

State Accountability for Women's Human Rights in Ireland¹

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INTRODUCTION

The idea of universal human rights evokes a vision of justice that has global resonance. The roots of human rights ideals can be found in every religious and philosophical tradition around the world and few governments today would want to be seen to disregard human rights. A renewed recognition of the moral authority that human rights afford, and of the potential of human rights practice to transform conditions of oppression, have prompted women from every region to ask why, to date, human rights thinking and policy have failed women.

Women and girls are more likely to be subjected to human rights abuses in the private contexts of family, intimate relationships, informal economic activity, culture, or religion. Battery, incest, rape, trafficking, forced prostitution, female genital mutilation, stoning, burning, lesbian persecution, and female infanticide and neglect are widespread human rights abuses affecting women and girls. They cut across boundaries of region, nationality, race, ethnicity, religion, and class and underscore the reality that no country can boast an exemplary human rights record. Furthermore, because of such abuses, Harvard economist Amartya Sen has estimated that there are about 100 million women missing from the globe² – a statistic that surely rebukes the often-held opinion that women's human rights claims are secondary or trivial. Over the past decade, women

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began asking why such egregious practices have not been taken seriously as violations of human rights no more tolerable than torture in detention or disappearances at the hands of death squads. Women have questioned the invisibility of violations of women's human rights, hidden from sight and removed from public scrutiny. In seeking the inclusion of such issues in human rights agendas Charlotte Bunch has said that women are engaging in a "feminist transformation of human rights" and argues that the issues raised "are also the issues most often dismissed as not really human rights questions."³

In Ireland,

59% of women know another woman who has been subjected to violence by a spouse or partner

About 1 in 5 women in Ireland who have been in an intimate relationship with a man have been subjected by him to some form of mental, physical, or sexual violence

84% of women do not report violence in the home to police because they fear that the perpetrator will take revenge⁴

In addition to underscoring the ways in which the public/private divide has operated in international human rights to exclude women's concerns, the movement for women's human rights has also reasserted and demonstrated the indivisibility, or interconnectedness, of all human rights – political, civil, economic, social, and cultural. Women's vulnerability to domestic violence, trafficking, and infanticide in childhood, for example, is inextricably linked to women's lack of economic independence, their low

² See A. K. Sen, "Gender and Cooperative Conflicts," in Persistent Inequalities: Women and World Development, ed. Irene Tinker (New York: Oxford University Press, 1989) and Gender Violence: a Development and Human Rights Issue, p. 24, C. Bunch and R. Carrillo (New Brunswick, N.J.: Center for Women's Global Leadership, 1991).

³ C. Bunch and R. Carrillo, Gender Violence: A Development and Human Rights Issue (New Brunswick, N.J.: Center for Women's Global Leadership, 1991).

⁴ See Making the Links: Towards an integrated strategy for the elimination of violence against women in intimate relationships with men (Women's Aid, 1995).

social status, and their under-representation in, or exclusion from, decision making on many levels.

In Ireland,

33% of women of working age are in paid employment compared to 71% of men and women earn only 68% of men's pay

In 1987, an estimated 274,000 women lived in households with incomes of less than 48 pounds per adult per week as compared to 224,000 men

only 12% of Ireland's elected representatives are women, 88% are men⁵

In the 1990s, an international movement for women's human rights has emerged challenging the narrow gender-biased understanding of human rights that has been institutionalised since the Universal Declaration of Human Rights in 1948. Women are now seeking the realisation of human rights in their daily lives and are demanding that public and private perpetrators of abuses be held accountable. Furthermore, the movement highlights that no country, well-off or poor, and no region, North or South of the globe, is immune from the endemic failure to promote and protect women's human rights.

This report demonstrates how the Irish Government response to its international obligations with respect to women's human rights has been completely inadequate and reflects a systemic failure to recognise the urgent need for fundamental changes in legislation, public policy, and civil society if human rights are to become a reality for women in Ireland. In particular, the report looks at the ways in which the government is accountable as well as the processes available to women and non-governmental groups for ensuring accountability, and makes recommendations on how these might be made more effective.

⁵ Taken from the Second Commission on the Status of Women: Report to the Government (January 1993).

The report is divided into three parts. Part I gives an overview of the international movement for women's human rights, its objectives, the political and conceptual obstacles it has met, and the gains it has secured. Part II discusses how accountability for human rights has been defined in the traditional human rights framework. Part III looks specifically at Ireland's approach to fulfilling its commitments to women's human rights as reflected in its reporting under the Women's Human Rights Convention (CEDAW) and other human rights treaties, as well as with respect to more recent commitments made to women at the World Conference on Human Rights (Vienna, 1993) and the Fourth World Conference on Women (Beijing, 1995). Part IV broadens the discussion of accountability and shows how women's experiences and gender perspectives are challenging prevailing definitions of accountability in an effort to secure human rights for women locally and globally. Part V. concludes the report with recommendations for more effective accountability processes around the implementation of Ireland's international commitments to women's human rights.

I. OVERVIEW: THE INTERNATIONAL MOVEMENT FOR WOMEN'S HUMAN RIGHTS

The barriers to the implementation of [women's] human rights are two-fold. First, the lack of proper implementation machinery to make rights real in the lives of women is an obstacle, as is women's lack of awareness of the rights machinery that would empower them. The second and more formidable barrier is the refusal to accept the values in and of themselves: an ideological resistance to human rights for women.

*– Radhika Coomaraswamy
UN Special Rapporteur on Violence Against Women*

The movement for women's human rights, which seeks to transform human rights thinking and practice so that they take greater account of women's lives, has its roots in the growth of diverse women's movements globally since the UN Decade on Women (1976-1985). The movement crystallized around the second World Conference on Human Rights (Vienna, 1993) in response to diverse concerns and reflected the collaboration of women's efforts across multiple boundaries. In particular, women in different regions, including Ireland, believed that the issues they were organising around – especially different forms of gender-based violence – were human rights crises that were not being taken seriously as such.

In the decades since the Universal Declaration of Human Rights the international human rights community focused primarily on certain aspects of civil and political rights, which address important but limited concerns such as the denial of freedom of expression, arbitrary arrest, torture in detention, and the death penalty when perpetrated by state actors. Some non-governmental initiatives have broadened the implementation of human rights in areas such as the right to development, the rights of the child, as well as around issues like disappearances, racial discrimination, religious intolerance, and contemporary forms of slavery. These efforts have brought more attention to the role of private actors – individuals and institutions – who violate human rights. Nonetheless, the UN International Covenant on Civil and Political Rights

(ICCPR) continues to receive more resources than other human rights instruments and has more effective implementation mechanisms. In the words of Hilary Charlesworth, such an approach defines human rights according to the criterion of "what men fear will happen to them." She goes on to say,

The primacy traditionally given to civil and political rights by western international lawyers and philosophers is directed toward protection for men within public life – their relationship with government. But these are not the harms from which women most need protection. . . . [For example], the protection from arbitrary deprivation of life or liberty through public action, important as it is, does not address how being a woman is in itself life-threatening and the special ways in which women need legal protection to be able to enjoy their right to life.⁶

However, it would be misleading to argue that traditional definitions of civil and political rights are not important to women and it is critical that groups like Amnesty International continue their work in highlighting the gender-specific dimensions of concerns within their mandate including the use of rape as a weapon in conflict situations or as a form of torture, or the persecution of female activists or the female relatives of male prisoners or activists.⁷ Nonetheless it is imperative to recognise that an exclusive focus on direct state-sponsored violations, and a lack of intervention in so-called private spheres, allows male-defined family, religious, and cultural rights and customs to prevail – often at the expense of women's human rights.

Propelled by the growing women's human rights movement, newer initiatives by other traditional human rights groups like Human Rights Watch (HRW) have sought to expand the concept of state responsibility to include indirect actions or omissions on the part of

⁶ Hilary Charlesworth, "What Are 'Women's International Human Rights'?" in Human Rights of Women: National and International Perspectives, ed. Rebecca J. Cook (Philadelphia: University of Pennsylvania Press, 1994).

⁷ Amnesty International also play a vital role in their education and awareness activities, such as the Human Rights are Women's Right campaign leading up to the Beijing conference, which included gathering a half million signatures to the worldwide petition of the Global Campaign for Women's Human Rights.

states that foster discrimination and demonstrate state complicity in violating women's human rights. For example, the Women's Rights Project of HRW gathered documentation in Brazil that exposed discrimination against women in the judiciary in the form of the "honor defense," whereby men who kill their wives are treated with lenience on the basis of their wives' alleged infidelities.⁸ Formal legal non-discrimination, therefore, is not sufficient to exempt the state from responsibility for violations of women's human rights. The state must be vigilant against discriminatory norms and prejudices that may permeate the judiciary, the police, or the administration of public policy more generally.

The over emphasis on certain civil and political aspects of international human rights is equalled by the failure within the human rights system to develop effective measures to monitor violations and secure implementation of human rights in the socio-economic arena. This, along with the selective use of human rights criteria to support specific foreign policy measures by the more powerful and wealthier countries, has encouraged much criticism of Western-dominated human rights thinking and practice from some in the global South. Other critiques from the South reject the present human rights system's focus on the individual over the community and question its premise that the state, through the law, can be trusted as the voluntary enforcer of human rights.⁹ Radhika Coomaraswamy argues that all of the preceding criticisms must be taken seriously by the movement for women's human rights. Furthermore, in doing so we have to understand human rights as a framework that is bigger than the sum of its laws and processes, many of which require fundamental revision as we move toward a feminist ideal of universal human rights. For Coomaraswamy, grassroots movements play a pivotal role in this process,

⁸ Criminal Injustice: Violence Against Women in Brazil (Washington, DC: Human Rights Watch, 1991)

⁹ See Radhika Coomaraswamy, "To Bellow Like a Cow: Women, Ethnicity, and the Discourse of Rights," in Human Rights of Women: National and International Perspectives, ed. Rebecca J. Cook (Philadelphia: University of Pennsylvania Press, 1994).

unless human rights values take root in civil society and unless civil institutions and non-governmental organisations take up the cause, then women's rights as human rights will have no resonance in the [public] institutions concerned.¹⁰

The Global Campaign for Women's Human Rights is one example of the kind of mobilisation needed to infuse feminist perspectives into mainstream human rights thinking and practice.¹¹ The Global Campaign, a loose coalition of groups and individuals worldwide, including many in Ireland, formed in preparation for the World Conference on Human Rights held in Vienna in 1993. One of the Campaign's early actions was a petition drive that aimed to gather 100,000 signatures calling upon the Vienna conference to "comprehensively address women's human rights at every level of its proceedings" and to recognise violence against women as a violation of human rights." Having contributed to women's success at the Vienna conference, the initiative culminated four years later in Beijing at the Fourth World Conference on Women, this time with a call to implement the Vienna Declaration's commitments to women's human rights and to incorporate them into the Beijing Platform for Action.

By the time of the Beijing conference, the petition had well over one million signatories, it had circulated in 148 countries, was translated into 26 languages, and had gained over 1,000 sponsoring organizations. The annual campaign of "16 Days of Activism Against Gender Violence," (November 25 - December 10)¹² was also launched in 1991

¹⁰ Quoted in Rebecca J. Cook, *Women's International Human Rights Law: The Way Forward*," in *Human Rights of Women: National and International Perspectives*, ed. Rebecca J. Cook (Philadelphia: University of Pennsylvania Press, 1994), p. 8.

¹¹ See C. Bunch and N. Reilly, *Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights* (New York: UNIFEM, 1994).

¹² November 25 was declared International Day Against Violence Against Women by the first Feminist Encuentro for Latin America and the Caribbean in 1981, Bogota, Colombia. The day commemorates the Mirabel sisters who were brutally murdered by the Trujillo dictatorship in the Dominican Republic in 1960. December 10 celebrates the anniversary of the Universal Declaration of Human Rights proclaimed in 1948. The period includes World AIDS Day (December 1), and the anniversary of the Montreal Massacre (December 6) when a man gunned

to promote public awareness about gender-based violence as a human rights concern and to lobby for specific commitments to women's human rights locally, nationally, and in the context of UN conferences.¹³

Following the enthusiastic response to the petition drive, the second "16 Days" campaign in 1992 called upon participants to hold grassroots hearings in order to demonstrate more clearly how violence affects women and what it means for women's perspectives to be incorporated into human rights. From November 1992 on, women began to convene public hearings to document individual complaints and group cases of violations of women's human rights. The Global Tribunal on Violations of Women's Human Rights which was part of the NGO Forum at the Vienna conference was planned in this context.¹⁴

Positive advances resulting from women's organising around Vienna include a UN Declaration on the Elimination of Violence Against Women (1993) and the appointment of a UN Special Rapporteur on Violence Against Women (1994). The World Conference on Human Rights (Vienna, 1993) also produced the Vienna Declaration which was signed by 171 countries. It supports a host of measures which if enacted, would truly integrate women's human rights and gender perspectives throughout the UN human rights machinery. This includes calling upon all of the treaty-monitoring bodies to enable women to make more effective use of the treaties, urging the adoption of an individual complaints procedure for the women's convention, and calling for the convention's universal ratification by the year 2000.

down 14 engineering students for being "feminists."

¹³ As an example see Satellite Meeting "La Nuestra" (Costa Rica: Feminist International Radio Endeavor, 1992)

¹⁴ See Testimonies of the Global Tribunal on Violations of Women's Human Rights, ed. N. Reilly (New Brunswick, N.J.: Center for Women's Global Leadership, 1994).

The documentation of female human rights abuse gathered throughout the Global Campaign repeatedly demonstrated that the prevalence of violence against women in societies everywhere is inseparable from their lack of socio-economic power and status. Similarly, the routine denial of women's bodily integrity in the implementation of national and international population policies is linked to the same forces that leave women vulnerable to violence. Some women were concerned that the focus on gender-based violence in Vienna had distracted attention from other types of human rights issues, especially abuses associated with the actions of non-state actors like international financial institutions and transnational corporations, or around policy areas such as women's health. After the Vienna conference, in addition to pushing for implementation of the Vienna Declaration's commitments to women, the movement for women's human rights sought to underscore the indivisibility of women's human rights and the interconnectedness of the civil and political, as well as, the social, economic, and cultural dimensions of all human rights. In doing so the movement set out to deepen its analysis and extend its activities into every sphere where women's human rights are under threat.¹⁵

Women's human rights also had a strong presence at the International Conference on Population and Development (Cairo, 1994). The *Cairo Hearing on Reproductive Health and Human Rights*, for example, convened there by a number of women's groups advanced the message that "women's health is a human right." Testifiers from the global North and South recounted the human rights abuses they had encountered through involuntary sterilization, forced childhood marriage and pregnancy, illegal abortion, and the denial of reproductive and sexual health to disabled women and girls. The testimonies demonstrated the multiple forces affecting women's health including the state, population policies, pharmaceutical companies, the medical profession, the

¹⁵ Many women working in Irish-based organisations and groups across different sectors have been deeply involved in recent UN conferences, especially the Beijing conference, where they have highlighted the spectrum of women's human rights concerns at home and abroad, from violence against women in public and private contexts, to women's poverty and social exclusion, and the human rights of women activists and women members of minority communities.

family, religion, and culture and highlighted the need to rethink accountability for human rights if women's human rights are to be secured.¹⁶

The final Programme of Action, agreed upon at the ICPD, reflects the influence of the women's movement and contains a number of significant advances including recognition that: women's empowerment, the elimination of violence against women, women's education, and women's ability to control their own fertility need to be cornerstones of development; development is a fundamental human right; women's reproductive health and rights, including sexual health, along with maternal mortality and the health impact of unsafe abortions must be addressed; and demographic targets need to be underplayed in favor of a focus on the overall reproductive health needs and plans of women.

At the World Summit on Social Development (Copenhagen, 1995), initiatives like the *Copenhagen Hearing on Economic Justice and Women's Human Rights* highlighted the complicity of more affluent countries like the United States in perpetrating socio-economic human rights abuses within their own countries and internationally. Women from every region testified to violations resulting from structural adjustment programs (SAPS), budget cuts that target social welfare measures, and trade policies and economic sanctions that are indifferent to human rights. They recounted stories of trafficking and forced prostitution, the abuse of migrant workers, and environmental destruction – all of which are growing in the face of economic globalization.¹⁷

While women did not transform the Social Summit's final Programme of Action, there were positive advances toward a feminist understanding of human rights as indivisible and toward greater accountability on the part of international financial institutions (IFIs).

¹⁶ See *From Vienna to Beijing: The Copenhagen Hearing on Economic Justice and Women's Human Rights* (New Brunswick, N.J.: Center for Women's Global Leadership, 1995).

¹⁷ See *From Vienna to Beijing: The Cairo Hearing on Reproductive Health and Human Rights* (New Brunswick, N.J.: Center for Women's Global Leadership, 1995).

This includes: an affirmation of the importance of core human rights standards – civil, political, economic, social, and cultural – including the rights to development; a commitment to promote gender equality and improve the status of women; a recognition of the increased burden on women created by poverty, along with a broad definition of the family and a call for the valuation of women's unremunerated work; the advancement of the rights of workers, including migrant workers, and indigenous people; and an acknowledgment that SAPS must be reviewed to reduce their negative impact and IFIs should give higher priority to social lending.

Despite considerable political and logistical obstacles surrounding the Fourth World Conference on Women (Beijing, 1995), lobbying efforts were strengthened by the high visibility of women's human rights activities at the NGO Forum. Events like the Global Tribunal on Accountability for Women's Human Rights,¹⁸ along with the World Public Hearing on Crimes Against Women¹⁹ helped to demonstrate the centrality of human rights to many of women's most serious concerns in Beijing. The Global Tribunal also featured powerful personal testimony from Mary McGoldrick, a domestic violence survivor and activist from Dublin, who addressed the violation of her human rights through gender-based violence, economic abuse, and state inaction. There were dozens of workshops, panels, demonstrations, and exhibits around the theme of women's rights as human rights, including a much acclaimed women's human rights quilt from Ireland.²⁰ The symbolic delivery to the UN Commissioner for Human Rights of several boxes of signatures to the Global Campaign's petition, despite protests from the

¹⁸ See N. Reilly, ed., Without Reservation: The Beijing Tribunal on Accountability for Women's Human Rights (New Brunswick, N.J.: Center for Women's Global Leadership, 1996). The Beijing Tribunal featured an Irish speaker, Mary McGoldrick, whose powerful testimony demonstrates the multiple ways in which the human rights of women who are battered are violated.

¹⁹ Coordinated by the Asian Women's Human Rights Council.

²⁰ The production of the all-Ireland Quilt was coordinated by the Centre for Research and Documentation, the Equality Group of the Commission for the Administration of Justice, the Downtown Women's Centre, UNISON Women's Committee, and the Women's Support Network.

Chinese authorities, also helped to keep the spotlight on women's human rights concerns at the governmental conference in Beijing.

The Beijing Platform for Action reasserted the universal and holistic nature of women's human rights. Governments agreed to promote and protect women's human rights to freedom from violence, sexual and reproductive health without discrimination and coercion, and equal rights to inheritance for women and girls – although not the "right to equal inheritance." Further, governments undertook to pursue and punish as war criminals the perpetrators of rape and sexual violence against women and girls in situations of armed conflict. Universal ratification of the women's convention (CEDAW) was also supported by the Platform along with the introduction of an a complaints procedure to strengthen its implementation, and the systemwide integration of women's human rights throughout the UN. In all of this, commitments to women from previous conferences were maintained and were expanded in the areas of: protection of human rights activists; the acknowledgement that systematic rape during armed conflict is a war crime, and in some cases a crime against humanity; the recognition of the rights of women to control over their sexual and reproductive health; and the qualification of parental rights to ensure they respect the privacy and access to information of adolescents and children.

Almost fifty years after proclamation of the Universal Declaration of Human Rights, the human rights of people everywhere continue to be disregarded in the form of racism, xenophobia, fundamentalism, the displacement of entire populations through war, and even the genocide that the Universal Declaration sought to make impossible. In addition to the gender-specific human rights violations that all of these entail there is now also recognition of a wider range of human rights abuses affecting women in particular. Clearly a human rights framework is needed more than ever, one that moves human rights from rhetoric to reality and guarantees human rights to all without reservation. Following the Beijing conference, women can proceed in the knowledge

that they have secured many victories for the ideal of universal human rights and many concrete commitments to women's human rights which, if enacted, will go a long way toward ensuring the reality of human rights for all. A vital piece of this process is establishing accountability for human rights in a rapidly changing world where global trends and transnational forces increasingly shape local experience.

II. STATE ACCOUNTABILITY FOR HUMAN RIGHTS: THE UN SYSTEM

The realisation of women's human rights requires a combination of political and educational strategies in addition to legal and policy measures. Many of the gains made by women so far have been in the political and educational realm, that is, in developing a conceptual understanding of how gender affects human rights, exposing the neglect of violations against women, and creating the political will to do something about them. In part III and IV below, I address in greater detail what is required to achieve a more comprehensive understanding of accountability so that human rights practice can be responsive to women's human rights concerns. This section gives an overview of the existing formal provisions in the UN human rights system and their potential for advancing women's human rights.²¹

The Limits of the System

Formal processes for filing complaints of human rights violations are constrained on a number of levels.²² Documentation submitted for consideration to UN international human rights bodies must name the state or states responsible for the violations. Where violations or patterns of human rights abuse do not result from direct state action, but from the state's failure to take preventative action or to actively ensure justice, it can be difficult to establish state accountability and to clarify who is the violator. A complaint is more readily processed and a ruling of human rights given when the violations are carried out by individuals acting as state agents, as in cases of arbitrary arrest or torture in police or military custody. As already discussed this focus

²¹ See Appendix A for a detailed chart of the UN Human Rights system.

²² An excellent introduction and practical resource is Jane Winter, Human Wrongs Human Rights: A Guide to the Human Rights Machinery of the United Nations (British Irish Watch, June 1996). See also Putting Gender on the Agenda: A Guide to Participating in UN World Conferences (New York: UNIFEM, 1995).

fails to address many of the violations women experience at the hands of non-state actors and/or in private settings.

A further limitation to securing legal redress on the basis of a particular covenant or treaty is that the mechanisms of accountability are entirely voluntary. The state must have signed up to the treaty and it must also agree to cooperate with the treaty body overseeing the state's compliance before the state can be held formally and publicly accountable. Also, when individuals are submitting complaints in reference to specific covenants, they must show that all domestic remedies have been exhausted before appealing internationally. Nevertheless, where a situation exists that is recognised as involving gross violations of human rights, then the international community can take action on the grounds that the conditions in question undermine the tenets of the Universal Declaration which every state is morally bound to uphold.

The “Optional Protocol” or Individual Complaints Procedures

The most well-known "Optional Protocol" is a companion mechanism to the International Covenant on Civil and Political Rights (ICCPR) and affords the highest degree of public accountability and effectiveness. It allows individuals to make formal complaints to the Human Rights Committee, the body overseeing the treaty. However, the Human Rights Committee can only process non-anonymous complaints concerning those states that have signed and ratified the ICPCR and its optional protocol. Once a case satisfies the Committee's criteria, the person making the complaint will be informed of, and may respond to, developments along the way including responses made by the state in question. However, the entire process may take up to three years to produce a ruling. While the final ruling is not legally binding, it does send a strong political and moral message to the offending state and if remedial action is not taken pressure will be escalated when the state is next up for review.

The fact that the civil and political covenant has an optional protocol, while other human rights instruments like the economic, social, and cultural covenant (ICESCR) and the Women's Convention do not, underscores the hierarchy built into human rights practice. Further, the rights delineated in the ICESCR are qualified as aspirations to be achieved over time so that violations – even when life-threatening – are not treated as urgent. This represents a particular obstacle for women who wish to remedy violations that are perpetrated in the name of culture or religion, or are the result of gender-based economic exploitation. However, in response to women's lobbying in recent years, the 1997 meeting of the UN Commission on the Status of Women will convene a working group to draft an optional protocol to the Women's Convention provided the General Assembly allocates the funding for the process.

In addition, the Committees overseeing the Convention on the Elimination of Racial Discrimination (ICERD) and the UN Convention against Torture (CAT) do receive individual communications regarding human rights abuses. The Commission on the Status of Women (CSW) also prepares two lists each year of human rights violations affecting women, one of which is public and the other confidential. Two of the UN specialized agencies, the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), have also created international legislation in defense of human rights within their mandated areas and supervise its implementation.

Government Reports under UN Treaties

Whether or not a treaty or convention has an optional protocol, all states are required to submit regular reports to the treaty-monitoring committees detailing the steps they are taking to implement the treaty provisions. The treaty bodies also welcome alternative reports from non-governmental groups which they will consider when reviewing states' compliance with the treaty. Not only can non-governmental submissions influence the

policy recommendations and official statements of international bodies, but they may be used to shame the government involved into taking action on a particular case or issue.

The "1503" Procedure

Another major avenue to register complaints of human rights abuse is the "1503" procedure that allows the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities to receive reports of any "consistent pattern of gross violations of human rights and fundamental freedoms...affecting a large number of people over a protracted period of time."²³ Under this procedure, an individual or group can submit a report. The Sub-Commission may then enter into dialogue with the state or states in question, undertake an investigation based on the complaint, establish a thematic working group, and/or appoint a special rapporteur. However the process is completely confidential and the person or group making the submission will not receive an official response and may never know the impact of their complaint.

Special Rapporteurs and Working Groups

There are dozens of thematic and/or regional special rapporteurs, representatives, and working groups within the UN human rights machinery which depend upon non-governmental sources to carry out their investigations into human rights abuse. These special procedures cover topics such as discrimination against AIDS/HIV infected individuals, violations relating to extreme poverty, indigenous peoples' rights, human rights abuse in occupied territories, and several with gender specific mandates such as the Working Group on Contemporary Forms of Slavery, the Special Rapporteur on Traditional Practices Affecting Women and Children, and now the Special Rapporteur on Violence Against Women. More recently the Special Procedures Branch of the UN

²³ Human Rights Communications Procedures, UN Fact Sheet no. 7.

Centre for Human Rights has established a Human Rights Hotline for victims of human rights violations, relatives of victims, and non-governmental groups.

Despite clear constraints, the procedures outlined above represent important opportunities to make formal complaints regarding violations of women's human rights and foster greater accountability. Every such opportunity affords the political possibility of making female human rights abuse more visible and less acceptable.

III. FOCUS ON IRELAND

We believe that all people should have access to resources which enable them to meet basic human needs, to reach a socially acceptable standard of living, and to live with dignity in society, and that women's rights are indivisible from other human rights

– *Pavee Point Strategic Plan 1995-1996*

There are a number of ways in which any state is accountable for human rights. Ireland, like all countries, is morally bound to protect and promote the human rights set out in the Universal Declaration of Human Rights and more recently in the Vienna Declaration (1993).²⁴ In order to be formally accountable to human rights standards however, states voluntarily put themselves under the jurisdiction of international human rights law by signing and accepting the obligations contained in conventions and covenants, and importantly, in optional protocols that allow individuals to bring a complaint against a state. While in theory any state can challenge another for breaches of a human rights treaty, this is an unlikely scenario. Consequently, individual complaints procedures are particularly important to those seeking formal censure of a state regarding an individual case of human rights abuse.

A feminist revision of human rights seeks to expand and transform ideas of accountability and state responsibility as they are currently understood – through a legalistic lens focusing on direct state-sponsored violations – into concepts that include indirect state actions, omissions by the state, and structural forms of discrimination and gender-bias which foster or exacerbate situations of human rights abuse. In order to achieve this vision of greater accountability for human rights, and for women's human rights in particular, a combination of strategies and processes must be utilised that emphasize the moral, political, and legal obligations of states. In this section, I explore

²⁴ I use "Ireland" for the Republic of Ireland and the "Government" for the Irish Government.

the question of state accountability in Ireland through a discussion of the Government's response to its UN human rights treaty obligations.

Ireland's UN Human Rights Obligations: Government Action and Inaction

Ireland is party to many international human rights treaties including agreements under the Council of Europe, the International Labor Organisation, as well as the United Nations (see Appendix B for a complete list). This report focuses on Ireland's UN human rights obligations. Ireland's ratification of core UN treaties is a relatively recent development and a number of key conventions remain not ratified. Human Rights instruments currently ratified include:

- International Covenant on Economic, Social and Cultural Rights (ICESCR, ratified December 8, 1989)
- International Covenant on Civil and Political Rights (ICCPR, ratified December 8, 1989)
- Optional Protocol to the ICCPR (ratified December 8, 1989)
- Second Optional Protocol to the ICCPR aiming at abolition of death penalty (ratified June 18, 1993)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, ratified December 23, 1985)
- Convention on the Rights of the Child (CRC), ratified September 8, 1992)

As yet, Ireland has failed to ratify the following:

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, adopted by the UN in 1984)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, adopted by the UN in 1966)

Treaty Ratification and Reservations

Ireland's approach to the ratification of human rights treaties reflects a limited understanding of what domestic implementation of human rights entails; it assumes that the adoption of certain legislative steps alone is sufficient without a more comprehensive strategy to implement human rights standards throughout public policy. The practice of the Government is to delay ratification of UN treaties until the legislative changes that it deems minimally necessary to meet the requirements of the treaty have been put in place. This approach, the Government asserts, is in keeping with the Irish Constitution which "accepts generally recognised principles of international law as its rule of conduct in its relations with other States" (art. 29.3) but asserts that "no international agreement shall be part of the domestic law of the state save as may be determined by the Oireachtas" (art. 29.6). These constitutional provisions have been interpreted to justify a rigid "dualist" view that precludes "the Irish courts from giving effect to an international agreement, such as the European Convention on Human Rights, if it is contrary to domestic law or grants rights or imposes obligations additional to those of domestic law."²⁵ That is, domestic law always trumps international human rights law, even where Ireland has formally accepted a human rights agreement. This interpretation puts Ireland in a defensive position with respect to its human rights obligations and constitutes a fundamental obstacle to the implementation human rights, especially in situations where the provisions of domestic law are weaker than those required by international human rights standards.

One of the results of this approach to human rights is that the primary means of holding Ireland accountable for violations of human rights to date has been for individuals or organisations to challenge particular decisions of Irish courts in the European Court of Human Rights. Open Door Counselling and the Well Woman Centre, for example, went to Europe in 1991 to challenge Ireland's 1986 High Court ruling that pregnancy

²⁵ See International Covenant on Civil and Political Rights: First Report on the measures adopted to give effect to the Provisions of the Covenant, pp. 7-8 (Department of Foreign Affairs, 1992).

counselling and the provision of information on abortion were illegal in Ireland. The European Court of Human Rights ruled in their favour. This decision, together with the controversial "X" case – where a young girl, pregnant as the result of sexual abuse, was prevented from travelling to England for an abortion – prompted a referendum in 1992 to ascertain whether women's right to freedom of information and freedom of movement might be overridden by the 1983 constitutional amendment protecting the right to life of the fetus. In this case, the Irish electorate voted to protect women's human rights to information and to travel.

The Supreme Court finally did permit the girl in the X case to have an abortion on the grounds that her suicidal disposition represented a threat to her life, as distinct from her health, and many were eager to clarify this precedent. Consequently, the referendum included a statement intended to amend the 1983 wording on the right to life of the fetus in such a way as to preclude a suicidal disposition as legal grounds for abortion in Ireland and to explicitly allow abortion only where there is a "real and substantial risk" to the pregnant woman's life. This attempted clarification was rejected, apparently being unacceptable to those who do not wish to permit abortion under any circumstances, as well as to those who rejected the idea that being suicidal is not a "real threat" to a pregnant woman's life. Four years later, no legislation has been put in place to reflect the Supreme Court decision allowing abortion in Ireland where the life of a pregnant girl/woman is threatened.

Women's tenuous hold on their human rights in the area of reproductive health highlights the inadequacies of Ireland's current approach to human rights implementation. Undoubtedly, the 1991 European Court of Human Rights ruling contributed to the climate of public support for the X case victim and the subsequent Supreme Court decision in that case. However, the full implementation of Ireland's human rights commitments in the area of women's reproductive health demands much more than the reaffirmation of such fundamental human rights at the right to information

and to travel. While the ability to contest particular court rulings in light of human rights obligations is a very important tool, most of the human rights agreements to which Ireland is party do not have this provision. If a treaty or agreement lacks an individual complaints procedure, as is currently the case with respect to the Women's Human Rights Convention and the International Covenant on Economic, Social and Cultural Rights, then even the option of contesting court decisions is not available in relation to a wide range of potential human rights violations. Clearly, in addition to seeking individual complaints procedures for all treaties, non-legal methods of human rights accountability need to be developed and strengthened if Ireland's human rights commitments are to be taken seriously throughout public policy.

Within the confines of a defensive and legalistic approach to human rights where Irish law and the Irish Constitution are paramount, the Government tends to view its obligations to implement human rights in Ireland as a matter of ensuring that domestic law "conforms" with any agreement to which Ireland intends to be a party. While legal consistency must be an important dimension to implementing human rights, Ireland's over emphasis on legal criteria undermines the realisation of a deeper vision of universal human rights contained, for example, in the Vienna Declaration which Ireland has also pledged to uphold. Furthermore, by delaying ratification of human rights agreements pending certain legislative changes, the Government avoids the embarrassment of drawing international attention to areas of public policy and practice that run counter to already accepted international human rights principles. At the same time, the Government limits public awareness and debate around international human rights standards and their relevance to public and private life in Ireland.

When ratifying UN human rights instruments, while it is discouraged by the UN, a state may enter temporary reservations to some articles of the treaty or agreement in question. In doing so, the state reserves the right to exempt itself from an article's provisions or to interpret them in a limited way. For human rights advocates, such

reservations may not be problematic as long as they do not undermine the intention of the treaty. However, reservations often reveal where a country's legislation and practices are in violation of international human rights standards and/or where there is an ideological resistance to implementing human rights, especially for women. Ireland originally entered seven reservations to the Women's Convention, four of which are still in force and will be discussed in detail below. It is also noteworthy that of six reservations entered by Ireland to the International Covenant on Civil and Political Rights, two have explicit gender implications. One reserves the right of the state to prohibit divorce (Article 23, paragraph 4) and the second, pending the abolition of the death penalty in Ireland, states the right of Government to utilise existing provisions allowing for death sentences to be commuted in the case minors and pregnant women (Article 6, paragraph 5).²⁶ In light of Ireland's accession to the Second Optional Protocol in 1993, aiming at the abolition of the death penalty, and the outcome of the 1995 divorce referendum, both reservations can now be removed. However, it is significant that groups such as the Irish Council for Civil Liberties highlighted Ireland's reservation with respect to divorce as a breach of human rights standards in its pro-divorce campaign.

The UN Convention on the Elimination of All Forms of Discrimination Against Women

²⁶ Other reservations include the Government's right not to segregate accused persons from convicted persons in detention but to treat such an arrangement as a desired objective (Article 10, paragraph 5); the right to "have minor offenses against military law dealt with summarily in accordance with current procedures" which may not meet many of the Covenant's standards with respect to the right of the accused to equal treatment before a fair, public, and impartial court (Article 14); the right not to permit compensation through legal redress in a case where a miscarriage of justice has occurred but to refer the matter to administrative procedures (Article 14, paragraph 6); "the right to confer a monopoly on or require the licensing of broadcasting enterprises" (Article 19, paragraph 2); and the right to "postpone consideration" of possible legislation concerning the prohibition of propaganda for the purposes of war (Article 20, paragraph 1).

To some extent the Women's Convention is an exception in that it was ratified relatively quickly and at a time when many clear violations of the treaty's provisions were still in operation. As a result, the Government was forced to formally exempt itself from compliance with a number of the treaty's provisions, thereby highlighting its deficiencies in securing human rights for women. The "premature" ratification of the convention happened in part because of considerable political pressure on the Government as the UN Decade on Women (1976-1985) came to a close. However, only limited progress has been made since 1985 in meeting the convention's requirements.

Until recently, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – the Women's Convention – was viewed as the human rights system's primary tool for ensuring women's rights. Geographically isolated from the mainstream human rights bodies in Geneva, first in Vienna and now in New York, and constrained by weak implementation procedures and inadequate resources, many have pointed to the marginal status of the Women's Convention within the UN human rights system. Some have highlighted the shortcomings of such an approach when it has as a central goal "equality with men" and fails to take into account how societies and economies are constituted on the bases of inequality along lines of sex, race, class, disability, geo-politics and so on. A comprehensive, feminist approach to human rights calls for the integration of women's concerns and gender analyses throughout human rights practice including in the application of all human rights treaties and in the mandates of human rights working groups and special rapporteurs. At the same time, a feminist approach to human rights demands the equal status of all human rights, economic, social and cultural as well as political and civil.

The Women's Convention has much potential as a transformative feminist tool. Rebecca Cook argues that the language of the convention represents a significant departure in the understanding of equality and non-discrimination that goes beyond a

narrowly formal or legal interpretation.²⁷ In particular the term "discrimination in all its forms" allows women to challenge "laws and practices that are detrimental to women in their effect but neutral on their face" such as an educational system that has the effect of disqualifying women from more remunerative employment in trades or in science and technology fields. Further, according to Cook, the Convention's prohibition of discrimination by "any person, organisation, or enterprise" obliges the state to "prevent and deter private acts of discrimination, to investigate and negate their harmful consequences, and to provide for compensations and sanctions for the performance of such acts." Finally, the inclusion of "customs and practices" as potentially discriminatory and requiring remedial action on the part of the state has further potential to benefit women since "many pervasive forms of discrimination against women rest not on law as such but on legally-tolerated customs and practices of national institutions."

Ireland's remaining reservations to the Women's Convention underscore the Government's reluctance to implement the treaty's provisions in the comprehensive fashion suggested by Cook. Reservations around formal discrimination in the acquisition of citizenship upon marriage, freedom of domicile, and the treatment of married women in social welfare provisions have been withdrawn following corrective legislation. However, the reservations still in force include Ireland's rights not to

- 1) introduce measures to ensure the equal treatment of women in the provision of services **by private actors** including individuals, banks, and recreational organisations (Article 13 (b) and (c));

- 2) supplement existing provisions in Irish law – which accords women a legal capacity identical to that of men – with an explicit recognition of the validity of any contract or private instrument freely entered into by women (Article 15);

- 3) give men rights identical to those of women with respect to guardianship, adoption and custody of children born outside of a marital relationship (Articles 16.1 (d) and (f));

²⁷ See Rebecca J. Cook, "State Accountability under the Convention on the Elimination of All Forms of Discrimination Against Women," in Human Rights of Women: National and International Perspectives, ed. Rebecca J. Cook (Philadelphia: University of Pennsylvania Press, 1994).

4) amend "legislation in the area of social security . . . more favourable to women than men" (Article 11(1)); and, the Government asserts that:

5) its obligations under the Women's Convention to "eliminate discrimination against women in the field of employment" are met by current efforts to implement EC standards concerning employment opportunities and pay (Article 13 (a)).

The reservations listed above concerning accountability of private actors and women's access to social welfare and employment have particularly important implications for women's enjoyment of human rights in Ireland. At the center of the first reservation is the question of holding private actors accountable when they do not adhere to international human rights standards. The resistance of small businesses and publicans to current proposed equality legislation, for example, highlights the difficulties encountered when private service providers "reserve the right" to refuse service or membership according to unspecified criteria. However, the unspecified criteria used in such situations may be discriminatory with respect to sex, race, class, ethnicity, sexual orientation, and/or disability and contribute to a climate of prejudice and discrimination. The Government has an obligation to address such discriminatory practices on women's behalf under the Women's Convention – and reservations to the contrary can only be temporary. This obligation would be potentially strengthened, especially with respect to the Travelling community, if Ireland were to ratify the ICERD. By not taking seriously the need to remove the first reservation listed above and the need to ratify the ICERD, and by not introducing comprehensive equality legislation governing the practices of private entities, Ireland is failing to meet specific international human rights commitments and to abide by accepted human rights standards.

The Women's Convention allows for "temporary special measures aimed at accelerating *de facto* equality between men and women" which "shall not be considered discrimination." Unfortunately, Ireland's reservation around maintaining preferential treatment for women in the provision of social welfare does not fall into this progressive

category. Considerable work has been done to highlight a gender bias that shortchanges women in the provision of social welfare in Ireland, and in Western Europe more generally, that is based upon a "male bread winner-female homemaker" version of the family.²⁸ Even in 1985, as Ireland ratified the Women's Convention, the Government had failed to meet a December 1984 European deadline (set in 1978) to achieve equality in social welfare provision. Equality advocates highlighted a number of discriminatory practices including lower rates of benefit for married women and a shorter length of payment for these benefits, the non-eligibility of married women for unemployment assistance, and the routine use of discriminatory questioning around childcare and housekeeping responsibilities that served to disqualify many women from unemployment assistance and associated job training programmes.²⁹ When the legislative changes to meet the European Third Equality Directive finally were introduced in the form of the Social Welfare Act (1985), the impact on women's lives was not uniformly positive. One effect of the 1985 act, which equalised unemployment benefit and gave married women access to unemployment assistance, was a redefinition of the designation "adult dependant" which, until then, had automatically applied to all married women living with able-bodied husbands. The resulting reallocation of dependents' allowances meant that many poor families risked losing substantial social welfare income where the wife of a recipient was in paid employment – an outcome which undermined many low-income women as well as the cause of equal treatment.

²⁸ For example, Pauline Conroy Jackson, "Managing the Mothers: The Case of Ireland," in Women and Social Policies in Europe: Work, Family and the State, ed. J. Lewis (Aldershot: Edward Elgar, 1993); and Nicola Yeates and Pauline Stoltz, Unequal Status, Unequal Treatment: The Gender Restructuring of Welfare: Ireland (Dublin: Women's Education Research and Resource Centre, 1995).

²⁹ For a discussion, see Rosheen Callender, "Ireland and the Implementation of Directive 79/7/EEC: Social, Political and Legal Issues," in Sex Equality, Community Rights and Irish Social Welfare, ed. Gerry Whyte (Irish Centre for European Law, 1988).

The changes in social welfare brought about by the Social Welfare Act (1985) in response to the EC Third Equality Directive aimed to satisfy the minimum requirements of formal equality and non-discrimination with questionable results. Many additional shortcomings of Equality Directive and of the Irish Government's approach to the social welfare equalisation over the last decade have been identified by Aileen Donnelly.³⁰ In particular, implementation of the Equality Directive has been of limited use in tackling indirect and structural discrimination. For example, the issue of discriminatory questioning by social welfare decision makers and the limits it places on women's broader participation in employment training schemes, has yet to be addressed. More generally, in the face of persistent and institutionalised beliefs about sex-roles, women in Ireland are fundamentally disadvantaged with respect to economic independence and are disproportionately vulnerable to poverty. The fact that many benefits are linked to the quality of labour force participation is very problematic for women. Facing numerous impediments to entry into many labour markets, and concentrated in parttime, temporary, and low-paid positions, women are less likely than men to have access to adequate work-related benefits.

However, as discussed above, the provisions for equality and non-discrimination set out in the Women's Convention extend to indirect and structural forms of discrimination by the state. Consequently, the Women's Convention has the potential to be an effective tool in challenging discriminatory practices in Ireland's social welfare administration. In light of the Women's Convention, the Government has an obligation to bring about changes in the social, political, and economic fabric of Irish society so that women's human rights including equal citizenship, bodily integrity, economic independence, and non-discriminatory education are made a reality.

³⁰ Aileen Donnelly, "Social Welfare Law," in Gender and the Law in Ireland, ed. Alpha Donnelly (Dublin: Oaktree Press, 1993).

Violence Against Women

The issue of violence against women has been extremely important in demonstrating a wide range of previously ignored human rights violations affecting women and girls. As discussed above, there are now a number of new human rights instruments that focus specifically on violence against women.³¹ Gender-based violence irrefutably violates human rights. But more than that, the prevalence of violence against women must be seen as the logical result of a general refusal to ensure women's human rights in every facet of daily life. The testimony of Mary McGoldrick at the Beijing Tribunal on Accountability for Women's Human Rights described more than a decade of battery and psychological and economic abuse at the hands of her husband.³² The repeated state-sponsored obstacles that Mary McGoldrick encountered in seeking to escape the abuse, demonstrate the ways in which, the state, and not only the direct perpetrator, is responsible for denying battered women their human rights.

Ireland has ratified the Women's Convention wherein it has pledged to eliminate discrimination against women including discrimination by any person, organization or enterprise as well as discriminatory laws, regulations, customs and practices. Furthermore, the Committee on the Elimination of All Forms of Discrimination Against Women – the treaty body that oversees the Women's Convention – has clearly defined gender-based violence as a form of discrimination.³³ Mary's testimony illustrates how

³¹ The UN Declaration on the Elimination of Violence Against Women (1993), the Special Rapporteur on Violence Against Women, its causes and consequences (1994), and the Organisation of American States Convention on the Eradication, Punishment, and Prevention of Violence Against Women (1994).

³² For a full transcript, see N. Reilly, ed., [Without Reservation: The Beijing Tribunal on Accountability for Women's Human Rights](#) (New Brunswick, N. J.: Center for Women's Global Leadership, 1996).

³³ Treaty-monitoring committees formulate guidelines, called general recommendations, on how states should interpret their obligations under the treaty. General recommendation 19, adopted by the CEDAW during its 11th session in 1992, sets out a definition of gender-based violence and elaborates on how it is a form of discrimination.

information on accessing the limited legal remedies that are available to battered women (mainly barring orders) has been inadequate and how women, who are often economically vulnerable, are required to expend much of their own time and resources in securing the court orders necessary to protect their human rights. Once the barring order has been obtained, little is done by the state to enforce it. When Mary McGoldrick came home to find her barred spouse in her bed and subsequently called the police, they did not arrest or charge her husband even though breaking a court order is a criminal offence that carries a fine and/or up to six months in jail. Such a failure to enforce the law on behalf of women is clearly discriminatory as is the failure to provide adequate and accessible preventative and remedial legal measures and services with respect to domestic violence. The serious shortage of places in refuges for women fleeing violence in the home is also indicative of a refusal to acknowledge the seriousness and extent of violence against women or to recognise it as a form of human rights abuse. The Women's Convention requires states to ensure women's equal legal protection. When a woman is terrorized or battered, therefore, and the state fails to prevent the abuse, punish the violator, and ensure just compensation, the state is accountable for this failure. Furthermore, where the state fails to take adequate steps to ensure the human rights of a woman who is being abused by a family member or cohabitant, she ought to be able to make a complaint against, and seek compensation from, the state through a regional or UN human rights complaints procedure.

Thanks largely to the work of groups like Women's Aid, new domestic violence legislation has been recently adopted in Ireland.³⁴ If properly implemented and monitored, the Domestic Violence Act (1996) should ensure that women in situations like Mary McGoldrick will not be further victimised by the state response to domestic violence.

Government Reporting under UN Human Rights Treaties

³⁴ Women's Aid is a voluntary organisation providing support, advice, and accommodation to women and children who are being physically, emotionally, or sexually abused in their homes

Once Ireland has ratified a human rights treaty, there are two main mechanisms through which the Government can be held accountable for the protection and promotion of the commitments contained in the treaty. The first is the formal route of the individual complaints procedure as discussed in Part II. However, given the limitations of this avenue of redress, another and perhaps more important accountability mechanism is the UN requirement that countries compile and provide periodic reports to the relevant UN treaty body on how they are implementing the treaty domestically. Some have argued that the human rights reporting process is an area of unrealised potential for advancing many causes at the national or local level.³⁵ It provides opportunities for raising public awareness, lobbying on specific issues and fostering the political will to make needed changes in policy or legislation. Further, while it is not always made known, non-governmental groups and individuals are welcome to make submissions and/or to compile shadow reports that will be given serious consideration by the treaty-monitoring bodies.

To date, Ireland is delinquent in fulfilling many of its reporting obligations. The first report under the Women's Convention was submitted by Ireland in 1987. The second report, due in January 1991 was never completed and now will be combined with the third report that was due in January 1995. The target date for completion of the double report is the end of 1996. The first report under the ICCPR was submitted in 1992, the second report, due in March 1996, is behind schedule. While no report has been completed as yet under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Government is working on combined 1992/1996 report with a view to completing it early in 1997. Ireland's report under its most recent treaty

³⁵ For a discussion, see Andrew Byrnes, "Towards More Effective Enforcement of Women's Human Rights Through the Use of International Human Rights Law and Procedures," in Human Rights of Women: National and International Perspectives, ed. Rebecca J. Cook (Philadelphia: University of Pennsylvania Press, 1994).

obligation, the Covenant on the Rights of the Child, is on schedule date and has been submitted to the UN in 1996.

Ireland's uneven approach to reporting underscores a failure to systematically take human rights seriously in the domestic arena. This year's Government *White Paper on Foreign Policy*³⁶ calls for improved coordination between Foreign Affairs and "Government Departments responsible for domestic implementation of international human rights standards and with the Attorney-General's Office." As yet, there is no coherent or systematic interdepartmental procedure for compiling the reports all of which are prepared by the Department of Foreign Affairs – except for reports under the Women's Convention which are the responsibility of the Department of Equality and Law Reform. Standard practice is for the Department of Foreign Affairs (or the Department of Equality and Law Reform) to request information on implementation of particular treaty provisions from departments such as Social Welfare, Health or Education. Implicit in this process is the understanding that these departments are directly responsible for fulfilling Ireland's international human rights obligations within specific areas. Yet, this pivotal role of the different Government Departments is not made explicit in the form of written guidelines or procedures on monitoring the human rights dimensions of their work or on effectively integrating human rights commitments into public policy. Nor is there a standard procedure for consulting with the non-governmental sector in the drafting of reports.

Overall, Ireland's human rights reporting has reinforced a hierarchy of human rights where certain civil and political rights obligations are taken seriously, while the human rights of women and the socio-economic dimensions of human rights are seen, at best, as secondary. Further, Ireland's neglect of the domestic implementation of human rights demonstrates the idea, prevalent in the developed world, that violations of human rights are actions taken by other, usually less-developed states. This serves to

³⁶ Challenges and Opportunities Abroad: White Paper on Foreign Policy (Department of Foreign Affairs, 1996).

preclude recognition of human rights abuses perpetrated domestically by public or private actors. Human rights are generally treated as foreign policy issues or are seen simply as requirements to be imposed on poorer countries in order for them to receive aid. Meanwhile, the domestic implementation of human rights instruments, which should constitute a major part of any government's human rights policy, is routinely under emphasised or ignored. This bias is reflected in Ireland by the housing of human rights in the Department of Foreign Affairs and the reality that Ireland's obligation to uphold international human rights agreements rarely informs broader domestic policy discussions.

The absence of an understanding of women's rights as human rights and the lack of a coherent and proactive approach to the national level implementation of human rights commitments is also reflected in the National Report of Ireland (October 1994) to the UN Fourth World Conference on Women. Even though the conference agenda, the Draft Platform for Action, explicitly contained a section entitled "Lack of awareness of, and commitment to, international and nationally recognised women's human rights," Ireland's national report responded with a section entitled "Awareness of and commitment to, internationally and nationally recognised women's rights." In this section the term "human rights" is not used and the only human rights instrument discussed is the Convention on the Elimination of All Forms of Discrimination Against Women highlighting the misconception that other human rights instruments are not relevant to women. An independent report, "Beijing and Beyond," prepared by the National Women's Council of Ireland, challenged this resistance to viewing women's rights as human rights and highlighted several areas where change is required to advance the human rights of women in Ireland. This includes among others the ratification of the UN Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture, the introduction of legislation to outlaw all forms of discrimination against women with disabilities and lesbians, the introduction of Human

Rights education into school curricula, and the implementation and monitoring of the Refugee Bill.

The United Nations Convention on the Rights of the Child First National Report of Ireland represents a significant departure in a number of ways. First, the non-governmental network, the Children's Rights Alliance, was formally consulted and its input included in the final report. A second innovation of the children's rights report over previous reports under UN treaties is a section entitled "General Measures of Implementation" which recognises the need for a comprehensive approach to securing the human rights of the child including legal, legislative and policy dimensions. Undoubtedly, the Department of Foreign Affairs modified their approach to reporting under the children's convention in response to the efforts of a well-organised network of children's rights advocates. Still, the process represents a welcome departure which should encourage the development of a standard procedure on involving the non-governmental sector in UN human rights reporting processes. Furthermore, the broader policy approach to human rights implementation conveyed in the children's rights report highlights the need to develop guidelines for all departments on monitoring and reporting on the human rights dimensions of their work.

Women, Human Rights, and "Foreign Policy"

For advocates of women's human rights, the Government's *White Paper on Foreign Policy* is cause for both optimism and concern.³⁷ It is very encouraging, for example, that the Vienna Declaration – the intergovernmental consensus that resulted from the 1993 World Conference on Human Rights – is embraced by the Government as "a comprehensive blueprint for international human rights action" and as "the standard by which future developments in the human rights field will be judged." The Vienna Declaration contains many pathbreaking commitments to women's human rights

³⁷ Challenges and Opportunities Abroad: White Paper on Foreign Policy (Department of Foreign Affairs, 1996).

including recognition of the need to eliminate violence against women in public as well as in private. In addition, the Vienna Declaration calls for the integration of women's human rights concerns throughout the entire UN human rights machinery, including in the human rights reporting of member states.

Despite growing international recognition of the complexity and extent of women's human rights concerns and despite many fine commitments to women in the Vienna Declaration, the Beijing Platform for Action, and in numerous other international agreements, to which Ireland is a party, the *White Paper* disappointingly reverts to treating women's human rights as a tack-on issue that is confined to the international arena. "A system-wide approach in the UN to women's rights as an integral part of universal human rights" is listed among the ten priorities of the Irish government to be pursued through Ireland's participation in the UN Commission on Human Rights and the General Assembly. While this is a very welcome inclusion, when it comes to elaborating on the domestic implementation of human rights, the integration of gender and women's concerns are completely absent except for a parenthetical reference to the role of the Department of Equality and Law Reform in reporting under the Women's Convention. Furthermore, violations of women's human rights are expressly mentioned elsewhere in the document only in the context of being "a major obstacle to development," which prompts the Government to promise "to give particular attention in the overall Irish Aid programme to gender-specific approaches and to countering violence against women." While this is also a very welcome commitment, the failure to explicitly recognise the need to promote women's human rights in Ireland reinforces the problematic idea that human rights abuses only happen abroad.

The Human Rights Unit

The *White Paper on Foreign Policy* sets out the mandate of the new Human Rights Unit in the Department of Foreign Affairs. While, not surprisingly, this is largely concerned with the human right dimensions of foreign policy, the Human Rights Unit is also charged with chairing a "standing Interdepartmental Committee to consider all aspects of Ireland's international human rights obligations, . . . ensuring the timely preparation of comprehensive national reports under the various international instruments, . . . and "expediting the legislation for the ratification of additional instruments." Such a committee might be a good starting point for giving domestic human rights policy a higher profile. In addition, if the Government is to fulfill its commitments to women's human rights, gender must be comprehensively included from the beginning in the work of the Human Rights Unit and other Foreign Affairs human rights initiatives. Yet, in the *White Paper's* list of objectives for the Human Rights Unit, there is not one reference to women's human rights. Furthermore, given that the Unit, currently staffed by two to three people, is also supposed to monitor the human rights dimensions of every aspect of Irish foreign policy, it is clearly severely under-resourced to effectively fulfill its stated functions.

While in principle the creation of a Human Rights Unit in Foreign Affairs is welcome, the implementation and monitoring of human rights in Ireland is not a "foreign affairs" issue. While, given adequate resources, the Unit might play an effective leadership role in guiding interdepartmental reporting or legislative initiatives with respect to UN treaties, a comprehensive and gender-conscious interdepartmental approach to Ireland's overall compliance with human rights treaties is required. For this reason, the recommendation of the *Report of the Constitution Review Group* that Ireland should establish a Human Rights Commission is very valuable.³⁸ The role of such a Commission might range from monitoring the extent to which human rights are protected at both the constitutional and

³⁸ Report of the Constitution Review Group (Government of Ireland, 1996).

legal levels, to advising on legislation relating to human rights and monitoring its implementation, and coordinating research or public education programmes. Provided appropriate steps are taken to integrate gender concerns into its mandate, such a body could foster a more comprehensive understanding and practice with respect to accountability for human rights.

IV. TOWARDS GREATER ACCOUNTABILITY FOR WOMEN'S HUMAN RIGHTS

Unless the human rights of women, as defined by international human rights instruments, are fully recognized and effectively protected, applied, implemented, and enforced in national law as well as in national practice in family, civil, penal, labour, and commercial codes and administrative rules and regulations, they will exist in name only.

– *Beijing Platform for Action, paragraph 218, 1995*

The idea that women's rights are human rights is increasingly being acknowledged and reaffirmed in principle by the United Nations, its member governments, and the international human rights community. However, the translation of this principle into action in the form of real accountability for women's human rights is proceeding much more slowly. Supporters of women's human rights are calling for a redefinition of accountability so that women who suffer abuses of their human rights can have effective avenues of redress. The international movement for women's human rights has raised awareness about violations of women's human rights in public and private contexts, in situations of war and conflict, and in relation to global policy making – especially with respect to health, macroeconomics, and development. Through many popular hearings and tribunals, women have documented violations of their human rights perpetrated by spouses, relatives, employers, doctors, police officers, or soldiers. They have also demonstrated how, for example, structural adjustment policies, anti-abortion legislation, or discriminatory welfare policies have eroded their human rights.

In bringing to light these gender-specific human rights violations, feminists have challenged the understanding of what accountability for human rights entails. The international human rights system has generally limited its attention to direct, state-sponsored violations as discussed above. But women's experiences demonstrate that violations of the human rights of women often take place in the private contexts of home, family, religious and cultural practices, and in the increasingly privatized and

unregulated arena of economic production and exploitation. While it is essential to fully address gender-based state-sponsored violations, the situation of women's human rights demands the redefinition of accountability so that abuses of women's human rights perpetrated in private contexts and by non-state actors can also be effectively challenged.

An Expanded View of State Accountability

The preamble to the Universal Declaration of Human Rights proclaims that "member states have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms." Similarly, the covenants on economic, social, and cultural as well as on civil and political rights both assert the "obligation of states under the Charter of the United Nations" to achieve the same goals, while the women's convention proclaims that "states parties to the International Covenant on Human Rights have the obligation to secure the equal rights of men and women to enjoy all economic, social, cultural, civil, and political rights." Clearly, the framework of international human rights as set out by the UN Charter, the Universal Declaration of Human Rights, and the subsequent treaties defines states as accountable for the promotion and protection of the human rights of all people living under their jurisdiction. According to the dictionary, to be accountable is to be obligated to take responsibility for one's actions and to be "subject to giving an account." Further, "while the state may not be responsible for private acts, it may be responsible for its own lack of diligence to prevent, control, correct, or discipline such private acts through its own executive, legislative or judicial organs."³⁹

In every situation of human rights violation then, the state is answerable as to its role in the failure to protect and promote the human rights in question. However, this premise

³⁹ Report of an Expert Group Meeting on the Development of Guidelines, Organized by the Centre for Human Rights and the United Nations Development Fund for Women, July 3-7, 1995, paragraph 54.

of the international human rights framework has yet to be taken seriously. The human rights machinery that has evolved over the last 50 years is almost exclusively concerned with states whose officials engage directly in human rights abuses. Taking women's human rights seriously calls for a more comprehensive approach to accountability where states are held accountable for

- violations resulting from direct state action or policies either within their territories or abroad
- violations perpetrated by non-state actors of one state – including private citizens, multinational corporations, and/or private institutions – within the territory of another state
- violations perpetrated by non-state actors against any person living and/or working within their territory, or over whom they have regulatory powers
- violations resulting from the actions or policies of any international institution of which the state is a decision-making or voting member, including international financial institutions such as the World Bank, the IMF, and the World Trade Organization.

In order to achieve this level of accountability for human rights, each state must

- ratify all international human rights agreements
- refrain from directly perpetrating violations of human rights
- monitor and address the human rights impact – including the gender dimensions – of all legislative and policy decision-making in local, national and international forums (including international financial institutions) in order to ensure that all human rights principles and agreements are upheld
- take proactive steps to prevent human rights abuses by non-state actors – either private individuals or institutions – and to promote respect for human rights throughout the society
- hold accountable non-state actors – individuals or institutions – who have violated human rights, including ensuring appropriate punishment for violators and gender-sensitive compensation for victims.

- be accountable as members of international governing or policy-making bodies, such as the UN General Assembly, Security Council, or the international financial institutions, and adhere to international human rights obligations in these contexts.

Strategies for Achieving Greater Accountability

From the perspective of non-governmental organisations and individual women, achieving accountability for women's human rights is a multi-layered process requiring diverse strategies. The key elements in the process to secure accountability may be described under two broad headings:

I. POLITICAL AND EDUCATIONAL MEASURES

- mobilising, organising, and lobbying to build public support and political will toward implementing women's human rights and promptly ending specific violations
- securing explicit commitments to women's human rights from governments in national and international forums
- using the media to expose situations of abuse.

II. FORMAL, LEGAL, AND POLICY MEASURES

- documenting the violations, which entails naming the perpetrators (public or private, individual or institution) and detailing the violations along with the international treaties and agreements that have been breached
- identifying, accessing, and utilising existing human rights mechanisms and legal processes on behalf of women in order to secure the punishment of perpetrators and the provision of gender-sensitive remedies on behalf of the victims. It may also be necessary to demand and develop new processes and procedures
- calling for and developing with governments local and national women's human rights implementation plans including preventative public policy and legislation

that actively promote the human rights of women and gender-sensitive human rights education

The political dimension, as distinct from the more procedural aspects, of transforming accountability for women's human rights from principle into practice is extremely important. Persistent mobilisation, organising, and lobbying on the part of women's and mainstream human rights groups have played a critical role in achieving the gains secured to date.

It is also important to emphasise that the entire spectrum of existing human rights treaties, mechanisms, and procedures always applies to women. This includes the UN Declaration on Human Rights, the Women's Convention, the covenants on civil and political, and on economic, social and cultural rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the conventions against torture and genocide. Further, many specific commitments to women's human rights have been made at recent UN conferences such as the International Conference on Population and Development (Cairo, 1994), the world Summit for Social Development (Copenhagen, 1995), and the Fourth World Conference on Women (Beijing, 1995).

Non-governmental Initiatives to Secure Women's Human Rights

Returning to Radhika Coomaraswamy's observation that "unless civil institutions and non-governmental organisations take up the cause," only limited progress can be made in the everyday realisation of women's human rights. There are many groups and organisations in Ireland – North and South – that are effectively engaged in promoting women's human rights.⁴⁰ This includes women working on issues ranging from gender-based violence and women's health, to education for women, women's poverty and

⁴⁰ While this report focuses on state accountability for women's human rights with respect to the Republic of Ireland, and strategies for securing accountability will vary between Northern Ireland and the Republic, non-governmental collaboration across the border is clearly very important in advancing women's human rights.

unemployment, and women's participation in decision making, including their role in the Northern Ireland peace process/conflict situation. Organising for women's human rights also includes those whose work addresses the concerns of particular groups such as Traveller and minority women, disabled women, lesbians, and refugee and migrant women. In addition, networks like Banulacht play an important role linking women concerned with development issues from both local and global perspectives. In particular, Banulacht worked to facilitate women's greater involvement in the Beijing conference process

However, until recently few would describe their work in human rights terms or focus on human rights policy and procedures as a potential means of tackling the issues facing women at the local or national level. There has been a lack of information and awareness in most countries, especially in the global North, about the relevance of international human rights commitments to domestic policy. This is changing, especially following the participation of unprecedented numbers of women in the NGO forums of recent UN conferences from the Earth Summit on the Environment in Rio (1992) to the World Conference on Human Rights in Vienna (1993) and the Fourth World Conference on Women in Beijing (1995). As in many countries around the world, non-governmental groups in Ireland have begun to develop and utilise human rights concepts, language, and tools in the struggle to end gender-based discrimination, violence and exclusion.

Mainstream human rights groups from Amnesty International (Irish Section) to the Irish Council for Civil Liberties and the Commission for the Administration of Justice (CAJ) have recently taken steps to incorporate women's concerns and gender perspectives more fully into their mandates. Amnesty was very involved in the Beijing conference and it organised actions in Dublin during the conference to bring attention to women's human rights worldwide. Amnesty also now has an active women's network which aims to ensure that human rights violations against women are at the forefront of Amnesty's campaigns. The CAJ Gender Equality Group together with the Centre for Research and

Documentation and others sponsored the production of a "Women's Rights are Human Rights" quilt which involved dozens of grassroots community groups who used the process to promote cross-border networking, to learn about the Beijing conference, and to think about the priorities of women in Ireland. Once completed, the quilt was brought to Beijing where it was a very popular exhibit at the NGO Forum. The quilt continues to travel around the country to community groups, often accompanied by a speaker, as a way to raise awareness of women's human rights and to strengthen women's networking.

To mark International Human Rights Day in 1995 and to "bring Beijing home," the Centre for International and Comparative Law at Queens University and the Ulster People's College sponsored a workshop with community groups on using international human rights instruments on behalf of women. This included, for example, exploring how local groups might utilise the UN Special Rapporteur on Violence Against Women as a way to address gender-based violence in Northern Ireland. The Centre for International and Comparative Law is preparing a handbook on women's rights as human rights that is based upon the workshop.

Women's Aid utilises a human rights analysis of gender-based violence that underscores how violence denies women full and equal citizenship and highlights the ways in which gender-based violence is facilitated by the denial of women's human rights more generally. Structural discrimination that fosters women's poverty, low social status, and exclusion from decision making also fosters violence against women and obstructs remedial action. Within this framework, the Education and Awareness Programme of Women's Aid has developed an innovative outreach project to promote an understanding of violence against women as a human rights issue. The Women's Aid Bus Project travels around the country over a number of weeks providing information and conducting workshops on the theme of women's rights as human rights. Women's Aid also organises activities each year as part of the annual "16 days of

Activism Against Gender Violence" (November 25 - December 10), an international campaign to highlight violence against women as a violation of human rights.

NGOs that focus on a specific issue or social group, where gender is not the exclusive or primary consideration, face a particular challenge in articulating women's concerns and keeping them visible within the organisation's work. Pavee Point, a non-profit, advocacy, training, and research group made up of Travellers and members of the majority population, is working to address this situation through a human rights framework. The movement for Traveller's rights in Ireland builds upon international movements against racism, as well as movements for the collective rights of indigenous and minority peoples. Ireland's ratification of the UN Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is consequently a major objective of the movement. However, because of the magnitude and pervasiveness of racism and exclusion affecting the Traveller community, gender-based discrimination experienced by Traveller women is often not recognised even among advocates for Traveller's rights. According to Pavee Point, "Traveller women face discrimination as Travellers, as women, and as Traveller women." In addition to coordinating several gender-specific projects focusing on the needs of Traveller women locally and nationally, Pavee Point was also active around the recent series of UN conferences, including Beijing, viewing them as a means of strengthening local work through international networking. Also, through its participation in the National Traveller Women's Forum, Pavee Point is joining other Traveller rights groups in monitoring implementation of the Beijing Platform for Action.⁴¹ Within this context, Pavee Point's current five year plan has an explicit focus on the human rights concerns of Traveller women.

⁴¹ The National Traveller Women's Forum was set up in 1988 to link women working in Traveller organisations and support groups around the country. The purpose of the NTWF is to create space for Traveller women and supportive settled women to identify and address the impact of sexism on Traveller women and the gender dimensions of all issues affecting Travellers.

All of the actions and approaches described above play a vital role in building a human rights culture that recognises local and national human rights concerns rather than viewing human rights as the domain of "foreign" affairs. However, if the commitments to women's human rights contained in the Vienna Declaration and the Beijing Platform for Action are to be fully realised major policy changes must also be undertaken. Towards this goal, NGO initiatives to realise women's human rights must be supported and expanded and women's participation as advocates in the human rights system must be facilitated and strengthened.

V. RECOMMENDATIONS

Part IV above delineated the broad steps that the Government must take to advance women's human rights including ratifying all human rights treaties, monitoring policy making and implementation at every level in relation to these agreements, holding non-state actors accountable and so on. This section presents a three-part approach to promoting accountability for women's human rights in Ireland. In addition, I highlight specific human rights policy commitments made by the Government when it agreed to the Vienna Declaration and/or the Beijing Platform for Action and make recommendations on moving forward with these commitments. First, however, it is important to highlight the areas where immediate action is needed:

- The Department of Equality and Law Reform must move quickly to establish a monitoring procedure and to develop, with NGOs, a national plan of action for the overall implementation of the Beijing Platform for Action. At the Beijing conference the Department of Equality and Law Reform pledged to "provide for appropriate involvement of Irish NGOs in the implementation of the [Beijing] Platform." More than one year later, NGOs have not been consulted and there is still no national plan of action.
- Ireland's reporting under the Women's Convention must be given a high priority by the Department of Equality and Law Reform. The Department should quickly complete its 1991/1995 double report and ensure that future reporting is done on a timely basis. In keeping with the guidelines established by the Committee overseeing the Convention, the Department of Equality and Law Reform should take comprehensive steps to involve NGOs in this process.

- The Department of Foreign Affairs must produce and disseminate information on the mandate and work of the Human Rights Unit and explain how women's human rights and gender perspectives are being integrated throughout its work.

A Three-Part Approach

In order to fully realise human rights in Ireland, and particularly the human rights of women, a three-part approach is required:

1) An independent national institution to promote respect for human rights and monitor human rights implementation

This independent body should proceed with the Constitution Review Group's recommendation to establish a Human Rights Commission, ensuring that women's human rights and gender analyses are comprehensively included in the development and implementation of the Commission's mandate. This step is in keeping with the Beijing Platform's call to "create or strengthen independent national institutions for the protection of human rights, including the human rights of women, as recommended by the World Conference on Human Rights" (paragraph 230).

The mandate of the Human Rights Commission would be, *inter alia*, to

- Conduct an ongoing review of "all national laws, policies, practices, and procedures to ensure they meet international human rights obligations" with explicit attention given to securing all human rights for women (Beijing Platform, paragraph 230 (g)).

- Research, Investigate, and report on situations of human rights abuse, including patterns of abuse affecting groups and involving non-state perpetrators, and to take steps to ensure appropriate redress where human rights have been violated.
- Develop education and training programmes for Government departments, policy implementing agencies, and judicial and law enforcement bodies, to ensure an understanding of how to implement Ireland's international human rights commitments – including commitments to women's human rights – throughout their work.
- Develop a comprehensive human rights education programme including steps aimed both at women and the general population, to raise awareness of, and promote respect for women's human rights (Beijing Platform for Action, paragraph 230 (f)).

2) An interdepartmental body to coordinate a coherent Government policy on fulfilling international human rights commitments domestically as well as internationally.

Such a policy would:

- Develop a coherent, transparent, interdepartmental procedure for Government reporting under all human rights treaties
- Provide adequate resources for an appropriate Government department, in consultation with women's groups, to develop guidelines for all Departments on reporting Government compliance with the Women's Convention; and on reporting the gender-dimensions of compliance with all other human rights treaties including UN, Council of Europe, and International Labour Organization agreements.

3) An interagency body, coordinated by an appropriate Government Department, to link Government departments, policy implementing agencies, and interested NGOs and individuals towards the development of effective and appropriate human rights implementation programmes.

In particular, such a body would:

- Ensure that NGOs, including women's groups, are fully informed about Human Rights instruments, policies, and procedures at the national, regional, and international level, and that they are aware of opportunities to contribute to such processes and are facilitated to do so.

Appendix B

Human Rights Treaties to Which Ireland Is Party

European Treaties

Convention for the Protection of Human Rights and Fundamental Freedoms

(European Convention on Human Rights) 1950.

Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1952.

European Agreement on the Abolition of Visas for Refugees, 1959.

European Social Charter, 1961.

Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1963.

Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1963.

Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1963.

Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1963.

European Code of Social Security, 1968.

European Convention on the Legal Status of Children Born Out of Wedlock, 1975.

Convention for the Protection of Individuals With Regard to Automatic Processing of Personal Data, 1981.

Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1983.

Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1985.

Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1990.

Universal Treaties

Slavery Convention 1926, amended by Protocol, 1953.

Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

Convention Relating to the Status of Refugees, 1951.

Convention on the Political Rights of Women, 1952.

Convention Relating to the Status of Stateless Persons, 1954.

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956.

Convention on the Nationality of Married Women, 1957.

Convention on the Reduction of Statelessness, 1961.

International Covenant on Economic, Social and Cultural Rights, 1966.

International Covenant on Civil and Political Rights, 1966.

Protocol Relating to the Status of Refugees, 1967.

Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

Convention on the Rights of the Child, 1989.

International Labour Organisation Conventions

Convention No. 29 Concerning Forced or Compulsory Labour, 1930.

Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise, 1948.

Convention No. 98 Concerning the Application of the Principles of the Right to Organise and Bargain Collectively, 1949.

Convention No. 100 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951.

Convention No. 102 Concerning Minimum Standards of Social Security, 1952.

Source: Report of the Constitution Review Group (Government of Ireland, 1996).

