

## Ireland

The Republic of Ireland is a stable democracy, where political rights and civil liberties are guaranteed (Freedom House, 2017). Freedom House (2017) reports that the Catholic Church remains influential in Ireland; nonetheless freedom of religion and freedom of expression are strongly respected. Incidence of corruption in the Government and discrimination towards Traveller and Roma communities are issues of concern (Freedom House, 2017). The CEDAW Committee (2017) notes additionally the impact of austerity measures on economic and social benefits, specifically for women who are dependent on social budgets.

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The Constitution of Ireland, under article 41 (4), recognises the right to contract marriage by two persons without distinction as to their sex. The Civil Registration Act 2004 provides for registration of marriages solemnised by registered bodies – religious or secular. The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 regulates informal or de-facto unions.

The Irish Human Rights and Equality Commission (2017) notes that the Government is considering including forced marriage as an offense under the legal framework. Harmful practices against widows do not appear to be a concern in Ireland.

#### b) Child marriage

The minimum legal age of marriage is 18 years old, for women and men (Section 31, Family Law Act 1995). Anyone who solemnises or permits the solemnisation of a marriage that is not valid under the law or is a party to such marriage is considered guilty of an offense and is liable to a fine not exceeding £500 (Section 31 (4) of the Family Law Act 1995). Section 33 of the Family Law Act 1995 allows the court to authorise a marriage under the minimum legal age of marriage, if the applicant shows that its grant is justified by serious reasons and is in the interests of the parties of the intended marriage. Child marriage is not specifically addressed in the legal framework.

The Irish Human Rights and Equality Commission (2017) reports that Traveller and Roma girls are vulnerable to child marriage as they are often given the options by their families/community to stay in school or to get married. Additionally, some girls leave school at 16 or 17 to prepare for marriage (IHREC, 2017).

#### c) Household responsibilities

The Married Women's Status Act 1957 provides that spouses can acquire, hold and dispose of any property jointly or as tenants in common, can render themselves and be rendered jointly liable in respect of any tort, contract, debt or obligation and can exercise any joint power given to them (Section 4). Women and men enjoy the same rights and responsibilities with regards to their children

during marriage or in informal unions. The Guardianship of Infants Act 1964 stipulates that the father and the mother of a child are the legal guardians jointly (section 6). The Status of Children Act 1987, under section 3, further notes that the relationship between every person and his father and mother shall be determined irrespective of whether his father and mother are or have been married to each other.

The Constitution provides a stereotypical view of the role of women in society and within the family. Article 41 (2) recognises that by her life within the home, the woman gives to the State a support without which the common good cannot be achieved. Further, it establishes that 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. The CEDAW Committee has called for the amendment of gender stereotypical language of article 41 (2) (CEDAW, 2017). A Task Force to review the possibility for amendment of the Article 41 (2) of the Constitution was set up by the Minister for Justice and Equality in 2016 (IHREC, 2017). The Programme for a Partnership Government (2016) includes that the possibility of a referendum to amend the article 41 (2) of the Constitution of Ireland will be examined.

A study, dating from 2008, establishes that there was a significant shift in Ireland since the late 1980s with regards to expected roles and responsibilities of women and men in society and in families (EA & ESR, 2008). Support for women engaging in paid work has drastically increased and their roles and responsibilities are less and less restrictively conceived as housewife or mother (EA & ESR, 2008). Some stereotypical views persist however, notably on the social value associated with the role of housewife and on the perceived detrimental effect of working mothers on young children (EA & ESR, 2008). Crosse (2015) suggests that religious institutions (in particular the Catholic Church) as well as structural dynamics have perpetuated stereotypical views on women's and men's expected roles and placed importance on marriage, the family unit and motherhood. Additionally, Crosse (2015) notes that the high increase of women's participation in the paid labour force has not led to an equivalent reversal of trends with regards to men's involvement with domestic responsibilities.

#### **d) Divorce**

The Constitution of Ireland recognises divorce under article 41 (3) (2°) whereby it guarantees that a court designated by law may grant a dissolution of marriage. Three conditions are expressly required: (i) that the spouses have lived apart for at least 4 years during the previous 5 years, (ii) that there is no reasonable prospect of a reconciliation between the spouses, (iii) that such provision as the Court considers proper having regard to the circumstances exists or will be made for the spouses, any children of either or both of them and any other person prescribed by law and that any further conditions prescribed by law are complied with.

Under the Family Law (Divorce) Act 1996 and the Judicial Separation and Family Law Reform Act (1989), women and men are granted the same rights to initiate divorce and have the same requirements to finalise a divorce. The legislative framework additionally recognises that divorce does not affect the right of the father and mother to be guardians of their child jointly.

According to the Central Statistics Office (2015), Ireland has the lowest divorce rate in the European Union. Furthermore, Crosse (2015) establishes that divorced women in Ireland face stigma, especially divorced mothers, in informal social networks as well as in formal social networks, such as the schools or the workplace. Stigma associated with divorce often lead women to feeling ashamed, humiliated and socially isolated (Crosse, 2015). Social pressure put on divorce derives from the social value and importance in Irish society of marriage and the traditional family unit, associated mostly with the Catholic religion (Crosse, 2015).

The CEDAW Committee (2017) emphasised the need for more data on the economic consequences of divorce on women in light of evidence of increasing rates of poverty amongst lone mothers. The National Women's Council of Ireland (2017) reports that 59% of lone parents' household, headed mostly by women, experienced enforced deprivation (which means not being able to afford two from a list of 11 basic necessities). The National Women's Council of Ireland (2017) and the Irish Human Rights and Equality Commission (2017) noted detrimental effects of changes imputed to the One Parent Family Payment which restricts access to the payment through the reduction of income disregards and the introduction of a condition related to the age of the children. Additionally, women have been particularly affected by the housing crisis in Ireland and resulted in increased rates of homelessness of women and families (IHREC, 2017). Reports show that 65% of families experiencing homelessness are lone parent families, of which 98% are female-headed households (IHREC, 2017).

#### **e) Inheritance**

Inheritance rights are covered by the Succession Act 1965. The Act provides for equal rights of daughters and sons to inherit, and equal right for female and male surviving spouses to inherit. There is no evidence to suggest that the legal framework is discriminatory regarding inheritance rights or that discriminatory practices restrict those rights.

#### **More**

Reports show that access to pension for older women has been difficult (IHREC, 2017). The Homemaker's Scheme allows for men and women a 20 years' career break to care for children enabling them to qualify for the State Pension (IHREC, 2017). This scheme is accessible to men and women who took career breaks after 1994. Older women who took career breaks before 1994 are thus not entitled, which represents an issue in particular for women affected by the marriage bar (which required women in public service jobs to leave their employment upon marriage until 1973) (IHREC, 2017).

## **2. Restricted Physical integrity**

### **a) Violence against women**

There is no law in Ireland addressing specifically violence against women but various state institutions and agencies are tasked with addressing gender-based violence.

In 2007, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence (Cosc) was established. Its mandate is to coordinate a whole of Government response to domestic, sexual

and gender-based violence and to implement the national strategy on domestic, sexual and gender-based violence. Cosc provides funding for awareness-raising activities and perpetrator intervention programmes.

The Second National Strategy on Domestic, Sexual and Gender-based Violence and Action Plan (2016-2021) provides for three areas of intervention, namely prevention (awareness-raising, education and training), provision of services to victims and holding perpetrators to account (Cosc & Department of Justice and Equality, 2016). The Strategy additionally sets to gather data, encourage research and engage in monitoring (Cosc & Department of Justice and Equality, 2016). It is also envisioned to serve as a roadmap for ratification of the Istanbul Convention (National Women's Council of Ireland, 2017).

A National Protective Services Bureau was developed within the national police forces (An Garda Síochána) to address domestic, sexual violence, trafficking and child pornography (National Women's Council of Ireland, 2017). The Garda Victims Service Offices also offers guidelines to police officers on how to collect evidence in cases of domestic violence (National Women's Council of Ireland, 2017).

The Child and Family Agency (Tusla) was established by the Child and Family Agency Act 2013. As part of its mandate, the agency provides care and protection for victims of domestic, sexual or gender-based violence, whether in the context of family or otherwise (section 8 of the Child and Family Agency Act 2013). Victims' service providers can access funding from Tusla.

In order to comply with the European Union Victims Directive, Ireland has elaborated the Criminal Justice (Victims of Crime) Bill in 2016, which is to be enacted (National Women's Council of Ireland, 2017).

The CEDAW Committee (2017) highlights the lack of gender-disaggregated data on gender-based violence. Reports show that non-governmental organisations face budgetary cuts, specifically organisations which deliver services to victims of gender-based violence (CEDAW, 2017). The National Women's Council of Ireland (2017) notes the low prosecution and conviction rates of perpetrators in cases related to gender-based violence, high withdrawal of complaints and disproportionate vulnerability of marginalized women to violence. Additionally, reports show that the lack of systematic and appropriate training on gender-based violence in the police force, judges and legal personnel, public agencies, as well as medical and paramedical staff impedes on women's access to adequate responses and services (National Women's Council of Ireland, 2017).

## **b) Domestic violence**

There is no specific provision addressing domestic violence but it is addressed within the Irish legal framework through several criminal statutes, such as the Non-Fatal Offences Against the Person Act 1997 – in particular section 3 (assault), section 4 (assault causing harm), section 5 (threats to kill or cause serious harm), section 9 (coercion), section 10 (harassment), section 16 (abduction of child by parent), the Criminal Justice (United Nations Convention Against Torture) Act 2000, the Criminal Law (Human Trafficking) Act 2008, the Criminal Damage Act 1991 (on damaging of property) and the Criminal Justice Act 1964 (on homicide).

The Domestic Violence Act 1996 provides for safety orders, barring orders, interim barring orders and protection orders against a spouse or civil partner, an informal partner with whom the applicant has lived with in an intimate and committed relationship, a parent, a person he/she resides with in a relationship the basis of which is not primarily contractual, the other parent of his/her child (section 2 & 3). The Act further provides for arrest without warrant in cases where a person contravenes a safety order, a barring order, an interim barring order or a protection order (section 18).

However, the CEDAW Committee (2017) emphasises the fact that domestic violence is not specifically criminalised and that the legal framework does not include a definition of domestic violence. Moreover, the CEDAW Committee (2017) highlights that the legislation fails to address psychological, emotional and economic violence.

The Government led an awareness-campaign on domestic violence entitled “What would you do?” (National Women’s Council of Ireland, 2017). Tusla and civil society organisations provide services to victims of domestic violence locally, including 24 hours helpline, health services, refuges, emergency shelters and advice, outreach and court accompaniment (Tusla, n. d.).

The National Women’s Council of Ireland (2017) notes the increase of financial contribution to obtain legal aid (from 50€ to 130€), which impedes on women’s access to justice in particular in relation to domestic violence cases. Women’s Aid (2017) notes that the Domestic Violence Act 1996 does not extend to dating relationships, and that emergency barring orders are not available when the courts are not sitting (over the weekend for instance). Moreover, the Irish Human Rights and Equality Commission (2017) reports that there is a lack of emergency accommodation in rural areas for victims of domestic violence. Reports show that shelters facing high demands sometimes use eligibility to social security as a criterion for admission, which discriminates on migrant women and Traveller and Roma women who cannot comply with the ‘habitual residence condition’ (IHREC, 2017).

A Domestic Violence Bill is being developed and envisions to address some issues (IHREC, 2017). The reform would include the need to enshrine a definition of gender-based violence in statute, the criminalisation of psychological and emotional harm, the introduction of emergency barring orders to ensure access to protection when the courts are not sitting, the removal of the cohabitation requirement for safety orders, and the introduction of an offence of forced marriage (IHREC, 2017).

### c) Rape

The Criminal Law (Rape) Act 1990 provisions for the criminalisation of rape and sexual assault. Sexual assault is punishable of imprisonment not exceeding 5 years (section 2). Rape is considered a felony punishable by imprisonment for life (section 4). The definition of rape includes attempted rape and incitement to rape (section 4). Section 9 stipulates that the failure or omission of the victim to offer resistance does not constitute consent to the act. Section 5 recognises marital rape and abolishes any rule of law by which a husband cannot be guilty of the rape of his wife. Aggravated sexual assault is defined under section 3 and constitutes a sexual assault that involves serious violence or the threat of serious violence or is such as to cause injury, humiliation or degradation of grave nature to the person assaulted. Aggravated sexual assault is punishable of imprisonment for life. The Civil Legal Aid Act

1995 includes a provision under section 26 stipulating that victims of rape qualify for legal advice free of any contribution.

Services available for victims of sexual violence include the Sexual Assault Treatment Units (SATU), coordinated by Tusla, which provide specialist care for women and men aged 14 or more. There are six SATUs in Ireland which address medical, psychological and emotional needs of victims. Moreover, the Commission for the Support of Victims of Crime of Sexual Violence Services includes several civil society organisations which offer a wide range of victims' services, such as helplines, shelters, legal aid, accompaniment, training, psychological and medical support.

The Dublin Rape Crisis Centre (2017) notes the low prosecution and conviction rates in Ireland with regards to rape and sexual violence. The Centre also calls for the establishment of more SATUs across the country (Dublin Rape Crisis Centre, 2017). Moreover, the Centre reports on a Supreme Court decision that found the claim of honest belief in the victim's consent would constitute a defence to a charge of rape, leading to acquittal (Dublin Rape Crisis Centre, 2017). The National Women's Council of Ireland (2017) highlights that no sentencing guidelines are available to the judiciary in relation to rape and sexual assault charges.

#### **d) Sexual harassment**

Sexual harassment is covered in the legal framework under the Employment Equality Act 1998 and the Equal Status Act 2000. Section 14A of the Employment Equality Act 1998 provisions against sexual harassment in the workplace, punishable by a fine or imprisonment of no more than 2 years or both (section 100). The Equal Status Act 2000 prohibits discrimination in the provision of goods and services, including by state agencies, and within educational establishments (section 11). An offence under the Equal Status 2000 is punishable by a fine and imprisonment of no more than 2 years, or both (section 43). The Non-Fatal Offences Against the Person Act 1997 under section 10 criminalises harassment and provides for court order.

Complaints can be addressed to the Workplace Relations Commission where the complaint will be reviewed by an adjudicating officer, appeals can be made to the Labour Court and the High Court (European Commission, 2016).

The CEDAW Committee (2017) notes the need to include cyber-harassment in the legal framework.

#### **e) Female genital mutilation**

The Criminal Justice (Female Genital Mutilation) Act 2012 institutes FGM as a criminal offense for anyone who does or attempts to do an act of FGM (Section 2). Section 3 asserts that a person is guilty of an offense if the person removes or attempts to remove a girl or woman from the State to have an FGM performed. Punishment includes the payment of a fine or imprisonment for up to 14 months (Section 5). Section 2 further stipulates that belief of consent by the girl, woman, her parents or guardians as well as belief that it is permitted for customary or ritual reasons does not constitute a defence.

The Irish Family Planning Association opened a clinic to treat girls and women who have undergone FGM at the Everywoman Centre in Dublin, in 2014 (IHREC, 2017). However, this is the sole medical



institution offering treatment to FGM victims in Ireland, adding difficulties in access for women and girls living outside of Dublin (IHREC, 2017).

#### f) Abortion

The Irish Constitution under Article 40 (3) (3) (also referred to as the 8<sup>th</sup> Amendment) recognizes the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

The Protection of Life during Pregnancy Act 2013 establishes that abortion on request is illegal. Article 22 stipulates that it is a liable offense, punishable by a fine or imprisonment of up to 14 years for accessing or providing abortion services. Restrictive access to abortion services is permitted under examination of the pregnant woman by at least two medical practitioners and when there is a real and substantial risk that the woman will die from physical illness or way of suicide. The Act also permits doctors, nurses and midwives to claim conscientious objection for refusing to perform an abortion. Additionally, the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act 1995 states that it shall not be lawful to provide or divulge information on abortion services accessible outside the state and it is punishable by the payment of a fine. However, the Constitution, under article 40 (3) (3) allows for women living in Ireland to travel abroad to access abortion services.

Reports show that the certification processes to determine the lawful risk of suicide is complex and unworkable for medical practitioners, and puts women seeking legal abortion under additional scrutiny (Amnesty International, 2017). Amnesty International (2017) reports that the permission to travel abroad to seek an abortion has an increased negative impact on women and girls who have limited economic resources. This may result in clandestine abortions being performed without medical support, nor access to appropriate follow-up health services.

In June 2016, the case of *Mellet v. Ireland* brought to the fore issues related to access to abortion services. Ms Mellet (the complainant) was denied access to abortion upon learning of the unviability of the foetus. She travelled to the UK to seek an abortion. The UN Human Rights Committee concluded that the complainant had suffered additional emotional and mental pain by being forced to travel abroad and that her right to freedom from cruel, inhuman and degrading treatment, in addition to her privacy and non-discrimination had been violated (Irish Council for Civil Liberties, 2017).

Civil society organisations, such as the Coalition to Repeal the Eighth Amendment which is composed of 77 organisations, lead awareness campaigns nationally and internationally to change the legal framework on access to abortion services. The Eighth Amendment can be repealed following a referendum, until such actions are taken, the legislation on abortion cannot be amended (Amnesty International, 2017). In response, the Government established the Citizen's Assembly to review the 8<sup>th</sup> Amendment and to make recommendations on the possibility of a referendum (Amnesty International, 2017). The Assembly is composed of 99 citizens and one independent Chairperson and can receive inputs from civil society (Irish Council for Civil Liberties, 2017).

### 3. Restricted Access to productive and financial resources

#### a) Secure access to land and assets

Regarding land and assets, the legal framework provides for equal rights for men and women to own, use, make decisions and use as collateral. Those rights are not restricted by civil status – meaning being single, married, separated, divorced, widowed, in a civil partnership or formerly being in a civil partnership. The Land and Conveyancing Law Reform Act 2009 uses a gender-neutral language. The Married Women's Status Act 1957, under section 2, stipulates that a married woman shall be capable of acquiring, holding, and disposing (by will or otherwise) of, any property, as if she was unmarried. Regarding marital property, women and men enjoy the same rights to administer.

The Rural Development Programme (2014-2020) envisions support for collaborative farming to provide greater access for new entrants, including women. However, the IHREC (2017) highlights that the Programme does not sufficiently address issues faced by rural women. The IHREC (2017) further report that women in Ireland tend to acquire land through marriage, which highlights the persisting gender stereotypes in Irish farm households. The National Women's Council of Ireland (2017) state that rural women face many barriers such as economic dependency, isolation, unequal opportunities and participation, distance from services, absence of transport services and affordable childcare services.

#### b) Secure access to formal financial resources

The legal framework grants equal right to men and women to open a bank account at a formal institution and to obtain credit. The Equal Status 2000 prohibits discrimination, including on the grounds of sex and civil status, in the provision of services in facilities which include banking, insurance, grants, loans, credit or financing (section 2). There is no evidence to suggest that access to formal financial resources is a concern in Ireland or that discriminatory practices restrict women's access to formal financial resources.

#### c) Workplace rights

Ireland possesses a comprehensive legislative framework regarding non-discrimination in the workplace. The Employment Equality Act 1998 as amended by the Equality (Miscellaneous Provisions) Act 2015 prohibits discrimination in employment on several grounds, notably gender, civil status, family status, sexual orientation, religion, age, disability, race, and being a member of the Traveller community. Section 6 (2A) further provisions that discrimination on the gender ground shall include discrimination related to pregnancy or maternity leave. The law covers access to employment, conditions of employment, training or experience for or in relation to employment, promotion or re-grading, or classification of posts (section 8). In addition, section 10 addresses discrimination in job advertisement. The law recognises the principle of equal remuneration for work of equal value (section 19).

The Maternity Protection Act 1994 provides for 26 weeks of maternity leave. The weekly rate of maternity benefit shall be an amount equal to the greater of 230 euros (Social Welfare Consolidation Act 2013, Part 2, Section 5). The Paternity Leave and Benefit Act 2016 introduced a two-week paternity



leave, with benefits amounting to 230€ per week (Paternity Leave and Benefit Act 2016, Section 6. (1)). The Parental Leave Act 1998 has provisions that employees are entitled to a parental leave for a period of 18 weeks. Parental leave does not entail pay from the employer nor social welfare.

Since October 2015, the Workplace Relations Commission addresses employment and equality claims and appoints adjudication officers (European Commission, 2016). Appeals can be pursued to the Labour Court and the High Court (European Commission, 2016). Complaints to the Work Relations Commission proceed to mediation or adjudication (CEDAW, 2016). The National Women's Council of Ireland (2017) notes that the civil legal aid scheme is not available to people who place complaints under employment equality or equal status claims to the Workplace Relations Commission.

The Programme for Partnership Government aims to reduce the gender pay gap by increasing investment in child care and reviewing the lower pay of women and gender inequality for senior appointments (Irish Government, 2016). The proposed measures to be implemented include a wage transparency by requiring companies of 50 and more to complete a wage survey, locally delivered courses for women to assist a return to the labour market and promote entrepreneurship, an increased level of female participation in Defence Forces, an increased female representation on state boards to 40% and strengthening the role of the Low Pay Commission in relation to the gender pay gap and in-work poverty (Irish Government, 2016).

CEDAW (2017) notes the persistence of the gender wage gap and the few number of women in decision-making positions. The over-representation of women in part-time work is tied to the limited availability of affordable child care and their family responsibilities (CEDAW, 2017). Reports show that the majority of workers on minimum wage are women – particularly women engaged in the retail, hospitality and care sectors where they are affected by poor working conditions and low and non-fixed hour contracts (National Women's Council of Ireland, 2017).

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

The Irish Constitution under article 9 (3) recognises that no person may be excluded from Irish Nationality and Citizenship by reason of sex. The Irish Nationality and Citizenship Act 1956 provides equal rights for women and men to acquire, change or retain their nationality as well as to confer nationality to their spouse and children. The Civil Registration Act 2004 guarantees that women and men can register the birth of their children equally. There is no indication that citizenship rights are a concern in Ireland or that discriminatory practices restrict those rights.

### **b) Voting**

The Irish Constitution guarantees the right of every citizen and such other persons in the State as determined by law to vote without distinction of sex. The Department of Environment, Community and Local Government offers information on the conduct of elections and referendums in Ireland (available in several languages). There is no indication that voting is a concern in Ireland or that discriminatory practices restrict voting rights.

### **c) Political voice**

The Irish Constitution guarantees to right of every citizen to be elected without distinction of sex in the State's legislative and executive elections. Judges in Ireland are appointed independently by the President. The Electoral (Amendment) (Political Funding) Act 2012 provides that a registered political party will face a cut of half of its State funding if it does not have at least 30% women and 30% men candidates at the next general elections. Seven years from the general election where this provision first applies, this figure will rise to 40% commencing at the general election held next after that. The National Women's Council of Ireland (2017) report that all parties met the quota during the 2016 general election. However, the CEDAW Committee (2017) recommended that the electoral amendment be extended to local elections as well.

The Equality for Women Measure (2008-2013) offered funding to foster the engagement and advancement of women and gender equality, notably in decision-making positions in executive management, boards (state and executive) and politics (CEDAW, 2016). Civil-society organisations engage in advocacy and training to promote women's participation in politics, notably the 50:50 Group and Women for Election (CEDAW, 2016).

Ireland issued a National Action Plan on Women, Peace and Security 2015-2018, which includes post-conflict reconciliation on the island of Ireland (IHREC, 2017). Additionally, Ireland launched an inquiry into low levels of women's participation in Northern Ireland in the post-conflict situation (CEDAW, 2016).

Ireland has seen an increase in women's participation in government, the judiciary, the diplomatic service and in senior positions in the civil service (IHREC, 2017). However, the IHREC (2017) reports that there is a geographical discrepancy in female candidacy as women are more likely to run and be elected as a representative in urban areas. The IHREC (2017) further reports of a persisting discriminatory culture in politics in Ireland with regards to women's participation. The CEDAW Committee (2017) notes the low rate of participation of Traveller, Roma and migrant women in political and public life.

### **d) Access to justice**

The Irish Constitution, under article 40 (1°) affirms that all citizens shall be held equal before the law. The Married Women's Status Act 1957 stipulates that a married woman shall be capable of suing and being sued as if she were unmarried (section 2).

Women's testimony carry the same evidentiary weights in civil, criminal, and family courts and tribunals. Section 22 of the Criminal Evidence Act 1992 provides that a spouse or former spouse to the accused may be compelled to give evidence in cases that involve violence, or threats of violence, sexual offence to the spouse, former spouse, the child of the spouse or of the accused or any person under the age of 18.

Some provisions in the legal framework take into account particular interests of women and girls in criminal court. The Criminal Procedure Act 2010 provides, under section 4 and 5, that in cases of sexual offence the court shall receive evidence from the victim. Where no evidence is given, the court shall

not draw an inference that the offence had little or no effect on the person against whom the offence was committed. The court may additionally order that information relating to the case shall not be published or broadcasted and that victims may give evidence through a television link.

The specialized body tasked with monitoring gender equality is the Irish Human Rights and Equality Commission (established by the Irish Human Rights and Equality Commission 2014). Its functions are to protect and promote human rights and equality. It has the power to review the adequacy and effectiveness of law and practice in the State and can examine any legislative proposal. The Commission also provides legal assistance to persons (Section 10 of the Irish Human Rights and Equality Commission Act 2014). Section 42 of the Irish Human Rights and Equality Commission Act provides for affirmative actions by public bodies to include in strategic plans equality and human rights measures, in addition to a requirement for reporting. The Commission is set to assist the public bodies in these efforts. The Commission has also the power to undertake, sponsor, commission or provide financial or other assistance for research and educational activities, and to provide or assist in the provision of education and training on human rights and equality issues.

Additionally, the Gender Equality Division of the Department of Justice and Equality coordinates the implementation of the National's Women Strategy. The National Strategy for Women and Girls 2017-2020 aims to change attitudes and practices preventing women's and girls' full participation in education, employment and public life, at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing, or at risk of experiencing the poorest outcomes (Department of Justice and Equality, 2017). The Strategy has 6 objectives: advance socio-economic equality for women and girls; advance the physical and mental health and wellbeing of women and girls; ensure the visibility in society of women and girls, and their equal and active citizenship; advance women in leadership at all levels; combat violence against women; embed gender equality in decision-making (Department of Justice and Equality, 2017). Moreover, the Programme for a Partnership Government sets out equality and gender proofing budget proposals (Irish Government, 2016).

An Inter-Departmental Committee on Human Rights was established to improve the coherence of the promotion and protection of human rights and assist progress towards ratification of Ireland by key international treaties and reporting (IHREC, 2017). Additionally, a Joint Sub-Committee on Human Rights was set up to review the role of parliament to implement international conventions (IHREC, 2017).

There are no laws governing the production and dissemination of gender statistics. However, the Central Statistics Office publishes on an annual basis data on women and men in Ireland (IHREC, 2017).

There is no legal discrimination on women's right to sue or be sued or give testimony in courts, nor are there discriminatory practices that restrict these rights.

### *More*

The Traveller and Roma women constitute one of the most disadvantaged groups in Ireland and face discrimination and racism at the individual and institutional level (Pavee Point & National Traveller Women's Forum, 2017). Traveller and Roman women face poverty and social exclusion, as well as low

levels of education and economic opportunities (Pavee Point & National Traveller Women's Forum, 2017). The State recognised Traveller ethnicity in March 2017 (IHREC, 2017a). The recognition of Traveller ethnicity will allow for the inclusion of Traveller women in anti-racism and intercultural initiatives and legislation (National Women's Council of Ireland, 2017). Additionally, the recognition will ensure that measures are taken to address intersecting forms of discrimination that Traveller women and girls face (CEDAW, 2017). The State is currently developing a National Traveller Roma Inclusion Strategy (National Women's Council of Ireland, 2017). The State is committed to include targeted measures for Traveller and Roma women (Pavee Point & National Traveller Women's Forum, 2017).

Moreover, Ireland has been invested in a process of legal redress for historical abuses regarding the Magdalene Laundries, the Mother and Baby Homes and the medical procedure of symphysiotomy. The Magdalene Laundries were church-run establishments for unmarried mothers and their daughters, sexually abused women, orphans or women perceived as promiscuous, which operated between 1922 and 1996 throughout Ireland (JMF, 2011). Women performed unpaid labour and lived in poor conditions (JMF, 2011). It is alleged that they suffered severe ill-treatment, psychological and physical violence, and confinement (JMF, 2011). The Mother and Baby Homes were similarly run institutions for unmarried mothers, established by religious orders. Additionally, it is reported that the medical procedure of symphysiotomy and pubiotomy was abusively practiced in Catholic hospitals from the 1940s to the 1980s (Irish Council for Civil Liberties, 2017). Despite efforts by the Government to establish restorative justice, ex-gratia schemes and investigation, the CEDAW Committee (2017) stresses the lack of appropriate measures taken with regards to historical redress, the restrictive conditions for victims to benefit from the schemes, the lack of prosecution of perpetrators and the lack of independence and investigation with regards to government-led research.

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