



Convention on the Elimination
of All Forms of Discrimination
against Women

Distr
GENERAL

CEDAW/C/SR 140
28 February 1989

UN/1105 ADV ORIGINAL ENGLISH

MAR 30 1989

UN/ISA COLLECTION

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighth session

SUMMARY RECORD OF THE 140th MEETING

Held at the Vienna International Centre, Vienna,
on Friday, 24 February 1989, at 2 30 p m

Chairperson Ms EVATT

CONTENTS

Consideration of reports submitted by States parties under article 18 of
the Convention (continued)

This record is subject to correction

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of distribution of this document to the Head, Translation Service, room D0749.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 2 40 p m

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial report of Ireland (continued) (CEDAW/C/5/Add 47)

1 At the invitation of the Chairperson, Mr Christopher O'Grady (Ireland) took a place at the Committee table

2 Mr O'GRADY (Ireland), replying to questions put by Committee members (see document CEDAW/C/SR 135), said, with reference to policies for combating unemployment, that in October 1987 the Irish Government had agreed with the social partners on a three-year programme for national recovery, with the objective of increasing employment and reducing government borrowing and debt That had led to an appreciable increase in the number of jobs in the economy, and in 1988, for the first time since 1980, there had been a reduction in unemployment

3 Replying to questions asked concerning the new organizational arrangements on equality issues within the Irish Government, he said that instead of having a Minister of State with exclusive responsibility for women's affairs the Prime Minister had instructed each member of the Government to advance the position and status of women in all aspects of their responsibilities, and had assigned specific responsibility in the area of women's affairs to individual ministers Those specific responsibilities had been described in an appendix which had unfortunately been omitted by the Secretariat in document CEDAW/C/5/Add 47, the Secretariat had been supplied with copies in English so that members could consult them The Prime Minister recognized the need to ensure co-ordination and monitoring of all government initiatives with an equality dimension, and had decided to keep that function within the aegis of his own Department by assigning it to a Minister of State, Ms Maire Geoghegan-Quinn In December 1988 she had published a report listing developments that had taken place in the 18 months since the new arrangements had been introduced, that report was available from the Irish Government's Publications Office

4 The funding for the former Office of the Minister of State for Women's Affairs and for the new co-ordinating arrangements were not comparable because, while the Prime Minister's Department continued to fund the Council for the Status of Women and had increased its allocation in both 1988 and 1989, other women's organizations which had been funded through the Office of the Minister of State for Women's Affairs were now funded directly by the appropriate Department, mainly the Department of Health With regard to the staffing under the new arrangements, there continued to be direct links with nominated officers in all Departments of State and, as before, the resources of the Economic and Social Policy Directorate of the Prime Minister's Department were at the Minister of State's disposal

5 Affiliation to the Council for the Status of Women, the umbrella organization covering some 75 women's groups, was open to any group actively or primarily involved in furthering the interests of women The Council's constitution specifically precluded membership by political organizations, but that question was currently under consideration within the Council itself It was a very broadly based organization, including trade union, single parent, rape crisis, women's studies and women's refuge groups, as well as rural organizations It operated where possible on the basis of consensus, but when that could not be achieved a decision was taken by vote, as in the case of the 1986 referendum on divorce

(Mr O'Grady)

6 The implied commitment on page 20 of the report to amend existing anti-discrimination legislation in certain areas had been met, and proposals were now before the Government aimed at reforming existing legislation (see document CEDAW/C/SR.135, para 15)

7. In reply to the question concerning sectors of the labour market in which the marital or family status of women remained an obstacle, he said there were only certain minor exclusions relating to the defence forces, the police and the prison service. With respect to the police and prison service, for example, all posts were open to women except where it was necessary in the interests of decency or privacy that a post be filled by a man or where the duties of the post involved dealing with violent persons or disturbances or quelling riots.

8 Regarding the consideration being given to the introduction of a statutory right to an equal share in the ownership of the family home and contents (CEDAW/C/5/Add 47, p 129), the Minister for Justice had circulated his proposals to all government departments, but in October 1988 a High Court decision had conferred a half share in the family home and contents on a "non-working spouse", and that judgement had a direct bearing on the proposals in the Family Home Bill. The High Court decision was being appealed against, and the appeal was not expected to be heard before June 1989. It would not be possible for any firm decision to be made on the legislative proposals until the decision of the Supreme Court was received and considered.

9 With regard to emigration, a small country like Ireland would always have a degree of voluntary emigration by people seeking specialized education or training, or simply wishing to experience different cultures, but Ireland currently had a serious problem of involuntary or forced emigration, the main cause of which was that there were not enough jobs in Ireland for all its working-age population. The problem was particularly acute because of the age structure of the population, in European terms Ireland was a very young country, with 28 per cent of the population being aged 15 or under. A significant proportion of young men and women completing their education went to Britain, other countries of the European Community or the United States of America in search of work. Ireland's emigrants were mainly young single men and women, although an older pattern of emigration had also re-emerged, with husbands moving abroad to work to support wives and children at home. There was no male/female breakdown of emigrant figures, but the general belief was that the numbers of men and women emigrants were approximately equal.

10 Turning to questions on specific articles of the Convention, he said that a question had been raised concerning the effects of the reference in article 40 1 of the Irish Constitution to "differences of social function". He said the position was that subsequent Irish case-law had interpreted that provision as meaning that absolute equality was not guaranteed to all citizens in all circumstances but that citizens were guaranteed equality in relation to their dignity as human beings, and guaranteed against any inequalities grounded upon an assumption that some individuals or classes of individuals, by reason of their human attributes or background, were to be treated as inferior or superior to other individuals in the community. Given that case-law, and the fact that several items of legislation dealing with equal pay, employment equality and equal treatment generally had been enacted by the Irish Parliament, he was satisfied that the reference to "social function" in the Constitution implied no obstacle to eliminating discrimination against women in Irish society.

/

(Mr O'Grady)

11 As to whether the introduction of flexible working hours, job-sharing and career breaks in the public sector were positive measures or not in relation to women's advancement, his Government fully accepted that there were differing opinions as to the benefit or otherwise of such measures but would strongly argue that their overriding advantage was that they provided a means by which women could maintain a foothold in the labour market and could return to secure, full-time employment as their own personal circumstances and available job vacancies in the public sector allowed. As ways of making it easier for women temporarily to interrupt their employment, those measures had been sought and welcomed by the trade union movement in Ireland.

12 With regard to rape, the position was that anyone, including a third party, could report an instance of rape or sexual attack, but prosecution obviously depended on the willingness of the victim to bring a charge against the perpetrator. As for support programmes for victims (see document CEDAW/C/SR 135, para 64), since 1985 there had been a specialized medical and counselling centre in Dublin for the victims of sexual assault, which was staffed entirely by female medical personnel and open 24 hours a day. In addition, there was a network of "rape crisis centres" in Dublin and the larger urban centres, providing full medical counselling and psychological support. With regard to subsequent prosecution, the centres had an important role in contacting the police and in maintaining links with the victim up to and including the trial. The Dublin Rape Crisis Centre had commented favourably on the sensitizing of the police as regards their treatment of rape victims. As for marital rape, it was being made an offence in rape legislation currently before the Irish Parliament.

13 As to whether goals had been set in connection with articles 3 and 4 of the Convention, the position was that positive action strategies were assessed by a mechanism of continuous appraisal which was an integral part of the monitoring and evaluation process. The practical effects of the appraisal process included an increase in the uptake by women starting businesses of the Small Industries Grants scheme from 3 per cent in 1984 to 20 per cent in 1987, the taking up by women of vocational training provided by the State Training Agency, with a rate for women of 36 per cent in 1988, in excess of the overall labour force participation rate of women, positive action measures to improve participation by women in apprenticeships, which had resulted in an increase of 12 per cent in their participation in the period 1986-1988, and the issue of a policy statement by the Minister for Justice setting an initial target for female staffing of 10 per cent in the prison service (by 1 December 1988 the rate had reached 8 per cent).

14 The standards set by the Irish Government in the area of equal pay were contained in the legislation dealing with equal pay and employment equality, which included the assignment of effective powers to the Employment Equality Agency, redress for complainants through equality officers and the courts and the provision of advice by the Agency to persons deemed to have been discriminated against.

15 As for the effectiveness of controls over advertising standards, there were no statutory provisions in Ireland to regulate the portrayal of women in advertising. The controls that existed were self-regulatory. The Code of Advertising Standards of the State radio and television service (RTE) provided that all advertisements must show a high degree of responsibility, having regard to the changed role of women in Irish society, further self-regulatory controls were applied by the Advertising Standards Authority for Ireland, five of whose 11 members were

(Mr. O'Grady)

nominated by the State-appointed Director of Consumer Affairs. A recent study carried out in University College, Dublin, had concluded that the portrayal of women in advertising in Ireland had improved, there had been a noticeable drop in the percentage of advertisements exploiting the female body and a trend towards portraying men carrying out domestic tasks. One of the main recommendations of a study carried out by the Joint Parliamentary Committee on Women's Rights in 1986 on the portrayal of women in the media had been the introduction of statutory controls for the elimination of sexism in advertising. A similar study carried out by the European Parliament's Committee on Women's Rights had concluded that statutory controls would not be desirable, the debate continued as to the relative merits of self-regulation or statutory controls, and no action had been taken on the subject in Ireland since the submission of the report.

16 Regarding the promotion of women to positions of responsibility in the media, RTE had recently organized a positive action training scheme for women employees to facilitate their access to better paid employment within the organization. That initiative had been partly funded by the European Commission. RTE was also compiling a "directory of women contributors" for programme editors.

17 No proposals existed to change the provision in article 41.2.1 of the Irish Constitution that "the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved". That provision reflected the sentiments expressed in the thirteenth paragraph of the preamble to the United Nations Convention itself (General Assembly resolution 34/180, annex).

18 With regard to prostitution, under Irish law prostitution per se was not an offence but laws were in force which addressed activities associated with prostitution. However, recent court decisions had had the effect of nullifying much of that legislation. In cases of soliciting of women by men, the current position was that, where judged appropriate, charges were brought against both the prostitute and her client under more general legislation dealing with indecent exposure and action contrary to public decency. There was also legislation in force which was employed in cases of soliciting by men of other men on behalf of prostitutes or men soliciting for homosexual purposes. However, it was generally agreed that the law was in need of reform, and the proposals made in that regard were still under consideration by the Government. With regard to pimps, there were extensive legislative provisions directed against procuring, aiding and abetting such acts, living off the earnings of prostitution and keeping a brothel, with penalties up to a maximum of two years' imprisonment.

19 As to whether prostitution was on the increase, the only basis for making an objective assessment was the records of convictions before the courts for related offences, but because recent court decisions had rendered that legislation inoperable no charges had been brought in that respect in recent years. In the circumstances the authorities were unable to offer the Committee any useful assessment of the overall level of prostitution in Ireland, and were not aware of any studies that had been undertaken in Ireland in relation to prostitution.

20. With regard to the question concerning the National Women's Talent Bank, the Talent Bank was a directory of women who were considered suitable for appointment to State boards on the basis of their skills and experience. The appointment of

(Mr O'Grady)

more women to State boards was a particular aim of the Prime Minister, and vacancies arising on such boards were monitored within his Department so that suitable women nominees, drawn either from the Talent Bank directory or on the basis of other available data, could be put forward for consideration for appointment

21 The higher proportion of women members of Parliament and senators in the period 1957-1982 had resulted from increased participation of women in Irish political life rather than from any population changes. The increase reflected, in particular, the efforts of the Women's Political Association, which had worked consistently to encourage women to join and seek office in political parties, and to seek nomination for elections. All the main political parties had taken steps to enhance the role of women within their organizations, and to include strategies for the promotion of equal opportunities in their election manifestos. Unfortunately, it had not been possible to obtain a male/female breakdown of membership for all political parties, but two of the five main parties reported that the proportion of women members was 45 per cent and 24 per cent respectively. Except in the case of one political party, participation by women on policy-making executives had increased since 1984.

22 With regard to posts held by women in political life, the Minister for Education, the Minister of State for European Affairs and Government Co-ordination, the Chairperson of the Irish Senate and the Chairpersons of the Parliamentary Committees dealing with women's rights and European Community legislation were all women. Among the opposition parties, front bench portfolios held by women included foreign affairs, Northern Ireland, agriculture, justice, the marine, health and development co-operation. In reply to the question concerning the relatively low level of participation by women in public life, the Irish economy had begun to develop significantly only since the early 1960s, and it was through that process that a wider range of choices for economic independence and career paths for women had arisen. The impact of the legislative and other changes, including the abolition in 1973 of the marriage bar in the civil service, would have an increasing impact on the access by women to higher-level posts.

23 On the question of the representation of women in the diplomatic service, he said that over the past 10 years 33 per cent of recruits to the diplomatic service had been female.

24. On the questions relating to education (under article 10), he said that 75 per cent of national primary schools, catering for 340,000 pupils out of a total of 550,000, were currently co-educational. Of 84 new schools established since the Programme for Action in Education had been adopted in 1984, 77 were co-educational. At the secondary level, all new State-run schools were co-educational as a matter of policy. A number of privately-managed secondary schools were becoming co-educational, particularly in less densely populated areas, and the trend was encouraged by the Department of Education. The Department had issued guidelines to all post-primary schools on sex education, emphasizing the importance of proceeding in consultation with parents and urging schools when devising programmes to secure parents' support. Machinery was in place to ensure that the policies affecting life skills, including sex education, being pursued by the Department of Education and the Department of Health were complementary. Referring to measures to reduce the female drop-out rate, he noted that at the

(Mr O'Grady)

post-primary level the girls' drop-out rate of 19.7 per cent was considerably less than the 32.4 per cent for boys. At third-level degree-giving institutions there was relatively little difference between male and female students, the completion rate being 94 per cent and 87 per cent respectively. For non-degree courses the figures were estimated to be 65 per cent for males and 51.5 per cent for females. The Government was committed to securing further improvement. A new programme of special education and training courses for those leaving school with poor or no qualifications had come into force in January 1989, designed to help young people of both sexes. As far as scholarships for higher education were concerned, there were two sources. State grants, made use of by 23.2 per cent of female students and 20.5 per cent of male students, and grants funded by the European Social Fund, chiefly in the job-training sectors, made use of by 36.2 per cent of the female students and 42.4 per cent of males. Overall, grant assistance of some kind was available to 60.9 per cent of female third-level students and to 62.7 per cent of the total student population.

25 On the question relating to career breaks and job-sharing schemes, he said that, in the civil service in 1987, 3,181 people had been on career breaks, of whom 2,149, or 67 per cent, were women. There were currently 600 people sharing jobs in the civil service, over 95 per cent of whom were women. No figures were yet available for people sharing jobs or taking career breaks in the wider public service but, as the main professions there were teaching and nursing, both predominantly female, the percentage of women was likely to be even higher. The latest figures indicated that some 75,000 persons, of whom 52,000 or 69 per cent were women, out of a total work-force of almost 1.1 million, were engaged in part-time work. To qualify for protective legislation, part-time workers needed to work a minimum of 18 hours a week. There were approximately 23,000 part-time workers, of whom 86 per cent were women, below that threshold. The Minister for Labour was currently awaiting proposals from employer and worker organizations on how the problems of the unprotected part-time sector could best be tackled. Regarding provision for child care, he said that the main macro-economic consideration governing the provision of child-care and other social services was the fact that the State needed as a matter of immediate priority to cut its level of borrowing and debt. Accordingly, State spending in the social area had been concentrated on income support mechanisms. Within that context, the current provision of child-care services was aimed at disadvantaged children. Essentially, child-care facilities were a support measure designed to relieve families under stress or in difficulty, such as single or ill parents. Over 1 million Irish pounds was given each year by Health Boards to day-care centres caring for about 6,500 children. There were private day-care centres, in which the Government was proposing to establish standards for the supervision of such centres as part of its duty of protecting children. It was tentatively estimated that the average cost of private child care amounted per child to between 10 and 13 per cent of a combined male and female average industrial wage. Currently, many women relied on other female family members to assist with child care, but that resource was likely to be available for a transitional period only. Women had access to the child-care facilities of their spouses where such facilities were provided at the spouse's place of work. So far, only a small number of model employers provided such facilities, at a charge normally somewhat below market rates.

26 The protection afforded by employment equality legislation extended to pregnant women who were job applicants as well as pregnant women who were in employment. In the report, the level of maternity allowance had been given as

(Mr. O'Grady)

70 per cent of a woman's weekly earnings. In fact, since a woman receiving a maternity allowance for the 14 weeks involved would be in receipt of a non-taxable short-term social welfare benefit, the 70 per cent level would equal or exceed her normal take-home pay. The difference between maternity allowance and maternity benefit, referred to on page 95 of the report, was that maternity allowance applied to women in full-time employment, entitled to resume work with their current employer at the end of the 14-week maternity leave period, while maternity benefit applied to women who were currently out of work but had a certain number of insurance contributions to their credit and to women who intended to cease work after the birth of their child. Maternity benefit was paid at a lower rate than maternity allowance and lasted 12 as compared to 14 weeks. Regarding reliance on voluntary organizations for child care, he said that for the foreseeable future there would continue to be some degree of dependence on voluntary child-care organizations and continued State funding of voluntary initiatives and activities in that area. Clearly, such a partnership relied on the continued good will, commitment and availability of women who gave their time voluntarily. However, State assistance went to voluntary organizations which employed carers at commercial rates of pay.

27 A question had been raised as to whether the existence of unemployment in Ireland was compatible with article 45 2 of the Irish Constitution. He did not think that the article conferred absolute rights in that regard, it rather placed an obligation on the State to strive to promote the welfare of the whole people. The Government was meeting that obligation through its overall provision of income support and welfare.

28 On the question about the declining number of equal pay cases referred to Equality Officers (page 92 of the report), he said that most of the more obvious instances of inequality in pay had been dealt with in the years following the introduction of the legislation. Currently, more complex cases were being dealt with. The decrease was also due to the fact that there were fewer infringements of the legislation.

29 To give an example of an "equal pay for work of equal value" case, he referred to a case fought in 1985 where a number of female operatives had argued that their work was equal in value to that performed by a male operative. The Equality Officer, having examined the work of the female claimants and that of the male comparator, had found them equally demanding in terms of skill, physical and mental effort, responsibility and working conditions, and had ruled that no aspect of the male operative's main duties warranted the payment of a higher rate of pay. He had accordingly advised that the female operatives were entitled to equal pay.

30 Regarding the fact that the Irish Employment Equality Act covered both the public and the private sectors, employment legislation in Ireland was not regarded as imposing restrictions but rather as conferring rights on some individuals and obligations on others, with a balance between them. As such, it was in compliance with the principle of equality enshrined in article 40 1 of the Constitution. The Constitution required such rights to be conferred globally, in the case in point both to the public and private sectors, except where a distinction could be clearly justified, as, for example, laws to protect a particular category of citizens such as children.

(Mr O'Grady)

31 In connection with article 12, a number of questions had been asked about abortion. Irish law did not distinguish between clandestine and other abortions. As the report indicated, abortion had been against the law in Ireland since 1860 and the provision had been upheld by referendum in 1983. No incidences were reported of clandestine abortion in Ireland, probably because Irish women could take advantage of legal and safe abortion in the United Kingdom. Regarding the demand for abortion, the number of women receiving abortions in the United Kingdom in 1987 and giving addresses in the Republic of Ireland was 3,700. The figure was probably low since some Irish women would use an address in the United Kingdom when registering with an abortion clinic. A number of women's groups had played a prominent role in lobbying for abortion rights during the referendum, but the women's movement had not been united on the issue. Concerning the problems faced by single mothers, successive Irish governments had recognized those problems, and single women with one or more dependent children could receive a special weekly "unmarried mothers allowance", subject to a means test. He believed that provision was unique in Europe.

32 Regarding entitlement to hospital services, there had been a change since the report was drafted. People with means below a certain threshold were entitled to a medical card entitling them to the full range of health services without charge. Approximately one third of the population fell into that category. Persons in an intermediate range paid a modest daily charge for in-patient services and were entitled to free specialist services in out-patient clinics with a nominal charge for the first visit. Persons with higher incomes paid hospital consultants' fees. Maternity services were free of charge to the first two categories.

33 With regard to AIDS, he said that, to date, 742 people had tested positively for HIV antibodies out of a total of 17,534 who had voluntarily taken the test. There was no male/female breakdown of that figure. Of the total number of AIDS cases, which was 74, seven, or fewer than 10 per cent, were women. A confidential testing service was available through general practitioners, sexually-transmitted disease clinics and major general hospitals. Testing for women was available through maternity hospitals and maternity clinics.

34 In reply to the questions asked about drug abuse, he said that the specific laws applying to drug abuse were contained in the Misuse of Drugs Acts, 1977 and 1984, and the regulations under those Acts. Conviction for a first offence of cannabis abuse carried a penalty of 500 pounds. A third or subsequent offence carried a term of imprisonment of three years. Abuse of any other drug carried a penalty of 1,000 pounds and a term of imprisonment of seven years, with the court having discretion to apply both the prison sentence and the financial penalty. There was no limit on the financial penalty imposed for supplying drugs and the maximum term of imprisonment was life. The total number of patients currently attending the Drug Advisory and Treatment Centre in Dublin was 1,052, of whom 292, or 27 per cent, were women or girls. On the need for a prescription for medical contraceptives, he explained that a prescription was necessary because a medical contraceptive involved the administration of a drug which could have pronounced side-effects in some women. It was important that a woman taking medical contraceptives should maintain regular contact with her doctor.

35 In reply to the question asked about poverty in Ireland (under article 14), he said that a special agency had been established to develop policies to combat poverty. Its central focus was on supporting community development projects.

(Mr O'Grady)

Seven areas had been identified for support, including women's and family groups. As far as the relative incidence of poverty between rural and urban areas was concerned, it appeared that, owing to the large population shift of the last 20 years, poverty in Ireland was largely urban-based.

36 Regarding the adoption acts, he said that the 1988 Adoption Act had been devised to cope with the problem of children who had been neglected or abandoned by their parents and taken into care by the State. Before the Act, it had been impossible for such children to be adopted without the consent of their parents, so that they were in many cases condemned to life in an institution. The new Act meant that such children could now be adopted, with the merits of each application for adoption being considered by the High Court. Only married couples could adopt children, a provision which was not likely to be changed in the near future as there were more couples anxious to become adoptive parents than there were children available.

37 Questions had also been asked about marital breakdown. The only statistic available was that in 1987 separated and divorced persons had represented 2 per cent of all married couples (over 31,000 individuals). It was felt, however, that the incidence was probably under-reported. Social attitudes to marital breakdown varied in accordance with age and domicile, whether rural or urban. Increasing public acknowledgement of the problems inherent in the process of breakdown suggested that the attitude of the community as a whole had become more sympathetic and caring. The provision in Irish law for judicial separation was described on pages 122-123 of document CEDAW/C/5/Add 47. Agreement had been reached between the Government and the main opposition parties on a Judicial Separation and Family Law Reform Bill, which should become law in the near future. The Bill would greatly ease the conditions under which judicial separation could be obtained and would also empower the court, in separation proceedings, to make orders for maintenance, secured maintenance, lump-sum payments and orders in relation to property owned by either spouse. It would also provide for more informal hearing and the use of counselling and mediation services. As to experience gained with the family mediation service, he said that the service had only been introduced in July 1986 as a three-year pilot scheme and no conclusions would be drawn from its operation until the full trial period had elapsed. A decision would then be taken on the future of the service, including its geographical scope.

38 On the question of violence within the family, he regretted that he had been unable to obtain details of any studies on the subject. There were no statistics regarding violence between parents, but one relevant indicator was the number of applications to the courts by one parent to have the other barred from the family home. Figures for 1985-1988 showed that barring orders by the District Court had declined from 3,269 in 1985 to 2,048 in 1988, and orders by the Circuit Court from 171 to 138. Regarding support structures for women who were victims of violence, there were refuges for such women and their children in all Health Board regions, which received considerable funds from the Government. With regard to violence against children, statistics on reported child abuse had started in 1977 and since then the number of reported cases had increased annually. In 1985, 767 cases had been reported, of which 304 had been confirmed. The health services acknowledged that it was not possible to say with certainty that all cases of child abuse were brought to their attention.

(Mr. O'Grady)

39 Regarding the requests for clarification of Ireland's position on its remaining reservations to the Convention, he emphasized that three substantive reservations, on nationality and citizenship, domicile and equal treatment in matters of social security, had already been withdrawn. As far as access to financial credit and other services was concerned and to recreational activities, the Government believed that the guarantee of equality under article 40 1 of the Constitution allowed any citizen to pursue a grievance through the courts and have it considered, that it was therefore complying with the Convention and that no further specific legislation was necessary. Should legislation be proved necessary, it would fulfil its obligations in that connection as it had already done in relation to nationality. Regarding access to private clubs, he believed that what was important was that the High Court ruling on the matter to which he had referred would confirm the Government's contention in relation to individual rights under the Constitution. The Government's reservation in regard to legal capacity had arisen from its desire to be scrupulous in fulfilling its commitments under the Convention. The probability was that there was no difference in substance between current Irish law and Ireland's obligations under the Convention. In view of the comments from the Committee, the Government proposed to study the matter further with a view to withdrawing the reservation if possible. It did not, at the current stage, intend to withdraw the remaining reservations because Irish legislation on the status of children did not automatically confer equal rights to guardianship between men and women with regard to non-marital children, the determining consideration being the interests of the child. It believed that that principle was fully in conformity with the aims of the Convention. The Government proposed to retain certain existing minor exclusions in the employment equality legislation, but the legislation still complied with the highest standards of European Community Law. It did not consider that the provisions in Irish social welfare legislation which were more favourable to women than to men could be in contravention of the Convention. However, the Government's position on the subject was not static, as witnessed by its recent decision to introduce allowances for deserted husbands and widowers with dependent children.

40 The Irish Government's overall approach was that civil liberties and equal opportunity were guaranteed to all citizens, irrespective of race, religion, nationality or gender. As in any democratic State, the legislation in force reflected the social and cultural values of Irish citizens as expressed through their elected members of Parliament. With regard to the influence of religion, the Constitution explicitly provided that the State would not give preferential status to any religious denomination. Religious leaders were free to express their opinion on issues of current concern but decisions on legislation were determined by the members of Parliament alone. In exercising that responsibility they were subject only to the guarantees of the Constitution, enforceable through the courts. Against that background, many positive programmes had been established for the advancement of women on the initiative of the Government and with the support of a broad cross-section of Irish society. Majority public opinion in Ireland had so far declined, however, to support the introduction of divorce and abortion. In both cases, the issues had been widely discussed and two separate constitutional referenda had been held on them in the past six years. The referenda had been preceded by campaigns in which the proponents of all points of view had had the opportunity to put their arguments forward. The legislative position which obtained in those areas had not precluded the establishment of significant support services for the victims of marital breakdown and for assisting cases of unwanted pregnancy.

/

(Mr O'Grady)

41 In conclusion, he said that he had carefully noted the points made by the members of the Committee, which would be considered in the context of the establishment of the Government's agenda for further initiatives in the area of equality

42 The CHAIRPERSON thanked the representative of Ireland for the careful and frank replies provided, which indicated an understanding of the position of women. She would be interested in learning more about the new law on judicial separation when the final text was available. The replies indicated that the Government was committed to the advancement of women.

The meeting rose at 4 15 p m