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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional Working Group
14-18 May 2001

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the
second periodic report of Ireland concerning the rights referred to in
articles 1-15 of the International Covenant on Economic, Social and
Cultural Rights (E/1990/6/Add.29)**

I. GENERAL INFORMATION

1. Please provide up-to-date information on the status of implementation of the Good Friday Agreement.

General legal framework within which human rights are protected

2. When does the State party intend to repeal its reservations on articles 2 (2) and 13 (2) (a) of the Covenant, concerning non-discrimination and free and compulsory primary education, respectively?

3. Please indicate whether the new Human Rights Commission's mandate extends to economic, social and cultural rights. If so, what priority does it attach to economic, social and cultural rights in its programme of work? Please give some examples of how it endeavours to fulfil its economic, social and cultural rights mandate. What mechanisms are in place to ensure the independence of the Commission (para. 303)?

4. Please provide information on the measures taken by the State party to inform the public at large, and civil servants, in particular judges, lawyers, administrators and those associated with economic policies, of the provisions of the Covenant. Please give examples of when the Covenant has been relied upon in court.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2 (1) - Progressive realization of the rights enshrined in the Covenant

5. Does the State party intend to increase its international cooperation assistance to .45 per cent of its GNP by 2002? Given the United Nations target of .7 per cent of GNP, what is Ireland's target for international cooperation assistance after 2002?

6. When Ireland acts within an international organization and the matter in hand bears upon the Covenant, do Ireland's representatives take into account Ireland's obligations under the Covenant, such as those arising from the international cooperation provisions?

Article 2 (2) - Non-discrimination

7. The Employment Equality Bill was enacted in 1999 (para. 59). What is the State party's assessment of its impact and has it generated any significant case law?

8. Please provide information on the measures taken, if any, to address the concern expressed in paragraph 11 of the Committee's previous concluding observations.

9. Has the Equal Status Bill now been enacted (paras. 307-308 and 324)?

10. When does Ireland expect to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (paras. 306-308)?

11. Please provide statistical information on asylum-seekers and refugees in the State party, disaggregated by age and sex. Please indicate what measures the State party has adopted to raise public awareness about multiculturalism and tolerance.

12. How effective is the "Government Strategy on Travellers" (para. 43)? How might it be strengthened?

Article 3 - Equality between men and women

13. In relation to equal pay for women, a study was commissioned and expected to report in the autumn of 1999 (paras. 84-86)? What were its findings? Did they generate any policy initiatives?

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

Articles 6-8 - Labour rights

14. One of the objectives of Partnership 2000, which ran between 1997 and 2000, was to ensure an “equitable distribution of the benefits of growth” (para. 79). Please explain who the beneficiaries of the programme were. How will the objectives of the programme be pursued in the future?

15. Have the provisions of the Merchant Shipping Act (1894), which provided that seafarers absent without permission could be forcibly conveyed on board ship, and that certain disciplinary offences by seafarers were punishable with imprisonment, been repealed or amended?

16. What is the percentage and categories of the workforce not covered by the statutory minimum wage arrangements set out in paragraphs 81-83? What is the wage differential between those workers covered by the statutory minimum wage arrangements and those falling outside those statutory arrangements?

17. Please explain why only those trade unions and employers’ associations holding “negotiation licences” may enter into negotiations on pay and other conditions of employment (para. 91). Please provide data on the number of “negotiation licences” that have been in existence in recent years. Over the last five years, how many such licences have been sought but not granted?

Article 9 - The right to social security

18. Various measures have been introduced to ensure equality between men and women in relation to social welfare (e.g. paras. 125 and 140-142). In practice, does the contemporary social welfare system have the effect of treating men and women equally?

Article 10 - Protection of the family, mothers and children

19. Please provide statistical data in relation to the Domestic Violence Act 1996 (number of “barring orders”, either ex parte or final, “new-type safety orders” and arrests made without warrant). Has the Act been effective? What non-legislative measures, such as public information campaigns, are presently being taken in relation to domestic violence?

20. Please provide data on the incidence of child labour in Ireland since the enactment of the Protection of Young Persons (Employment) Act, 1996. Please discuss problems, if any, in the enforcement of the 1996 Act.

Article 11 - The right to an adequate standard of living

21. Please provide information how the National Anti-Poverty Strategy (NAPS) is monitored and whether it is effective in reducing the incidence of poverty.

22. In light of the Statement on Poverty, adopted by the Committee on Economic, Social and Cultural Rights at its twenty-fifth session (April/May 2001), does the State party envisage integrating the rights approach to its National Anti-Poverty Strategy (NAPS)?

23. Please provide up-to-date statistical information regarding the right to housing. In recent years, what has the annual percentage increase been in rents and house prices, in Dublin and elsewhere? Are data available on housing-related costs as a percentage of income?

24. What has been the incidence of homelessness in Ireland in recent years? Please elaborate on the measures being taken to address homelessness.

Article 12 - The right to the enjoyment of the highest attainable standard of physical and mental health

25. Please provide information on the State party's application of paragraphs 43 and 44 of General Comment No. 14 on the right to health and, in particular, of paragraphs 43 (f) and 44 (e) concerning a national public health strategy and plan of action, and training for health personnel, respectively.

26. Please provide information on what happened to the legislative proposals referred to in paragraph 673 of Ireland's initial report concerning the new mental health legislation.

27. What are the legal safeguards for those detained in connection with the Mental Treatment Act 1945? Are there plans to review the Act with a view to modernizing it? Does the Act extend to all parts of all psychiatric accommodation (para. 288)? If not, what legal regime protects those in psychiatric accommodation not covered by the Act?

28. Please describe the mandate, status and functions of the office of the Inspector of Mental Hospitals. What have the Inspector's major recommendations been in the last five years and have they been implemented?

29. Please provide information on mortality rates arising from illegal abortions, and please cite case law, if any, on the prosecution of such abortions.

30. Please provide information about the incidence of suicide among persons between 15 and 18 years of age, disaggregated by sex.

31. Please provide information about the measures taken by the State party to alleviate the problem of long waiting lists for medical service at public hospitals.

Articles 13-15 - Cultural rights

32. What are the child and adult literacy rates in Ireland? Please disaggregate the data by sex. Also disaggregated by sex, what are the child and adult literacy rates for Travellers?
33. Does human rights education, including issues such as respect for cultural diversity, form part of primary and secondary school curricula?
34. How is new “Relationships and Sexuality Education” (RSE) (para. 211) being taught in schools? Has the initiative met with significant resistance from parents, teachers or the Catholic Church?
35. Please summarize the objectives, resources and effectiveness of the “special unit for the provision of language training for adult refugees” (para. 182).
36. Please explain the extent to which refugee and asylum-seeker children are educated in their mother tongue.
37. Please discuss the State party’s policy for minority groups in relation to their enjoyment of the right to take part in cultural life.
