



Economic and Social Council

Distr.: General
31 March 2022

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Ireland*

A. General information

1. Please provide information on measures taken by the State party to incorporate the provisions of the Covenant in its domestic legal order.¹ Please describe the efforts undertaken to raise awareness, particularly among judges, lawyers and prosecutors, on the economic, social and cultural rights enshrined in the Covenant, and their justiciability. Please provide examples of cases in which the provisions of the Covenant have been invoked before the State party's domestic courts.

2. Please provide information on legislative measures taken to provide the Irish Human Rights and Equality Commission with a mandate to promote and protect the full range of Covenant rights.² Please provide information on the steps taken by the State party to ensure that civil society organizations and other relevant stakeholders, including organizations of persons with disabilities, people living in poverty, Travellers and Roma, are consulted and able to participate in formulating and implementing legislation and policies, in particular on issues related to economic, social and cultural rights.³

3. Taking note of the information provided by the State party in relation to legislative and policy measures taken vis-à-vis climate change,⁴ please provide information on measures taken by the State party with regard to climate change adaptation and mitigation that address the adverse effects of climate change on the enjoyment of economic, social and cultural rights. In particular, please indicate the progress made on meeting the nationally determined contributions for reducing emissions that the State party has set for itself under the Paris Agreement on climate change, noting the reportedly high rates of greenhouse gas emissions per capita in the State party.

4. Please provide information on the results achieved with regard to the implementation of the State party's national plan on business and human rights (2017–2020). Please provide detailed information on specific legislative and policy measures taken to ensure that business entities respect the economic, social and cultural rights of all; that they apply the principle of due diligence throughout their operations in the country or abroad; and that they assess and address the adverse impact of their operations on the environment.

5. Please inform the Committee on how the State party plans to take into account its obligations under the Covenant and the objective of full realization of the rights enshrined therein in the implementation of its national recovery and resilience plan, adopted to mitigate the impact of the coronavirus disease (COVID-19) pandemic and endorsed by the European

* Adopted by the pre-sessional working group at its seventieth session (7–11 March 2022).

¹ E/C.12/IRL/CO/3, para. 7.

² Ibid., para. 9.

³ Ibid., para. 10.

⁴ E/C.12/IRL/4, paras. 16–17.



Commission on 16 July 2021. Please provide detailed information on specific investment and reform commitments made to ensure the further realization of economic, social and cultural rights.

B. Issues relating to the general provisions of the Covenant (arts. 1–5)

Maximum available resources (art. 2 (1))

6. Please provide information on the evolution over the past 10 years of the following:
 - (a) The proportion of the population living below the nationally defined poverty line;
 - (b) The levels of inequality, defined both as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent, and as the ratio between the assets owned by the richest decile of the population and the assets owned by the poorest 50 per cent;
 - (c) The proportion of public revenue that is generated through taxes;
 - (d) Tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of value added tax on certain items, including luxury items) and the percentage of total revenue that is generated from personal income tax collected from the richest 10 per cent of the population;
 - (e) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to social spending, including social security, food, water and sanitation, housing, health and education;
 - (f) Any fiscal policy adopted to respond to the COVID-19 pandemic.
7. Please provide information with regard to the implementation of the State party's anti-corruption legislation, and describe efforts to combat bribery and other acts of corruption, paying particular attention to land administration, public procurement and tax administration. Please also provide statistical data on the number of cases of corruption prosecuted in the past five years, the sanctions imposed on the perpetrators, and the assets resulting from corruption that have been recovered, taking into account the transnational dimensions of these crimes where relevant. Please indicate what legislative or other measures have been put in place to protect whistle-blowers and to ensure the protection of and remedies for victims of corruption.

Non-discrimination (art. 2 (2))

8. Please provide information on the progress made by the State party with regard to reviewing its non-discrimination legislation, in particular the Equal Status Acts 2000–2018 and the Employment Equality Acts 1998–2015, as announced in 2021. Please also specify how the revised legislation will help in addressing discrimination faced by disadvantaged and marginalized groups, such as Travellers and Roma, persons with disabilities and older persons, in accessing economic, social and cultural rights, especially with regard to education, employment and housing. In the light of the Committee's previous recommendations,⁵ please indicate the efforts undertaken to ensure that the revised legislation is fully in line with article 2 (2) of the Covenant with a view to prohibiting explicitly all forms of discrimination in all areas relating to economic, social and cultural rights and on all prohibited grounds. Please also indicate how the State party plans to address multiple and intersectional discrimination, and what measures have been put in place to improve access to justice for Travellers and Roma in cases of discrimination.

⁵ E/C.12/IRL/CO/3, para. 12.

Equal rights of men and women (art. 3)

9. In the light of the Committee's previous recommendations made in 2015,⁶ please provide information on the status of the public consultative process on article 41 (2) of the Constitution and on measures taken to tackle stereotypical views about the role and status of women in Irish society, including measures to address the situation of woman belonging to Travellers and Roma communities. Please provide information on the outcomes of the national strategy for women and girls 2017–2020 with regard to measures thereunder concerning economic, social and cultural rights, including in the case of women and girls belonging to the Travellers and Roma communities. Please provide information on the measures taken to close the gender pay gap and to improve the representation of women within public and political life and decision-making roles within the private sector.

C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

10. Please provide updated comprehensive data on the realization of the right to work in the State party, including on labour force participation, employment, unemployment and underemployment, disaggregated by factors related to the most disadvantaged and marginalized groups, such as age group, disability, sex, region and national origin, as well as by the sectors of the economy. Taking note of the information provided in the State party report in relation to addressing unemployment,⁷ please inform the Committee of the legislative and policy measures taken in order to increase the employment rate, especially among the groups particularly affected by unemployment and underemployment, such as Travellers and Roma, migrants, persons with disabilities, persons living in rural areas, single parents and young people. In particular, please provide more detailed information on employment of persons with intellectual disabilities and report on the concrete results achieved in respect of the right to work following the implementation of the national Traveller and Roma inclusion strategy (2017–2021).

Right to just and favourable conditions of work (art. 7)

11. Taking note of the information provided in the State party report,⁸ please explain how the social partners are consulted in the establishing of the minimum wage and provide information on any measures taken for the indexation of the minimum wage to the cost of living, in order to ensure that it enables workers and their families to enjoy a decent living. Please clarify the basis for the application of different rates varying from 70 to 90 per cent of the full rate of the minimum wage for workers below 20 years of age.⁹ Please also provide information on measures taken to ensure that all workers, especially workers with disabilities, are provided with fair wages and that no exemption to the minimum wage are made in their regard.

12. Noting the information provided in the State party report¹⁰ in relation to the prohibition of zero-hour contracts albeit with exceptions, please describe measures put in place to guarantee just and favourable conditions of work for workers who may still be employed under such contracts, including information on their access to labour protection and social benefits. Please also provide information on measures taken for the implementation of the Committee's previous recommendations in relation to compensatory rest for working on holidays.¹¹

13. In the light of the Committee's previous recommendations,¹² please provide updated information on the status and findings of investigations into institutionalized forced labour in

⁶ Ibid., para. 15.

⁷ E/C.12/IRL/4, paras. 49–72.

⁸ Ibid., para. 74.

⁹ Ibid., paras. 76–77.

¹⁰ Ibid., para. 78.

¹¹ E/C.12/IRL/CO/3, para. 18.

¹² Ibid.

the Magdalen laundries, in particular criminal investigations, and address concerns that investigations have so far been insufficient. In this regard, the Committee looks forward to the information that the State party will provide to the Human Rights Committee in relation to its list of issues.¹³ Please indicate whether the State party will enact a reformed legal framework to advance investigations, including a clear time frame. Please also address obstacles faced by victims in obtaining justice and seeking remedies.

Trade union rights (art. 8)

14. Please provide information on any measures planned to explicitly recognize in law the right to strike, in line with article 8 (1) (d) of the Covenant. Please also provide information on measures taken to ensure the effectiveness of collective bargaining, taking into account the Committee's previous recommendations to that effect,¹⁴ as well as of the right to union representation, both in law and in practice.

Right to social security (art. 9)

15. Please provide information on measures taken to identify and address obstacles, including of an administrative nature, that prevent certain disadvantaged and marginalized groups from having access to social welfare services. In particular, please provide information on measures taken by the State party to ensure that the requirement to have a public service card to access to government support does not hinder the right to social security. Please also inform the Committee on whether the criteria for deciding on the habitual residence condition have been adequately amended to ensure that disadvantaged and marginalized groups, such as Travellers and Roma, migrants, homeless persons and women victims of domestic violence, have equal access to basic social welfare benefits, in particular child benefits without discrimination. Please explain how the habitual residence condition guidelines mentioned in the State party report¹⁵ address obstacles faced by these groups, including by providing information on their implementation by the relevant authorities. Please also report on the concrete results achieved in respect of the right to social security following the implementation of the national Traveller and Roma inclusion strategy (2017–2021).

Protection of the family and children (art. 10)

16. Please explain how the adoption of the Parent's Leave and Benefit Act 2019 has contributed to the protection of the family and children by providing information on its implementation, including statistical data on the actual take-up of leave entitlement by each parent. Please provide information on measures taken to improve the provision of child care, as recommended by the 2020–2021 Citizens' Assembly on Gender Equality.

17. Please also inform the Committee on how the implementation of the Domestic Violence Act 2018 and the accession of the State party to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) have effectively helped in protecting victims of domestic violence, including by taking into account the rise of domestic violence during the COVID-19 pandemic. Please provide information on the measures taken to increase legal aid and improve compensation for victims of domestic violence, as well as on specific measures taken to protect disadvantaged and marginalized women from domestic violence, such as migrant women, women living in rural areas, and Traveller and Roma women. Please also provide updated information on the legislative and administrative steps taken by the State party to ensure that the results of the final report of the Mother and Baby Homes Commission of Investigation are taken into account and that all victims obtain redress, regardless of their place of residence.

¹³ [CCPR/C/IRL/Q/5](#).

¹⁴ [E/C.12/IRL/CO/3](#), para. 19.

¹⁵ [E/C.12/IRL/4](#), paras. 106–108.

Right to an adequate standard of living (art. 11)

18. Please provide information on the measures taken by the State party to address poverty and social exclusion among groups disproportionately affected by it, such as single-parent families, older people, Travellers and Roma, migrants and persons with disabilities, including in its response to and recovery from the COVID-19 pandemic. Please specify whether these groups are the subject of specific poverty reduction targets and resource allocations in the Roadmap to Social Inclusion 2020–2025. Please also provide information on the measures taken to implement the recommendations included in the report on the cost of disability in Ireland, commissioned by the Department of Social Protection.

19. Please provide updated statistical information on the effectiveness of the plans and programmes mentioned in the State party report¹⁶ to remedy the acute housing crisis, paying particular attention to affordability and availability of adequate housing, and information on any other initiatives to enshrine the right to adequate housing in the legislation of the State party. Please also inform the Committee on further actions taken to counteract the rise in homelessness in recent years, especially among disadvantaged and marginalized groups. Please provide information on any short- and long-term measure put in place to mitigate the impact of the removal of emergency tenancy protection measures instituted since March 2020 to alleviate the adverse effects of the COVID-19 pandemic, such as rent freezes and eviction bans.

20. Please provide information on the measures taken by the State party to ensure that persons with disabilities are effectively deinstitutionalized and have access to adequate housing, also indicating whether the Housing for All strategy includes specific provisions and targets regarding housing for persons with disabilities. Please also provide information on the effectiveness of the measures taken to address the shortage of culturally appropriate accommodation for Travellers and Roma, including the concrete results achieved in respect of the right to housing following the implementation of the national Traveller and Roma inclusion strategy (2017–2021), and provide updated statistical data on Traveller accommodation programmes and budgets allocated thereto at the local and national levels. Please specify what measures have been taken to ensure that funding dedicated to the provision of Traveller housing is fully and appropriately spent by local authorities, and what measures have been taken to hold them accountable in case of failure to meet their legal obligations. Please also provide information on the progress made in improving the housing conditions of Traveller families living on transient sites and to ensure their access to essential services, such as hot water, electricity, heating and sanitation.

Right to physical and mental health (art. 12)

21. Please provide information, including statistical data, on the steps taken to ensure the accessibility, availability, affordability and quality of health services, especially in rural and remote areas and for the most disadvantaged and marginalized groups such as Travellers and Roma, migrants and persons living in poverty. Please provide information on measures taken to address the large disparities between the public and private health systems, and efforts undertaken to improve the public health system, including with regard to reducing long waiting times and improving medical equipment and infrastructure.

22. Please provide information on the impact of the COVID-19 pandemic on the enjoyment of the highest attainable standard of health by disadvantaged and marginalized groups, including Travellers and Roma, persons with disabilities, persons living in poverty, migrants and refugees. Please provide information on the availability and accessibility of tests, treatments and vaccines with regard to COVID-19, and statistical data on the vaccinated population, disaggregated by age group, disability, sex, ethnic origin, national origin and socioeconomic status.

23. Please provide additional information on the status of the review of the Health (Regulation of Termination of Pregnancy) Act 2018 and on its implementation to date, including information on measures taken to identify and address obstacles to its implementation, as well as information on the status of the Safe Zones Bill on safe access

¹⁶ E/C.12/IRL/4, paras. 199–244.

zones around medical facilities providing abortions. Please also provide information on measures taken to ensure that access to sexual and reproductive health services is non-discriminatory for women belonging to disadvantaged and marginalized groups, including migrant, refugee and asylum-seeking women, women victims of gender-based violence, women with disabilities, women living in poverty and women living in rural areas.

24. Please provide information on the measures taken to identify and address the root causes of mental health concerns in the State party, including with regard to the depression and suicide rates. Please provide information on measures taken by the State party to bring its mental health laws and policies in line with international standards. Please also provide information on the measures taken to develop community-based mental health care services that are accessible to all, and describe the safeguards put in place to ensure that the provision of mental health care and services is based on the free and informed consent of the individual concerned. In particular, please provide information on measures taken to prevent and address any incidence of involuntary treatment, seclusion and restraint, especially cases involving children, and on legal and administrative measures taken to ensure that children are never placed in psychiatric facilities with adults.

25. Please report on the concrete results achieved in respect of the right to health following the implementation of the national Roma and Travellers inclusion strategy (2017–2021). Please also provide an update on the State party's commitment to the publication and implementation of a national Traveller health action plan, including a time frame, and on the development of a specific Traveller mental health strategy.

Right to education (arts. 13–14)

26. Please provide information on the measures taken by the State party to strengthen its public education sector and enhance the availability, accessibility and quality of primary and secondary education on a non-discriminatory basis. Please provide statistical data with regard to school enrolment, dropout and irregular attendance rates in primary, secondary and higher education and vocational training, as well as on educational achievement and results, disaggregated by age group, disability, sex, ethnic origin, national origin and socioeconomic status. Please provide information on the impact of the implementation of the Education (Admissions to Schools) Act 2018, the national plan for equity of access to higher education, and the action plan to promote Traveller participation in higher education for the integration of Roma communities, on Traveller and Roma children's access to education. In the light of the Committee's previous recommendations,¹⁷ please provide information on the implementation of the Education for Persons with Special Educational Needs Act 2004 and on any challenges related thereto. Please also provide information on steps taken to facilitate transition from secondary to tertiary education for persons with disabilities, including intellectual disability.

27. Please provide information, including disaggregated data, on children in the Oberstown Children Detention Campus and in the State's child protection and welfare system, paying particular attention to the situation of Traveller and Roma children.

Cultural rights (art. 15)

28. Please provide information on measures taken by the State party to create favourable conditions that enable Traveller and Roma to preserve, develop, express and disseminate their identity, way of living, history, culture, language, traditions and customs. Please also describe measures taken to promote intercultural and inter-ethnic understanding, tolerance and friendship among different racial, ethnic and religious groups in the State party. Please report on the concrete results achieved in respect of access to culture and cultural participation following the implementation of the national Traveller and Roma inclusion strategy (2017–2021).

¹⁷ E/C.12/IRL/CO/3, para. 32.

29. Please provide information on measures taken to facilitate everyone's access to the right to enjoy the benefits of scientific progress and its applications, including measures taken to improve digital and technological skills among older persons. Please describe the steps taken by the State party to ensure affordable access to the Internet for disadvantaged and marginalized groups, including in rural areas.
