and a person could qualify for assistance from the date of arrival in Ireland, subject to satisfying the means-test and other relevant conditions. In 1995, Ireland became a country of net immigration rather than emigration because of the change in economic conditions. At the time of EU enlargement in 2004, there was concern that the social assistance provisions were open to abuse, especially since Ireland was one of only 3 countries who did not restrict access to its labour market to workers from the new EU Member States. So, from 1 May 2004 a habitual residence condition was introduced for certain assistance schemes (e.g. state pension (non-contributory), one-parent family payment, Jobseeker Supports) and child benefit. The legislation applies equally to nationals and non-nationals. Determinations on this condition are made with reference to the factors set down in the case law of the European Court of Justice, which were inserted in 2007 into the Social Welfare legislation (Section 30 of the Social Welfare and Pensions Act 2007), (length and continuity of residence, employment prospects, reasons for coming to Ireland, future intentions, and centre of interest), and not by reference to a period of residence alone. The relevant guidelines may be accessed at <http://www.welfare.ie/EN/OperationalGuidelines/Pages/habres.aspx>.

5. Vulnerable groups

(a) People with disability

192. Attention has been given to the particular needs of people with disabilities in a number of reports by the Department of Social Protection. These include the Review of Illness and Disability Schemes 2004, the Disability Sectoral Plan 2006, and a review of the Disability Allowance scheme 2010.

193. Ireland also participated in a wider study undertaken by the OECD, the results of which are contained in “Sickness, Disability and Work – Breaking the Barriers” (OECD, 2010)

194. The Review of Illness and Disability Schemes 2004 examined issues regarding: income support through the range of social welfare payments, poverty and social inclusion, and employment supports for persons with disability. The review of the Disability Allowance scheme 2010 looked in greater detail at the operation of this means-tested scheme which provides income support to persons with disability and on low incomes.

195. The Disability Sectoral Plan 2006 provides an important blueprint for developing services that not only give people with disabilities financial security but also encourages and supports maximum participation in society. An updated Sectoral Plan has been prepared but has not been published pending the completion of significant changes in the responsibilities of key Government Departments and Agencies.

196. Amongst other things, the Sectoral Plan examines accessibility of the Department's services and information, and compliance with other provisions of the Disability Act by the Department and its Agencies, including the Citizens' Information Board which has responsibility for the dissemination of information on all State services and also has a particular role for persons with disabilities.

197. The Department of Social Protection secured funding under the European Social Fund, Human Capital and Investment Operational Programme for a project aimed at the activation of people with Disabilities. The Disability Activation Project was tasked with developing and testing approaches, based on individual case management, to the activation of people on disability/illness welfare payments with a view to increasing their rate of employment.

(b) Equality review of social welfare schemes

198. The Department of Social Protection has undertaken a technical review of the entire social welfare code and examined its compatibility with the Equal Status Act 2000 (as amended). The review examined the schemes and services provided for both in social welfare legislation and in the administrative schemes operated by the Department. It identified instances of direct or indirect discrimination based on the nine grounds under the Act (gender, marital status, family status, sexual orientation, religion, age, disability, race, member of the Traveller community) that were not justified by a legitimate social policy objective or where the means of achieving that objective were either unnecessary or inappropriate.

199. Since the submission of the main report, the findings of the review have been examined and continue to be monitored by the Department. The findings have and continue to contribute to informed planning and policy making to ensure that the social welfare system reflects the needs and expectations of all citizens and is equitable in meeting those needs.

6. Changes in Legislation and Practice

(a) Social Welfare Consolidation Act 2005

200. In 2005 the principal legislation covering social assistance and social insurance schemes was again consolidated.

(b) Entitlement at pension age

In 2006, provision was made for the automatic transfer of a person at age 66 from Retirement Pension or Invalidity Pension to State Pension (contributory). Similarly, persons over pension age and in receipt of Widow's or Widower's non-contributory Pension, One-parent Family Payment or Farm Assist were transferred to State Pension (non-contributory).

(c) Duration of Maternity and Adoptive Benefit

201. The duration of entitlement to Maternity Benefit was extended from 14 weeks to 18 weeks in 2001, from 18 weeks to 22 weeks in 2006 and from 22 weeks to 26 weeks in March 2007.

202. In 2004 the minimum period of maternity leave and entitlement to Maternity Benefit prior to the expected date of confinement was reduced from 4 weeks to 2 weeks. Unpaid statutory leave (in addition to the period of entitlement to Maternity Benefit) has also been increased over the period from 4 weeks to 16 weeks. Social insurance contributions are credited throughout this period in order to ensure continued protection of benefits.

203. The duration of entitlement to Adoptive Benefit was adjusted in line with the period of post-confinement entitlement to Maternity Benefit – e.g. 20 weeks in 2006 rising to 24 weeks in 2007. In addition there was an increase in benefit rate from 70% of reckonable earnings to 75% in 2005 and to 80% in 2006.

(d) Duration of Unemployment Benefit

204. From January 2004 maximum entitlement to jobseeker's benefit was reduced from 15 months to 12 months where the recipient has less than 260 weekly paid contributions.

205. From October 2008, the following provisions regarding duration apply:

- Maximum 12 months where 260 or more weeks contributions have been paid;
- Maximum 9 months where less than 260 weekly paid contributions;
- Maximum 6 months where the recipient is under 18 years of age (this is unchanged);
- Payable up to pension age (66 years) if a person is over 65 and has paid at least 156 contributions while in insurable employment (unchanged).

(e) Change of contribution conditions

206. For jobseeker's benefit, the qualifying number of paid weekly contributions was increased from 39 to 52 with effect from April 2004. From January 2009 a person will need a minimum of 104 weekly contributions paid in order to qualify, including 13 in the relevant tax year, and the earnings thresholds at which reduced rates of benefit are paid were increased. Where a person has insufficient contributions to qualify for the benefit or is still unable to obtain work after the expiry of the period of entitlement to benefit, jobseeker's allowance is payable subject to a means test. A person with no assessable means will continue to receive the same rate of allowance as the benefit previously payable.

(f) Illness benefit changes

207. For illness benefit, the qualifying number of paid weekly contributions was also increased from 39 to 52 with effect from April 2004. From January 2009, a minimum of 104 paid contributions are required and the earnings thresholds at which reduced rates of benefit are paid were increased. A person who does not satisfy the contribution conditions for these benefits may, subject to a means test, receive supplementary welfare allowance. The rate of such allowance for a person with no assessable means is the same as the rate of benefit which would be payable if the contribution condition was satisfied. A limit of 2 years duration for new claimants was introduced in January 2009. Invalidity pension may be payable instead of illness benefit in cases where the illness is expected to continue thereafter for at least another 12 months.

(g) Easing of conditions for carer's payments

208. In June 2006 the number of hours for which a carer could be engaged in employment, self-employment, education or training outside the home and still be deemed to be providing full time care and attention for the purposes of carer's allowance, carer's benefit and the respite care grant was increased from 10 to 15 hours per week.

(h) Easing of means assessments

209. A number of improvements in means testing provisions have been introduced in order to facilitate the entry or re-entry of persons into the workforce and to ease the assessment to means generally. The recent improvements included:

- An easing of the assessment of earnings provides that a reduced rate of One-Parent Family Payment is payable where earnings exceed €146.50 but are less than €425 per week.
- In the case of Disability Allowance, from June 2006 the first €120 of weekly earnings and 50% of earnings between €120 and €350 from employment or self-employment of a rehabilitative nature are disregarded. This means that a recipient can earn up to €437 per week before the allowance is fully withdrawn.
- Improvements in income disregards for persons in receipt of jobseeker's allowance and engaging in part-time work – €20 per day is now disregarded up to a maximum of 3 days (€60) and the balance assessed at 60%.
- The amount a spouse or partner of a working age scheme recipient can earn without total loss of the qualified adult increase has been increased to €310 weekly.
- The earnings threshold for Carer's Benefit has been increased to €332.50 per week.
- Recipients of Carer's Allowance can now have an income of €332.50 per week or €665 for a couple and still qualify for a payment at the maximum rate.
- Recipients of the State Pension (non-contributory) may earn up to €200 per week from employment without it affecting their entitlement.
- The general means disregard (apart from earnings) for State Pension (non-contributory) has increased from €7.60 to €30 per week.
- A recipient of disability allowance may have capital of €50,000 without the allowance being affected, and recipients of other schemes can have capital of €20,000 without affecting entitlement.

(i) Extension of additional benefits for the elderly

210. Household benefits (e.g. electricity allowance, telephone rental, television licence) were made available to all persons over 70 years, without the condition that they are in receipt of specified pensions or subject to a means-test.

(j) Extension of disability allowance in residential care

211. People in residential care prior to August 1999, and those who entered residential care subsequent to that date without a pre-existing entitlement to Disability Allowance, used to be disqualified from receipt of Disability Allowance because of their residency. This situation was partially addressed in June 2005 when a new Disability Allowance (Personal Expenses Rate), was introduced for those in residential care, paid at a rate of €35 per week.

212. From 1 January 2007, people in residential care became eligible for full Disability Allowance as a matter of right, subject only to the same conditions as apply to others. This ensures that all persons with disability in residential care have an entitlement to an income maintenance payment and are treated in the same way as other social welfare recipients.

(k) Inclusion of pre-1953 contributions for Old Age Pension

213. In 2000 the qualifying conditions for Old Age Contributory Pensions (now State Pension (contributory)) were changed to give additional recognition to social insurance contributions made prior to 1953 i.e. before the unified system of social insurance was introduced. The changes provided for a special pension of 50% of the full-rate where a person has 260 contributions paid, which can comprise a mix of pre- and post-1953 contributions.

(l) Extension of child dependent increases

214. From September 2003, persons who have been in receipt of short-term payments (e.g. illness benefit, jobseeker's allowance or benefit, or supplementary welfare allowance) for more than 6 months will be entitled to an increase of payment for a dependent child who is over 18 years and under 22 years of age and is in full-time education. Prior to September 2003, only long-term recipients received an increase for this category of dependent.

(m) International coordination of social security

215. The Coordination of Social Security for migrant workers moving between EU Member States is governed by EC Regulations 883/2004, as amended, which replaced Regulation 1408/71 which will come into effect from the 1st May 2011.

216. Bilateral Agreements on Social Security continue to be in place with Australia (Revised in minor ways with effect from 1 January 2006), Canada, New Zealand and the USA. Agreements with Austria and Switzerland are only applicable in very limited circumstances when EC Regulation 883/2004 does not apply. A revised agreement with the United Kingdom, relating to the Isle of Man and the Channel Islands, came into effect on 1 October 2007. A new Agreement with the Republic of Korea came into effect on 1 January 2009 and a new agreement was made between Ireland and Japan on 1 December 2010. These agreements protect the pension entitlements of Irish people who go to work in these countries and they protect workers from those countries who work in Ireland.

Article 10 – Protection of the family

1. Measures in place to protect the family

217. The Government are committed to protecting the family through political, economic, social and other measures which will support the stability of the family. Comprehensive information on measures to protect the family was submitted to the Committee under the ICCPR report (CCPR/C/IRL/3) in Paragraphs 433 to 452.

218. A range of family income support programmes are provided by the Department of Social Protection. These include Child Benefit, Widow/Widower's payments, and payments for families who are out of work through illness or unemployment, One-Parent Family Payment for parents raising children alone, Family Income Supplement and provision for carers. Please see annex 2, table 16 and 17.

(a) Maternity cash benefits

219. For information on Maternity Cash benefits see Article 9.

(b) Maternity protection measures in place

220. Ireland is considering the ratification of ILO on Maternity Protection Convention (No. 183).

221. The Maternity Protection (Amendment) Act 2004 made significant improvements to previous maternity protection legislation including new provisions relating to ante-natal classes, additional maternity leave, breastfeeding and a reduction in the compulsory period of pre-birth confinement.

(c) Parental Leave Act 1998

222. Please see annex 1, paragraph 20.

(d) Orphans' Cash Benefits

223. Please see annex 2, Table 18.

(e) Attainment of the age of majority

224. For more information on the attainment of the age of majority the Committee is referred to paragraphs 219-235 of Ireland's Second Report on the Convention on the Rights of the Child (CRC/C/IRL/2) and the subsequent reply by the Government of Ireland to the List of Issues (CRC/C/IRL/Q/2/Add.1). It should be noted that, in relation to paragraph 235, Part 5 of the Children Act 2001, in relation to raising the age of criminal responsibility from seven to twelve years of age, commenced on 16 October, 2006.

(f) Age of employment of children

225. Paragraphs 230-232 and 768-771 of Ireland's second report under the Convention on the Rights of the Child (CRC/C/IRL/2) and the subsequent Reply to the List of Issues (CRC/C/IRL/Q/2/Add.1) refer thereto.

2. Measures in place to protect the child

(a) The agenda for children's services

226. The dominant focus in child care services since the early 1990s has been on the protection and care of children who are at risk. More recently, the policy focus has shifted

to a more preventive approach to child welfare, involving support to families and individual children, aimed at avoiding the need for further more serious interventions later on.

227. Arising from the work undertaken in the course of the Review of Family Support Services, a decision was made to build on this work and to develop a national policy for all children's health and social services i.e. "The Agenda for Children's Service". Please see: http://www.dcy.gov.ie/documents/publications/CS_handbook%5BENGLISH%5D_lowres.pdf

(b) Health information and quality authority / inspection of foster care in Dublin

228. The establishment of the SSI on a statutory basis was provided for in the Health Act, 2007. The Social Services Inspectorate (SSI) within HIQA continues to inspect HSE residential centres, excluding private/voluntary centres, under Section 69 of the Child Care Act, 1991 and all foster care services and children detention schools. The HSE undertakes inspections of private and voluntary residential facilities.

(c) Children First

229. The 'Children First' Guidelines were first published in 1999. Over the last eleven years they have operated as the over-arching national guidelines for all individuals and agencies that come into contact with children. The aim of Children First is to give direction to the identification, investigation, assessment, reporting, treatment and management of child abuse. For further information please see: http://www.dcy.gov.ie/viewdoc.asp?fn=/documents/Publications/Children_First_A4.pdf

230. The guidelines have helped to inform the development of the various child protection guidelines and practices currently operating across sectors with responsibility for children, including health, education, justice, sports, youth work, leisure, community and voluntary organisations and the faith based sector.

231. In response to the publication of the Ferns Report, a national review of compliance with the Children First guidelines by State bodies and NGOs was conducted by the OMCYA in partnership with all relevant Government Departments.

232. The key finding of the review was that, in general, difficulties and variations in relation to implementation of Children First have arisen as a result of local variation and not from fundamental difficulties with the guidelines themselves.

233. Learning during the decade since Children First was introduced has stressed that a good child protection service reaches beyond the reporting mechanism: a culture and practice of keeping children safe has to be embedded in all organisations working with children. This requires that supporting frameworks and legislation are put in place to ensure that these obligations are met.

234. Following the publication of the Report of the Commission to Inquire into Child Abuse in 2009, a commitment was given to publish a revised edition of Children First and to ensure that it would be uniformly and consistently implemented throughout the State. For further information please see: http://www.dcy.gov.ie/documents/childcare/Children_First.pdf

(d) Referendum on children**(i) *Background to setting up of Joint Committee on the Constitutional Amendment on Children (JCCAC)***

235. On the direction of the Government, proposals were brought on a referendum to amend the Constitution in respect of children, and the Twenty Eighth Amendment of the Constitution Bill, 2007 was published on 19 February 2007.

236. Due to the complexity and sensitivity of its work, the Committee's scheduled reporting date was extended on five occasions.

(ii) *First interim report of JCCAC on Article 42(A).5.1 of the Proposed Amendment: Exchange of 'Soft Information'*

237. On 11 September 2008 the Committee presented an Interim Report to the Oireachtas recommending that the Government should prepare and publish legislation to be brought before the Houses of the Oireachtas to establish a statutory scheme:

- For the vetting of all persons involved in working in any capacity with children;
- For the statutory regulation of the manner in which information in relation to records of criminal prosecutions, criminal convictions and 'soft' information may be collated, exchanged and deployed by An Garda Síochána or other Statutory Agencies for the purpose of ensuring the highest standards of child protection within the State; and
- To require that all agencies, organisations, bodies, clubs, educational and childcare establishments and groups working with or involved with children ensure that all of those working under their aegis either in a paid or voluntary capacity with children are subject to vetting.

238. The Second Interim Report of the JCCAC on absolute or strict liability in respect of sexual offences against or in connection with children was published on 7th May 2009.

239. The Minister for Health and Children presented a copy of the third and final report of the Joint Committee on the Constitutional Amendment on Children to Cabinet in early March 2010. The Cabinet decided that, in view of the complex nature of the issues involved, all Ministers and Government Departments as well as the Attorney General should consider the report and examine the implications of the proposed wording for their individual areas of responsibility.

240. The Government is committed to holding a referendum on a Constitutional amendment and work is proceeding under the direction of the Minister for Children and Youth Affairs. In particular, the following tasks are currently being undertaken in preparation for a referendum during 2012:

- Drafting of a referendum bill;
- Development of proposals for changes in adoption law in the event of a Constitutional amendment being passed.

(e) Children in situations of emergency

(i) Separated children seeking asylum

241. The immediate and the ongoing needs of unaccompanied minor asylum seekers relating to accommodation, medical and social needs as well as their application for refugee status are the responsibility of the HSE in accordance with the Refugee Act, 1996 (as amended) and the Child Care Act, 1991.

242. The HSE has developed a national policy on the standards and services to be provided to separated children seeking asylum. The policy seeks to achieve equity and equality of services to separated children seeking asylum vis a vis indigenous or resident children and to ensure that there is no differentiation of care provision, care practices, care priorities, standards or protocols.

243. The HSE has developed plans to move to a more comprehensive model of care for these children which recognises that each child should be accommodated in a service either with a foster care or residential placement that meets all relevant standards as well as providing the necessary security and grounding in the community that is appropriate for their needs.

244. The Health Service Executive has phased out the hostel type of care arrangement with the provision of care for separated children seeking asylum being provided on a national basis with each child cared for in a registered care placement or equivalent.

(ii) Separated children transferring to adult services

245. In January, 2009 the HSE in co-operation with the Reception and Integration Agency (RIA – operated by Department of Justice and Law Reform) agreed a policy for the transfer of separated children into adult services once they reach the age of 18. The Department of Children and Youth Affairs, HSE and the Department of Justice and Law Reform have continued to examine and monitor the provision of aftercare to separated children especially during their transition from children's to adult services.

(f) Children involved with the system of administration of juvenile justice

246. Further information on children involved with the system of administration of juvenile justice is included in paragraphs 219-240 of Ireland's Third Report under the ICCPR (CCPR/C/IRL/3). There have been some developments in this regard.

247. The Irish Youth Justice Service (IYJS) is an executive office of the Department of Justice and Law Reform with responsibility for leading and driving reform in the area of youth justice. For further information, please see <http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FYouthJustice%2Fintro.htm&mn=iric&nID=1>.

248. On the 16 October 2006, under the Children Act 2001, the age of criminal responsibility was effectively raised from 7 to 12 years. This ensured that no child under 12 could be charged with an offence, except for the most serious offences if committed by a 10 or 11 year old. In addition, the Director of Public Prosecutions (DPP) must give consent for any child under the age of 14 years to be charged.

249. The Garda Juvenile Diversion Programme, which was placed on a statutory basis under part 4 of the Children Act 2001, enables child offenders to be dealt with by way of police caution rather than the formal prosecution/court system. The Act was amended to enable the Diversion Programme to be available in the cases of 10 or 11 year olds; previously the minimum age was 12 years. Please see annex 2, Table 19 for statistics.

250. Development of the national children detention facility, located in Oberstown, is planned to provide sufficient facilities to enable the accommodation of 16 and 17 year old boys presently catered for by the Irish Prison Service. All females up to 18 are already accommodated on the Oberstown campus.

251. Information on the protection of children from sexual exploitation and abuse is contained in Ireland's second report under the Convention on the Rights of the Child (CRC/C/IRL/2) in paragraphs 785-793 and the Reply of the Government of Ireland to the List of Issues (CRC/C/IRL/Q/2/Add.1).

(g) Children belonging to a minority or indigenous grouping

252. Information on children belonging to a minority or indigenous grouping is detailed in Ireland's Second Report on the Convention on the Rights of the Child (CRC/C/IRL/2) in paragraphs 794 to 799 and the Reply of the Government of Ireland to the List of Issues (CRC/C/IRL/Q/2/Add.1).

(h) Children who are deprived of their family environment

Youth homelessness

253. The Youth Homelessness Strategy, which can be found at http://www.dcy.gov.ie/documents/publications/Youth_Homelessness_Strategy.pdf sets out the policy framework for youth homelessness services. It comprehensively details how the HSE can best meet the needs of these young people including its family support services, aftercare services, emergency responses, comprehensive assessment of these children and development of a care plan, accommodation options etc.

254. In recognition of the linkages between the provision of aftercare and the issue of homelessness for young people leaving care, the provision of an appropriate aftercare service has been highlighted as a key element to achieving positive outcomes for young people leaving care and a National Aftercare Policy is being finalised. Aftercare services can include the provision of information, needs assessment, care planning, independence skills training, financial/budgeting advice and training, accommodation services, work with young people, drop-in services, and programmes with partnership agencies.

255. Work is ongoing to ensure the implementation of the Youth Homeless Strategy in a co-ordinated manner both for young people leaving care and for young people becoming homeless who were not formerly known to the childcare services.

256. For more information on Youth Homelessness please see paragraph 467 of Ireland's Third Report under the International Covenant on Civil and Political Rights (CCPR/C/IRL/3).

(i) Children with disabilities

257. For more information on children with disabilities please see paragraphs 477-504 of Ireland's second national report under the Convention on the Rights of the Child (CRC/C/IRL/2) and the Reply of the Government of Ireland to the List of Issues (CRC/C/IRL/Q/2/Add.1).

(j) Refugee and asylum seeker children

258. The Office of the Refugee Applications Commissioner (ORAC) recognises the importance of addressing the special needs of all vulnerable groups within the asylum process including unaccompanied minors.

259. Under the provisions of the Refugee Act 1996, where it appears that a person is under the age of 18 years (a minor) and unaccompanied, the person must be referred to the HSE which will then decide whether or not to make an application for asylum on their behalf. In the event that an application is made, the HSE will then assist the minor throughout the asylum process, including by accompanying them to their interview. ORAC has put in place guidelines in relation to the determination of applications from unaccompanied minors. In developing these guidelines, account was taken of past experience, United Nations High Commissioner for Refugee (UNHCR) recommendations and advice, as well as the EU Children First Programme.

260. The best interests of the child are a primary concern in the processing of applications by the Office of the Refugee Applications Commissioner. ORAC has guidelines in place in relation to the determination of applications from unaccompanied minors/separated children. In developing these guidelines, account was taken of past experience, UNHCR guidelines and advice, as well as the EU *Children First Programme*. The ORAC Guidelines make specific reference to the best interests of the child. ORAC also works with other agencies to ensure that the procedures take into account what is in the best interest of the child, who is applying for asylum. Regular meetings are held with the Health Service Executive and the Refugee Legal Service in order to arrange for the processing of unaccompanied minor cases and to deal with practical issues as they arise. ORAC, together with the other agencies involved in dealing with unaccompanied minors, believes that there are advantages to adopting a multi-agency approach in the training of practitioners in this area and as a result the specialised training programme for staff dealing with unaccompanied minors is also attended by representatives from the Health Service Executive, Refugee Appeals Tribunal and the Refugee Legal Service. This training has involved presentations by child care experts, with a focus on issues such as psychological needs, child specific aspects of the refugee process, the role of the social worker and other issues particular to refugee status determination for unaccompanied minors. The training module has been developed by UNHCR and the training is facilitated by UNHCR. The authorised officer, who prepares the report and recommendation in relation to cases involving unaccompanied minors, would also have received the specialised training programme mentioned above. Special procedures are also in place in the Refugee Appeals Tribunal to process claims for asylum from unaccompanied minors. A number of members of the Tribunal have undergone specific training for dealing with unaccompanied minors. Only these trained members of the Tribunal deal with such cases. In addition, the HSE (and the legal representative) accompany separated minors at appeal hearings. The decisions of the Tribunal are sent to the unaccompanied minor and his/her legal representative. The HSE is also notified when such a decision issues.

261. ORAC has endeavoured to ensure that a suitable environment is provided which will encourage very young children to fully explain their claims. This includes creating child-friendly interview rooms and adopting an approach designed to put the child at ease and to facilitate their comfortable participation in the interview process. More information on measures in place to protect refugee and asylum seeking children, including unaccompanied minors can be found in paragraphs 719 and 725-728 of Ireland's second report under the Convention on the Rights of the Child (CRC/C/IRL/2) and the Reply of the Government of Ireland to the List of Issues (CRC/C/IRL/Q/2/Add.1).

(k) Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

262. The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 was enacted in July 2010. The Act established a scheme of registration of civil partnerships for same-sex couples together with a range of rights and duties consequent on registration including in relation to maintenance, shared home, succession and pensions. A civil

partnership ends only on the death of a partner or on dissolution by the court, after the civil partners have been separated for at least two of the previous three years.

263. The tax and social welfare codes have are being amended to extend to civil partners the same treatment under those codes as spouses currently receive.

264. The 2010 Act also:

- created a cohabitant's redress scheme for same-sex and opposite-sex couples giving protection to an economically dependent party at the end of a long-term cohabiting relationship where the couple has not chosen to marry or to register in a civil partnership, and
- gave legal recognition to cohabitant agreements enabling cohabitants to regulate their joint financial affairs.

Article 11 – Right to adequate standard of living

265. Article 11 recognises the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement on living conditions.

266. In Ireland, the right to an adequate standard of living is given expression in the official Irish Government definition of poverty:

People are living in poverty if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living which is regarded as acceptable by Irish society generally. As a result of inadequate income and resources, people may be excluded and marginalised from participating in activities which are considered the norm for other people in society. (National Action Plan for Social Inclusion 2007-2016)

267. Three indicators are used to monitor poverty trends reflecting its multi-dimensional nature: 'at-risk-of-poverty', defined as having an equivalised income below 60% of the median; basic deprivation, defined as lacking at least two of 11 basic necessities, and the overlap of the two, known as consistent poverty. The primary poverty indicator, as used to set the national poverty target, is consistent poverty. This indicator identifies the population which has the greatest needs in terms of both low income and lack of resources.

268. Diagram 1 shows trends in poverty between 2005 and 2010. Consistent poverty fell from a baseline rate of 7% in 2005 to 4.2% in 2008 before increasing over the next two years to reach 6.2% in 2010. Looking at the component indicators of consistent poverty, at risk-of-poverty decreased on a continuous basis from 18.5% in 2005 to 14.1% in 2008, before increasing to 15.8% in 2010. From a baseline of 15%, material deprivation reached its lowest point in 2007 (12%), before rising in successive years to 22.5% in 2010. Significantly, the rate of material deprivation is now greater than that of at-risk-of-poverty. This is a major turnaround in recent years. The combination of the three indicators (as per the EU measure of at risk of poverty or exclusion), is 32.1% in 2010. This is an increase from the 2005 figure of 26%. (See Diagram A – Poverty trends 2005-2010.)

269. Not all age groups have the same poverty risk: children and families containing children, especially lone parent families, are more likely to be in poverty. Older people are least likely to be in poverty. Among people of working age, those not in employment are more likely to be in poverty.

270. The Irish government has adopted a national poverty target as part of its National Action Plan for Social Inclusion (NAPinclusion). The target is to reduce consistent poverty to between 2-4% by 2012 and to eliminate it by 2016, using the 2005 rate of 7% as the

baseline. This target is currently under review and this is expected to be submitted to government shortly.

271. Ireland has also adopted a national poverty target in relation to the EU poverty target in *Europe 2020: A strategy for smart, sustainable and inclusive growth*, which is to lift at least 20 million people out of the risk of poverty and exclusion by 2020. Ireland's contribution to the European target is to lift at least 186,000 people out of consistent poverty by 2016, using 2008 as the baseline year. Again, this target is currently under review.

272. The Government's commitment to an adequate standard of living can be judged by comparing the minimum rate of income support with the threshold for at-risk-of-poverty (diagram 2). This shows that the minimum income has increased continuously as a percentage of the at-risk-of-poverty threshold since 2000 and by 2010, was the equivalent of 100% of the threshold. (See Diagram B: Minimum income as a percentage of at-risk-of-poverty threshold.)

273. The increased investment by Government in social protection/social transfers in the early to mid-2000s, and the continuation of much of this investment since the economic recession (though with reductions in rates in 2010 and 2011) has significantly reduced the at-risk-of-poverty rate. The 'poverty reduction effect of social transfers' (the percentage reduction in the at-risk-of-poverty rate before and after social transfers) in 2010 was 69% (including pensions) and 60.2% (excluding pensions).

274. An alternative measure of an adequate standard of living has been developed by independent researchers using of a 'consensual budget standards approach'.¹ This approach draws up a list of goods and services considered essential to meet a person's / household's physical, psychological, spiritual and social needs. On the basis of this minimum essential budget, a minimum income standard (MIS) can be constructed. The main findings from the latest assessment are:

- MIS varies depending on household composition and location, with the lowest for the single adult of working age living in an urban area and the greatest for a two parent household with a fifteen and nineteen year old in a rural area.
- Nine out of the 40 situations of social welfare dependency examined have an income sufficient to afford the minimum expenditure costs.
- Income inadequacy is significant at the first stage of a child's life, before declining at pre-school age and increasing again as the child grows older.
- The minimum wage is inadequate to meet the minimum requirements of both urban and rural single adult households.

1. The right to adequate food

275. In 2010, 5.5% of the population were unable to afford a roast once a week, while 3% were unable to afford a meal with meat, chicken or fish every second day.² The Department of Health is preparing a national food and nutrition policy and an NGO, Healthy Food For All Initiative, seeks to combat food poverty by promoting access, availability and

¹ Collins, M. L., MacMahon, B., Weld, G., and Thornton, R. (2012) *A Minimum Income Standard for Ireland: A consensual budget standards study examining household types across the lifecycle*, Policy Institute Studies in Public Policy No. 27, Dublin: The Policy Institute, Trinity College Dublin.

² Source: CSO, 2012. *Survey on Income and Living Conditions (SILC), Preliminary Results 2010*. Cork: CSO.

affordability of healthy food for low-income groups (see <http://www.healthyfoodforall.com/>).

276. The Agrifood industry is Ireland's largest indigenous industry which collectively employs some 150,000 people with an annual output of over €24 billion. Ireland is over 100% sufficient in many of the basic foodstuffs. The industry plays a significant role in the socio-economic fabric of rural and coastal communities. In 2008, primary agriculture employment accounted for 5.4% of total employment. The total number of people employed in agricultural and food, drinks and tobacco is 8.3%.

(a) Food quality

277. Quality Assurance Standards build in legal rules, best practice and market demand. Typically these cover animal identification and traceability, animal health & remedies, feeds & records, animal welfare, nutrition and housing, environmental protection and farm safety. Bord Bia, the Irish Food Board, has Quality Assurance Schemes (QAS) in place for beef, lamb, pig meat, poultry, eggs and horticultural produce which promote high standards at producer and processor level and provide quality assurances to consumers and retailers above minimum regulatory standards. The QA Scheme are independently verified and accredited to international standards (EN45011) and play a significant part in the promotion and marketing of food and horticultural products.

278. The Beef QAS has been recently accredited to the internationally recognised specification, PAS 2050 in association with The Carbon Trust in the UK. From early 2011, the environmental performance of all farms participating in that scheme is tracked on an ongoing basis to demonstrate in objective terms the green credentials of Irish beef production. It is understood to be the first scheme of its type in the world to incorporate an objective assessment of the carbon footprint.

(b) Food consumption

279. Irish lifestyles in terms of diet and a decline in workplace or recreational activity have changed dramatically over the past 20 years. Issues surrounding health and nutrition are at the forefront of public policy and long term improvements in the nation's diet depend on the adoption of successful strategies with children. In 2010, Bord Bia estimated that Irish consumers consumed 19.5kg of beef, 31.6 kg of pig meat, 29kg of poultry meat and 3.5 kg of lamb per capita. According to the CSO, consumption of dairy products in 2009 stood at 6.4kg for cheese, 2.6kg for butter and 2.4 litres for cream.

2. The right to housing

(a) Housing policy

280. The core objective of housing policy in Ireland is "to enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice."

281. One of the central objectives of social housing policy is the development of a flexible system of graduated supports which take account of changing household circumstances over time and at various stages of the life-cycle, with a shift in increasing shift in emphasis towards meeting need through more flexible options, including leasing, rental, and a greater role for the voluntary and co-operative housing sector. The expansion of the range of schemes is in line with the objectives of the Government's housing policy statement, Delivering Homes, Sustaining Communities.

282. In the lifetime of the housing policy statement, however, the landscape of housing in Ireland has changed drastically. From a period of rapid house price growth and a booming economy, Ireland has experienced a decline from the peak in 2007 to levels of affordability last seen in the early to mid-1990's. However, the housing market is characterised by:

- Very weak or non-existent demand for home ownership;
- Little prospect of any substantial recovery of demand in the near future without a rapid return to very strong economic performance and growing employment;
- High levels of negative equity and growing mortgage arrears, albeit with very low levels of house repossession by international standards;
- An oversupply, in some areas, of completed, vacant housing units.

283. Demand for social housing has increased in this period of time, while the availability of resources to meet that need has come under significant pressure.

(b) Legislation governing social housing in Ireland

284. The legislation governing social housing in Ireland is the Housing Acts 1966-2009. While the legislation does not confer any statutory right to housing, the range and extent of measures implemented under the Housing Acts demonstrates the State's long standing commitment to ensuring that housing needs, especially social housing needs, are adequately addressed.

285. The Equal Status Acts prohibit discrimination, sexual harassment and harassment, and victimisation, in the provision of goods and services, accommodation and educational establishments.

(c) Statistics on the housing situation in Ireland

286. An electronic version of the Department of the Environment, Heritage and Local Government's most recent annual housing statistics bulletin for 2008 is available on their website – www.environ.ie. It contains data on the housing stock, tenure type, and state investment in social and affordable housing measures. This website is updated regularly – web based excel sheets contain social and affordable housing output statistics since 2000. The most recent statutory assessment of housing need took place in March 2008. It was the most rigorous to date, requiring local authorities to collect detailed data on all households on their waiting lists and has enabled a more in-depth analysis of data in respect of all households.

(d) Homeless households

287. The number of homeless households that were eligible and in need of social housing support throughout the State according to the local authorities in March 2008 assessment of needs is 1,394. A breakdown of this figure by household on a local authority basis is available on the Department of the Environment, Heritage and Local Government website at www.environ.ie

(e) Youth homelessness

288. Please see paragraphs 253-256.

(f) Homeless numbers recorded in assessment of housing need

289. The National Homeless Strategy 2008-2013 'A Way Home' was published in August 2008. The Housing (Miscellaneous Provisions) Act 2009 commenced on 1 February 2010 and this put local homeless action plans on a statutory basis. Statutory Regional Joint

homelessness Consultative fora have been established and they adopted regional action plans in 2010.

290. Nationally there has also been significant progress in reducing the numbers of homeless persons. In the Housing Needs Assessment 2008, annexed to this report, local housing authorities recorded a 42% fall in the numbers of homeless households from 2,399 in 2005 to 1,394 in 2008.

291. A new scheme Support to Live Independently was announced in July 2009 to help people progress from homelessness to independent living in mainstream housing. The SLI Scheme commenced operation in Dublin in the last quarter 2010. Other housing options were assertively pursued during 2010 for the provision of long term accommodation for homeless including providing long term tenancies in homeless facilities that were being converted to independent self-contained units, a new leasing scheme, RAS and the social housing lettings scheme. In addition to the sourcing of long term accommodation solutions there was sufficient bed capacity on a nightly basis to accommodate all those in need of emergency accommodation and an assertive outreach service assisted in eliminating the need for homeless persons to sleep rough.

(g) Number of households currently in unfit and overcrowded accommodation

292. The 2008 Housing Needs Assessment identified 1757 households as currently living in unfit accommodation and a further 4805 households living in overcrowded conditions. This is illustrated in Table 20 in annex 2. Table 21 in annex 2 includes the breakdown of these figures by housing authority.

(h) Number of households whose housing expenses are above any government-set limit of affordability, based on ability to pay or as a ratio of income

293. The 2008 Housing Needs Assessment identified 29,583 households as having a housing need by virtue of not being reasonably able to meet the cost of accommodation. Table 22 in annex 2 contains a more detailed breakdown of this figure.

(i) Waiting lists for obtaining accommodation

294. A detailed picture of waiting list time by housing authority is included in Table 23 in annex 2. A number of alternative supports are available to households while they are awaiting social housing support from housing authorities, including income support (Rent Supplement) provided by the Department of Social Protection, and emergency and temporary accommodation for those in need of immediate housing support from housing authorities.

295. The housing policy statement Delivering Homes, Sustaining Communities published in 2007 announced a new means of assessing housing need. Key concerns in this new assessment process are to ensure consistency, efficiency, accuracy and equity in assessment while reflecting individual choice and the incorporation of the lifecycle framework into social policy. The Housing (Miscellaneous Provisions) Act, 2009 regulations will provide a standard approach to the carrying out of assessments across all housing authorities.

296. The total capital budget for social and affordable housing in 2011 is €1.4 billion across all programmes.

(j) Measures taken to encourage local community-based organisations

297. This sector, known in Ireland as the voluntary and co-operative housing sector, has grown significantly in recent years and is making a major contribution to social housing provision in Ireland. Over 1,900 units were completed in 2009 and it is expected that a

further 1,100 will have been completed in 2010 with funding of over €200 million provided. To date some 23,000 units of accommodation in total have been provided by the Sector. The sector, which operates in all parts of the country, can avail of grants of up to 100% towards its projects from the State. New funding arrangements are being advanced to help the sector to develop further.

(k) Measures taken to build housing units including affordable housing

298. The needs of a broad range of affordable home purchasers, particularly those on lower incomes, have been being addressed through the affordable housing schemes; however demand for affordable housing has decreased significantly in recent years.

299. Over 23,000 units were provided under the various affordable housing schemes between 2002 and 2009.

(l) Measures taken regarding unutilized land

300. Local authorities are now required to draw on their Housing Strategies and Housing Action Plans and engage in a process of active land management. The process, initiated in 2005, is based on the premise that it is essential that the land required for the level of delivery envisaged in Housing Action Plans is available in the quantities required, at the appropriate time and in the right locations.

(m) Rights regarding freedom of movement

301. Rights regarding freedom of movement within the State, and the requirement for temporary residential facilities, are addressed in paragraphs 304-306 of Ireland's third Report under the ICCPR (CCPR/C/IRL/3).

(n) Traveller community and the right to housing

302. Measures in place to ensure that members of the Traveller Community have access to suitable accommodation, including detailed statistics on the situation of Traveller families, are included in paragraphs 596-601 and Table 36 of annex 2.

3. The right to water

303. Water supplies in Ireland are generally provided by local authorities (public supplies) or by privately operated member-owned co-operatives (the group scheme sector). Standards to ensure access to safe and wholesome drinking water are set and enforced under the European Communities (Drinking Water) Regulations 2007, which have also established the requisite monitoring and supervisory arrangements to facilitate enforcement.

304. A significant overhaul of primary water services legislation has also been completed, with the enactment of the Water Services Act 2007. The Act sets down a comprehensive modern legislative code governing functions, standards, obligations and practice in relation to the strategic planning, management and delivery of water supply and waste water collection and treatment services. To this end, it both consolidates and modernises the legislative code governing water services. The Act focuses on management of water "in the pipe", as distinct from broader water resources issues such as river water quality, etc.

305. Individual septic tanks in single dwellings are subject to general water pollution controls and enforcement under the Planning and Development Acts. The Water Services Act 2007 has also introduced a specific duty of care on premises owners to maintain them so as to avoid risk to human health or the environment. The broader EU context for these water source protection measures is the EU Water Framework Directive, which places

obligations on EU Member States to maintain a high status of water where it exists, prevent any deterioration in the existing status of waters and achieve at least “good status” in relation to all waters by 2015.

306. The National Development Plan (NDP) 2007-2013 provides for sustained investment in improving and expanding water services infrastructure with planned investment of €4.7 billion – an increase of 27% on expenditure of €3.7 billion under the previous NDP.

307. The EPA Report on Drinking Water Quality for 2007-2008 indicated that the overall quality of drinking water in Ireland is generally very high with an overall compliance rate of 99.1%. The report is based on almost 240,000 monitoring tests carried out on 3,258 water supplies (including some 952 public water supplies and more than 1,400 group water supplies, the remainder being small private supplies).

308. Rainwater Harvesting Project: The Department of the Environment, Heritage and Local Government has funded pilot projects undertaken by the Dublin Institute of Technology on behalf of the National Rural Water Services Committee at Ballinabranagh, Co. Carlow (domestic application) and Clonalvey, Co. Meath (agricultural application). A report on the pilot projects can be viewed at <http://www.nfgws.ie/f/fckeditor/File/NRWMC%20RWHP%20Report%20Dec08.pdf>.

309. Further to a recommendation in the report that further exploratory work be undertaken in non-domestic applications, the project has been extended to include a school in Co. Mayo. The report regarding this element, which will be published as an addendum to the original report, is awaited and all the findings and recommendations regarding the projects will then be assessed to determine the potential for rainwater harvesting in this country and formation of future policy orientations in that regard.

4. Poverty reduction in Ireland’s Development Cooperation Programme

310. Ireland has consistently worked to respond to the problems of hunger and food insecurity in poorer countries and is taking a lead role internationally on the global hunger crisis. Ireland’s Hunger Task Force produced a comprehensive and insightful report into the Global Food Crisis in September 2008. The report set out a very focussed programme to address three priorities that the Task Force identified as having the greatest impact in reducing and ultimately eliminating hunger: increasing the productivity of smallholder, mainly women, farmers in Africa; implementing programmes focussed on maternal and infant under-nutrition; and ensuring real political commitment, at national and international levels, to give hunger the absolute priority it deserves.

311. In September 2010, Ireland and the United States hosted a high-level meeting at the Millennium Development Goals Review Summit in New York. We committed, with leaders from the United Nations, governments, civil society, the private sector and other partners, to a programme of 1,000 Days of action in support of Scaling-Up Nutrition or SUN. Together, we underlined the need to accelerate action against hunger and under-nutrition and recognised the work of many experts who have demonstrated that, by targeting maternal and infant under-nutrition for the first 1,000 days of life, we have the potential to rapidly make some significant inroads in dealing with this pervasive problem.

Article 12 – Right to health

1. Reform Programme

312. A Health Service Reform Programme was approved by Government in June 2003 and outlined a range of reforms to help deliver a more responsive, adaptable health system that meets the needs of the population effectively and at an affordable cost.

313. The main elements of the Reform were: structural reform, legislation, modernisation and improvement coupled with increased investment and enhanced governance and accountability.

314. The main structural reforms included the rationalisation of health service agencies to reduce fragmentation, the establishment of the Health Service Executive (HSE) as a single national entity to manage the health services, restructuring of the Department of Health and Children and the establishment of the Health Information and Quality Authority (HIQA).

(a) Establishment of the Health Information and Quality Authority (HIQA)

315. The Health Information and Quality Authority (HIQA) was established in 2007, under the Health Act 2007. HIQA promotes the delivery of high quality health and personal social services by setting and monitoring standards for service delivery and by undertaking special investigations on issues relating to patient safety. HIQA incorporates the Office of the Chief Inspector of Social Services, which has specific statutory functions in relation to residential care of children, older people and people with disabilities.

316. HIQA inspect certain childcare facilities and commenced the registration and inspection of residential facilities for older people in July, 2009. HIQA is also the national agency with responsibility for Health Technology Assessment and Health Information.

(b) Commission on Patient Safety and Quality Assurance

317. The Commission on Patient Safety and Quality Assurance was established in 2007 to develop clear and practical recommendations to ensure that the quality and safety of care for patients is paramount within the health care system. The Commission reported to the Minister in 2008. Implementation of the Commission's recommendations is ongoing.

(c) Patient Safety First Initiative

318. On 23rd September 2010, the Minister for Health & Children launched a patient safety brand and website (www.patientsafetyfirst.gov.ie) which will provide a common identity and information resource for patient safety initiatives, whether national or local and whether sponsored by statutory or non-statutory interests.

2. Investment in the health service

319. There has been substantial growth in health spending in Ireland over the last 10 years. Gross funding for the Health Group of Votes has risen from €5.7 billion in 2000 to over €16.1 billion in 2008, and accounts for approximately one quarter of voted Government current expenditure. Gross funding across the Health Group of Votes reduced to under €16 billion in 2009, to €15.2 billion in 2010 and to €14.5 billion for 2011.

3. Entitlement to health services

320. Entitlement to health services in Ireland is primarily based on residency and means. Any person, regardless of nationality, who is accepted by the Health Service Executive (HSE) as being ordinarily resident in Ireland, is entitled to either full eligibility or limited eligibility for health services. Persons with full eligibility receive a 'Medical Card' which

provides free access to a full range of services including general practitioner services, prescribed drugs and medicines, all in-patient public hospital services in public wards including consultants services, all out-patient public hospital services including consultants services, certain dental services, ophthalmic and aural services and appliances and a maternity and infant care service. A prescription charge of €0.50 per item in respect of items dispensed to medical card holders was introduced with effect from 1 October 2010, subject to a monthly cap on €10.00 per person or family. Those persons with an income up to 50% above the income for full eligibility and who are not entitled to a 'Medical Card' are provided with a free general practitioner service by means of a 'GP Visit Card'. The remainder of the population is not entitled to state funded GP services and must fund this service privately. Persons with limited eligibility are entitled, subject to certain charges, to all in-patient public hospital services in public wards including consultant services and to out-patient public hospital services including consultant services. The current public hospital statutory in-patient charge is €75 per night, up to a maximum of €750 in any twelve consecutive months. There is no charge for public outpatient services, other than in respect of attendance at accident and emergency departments which is subject to a charge of €100 except where the patient is exempted, e.g. the patient has a letter of referral from his/her doctor.

321. A number of schemes provide assistance towards the cost of medicines for non-medical card holders. Under the Drugs Payment Scheme families do not have to pay more than €120 per month for approved prescribed medicines. Patients with some long term illnesses do not pay for prescribed medicines. Measures have been taken in recent years to reduce the cost of medicines for both the health service and patients. Expenditure on prescribed medicines is eligible for tax relief and a zero per cent rate of VAT applies to oral medicines. The maternity and infant care scheme provides an agreed programme of care free of charge to all expectant mothers who are ordinarily resident in Ireland. This service is provided by a family doctor (GP) of your choice and a hospital obstetrician. The GP who attends the mother also provides care for the new-born baby. This entails two developmental exams during the first 6 weeks following the birth.

Private health insurance in Ireland

322. Private health insurance in Ireland is voluntary and has a valuable role in helping to fund the provision of health services. Almost 50% of the Irish population have private health insurance with 2.228 million having private health insurance policies at the end of 2010. The Irish private health insurance regulatory system is based on the key principles of community rating, open enrolment, lifetime cover and minimum benefit and aims to ensure that private health insurance does not cost more for those who need it most. The Government has a temporary scheme of tax relief/community rating levy in place which provides a significant degree of support for the cost of health insurance claims by older people. Preparations are ongoing to put in place a more permanent risk equalisation scheme that will equalise risk as far possible on age, health status and gender grounds. It is intended that this will be put in place at the start of 2013.

4. Health promotion policies

(a) Cardiovascular health

323. In June 2010 "Changing Cardiovascular Health: Cardiovascular Health Policy 2010-2019" (http://www.dohc.ie/publications/changing_cardiovascular_health.html) was launched. This policy establishes a framework for the prevention, detection and treatment of cardiovascular diseases, including stroke, which seeks to ensure an integrated and quality assured approach in their management, so as to reduce the burden of these conditions.

324. In the ten years to 2009, there has been a reduction of 38% in the mortality rates from ischaemic heart disease. There has also been a reduction of 38% in mortality rates from cerebrovascular diseases (CSO).

(b) Diabetes

325. The Department of Health and Children published a policy document “Diabetes: Prevention and Model for Patient Care” (<http://www.dohc.ie/publications/diabetes.html>) in 2006. Following that, an Expert Advisory Group on Diabetes was established to draw up standards of care for Diabetes. A Health Service Executive (HSE) National Diabetes Programme has been established to progress a national diabetes plan and a Clinical Programme Director for Diabetes has been appointed. Priority areas have been identified, including national diabetes footcare and retinopathy screening programmes and these have been included in the HSE Service Plan for 2011. These initiatives are currently in an advanced planning stage.

(c) Obesity

326. The HSE continues to work with all sectors to improve and promote the health of the population through promoting and supporting healthy eating and physical activity and addressing the environmental, social and economic factors that contribute to overweight and obesity. Obesity levels in adults (18-64 years) have more than doubled in the last 20 years from 11% in 1990 (Irish National Nutrition Survey) to 24% (National Adults Nutrition Survey 2009/2010) in 2009/2010 with 26% men and 21% women obese. This increase can be seen particularly among men, with a rise from 8% in 1990 to 26% in the under 65s.

327. Obesity levels in adults aged 65 and over have fallen over the last 4 years in both men and women, from 29% to 25% (25% of men and 24% of women). However, those 65 and over show an increase in overweight over the 4 year period from 45% to 54%. The increase in overweight can be seen particularly in men.

(d) Smoking

328. In March, 2004 the workplace ban on smoking was introduced in all places of work, including licensed premises. The introduction of the ban has had a significant effect in reducing the incidence of smoking among the population with the consequent benefits to health. Rates of smoking have decreased since 1998 to 23% (National Adults Nutrition Survey 2009/2010) across men and women, all ages and all social class groups. This is a reduction of 6% on SLAN 2007 (Survey of Lifestyle, Attitudes and Nutrition, 2007) figures, when 29% reported being current smokers (31% men and 27% women). Trend data is provided where comparable data sets exist. Where this is not possible, trends have been given for surveys using the same methodology, e.g. the SLAN surveys or the Irish Universities Nutrition Alliance (IUNA) surveys. Despite the different methodologies, there many similarities between the SLAN surveys and IUNA surveys – the National Adults Nutrition Survey, 2011 and the North South Food Consumption Survey. In some cases different surveys are given where similar questions were asked. A new policy on tobacco control is under development.

(e) Alcohol policy

329. New controls on the sale and supply of alcohol have been introduced via the Intoxicating Liquor Act 2008. The measures included a reduction in the opening hours for alcohol sales in the off-trade sector and supermarkets. The introduction of Mandatory Alcohol Testing has helped change attitudes to drink driving with a resultant reduction in death and injuries on Irish roads.

330. 89% of Irish adults aged 18-64 years are alcohol consumers- men 92% and women 86% (National Adults Nutrition Survey 2009/2010 – published in 2011). This is an increase on the SLAN (Survey of Lifestyle, Attitudes and Nutrition) 2007 figures where approximately 4 in 5 Irish adults (81%) reported drinking alcohol. However, the number of alcohol consumers having greater than 6 or more drinks at least once per week has fallen from 45% in SLAN 2002 to 28% in SLAN 2007 to 25% in 2009/2010. Alcohol consumption remains consistently high having increased from 8 litres in 1991 to 12.4 litres in 2008.

(f) National Substance Misuse Strategy

331. In March 2009 the Government agreed to include alcohol in a National Substance Misuse Strategy. A Steering Group has been established to develop proposals for an overall National Substance Misuse Strategy that will incorporate the already agreed drugs policy element. The Steering Group is being jointly chaired by the Department of Health and Children and the Department of Community, Equality and Gaeltacht Affairs. The Group is examining a wide range of issues in relation to alcohol policy such as pricing, availability, treatment, prevention, marketing and sponsorship and is working towards completing its work in 2011.

(g) Management of chronic diseases

332. The general management of chronic diseases was set out in the Department of Health and Children's policy framework which was published in 2008. This describes an approach centred on disease management programmes to treat and delay the onset of complications and reduce emergency hospital admissions. This approach is being adopted across many diseases and specific disease programmes are now in place in the HSE for diabetes, COPD, arthritis, cardiovascular disease and asthma.

(h) Cancer policy

333. Government policy in relation to cancer control is outlined in "A Strategy for Cancer Control in Ireland 2006" which aims to improve the organisation, governance and quality of cancer care, from research, prevention and screening through to treatment services and supportive and palliative care. The HSE National Cancer Control Programme was established in 2007 to implement the Strategy. Its goals are better cancer prevention, detection and survival through a national service based on evidence and best practice.

334. The impact of the implementation of the Cancer Strategy will start to be reflected in survival rates in the coming five to ten years. Estimates of five-year relative survival rates show improvements in survival for almost all types of cancer diagnosed in the period 2002-2006 compared with people diagnosed between 1998-2001.

335. Breast cancer survival is now estimated at 80.6%, up from 74.2% while prostate cancer survival is now estimated at 87.2% up from 77.6%.

336. Ireland is on a par with Europe and the US in terms of survival for children diagnosed with cancer.

(i) Childhood Immunisation Programme

337. The objective of Ireland's Primary Childhood Immunisation Programme is to achieve an uptake level of 95%, which is the rate required to provide population immunity and to protect children and the population generally from the potentially serious diseases concerned. The major components of the publicly provided immunisation programmes are:

- BCG vaccination of infants;
- The Primary Childhood Immunisation Schedule protects against Diphtheria, Tetanus, Pertussis, Polio, Hib, Hepatitis B. Children also receive MMR, PCV and Meningitis C;
- The Schools Immunisation Programme which gives booster vaccinations;
- Influenza and Pneumococcal vaccination of “at-risk” adults and children;
- Vaccination as part of Asylum Seeker Screening Services and in the management of outbreaks of vaccine preventable communicable disease e.g. Hepatitis B.

338. Since 2010 girls in first year in second level schools (aged approx. 13 years) receive HPV vaccine (against Human Papillomavirus).

339. Surveillance of infectious disease is undertaken by the Health Protection Surveillance Centre (HPSC). Contact tracing and prophylaxis in cases of TB and meningococcal disease are undertaken by the Health Service Executive.

5. Primary care

340. The Primary Care Strategy – ‘Primary Care – A New Direction’ commenced in 2001. The Strategy is the roadmap for the future development of the primary care service in Ireland over a period of ten to fifteen years. The key objective in primary care policy is to develop services in the community which will give people direct access to integrated multi-disciplinary teams of general practitioners, nurses, health care assistants, home helps, occupational therapists and others. The professionals in a team work together to develop individualised care plans for patients with chronic illnesses and other complex needs.

(a) Funding and current position

341. The HSE has identified 518 Primary Care Teams and 132 Health and Social Care Networks to be developed by the end of 2011. Additional funding of €52m in total has been provided to the HSE since 2002 for team development. 350 Primary Care Teams were operating by the end of 2010, i.e. holding clinical team meetings to discuss individual client cases. An additional 152 teams are in development and will be operational in 2011.

342. Examples of Effective Primary Care Team Activity to-date:

- Nursing – 1 million individual wound management services provided.
- Physiotherapy – 230,000 treatments provided to patients.
- Occupation Therapy – 130,000 treatments provided to patients.
- 103 Teams providing Diabetes Programmes.
- 131 Teams providing Falls Prevention Programmes.

(b) Access to general practitioner services (GP services)

343. As of December 2010, 1.61 million people hold a medical card and over 117,000 people hold a GP visit card. Thus 1.73 million people (representing 38.7% of national population) have free access to GP services.

6. Acute hospitals

344. The Government and Health Service Executive are pursuing a number of initiatives to improve the performance of Emergency Departments in public hospitals. These initiatives are aimed at ensuring that patients are seen as quickly as possible by senior

clinical decision makers with access to appropriate diagnostic facilities enabling them to decide on the most appropriate treatment in the most appropriate setting for the patient. Other initiatives are aimed at ensuring the most efficient use of public hospital beds in order to provide that patients who require admission to hospital are admitted as quickly as possible.

345. The Government is supporting the development of a National Paediatric Hospital which will provide tertiary level treatment for Irish children. This new hospital will be located alongside a leading adult academic teaching hospital and will play a central role in an integrated network of paediatric services across Ireland. The estimated completion date for construction of the new children's hospital is the last quarter of 2014, with commissioning as soon as possible thereafter.

National Treatment Purchase Fund

346. The National Treatment Purchase Fund purchases care, primarily in private hospitals, for public patients who have been waiting longest for surgical treatment.

347. In 2002, average waiting times in major specialties were reported as being between two and five years. These figures pre-date the standardised national arrangements for the reporting and analysis of waiting list data developed by the NTPF. However they are indicative of the excessive waiting-times experienced in previous decades in Ireland.

348. The National Treatment Purchase Fund reports that the median waiting-time for surgical intervention is now 2.4 months. This takes into account those patients who have to wait for only a short period before being treated.

349. Some 200,000 patients have received treatment through the NTPF since 2002. In 2010, the Fund facilitated over 32,000 public patients, comprising 20,600 inpatient treatments, approximately 8,000 outpatient consultations and 3,500 MRI scans.

350. At the end of 2010 there were 781 persons waiting for over 12 months for surgery. A substantial reduction has been achieved in this area, the equivalent figure for 2007 being 4,637.

7. Health Sector Supports for People with Disability

(a) Implementation of the Disability Act 2005 and Education for Persons with Special Educational Needs (EPSEN) Act 2004

351. Part 2 of the Disability Act 2005 was commenced for children under the age of 5 on 1 June 2007. As of 31 December 2010, there were 9435 applications under the Act, with 8128 assessments of need completed. Of the total applications received, some 2,600 were received in 2009 with a further 3,200 applications received in 2010.

352. The full implementation of Part 2 of the Disability Act 2005 and the EPSEN Act 2004 has been delayed due to current financial circumstances.

(b) Transfer of people with intellectual disability to appropriate, community based settings

353. In 2002, a programme was established for the transfer of people with an intellectual disability to more appropriate settings. The aim of this programme is to provide more appropriate care settings and an enhanced level of services for:

- Persons with an intellectual disability and those with autism accommodated in psychiatric hospitals;

- Those accommodated in de designated units, which were formerly designated as psychiatric services;
- Others who moved some years ago from psychiatric hospitals to alternative accommodation which is now unsuitable for their needs.

354. Closure plans are currently being developed for large psychiatric hospitals and this will include arrangements for the transfer of individuals with an intellectual disability to appropriate community residential facilities. Records maintained for planning purposes show a group of 188 individuals who were living in psychiatric hospitals in 2008 have been identified as needing to transfer from these locations to more appropriate accommodation. Achievements to date show a 68% reduction in the number of people with intellectual disability accommodated in psychiatric hospitals in the period 2000-2005.

(c) GENIO Innovation Fund

355. The Genio Trust is a partnership between Government and philanthropy, developed with the support of The Atlantic Philanthropies, the Office for Disability and Mental Health in the Department of Health & Children and the HSE.

356. The service reforms, which will be facilitated by the Genio Trust, are fully in line with the objectives of Government policy as set out in A Vision for Change and with the objectives of the National Disability Strategy. In 2010, the €3m funding was allocated to the Genio Trust and funds were distributed to 51 grantees for specific projects.

(d) Funding of disability services and the Multi-Annual Investment Programme

357. The Government's commitment in the area of disability is consistent as demonstrated by the €1.5 billion (being labour intensive, over 80% of disability spending relates to pay costs) provided annually for disability programmes (residential, day care, respite, assessments and rehabilitation services). This sum was supplemented by the significant additional resources provided for services and supports in this area under the Multi-Annual Investment Programme (MAIP) 2006-2009 (€256.8m), as part of the National Disability Strategy. Additional funding of €7.2 million for disability was also provided in Budget 2009 for the provision of 90 additional therapy posts (speech and language therapists, occupational therapists, physiotherapists and social workers) targeted at children with disabilities of school-going age.

(e) The protection of services for people with disabilities

358. It is anticipated that expenditure on health services for people with a disability in 2011 will be around €1.5 billion. It is proposed that the majority of that funding will be used by the non-statutory agencies providing services. Specialist services will include assessment and early childhood/family support services, community-based medical, nursing and therapy services, aids and appliances, financial allowances, specialist day services including sheltered work and rehabilitation training, home support and personal assistance, respite care and residential services.

359. It is anticipated that the National Service Plan 2011 will include the following:

- Core Disability Service levels will be maintained;
- 9,200 people in residential places;
- 20,000 day service places;
- 7,500 people receiving respite residential support;
- 3.34 million hours of Personal Assistant/Home Support Hours;

- Demographic Service Pressure funding for disability services to provide for a €10m growth in demand for residential, day places and additional hours of personal assistant/home supports;
- Innovation funding to support the transition from institutions to person-centred models of care in disability and mental health and the provision of potential innovative respite services;
- The protection of the levels of respite care services in 2011

360. The Minister requested the HSE to give favourable treatment to disability services in the budget setting process with a maximum 1.8% decrease in funding to disability service providers.

8. Mental health services

361. A Vision for Change' (2006) outlines Government policy for the development of mental health services. The Strategy proposes a new model of service delivery which will be patient-centred, flexible, community based and where the need for hospital admission is greatly reduced while still providing in-patient care when appropriate. 'Reach Out' (2005) – is the National Strategy for Action on Suicide Prevention (2005-2014). Four levels of action comprise the main body of the Strategy i.e. general population approach; targeted approach; responding to suicide; and information and research. The HSE established the National Office for Suicide Prevention in 2005 to oversee the implementation of the Strategy. The Office for Disability and Mental Health was established within the Department of Health and Children in 2008 to drive implementation of 'A Vision for Change' and 'Reach Out'.

362. Key Achievements:

- Shorter episodes of in-patient care have been achieved: 49% of all discharges in 2009 occurred within two weeks of admission, 20% within two to four weeks and 93% occurred within three months of admission.
- Involuntary admissions have reduced by 28% from 2,830 in 2005 to 2,024 in 2009.
- The number of admissions to psychiatric facilities has decreased by 19% during the 10 year period 1999 to 2009.
- The number of patients resident in Irish psychiatric facilities has reduced by 33.5%, with numbers falling from 4,230 in 2000 to 2,812 in March 2010.
- The development of child and adolescent services is a priority. Bed capacity has increased from 12 in-patient beds in 2007 to 30 at present with additional beds planned. The number of child and adolescent community mental health teams has also increased with 55 teams in place and further teams in development.
- A mental health capital investment programme has been agreed. Plans for the closure of the old psychiatric hospitals and the transfer of patients to more appropriate settings are progressing. Acute admissions to a number of these hospitals have ceased.
- The National Service Users Executive (NSUE), an independent body, comprising service users and carers was established in 2007. This organisation works on a partnership basis with the Office for Disability & Mental Health, the HSE and the Mental Health Commission on issues relating to service user involvement, participation in planning, delivering, evaluating and monitoring of mental health services.

- A National Stigma Reduction Campaign, See Change was launched in April 2010 with the aim of positively changing social attitudes and behaviour, to inspire people to challenge their beliefs about mental illness, to be more open in their attitudes and behaviour and to encourage people in distress to seek help.

Suicide and self-harm

363. The number of deaths by suicide increased by 24% in 2009 – from 424 in 2008 to 527 in 2009. This is the highest level of suicide deaths ever recorded in this country. Males represented 80% of all suicides; the largest increases occurred in the 25-44 year age group.

364. In recent years the number of self-harm presentations to hospital emergency departments has gradually increased from 10,688 in 2006 to 11,966 in 2009, which represented 8,594 individuals in 2006 and 9,493 in 2009.

365. The Government will allocate additional funding in 2011 to the HSE's National Office for Suicide Prevention which will enable the Office to build on initiatives to date and bring added momentum and new impetus to its activities to address this increasing incidence of suicide and self-harm.

366. Suicide prevention initiatives progressed to date include:

- The development and implementation of national training programmes – since 2004 approximately 18,000 people have been trained in the 2 day ASIST (Applied Suicide Intervention Skills Training) internationally recognised programme;
- The development of a media monitoring mechanism;
- the availability of self-harm services through Hospital Emergency Departments;
- Implementing recommendations arising from a review of bereavement services;
- Supporting voluntary organisations working in the field of suicide prevention;
- Developing mental health awareness campaigns – 'Your Mental Health' awareness campaign and the 'Let Someone Know' campaign aimed at young people.
- The launch in July 2009 of 'Looking after your mental health during tough economic times', pocket sized information cards with contact details for support agencies;
- The implementation of an All-Island Action Plan for Suicide Prevention is on-going and progress has been made on a number of action areas including training and education, media monitoring, the National Registry of Deliberate Self-Harm and public awareness campaigns.

9. Older people

367. The population of Ireland is projected to age rapidly within a relatively short time. Currently, Ireland has a significantly younger profile than most of the rest of the EU but the demographic projections point to significantly greater numbers of older people living in the State in the years ahead. At present, there are approximately 500,000 people over the age of 65. This is projected to rise to 775,000 by 2021, to 909,000 by 2026 and to over 1,400,000 by 2041. Current national policy is to develop appropriate home and community based services such as home care packages, home help services and day services and to improve the quality and availability of affordable residential care for older people who can no longer live at home. The Nursing Homes Support Scheme, A Fair Deal, commenced in October, 2009. The scheme is a new system of financial support for individuals who require long-term nursing home care and applies to people entering both public and private nursing home care. Under the scheme, individuals make a contribution to the cost of their nursing home care based on their means. The HSE meets the full balance of cost over and above the

individual's contribution in public or private nursing homes approved for the purpose of the scheme. For further information, please see http://www.dohc.ie/issues/fair_deal/.

368. The Irish State is committed to co-funding the Irish Longitudinal Study on Ageing (TILDA) which is a 10 year longitudinal study of the health, social and economic circumstances of 8,000-10,000 Irish people aged 50 years and over. The research is being conducted by a team of experts from a consortium of academic institutions led by Trinity College Dublin (TCD). The final outputs from the first wave of the study will be available in mid-2011.

10. Social inclusion

(a) National Action Plan for Social Inclusion (NAPinclusion)

369. The NAPinclusion details a number of health commitments aimed at tackling and reducing health inequalities and improving the health status of the more vulnerable members of our society.

(b) Women's health

370. Information on women's health issues can be found in paragraphs 74-75.

(c) Traveller health

371. A wide range of Traveller specific dedicated health services, such as Traveller Health Units and Primary Health Care Projects have been developed, and funding has risen to over €11 million per year. Traveller Health Units operate in each HSE area and comprise representatives from HSE management and Traveller representatives. These units work in partnership with local Traveller organisations and the Traveller community. The increased investment in Traveller health has also allowed for the appointment of designated Public Health Nurses for Travellers and the roll out of Primary Health Care for Travellers projects which established a model for Traveller participation in the development of health services.

(d) All Ireland Traveller Health Study

372. The commitment to Traveller health is also reflected in the significant resources allocated to the commissioning of the All Ireland Traveller Health Study which was launched in July 2007. The findings of the study were launched on 2nd September 2010 and are available to download at: http://www.dohc.ie/publications/traveller_health_study.html.

(e) National Intercultural Health Strategy

373. The HSE National Intercultural Health Strategy 2007-2012 provides a framework within which the health and care needs of people from diverse cultures and ethnic backgrounds are addressed, while staff are supported in delivering responsive, culturally competent services. This can be found at http://www.hse.ie/eng/Publications/Social_Inclusion,_Asylum_Seekers,_Travellers/National_Intercultural_Health_Strategy_2007-_2012.pdf.

11. Drug users

374. Services for drug users in Ireland are provided within the framework of the National Drug Strategy (interim) 2009-2016. The Strategy outlines a series of 63 individual actions based on the 5 pillars of supply reduction, prevention, treatment, rehabilitation, and research. A partnership approach between statutory, voluntary and community sectors in addressing drug issues is an important dimension of the National Drug Strategy.

375. The strategic objectives of the HSE Addiction Service, in line with the National Drug Strategy, is to plan and deliver a full range of addiction services in local settings to meet emerging and identified needs. These are provided either by directly managed HSE services, in partnership with voluntary/community sectors or in conjunction with the 10 Regional and 14 Local Drugs Task Forces. The local treatment programmes are service user focused and have a short-term objective of controlling the drug mis-user's addiction and a long-term aim of returning the drug mis0user to a drug free lifestyle. A comprehensive range of treatment services are provided, including: substitution treatment; psychosocial therapies such as cognitive behaviour therapy (CBT) and coping skills; and harm reduction services such as needle and syringe exchange. At the end of December, 2010 there were over 9,200 persons receiving methadone substitution treatment in accordance with the Methadone Treatment Protocol (MTP). Increases in the number of General Practitioners and Pharmacists participating in the MTP and increases in the number of clinics providing the services has made this treatment available in their own local area to an increased number of opiate users in recent years. There are currently 67 HSE clinics operating throughout the country, which are a mix of larger addiction centres and satellite clinics. This is an increase of 8 locations since 2008. The HSE is prioritising the provision of additional clinics and is currently in the process of providing 10 additional new methadone services throughout the country. Drug users with more complex issues are treated in the consultant led specialist clinic in the Drug Treatment Centre Board (DTCB) in Dublin with nearly 500 persons receiving treatment at the end of December 2010.

376. The Research Outcome Study in Ireland evaluating drug (opiate) treatment effectiveness (ROSIE) found that there were marked reductions in drug use and criminal activity among study participants at 1-year follow-up. Results of a summary of 3-year outcomes, published in 2009, showed that the reductions in drug use and involvement in crime achieved in one year are sustained at the 3-year follow up. The report found that there was a reduction in the overall heroin use at intake from 76.9% to 46.2% at 3-year follow up, the frequency of heroin use was reduced from 40.1 days in the last 90 days at treatment intake to 20.7 days at 3-years, amount of heroin used also reduced significantly. The full report is available at http://www.nacd.ie/publications/treatment_rosie6.html HSE addiction services are currently in a state of transition and re-orientation towards a more poly-drug use (including alcohol use) focussed service, within the framework of Social Inclusion. The intention is to provide a client focused continuum of care in the setting of Primary Care Teams and Social Networks that are currently being rolled out on a phased basis. The HSE appointed a National Rehabilitation Co-ordinator to chair the National Drug Rehabilitation Implementation Committee (NDRIC). This committee developed the National Rehabilitation Framework which was approved in July 2010 and is being adopted in a phased approach. To this end 3 pilot sites have been selected for the first stage. A further 9 sites have made submissions for the second stage which will be considered during 2011. A new version of drugs.ie went live on the 27th May 2010. This site is specifically redeveloped as Ireland's one-stop shop for all drug and alcohol information and support.

12. Measures in relation to HIV/AIDS and other sexually transmitted diseases

(a) Prevalence

377. A total of 168 new HIV diagnoses were reported to the Health Protection Surveillance Centre (HPSC) during the first half of 2010. This is a decrease when compared to 209 new diagnoses in the first half of 2009. The cumulative total number of HIV infections reported up to the end of June 2010 is 5,805.

378. In 2009, of the 330 reported cases of HIV with information available on probable route of transmission, it was indicated that 47.3% was due to heterosexual transmission; 41.8% were among Men who have sex with Men (MSM) and 9.1% were Intravenous Drug

Users (IDU). In Q1&2 2010, of the 127 cases where route of transmission was reported it was indicated that 44.9% were MSM; 40.2% were heterosexual and 11.8% were IDU.

379. Routine antenatal testing was introduced in 1999 and is effective in identifying women who are HIV positive at an early stage in pregnancy. In 2008, there were 122 HIV positive tests through routine antenatal testing, of these, 33 were new diagnoses. During 2008, there were 106 babies born to HIV infected mothers in Ireland; 97 have tested HIV negative, 7 remained of indeterminate status at the time of reporting and two were infected. Of the 137 female cases newly diagnosed in 2009, 25 (12.9%) were reported to be pregnant at HIV diagnosis, 82 were not pregnant at diagnosis and the status of the remaining 30 was unknown. There were 136 babies born to 131 HIV infected mothers (5 twin deliveries) in Ireland during 2009. Of these 122 were not infected, 13 were of indeterminate status at the time of reporting and one was infected. The total number of AIDS diagnoses reported to the end of December 2009 was 1,066 with reports of 18 new AIDS diagnoses in the first half of 2010. The total number of deaths among AIDS cases reported to the end of December 2009 was 414 with reports of two deaths among AIDS cases in 2009.

(b) Services

380. There are currently ten genito-urinary medicine/infectious diseases consultants based in Dublin, located in St. James's, The Mater, Beaumont, Temple Street and Our Lady's Children's Hospital, and one each in Cork and Galway University Hospitals. Irish policy is that appropriate treatment is made available free of charge to all who test positive for HIV.

(c) Prevention

381. The Education and Prevention sub-committee of NASC (National AIDS Strategy Committee) launched its Education and Prevention Plan 2008-2012 (available at http://www.dohc.ie/publications/hivaids_education.html) to provide a roadmap for HIV and AIDS Education and Prevention in Ireland. It presents six key areas for action among seven population groups at particular risk of HIV infection. The Plan was informed by research conducted by NUI Galway and by the findings of the Irish Study of Sexual Health and Relationships.

(d) Stigma

382. The 'Stamp Out Stigma' campaign was launched on World AIDS Day 2006 to tackle HIV related stigma and discrimination and promote a greater understanding of HIV in Ireland. The campaign's aim was to tackle the stigma associated with HIV and challenges both direct and indirect discrimination experienced by people living with HIV in Ireland, while informing learning from experiences in developing countries. Further details of the campaign can be found at www.stampoutstigma.ie.

13. The right to health and Ireland's Development Cooperation Programme

383. Ireland's commitment to implementing the various international declarations of support for health and HIV/AIDS rights is reflected in its development cooperation programme. Over 20% of Irish Aid's expenditure is directed towards health, while there is a public commitment to provide at least €100 million each year to combat HIV/AIDS and other communicable diseases of poverty. This commitment is being met. Irish Aid has clear policies for health and HIV/AIDS, together with a number of guidelines for their implementation at global, regional and country levels. A central tenet of these policies is the right to health and well-being, to be free from illness and to live in circumstances in which people can live healthy lives. Irish Aid also provides financial assistance to a number of UN funds and agencies that apply a rights-based approach to their important work

around HIV/AIDS and health. Alongside this, Ireland supports a number of global health partnerships, including product development partnerships that work to ensure that those most in need and most vulnerable have access to services and products to deal with a selection of high burden diseases that disproportionately affect women and children.

384. Ireland considers equitable access to sanitation, potable water and safe hygiene practices to be an essential precondition for improved health and well-being. The 2006 White Paper on Irish Aid commits Ireland to an integrated approach, supporting “activities across the programme to increase access to water and sanitation”. National development plans, advocacy and governance reforms, humanitarian and recovery programmes and climate change adaptation processes all present entry points for Irish Aid engagement in Water, Sanitation and Hygiene.

385. Irish Aid’s primary development partner at country level is the Government which has responsibility for ensuring its citizens’ access to at least basic health services. Where the public sector is unable to extend services to some of its most vulnerable citizens or to provide the kind of service and support to which people have a right, Ireland provides support to other providers, including NGOs. Ireland emphasises the health of women and children in its partnerships.

386. In the United Republic of Tanzania, for example, where Irish Aid funding has a focus on the health sector, the measles immunization indicator in 2009 is 91%; this is above the Health Sector Strategic Plan II target of 85% by 2015. It also represents an increase from 88% in 2008 and 72% in 1999. DPT3 vaccination, three doses of vaccine against Diphtheria, Pertussis and Tetanus, has risen from 76% in 1999 to 85.7% in 2009. Increased funding has enabled the Government of Tanzania to improve services at lower level health facilities, thus reducing the distance travelled by mother bringing children for treatment. Progress has also been made in reducing incidences of malaria, one of the leading causes of illness and death. In Mozambique, where Irish Aid is a lead donor in the area of HIV and AIDS, the number of people infected with HIV receiving anti-retroviral treatment had reached 170,000 in 2009, compared with 10,000 six years ago. A total of 66,615 women had benefited from treatment to prevent mother to child transmission. In Lesotho, Zambia and South Africa, Ireland directly channels funds to national and local government for improving access to clean water and sanitation. In Zambia, between 2006 and 2008, Irish Aid funded the construction of nearly 700 water points bringing safe, clean water to over 100,000 people. In Lesotho from 2008 to 2009 the Irish Aid funded construction of 98 water points in remote mountain locations served over 40,000 people.

387. Water and sanitation are essential life-saving services during humanitarian responses and recovery programmes. One fifth of Irish Aid emergency and recovery funding addresses water, sanitation and hygiene needs in line with Good Humanitarian Donorship principles. This provides for essential services as well as supporting humanitarian coordination and standard setting.

Article 13 – Right to education

1. Department of Education and Skills – Statement of Strategy

388. The Statement of Strategy 2008-2010 sets out the mission, goals and objectives which will guide the work of the Department of Education and Skills over the three year period 2008 to 2010.

389. The mission of the Department of Education and Skills is to provide for high-quality education, which will enable individuals to develop their full potential and to participate fully as members of society, and contribute to Ireland’s social, cultural and economic development

390. In pursuit of its mission, the Department of Education and Skills has the following high level goals:

- Support and improve the quality, relevance and inclusiveness of education for every learner in our schools;
- Enhance opportunities in further education and youth services;
- Sustain and strengthen higher education and research;
- Support the delivery and development of education through policy formulation, high-quality planning and a strong customer focus.

391. The mission statement of the Department of Education and Skills compliments and mirrors the aims of Article 13 of the Covenant.

Legislation

392. Please refer to paragraphs 690-692 of Ireland's first report (E/1990/5/Add.34) and paragraphs 196-198 of Ireland second report (E/1990/6/Add.29). Please see annex 1, paragraph 12 of this report.

2. Expenditure on education

393. Gross Current Expenditure on Education increased by 121% between 2000 and 2009, from €4.233 billion to €9.356 billion. There were a number of key drivers of this expenditure growth including demographic and societal changes.

394. For example, the number of primary teachers in schools increased from 22,850 in 2000 to a projected 32,400 by the end of 2010 – an increase of 42% – while expenditure on Primary Teachers Pay increased from €863m in 2000 to €1.994 billion in 2010, an increase of 131%. The number of second level teachers increased from 24,600 in 2000 to a projected 28,200 by the end of 2011 – an increase of 14.6% – while expenditure in this area increased from €1.102 billion in 2000 to €2.13 billion in 2010, an increase of 93%. The number of SNAs increased from about 1,500 in 2000 to 10,543 at the end of 2010, while the cost of providing these SNAs has increased from €18.2m in 2000 to approximately €340m in 2010. Funding for Third Level increased by 80% over the period from 2000 to 2010, from €942m. to almost €1.7 billion (excluding transfer of functions in 2010). Please see annex 2, table 26.

Establishment of the National Education Welfare Board

395. The National Educational Welfare Board (NEWB) was established in 2002. The NEWB has a statutory function to ensure that every child either attends a school or otherwise receives an education. The NEWB also has responsibility for children who are being educated outside of schools (e.g. at home) and 16-17 year-olds who leave school to take up employment. The integrated service acts as an important early warning mechanism for identifying children, at an early stage, who may go on to experience other severe difficulties in their lives. For this reason, the NEWB is actively working with the HSE to develop protocols for collaboration and cooperation as well as exchange of information, including the reporting of child welfare and safety concerns.

3. Pre-school education in Ireland

396. Universal free pre-school provision was introduced in January 2010. The free pre-school year scheme is open to all children aged between 3 years and 2 months and 4 years and 7 months on 1st September each year. The scheme provides an opportunity to accelerate the achievement of inclusive, high quality, publicly funded pre-school education

for all children. Nationally, 63,000 children availed of the scheme from September 2010, which represents 94% of the eligible age cohort. By international standards, it is unparalleled to have such strong participation in the first year of operation. A further 4% of pre-school children have joined other State schemes. Service providers participating in the scheme are paid a capitation fee for each qualifying child enrolled. In return, the service is required to provide an appropriate programme of activities that adheres to the principles in *Síolta* and *Aistear*. See www.ncca.ie/en/Curriculum_and_Assessment; for further information on *Síolta* and *Aistear*.

4. Primary education in Ireland

397. Primary education in over 3,130 primary schools in Ireland is free and attendance is compulsory from age 6. Over 90% of all 5 year olds are enrolled in primary school. There were 35 private primary schools in 2009/10. Data on private schools may not be fully representative as the statistics are based on voluntary returns made to the Department of Education and Skills and the response rate varies from year to year. Data also excludes schools not enrolling children aged 6 or over.

398. Indirect costs associated with primary education can include; school books, uniforms, and school transport. Voluntary contributions are also sought from parents in some cases for certain materials, services and facilities. The Government has introduced a range of measures to ameliorate these costs. These include; inter alia; a back to school clothing and footwear allowance for eligible low income families and an exemption from school transport fees for students who hold a current medical card or who are dependent on a parent or guardian who holds a medical card. In addition, schools have been urged to put in place book rental schemes as the most effective way to reduce costs for all parents.

(a) Primary curriculum

399. The curriculum emphasises the importance of literacy, numeracy, and language, while at the same time responding to changing needs in science and technology, social personal and health education, and citizenship. See www.curriculumonline.ie/en/Primary_School_Curriculum/ for further information.

(b) Education and economic, social and cultural rights learning in primary schools

400. While economic, social and cultural rights learning is not presented as a single subject area it can feature in a range of contexts across the curriculum which is taught in an integrated way. At Primary level, the strongest emphasis is in Social, Personal and Health Education (SPHE). SPHE is delivered to children at all levels from infants upwards. It provides particular opportunities to foster the personal development, health and well-being of the individual child, to help the child to create and maintain supportive relationships and to become an active responsible citizen in society.

(c) Number of primary schools

401. There are currently (2010/11 school year) a total of 3,169 primary schools in Ireland of which 3,015 schools or 95.14% have Roman Catholic or Church of Ireland patrons. The number of non-denominational schools (that is all schools where the patron is not representative of a religious denomination) now stands at 132 schools (4.17% of schools) and in the 2009/10 school year a total of almost 23,000 pupils (4.55% of all pupils) were enrolled in these schools. Overall, a total of almost 506,000 pupils were enrolled in primary schools in Ireland in 2009/2010. Please see annex 2, table 27 for figures by patron body and annex 2, table 28 for the number of new primary schools opened by patron.

402. A review of the criteria and procedures for recognising new primary schools is being finalised by the Commission on School Accommodation.

403. Pending completion of this review the Department of Education and Skills has adopted an interim strategy whereby since September 2008 it is only allowing new primary schools to be established to cater for demographic growth in order to deliver on the overall priority that every child has a school place available to them.

5. Post-primary education in Ireland (second level)

404. Approximately 350,000 students are enrolled in about 730 second-level schools and avail of the Free Education Scheme.

(a) Indirect costs associated with post-primary education

405. Indirect costs associated with post-primary primary education can include; school books, uniforms, state examination fees and school transport. Voluntary contributions are also sought from parents in some cases for certain materials, services and facilities. The ameliorating measures introduced by the Government outlined under primary-education above are also available for post-primary students. In addition, students who hold a current medical card or who are dependent on a parent or guardian who holds a current medical card are exempt from paying examination fees.

(b) Retention rates

406. Attendance at post-primary school is compulsory for all children to age sixteen or until three years of post-primary school have been completed. The latest retention report was published in November 2009. It contains data relating to pupils who entered the first year of the junior cycle in the years from 1991 to 2001.

407. When an adjustment is made for external candidates, emigration and deaths, the national retention rate is 84.7% (2001) compared to 81.3% in 1996 (the first year for which an adjusted rate is available). A significant gender gap remains at national level between male and female cohorts. However, the gender gap is slightly lower than in previous years. Over 87% of persons aged 20-24, in 2008, had attained at least a Leaving Certificate or equivalent, an increase from 82% in 1999. This suggests that there has been a growth in the proportion of young people with at least the Leaving Certificate or equivalent, possibly due to the increasing numbers of students now participating in second chance, further education and training programmes. Ireland's rate for 2008, at 87.4%, was higher than the EU-27 and EU-15 averages of 78.5% and 75.8% respectively. Please see annex 2, table 29 for percentages of persons aged 20 to 24 with at least higher post-primary level education by sex, March-May 1999 to March-May 2008. Please visit http://www.education.ie/servlet/blobServlet/stat_retention_rates_second_level.pdf?language=EN; for further information on retention rates.

(c) Delivering equality of opportunity in schools

408. The Department of Education and Skills launched 'DEIS (Delivering Equality of Opportunity in Schools)', the action plan for Educational Inclusion in May 2005. The action plan provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). 876 schools are currently included in the programme. These comprise 676 primary schools (345 urban/town schools and 331 rural schools) and 200 post primary schools.

409. DEIS provides various supports for both primary and post primary schools which include, inter alia:

- Reduced pupil teacher ratio in primary schools in urban areas with most disadvantage;
- Allocation of administrative principal on lower figures than generally apply in primary schools in urban areas;
- Additional capitation funding based on level of disadvantage;
- Additional funding for schools books;
- Access to the School Meals Programme;
- Access to numeracy/literacy supports and measures at primary level;
- Access to the integrated NEWB service.

410. The Department of Education and Skills commissioned the Educational Research Centre (ERC) to conduct an independent evaluation of DEIS measures over the period of the DEIS action plan to 2010. Reports prepared are available on the ERC's website (www.erc.ie).

(d) Literacy and numeracy

411. In November 2010, the Department of Education and Skills published, for consultation, 'Better Literacy and Numeracy for Children and Young People: A Draft National Plan to Improve Literacy and Numeracy in Schools'. Over 470 written submissions were received and a range of focussed stakeholder consultation meetings were also held. The final strategy, "Literacy and Numeracy for Learning and Life", which focuses on pre-school, primary and post-primary sectors is expected to be published in July 2011.

(e) Economic, social and cultural rights learning in post-primary schools

412. As with primary education above, economic, social and cultural rights learning can feature in a range of contexts across the curriculum, rather than a single subject area. Most commonly it features in SPHE, History, Geography, Business Studies and in Civic, Social and Political Education.

(f) Youthreach

413. Youthreach is an integrated programme of education, training and work experience, introduced jointly with FÁS in 1989, for young people between 15 and 20 years of age who have left school early without any qualification or vocational training. The teacher: pupil ratio is very low in Youthreach. This allows additional resources to be targeted at the development of learner's literacy and numeracy skills. There is also a strong emphasis on personal development and on core skills such as communications and IT. Participants are paid a training allowance and may be eligible for a range of additional allowances such as; meal, travel, long-term unemployment bonus and childcare support. There are almost 6,000 places available nationwide under the Youthreach umbrella.

6. Adult provision

(a) Back to Education Allowance scheme

414. As part of its Employment Support Services, the Department of Social Protection funds the Back to Education Allowance (BTEA) scheme. The BTEA is an educational opportunities scheme for unemployed people, lone parents, people with disabilities and other social welfare customers that want to return to education/training. At the end of 2010,

there were 20,808 people availing of the Back to Education Allowance Scheme. The scheme aims to:

- raise educational and skills levels among the long term unemployed, in order to help them to meet the requirements of the modern labour market;
- provide a comprehensive range of options from which an unemployed person can choose, or be directed to, the most appropriate one for his or her needs.

(b) Adult and further education

415. A wide range of full and part time adult and further education programmes are available with Further Education and Training Awards Council (FETAC) qualifications which learners may or may not seek. The main programmes and other recent developments are outlined below. Further information on FETAC can be found at <http://www.fetac.ie/fetac/aboutfetac/aboutfetac.htm>.

(c) Adult literacy

416. The Adult Literacy service is delivered nationwide by the VECs. Since 1997, funding has increased from €1 million to over €30 million in 2010 and the number of participants has increased from 5,000 in 1997 to over 47,000 in 2009. The adult literacy service is free and confidential. It is available as a stand-alone tuition programme in a variety of formats (intensive, family, workplace) and for specific cohorts (deaf people, people with dyslexia and native Irish speakers in Gaeltacht areas). For those who do avail of the literacy service, progression is available from 1-to-1 tuition (2 hours per week), to group tuition, and from there to courses which prepare the learners to present for modules at FETAC Levels 1 to 3 (around Junior Certificate Level). It also provides a suite of services such as:

- Intensive tuition in adult education programme (ITABE) (6 hours a week for learners).
- The DEIS family literacy initiative to encourage parents to participate in their children's education and to encourage family members to learn together and from each other.
- English Language tuition to immigrants, including refugees and asylum seekers, and migrant workers from the new EU accession states. (Since 2003, over 70,000 learners have availed of ESOL tuition through the adult literacy programme).
- Workplace literacy and basic education schemes in operation around the country.

(d) Senior Traveller Training Centres

417. As part of Budget 2011 announced in December 2010, it was announced by the Government that integrated further education provision for Travellers will be implemented through the phasing out of STTCs by June 2012 and the provision of replacement places, prioritised for Travellers, under the Back to Education Initiative (BTEI). This announcement is in line with the Report and Recommendations of the Traveller Education Strategy and the 2008 Value for Money Review of Youthreach and STTCs.

(e) Back to Education Initiative (BTEI)

418. The BTEI commenced in October 2002 to provide for an expansion of flexible part-time options across Further Education. Its priority is those adults with less than upper second level education. Since September 2007, the BTEI is free for any adult with less than

upper second level education. In 2009 there were a total of 28,194 participants in courses under the BTEI, of which 20,109 (71%) were women and 8,085 (29%) were men.

(f) Vocational Training Opportunities Scheme (VTOS)

419. There are 5,000 full time VTOS places available nationally every year. VTOS has proved very successful in opening up learning and progression opportunities for people who have been unemployed with 60% of students, who completed the two-year VTOS programme in summer 2009, moving into employment or further education courses.

(g) Post Leaving Certificate Programme

420. The Post Leaving Certificate (PLC) programme is a self-contained whole-time learning experience designed to provide participants with specific vocational skills to enhance their prospects of securing lasting, full-time employment, or progression to other studies.

421. At present there are over 38,000 learners in the 194 PLC centres nationwide. It caters for those who:

- have completed post primary education, and require further vocational education and training to enhance their prospects of employment or progression to other studies;
- are adults returning to education, who may not have completed post primary education, but are deemed by the provider to have the necessary competencies and capacity to undertake the programme at FETAC levels 5 and 6.

(h) Participation

422. Higher Education is delivered through 7 universities, 4 colleges of education, 15 institutes of technology and a number of other third level colleges and privately owned colleges. Participation in higher education has grown at an unprecedented rate over the last four decades and Ireland has now reached entry rates to higher education of approximately 65% in 2010, up from 55% of 18 year olds in 2004. Overall enrolment has increased from 166,223 in 2005/2006 to 188,166 in 2009/2010 (Key Facts and Figures 09/10, (2010) HEA, <http://www.heai.ie/files/files/file/statistics/2010/49841%20HEA%20Key%20Facts%20&%20Figures%200910.pdf>). Full-time postgraduate enrolments have shown the largest increase with a rise of 31.8% over the past five years. Full-time Mature New Entrants make up 13.6% of all New Entrants in 2009/2010 compared to 9.4% in 2004. Over 10% of new entrants to Higher Education were of nationalities other than Irish. In 2009/2010, 6% of New Entrants indicated a disability; this figure was 3.2% in 2005.

423. Assessments of future skills needs suggest we must aim to achieve entry rates to higher education of 72% by 2020.

(i) National Framework of Qualifications

424. The Qualifications (Education and Training) Act 1999 places new emphasis on learners and also provides a national framework of qualifications. This framework which was launched in 2003 creates coherent links between second level, further education and higher education and facilitates access, transfer and progression. Fundamental changes are being brought about through implementation of the National Framework of Qualifications, particularly increased flexible provision of higher education. The framework is represented in the diagram at annex 2, table 30. Please see www.nfq.ie for further information.

(j) Institutes of Technology

425. In June 2006, the 15 Institutes of Technology were designated under the Higher Education Authority (HEA). The HEA assumed funding and a range of other roles in respect of the institutes. The designation secures the necessary parity of esteem between the two sectors and encourages the growth and evolution of a diverse range of institutions. Improving the extent to which Irish higher education promotes lifelong learning is envisaged in a number of national strategies, such as the national skills strategy. Accomplishing lifelong learning goals is being advanced through the Strategic Innovation Funding, the adoption of modularisation, broadening entry routes to higher education and expansion of part-time/flexible learning opportunities.

(k) Access

426. The Department of Education and Skills established the National Access Office in the Higher Education Authority in 2003 to advise on and coordinate policy and to support access for groups who are under-represented in higher education. In 2004 the first national Action Plan 2005-2007 (<http://www.heai.ie/files/file/archive/policy/2005/Access%20Action%20Plan%202005-2007.pdf>) to achieve equity of access to higher education was launched. A draft evaluation of progress in the National Plan for Equity of Access to Higher Education shows the national participation targets set in 2001 and endorsed in the 2005 Access Plan were achieved and new challenging targets were set in the 2008-2013 plan ([http://www.heai.ie/files/files/file/National_Access_Plan_2008-2013_\(English\).pdf](http://www.heai.ie/files/files/file/National_Access_Plan_2008-2013_(English).pdf)).

(l) Funding for higher education

427. In 2008 €1.5 billion was spent in recurrent grants to higher education institutions, this compares to €1.2 billion in 2005. A Recurrent Grant Allocation Model (RGAM) was introduced by the HEA in 2006. The new funding model is currently being phased in for all HEA funded higher education institutions. The aim of the model is to provide equitable and transparent funding to institutions based on their student mix.

(m) Student financing

428. The allocation for the student grant schemes in 2010 is €362m. The 2011 allocation compares with €362m in 2010. Some 69,000 students received financial support under the student grant schemes in the 2009/2010 academic year, an increase of some 21% from the 2008/2009 academic year and this number is expected to rise further for the 2010/11 academic year. In 2000-01, a special rate of maintenance grant was introduced to encourage and support the participation of the most economically disadvantaged students in third level education.

429. It is intended to introduce the unified grant scheme for the 2011/12 academic year and to establish the single grant awarding authority for the 2012/13 academic year.

430. ESF-aided programmes, i.e. the Fund for Students with Disabilities and the Student Assistance Fund, play a key role in widening participation for those who are traditionally under-represented in higher education. The Fund for Students with Disabilities provides institutions with specific funding to support people with disabilities.

431. Studentfinance.ie which was launched in 2008 provides comprehensive information on the range of funding schemes that are available to (full-time) students attending further and higher education.

8. Immigrants in Irish education

432. There were a total of 420,000 non-Irish nationals living in Ireland in April 2006, representing over 200 nationalities, and comprising approximately 10% of the population.

(a) Office of the Minister for Integration

433. The Irish Government appointed the first Minister of State for Integration in June 2007 in conjunction with the establishment of a new Office of the Minister for Integration. The Office has a cross-Departmental mandate to develop, drive and co-ordinate integration policy across Government Departments, agencies and services.

(b) Immigrants in pre-school, primary and post-primary schools

434. All children residing in Ireland are entitled to avail of pre-school, primary and post primary education.

(c) Mother tongue/first-language education

435. It is estimated that there are over 200 languages spoken in Ireland, as such it is not possible, from a resource perspective, to provide learning opportunities in all of these languages. Priority is given to learning the language of instruction. However, Ireland very much recognises the importance of mother tongues to individuals, for their own development and esteem, and to Ireland's cultural and economic life. In recognition of this, several measures are in place within the education sector.

(d) Recent developments**(i) *Language Support Teachers***

436. Proficiency in the English language is of critical importance in ensuring the integration of children from diverse cultural and backgrounds (and is one of the 10 key components of the "Intercultural Education Strategy, 2010-2015"). A major resource for schools is "English as an Additional Language" ("EAL") teachers. EAL teachers assist schools in working with parents and class teachers, to identify pupils requiring additional language support, to administer the assessment material, to devise appropriate language/socialisation programmes, to deliver the programmes and to record and monitor pupils' progress.

437. Budget 2011 announced a phased reduction in the numbers of EAL Language Support Teachers. This resource remains a substantial one, and the challenge is to utilise it as effectively as possible. Please see annex 2 table 31 for the number of language support posts and costs.

438. The Department of Education and Skills also provides for the English language and socialisation needs of adult refugees through the Adult Refugee Programme (ARP), an integration programme funded by the Government and open to all those with refugee status. This service is also provided through the VEC sector. Participation in the programme is available for a period of up to 1 year, with 20 hours per week.

(ii) *Resource materials*

439. The Integration Unit in the Department of Education and Skills has developed "AIM – Accessing Intercultural Materials". AIM is regularly updated and hosted on the websites of the Department of Education and Skills (www.education.ie) and the Office of the Minister for Integration (www.integration.ie).

(iii) *Pre-service training for mainstream class teachers*

440. Student-teachers at all levels can receive elective training in interculturalism. At primary level, student-teachers are taught language acquisition teaching methodologies and skills, in the context of teaching both English and Irish.

(iv) *In-service training and support for language support teachers*

441. Language support teachers have received a programme of support since 1999. Currently, the Professional Development Service for Teachers provides Continuing Professional Development for school staff, including in the areas of EAL and intercultural education. All primary teachers who attend Social, Personal and Health Education in-service receive an element of training on interculturalism.

442. Ireland was one of six countries to take part in the OECD's Thematic review of Migrant Education. The review team visited Ireland twice during the course of their work and produced a country report on Ireland (2009), as well as a composite report of the review (2010). See www.education.ie/home/home.jsp?pcategory=51881&ecategory=51934&language=EN for copies of these reports.

(v) *Development of an Intercultural Education Strategy (IES)*

443. The Department of Education and Skills and the Office of the Minister for Integration launched the "Intercultural Education Strategy, 2010-2015" in September 2010. The Strategy is designed to assist in the creation of an intercultural, integrated and inclusive learning environment in all sectors of education.

9. Travellers in education

444. The Report and Recommendations for a Traveller Education Strategy (TES) was launched in 2006. This covers all aspects of Traveller Education, from pre-school right through to further and lifelong learning and its core principles are inclusion and mainstreaming. The Report contains many recommendations across the education spectrum for parents, pre-school, primary, post-primary, further education, higher education and other areas. In 2009 the Department of Education and Skills established the Traveller Education Strategy Advisory and Consultative Forum. This Forum facilitates consultation on the ongoing implementation of the TES.

(a) Pre-school

445. At the time of Ireland previous reports, there were 42 segregated Traveller pre-schools throughout the country. The TES recommended that segregated pre-schools be integrated into mainstream services within a 10 year period by 2016. The transition from segregated to integrated provision is being managed sensitively, incorporating best practice. The Department of Education and Skills funded 6 segregated Traveller pre-schools in September 2010. It is anticipated that all young Traveller children will be enrolled in mainstream pre-schools by 2012.

(b) Primary and post-primary school

446. Integrated provision is provided in primary and post primary schools where Travellers participate on an equal basis with other service users. Resource Teachers for Travellers posts at primary level and equivalent teaching hours for Travellers at post-primary level will be discontinued from September 2011 and Visiting Teacher Service for Travellers will also be discontinued from September 2011. Traveller students who could benefit from additional tuition will receive this tuition through the existing mainstream learning support provision in schools. Schools will be advised to select students for learning

support on the basis of priority of educational need and not on the basis of membership of the Traveller community.

(c) Adult and further education

447. Travellers are already accessing mainstream Further Education programmes; for example in 2009, there were over 850 Travellers participating in Back to Education Initiative programmes.

(d) Higher education

448. An analysis of data collected by the Higher Education Authority (HEA) on behalf of the Department of Education and Skills for 2009-10, indicates that almost 0.1% of entrants (27 students) to 13 higher education institutions that year were from an Irish Traveller background. This compares to 23 entrants to 9 institutions in 2008-09. While there has been progress, participation by young Irish Travellers in higher education (estimated at 5% of the overall national population in the relevant age cohort) is very low, compared to overall national participation rates (estimated at 60% of the relevant age cohort). It should be noted that there may be more students from Traveller backgrounds in higher education than have self-identified as the HEA survey is voluntary. Interventions by higher education institutions are also working to increase access to higher education by young and mature Traveller students. The Department of Education and Skills with the National Access Office of the HEA has recently agreed to support work by the Irish Traveller Movement (ITM) with the Supporting Travellers in College (STIC) network.

10. The right to education and Ireland's Development Cooperation Programme

449. Irish Aid support for education is firmly situated within the context of support for the Millennium Development Goals and the Education for All Goal. The goal of the Irish Aid Education Policy and Strategy (2008) is to help partner countries realise the right of all children to education, particularly basic education. The policy recognises that Universal Primary Education can best be realised in the context of a well-functioning comprehensive education system starting with early primary education and allowing for a phased and sustainable approach to post primary and tertiary education. The need for education systems to be more responsive to the needs of out of school children and address the barriers that exclude the poorest and most vulnerable is also recognised in the policy.

450. In Uganda, for example, Irish Aid assists the Ministry of Education and Sports in increasing access to education and improving the quality of basic education by supporting teacher development and curriculum reform programmes in collaboration with other development partners and civil society organisations. Support is also provided for the expansion of post primary education in the remote region of Karamoja and for capacity development of tertiary institutions that support teacher development and management.

Article 14 – Compulsory primary education in other territories

451. There have been no developments relating to this Article of the Covenant since Ireland's last report to the Committee.

Article 15 – Right to take part in cultural life

1. Public Library Service

452. There are over 350 branch libraries in the County and public library services are also available to hospitals, schools, prisons, day care centres, parish halls and other community service points with a fleet of mobile libraries serving neighbourhood housing, rural areas and areas of small population.

453. The role of the public library service has been expanded to include lifelong learning, ACL are engaged in a collaborative project with FÁS (Irish National Training and Employment Authority). The aim of the project, e-learning@theLibrary, is to provide interactive online learning courses aimed at unemployed people with low IT skills and other users of the public libraries who wish to improve their IT skill levels. In 2010, 100 of the approximately 350 libraries were involved in the scheme.

454. In 2002, the Department of the Environment, Heritage and Local Government set up the Cultural Heritage Panel to provide online access to the wealth of local studies material held in local libraries and to digitise important national datasets. The www.askaboutireland.ie website is Changing Libraries Programme's online local studies content resource and portal. It is now one of the best used Irish cultural websites. In 2010, the website attracted up to 22,500 visits per week. Additional national datasets were funded by the Department of the Environment, Heritage and Local Government for digitisation, including the Irish Times Digital Archive, Griffith's Valuation, Ordnance Survey Historic Maps interface in public libraries and digital books. The site continues to be developed with funding from Department of the Environment, Heritage and Local Government with the current emphasis on the science and technology aspects of Irish local studies.

Public libraries and the protection of material rights of authors

455. The Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008 (S.I. no. 597 of 2008), signed on 31st December 2008, established the Public Lending Remuneration (PLR) scheme. The scheme is mechanism for authors to receive an annual payment for the loan of their books by public libraries. In 2010, €320,000 was divided between 4,639 qualifying authors with 4 authors receiving the maximum payment of 3000 each. Payments totalling €5 or under issued to 1033 authors.

2. Arts Council/arts projects

456. In 2010, the Arts Council (www.artscouncil.ie) published its strategic overview for the 2011-2013 period called 'Developing the Arts in Ireland'. For further information please see http://www.artscouncil.ie/Publications/Developing_the_Arts_2011-2013.pdf

457. Venues and festivals – especially multidisciplinary venues and festivals – are critical to public access and engagement in the arts. Every county in Ireland has at least one arts centre. The Arts Council's Small Festivals Scheme (SFS), which offers support to some 150 festivals throughout the country annually, has been an important mechanism for ensuring that local towns and communities have financial support when they programme the arts in stand-alone festivals or as part of wider community festivals. The Arts Council expends close to €900,000 on the SFS annually. The area of provision for young people, children and education (known as YPCE in the Arts Council) has been identified as a budget priority.

458. The Arts Council has paid particular attention to Arts and Health; Arts and Disability; and Cultural Diversity as part of a renewed emphasis on arts participation in recent years. For further information please see http://www.artscouncil.ie/Publications/Arts_and_disability_pack.pdf

459. Public Art is another focus of partnership between the Arts Council, the Department of Tourism, Culture and Sport, and the Department of the Environment, Heritage and Local Government.

460. The Department of Tourism, Culture and Sport provides funding for arts events and projects that do not fall within the ambit of the Arts Council. This enables the Minister for Tourism, Culture and Sport to intervene directly and help support important local arts initiatives, particularly in urban and rural marginalized communities which, because of their very nature, cannot come within the parameters of 'excellence' that dictate the criteria applied by the Arts Council when it is making funding decisions. The Department of Tourism, Culture and Sport also provides capital funding for the development of arts and cultural infrastructure around the country, e.g., integrated arts centres, theatres and galleries, as well as arts studios and other art production, creative and performance spaces.

(a) The Irish Film Board (IFB)

461. The Irish Film Board (IFB) is the statutory body established under the Irish Film Board Acts 1980-2006 to promote, develop and market the Irish film industry at home and abroad. For further information please see <http://www.irishfilmboard.ie/>Through its various schemes and programmes, the IFB provides support for the development of Irish talent in the film industry, including short and low-budget films, regionally based projects, and the support of a mobile cinema operating in areas of the country without easy access to cinemas. The IFB also has a strong commitment to the development of Irish language film and television projects. In late 2009, the IFB, in partnership with the Irish Film Institute, developed a direct programme for film and moving image education for the classroom called Film Focus.

(b) Culture Ireland

462. Culture Ireland was established by the then Minister for Arts, Sport and Tourism in 2005 to promote Irish arts abroad and to develop its international contacts in the arts cultural field.

3. National cultural institutions

463. The Department of Tourism, Culture and Sport provides funding to the National Cultural Institutions, which include the National Gallery of Ireland, National Museum of Ireland, National Library of Ireland, National Archives of Ireland, National Concert Hall, Chester Beatty Library, Irish Museum of Modern Art and the Crawford Art Gallery, Cork. Admission to the permanent collections held by National Cultural Institutions is free. Each of the National Cultural Institutions operates Educational and Outreach programmes that improve access to and awareness of their collections. All institutions run programmes for audiences of all ages including older people, adults, families, children and people with special needs and disabilities.

(a) Other cultural institutions and cultural projects

464. The Department of Tourism, Culture and Sport also provides current funding to certain cultural institutions that hold collections of moveable cultural heritage of national importance or collections that are unique in the country and relate to matters of national interest or to international culture.

(b) Culture night

465. Since 2006, the Department has supported 'Culture Night' in Dublin. On Culture Night, arts and cultural organisations, including the National Cultural Institutions, extend

their opening hours to allow for increased access. In 2010, a total of 20 towns and cities throughout Ireland participated in the event showcasing the best of their artistic and cultural heritage and facilities, including An Gaeltacht.

(c) **Heritage sites**

466. It should be noted that, while the Minister for the Environment, Heritage and Local Government is the legal owner of over 700 major national monuments, the day-to-day management of these sites is a matter for the Office of Public Works (OPW). The OPW is responsible for the Education and Visitor Service which organises the public access arrangements for those heritage sites deemed suitable for public access, information services and listings publications in a number of languages.

(d) **Cultural records**

467. The Roman Catholic Church records project is designed to provide online a comprehensive set of church records of births, marriages and deaths. As the Roman Catholic Church records are the only surviving nation-wide source of detailed information on individuals and families for the period prior to the beginning of civil registration, they represent a most significant Irish genealogical resource, which needs to be preserved and made accessible in the best possible way and to the widest possible readership. The Department of Tourism, Culture and Sport has set up a website www.IrishGenealogy.ie

4. Cultural heritage of ethnic minorities

(a) **Research – arts**

468. Some €200,000 was allocated to the Arts Council to carry out research into the development of an intercultural strategy within the arts and to fund a number of initiatives promoting cultural diversity and integration

469. Two key policy documents have been developed in recognition of the significant economic, social and cultural changes which have taken place in Irish society. The National Action Plan against Racism, which ran from 2005 to 2008, focused on the accommodation of diversity through national and local strategies. Migration Nation-Statement on Integration Strategy and Diversity Management is a Ministerial statement on the future direction of integration policy in Ireland which was published by the Office of the Minister for Integration in 2008.

(b) **Initiatives to encourage participation of migrants in the cultural life of communities**

470. A Diversity Strategy for the Arts Sector was launched in September 2010 along with a Pamphlet ‘Cultural Diversity and the Arts: Language and Meaning’. This strategy and pamphlet are useful and practical resources for those working in the arts sector and also for those engaging with it. Integration strategies and action plans have been developed by national sporting bodies, including the Football Association of Ireland and the Gaelic (Irish) Athletic Association of Ireland, to increase the participation base in national sports, to combat racism and to contribute to a wider process of integration.

(c) **Initiatives to promote awareness of the cultural heritage of ethnic, religious and linguistic minorities**

(i) *Intercultural events*

471. In response to the changes which increasing inward migration has brought to Ireland over the last number of years, a number of intercultural festivals and celebrations aimed at

increasing intercultural learning between host and newcomer communities have taken place. Many of these events have been held with the financial support of The Office of the Minister for Integration Small Grants Schemes, grant funding under the National Action Plan against Racism, as well as the Office of the Minister for Integration local authority seed funding.

(ii) *Holocaust Memorial Day*

472. The Office of the Minister for Integration provides support for the Holocaust Memorial Day commemoration. This event is held annually on the Sunday closest to the 27th of January. The Office has also provided additional grants to the Holocaust Education Trust in Ireland towards the further development of educational materials and awareness raising activities.

(iii) *Raising awareness campaigns*

473. A major national awareness media campaign took place in 2006, emphasising the benefits of diversity. The campaign consisted of a series of five 40-second radio commercials and ran for a six week period across all national and local radio stations. In 2007, a major public awareness campaign was launched to highlight the important contribution made by members of minority ethnic groups to Irish society. This campaign used real-life case studies to communicate a trend in Irish society, showing new Irish citizens working in key areas of Irish life. In 2010, Dublin City Council's Office for Integration launched the One City One People Transport campaign. This initiative, which was funded by the Office of the Minister for Integration, used a variety of mediums to promote the message that Dublin is an open city, a city which respects and embraces difference, is accessible, safe and equal and does not accept racism and discrimination.

(d) **Strategies to ensure that public services are responsive to the needs of a diverse client group from a range of religious, ethnic and cultural groups**

474. A number of strategies have been developed at a national level to ensure that key services are delivered in an inter-culturally competent manner. Following a process of extensive research and consultation, a National Intercultural Health Strategy was launched in February 2008.

475. An Intercultural Education Strategy was launched in September 2010. An Garda Síochána (the Irish Police Force) has developed a Diversity Strategy and Implementation Plan (2009-2012). The Equality Authority and the Irish Management Institute, with funding provided under the National Action Plan against Racism, established a BIZLAB model to promote the business case for diversity through research, to explore and identify the primary issues in management of cultural diversity and establish a business case for investment in diversity management.

476. Local authorities continue to develop local Integration Strategies and Action Plans, many of which have been funded by the Office of the Minister for Integration. These strategies aim to ensure that services take account of the specific needs of migrants and ensure migrants can participate in the social, civic and cultural life of their communities. More detailed information on local integration strategies, including links to these strategies, is available on the Office of the Minister for Integration website at: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/managingdiversity-strategies-local-en>. A number of local integration fora have been developed to encourage the greater participation of migrants in all aspects of the life of their communities and to ensure that the diverse needs of migrants are taken into account in the planning of services at a local level.

(e) Ministerial Council on Migrant Integration

477. At a national level, a Ministerial Council has been established to advise the Minister for Integration on issues faced by migrants in Ireland and consists of 15 to 20 members in four different regions.

(f) Travellers

478. Please see CERD/C/IRL/3-4, paragraphs 8-11.

(g) Cross-border cooperation in relation to National Heritage Sites

479. Ireland is co-operating with the Special EU Border Programme. This is part of the new Programme for Territorial Cooperation (INTERREG IV). Possible projects for cross-border cooperation which have been identified so far include integration of the results of archaeological surveys, using advanced Geographical Information Systems software, and a joint "Battlefields" project, focussing on the shared military history of the island. In addition to the comprehensive protections in place under the National Monuments Acts 1930-2004, particular sites have been designated as World Heritage Sites, for example, the archaeological complex at the bend of the River Boyne (Brú na Boinne) and Skellig Michael.

III. Developments following the concluding observations of the Committee on Economic, Social and Cultural Rights upon Examination of Ireland's second report (E/1990/6/Add.29)

A. Introduction

480. The Committee on Economic, Social and Cultural Rights considered Ireland's second report at its 6th to 7th meetings, held on 1 and 2 May 2002, and adopted several concluding observations at its 17th meeting on 10 May 2002. These concluding observations were distributed to the government departments by the Department of Foreign Affairs for their comments on what measures had been taken since the second periodic report to address some of the issues raised by the Committee. The following chapter draws together some of the main concerns of the Committee in the concluding observations with responses provided by various departments.

B. Positive aspects of the concluding observations

481. The Committee noted with appreciation the ratification in November 2000 of the 1996 revised European Social Charter and the 1995 Additional Protocol to the European Social Charter.

482. The main innovations in the Revised Charter include: strengthening equality between men and women; the right of disabled persons to individual social integration, personal independence and participation in the life of the community; strengthening the right of children and young persons to social, legal and economic protection; the right to protection in cases of dismissal; the right to dignity at work; the right of workers with family responsibilities to equal opportunities and equal treatment; the right to protection against poverty and social exclusion and a widening of the ban on discrimination. While Ireland is in a position to implement almost all of the provisions of the Revised Charter, acceptance of the following provisions has been deferred until such time as the legislation is in conformity with them:

- Article 8, Paragraph 3 regarding certain rights of employed women to protection of maternity – specifically, where such mothers are nursing their infants;
- Article 21, Paragraphs a and b regarding the right of workers to information and consultation;
- Article 27, Paragraph 1 (c) regarding the right of workers with family responsibilities to equal opportunities and equal treatment – specifically, in regard to daycare services and other child care arrangements.

These reservations will be kept under review.

483. A legal right to housing has not been provided for in Ireland on the basis that the funding commitment to the various housing programmes in place has resulted in increased outputs and that decisions in relation to the allocation of financial resources are a matter for Government, rather than the Courts. This approach is in line with the 1996 report of the Constitutional Review Group, which concluded that the Constitution should not confer personal rights to freedom from poverty or to other economic or social entitlements. The Group regarded these as being essentially political matters, which should be the responsibility of the elected members to address and determine in a democracy. The legislative code governing social housing in Ireland is contained in the Housing Acts 1966-2009 and while it does not confer any statutory right to housing, the range and extent of measures implemented demonstrate the State's long standing commitment to ensuring that housing needs, especially social housing needs, are adequately addressed. The Government consider that the most appropriate way of addressing needs in relation to housing is to continue the various programmes and fiscal incentives currently in place, and to secure the necessary level of funding to support them.

484. Ireland submitted 21 reports under the original European Social Charter – the first one in 1996 and the last one in 2003. To date, Ireland has submitted two reports under the Revised Charter.

1. International Convention on the Elimination of All Forms of Racial Discrimination

485. The Committee also welcomed the ratification by Ireland of the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 2000. There has been significant positive collaboration with the CERD Committee since ratification of the Convention. Ireland was also one of the countries that opted in to Article 14, which allows a right of individual petition to the CERD Committee, all local remedies having been exhausted. In March 2005, a very positive dialogue took place between the State Party, led by Mr. Frank Fahey, then Minister of State at the Department of Justice, Equality and Law Reform and the CERD Committee on Ireland's First and Second National Reports, as required by Article 9 of CERD.

486. In June 2006, Ireland underwent a follow-up process. To facilitate this, Ireland prepared an update for Mr. Morten Kjaerum, the follow-up coordinator, on the recommendations of the UNCERD Committee. Following his visit to Ireland, Mr. Kjaerum submitted a report of his follow-up visit. The report was formally adopted by the UNCERD Committee. Mr. Kjaerum commented favourably on the open and effective manner in which Ireland addressed the 21 points of concern raised by the Committee.

487. The Office of the Minister for Integration undertook responsibility for the co-ordination and transmission of Ireland's Combined Third and Fourth Report to the United Nations Committee on the Elimination of Racial Discrimination. The report was transmitted to the UNCERD Committee on 22 December 2009. All relevant Government Departments were consulted and contributed material for the report. Civil society groups and members of the public were also invited to submit relevant comments which were used

to inform the preparation of the report. A consultation meeting with civil society was undertaken in late 2008. The meeting was chaired by an independent expert and a report of the meeting was drawn up by an independent rapporteur.

2. Measures on equality and anti-discrimination

488. The Committee noted with appreciation the establishment of the Equality Authority in October 1999, under the Employment Equality Act (1998), and the entry into force of the Equal Status Act in October 2000.

3. Unemployment

489. The Committee noted with appreciation the continuing decline in the unemployment rate since the consideration of the State party's initial report. Unemployment was down from 6% in 1999 to 4.3% in 2001, and in particular the considerable decline in the long-term unemployment rate from over 9% in 1996 to 1.2% in 2001.

C. Principal subjects of concern and suggestions and recommendations

1. Incorporation of the Covenant into domestic legislation

490. The Committee noted with regret that, despite its previous recommendation in 1999, no steps have been taken to incorporate or reflect the Covenant in domestic legislation, and that the State party could not provide information on case law in which the Covenant and its rights were invoked before the courts.

491. As has been outlined previously, the Government is fully committed to ensuring the progressive implementation of economic, social and cultural rights both within Ireland and in the context of international cooperation. The Government ensures that the State's obligations to implement the Covenant in Ireland are met through policies aimed at improving the enjoyment of economic, social and cultural rights, including by fighting persistent poverty and social exclusion.

492. Ireland implements these policies in a number of ways. The rights of the family based on marriage are protected by Article 41 and 42 of the Constitution and the right to education, including free primary education, is protected by Article 42. The right to freedom of association, including membership of trade unions, is guaranteed by Article 40.6.1 (iii) of the Constitution and the right to work and earn a livelihood is guaranteed as an unenumerated personal right under Article 40.3 of the Constitution. Other rights are protected by means of legislation, or via exercise of Executive power. The Government considers that this differentiated approach affords the best means of implementing Ireland's obligations under the Covenant.

2. The Irish Human Rights Commission

493. The Committee also commended Ireland for establishing the Irish Human Rights Commission under the Human Rights Commission Act 2000. However, the Committee expressed concern that the Irish Human Rights Commission established by the Human Rights Commission Act 2000 was not operational at the time of publishing the concluding observations. Please see paragraph 13.

494. The Committee also requested information on initiatives undertaken by the Irish Human Rights Commission to promote economic, social and cultural rights. In December 2005, the Commission hosted an international conference on economic, social and cultural rights, involving representatives of a number of UN agencies including the Coordinator for the Human Rights and Economic and Social Issues Unit in the Office of the United Nations

High Commissioner for Human Rights (OHCHR), the chairperson of the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

495. At that conference, the Commission published a Discussion Document “Making Economic, Social and Cultural Rights Effective,” which is annexed to this report. This publication is intended as the first stage in a strategic programme of work in this area which it is hoped will be the platform for a broad and inclusive consultation process on how Ireland can improve its protection of these rights.

496. A key operating principle for the Commission is to exercise its statutory powers and functions in such a way as to add value to work already being done by others to promote and protect human rights. In this regard the Commission works closely with other State agencies and NGOs with responsibility for promoting respect for economic, social and cultural rights.

3. The rights of persons with disabilities

497. The Committee regretted that the Disability Bill did not adopt a human rights-based approach, as recommended in its previous concluding observations and that section 47 of the Disability Bill contained a clause purporting to remove the rights of people with disabilities to seek judicial redress if any of the Bill’s provisions are not carried out. The Committee strongly recommended that the State party adopt a human rights-based approach in the Disability Bill and remove the clause in Section 47 of the Disability Bill.

498. The Government launched the National Disability Strategy (NDS) in September 2004 to underpin the participation of people with disabilities in Irish society. The NDS builds on existing policy and legislation, including the policy of mainstreaming public services for people with disabilities. As an indication of mainstreaming, disability is dealt with in Part 2 under each of the following Articles: 3, 6, 9, 10, 12, 13 and 15. The key elements of the Strategy are:

- The Disability Act 2005;
- Sectoral Plans;
- The Education for Persons with Special Educational Needs Act 2004;
- The Citizens Information Act 2007;
- A multi-annual investment programme 2006-2009 targeted at high-priority;
- Disability support services.

(a) Disability Act 2005

499. Following the withdrawal of the Disability Bill 2001 in February 2002, the Disability Bill 2004 passed through the Houses of Parliament and the Disability Act 2005 (‘the Act’) was enacted on 28 July 2005. The Act is a positive action measure designed to support the provision of disability-specific services to people with disabilities and to improve access to mainstream public services for people with disabilities. Its main elements are: the right to an individual needs assessment with a related service statement and redress; access to public buildings, services and information; sectorial plans for key authorities to ensure integral service planning and provision; and the obligation on public bodies to proactively employ people with disabilities. All sections of the Act have been commenced and, in accordance with its own terms, a review of operation of the Act was completed in July 2010.

(b) Sectoral plans

500. In accordance with Part 3 of the Disability Act 2005, sectorial plans were created to set out how six Government Departments (with the functions of Health, Social Protection, Transport, Environment, Employment and Communications) deliver specific services to meet the needs of people with disabilities. Parliament approved the six Sectoral Plans in October 2006 and they were published in December 2006. As required under the Disability Act 2005, reports of progress on the implementation of the Sectoral Plans were prepared by the relevant Departments in December 2009 and these were laid before the Oireachtas in February 2010.

501. Consultation with the disability sector has been and continues to be a key element in meeting the rights of people with disabilities and in the implementation of the NDS. Disability stakeholders provided an input into the process of formulating disability legislation since the Government initiated a consultation process on the Disability Bill in early 2002, culminating with the launch of the NDS and the Disability Act 2005. People with disabilities, their families, carers, advocates and service providers were consulted on the Sectoral Plans before they were finalised for submission to Parliament and each plan includes arrangements for complaints, monitoring and review procedures. The implementation of the NDS is driven and monitored by the NDS Stakeholder Monitoring Group (NDSSMG), which is comprised of:

- the Disability Stakeholder Group (DSG), representing the sector and its service provider and user organisations;
- senior officials from ten key Government Departments;
- the National Disability Authority (NDA) – the lead statutory agency for the sector;
- social partners (the Irish Business and Employers Confederation and the Irish Congress of Trade Unions);
- The DSG represents organisations from across the spectrum of disability. Its representatives also sit on consultative committees for the Sectoral Plans established by the relevant Departments.

502. The NDA also plays a key role in the sector. It was established in June, 2000 under the National Disability Authority Act 1999. It is the independent state body providing expert advice on disability policy and practice to the Minister for Justice and Equality and Government Departments. In addition to its policy remit, the NDA work includes research and analysis of issues related to disability; advice on standards and codes of practice for use in service provision to people with disabilities; monitoring standards and recognising achievement through awards schemes, and working with service providers to support them in delivering high quality service standards for people with disabilities. The NDA's Centre of Excellence in Universal Design was established in 2007 and is seen as an international leader in this field.

503. Part II of the Act relates to Assessment of Need; Service Statements; and Redress and is a matter for the Department of Health and Children; this Part of the Act includes a provision regarding appeals to a court (Section 20).

504. Section 14 of the Disability Act 2005 provides that a complaint can be made on a number of grounds, in relation to the initial determination by an Assessment Officer, or following the preparation of the service statement, including:

- whether a disability exists or not;
- assessments not being commenced or concluded within the specified timeframe;
- the assessment not conforming with the standards;

- the contents of the service statement; or
- any failure to provide a service specified in the Service Statement.

505. Complaints are heard by a complaints officer, appointed by the HSE. The complaint should, if possible, be resolved informally. If this is not possible, the complaint is investigated formally and a recommendation is issued, which may include a timeframe for any action directed. The recommendation will have regard to the outcome of the investigation as well as other considerations, including the eligibility of the person for the service, the practicability of providing the service(s) and the resources available to the service provider.

506. This complaints mechanism is encompassed in the newly-developed statutory complaints system in relation to health services generally which was contained in the Health Act 2004. However, given the particular nature of complaints which may arise under Part 2 of the Disability Act, specific training in the provisions of the legislation has been delivered to complaints officers.

507. Should those involved in the initial complaint remain dissatisfied with the recommendation of the complaints officer, a further avenue of appeal is provided for in Sections 16 to 20 of the legislation. Section 16 provides for the appointment of an independent Appeals Officer.

508. An appeal may be made by, or on behalf of, a person who has made an application for an assessment of need, against the findings of a complaints officer, or on the grounds of non-implementation of the recommendation of the complaints officer. In addition, the HSE or the head of an education service provider may also appeal against this recommendation.

509. The appeal is examined and, if possible, will be resolved, in the first instance, through mediation. Should this not be possible or appropriate, or in the event of mediation being unsuccessful, the appeal will be referred back to the Appeals Officer for determination. Where proper, an oral hearing may be held, at which any party with an interest may be called to give evidence. The determination of the Appeals Officer must be issued within 56 days of this hearing. An appeal to the High Court, against the findings of the Appeals Officer may be made on a point of law and not on the substance of the determination.

510. The Appeals Office, which is independent in its functions, is resourced from within the Department's Vote and has been in operation since June 2007. An interim Appeals Officer has been in place since then, with an appointment, on a permanent basis, due to be made shortly.

511. The issue of advocacy is a matter for the Department of Social Protection; the Citizens Information Act 2007 equips the Citizens Information Board (formerly Comhairle) to provide a personal advocacy service for people with disabilities.

512. In order to expand advocacy provision for people with disabilities the Citizens Information Board began a process in 2004 of engaging the community and voluntary sector in the provision of advocacy services to people with disabilities and also produced advocacy guidelines to inform and guide organisations in the development of advocacy services. Forty six projects have been funded since 2004 to deliver representative advocacy services to people with disabilities, some of which are cross disability type, with others specifically targeting one particular type of disability. Each of the projects poses different challenges, some requiring more intensive work with smaller caseloads while others have larger caseloads with shorter periods of client contact.

513. Funding of €1 million was allocated to the Citizens Information Board in 2005 to enable the introduction of the new service, an additional €1.4 million was allocated in 2006

to develop the work further and additional funding of €1.9 million was allocated in 2007 for the development of a Personal Advocacy Service and for the implementation of the Disability Sectoral Plan. In line with the commitment to invest further in the Citizens Information Board, funding of €1.8 million was provided in 2008 for service developments which include advocacy services.

514. The introduction of a Personal Advocacy Service is provided for in the Citizens Information Act 2007. The service will assist the individuals concerned in identifying and understanding their needs and options and assist them in securing their entitlements to social services which include health, social welfare, education, family support, housing, taxation, citizenship, consumer matters, employment and training, equality, asylum and immigration. Having regard to budgetary circumstances, the Personal Advocacy Service was not introduced in 2008 as envisaged and will not commence before end of 2009.

(c) Sheltered employment

515. The Committee was also concerned about the persistence of discrimination against persons with physical and mental disabilities, especially in the fields of employment, social security benefits, education and health. Information on the measures in place to address discrimination against persons with disabilities is included in paragraphs 14, 23, 39, 100, 107-111, 127-131 in relation to employment and paragraphs 190-197, 207, 209-210, 351-360 in relation to social security benefit of this report.

516. The Committee was particularly concerned that people with disabilities, including those working in sheltered workshops, do not have the status of employees and therefore do not qualify for the minimum wage arrangements; if, however, they do benefit from minimum wage arrangements, they are liable to lose their rights to free medical care. On foot of these concerns, the Committee recommended that the State party conduct a review of the sheltered workshops for the disabled and consider adopting measures, legislative or otherwise, allowing people with disabilities to work with full employment status and to retain the right to free medical care.

517. Under the Government's mainstreaming policy for services for people with disabilities, responsibility for providing vocational training and employment services transferred from the Department of Health and Children (DoHC) to the Department of Enterprise, Trade and Employment (DETE) in June 2000. Responsibility for rehabilitative training and Sheltered Workshops remains with the DoHC. Under mainstreaming, DETE has responsibility for promoting the employment of people with disabilities and it does this by means of a three-pronged approach:

- Facilitating progression into sustainable employment through skills development;
- Stimulating awareness amongst employers of the contribution that persons with disabilities can make and encouraging them to recruit them; and
- Providing specific employment supports for persons with disabilities and employers.

518. DETE delivers its policies for people with disabilities through FÁS, the Employment & Training Authority. FÁS has a remit to provide vocational training and employment services for people with disabilities, to assist them entering or re-entering the open labour market.

519. The Wage Subsidy Scheme (WSS) was introduced as a trial programme in September 2005. This scheme is open to Sheltered Employment enterprises with a commercial orientation, establishing themselves as legal entities to avail of the subsidies available to employers under the scheme. The programme was made permanent in 2008 when it was simplified to have one productivity rate of shortfall (i.e. in excess of 20%) and only one rate of subsidy €5.30 per hour.

520. The WSS provides financial incentives to employers, outside the public sector, to employ disabled people who work more than 20 hours per week. The Scheme is structured under three strands. The employer can benefit from one or all, simultaneously:

- Strand I subsidy – is a general subsidy for any perceived productivity shortfall in excess of 20% for a disabled person, in comparison to a non-disabled peer. An employee must work a minimum of 21 hours per week up to a maximum of 39 hours per week. The rate of subsidy is €5.30 per hour and is based on the number of hours worked, giving a total annual subsidy available of €10,748 per annum based on 39 hour week.
- Strand II – is based on the total number of disabled employees in a company, an employer can apply for a grant to cover additional costs ranging from an additional 10% for 3-6 employees to a maximum of 50% of the wage subsidy for 23+ disabled employees based on the following rates. Strand II grants are intended to cover the additional supervisory, management and other work based costs which may derive from the firm's decision to specifically employ more than two disabled people.

3 to 6 disabled employees	10% top-up of wage subsidy paid
7 to 11 disabled employees	20% top-up of wage subsidy paid
12 to 16 disabled employees	30% top-up of wage subsidy paid
17 to 22 disabled employees	40% top-up of wage subsidy paid
23 to 30+ disabled employees	50% top-up of wage subsidy paid

- Strand III – is where 30 or more disabled people are employed, employers can avail of a grant of €30,000 per annum to assist with the cost of employing an Employment Assistance Officer. Strand III grants enable employers who employ 30 or more disabled workers on the Wage Subsidy Scheme to be eligible for a grant as a contribution towards the employment and expenses of an Employment Assistance Officer (EAO). The EAO will be employed in a supportive role to assist the employees with a disability with their needs in employment. The focus of the EAO's work will be on the personal, social, health or family circumstances of disabled workers which might them from remaining in employment. The grant for this strand is €30,000 per annum per EAO employed, based on the employment of 30 disabled people per month. It is paid per cohort of 30 and not on a pro-rata basis. The number of participants on WSS was 833 at the end of December 2010.

521. The Vocational Training Strategy for Disabled People was developed in 2005 and approved by the FÁS Board in 2006. It is an integral part of the Department of Enterprise, Trade and Innovation's Sectoral Plan. The objective of the plan is to provide a comprehensive employment strategy for people with disabilities. The plan contains 30 recommendations for implementation by FÁS under the following five headings; Mainstreaming, Training Programmes and Delivery, Training Supports, Facilities and Redress and Costs.

(d) Supported employment

522. Supported employment is an open labour market initiative developed by FÁS that works towards the placement of, and support, of people with different types of and varying degrees of disability who need the initial support of a Job Coach to obtain or maintain employment. Supported Employment is aimed at persons with disabilities who wish to take up paid employment and need assistance to find that employment.

523. The key aspects of Supported Employment are:
- To facilitate the integration of people with disabilities into paid employment in the open labour market;
 - To provide supports to assist with this integration process;
 - To meet the employers' requirements.
524. The Job Coach provides direct support to individuals with disabilities by:
- Helping the job seekers identify their skills and interests;
 - Assisting the job seeker in finding suitable employment where skills and interest will match the demands of the job. (For the full text please see: <http://www.oireachtas.ie/documents/bills28/acts/2005/a2605.pdf>);
 - Analysing the task involved and planning the supports to be provided.

(e) Developing with the employee, the technical and social skills required to do the job, at the worksite

525. The Department of Social Protection points out that social welfare legislation provides that only employment under a contract of service or self-employment is insurable (sections 12 and 20 of, and Schedule 1 to, the Social Welfare Consolidation Act 2005 refers). It is a question of fact whether a person is employed or not under a contract of service. Where a person with a disability has not been employed under a contract of service and therefore does not qualify for benefit on the basis of social insurance contributions, disability allowance or other assistance benefits may be availed of, normally at the same or nearly similar rates of payment. In these circumstances it is considered that there is no compelling argument for making special provision for the insurability of persons whose participation in the activities of a sheltered workshop does not constitute employment under a contract of service.

4. Elimination of discrimination in the Constitution

526. The Committee regretted that the State party has not yet undertaken any measures with regard to the Committee's 1999 recommendation concerning the inconsistency of Article 40.1 of the Constitution on equality before the law with the principle of non-discrimination, as set out in Articles 2 and 3 of the Covenant, and amending the Article.

527. The main Constitutional reference to equality appears in Article 40.1 which states that:

All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.

528. The position of women in Irish society is addressed in Article 41.2:

1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

2° The State shall, therefore, endeavour to ensure that Mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

529. However, this phrasing has recently been reviewed by the All-Party Oireachtas (Parliamentary) Committee on the Constitution as part of its Tenth Progress Report on the Family, published in January 2006. Following extensive deliberation, the Oireachtas Committee recommended an amendment of Article 41.2.1 and Article 41.2.2 which it regards as rendering the Articles gender neutral. The recommended wording is as follows:

41.2.1 The State recognises that by reason of family life within the home, a parent gives to the State a support without which the common good cannot be achieved.

41.2.2 The State shall, therefore, endeavour to ensure that both parents shall not be obliged by economic necessity to work outside the home to the neglect of their parental duties.

530. The recommendations of the All-Party Oireachtas Committee are contained in a report on a much wider brief in relation to the family and are under consideration by the relevant Departments. Any amendment to the Irish Constitution would require legislative proposals and must be submitted by referendum to the decision of the people.

5. National Minimum Wage

531. The Committee was concerned about the inadequacy of the minimum wage and welfare payment levels set by the State party in relation to its obligations under articles 7, 9 and 11 of the Covenant and recommended that Ireland reconsider its methods of fixing the minimum wage and welfare payment levels so as to ensure they conform to the State party's obligations under articles 7, 9 and 11 of the Covenant.

532. The National Minimum Wage legislation was introduced in 2000 as a social policy commitment of Government in the framework of an assault on exclusion, marginalisation and poverty with an aim to protect vulnerable workers who were prone to be exploited.

533. Since the national minimum wage was first introduced in Ireland, the rate has been increased six times. As at 1 January 2007, Ireland has the second highest minimum wage in those EU countries which have a minimum wage. EUROSTAT data indicate that Ireland has the highest minimum wage relative to average gross earnings in industry and services among those EU member states which have a minimum wage.

534. The National Minimum Wage in Ireland applies to all employees except close relatives of an employer and certain apprentices. The legislation applies equally to men and women and part-time and full-time workers.

535. The National Minimum Wage Commission recommended that the initial rate for the minimum wage should be set at two-thirds of median earnings, which at the time, came to £4.40 per hour. This was the rate at which the minimum wage was set on its introduction in April, 2000.

536. In 2006 a survey of private sector non-agricultural firms found that 5.2% of employees (about 70,500 employees) are earning the national minimum wage.

537. In addition to the minimum wage rates set out under the National Minimum Wage Act, minimum wage rates may also be set out in Employment Regulation Orders (EROs) and Registered Employment Agreements (REAs) but these may not set an inferior rate of pay to those provided for under the National Minimum Wage Act. Higher statutory minimum wages than the National Minimum Wage are set for many sectors such as the Construction Industry, Hotels Sector, Catering and the Contracting Cleaning Sector.

(a) Adjustment in the National Minimum Wage

538. The latest available data show that in the fourth quarter of 2010, approximately 59,800 workers (3.9%) were paid €8.85 per hour or less.

539. The National Minimum Wage Act 2000 sets out two ways in which the minimum wage can be changed:

- *Recommendation in national economic agreement*

Where there is a national economic agreement, which includes a recommendation in relation to the minimum wage, the Minister must accept, vary or reject the recommendation.

- *Labour Court recommendation*

Where no national agreement is in place or, if there is such an agreement but it does not make a recommendation in relation to the minimum wage which obtains for the duration of the agreement, then the Social Partners can request the Labour Court to examine the minimum wage.

540. In its November 2010 decision in the context of the publication of the National Recovery Plan, 2011-2014, the Government confirmed its intention to introduce legislation to reduce the minimum hourly wage rate by €1 per hour, or 12% to €7.65.

541. The provision inserted in the Financial Emergency Measure in the Public Interest (No. 2) Act, 2010 at Section 13, amended the National Minimum Wage Act, 2000 so as to:

- allow the Minister for Enterprise, Trade and Innovation to unilaterally declare a new minimum wage in order to give effect to the decision in the Government's 4 year plan to reduce the minimum hourly rate from €8.65 to €7.65 per hour; and
- introduce a new provision providing for a time-limit of 13 weeks within which the Labour Court must issue a recommendation to the Minister in the circumstances in which it receives an application from one or both of the social partners on the issue. The new provision gives the Minister for Enterprise, Trade and Innovation a new power to intervene and vary the national minimum hourly rate, at his own discretion, without restricting the exercise of that power to those circumstances in which the social partners have already agreed a new rate or applied to the Labour Court to have a review undertaken. The amendment sets out the criteria that have to be considered by the Labour Court in making any recommendation. The same criteria will also have to be taken into account by the Minister, whether in exercise of his own power to vary the rate, or in the circumstances in which he must respond to a recommendation from the Labour Court.

(b) Enforcement of minimum wage legislation

542. NERA Inspectors undertake routine inspections throughout the country and respond to complaints received in relation to the national minimum wage. In 2010, NERA Inspectors carried out a total of 1426 inspections and visits to determine and ensure compliance with the National Minimum Wage Act. A compliance rate of 93% was reported by the NERA.

543. In addition, a dispute in relation to the payment of the minimum wage may be referred to the Rights Commissioner Service. A Rights Commissioner, if an employee's case is upheld, may include and award of arrears of pay owing to an employee and reasonable expenses of the employee in bringing the case against the employer. In 2010, 153 minimum wage referrals were made to the Rights Commissioner Service.

544. For information on the enforcement of REAs and EROs, please see paragraphs 148-152.

(c) Monitoring minimum wage trends

545. A number of surveys to monitor trends in relation to the minimum wage and to determine the number of people who are earning the minimum wage have been carried out by an independent body, the Economic and Social Research Institute (ESRI). The ESRI

carried out one survey before the introduction of the National Minimum Wage and has carried out four follow-up surveys.

(d) Minimum wage rates 2000-2007

546. Table 32 in annex 2 illustrates the development of average and minimum wages 10 years ago, 5 years ago and at present, set against the respective development of the cost of living.

(e) Average industrial wages (per hour) 2003-2006

547. Table 33 in annex 2 illustrates the average industrial wages per hour 2003-2010.

(f) Consumer price index

548. Table 34 in annex 2 illustrates the Consumer Price Index.

6. Collective bargaining by trade unions

549. The Committee was concerned about the continued impediments imposed by the State party with respect to trade unions obtaining collective bargaining licenses and the possible risk of dismissal for members of non-authorized trade unions in the event of strike action, and recommended that the State party adequately protect in law and practice trade unions' rights to conduct collective bargaining.

(a) Negotiation licenses

550. The requirements for the holding of negotiation licences were introduced in the Trade Union Act 1941 (hereinafter referred to as the 1941 Act – see sub-section 6 “Restrictions for carrying on of negotiations for fixing of wages etc.). Sub-section 6(1) of the 1941 Act reads as follows:

It shall not be lawful for any body of persons, not being an excepted body, to carry on negotiations for the fixing of wages or other conditions of employment unless such body is the holder of a negotiation licence.

551. Sub-section 6(3) lists the various types of excepted bodies. Section 3 of the Trade Union Act 1942 provides for additional exemptions. Accordingly, only

- an excepted body, or
- a body under section 3 of the Trade Union Act 1942, as amended, or
- a trade union which is the holder of a negotiation licence may carry on negotiations for the fixing of wages or other conditions of employment.

552. A body is an excepted body if it fulfils one of the conditions listed in sub-section 6(3) of the 1941 Act. Sub-section 6(3) of the 1941 Act, as amended, reads as follows:

In this sub-section the expression "excepted body" means any of the following bodies, that is to say:

- a) a body which carries on negotiations for the fixing of the wages or other conditions of employment of its own (but no other) employees,
- b) [DELETED]
- c) a civil service staff association recognised by the Minister for Finance,
- d) an organisation of teachers recognised by the Minister for Education,

- e) [DELETED]
- f) a joint labour committee,
- g) a body in respect of which an order under sub-section (6) of this sub-section is for the time being in force, and
- h) a body all the members of which are employed by the same employer and which carries on negotiations for the fixing of the wages or other conditions of employment of its own members (but of no other employees).

553. There are no figures on the number of employer bodies which fulfil the condition listed in sub-section 6(3)(a) of the 1941 Act as there is no requirement for such bodies to inform the State of their existence or their activities.

554. Bodies which fulfil the condition listed in sub-section 6(3)(c) of the 1941 Act would be known to the Department of Finance. However, all bodies recognised by the Minister for Finance have, over time, obtained negotiation licences or merged with bodies which are the holders of negotiation licences and there are, currently, no such excepted bodies.

555. Bodies which fulfil the condition listed in sub-section 6(3)(d) of the 1941 Act would be known to the Department of Education. However, there are currently no such excepted bodies.

556. Bodies which fulfil the condition listed in sub-section 6(3)(f) of the 1941 Act are known to the Labour Court. Joint Labour Committees (JLCs) are statutory bodies established by an Order of the Labour Court under the Industrial Relations Acts to provide machinery for the fixing of minimum rates of pay and the regulation of conditions of employment in a particular sector. There are thirteen JLCs in existence (see Table 35 in annex 2).

557. Bodies which fulfil the condition listed in sub-section 6(3)(g) of the 1941 Act are known to the Department of Enterprise, Trade and Employment. Seventeen bodies have been granted Orders under sub-section 6(6) of the Trade Union Act 1941 (see Table 36 in annex 2).

558. There are no figures on the number of worker bodies which fulfil the condition listed in sub-section 6(3)(h) of the 1941 Act as there is no requirement for such bodies to inform the State of their existence or their activities.

559. Sub-section 3 of the Trade Union Act 1942, as amended, states that bodies which negotiate on a board are exempt from the requirement of holding a negotiation licence in respect of such negotiations. A board means a joint labour committee, an industrial training committee established under the Industrial Training Act 1967, a joint industrial council recognised by the Minister for Enterprise, Trade and Employment, a joint conciliation or arbitration board so recognised, or any similar body so recognised.

(b) Negotiation licence conditions

560. A trade union that fulfils the two conditions set out in sub-section 7(1) of the 1941 Act may apply for a negotiation licence by means of one of two procedures set out in legislation. The two conditions are:

- that either it is registered under the Trade Union Acts, 1871 to 1935, or, if not so registered, it is a trade union under the law of another country and its headquarters control is situated in that country; and
- that it has deposited and, subject to the provisions of this Act, keeps deposited with the High Court the appropriate sum.

561. Since 1990, the appropriate sum for a trade union applying for a negotiation licence is as set out in the Third Schedule of the Industrial Relations Act 1990. The Schedule specifies five amounts on a sliding scale. These range from €25,394 for a trade union with a membership of up to 2,000 to a maximum of €76,182 for a trade union with an unlimited number of members.

562. However, under sub-section 2 of the Trade Union Act 1947, as amended by sub-section 3 of the Trade Union Act 1952, a trade union may apply to the Minister for Enterprise, Trade and Employment for a reduction in the amount of the deposit. A reduction of up to 75% is allowed for under the Act if the Minister is satisfied that it would cause undue hardship if the trade union were compelled to make and keep the full deposit. The Minister has made orders in respect of nineteen such applications, although no applications have been received or made in recent years.

563. The appropriate deposit for a trade union that obtained its negotiation licence prior to 1990 is the amount that was required by law at the time of its application for a negotiation licence. Subsequent increases in the amount of the deposit required of a trade union applying for a negotiation licence do not affect pre-existing holders of negotiation licences.

(c) Negotiation licence – application to the High Court

564. One of the two procedures for obtaining a negotiation licence is set out in sub-section 3 of the Trade Union Act 1971. This sub-section empowers the High Court to make a declaration that the granting of a negotiation licence would not be against the public interest. It would be up to the court to decide whether it would be appropriate to dispense with the other conditions that would normally apply. Once a trade union has obtained a declaration, the Minister for Enterprise, Trade and Employment must provide the trade union with a negotiation licence. Sub-Section 3 reads:

- A body of persons (in this sub-section referred to as the applicant which fulfils a condition specified in sub-section 7(1)(a) of the Act of 1941, and which has deposited and keeps deposited with the High Court the appropriate sum (within the meaning of sub-section 2 of this Act), but otherwise does not fulfil a condition specified in sub-section 2 of this Act, may apply to the High Court for a declaration under this sub-section.
- The High Court, after hearing any evidence adduced by the applicant, the Minister, the Congress and any other trade union, may at its discretion declare that the granting of a negotiation licence to the applicant would not be against the public interest.
- On the making of a declaration under this sub-section the applicant shall be deemed, for the purposes of sub-section 10 of the Act of 1941, to have been shown to the satisfaction of the Minister to be an authorised trade union.

(d) Negotiation licence – application to the Minister for Enterprise, Trade and Employment

565. The second, and more commonly used, procedure for obtaining a negotiation licence is set out in sub-section 9 of the Trade Union Act 1941, as amended and by sub-section 2 of the Trade Union Act 1971, as amended by sub-section 21 of the Industrial Relations Act 1990. Sub-section 9(2) of the 1941 Act, as amended, contains the following conditions:

“Every application for a negotiation licence shall be made in the prescribed form, shall contain the prescribed particulars, and shall be accompanied by the prescribed documents and by a fee of €1.27.”

Sub-section 2(1) of the 1971 Act, as amended, contains the following conditions:

“Notwithstanding Part II of the Act of 1941 but subject to sub-section 3 of this Act, a body of persons shall not be granted a negotiation licence under that Part unless it is a body which, in addition to fulfilling a condition specified in sub-section 7(1)(a) of the Act of 1941, fulfils the following conditions—

- (a) that, not less than eighteen months before the date of the application for the negotiation licence it
 - i) notifies the Minister, the Congress and any trade union, of which any members of the body are members, of its intention to make the application,
 - ii) causes to be published in at least one daily newspaper published in the State a notice in the prescribed form (within the meaning of the Act of 1941) of its intention to make the application, and
 - iii) deposited and kept deposited with the High Court the appropriate sum, and
- (b) that it shows to the satisfaction of the Minister that, both at a date not less than eighteen months before the date of the application for the negotiation licence and at the date of that application, it had not less than 1,000 members resident in the State.”

Once a trade union has complied with the above conditions, it is automatically entitled to receive a negotiation licence.

(e) Unfair dismissals

(i) “Non-Selective” dismissal situations

566. In order to provide more certainty on the position regarding dismissals in industrial dispute situations, the Government agreed, during the Social Partnership negotiations in 2006, to amend the Unfair Dismissals Acts to bring greater clarity to situations where **all** the employees involved in a strike or industrial dispute have been dismissed and none have been re-engaged (i.e. “non-selective” dismissal). This commitment, with agreed wording for the amendment, was contained in Section 19 of Part Two of the Social Partnership Agreement “*Towards 2016*”.

567. The commitment in the Social Partnership Agreement was enacted (with some technical re-wording) in Section 26 of the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007, which inserted a new sub-section 5(2A) into the Unfair Dismissals Act 1977 as follows:

5(2A) Without prejudice to the applicability of any of the provisions of section 6 to the case, where:

- (a) an employee:
 - (i) is deemed by subsection (1) to have been dismissed by reason of a lock-out, or
 - (ii) is dismissed for taking part in a strike or other industrial action, and
- (b) none of those who were locked out, or took part in the strike or industrial action, were re-engaged, in determining whether, in those circumstances, the dismissal is an unfair dismissal, the rights commissioner, the Tribunal or the Circuit Court, as the case may be, shall have regard, for that purpose only, to:

- (i) the reasonableness or otherwise of the conduct (whether by act or omission) of the employer or employee in relation to the dismissal,
- (ii) the extent (if any) of the compliance or failure to comply by the employer with the procedure referred to in section 14(1),
- (iii) the extent (if any) of the compliance or failure to comply by the employer or the employee with provisions of any code of practice referred to in section 7(2)(d), and
- (iv) whether the parties have adhered to any agreed grievance procedures applicable to the employment in question at the time of the lock-out, strike or industrial action.”.

568. Section 6 of the Unfair Dismissals Act 1977 provides that, generally, a dismissal shall be deemed to be unfair unless an employer can prove that there were substantial grounds justifying the dismissal. Section 6 also outlines certain criteria on which dismissals may be adjudicated as either fair or unfair. In addition, section 6 describes certain dismissal situations which are automatically deemed to be unfair.

569. The new sub-section 5(2A) removes any uncertainty regarding the application of the 1977 Act to situations where all the employees in an industrial dispute have been dismissed and also sets out the criteria on which the fairness or otherwise of the dismissals may be adjudicated on.

(ii) *“Selective” dismissal situations*

570. The situation where one or more of the employees involved in a dispute had been re-engaged (i.e. “selective” dismissal) but other employees had not been re-engaged had already been expressly covered by section 5(2) of the Unfair Dismissals Acts (those remaining employees who had not been re-engaged were deemed to have been unfairly dismissed). Section 5(2) states as follows:

5(2) The dismissal of an employee for taking part in a strike or other industrial action shall be deemed for the purposes of this Act to be an unfair dismissal if—

- (a) one or more employees of the same employer who took part in the strike or other industrial action were not dismissed for so taking part, or
- (b) one or more of such employees who were dismissed for so taking part were subsequently permitted to resume their employment on terms and conditions at least as favourable to the employees as those specified in the said paragraph (a) or (b) and the employee was not.

571. The definitions of “industrial action” and “strike” under the Unfair Dismissals Acts are as follows:

- An “industrial action” means lawful action taken by any number or body of employees acting in combination or under a common understanding, in consequence of a dispute, as a means of compelling their employers or any employee or body of employees, or to aid other employees in compelling their employer or any employee or body of employees, to accept or not to accept terms or conditions of or affecting employment;
- A “strike” means the cessation of work by any number or body of employees acting in combination or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer or any employee or body of employees, or to aid other employees in compelling their employer or any employee

or body of employees, to accept or not to accept terms or conditions of or affecting employment;

Given the above definitions of “industrial action” and “strike”, employees would not necessarily have to be a member of a trade union with a negotiation licence in order to be protected by the legislation if they participated in a strike or industrial dispute.

(iii) *Sub-section 6(2)(a) and authorised trade unions*

572. Sub-section 6(2)(a) of the Unfair Dismissals Act 1977 provides that a dismissal shall be deemed to be unfair if it results wholly or mainly from:

...the employee’s membership, or proposal that he or another person become a member of, or his engaging in activities on behalf of, a trade union or excepted body under the Trade Union Act 1941 and 1971, where the times at which he engages in such activities are outside his hours of work or are times during his hours of work in which he is permitted pursuant to the contract of employment between him and his employer so to engage.

573. Sub-section 6(2)(a) applies only where the trade union in question is an authorised trade union, i.e. a trade union with a negotiation licence. The Committee for Economic, Social and Cultural Rights expressed its concern that the protection afforded to employees under Sub-section 6(2)(a) of the 1977 Act, for activity undertaken by an authorised trade union, means that those who are engaged in activities on behalf of a trade union which is not authorised to negotiate can be dismissed for such activities without it being an unfair dismissal.

574. While the employees of a trade union which is not the holder of a negotiation licence do not have an express statutory protection in sub-section 6(2)(a), employees of a trade union which is not the holder of a negotiation licence who are dismissed for undertaking activities on behalf of that trade union would still be able to take an unfair dismissal case under the provisions of section 6(1) of the Unfair Dismissals Act 1977. In addition, employees of a trade union which is not the holder of a negotiation licence who are involved in industrial dispute situations would be covered by the provisions described above in sub-sections 5(2) and 5(2A).

575. Under section 6(2), certain dismissal situations are automatically deemed to be unfair but section 6(1) provides that all dismissals are subject to a general presumption of unfairness and that, generally, a dismissal shall be deemed to be unfair unless an employer can prove that there were substantial grounds justifying the dismissal:

6.(1) Subject to the provisions of this section, the dismissal of an employee shall be deemed, for the purposes of this Act, to be an unfair dismissal unless, having regard to all the circumstances, there were substantial grounds justifying the dismissal.

576. In addition, as the “Right to Associate” is a constitutionally-protected right, if the employees are exercising a constitutional right in a way which does not impact upon the constitutional rights of the employer, i.e. if they do so outside work hours or in accordance with an agreement with the employer, then, whether or not the trade union in question has a negotiation licence, if they are dismissed for engaging in activities on behalf of such a trade union, then it is likely that a constitutional interpretation of the legislation would require that the dismissal would be deemed to be unfair.

7. Poverty

577. The Committee welcomed the State party's revised National Anti-Poverty Strategy (NAPS) as set out in "Building an inclusive society" (February 2002). However, the Committee also raised a number of concerns in relation to poverty and suggested that Ireland integrate human rights into NAPS.

(a) Strategies for tackling poverty and social exclusion

578. Starting in 1997, with the publication of the first National Anti-Poverty Strategy (NAPS), Ireland adopted a strategic approach to combating poverty. This approach recognises the multifaceted nature of poverty and the need for a co-ordinated multi-policy response across government. It is informed by widespread consultation with stakeholders, including people experiencing poverty and focuses on determining the needs of the disadvantaged in society and identifying and developing those policies which can help meet such needs. There are no plans as yet to incorporate a human rights based approach, as such, within a policy document such as the NAPS. Social partnership agreements, between the Government, trade unions, employers, farmers and the community and voluntary sector, have been the main vehicle for securing consensus on many of the key commitments made in the strategies. In accordance with a commitment in the Programme for Prosperity and Fairness national social partnership agreement, the NAPS was reviewed, revised and extended in 2002 with a range of updated and additional targets.

579. In 2001, the strategic approach under the NAPS was aligned with the EU Open Method of Co-ordination through the production of National Action Plans against Poverty and Social Exclusion (NAP inclusion). The national approach to tackling poverty greatly benefited from the EU guidelines, the peer review and evaluation of the plans at EU level, and the exchanges of knowledge, experience and good practice with other Member States, facilitated by the Social Exclusion Community Action Programme. The latest development of the EU process involved the production, in 2006, of national reports on Strategies for Social Protection and Social Inclusion (NSSPI), involving social inclusion, pensions and health and long term care. The NSSPI 2008-2010 was submitted to the European Commission in the autumn of 2008.

580. Ireland's NSSPI is one of the key elements of a comprehensive strategic framework for social inclusion (http://www.socialinclusion.ie/Pub_nat.html) also incorporating the current national social partnership agreement *Towards 2016*, the National Action Plan for Social Inclusion (NAPinclusion) 2007-2016 and the social inclusion elements of the National Development Plan 2007-2013 (NDP). This framework is underpinned by a range of goals, targets and actions.

(b) Poverty data

581. The official Government-approved measure used in Ireland is "consistent poverty", developed independently by the Economic and Social Research Institute (ESRI). This measure identifies the proportion of people, from those with an income below a certain threshold, (less than 60% of median income), who are deprived of goods or services considered essential for a basic standard of living.

582. Due to progress achieved on the poverty reduction target set in 1997, the revised Government target, set in 2002, aimed to reduce the numbers of those who are consistently poor to 2.0% by 2007 and, if possible, to eliminate consistent poverty. Progress, in relation to the revised target based on the ESRI Living in Ireland Survey (LIIS) methodology, could not be measured as the LIIS was discontinued and replaced by the EU Survey on Income and Living Conditions (EU-SILC) from 2003. However, the reduction in consistent poverty from 8.3% in 1994 to 4.1% in 2001, assessed in conjunction with continuing low levels of

unemployment and substantial resource increases for social welfare and other social services would indicate a continued downward trend towards achievement of the target set in 2002.

583. The introduction of a different measurement methodology, via the EU-SILC, resulted in a significant change and discontinuity in reporting poverty levels from 2003. It is not, therefore, possible to compare trends in consistent poverty between the two surveys. EU-SILC data indicate that the overall consistent poverty rate (revised) was 8.2% in 2003 reducing to 5.1% in 2007. The Government set a new overall goal, contained in the NAP inclusion 2007-2016, to reduce the number of those experiencing consistent poverty to between 2% and 4% by 2012, with the aim of eliminating consistent poverty by 2016.

584. A lack of adequate sectorial data does not permit the level of poverty being experienced by certain vulnerable groups to be measured and presents problems in assessing the impact of policies. This is an issue that the Social Inclusion Division is progressing, as part of the development of a Data Strategy, with the support of a Technical Advisory Group made up of specialists in data collection and research, including representatives from the social partners and relevant agencies.

(c) Poverty impact assessment and other proofing mechanisms

585. Poverty proofing of policies has been the principal instrument for mainstreaming social inclusion at central Government level since late-1998. Policies and programmes are assessed at design and review stage to identify their impact on people experiencing poverty so that this can be given proper consideration. Following from the NESC review of the poverty proofing process (2001), new guidelines for Poverty Impact Assessment were developed by the OSI in 2006. The process of implementation of these guidelines is ongoing, with a particular emphasis on increasing the number of pilot PIAs in Government Departments in 2009. This will contribute towards embedding PIA effectively as an integral part of government.

586. The Social Inclusion Division has continued cooperation with other agencies to improve the co-ordination of the process of poverty impact assessment with other proofing mechanisms. This included participation in a pilot integrated proofing project with the Department of Justice, Equality and Law Reform and the Equality Authority, covering the areas of poverty impact assessment, gender proofing and equality proofing.

587. Social Inclusion Division: The integration of the Combat Poverty Agency and the Office for Social Inclusion in the Department of Social & Family Affairs (now the Department of Social Protection) took place on 1 July 2009, to form a new Social Inclusion Division within the Department. The new division provides a unified institutional structure to support government, officials and the wider community in addressing issues of poverty and social exclusion. The Social Inclusion Division has a central role in co-ordinating the on-going development of the Government's National Action Plan for Social Inclusion 2007-2016. The responsibilities of the Division are to:

- Monitor progress in the implementation of the Government's social inclusion strategies;
- Analyse the impact and effectiveness of public policy on poverty and social exclusion;
- Provide information based on data, research and analysis to inform policy decisions;
- Promote poverty impact assessment; and develop mechanisms to promote the participation of people experiencing poverty in policy implementation.

(See Diagram C – *Identification of available data and research.*)

(d) Housing

588. House prices in Ireland have fallen over the past 3 years – the average price for new and second hand houses is €230,868 and €280,315 respectively (figures for Q3 2010); a drop from a peak of €322,634 and €377,850 in 2007. Affordability for first time buyers is at mid-1990s levels and some areas have a build-up of unsold properties (National Housing Development Survey, DEHLG, 2010).

589. Demand for houses provided under affordable housing schemes has fallen dramatically as general house prices fell and obtaining credit from banks became more difficult. The slowdown in sales of affordable housing has moved in step with the process of correction in the wider housing market.

590. The Committee also recommended that the State party accelerate its social housing programmes in order to reduce the waiting time for social housing. The Government's new housing policy statement *Delivering Homes, Sustaining Communities*, (a copy of which is annexed to the report) and the National Development Plan 2007-2013 (NDP) provide for a significant expansion of social and affordable housing to meet accommodation needs of households which are not served by the market. The NDP provides the resources – some €18 billion in total – which will enable needs of some 140,000 new households to be met in this period. While the housing needs of almost 27,000 households were met over the period 2007-2009, the economic and housing situation being addressed at present by Ireland will lead to substantial revisions of target figures from 2010 onwards.

591. A total of 9,884 affordable units were provided in the years 2007-2009 with a particularly strong level of delivery in 2008. Due to the changes in the wider housing and mortgage market since this time, some local authorities had a build-up of affordable stock on hands. Local authorities have brought unsold affordable properties into use under the Rental Accommodation Scheme; the social leasing initiative and by transfer to the permanent social housing stock.

592. To ensure that these programmes are delivered in a coherent and coordinated manner, City and County Councils have put in place multi-annual Housing Actions plans which encompass delivery of social and affordable housing in their area, including by Town Councils.

593. The Committee also expressed concern that some 1,200 families of the Traveller community are living in roadside encampments without access to water and adequate sanitary facilities, and are liable to be forcibly evicted. The Committee recommended that the State party enhance its efforts to provide as early as possible, the alternative accommodation for the 1,200 Traveller families who are living in roadside encampments. The Committee also recommended that the State party meet its target of providing all necessary Traveller accommodation by 2004 and requested accurate information, including statistical data, on measures taken to provide adequate accommodation to Traveller families in the next report. Since the submission of Ireland's last report, the number of Traveller families living on unauthorised sites has decreased significantly since the introduction of the Traveller accommodation programmes in 2000. From a peak of 1,207 Traveller families living on unauthorised sites in November 1999, there were 422 families living on such sites at the end of 2009. This decrease has taken place during a period when the total number of families recorded by the Annual Count of Traveller Families has increased from 4,790 families in 1999 to 8,943 families in 2009. In 1999 25.2% of all Traveller families were recorded as living on unauthorised sites. In 2009 the percentage of families recorded as living on unauthorised sites had dramatically decreased to 4.7%.

594. Local Authorities continue to carry out an annual count each November of Traveller families living in their area. These figures now include estimates of all Traveller families, including those providing their own accommodation. As mentioned in the August 2000

report, in November 1997 there were 4,787 Traveller families then living in the State, and the number of such families has increased significantly in subsequent years, up to an estimated 8,943 families at the end of 2009.

595. All people are subject to the same legislative provisions regarding unauthorised settlements, and consequently those living in such situations, including Travellers, are liable to the possibility of eviction, in accordance with the law. Following the Report of the High Level Group on Traveller Issues, (2006) Government strategy is aimed at eliminating barriers to service delivery for Travellers across a range of services, including the provision of accommodation. An inter-agency approach is being pursued through the coordinating structures of the 34 County and City Development Boards to support more integrated service delivery.

596. There has been a reduction of over 60% in the number of Traveller families living on unauthorised sites in the period 2000-2009. This decrease has taken place in a period when the number of families recorded has increased very significantly. In excess of €308 million was spent in the period 2000-2010 on Traveller-specific accommodation. In addition to Traveller-specific accommodation, Traveller families are, of course, also entitled to avail of standard local authority housing, and increasing numbers are also moving into private rented accommodation.

597. In addition to the major capital investment outlined above, the Department of Environment, Heritage and Local Government provides annual funding of approximately €6.4m to 90% fund the salaries of social workers who work with Travellers on accommodation issues. This funding also pays for 75% of the salaries of the caretakers employed to maintain Traveller specific accommodation and a portion of the maintenance costs.

598. The third round of Traveller accommodation programmes were adopted by all local authorities in 2009. These programmes will cover the period 2009-2013. Local authorities were obliged, as part of their programme, to supply annual targets for each category of accommodation it will provide. The output of each authority, for each year, will be monitored against these targets by the Department of Environment, Heritage and Local Government and the NTACC.

599. The breakdown of Traveller accommodation from 2000 to 2009 is illustrated in annex 2, table 37.

8. Task Force on the Travelling Community

600. The Committee is referred to paragraphs 46-48 of Ireland's second report (E/1990/6/Add.29). The information contained in these paragraphs continues, in general, to be valid. The provisions of the Housing (Traveller Accommodation) Act 1998 continue to be in force, and all local authorities adopt Traveller accommodation programmes. The current round of Traveller accommodation programmes run from 2009 to 2013.

601. The fourth National Traveller Accommodation Consultative Committee (NTACC) was appointed in April 2010, for a three-year term of office. The Committee continues to give advice to the Minister for Housing and Local Services.

9. Education

602. The Committee urged the State party to enact legislation that extends the constitutional right to free primary education to all adults with special educational needs.

603. While the State has no constitutional duty to provide free primary education to all persons over the age of 18 with special education needs, in practice one further year may be provided in the case of pupils finishing courses above FETAC 3 level which they had

embarked on prior to turning 18. In addition the State also provides a range of opportunities for adults with special education needs, including further education and training. This is provided for through programmes aimed at developing their skills which they required to participate in society. The programmes would be delivered based on their educational needs.

10. Persons with mental disabilities

604. The Committee was concerned that a large number of persons with mental disabilities whose state of health would allow them to live in the community are still accommodated in psychiatric hospitals together with persons suffering from psychiatric illnesses or problems, despite efforts by the State party to transfer them to more appropriate care settings. The Committee also suggested that Ireland speed up the process of transferring persons with mental disabilities who are not suffering from serious psychiatric illness and who are still living in psychiatric hospitals, to more appropriate care settings.

605. The National Intellectual Disability Database Report 1996 stated that there were 970 individuals, with an intellectual disability, accommodated in psychiatric hospitals. However, according to the 2007 Report the number of persons with intellectual disability in these settings has been reduced to 329. Of this group, 231 (70%) individuals have “identified service requirements” in the period 2008-2012, of which:

- 207 have an appropriate alternative residential facility identified for them. Of the 207 people who need to transfer from psychiatric to intellectual disability services for provision of their residential services, 76 individuals (36.7%) require places in a residential centre, 72 individuals (34.8%) require placements with an intensive level of support and 58 individuals (28.0%) require places in community based residential services. One individual requires a placement in a nursing home setting. Of the same group of 207 people, 104 also require an appropriate day service. The greater demand is for high support or intensive support day programmes (55.8% or 58 people), activation programmes (21.2% or 22 people) and programmes for older people (10.6% or 11 people);
- 22 are recorded as appropriately placed within the psychiatric hospital but require some identified additional services, mainly in the area of day services;
- The 2007 data indicates that the current day and residential programmes for 98 people with intellectual disability, resident in psychiatric hospitals, are appropriate and that these people have no identified service needs in the period 2008-2012.

606. The term “identified service requirements” means a service or services which have been identified as being required by an individual with a disability. For example, an “identified service requirement” for an individual currently accommodated in a psychiatric hospital might include placement in a community-based group home or a placement with more intensive support because of either challenging behaviour or medical needs. The National Intellectual Disability Database provides information on a range of identified needs including residential, day, respite and multidisciplinary support services.

607. Funding for the provision of more appropriate placements for persons with intellectual disability in psychiatric hospitals and other inappropriate placements is included in the Multi Annual Investment Programme 2006-2009 which the Government put in place as part of the National Disability Strategy. The Government is continuing to work with the HSE to meet these identified needs as quickly as possible.

11. National Health Strategy

608. The Committee noted with regret that a human rights framework encompassing, inter alia, the principles of non-discrimination and equal access to health facilities and services, was not embodied in the National Health Strategy and recommended that the State party review and incorporate a human rights framework into the strategy, in line with the principles of non-discrimination and equal access to health facilities and services. The Committee furthermore urged the State party to introduce a common waiting list for treatment in publicly funded hospitals for privately and publicly insured patients (paragraph 22 – Concluding Observations).

(a) Non-discrimination and equal access

609. The Government, in undertaking the Reform Programme, details of which are outlined in paragraphs 312-318, together with measures aimed at tackling health inequalities and an ongoing programme of investment in health services and infrastructure, is working actively to further enhance access to health and personal social services in a timely and appropriate manner by all citizens.

610. Entitlement to health services in Ireland is primarily based on residency and means. Any person, regardless of nationality, who is accepted by the Health Service Executive (HSE) as being ordinarily resident in Ireland is entitled to either full eligibility (*Category 1, i.e. medical card holders*) or limited eligibility (*Category 2*) for health services.

611. Persons in Category 1 are medical card holders and they are entitled to a full range of services including general practitioner services, prescribed drugs and medicines, all in-patient public hospital services in public wards including consultants services, all out-patient public hospital services including consultants services, dental, ophthalmic and aural services and appliances and a maternity and infant care service (see further information below). Determination of eligibility for medical cards is the responsibility of the Health Service Executive.

612. Persons not entitled to a medical card, but with an income below a certain threshold may be entitled to a GP visit card. A GP visit card entitles the holder to free GP services. For those who do not qualify for a medical card, a number of schemes exist which provide assistance towards the cost of medication. Under the Drug Payment Scheme a person and his/her dependants do not have to pay more than €100 in any calendar month for approved prescribed drugs, medicines and appliances.

613. Persons in Category 2 (non-medical card holders) are entitled, subject to certain charges, to all in-patient public hospital services in public wards including consultant services and to out-patient public hospital services including consultant services. The current public hospital statutory in-patient charge is €75 per night, up to a maximum of €750 in any twelve consecutive months. There is no charge for outpatient services, other than in respect of attendance at accident and emergency departments which is subject to a charge of €100 where the patient does not have a referral note from his/her doctor.

614. The maternity and infant care scheme provides an agreed programme of care free of charge to all expectant mothers who are ordinarily resident in Ireland. This service is provided by a family doctor (GP) of your choice and a hospital obstetrician. The GP who attends the mother also provides care for the new-born baby. This entails two developmental exams during the first 6 weeks following the birth.

615. The Department of Health and Children has commenced work on a new legislative framework to provide for clear statutory provision on eligibility for and entitlement to health and personal social services. This is in keeping with a commitment first signalled in The National Health Strategy 2001 and more recently in *Towards 2016*. The purpose of the

Review is to clarify and simplify eligibility and entitlement to health and personal social services within the broad parameters of the existing system and to reflect developments in service delivery and technology that have occurred since the Health Act 1970.

(b) Common waiting lists

616. Initiatives in this area which are designed to increase access to medical/hospital services are the National Treatment Purchase Fund and the Consultant's Contract 2008. These initiatives, which are discussed below, include increasing the number of public-only hospital beds, increased numbers of consultants and new contractual arrangements which provide for consultants who will work only in the public health services.

(c) Acute hospitals

617. The current Programme for Government, *Towards 2016*, contains commitments to ensure greater equality in access and care between public and private patients in the healthcare system.

618. The Government is committed to:

- increasing the number of public-only hospital beds;
- implement plans for co-located private facilities on the campuses of public hospitals in order to free up beds for public patients;
- proactively deal with waiting times for treatment.

619. New contractual arrangements for medical consultants were agreed in 2008. Under the new arrangements consultants will work a 37 hour week; an extended working day from 8 am to 8 pm, Monday to Friday; and have a scheduled attendance of up to five hours where required on Saturday, Sunday and Public Holidays. New private practice provisions range from a total prohibition on such practice to an upper limit of 20% for newly appointed consultants (30% for existing consultants). Consultants will work in teams rather than as individuals thereby facilitating speedier access to hospital services and a more timely discharge of patients. The new arrangements provide for the appointment of Clinical Directors who will provide clinical leadership and have a pivotal role in monitoring compliance with the ratio of public to private practice.

620. A common waiting list operated by the public hospital will apply to both public and private patients undergoing diagnostic investigations, tests and procedures (including radiology and laboratory procedures) on an out-patient basis in public hospitals (including referrals from General Practitioners). Status on the common waiting list will be determined by clinical need only. The list will be subject to clinical validation by the relevant Clinical Director.

(d) National Treatment Purchase Fund

621. The National Treatment Purchase Fund (NTPF) was established in April 2002 to purchase treatments, primarily in private hospitals, for public patients who had been longest on surgical in-patient waiting lists. The NTPF became a statutory body in May 2004.

622. Anyone who has been waiting for more than three months for surgery on an in-patient public hospital waiting list may be eligible for treatment through the NTPF. Waiting times (not numbers waiting) are the significant marker. The average median wait time for a procedure is now down to 2.9 months. For 18 of the 20 most common adult surgical operations, patients are treated within two to five months. Children, for the most common surgical procedures, are also treated within two to five months. There has been a fall in the number of people waiting for surgical procedures from 7.4 per 1,000 population in 2002 to

4.3 per 1,000 in 2008. Over 135,000 patients have been facilitated by the NTPF to date with either treatments or out-patient appointments. Table 37 in annex 2 illustrates the activity of the NTPF in 2008.

623. The NTPF has statutory responsibility for the collation, management and publication of waiting list data from hospitals which it manages through the Patient Treatment Register (PTR), a verified database of public in-patient and day case waiting lists. 44 hospitals report to the PTR which provides:

- An accessible website link for patients with detailed information on the top surgical procedures and waiting times for each;
- A GP website link with over 7,500 procedure wait times listed;
- Improved information for hospitals for planning and development;
- Direct offers of treatment; and
- A monthly comprehensive analysis of waiting lists in Ireland.

(e) Patient safety and quality assurance

624. The Commission on Patient Safety and Quality Assurance was established in January 2007 to develop clear and practical recommendations to ensure that the quality and safety of care for patients is paramount within the health care system. The Commission will report to the Minister in June 2008. The HIQA, formally established in May, 2007, is a fundamental part of the Health Reform Programme. A core function of the Authority is to set and monitor the enforcement of standards of safety and quality in an open and transparent way. The main priority for 2007 is the rapid development of the nursing home inspectorate function.

12. Domestic violence

625. Noting that a review of the Domestic Violence Act (1996) was undertaken in 1999, the Committee requests the State party to explain, in its next periodic report, the measures it has introduced in response to the review's recommendations including, but not confined to, the recommendation to develop a "domestic violence pilot intervention project".

(a) Legal framework for domestic violence

626. The Domestic Violence Acts 2002 and 1996 provide for the protection of a spouse and any children or other dependent persons, and of persons in other domestic relationships, whose safety or welfare requires it because of the conduct of another person in the domestic relationship concerned. Contravention of an order under the Acts (i.e. a safety order, a barring order, an interim barring order or a protection order) is an offence and subject to sanctions under the criminal law. Under the Acts the Gardai have powers of arrest without warrant to deal with cases of domestic violence. The Civil Legal Aid Board has in place procedures to provide an immediate appointment to persons requiring legal advice in the context of seeking an order under this legislation. Furthermore, under the code of criminal law, there is a range of sanctions that the court can apply in situations involving this type of violence.

627. While a comprehensive range of civil and criminal justice measures are in place to tackle domestic violence, the operation of the law in this area is kept under ongoing review. A general review of the law on domestic violence is included in the Law Reform Commission's Third Programme of Law Reform.

(b) Garda Síochána (Irish Police Force)

628. An Garda Síochána (Irish Police Force) has a written policy on domestic violence intervention, which continues to be reviewed and updated on an ongoing basis. This Intervention Policy stresses the seriousness of domestic violence and Garda training addresses issues particular to the investigation of cases of domestic violence, rape and sexual assault and incorporates input from various experts, including NGOs active in this field. An Assistant Commissioner has been assigned with specific responsibility for monitoring Garda policy. The Garda Domestic Violence & Sexual Assault Investigation Unit was given a national role in 1997 and the Unit co-ordinates the investigation of certain rape cases and assists Regional/Divisional investigation teams with rape and sexual assault cases.

(c) The judiciary

629. The Judicial Studies Institute was set up in 1996 to provide for the training and for the on-going education of the Judiciary. The function of the Judicial Studies Institute is to organise conferences, seminars and lectures on legal subjects for members of the judiciary. The object is to enhance knowledge and understanding of law and legal principles among judges with particular regard to new developments in the law, including legislation.

630. Since the inception of the Institute, some of the topics covered in conferences/seminars in relation to training on Domestic Violence/Family Law and gender sensitive training for the judiciary include:

- Sex Offences: What the Sentencer should know
- Effects of Marital Breakdown on Children
- Recent Developments in Divorce Law
- Presentation on the Equal Status Act 2000
- Family Law Issues
- Approaches and Strategies for dealing with Family Law
- Introduction to the Family Law Recorder, pilot project
- Domestic Violence from a Practitioners Perspective
- Role of Garda Domestic Violence Unit
- Family Law and Judicial Creativity
- Family Law including Domestic Violence
- Mediation.

631. Members of the judiciary also frequently participate in or attend conferences, seminars and lectures concerned with Family Law/Domestic Violence topics organised by outside bodies such as universities, law associations and other interest groups. Judges are also approved to attend conferences abroad such as the Family Law Judicial Studies Board President's Conference and Conference on European Family and Succession Law which took place in 2004.

(d) Courts service

632. With regard to training of court personnel, District Court Registrars dealing with Family Law Cases receive training which includes best practice on how cases should be approached in a sensitive and caring manner. Training for all staff raises their awareness of the rights of all parties coming before the courts. There is an ongoing programme of

training for staff in the Courts covering both the technical and legal aspects of their job along with the behavioural aspects of their job.

(e) **Perpetrator programmes**

633. The 1997 Task Force on Violence against Women developed criteria for programmes working with the perpetrators of such violence. An evaluation of all domestic violence perpetrator programmes, which had been in receipt of funding from the Department of Justice, Equality and Law Reform, was completed in 2005. On foot of this the Department has revised the criteria which programmes must meet and adhere to, in order to continue to receive funding from the Department.

634. The following draft principles for the funding of perpetrator programmes have been developed and are being considered for implementation. A National Strategy on Domestic, Sexual and Gender-based Violence is being prepared and will inform that process:

- Programmes must be structured to ensure the continued safety of the victim and any children involved. This must be the primary and explicit goal of the programme and must be given precedence over any, or all, other desired outcomes, such as maintaining a relationship or improving a man's self-esteem. Programmes must be independently evaluated to provide this assurance, before proceeding to deliver a perpetrator programme;
- Programmes must provide for ongoing contact, by persons responsible for delivering the programme, with the victim or organisations dealing with the victim, to verify the continuing safety and well-being of the victim or victims;
- Programmes must be structured to ensure that perpetrators accept that the use of violence is a choice for which they are accountable and that any abusive or controlling behaviour must end;
- Programmes must develop protocols in relation to the referral of perpetrators by the courts or by other agencies;
- Programmes must provide for the ongoing assessment of the behaviour of perpetrators and the risk of re-offending;
- The limited confidentiality afforded to the perpetrator should allow for the sharing of any information, which can advance the safety and protection of victims and/or children, with appropriate persons/agencies, including agencies of the criminal justice system;
- Programmes should be independently evaluated on an ongoing basis and funding should be linked to the continued delivery of these principles;
- Work with perpetrators should not be carried out in isolation, but in full collaboration with the statutory services and organisations representing victims;
- To receive funding to undertake work with perpetrators, a potential perpetrator programme must complete a funding application or proposal which would give information on the following areas;
- The programme's philosophy and underlying analysis of domestic violence and men's abusive behaviour;
- Its approach and strategy to the delivery of the perpetrator programme. The nature and content of the programme;
- Whether the programme adheres to any external standards and, if so, how standards are monitored and their impact on service delivery;

- Intake referral and assessment procedures including the use of assessment scales, self-reports, partner reports;
- Details on selection and exclusion criteria and how these are applied;
- Details on fees for participation;
- Links to the criminal justice system including services to mandated participants, relationships to courts and judges, Gardaí and probation officers, relationship between attendance and participation and sentencing;
- How the programme addresses partner/children safety, their contact and involvement in the programme. Does the project have guidelines on this area? Levels and types of support to partners and children. Description of ongoing monitoring/evaluation procedures ensuring partner safety (if any);
- Description of data gathering and data collection systems, including measurement of the programme's impact on victim safety, mechanisms to review baseline data obtained at time of intake, use of perpetrator contracts to ensure tracking and partner verification of behaviour change and attendance and retention rates;
- Nature of relationship to wider service delivery network and community/domestic violence service providers (if any);
- Nature of relationship with wider state services (if any);
- Staff (paid and unpaid) qualifications, training and development and supervision practices;
- Other operational accountability measures, e.g. that programme be accountable to a 'Reference Group' that includes members independent of the provider organisation and represents local domestic violence services and victims' advocates;
- The history of the development of the programme, description of the structure, operation and activities of the perpetrator's programme deliverer including whether it's a registered organisation, does it produce an annual report and audited accounts; and
- Existence of equality and access guidelines and how these are implemented and monitored.

(f) National Crime Council

635. The study draws a distinction between 'severe abuse', defined as a pattern of physical, emotional or sexual behaviour between partners in an intimate relationship that causes, or risks causing, significant negative consequences for the person affected and isolated 'minor incidents' that do not form a pattern of behaviour and do not have a severe impact. The two types of behaviour differ in their impact and in the profiles of those affected. The study focuses on severe abuse which is likely to call for an intervention from the Criminal Justice System and/or place demands on support services for victims. The key findings of the study were:

- The report shows that 15% of women (or about one in seven) and 6% of men (or one in 16) have experienced severely abusive behaviour of a physical, sexual or emotional nature from an intimate partner at some time in their lives.
- While the risk to women is higher, domestic abuse is something that also affects a significant number of men. The survey suggests that in the region of 213,000 women and 88,000 men in Ireland have been severely abused by a partner.

- Apart from the higher risk faced by women, the risk of having experienced abuse is also higher in couples where one partner (rather than both jointly) controls decisions about money, for those whose parents were abusive to each other, for young adults and for those with children.
 - A number of findings in the report suggest an increased risk of abuse where the partners are isolated from close family and neighbourhood supports.
 - In almost two out of five cases, the abusive behaviour had no specific trigger or was triggered by minor incidents. In about one third of cases, abuse was associated with the consumption of alcohol. However, in only one quarter of cases was alcohol consumption always involved.
 - In terms of the impact of domestic abuse, about half of those experiencing severe abuse were physically injured. Women's injuries tended to be more serious – women are nearly twice as likely as men to require medical treatment for their injuries and ten times more likely to require a stay in hospital. However, respondents often identified emotional abuse or the emotional consequences of abuse – such as fear, distress and loss of confidence – as the 'worst thing' that they experienced. Domestic abuse is also associated with poor health and disability.
 - Most women and men who were abused had told someone about it: almost half had confided in friends and about two in five had talked to family members.
 - Only a minority (one in five) had reported the behaviour to the Gardaí, however, and men were less likely than women to report (5% compared to 29% of women among those severely abused). Women and men give similar reasons for not reporting the abuse, most often related to the seriousness of the behaviour, a preference for handling the situation themselves, and shame or embarrassment.
 - There is evidence that people are leaving abusive relationships. There is a clear link between domestic abuse and marital breakdown. Also, almost three quarters of those who were ever severely abused were no longer in the abusive relationship and among those who lived with an abusive partner in the past, over half had moved out.
 - Informal supports were important when someone left an abusive relationship. Of those who were living with an abusive partner and moved out, nine out of ten stayed with family or friends, while 7% stayed at either a hostel for the homeless or a refuge.
 - The focus groups with Traveller and immigrant women indicated that they shared a broadly similar view of domestic abuse as the general population and had a similar tendency to rely on informal supports, but with some differences: immigrant women were very unlikely to consider marital rape to be 'domestic abuse' and were not well informed of the services available to women experiencing abuse. Both Traveller and immigrant women showed a strong aversion to approaching the 'authorities', such as the Gardaí and social workers, for help.
636. The main recommendations put forward by the National Crime Council were:
- In relation to An Garda Síochána, the Council recommended that recording practices, Garda policy and training around domestic abuse be examined to encourage increased reporting of domestic abuse;
 - When domestic abuse is a contributory factor in a crime, a Court should consider such conduct as an aggravating factor for the purpose of sentencing;

- Both the Criminal Courts and the Family Division of the Civil Courts should be provided with a wider range of disposal options, taking into account the safety of the complainant and the treatment and/or rehabilitation of the offender;
- Judges sitting in the Family Law Courts should receive appropriate on-going training;
- Regional Family Law Courts should be established;
- The Courts Service should collect data on the gender, age group and available demographics of the parties appearing before the Courts;
- A Working Group should be established by the Department of Health and Children to review the report's findings and the HSE should take steps to raise awareness amongst health professionals of domestic abuse and provide information and appropriate supports for those disclosing abusive behaviour in a medical setting; and
- The findings from the report should guide the future provision and financial support for culturally appropriate services for women and men experiencing domestic abuse.

637. The key findings and recommendations contained in this report continue to be considered in the context of ongoing policy development in the area of domestic violence.

(g) Domestic Violence Intervention Project

638. The Department of Justice, Equality and Law Reform provided funding for the operation of a Domestic Violence Intervention Project on a pilot basis in the Dun Laoghaire and Bray District Court areas in Dublin. In 2007 the Department received a report on the project and it is being used by Cosc to help inform its work with relevant stakeholders in the sector.

(i) *New Executive Office on Domestic and Sexual Violence*

639. As previously noted under Article 3, Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, was established in June 2007 to ensure co-ordinated and effective whole-of-government action on domestic and sexual violence against women and men, including older people in the community. It is an executive office of the Department of Justice, Equality and Law Reform and its mission is to improve the delivery of a well co-ordinated effective response to these crimes by facilitating action for their prevention, the protection of victims and the provision of services for those affected.

(ii) *Cosc's tasks:*

640. Cosc supports and works closely with both State and non-governmental organisations which support victims of domestic and sexual violence and treat perpetrators. This work includes the following tasks:

- Developing strategies for preventing and dealing with these crimes in line with best international practice;
- Further developing standards for service delivery and for training programmes;
- Putting in place positive actions which work with perpetrators;
- Facilitating the implementation of internationally established best practice throughout the sector;
- Working with relevant bodies to put together a body of research which will inform future policy directions;

- Raising awareness about the level and impact of these crimes and of local services that are available for victims;
- Representing Ireland at international for a;
- Proposing legislative and policy change.

(iii) *Progress to date*

641. Since its establishment Cosc has made good progress on building relationships with and between key partners, developing national and regional collaborative structures as well as implementing its work programmes.

642. In order to achieve the objective of co-ordinated effective working, Cosc is developing a National Strategy on Domestic, Sexual and Gender-based Violence in conjunction with key stakeholders. In 2008 Cosc consulted with stakeholders on a national and regional basis to inform the strategy's development. This included consultations with individual victims.

643. An analysis of the consultation material is now underway and Cosc is working to distil this information into a comprehensive national strategy with clear actions agreed by relevant bodies. It is intended to complete a first draft of the strategy by mid-2009. The draft will be circulated for consultation with the key stakeholders and it is planned to submit the finished document to the Minister for Justice, Equality and Law Reform in late 2009.

13. International development cooperation

644. Since 2000 when Ireland submitted its last report to the Committee, our ODA programme has expanded significantly and Ireland's contribution to international development was 0.54% of GNP in 2009. In 2010 it represented 0.53% of GNP. Ireland's budget for Official Development Assistance (ODA) in 2011 is set at €659 million, which on current projections will represent 0.52% of GNP. Development remains central to Ireland's foreign policy. The Irish Government has clearly stated that Ireland remains committed to the 0.7% GNP target.

14. Ireland's work with international organisations

645. The Committee encourages the State party, as a member of international organisations, including international financial institutions such as the International Monetary Fund and the World Bank, to do all it can to ensure that the policies and decisions of those organisations are in conformity with the obligations of States parties under the Covenant, in particular the obligations contained in articles 2.1, 11, 15, 22 and 23 concerning international assistance and cooperation.

646. Ireland regards increased trade, regionally and globally, as central to sustained economic growth for the world's Least Developed Countries. Ireland responds to the trade needs of developing countries primarily through the European Union and the World Trade Organisation (WTO).

647. Ireland's trade strategy, *Trading for Economic and Social Development*, published in June 2005, outlines the National Agenda for Developing Countries and states that the Government of Ireland is strongly committed to the multilateral and consensual nature of the WTO process being maintained and strengthened and to the realisation of the development dimensions of the current Doha Round of trade negotiations. The strategy notes that trade policy reform in developing countries should be specifically designed to take into account the weaknesses of their domestic economies, so as to maximise benefits and minimise potential disadvantages. It states that reform must be accompanied by funding

and implementation measures to improve the ability of developing countries to assign benefits of trade policy initiatives to combating poverty.

648. The strategy sets out Ireland's commitment to the obligation to ensure that developing countries have access to adequate resources to most effectively develop and communicate their trade policies and the negotiating capacity that they require to participate effectively in trade negotiations.

649. To this end, since 2000, Ireland has provided support to the major international organisations involved in trade-related technical assistance/ capacity building, including the Doha Development Agenda Global Trust Fund. The White Paper on Irish Aid includes a commitment to increase funding for multilateral Aid for Trade initiatives.

Annex

Consultation with civil society

1. Recognizing the important role that civil society plays in human rights matters, the Department of Foreign Affairs and Trade, in the drafting of this report, consulted formally and informally with representatives from the NGO sector, academic institutions and statutory bodies. A complete list of those who took part in the consultation process can be found at paragraphs 119-121 of this annex.

The purpose of the process of consultation was threefold:

- To ensure Ireland's third report was an accurate reflection of the current status in Ireland of the International Covenant on Economic, Social and Cultural Rights;
- to pinpoint the key concerns of civil society and to afford them a meaningful opportunity to present to Government Officials their ideas on how Ireland could achieve fuller implementation of the International Covenant on Economic, Social and Cultural Rights; and
- to explore the implementation by Ireland of the International Covenant on Economic, Social and Cultural Rights from an alternative perspective and record this in a specific chapter in this report.

2. On 3 November, 2011 the Human Rights Unit of the Department of Foreign Affairs and Trade convened a consultation meeting with civil society actors. In the weeks before the meeting participating NGOs were furnished with a draft of the report and were invited to make written submissions. Following a number of requests it was agreed to extend the deadline by one week for receipt of written submissions in order to allow civil society representatives time to reflect further on the report.

3. A list of those who attended the consultation on 3 November 2011 can be found at paragraphs 120-121 of this annex. The meeting allowed for representatives to raise issues in addition to those in their written submissions.

4. The Department of Foreign Affairs and Trade committed to providing an overview of issues raised in both written submissions and during the public consultation meeting.

5. It was agreed that the substantive comments of the civil society representatives and the issues raised in their written submissions would be reflected in an annex to the report.

6. Throughout the consultation process with civil society, considerable dissatisfaction and criticism was expressed on the timeframe for the consultation process and the specified time period for the report, i.e. the inclusion of material and data on developments relevant to the Convention up until 31 December 2010, but not beyond. This limitation resulted in the exclusion of information pertaining to the impact of the economic recession and the changes in Government policy in 2011, particularly since the change of Government in March 2011 and the introduction of a new Programme for Government. The Department of Foreign Affairs and Trade conceded that while there was a case for extending the cut-off point for the contents of the Report, this would have had the inevitable consequence of delaying the finalisation of the Report well into 2012. Given that there has been considerable delay between submission of Ireland's second periodic report in 2000 and submission of the third periodic report, as well as the increasing backlog facing the Committee on Economic, Social and Cultural Rights, it was important not to delay the process any further.

7. Following the consultation process all written submissions received were circulated to Government Departments inviting them to make factual or statistical amendments to the text of the report.

8. The following paragraphs outline the issues raised in both the written submissions and at the consultation meeting. The paragraphs are ordered on an Article by Article basis.

A. Introduction

Legislation, Conventions and Treaties

9. A number of stakeholders felt that the Report should have included information outlining the Government's efforts to incorporate the Covenant into domestic law and on the Government's commitment to signing and ratifying the Optional Protocol to ICESCR.

10. With regard to paragraph 13 of the Report one stakeholder felt that information should have been provided on the operation of the Irish Human Rights Commission and data relating to its funding together with the number of cases in which the Commission appeared as *amicus curie* and the number of enquiries conducted by it. The same stakeholder felt that similar information should have been provided on the Equality Authority in the Report.

The impact of the economic crisis

11. An overarching theme emerging in written submissions and on the day of consultation was the impact of the economic crisis on the enjoyment of economic, social and cultural rights.

12. A number of stakeholders felt that the report did not adequately address the impact the economic down turn has had on the implementation of the Covenant and that the economic crisis has led to regression in relation to economic, social and cultural rights.

13. Stakeholders requested that the Report encompass an analysis and reflection of the impact the recession has had. In this context, one stakeholder referred specifically to the impact which the economic recession has had on women.

14. Stakeholders commented positively on the progress made in the past ten years with regard to funding for community development and the role this has played in allowing more marginalised communities to participate in policy making. However, stakeholders expressed concern at the recent funding cuts to such development and felt that this constituted a regressive measure impacting negatively on marginalised communities and groups. In this regard one stakeholder noted the effect such regressive measures can have on the mental well-being of those affected.

15. Other stakeholders also noted the negative impact that the abolition of independent agencies such as the Combat Poverty Agency and the National Consultative Committee on Racism and inter-culturalism has had on vulnerable groups and communities. Budgetary cuts to the Equality Authority and the Irish Human Rights Commission were also mentioned in this regard. One stakeholder commented that this may have a detrimental effect on support for an anti-racism agenda at a time when the capacity to address risk factors concerning racism had been reduced.

B. Comments on Covenant articles

Article 1: Right to self-determination

16. With regard to paragraph 31 of the Report, one stakeholder expressed concern that this paragraph was not elaborated upon. In both the written submissions and on the day of consultation, one stakeholder highlighted that while the Report refers to Ireland's international aid obligations under Article 2, it fails to refer to the same commitment to progressively realise the human rights contained in the Covenant in the domestic sphere.

17. In relation to the right of all peoples to dispose freely of their natural wealth and resources under Article 1, one stakeholder noted the ongoing dispute in Ireland over the management of the State's natural resources and the contract between Shell E&P Ireland and the State for the exploitation of the Corrib gas field off the West coast of Ireland. The stakeholder felt that arising from Article 1 there are obligations to outline how the current arrangements are expressive of the will of the Irish people.

Vulnerable Groups

18. In the written submissions as well as on the day of consultation, a number of stakeholders expressed concern at the continued failure of the Government to recognise Traveller ethnicity.

Article 2: Progressive realization of rights

19. One stakeholder expressed concern over a number of references in paragraphs 100–105 of the Report to the special consideration and exemptions offered to '*certain religious, education and medical institutions*' in a number of areas including in hiring, employment and educational opportunities on the grounds of religious ethos. That stakeholder felt that exceptions should only be allowed where the practice or administration of religion is a job requirement.

20. One stakeholder felt that the Report should provide detailed statistical information on the number and types of employment related discrimination cases taken before the Equality Tribunal referred to in paragraph 40 of the Report, under each of the nine grounds (age, civil status, disability, family status, gender, race, religion, sexual orientation, membership of the Traveller community) listed under Employment Equality legislation.

21. A number of stakeholders felt that Ireland's equality legislation should cover more grounds including that of social origin.

22. One stakeholder highlighted that while the Report refers to its international aid obligations under Article 2, it fails to refer to the same commitment to progressively realise the human rights contained in the Covenant in the domestic sphere. Furthermore, in both the written submissions and on the day of consultation, stakeholders raised the link between equality and non-discrimination and the impacts of cuts to the human rights, equality and anti-poverty infrastructure.

Vulnerable Groups

23. Stakeholders expressed disappointment over the lack of development in relation to Article 2, outlining that the policy of direct provision and dispersal for asylum seekers is denying this group their independent means of subsistence by prohibiting them from determining where they live, how they live, what they eat, how they raise their children etc.

24. One stakeholder expressed concern over the situation of undocumented persons in Ireland, requesting the State to address their situation by providing a fair and responsible solution that recognises and balances the issues and concerns of undocumented migrants.

25. In the written submissions as well as on the day of consultation, stakeholders raised the failure of the State to recognise the Traveller community as an ethnic group and be included as such in anti-discrimination legislation – it was maintained that as a result, they could not avail of the protections of the EU Race Directive which has consequences for Travellers litigating their right to equality in a domestic court.

Article 3: Non-discrimination and equality

26. With regard to annex 1 paragraphs 17, 19 and 20 which outlines maternity and parental leave legislation, one stakeholder expressed concern that current legislation should be amended to guarantee adequate maternity leave for women and paternity leave for men and parental leave for both men and women in accordance with General Comment 16 of Committee on Economic, Social and Cultural Rights.

27. One stakeholder welcomed the inclusion of a mandatory gender equality impact statement in all legislative proposals, but noted there was no single agency to oversee that process. Concerns were also raised in relation to the increasing level of childcare cost (the need to preserve the universality of Child Benefit was also emphasised) and the continuing gender pay gap. Concerns were also raised in relation to pension eligibility, specifically regarding those who had left work due to the marriage bar.

28. Referring to paragraph 36 of the Report, Stakeholders noted the Committee on the Elimination of Discrimination against Women (CEDAW) Concluding Observations on Ireland in 2005 where the Committee expressed concern over Article 41.2 of the Irish Constitution which in its view reflected the persistence of traditional stereotypical views of social roles and responsibilities of men and women. Some stakeholders felt that this should have been reflected in the Report.

29. With regard to paragraph 88 of the Report, one stakeholder noted that in 2009-2010 a review of Irish Aid's Gender Equality Policy was carried out which raised various issues such as the need for enhanced systems of gender tracking and the development of gender indicators within the managing for results framework. This stakeholder felt that the Report should have addressed this more clearly and should have outlined the Government's commitment to address this as part of its ongoing engagement with the aid effectiveness agenda.

30. Stakeholders expressed concern over the lack of a gender sensitive asylum and protection process, with the possibility of female asylum seekers, who have often already experienced sexual violence, being further traumatised by living in a mixed sex environment. It is recommended that the State incorporate gender guidelines in all asylum procedures and take positive measures in this regard by ensuring female-only environments are available.

31. In relation to paragraph 21 of the Report which deals with human trafficking legislation, one stakeholder expressed concern over the lack of convictions for trafficking for forced labour. A request was put forward for the appointment of a National Rapporteur to monitor the effects of the implementation of legislation and policy developments in this area. Further, in relation to the legislation in this area, the stakeholder recommended that the interpretation of the Criminal Law (Human Trafficking) Act 2008 be immediately accepted by authorities.

32. Some stakeholders raised concern over the lack of inclusion of female genital mutilation in the Report and the Government's intentions to implement necessary preventive and awareness-raising measures in this regard.

33. One stakeholder highlighted the cuts in Government funding to the National Women's Council of Ireland (NWCII). In both the written submissions and on the day of

consultation, the lack of implementation of the National Women's Strategy (NWS) was raised by a number of stakeholders, with one stakeholder calling for the NWS to be revised in light of the economic downturn, as well as for an affordable and publicly funded childcare system to be introduced in line with NWS.

Article 4: Limitations on rights

34. No issues were raised throughout the consultation process in relation to this article.

Article 5: No restriction on or derogation

35. No issues were raised throughout the consultation process in relation to this article.

Article 6: Right to work

36. In the context of the economic crisis, a number of stakeholders noted the large number of people currently unemployed in Ireland and the increased disadvantage experience by already vulnerable groups such as lone parents, people with disabilities, travellers, migrants, women and people with mental health issues. One stakeholder felt that there is a need for the Government to focus its resources on those most distant from the labour market

37. With regard to paragraph 93 of the Report some stakeholders expressed concern that the Work Placement Programme has not been fully implemented.

Vulnerable Groups

38. Some stakeholders noted that asylum seekers in Ireland are denied the right to work which creates multiple infringements of rights for asylum seekers, such as the right to participate in the life of the communities where they live. This, according to some stakeholders should have been more clearly stated in the Report

39. Stakeholders also expressed concern over the impact which the lack of a right to work can have for asylum seekers who spend long periods of time in Direct Provision. Stakeholders felt that the process could result in asylum seekers becoming de-skilled and could decrease their chance of obtaining full and productive employment in the future.

40. Stakeholders also expressed concern over unemployment among migrant workers and the resulting pressure to accept deteriorating working terms and conditions

41. One stakeholder raised concern over migrant workers in low paid employment in relation to the impact of proposed legislation such as Employment Regulation Orders, Registered Employment Agreements and Joint Labour Committees dealt with under paragraphs 145–147 of the Report. The stakeholder further called for a fairer employment permit system where workers within a designated job category would have the right to freely change employer and where there are no barriers to legal redress.

42. On the day of consultation, one stakeholder expressed concern over the failure in the Report to provide the most up to date statistics on the rates of unemployment.

Article 7: Right to just and favourable conditions of work

43. One stakeholder recommended the restructuring of the Joint Labour Committees/Registered Employment Agreements should not lead to poor conditions or pay.

Article 8: Right to form and join trade unions

44. No issues were raised throughout the consultation process in relation to this article.

Article 9: Right to social security

45. A number of stakeholders expressed their concern over the cuts in social welfare payments over the past 3 years which has resulted in greater hardship for individuals and families. Cuts in welfare rates for young people 25 years and under have been most severe and for most are between €100 and €150. One stakeholder also expressed concern over the increase in child poverty following welfare cuts, reduced wages and increased taxation.

46. Another stakeholder noted that in 2009 the Consistent Poverty levels of those unemployed were more than twice that of the general public. In addition, it was felt that negative public messaging in the media and at government level in relation to social welfare stigmatises those in receipt of welfare payments.

47. In both the written submissions and the consultation held on the day, one stakeholder referred to the delays currently being experienced by individuals appealing negative decisions by the Department of Social Protection, which is impinging on the right to access social security.

48. One stakeholder requested that migrant workers who have paid social insurance contributions should be able to access benefits regardless of their legal status.

49. Another stakeholder suggested recognising atypical work patterns by calculating unemployment on the basis of hours, rather than days, per week.

50. Concern was also raised on the ability of asylum seekers who have recently been granted refugee status or subsidiary protection to access rent allowance.

Habitual Residence Condition

51. Some stakeholders raised concern over the lack of adequate statutory guidelines in making Habitual Residence decisions and the degree of discretion left to Deciding Officers. This, according to stakeholders leads to varied decisions and an inconsistent appeals process.

52. Stakeholders also expressed concern over the impact of the Habitual Residence Condition on a number of vulnerable groups including asylum seekers, migrants, migrant women who are victims of domestic violence and Travellers.

Article 10: Protection of the Family

53. One stakeholder noted that a broader definition of the term family (than that contained in the Constitution) and types of family structure was needed, as well as giving lesbian and gay couples the right to marriage for themselves and their families. One stakeholder felt that the report should provide additional data concerning marital breakdown and family structure in Ireland today so that the state of family life could be better gauged. It also felt that the Report should set out the indicators used by the Government to evaluate whether it is meeting its commitments to offer the 'widest possible protection' to the family under Article 10.1 of the Covenant.

Measures in Place to Protect Children

54. With regard to the protection of the welfare of the child, one stakeholder expressed its concern that the child welfare and protection is currently understaffed and underfunded; leading to incidences where social workers are overburdened, thus leaving children and families in vulnerable situations. Policy development to reform the system has been largely influenced by the Ryan Report (which chartered the scale of institutional abuse, cases of neglect and child deaths). That stakeholder expressed its concern that implementation of recommendations in the Ryan Report have fallen behind schedule, thus leaving gaps in the

child welfare and protection system. Another stakeholder referred to the lack of provision in the Irish Constitution for the rights of Children. The abolition of the National Carers Strategy was also seen as damaging to the delivery of service to assist carers.

55. With regard to 'Children First' Guidelines referred to in paragraphs 229-234 of the Report concern was expressed over the failure to implement recommendations in the Ryan Report to place these Guidelines on a statutory footing.

56. Stakeholders welcomed the proposed Referendum on children referred to in paragraph 225 of the Report but felt that due to the complexity of the issues to be dealt with, legislation underpinning some of the proposals be published in advance of the referendum to facilitate discussion.

57. In the written submissions as well as on the day of consultation, one stakeholder referred to the waiting times for an appointment with the Legal Aid Board, and while acknowledging that the Report states that domestic violence victims are given priority, the substantial delays facing a person with a family law concern without an evident case of domestic violence were criticised.

58. With regard to paragraph 245 of the Report concern was raised over the removal of separated children to direct provision centres once they turn 18 and the disruption which a move to adult accommodation can cause particularly where there is a failure to carry out adequate needs assessment.

59. With regard to the System of Administration of Juvenile Justice dealt with paragraphs 246-251 of the Report one stakeholder expressed concern that the Government has withdrawn its firm timelines commitment to provide 80 new built detention places to be completed by end of 2012 due to budgetary constraints and that no new timeline for this development has been given.

60. On the issue of youth homelessness dealt with in paragraphs 253-256 one stakeholder raised concern over the closure of hostels for youth in recent times therefore placing more pressure on adult services. Concern was also expressed over the practice of closing hostels during the day leaving people vulnerable to exploitation and at risk of becoming involved in crimes, alcohol and drug abuse.

61. In relation to paragraph 255 and the provision of aftercare, one stakeholder raised concern over the lack of a legal entitlement to aftercare when young people are in a transition from care to independent living. While that stakeholder noted the National Aftercare Policy of the Health Service Executive (HSE) it was felt that the service continues to vary and some children are excluded from such services, placing children at a risk of homelessness.

62. With regard to separated children dealt with in paragraphs 258-261 of the Report stakeholders commended the Government for the improvement in the care of separated children in Ireland since the publication of the Ryan Implementation Plan in 2009 with the closure of designated hostels and placement into foster care and supported lodgings. However, stakeholders felt that more support is still required for this vulnerable group of children, including ensuring that appropriate supports are available to separated children and their careers as they move into foster care placements.

63. Stakeholders also expressed concern over the ability of the Direct Provision system to protect the family unit, commenting on the negative impact it has on mental health and family relationships, and particularly highlighting the needs of children in Direct Provision. Further concern is expressed over the rules surrounding family reunification in this area as well as over the protection of separated children and aged-out minors.

64. With regard child trafficking, stakeholders welcomed provision in the Immigration, Residence and Protection Bill 2010 on the protection of suspected victims of trafficking but raised concern over the fact that Ireland has not ratified the Council of Europe Convention on Action against Trafficking in Human Beings and the UN Trafficking Protocol. On the day of consultation, one stakeholder raised the issue of Direct Provision only being mentioned under the right to work, highlighting the need for it to be addressed under other articles also for example under the right to an adequate standard of living and the right to the highest attainable standard of physical and mental health.

65. On the day of consultation, one stakeholder specifically raised the issue of the impact of poverty on family life in Ireland, and the need for this to be reflected in the Report.

Article 11: Right to adequate standard of living

66. In relation to Article 11 some stakeholders, in the written submissions and on the day of consultation, expressed concern over the impact of the recession on standards of living. Several stakeholders noted the range of measures introduced since the onset of the recession, including the introduction of an income levy, reduction in social welfare payments, increases in VAT and reduction in capital expenditure. Stakeholders raised concern that such measures were negatively impacting upon families and their children and cumulating in a reduction in standard of living, especially those on the lowest incomes.

67. In this context one stakeholder raised concern over the reduction in the maintenance budget of Local Authorities which left them unable to provide upkeep and repairs to local authority housing and the lack of budget meant that in 2010 4,286 local authority dwellings were vacant awaiting repair.

Housing

68. One stakeholder raised concerns over the adequacy of the State's housing policy to address housing needs in a time of recession. In relation to paragraph 282 of the Report it was requested that the issue of the housing crisis which has arisen through a personal debt and mortgage arrears crisis and the role of the State in this context be included in the Report.

69. Some stakeholders noted with concern the inadequate support and provision for Traveller accommodation. The figures provided in Table 36 in the report were interpreted by one stakeholder as masking an underlying practice by local authorities of encouraging travellers to apply for private rented accommodation, instead of halting site type accommodation. This stakeholder asserts that local authorities are not delivering on their Traveller Accommodation Programme.

70. With regard to paragraphs 289-291 of the Report dealing with homelessness some stakeholders noted that many people experiencing homelessness are not included on existing housing waiting lists and may not be aware of or fully understand the process of application. Stakeholders expressed concern over the disparity from authority to authority in the management of wait lists and the criteria by which an individual can first access a wait list.

71. With regard to affordability of housing in paragraph 591 of the Report one stakeholder expressed that the recent fall in house prices was not an adequate response to how the Government is dealing with affordability particularly with corresponding impacts of the recession such as job losses.

72. On the day of consultation, one stakeholder raised the issue of mortgage arrears and negative equity under the right to an adequate standard of living, criticising the failure of the Report to mention the Interim and Final Reports of the Mortgage Arrears and Personal Debt Expert Group published in July and November 2010 respectively.

73. A further point raised on the day of consultation was the issue of local authority tenants under Article 11 and the lack of an independent complaints mechanism available to them. A complaint was also made regarding the out of date statistics on poverty, and a request for the 2010 statistics to be inserted.

Vulnerable Groups

74. Stakeholders highlighted concerns regarding the overcrowded conditions facing asylum seekers in Direct Provision centres and the failure of such conditions to meet the Committee on ICESCR's General Comment 4 specification of an environmentally safe location that facilitates access to healthcare and education services. Stakeholders further raised concerns over the rights to adequate food for asylum seekers in Direct Provision centres, focussing particularly on the lack of control over their own diets.

75. Referring to housing legislation dealt with under paragraphs 24–26 of the Report, stakeholders expressed concern over the inability of migrants to access social housing and the risk of homelessness that this can cause.

76. Concerns were also expressed that the Habitual Residence Condition was contributing to people being made homeless and forcing individuals to remain in circumstances of domestic violence or workplace exploitation – this was seen to be predominantly affecting women, migrants and asylum seekers. Fuel poverty (and therefore the habitability of housing) was highlighted by one stakeholder as disproportionately affecting older persons.

77. The issue of ensuring appropriate accommodation for Travellers was also raised by one stakeholder on the day of consultation.

Article 12: Right to health

Data

78. Some stakeholders expressed concern over the lack of inclusion in the report of health outcomes both physical and mental for the population generally or at risks groups.

National Health Strategy

79. With regard to paragraph 615 of the Report stakeholders expressed concern that no reference was made to the fact that the National Health Strategy, *Quality & Fairness: A Health System for You* is due to end in 2011 and no information is provided as to what will succeed it.

Access to Healthcare

80. Many stakeholders expressed concern over the lack of economic access to healthcare in Ireland. They noted the two-tier health system as a barrier to access healthcare services. They also noted under-resourcing, poor accountability, poor management structures and ad hoc approaches to service development in this regard.

81. In relation to paragraphs 610–613 of the Report dealing with medical cards, one stakeholder expressed concern over the lack of information on the criteria used to determine eligibility for medical cards.

82. Other's mentioned the difficulties faced by those who do not qualify for medical cards and the long waiting times experienced by those who rely on the public health system. One stakeholder expressed concern at the lack of information provided in paragraph 620 of the Report on waiting times incurred.

83. One stakeholder suggested the provision of older persons' statutory right to health care and long term care.

84. Some stakeholders also expressed concern over the inability of families to afford General Practitioner (GP) fees which in turn acts as a barrier to accessing healthcare services. One stakeholder felt that primary care costs for non-medical card holders should have been specifically outlined in the Report.

85. With regard to paragraph 319 of the Report dealing with 'Investment in Health Services' one stakeholder expressed concern that there was no indication of the breakdown of the Health Group of Votes, between health services and other services including social welfare spending.

86. With regard to paragraph 320 of the Report dealing with 'Entitlement to health services' and paragraph 613 on 'non-discrimination and equal access', one stakeholder felt that explicit reference should have been made to the Habitual Residence Condition and eligibility to healthcare services for those affected by that provision.

87. One stakeholder raised concerns over the lack of access to health care for undocumented migrant workers, with a request that the proposal under the Immigration Residence and Protection Bill to limit access for such persons to emergency services be reconsidered. Another referred to problems experienced by Travellers and members of the Roma community in accessing healthcare – these relate to language and literacy difficulties, as well as restrictions due to the Habitual Residence Condition. The stakeholder recommended that data should be collected by the HSE on Travellers and the Roma with a view to removing the Habitual Residence Condition.

88. One stakeholder highlighted the difficulty face by people with a disability – they may qualify for a medical card on a low income; however, if they choose to enter full employment, they may lose this entitlement after three years.

Women's right to health

89. Stakeholders expressed particular concern over need for improved access to more specialised and dedicated women's health care services, better knowledge of women's issues and a focus on women's health in national policy. Improved access to health care, according to that stakeholder, can only be achieved by removing the two-tier health system currently in place in Ireland. Information on health services should be accessible and health care staff should be trained accordingly. The need for a gender analysis in the planning and monitoring of services and the need for women to be able participate meaningfully in decision-making and policy implementation was also raised.

90. Stakeholders also felt that particular attention needed be paid to the needs of vulnerable women such as those belonging to the traveller community, asylum seekers and migrants. A Traveller Primary Health Care Programme should be provided in each county in Ireland; policy makers should be particularly aware of the impact of direct provision on the mental health and well-being of women.

Sexual and reproductive health

91. In the written submissions and on the day of consultation, a number of stakeholders noted the need to repeal the 1861 Offences Against the Persons Act criminalising abortion and to enact legislation to clarify the circumstances under which an abortion may be lawful in accordance with the *ABC v Ireland* ruling of the European Court of Human Rights.

92. On paragraphs 77-78 of the Report, two stakeholders noted that there was no right to abortion or to sexual and reproductive health contained within the European Convention on Human Rights or ICESCR. Paragraphs 77-79 of the Report dealing with sexual and reproductive health should not be included in the draft report. With regard to the *ABC v Ireland* case one stakeholder submitted that Ireland could not be compelled to legislate for abortion and that there were other means of complying with the judgment.

93. In relation to the *ABC v Ireland* case, other stakeholders noted issues raised by the European Court of Human Rights in this regard and felt that the Report should have illustrated more clearly that these issues should be addressed by the Expert Group to be established. Such issues included the need for the development of clear procedures to determine when a woman was legally entitled to terminate her pregnancy and a framework whereby potential differences of opinion between doctors and patients seeking a termination could be addressed.

94. One stakeholder also felt that paragraph 77 of the Report should have made mention of advances in policy reform in the area of family planning particularly the availability of emergency contraception over the counter rather than by prescription since 2010. That stakeholder also felt that paragraph 77 should have provided detailed information on the accessibility, appropriateness and affordability of contraception.

Mental Health

95. Stakeholders also highlighted the need to end the practice of accommodating children in adult psychiatric units by meeting the deadlines set by the Mental Health Commission to phase-out this practice.

96. Some stakeholders raised concern over paragraph 15 of the Report dealing with the Mental Health Act 2001.

97. Stakeholders felt that that the Mental Health Act 2001 does not fully comply with international conventions as stated in the report. In particular they noted the European Convention on Human Rights and the International Covenant on Civil and Political Rights regarding involuntary detention or involuntary treatment. Stakeholders also expressed concern that the Mental Health Act 2001 does not enshrine right or obligations arising under Article 12 ICESCR.

98. With regard to the implementation of Ireland's national mental health strategy *A Vision for Change* and key achievements there under referred to in paragraphs 361-362 of the Report, stakeholders welcomed the focus in the Report on the implementation of "A Vision for Change" as a constructive way forward for reforming mental health services. However, some stakeholders felt that reference should have been made to the concern raised by the Mental Health Commission and the Independent Monitoring Group established by the Department of Health over difficulties in implementing the strategy.

99. Some stakeholders also expressed concern over the absence of a discussion in the Report of the impact of the moratorium on public sector recruitment and cutbacks in financial resources on the implementation of *A Vision for Change*. Others felt *A Vision for Change* needed to be more gender focussed. One stakeholder recommended the Mental Health Act 2001 should be reviewed and amended to ensure compliance with the UN Convention on the Rights of Persons with Disabilities.

100. Other stakeholders felt that the Report failed to adequately acknowledge the shortfalls in the availability, accessibility and quality of services in the area of mental health as well as the impact which the economic crisis has had on the provision of mental health care in terms of staffing numbers and funding. The need for legislation in the area of community-based mental health care was also raised.

101. With regard to the situation of persons with intellectual disability in paragraph 606 of the Report, concern was raised over the absence of reference to the provision in the Mental Health Act 2001 which includes 'significant intellectual disability' in the definition of 'mental disorder' where a person can be involuntarily detained if that person is found to have a 'mental disorder'. Stakeholders felt that the report should refer to plans to address this issue.

102. In the written submissions as well as on the day of consultation, stakeholders raised concerns over the length of time asylum seekers spend in Direct Provision and the detrimental impact which living in the Direct Provision system can have on a person's physical and mental health, with a particular mention of asylum seekers and refugees being one of the vulnerable groups at risk of mental health problems and of deliberate self-harm and other suicidal behaviour. Deaths in Direct Provision were also raised as a concern by Stakeholders, particularly the inability of the state to give a break-down on the number of suicide cases. Furthermore, concern was raised over the suitability of the Direct Provision accommodation for those with disabilities.

103. Stakeholders also requested that appropriate spaces be provided in accommodation centres where medical examinations of asylum seekers can take place.

Article 13: Right to education

Establishment of the National Education Welfare Board

104. One stakeholder expressed concern regarding the remit of the NEWB i.e. to work with children aged 6-16 years and the gaps in the education system for those less than 6 or over 16.

Pre-School Education

105. In relation to paragraph 396 of the Report stakeholders welcomed recent developments which include the introduction of one year free pre-school for all children and noted the 94% uptake of this scheme in its first year. However, concern was expressed over issues of quality, accessibility and affordability within the Early Childhood Care and Education (ECCE) sector. Particular concern was raised over the under-developed care provision for children 0-3 years of age. Some stakeholders felt that there is a weak workforce development and slow adherence to and implementation of quality standards (SÍOLTA) and the curriculum framework (AISTEAR) as referred to in paragraph 396 of the report. Concern was also expressed over the limited availability of spaces in community based crèches and the cessation of the Traveller Pre-school Service in favour of integration into mainstream services without the provision of additional supports to those mainstream services.

Primary-School Education

106. Some stakeholders raised concerns over a lack of diversity in the provision of education in Ireland in both the written submissions and on the day of consultation. They felt that there was a need to re-organise schools' patronage, management and policies. They expressed concern over the lack of effective exemption policies in some schools which effectively meant that children had to attend religious instruction, prayer and mass. They

also expressed concern over Irish equality legislation (the Equal Status Act 2000, as amended by the Equality Act 2004) allows for prioritisation in enrolment policies of students of a particular religious denomination if this is found to be essential to maintain the ethos of the school.

107. Other stakeholders expressed concern over cutbacks in education services including language support teachers, special needs assistants, resources teachers and visiting teachers for Traveller children, noting that such cutbacks are disproportionate impacts on those children who most require additional educational assistance. In this context stakeholders also expressed concern over delays in needs assessment of children (National Education Psychological Services (NEPS)), resulting in children struggling to progress academically and becoming socially isolated.

108. With regard to paragraphs 408-410 of the Report dealing with Delivering Equality of Opportunity in Schools (DEIS) some stakeholders expressed concern over recent withdrawal or scaling back of these services in turn impacting upon children's engagement with the school system and adversely affecting their numeracy and literacy skills. Stakeholders were also concerned over the fact that 68% of children from disadvantaged backgrounds are not attending DEIS programme schools.

109. In referring to paragraph 444 of the Report which outlines the Traveller Education Strategy, one stakeholder felt that more information should be provided on the implementation of the plan to have all Traveller children enrolled in mainstream pre-schools by 2012. Another expressed concern at the lack of involvement of Travellers in the implementation of the Strategy and the lack of visibility on actions and progress. Another stakeholder referred to failure to meet the 2009 goal of phasing out segregated provision of primary and post-primary education under the National Action Plan for Social Inclusion 2007-2016.

110. With regard to paragraphs 602-603 of the Report outlining Concluding Observations of CESCR on Ireland's second Report recommending that Ireland enact legislation to extend the constitutional right to free primary education to all adults with special needs, one stakeholder expressed concern that this had not been done. The stakeholder felt that the State should ensure that free primary education is provided to all within the State without discrimination on any ground, including disability.

Vulnerable Groups

111. In the written submissions as well as on the day of consultation, stakeholders expressed concern over the education of children and adult asylum seekers and migrants, particularly in relation to the transfer of Direct Provision residents, often with little notice, which can interrupt school life. Stakeholders further highlighted concerns over the financial struggle asylum seekers face sending their children to school due to the restrictive weekly income they receive and the inability to access child benefit or other social assistance payments.

Post-Primary Education

112. Concern was expressed by some stakeholders over provisions in the Equal Status Act 2000 (see *infra*) which allows for prioritisation in enrolment policies of students of a particular religious denomination if this is found to be essential to maintain the ethos of the school.

Third-Level Education

113. One stakeholder raised concern over provisions in Equal Status 2000 (see *infra*) which allows for third-level institutions to apply different criteria for citizen and non-citizen applicants and EU and non-EU applicants in terms of admission, attendance fees and allocation of places. The stakeholder felt that where third level education fees exist they should apply equally to citizens and non-citizens in accordance with Article 2(2) of the Covenant. Another stakeholder welcomed Government financial support towards the Supporting Travellers in College (STIC) initiative; however, at present, there is no funding in place for a coordinator to oversee this work.

Vulnerable Groups

114. In referring to paragraph 443 of the Report which outlines the Intercultural Education Strategy 2010-2015 developed by the Department of Education and Skills and the Office of the Minister for Integration, stakeholders noted that this strategy should be widely and actively promoted and implemented. Concern was also expressed over the denial of reduced fees or financial assistance for non-EU migrant workers for their education.

Education of the Judiciary

115. With regard to education provided to judges and the Courts Service staff referred to in paragraphs 629-631 of the Report one stakeholder felt that human rights, anti-racism, inter-culturalism and non-discrimination education should also be provided. While the stakeholder commended training received by judges in domestic violence the stakeholder expressed concern that no such training is provided in economic, social and cultural rights. The issue of providing for education of the judiciary in the area of economic, social and cultural rights was also raised by a stakeholder on the day of consultation.

Education in Law Schools

116. Concern was expressed in both the written submissions and on the day of consultation by one stakeholder over the absence of economic, social and cultural rights education from all of the law schools' curricula in Ireland.

Article 15: Right to take part in cultural life

117. Referring to paragraphs 468-473 in the Report, one stakeholder welcomed the activities, events, programmes and strategies set out to protect the interest of ethnic minorities. However, the stakeholder expressed concern that such activities will not be built on since the Government had provided no follow up or replacement for the Action Plan Against Racism which concluded in 2008.

118. Stakeholders expressed concern over the "social exclusion" faced by asylum seekers i.e. their inability to partake in local community life due to the remotely located Direct Provision centres.

119. The following organisations and individuals participated in the consultation process:

Organisations

AkiDwA	Irish Refugee Council
Amnesty International Ireland	Irish Traveller Movement
Atheist Ireland	Longford Women's Link
Autism Rights and Equality Alliance	Mayo Intercultural Action
Barnardos	Mental Health Reform
Council for the Status of the Family	Migrant Rights Centre Ireland
Doras Luimni	Mothers Alliance Ireland
European Anti Poverty Network Free Legal Advice Centres	NASC (Irish Immigrant Support Centre)National Women's Council of Ireland
Galway Refugee Support Group	Pavee Point
Gateway Mental Health Project	Pro Life Campaign
Humanist Association of Ireland	Rialto Rights in Action
Irish Council for Civil Liberties	SPIRASI Vincentian Partnership for Social Justice
Iona Institute	Women's Human Rights Alliance Irish Centre for Human Rights, NUI, Galway
Irish Family Planning Association	
Irish National Organisation of the Unemployed Irish Network Against Racism	

Individuals

Beloufa Quadria	
Mr. Cormac McCarthy	University College Cork
Mr. David Hughes	University College Cork
Ms. Ruth O'Mahony	University College Cork

120. The following persons attended the Consultation meeting on 3 November 2011:

Civil Society Representatives

Ms. Ruth Gallagher	Amnesty International Ireland
Ms. Jane Donnelly	Atheist Ireland
Mr. Brendan McNamara	Baha'is
Mr. Itayi Viriri	Barnardos
Ms. Maura White	Canaction
Mr. Rory Hearne	Dolphin House
Ms. Siobhan O'Connor	Doras Luimni
Mr. Paul Ginnell	European Anti Poverty Network
Ms. Noeline Blackwell	Free Legal Advice Centres
Ms. Saoirse Brady	Free Legal Advice Centres
Ms. Claire Martinez	Free Legal Advice Centres
Ms. Mika Kitora Hennessy	Galway Refugee Support Group
Ms. Martha Griffin	Gateway Project for Mental Health
Mr. Nicolas Johnson	Humanist Association of Ireland
Ms. Catherine O'Brien	Humanist Association of Ireland
Mr. David Quinn	Iona Institute
Mr. Stephen O'Hare	Irish Council for Civil Liberties
Mr. Vinodh Jaichand	Irish Centre for Human Rights, NUI, Galway
Ms. Elizabeth Kennedy	Irish Centre for Human Rights, NUI, Galway
Ms. Michelle Farrell	Irish Centre for Human Rights, NUI, Galway
Ms. Brid O'Brien	Irish National Organisation for the Unemployed
Ms. Siobhán Cummiskey	Irish Traveller Movement

Ms. Edel Hughes	Law School, University of Limerick
Ms. Jacqueline Healy	National Women's Council of Ireland
Ms. Claire Cumisky	NASC (Irish Immigrant Support Centre)
Ms. Fiona Hurley	NASC (Irish Immigrant Support Centre)
Ms. Christine Kelly	Older Women's Network
Ms. Mary Shanahan	Older Women's Network
Mr. Martin Collins	Pavee Point
Ms. Caroline Simons	Pro-life Campaign
Mr. Greg Straton	SPIRASI
Mr. Cormac McCarthy	University College Cork
Mr. David Anthony Hughes	University College Cork
Ms. Ruth O' Mahony	University College Cork
Ms. Susan Jones	Vincentian Partnership for Social Justice

National Human Rights Institution

Ms. Kirsten Roberts	Irish Human Rights Commission
Mr. Gerry Finn	Irish Human Rights Commission

121. Representatives from the following Departments were also present at the Consultation meeting on 3 November 2011:

Government Representatives

Mr. Colm Hayes	Department of Agriculture, Food and the Marine
Mr. Sean McNamara	Department of Children and Youth Affairs
Ms. Pauline Moreau	Department of Justice and Equality
Mr. John Feelan	Department of Justice and Equality
