



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

23 December 2015

Mr Dave Lockhart
Employment Rights Policy Unit
Department of Jobs, Enterprise and Innovation
Davitt House
Dublin 2

Dear Dave

Many thanks for making contact with the Irish Human Rights and Equality Commission in relation to the Consultation Document on Zero Hour and Low Hour Contracts, which is being led by Minister Nash. By way of follow up to our telephone conversation today, I am enclosing a copy of the Irish Human Rights and Equality Commission's 2015 submission to the United Nations on the International Covenant on Economic, Social and Cultural Rights. This is the most recent Irish Human Rights and Equality Commission position on the matter of the right to work and fair conditions of work, and also includes our recommendations in relation to both the Low Pay Commission and to Zero Hour Contracts (see pages xxxii and 40-45).

We published this report at the time of the Irish State's examination on its third report to the UN Committee on Economic, Social and Cultural Rights earlier this year. The matter of zero hour contracts was raised by the UN Committee during the hearing in Geneva, which was attended by an Irish State delegation, by the Irish Human Rights and Equality Commission and by a number of civil society organisations. As you may already be aware, the UN Committee in its recommendations to Ireland stated:

The Committee recommends that the State party expedite the adoption of the National Minimum Wage (Low Pay Commission) Bill 2015 and the Industrial Relations (Amendment) Bill 2015, review all relevant legislation to ensure just and favourable conditions of work for all workers, including the minimum wage, working hours and rest days, and improve data collection, particularly on zero-hour contracts. It also recommends that the State party take the steps necessary to ensure that the minimum wage applies to all employees and ensures a decent living for workers and their families.

You will find all of the supporting documentation from this examination on the UN website at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=967&Lang=en

I hope that this helps. If you have any further questions, please do not hesitate to make contact.

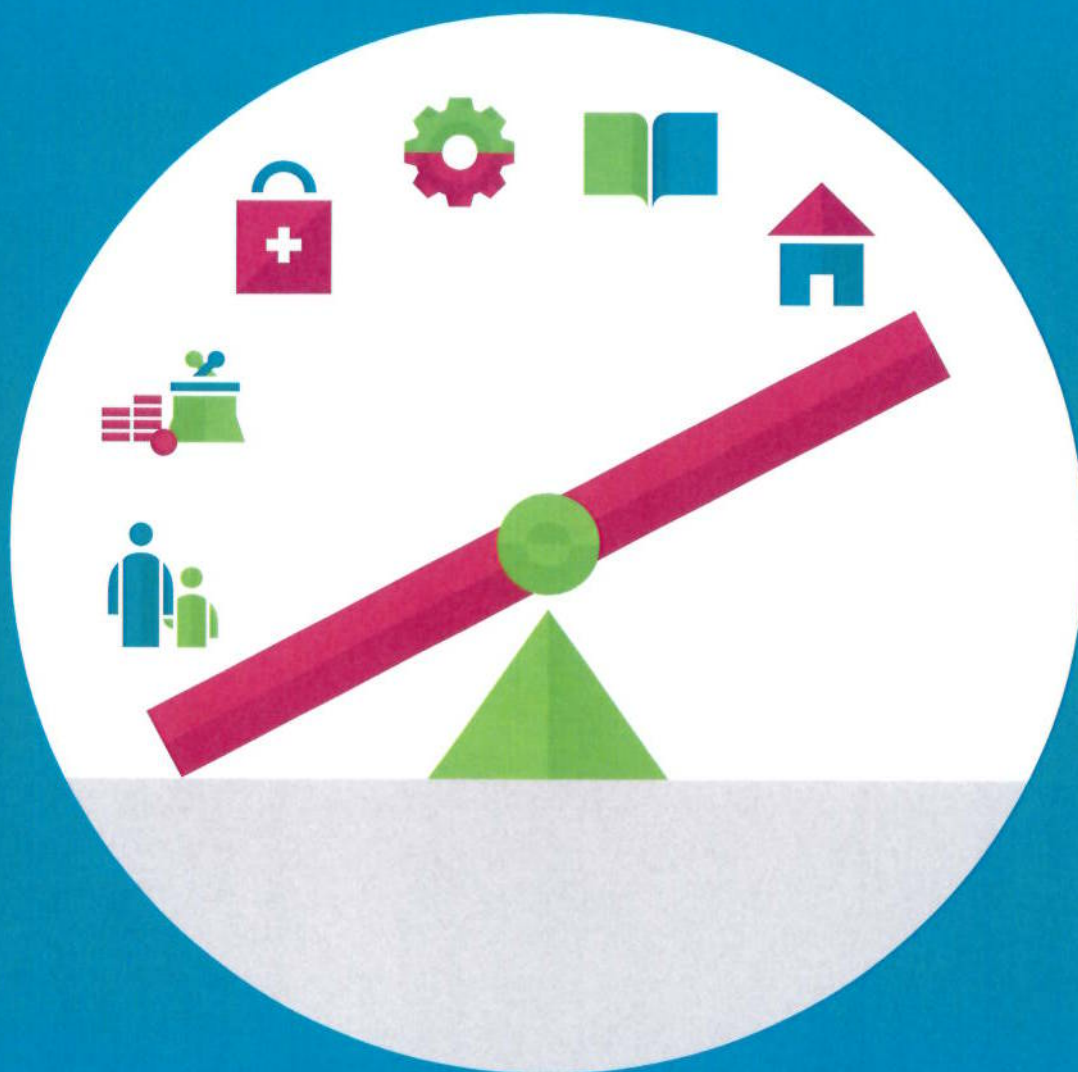
Yours sincerely

Ruth Gallagher
Head of Policy and Review
Irish Human Rights and Equality Commission

Ireland and the International Covenant on Economic, Social and Cultural Rights

Report to UN Committee on Economic, Social and
Cultural Rights on Ireland's third periodic review

May 2015



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**
Irish Human Rights and Equality Commission

Right to Work and Just and Favourable Conditions of Work

(Articles 6–8)

Zero Hour Contracts

Under the ICESCR, the State is obliged to ensure that everyone has the right to 'just and favourable conditions of work', including 'fair wages and equal remuneration for work of equal value' which will allow them 'a decent living for themselves and their families'.³⁰ However, employment contracts with unspecified hours of work, more commonly referred to as 'zero hour' contracts, have become a feature of work for many individuals without a permanent or fixed-term work contract that stipulates the number of hours they will be working per week.³¹ The IHREC is concerned that the lack of specified and secure hours of work is leading to insecurity of income and uncertain employment situations for many employees working under these conditions.³² In the absence of comprehensive and up-to-date information on the prevalence and impact of zero hour contracts in Ireland, the Commission welcomes the State's appointment of a research team to study the use of zero hour and low hours contracts in consultation with key stakeholders including employees, employers, Government Departments and Trade Unions.³³

The IHREC recommends that in examining the legislative provisions and policy surrounding these types of contracts, it should be ensured that all workers receive fair wages and can earn a decent living for themselves and their families.

³⁰ A recent strike of up to 6,000 workers in 109 Dunnes Stores outlets attracted significant media and political attention due to a campaign organised by Mandate Trade Union calling on the company to provide decent working conditions for its employees. In particular the Trade Union and its members called for 'secure hours and earnings; job security; fair pay for all Dunnes workers; and the right to trade union representation'. Minister for State with Responsibility for Small Businesses and Collective Bargaining, Gerald Nash TD, gave a commitment to the workers that collective bargaining legislation would be introduced in 2015. Mandate Trade Union, '[Minister gives Dunnes workers collective bargaining commitment](#)' [press release], 3 April 2015.

³¹ Section 18(1) of the Organisation of Working Time Act 1997 allows for zero hour contracts, requiring a person to make himself or herself available to work for the employer for a certain number of hours per week, as and when the employer requires him or her to do so, or both a certain number of hours and otherwise as and when the employer requires him or her to do so.

³² Mandate Trade Union which represents over 40,000 workers in the bar, retail and administrative work sector found in a 2012 behaviour and attitudes survey that only one third of respondents had stable working hours. Mandate Trade Union (2012) *Decent Work? The Impact of the Recession on Low-Paid Workers*, Dublin: Mandate, p. 4. In the Third Quarter of 2014, Ireland had the third highest rate of underemployed part-time workers of the EU Member States, at 5.7 per cent (EU average in the 28 Member States was 4 per cent). Eurostat, *Underemployment and potential additional labour force statistics, data from January 2015*.

³³ Department of Jobs, Innovation and Enterprise, '[Minister Nash appoints University of Limerick to carry out study on Zero Hours Contracts](#)' [press release], 9 February 2015.

Issues Related to the Specific Provisions of the ICESCR

6. Right to Work and Favourable Conditions of Work (Articles 6–8)

6.1 Fair Conditions of Work

In the context of high unemployment, in particular youth unemployment, leading to high rates of emigration and continuing low participation rates for certain disadvantaged groups,³⁴³ the IHREC is concerned that, in specific areas, the State is not taking all appropriate steps to advance the right to work and the right to just and favourable conditions of work enshrined in the ICESCR as outlined below.

6.1.1 The Minimum Wage and Low Pay Commission

The minimum wage is currently set at €8.65 per hour.³⁴⁴ This amount continues to fall short of the 'low pay threshold' that Eurostat recommended should be set at an hourly rate of €12.20 in 2010.³⁴⁵ Notably, 60 per cent of low paid workers are women³⁴⁶ and women face a 34 per cent risk of earning below the 'low pay threshold', re-emphasising the need for the State to make a concerted effort to close the gender pay gap and to ensure equal pay for men and women in line with Article 7 of the ICESCR. Furthermore, the minimum wage is set at a lower rate for younger workers, a situation which the European Committee of Social Rights has stated 'does not constitute a decent remuneration within the meaning of Article 4§1' of the Revised European Social Charter.³⁴⁷

According to the ESRI, the cumulative impact of austerity policies since 2009 has resulted in the poorest households experiencing a 12.5 per cent reduction in their disposable income.³⁴⁸ This is also exacerbated by the fact that while direct taxation is progressive, indirect taxation continues to disproportionately affect the poorest in society.³⁴⁹ The IHREC welcomes the State's actions in successive budgets to ensure that approximately 410,000 low paid workers are no longer liable to pay the Universal Social Charge (USC), which is a tax applied to the gross incomes of all workers earning above certain annual income thresholds.³⁵⁰ However, the Commission notes its concern that 12 per cent of workers are at risk of poverty, and of the total number of people living in poverty, five per cent are in work.³⁵¹ This further demonstrates that the cumulative impact of a low National Minimum Wage and various taxation measures does not, in many instances, provide for an adequate standard of living for those engaged in work. While the introduction of the Back to Work Family Dividend in the 2015 Budget to support individuals with families returning to work

³⁴³ Nevin Economic Research Institute (NERI) (2015) *Quarterly Economic Facts: Spring 2015*, Dublin: NERI, p. 33.

³⁴⁴ The minimum wage was increased from €8.30 to €8.65 in 2007. It was reduced by €1 in February 2011 and restored to €8.65 in July 2011 by the newly elected Fine Gael – Labour Party Coalition Government as part of its *Programme for Government: National Minimum Wage Act 2000 (Section 11) (No. 2) Order 2011 (S.I.331/2011)*.

³⁴⁵ Eurostat Press Office, 'One out of six employees in the EU27 was a low-wage earner in 2010' [press release], 20 December 2012. These figures are based on the *Structure of Earnings Survey 2010 (SES 2010)* which covers enterprises with at least 10 employees in all economic activities except agriculture, forestry, fishing, public administration and defence, private households and extra-territorial organisations. This is the most recent survey in this series as it is carried out every four years. A Living Wage Technical Group was established in 2014 and calculated the 'living wage' at an hourly rate of €11.45 in 2011. The Technical Group comprises the Nevin Economic Research Institute (NERI), Services Industrial Professional and Technical Union (SIPTU), Social Justice Ireland, Think-tank for Action on Social Change (TASC), Unite Trade Union and Vincentian Partnership for Social Justice (VPSJ).

³⁴⁶ Nevin Economic Research Institute (NERI) (2015) *Quarterly Economic Observer: Spring 2015*, Dublin: NERI, p. 41.

³⁴⁷ European Committee of Social Rights (2015) *European Social Charter (Revised): Conclusions 2014 Ireland*, Strasbourg: Council of Europe, p. 12.

³⁴⁸ T. Callan, C. Keane, M. Savage and J.R. Walsh (2013) *Distributional Impact of Tax, Welfare and Public Service Pay Policies: Budget 2014 and Budgets 2009–2014*, Dublin: Economic and Social Research Institute, p. 8.

³⁴⁹ M. Collins (2014) *Total Direct and Indirect Tax Contributions of Households in Ireland: Estimates and Policy Simulations*, Dublin: Nevin Economic Research Institute, p. 17.

³⁵⁰ Minister of State with Special Responsibility for Small Businesses and Collective Bargaining, Gerald Nash TD, *Parliamentary Questions: Written Answers [12085/15]*, 26 March 2015. The threshold was increased from €4,004 in 2011 to €12,012 in 2015.

³⁵¹ Nevin Economic Research Institute (NERI) (2015) *Quarterly Economic Facts: Spring 2015*, Dublin: NERI, p. 90.

is another welcome development,³⁵² the continuing lack of affordable childcare and supports will continue to be a barrier for many parents considering a return to work.³⁵³ Moreover, despite the introduction of the *Pathways to Work Strategy* and some progress in achieving further job creation, in 2014, there continues to be a lack of available employment with a ratio of 20 unemployed persons for each employment vacancy.³⁵⁴

The IHREC welcomes the establishment of the Low Pay Commission in 2015³⁵⁵ which the State intends to place on a statutory footing,³⁵⁶ to monitor the rate of the National Minimum Wage on an annual basis and make recommendations in relation to other relevant matters.³⁵⁷ The IHREC also welcomes the recognition by the State that increases to the minimum wage cannot alleviate in-work poverty in isolation³⁵⁸ and urges the State to implement further measures to address this pressing socio-economic issue. The State's actions should be informed by the advice of the Low Pay Commission, as well as by the final report of the Advisory Group on Tax and Social Welfare³⁵⁹ in relation to supports for people of working age which was completed in 2014 but has yet to be published.

The IHREC welcomes the initiative by the State to enact legislation underpinning the Low Pay Commission and recommends that it incorporate a human rights and equality dimension into both the Terms of Reference of the Commission, as well as the legislative framework which it should progress as a matter of priority. The IHREC recommends that the rate at which the National Minimum Wage is set is assessed to ensure that it represents fair remuneration for work carried out and affords an adequate standard of living for all.

6.1.2 Zero Hour Contracts

Employment contracts with unspecified hours of work, more commonly referred to as 'zero hour' contracts, have become a feature of work for many individuals without a permanent or fixed-term work contract that stipulates the number of hours they will be working per week.³⁶⁰ The IHREC is concerned that the lack of

³⁵² Budget 2015 introduced the Back to Work Family Dividend, aimed at incentivising long-term unemployed parents to return to work by allowing retention of certain social welfare payments including the Qualified Child Increase and Family Income Support for a period of up to two years for individuals returning to work, increasing their hours of work or becoming self-employed. For information see: <https://www.welfare.ie/en/Pages/BTWFD.aspx>.

³⁵³ Indecon International Economic Consultants (2013) *Indecon Report on Support for Childcare for Working Families and Implications for Employment*, Donegal: Donegal County Childcare Committee, p. iii.

³⁵⁴ Nevin Economic Research Institute (NERI) (2015) *Quarterly Economic Facts: Spring 2015*, Dublin: NERI, p. 33.

³⁵⁵ Department of Jobs, Enterprise and Innovation, 'Minister Nash appoints Donal de Buitléir as Chairperson of Low Pay Commission' [press release], 17 February 2015. The Minister of State with special responsibility for small business and collective bargaining appointed nine members to the Low Pay Commission in February 2015: Dr Donal de Buitléir, Director of Publicpolicy.ie (Chairperson); Vincent Jennings, Chief Executive Officer, Convenience Stores and Newsagents Association; Patricia King, Vice President, SIPTU and incoming General Secretary of ICTU; Gerry Light, Assistant General Secretary, Mandate Trade Union; Caroline McEnery, Director, HR Suite, HR & Business Solutions; Edel McGinley, Director, Migrant Rights Centre Ireland (MRCI); Mary Mosse, Lecturer in Economics, Programme Director for Postgraduate Research, WIT Business School; Tom Noonan, Chief Executive, The Maxol Group and President of IBEC (2008–2010); and Prof Donal O'Neill, Dept. of Economics, NUI, Maynooth.

³⁵⁶ The National Minimum Wage (Low Pay Commission) Bill 2015 was approved by Cabinet and underwent a pre-legislative scrutiny process by the Joint Oireachtas Committee on Jobs, Enterprise and Innovation in March 2015.

³⁵⁷ For Terms of Reference of the Low Pay Commission see Minister for Jobs, Enterprise and Innovation, Richard Bruton TD, *Parliamentary Questions: Written Answers [9272/15]*, 3 March 2015.

³⁵⁸ Department of the Taoiseach, *Speech of the Taoiseach at the Launch of the Low Pay Commission*, 26 February 2015.

³⁵⁹ The Advisory Group on Tax and Social Welfare was established by the Minister for Social Protection in June 2011 'to harness expert opinion and experience to address a number of specific issues around the operation and interaction of the tax and social protection systems, recommend cost-effective solutions as to how employment disincentives can be improved and better poverty outcomes, particularly child poverty outcomes, achieved and to identify the specific practical institutional and administrative improvements to their operation'. For more information see: <http://www.welfare.ie/en/pressoffice/Pages/Establishment-of-an-Advisory-Group-on-Tax-and-Social-Welfare.aspx>.

³⁶⁰ Section 18(1) of the Organisation of Working Time Act 1997 allows for zero hour contracts, requiring a person to make himself or herself available to work for the employer for a certain number of hours per week, as and when the employer requires him or her to do so, or both a certain number of hours and otherwise as and when the employer requires him or her to do so.

specified and secure hours of work is leading to insecurity of income and uncertain employment situations for many employees working under these conditions,³⁶¹ many of whom are recorded as underemployed part-time workers.³⁶² The Nevin Economic Research Institute (NERI) has indicated that the 'true impact of these conditions on employee weekly/annual income is likely to be more pronounced than that identified for the hourly data examined'.³⁶³ In terms of the ICESCR, the State is under an obligation to ensure that everyone has the right to 'just and favourable conditions of work', including 'fair wages and equal remuneration for work of equal value' which will allow them 'a decent living for themselves and their families'.³⁶⁴

In the absence of comprehensive and up-to-date information on the prevalence and impact of zero hour contracts in Ireland, the Commission welcomes the State's appointment of a research team to study the use of zero hour and low hours contracts in consultation with key stakeholders including employees, employers, Government Departments and Trade Unions.³⁶⁵

The IHREC recommends that in examining the legislative provisions and policy surrounding these types of contracts, it should be ensured that all workers receive fair wages and can earn a decent living for themselves and their families.

6.1.3 Collective Bargaining

The Commission welcomes the State's commitment to legislate for collective bargaining through Trade Unions³⁶⁶ and that the proposed legislation has been approved by the Cabinet.³⁶⁷ The Commission notes that this right is not recognised in Irish law and in this context notes the decision of the Supreme Court in *McGowan & Ors v. Labour Court Ireland & Ors*³⁶⁸ which held that the term 'collective bargaining' was not currently defined in domestic law. As a result, the Industrial Relations Act 2001 cannot currently be relied upon to facilitate an informal collective bargaining mechanism.

The Commission further notes the finding of the European Committee of Social Rights in *European Confederation of Police (EuroCOP) v. Ireland*³⁶⁹ that the prohibition on members of An Garda Síochána (Irish police force) joining national employee associations meant that Ireland was in breach of the Revised European Social Charter. Specifically, the Committee found Ireland in breach of Article 5 (right to organise) 'on grounds of the prohibition against police representative associations from joining national employees' organisations' and Article 6 (right to collective bargaining) as the State did not provide a 'compelling

³⁶¹ Mandate Trade Union which represents over 40,000 workers in the bar, retail and administrative work sector found in a 2012 behaviour and attitudes survey that only one third of respondents had stable working hours. Mandate Trade Union (2012) *Decent Work? The Impact of the Recession on Low-Paid Workers*, Mandate, p. 4.

³⁶² In the third quarter of 2014, Ireland had the third highest rate of underemployed part-time workers of the EU Member States, at 5.7 per cent (EU average in the 28 Member States was 4 per cent). Eurostat, *Underemployment and potential additional labour force statistics, data from January 2015*.

³⁶³ Nevin Economic Research Institute (NERI) (2015) *Quarterly Economic Observer: Spring 2015*, Dublin: NERI, p. 47.

³⁶⁴ A recent strike of up to 6,000 workers in 109 Dunnes Stores outlets attracted significant media and political attention due to a campaign organised by Mandate Trade Union calling on the company to provide decent working conditions for its employees. In particular the Trade Union and its members called for 'secure hours and earnings; job security; fair pay for all Dunnes workers; and the right to trade union representation'. Minister for State with Responsibility for Small Businesses and Collective Bargaining, Gerald Nash TD, gave a commitment to the workers that collective bargaining legislation would be introduced in 2015. Mandate Trade Union, '[Minister gives Dunnes workers collective bargaining commitment](#)' [press release], 3 April 2015.

³⁶⁵ Department of Jobs, Innovation and Enterprise, '[Minister Nash appoints University of Limerick to carry out study on Zero Hours Contracts](#)' [press release], 9 February 2015.

³⁶⁶ Government of Ireland (2011) *Programme for Government 2011–2016: Statement of Common Purpose*, Dublin: Government of Ireland, p. 53.

³⁶⁷ Labour Party Press Office, '[Collective bargaining legislation approved by government – Nash](#)' [press release], 16 December 2014.

³⁶⁸ *McGowan & Ors v. Labour Court Ireland & Ors* [2013] IESC 21.

³⁶⁹ *European Confederation of Police (EuroCOP) v. Ireland Complaint No. 83/2012*.

justification' for the prohibition on the right to strike 'in the context of the regulation of the collective bargaining rights of police officers'.³⁷⁰ It is not yet clear how the State intends to respond to the decision by the Committee,³⁷¹ as the Minister for Justice and Equality expressed concerns about the 'significant and sensitive issues' pertaining to the right to strike for members of the Gardaí and the matter remains under consideration.³⁷²

The IHREC recommends that the State publish and enact the proposed legislation on collective bargaining as a matter of priority.

6.2 Barriers to the Right to Work for Specific Groups

6.2.1 Rights of Migrant Workers

The IHREC welcomes the reform of the employment permits system in 2014 through the enactment of the Employment Permits (Amendment) Act 2014. The legislation provides for nine types of permit.³⁷³ This includes a Reactivation Employment Permit which allows migrant workers who previously held a valid employment permit but who subsequently became undocumented through no fault of their own, or who were subject to exploitation or poor working conditions, with the ability to re-enter the employment permits system. This is a welcome development arising from the High Court decision in *Hussein v. Labour Court and Another*,³⁷⁴ whereby a migrant worker exploited by his employer for a period of several years was ineligible to receive the compensation awarded to him by the Labour Court as he did not hold a valid work permit for the entire duration of his employment.³⁷⁵

The number of employment permits issued to workers from outside the European Economic Area (EEA) workers has dropped significantly since the onset of the recession, although the primary industries for which permits were granted continue to be for medical and nursing jobs, the service industry and the catering industry.³⁷⁶ The Commission notes that non-EEA workers are required to pay significant fees to access an employment permit³⁷⁷ and this was the subject of an adverse finding by the European Committee of Social Rights which concluded that the fees are excessive and constitute a violation of the right to engage in gainful occupation as enshrined in Article 18 of the Revised European Social Charter.³⁷⁸

In light of the finding of the European Committee of Social Rights, the IHREC recommends that the State review the fees applicable for employment permits to ensure that they do not place an undue financial burden on applicants or do not act as a disincentive for migrant workers seeking employment in Ireland.

³⁷⁰ *European Confederation of Police (EuroCOP) v. Ireland* Complaint No. 83/2012, *Report to the Committee of Ministers*, Strasbourg: Council of Europe.

³⁷¹ European Committee of Social Rights (2015) *European Social Charter (Revised): Conclusions 2014 Ireland*, Strasbourg: Council of Europe, p. 23. The Committee reiterated that Ireland was not in conformity with Article 5 of the Charter partly due to the fact that 'police representative associations are prohibited from joining national employees' organisations'.

³⁷² Department of Justice and Equality, '*European Confederation of Police (EuroCOP) v. Ireland* Complaint No. 83/2012: Report to the Committee of Ministers of the Council of Europe' [press release], 19 June 2014.

³⁷³ The nine categories comprise a general employment permit; a critical skills employment permit; dependant/partner/spouse employment permit; a reactivation employment permit; a contract for services employment permit; an intra-company transfer employment permit; an internship employment permit; sport and cultural employment permit; and an exchange agreement employment permit.

³⁷⁴ *Hussein v. Labour Court and Another* [2012] IEHC 364.

³⁷⁵ Section 2B of the Employment Permits (Amendment) Act 2014 amending the Employment Permits Act 2003.

³⁷⁶ In 2006, the total number of permits issued was 24,854 falling to a low of 1,311 in 2011. In 2014, fewer than 6,000 were granted. Statistics available at: <http://www.djei.ie/labour/workpermits/statistics.htm>.

³⁷⁷ Fees range between €500 and €1500 depending on the type and duration of the permit.

³⁷⁸ European Committee on Social Rights (2013) *European Social Charter (Revised): Conclusions 2012 Ireland*, Strasbourg: Council of Europe, p. 28.

6.2.2 Rights of Persons with a Disability to Work

The IHREC notes with concern the disproportionately higher rate of unemployment for people with disabilities, and in particular, it notes that those with a mental health disability are much more likely to be unemployed.³⁷⁹ The unemployment rate for persons with disabilities 'increased from 8 per cent in 2004 to 22 per cent in 2010'.³⁸⁰ Low participation rates in the labour market are also a feature of the employment landscape for individuals with disabilities as part-time work is more prevalent and some people are not in a position to work at all and thus are excluded from the general unemployment figures.³⁸¹ Moreover, given that the cost of living is approximately one-third higher for people with disabilities, and social security payments do not reflect this (see also section 7.2.1 of this report), it is essential that the new employment strategy addresses the issue of an adequate income for people falling within its remit.

In its 2002 Concluding Observations on Ireland's Second Periodic Report, the Committee expressed concerns about the status of individuals with disabilities working in sheltered workshops without recognition or protection as an employee.³⁸² In this context, the IHREC welcomes the move away from sheltered workshops, but awaits the publication of the *Comprehensive Employment Strategy for People with a Disability* and the accompanying implementation plan in order to determine whether the State complies fully with Article 7 in terms of the right to work for people with disabilities.

The IHREC recommends that the State publish the *Comprehensive Employment Strategy for People with a Disability* at the earliest opportunity. The strategy must take account of and reflect the higher cost of living for persons with disabilities.

6.3 Forced Labour and Trafficking – The Legal Framework

Forced labour is prohibited in Irish law under the Criminal Law (Human Trafficking) Act 2008 as amended by the Criminal Law (Human Trafficking) (Amendment) Act 2013.³⁸³ The Commission welcomes the State's ratification of the International Labour Organisation (ILO) Decent Work for Domestic Workers Convention³⁸⁴ along with the issuance of guidelines for diplomatic staff living in Ireland who employ private domestic employees.³⁸⁵ The IHREC welcomes the decision in a recent High Court case concerning the protection of an alleged victim of human trafficking, in which IHREC appeared as *amicus curiae* (friend of the Court).³⁸⁶ O'Malley J held that the current administrative scheme for the identification and protection

³⁷⁹ D. Watson, G. Kingston and F. McGinnity (2013) *Disability in the Irish Labour Market: Evidence from the QHNS Equality Module 2010*, Dublin: Equality Authority and ESRI, p. 19.

³⁸⁰ *Ibid.*, p. 18.

³⁸¹ F. McGinnity, H. Russell, D. Watson et al (2014) *Winners and Losers? The Equality Impact of the Great Recession in Ireland*, Equality Authority and ESRI, p. 35.

³⁸² Individuals with disabilities working in sheltered workshops were not considered to be employees and were therefore not paid the minimum wage.

³⁸³ Section 1, Criminal Law (Human Trafficking) Act 2008 as amended by the 2013 Act defines 'forced labour' as 'work or service which is exacted from a person under the menace of any penalty and for which the person has not offered himself or herself voluntarily' but includes a number of exemptions such as military service.

³⁸⁴ International Labour Organisation (ILO) Convention on Decent Work for Domestic Workers (No. 189), 2011. Ireland is one of three EU States to have ratified the Convention. Department of Jobs, Enterprise and Innovation, 'Minister Bruton announces ratification of ILO Convention on Decent Work for Domestic Workers' [press release], 9 July 2014.

³⁸⁵ Department of Foreign Affairs (DFA) (2014) *Guidelines Relating to the Employment of Private Domestic Employees by Accredited Members of the Mission*, Dublin: DFA.

³⁸⁶ The judgment was handed down on 15 April 2015 and has not yet been published. See IHREC, 'IHREC calls for immediate action to protect victims of human trafficking following High Court Judgment' [press release], 15 April 2015 which sets out that the: 'Applicant in the case is a Vietnamese woman charged with certain drugs offences having been found by Gardai in a cannabis grow house, where she was found locked in from the outside. She claimed that she was a victim of human trafficking and that the failure of the Gardai to recognise her as a victim of trafficking denied her the opportunity to avail of the protection regime for such victims. The

of victims of human trafficking is 'inadequate in terms of the transposition of the EU Directive',³⁸⁷ an issue which must now be addressed by the Executive. In addition to this ruling, the IHREC notes the recommendation of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) that the Irish Government should place the protection of victims of trafficking on a statutory footing.³⁸⁸ GRETA also highlighted the lack of access to adequate remedies for victims, including compensation and recommended that appropriate measures should be put in place. GRETA, as well as the UN Human Rights Committee, have expressed concern at the placement of victims of trafficking in Direct Provision centres where they may be placed at further risk of harm.³⁸⁹

The Commission remains concerned at the current system of recognition of suspected victims of trafficking which it considers to be 'too adversarial and places too heavy a burden of proof on the alleged victim'.³⁹⁰ Moreover, the IHREC notes its concern at the low number of victims of labour exploitation identified since the relevant law was first enacted in 2008, as well as the failure on the part of the State to prosecute or convict traffickers under this legislation as outlined in the State's response to the Committee's List of Issues.³⁹¹

The IHREC calls on the State to take immediate action to rectify the inadequacies in the administrative system and put in place a statutory scheme for the identification and protection of alleged victims of trafficking in line with EU Directive 2011/36/EU. Furthermore, IHREC recommends the State consider and implement the recommendations of GRETA.

Applicant has spent almost three years in detention in the Dóchas Centre, much of that time waiting for a decision on her application to be recognised as a victim of human trafficking'.

³⁸⁷ The EU Directive referred to is *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*.

³⁸⁸ GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland: First Evaluation Round*, Strasbourg: Council of Europe, pp. 52–3.

³⁸⁹ *Ibid.*, p. 46; UN Human Rights Committee (2014) *Concluding Observations on Ireland's Fourth Periodic Report*, CCPR/C/IRL/CO/4, at para. 20. Note that Ireland has obligations of prevention and obligations to provide support services to victims under the Council of Europe Convention on Action against Trafficking and *EU Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims*.

³⁹⁰ IHREC, 'IHREC calls for immediate action to protect victims of human trafficking following High Court Judgment' [press release], 15 April 2015.

³⁹¹ Government of Ireland (2015) *CESCR: Reply of Ireland to the List of Issues in relation to its third periodic report*, Geneva: OHCHR, para. 40.

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Committee on Economic, Social and Cultural Rights**Concluding observations on the third periodic report of Ireland***

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Ireland on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/IRL/3) at its 32nd and 33rd meetings (E/C.12/2015/SR.32–33), held on 8 and 9 June 2015, and adopted the following concluding observations at its 50th meeting, held on 19 June 2015.

A. Introduction

2. The Committee notes the delay in submission by Ireland of the third periodic report and the timely submission of the written replies to the list of issues (E/C.12/IRL/Q/3/Add.1). The Committee appreciates the constructive dialogue with the State party's high-level delegation and the supplementary information provided by the State party following the dialogue.

B. Positive aspects

3. The Committee welcomes the signature by the State party of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (March 2012).

4. The Committee also welcomes the:

(a) Accession to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in September 2014, and recognition of the inquiry procedure thereunder;

(c) Ratification of International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), in August 2014, and the Maritime Labour Convention, 2006, in July 2014;

(b) Ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (June 2010).

* Adopted by the Committee at its fifty-fifth session (1–19 June 2015).



5. The Committee further welcomes the:
- (a) Referendum that approved equal marriage in 2015;
 - (b) Establishment of the Low Payment Commission in 2015;
 - (c) Adoption of the Employment Permits (Amendment) Act 2014;
 - (d) Adoption of the Irish Human Rights and Equality Act and the establishment of the Irish Human Rights and Equality Commission in 2014;
 - (e) Adoption of the National Action Plan for Social Inclusion 2007–2016 (2007);
 - (f) Adoption of the national policy on mental health, entitled “A vision for change” (2006).

C. Principal subjects of concern and recommendations

Data collection

6. The Committee regrets that the data provided by the State party are outdated and not disaggregated and that the replies to the list of issues do not include sufficient data, which makes it difficult for the Committee to assess the actual and progressive realization of economic, social and cultural rights in the State party, including the impact of the measures taken during and after the economic crisis.

The Committee recommends that the State party include in its next periodic report detailed and updated information on the actual and progressive realization of economic, social and cultural rights, including statistical data disaggregated by year, sex, disability, ethnicity and other relevant criteria. In this respect, the Committee refers the State party to the conceptual and methodological framework for human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).

Domestic application of the Covenant

7. The Committee regrets that, despite its previous recommendation (see E/C.12/1/Add.77, para. 23), no steps have been taken to incorporate the Covenant in domestic law and that the State party does not intend to do so. It is also concerned at the lack of training for judges, lawyers and public officials on economic, social and cultural rights.

The Committee reiterates its recommendation that the State party take all appropriate measures to ensure the direct applicability of Covenant provisions, including through incorporation of the Covenant in its domestic legal order, and enhanced training for judges, lawyers and public officials. The Committee draws the State party’s attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

Legal aid

8. The Committee is concerned at the lack of free legal aid services, which prevents especially disadvantaged and marginalized individuals and groups from claiming their rights and obtaining appropriate remedies, particularly in the areas of employment, housing and forced evictions, and social welfare benefits.

The Committee recommends that the State party ensure the provision of free legal aid services in a wide range of areas, including by expanding the remit of the Civil Legal Aid Scheme.

Irish Human Rights and Equality Commission

9. The Committee is concerned that the limited scope of human rights provided in section 29 of the Irish Human Rights and Equality Commission Act, coupled with the lack of recognition of economic, social and cultural rights in domestic law, are major factors in preventing the Commission from covering and applying the full range of Covenant rights in exercising its mandate.

The Committee recommends that the State party review the Act with a view to ensuring that the Commission covers and applies all rights enshrined in the Covenant in exercising its functions.

Consultation with civil society

10. The Committee is concerned at the lack of meaningful consultation with civil society and relevant stakeholders in formulating and implementing policies and legislation, particularly relating to persons with disabilities, people living in poverty, Travellers and Roma, which often results in such policies and legislation being less effective.

The Committee recommends that the State party make the efforts necessary to consult on a regular basis with civil society and relevant stakeholders in the policymaking process, including by establishing an effective consultation mechanism.

Maximum available resources

11. While noting the unprecedented economic and financial crisis that the State party went through and its exit from the bailout programme during the reporting period, the Committee notes with concern that, in spite of the social transfers made by the State party to mitigate the impact of austerity measures:

(a) The State party's response to the crisis has been disproportionately focused on instituting cuts to public expenditure in the areas of housing, social security, health care and education, without altering its tax regime;

(b) Many austerity measures have been adopted during and after the crisis without proper assessments of their impact on economic, social and cultural rights;

(c) The austerity measures, which continue to be applied, have had a significant adverse impact on the entire population, particularly on disadvantaged and marginalized individuals and groups, in enjoying their economic, social and cultural rights;

(d) No review has been carried out of such measures in a comprehensive and human rights-based manner since the State party's exit from the bailout programme.

The Committee recommends that the State party:

(a) **Review, based on human rights standards, all the measures that have been taken in response to the economic and financial crisis and are still in place with a view to ensuring the enjoyment of economic, social and cultural rights. In this regard, it draws the State party's attention to its open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis, in particular to the requirements that austerity policies must meet. The policies must be temporary, covering only the period of the crisis, and they must be necessary and proportionate. They must not result in discrimination and increased inequalities. They must comprise all possible measures, including tax measures, to ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected. They must also identify the minimum core content of the Covenant rights or a social protection floor and ensure the protection of this core content at all times;**

(b) Ensure that austerity measures are gradually phased out and the effective protection of the rights under the Covenant is enhanced in line with the progress achieved in the post-crisis economy recovery;

(c) Consider reviewing its tax regime, with a view to increasing its revenues to restore the pre-crisis levels of public services and social benefits, in a transparent and participatory manner;

(d) Consider instituting human rights impact assessments in its policymaking process, particularly relating to Covenant rights.

Non-discrimination

12. While noting the existence of a number of laws, including the Equality Status Act 2000, to provide equality provisions in the State party, the Committee is concerned that these laws do not provide a full range of grounds of discrimination prohibited by the Covenant (art. 2 (2)).

The Committee recommends that the State party adopt comprehensive anti-discrimination legislation that includes all the grounds for discrimination set out in article 2 (2) of the Covenant. The Committee refers in this regard to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Persons with disabilities

13. The Committee is concerned at the persistent institutionalization of persons with disabilities, at the poor living conditions of residential centres for persons with disabilities and at the lack of regular inspections of such centres. It is also concerned that the accessibility of persons with disabilities has been significantly restricted owing to cuts in social benefits (arts. 2 (2), 9 and 11).

The Committee recommends that the State party take all the steps necessary to make available alternatives to institutionalization, including community-based care programmes, and to improve living conditions in residential centres, including through regular inspections. It also recommends that the State party enhance access for persons with disabilities, including by cancelling the cuts in social benefit programmes.

Asylum seekers

14. The Committee regrets that the International Protection Bill has not yet been adopted. It is concerned at the poor living conditions and the lengthy stay of asylum seekers in direct provision centres, originally designed as a short-term arrangement and run by private actors. The centres have a negative impact on asylum seekers' right to family life, their mental health and their children's best interests. The Committee is also concerned at the restrictions asylum seekers face in accessing employment, social security benefits, health-care services and education (art. 2 (2)).

The Committee recommends that the State party:

(a) Expedite the adoption of the International Protection Bill with a view to introducing a single procedure to assess and determine without undue delay all forms of protection status for asylum seekers as well as to strengthen the protection and promotion of their economic, social and cultural rights;

(b) Improve the living conditions in direct provision centres, including through regular inspections of such centres and by making the private actors

accountable for their actions and omissions, and address mental-health issues of asylum seekers;

(c) Take the steps necessary to improve the reception of asylum seekers with a view to ensuring their economic, social and cultural rights and facilitating their integration into the society.

Equality between men and women

15. The Committee regrets that article 41 (2), of the Constitution on the role and status of women in Irish society remains unchanged. It is also concerned at the pervasive gender inequality in the State party, in particular the underrepresentation of women in decision-making positions across all sectors in the society and the widening gender pay gap, as well as the strong gender role stereotypes in the family and society (art. 3).

The Committee recommends that the State party amend article 41 (2), of the Constitution with a view to rendering provisions in the Constitution gender-equal. It also recommends that the State party take effective measures to increase women's representation in decision-making positions in all areas, to close the gender pay gap and to eliminate strong gender role stereotypes.

Unemployment

16. The Committee is concerned at the disproportionately high rates of unemployment among Travellers, Roma, young people and persons with disabilities. It regrets the lack of disaggregated data to enable a regular assessment of the unemployment situation of these groups (art. 6).

The Committee recommends that the State party step up its efforts to improve the employment situation, with targeted measures for Travellers, Roma, young persons and persons with disabilities, including by introducing a quota system as well as targeted professional training and employment support services. It also recommends that the State party improve data collection on unemployment.

Right to just and favourable conditions of work

17. While noting the publication of the National Minimum Wage (Low Pay Commission) Bill 2015, the Committee is concerned at the:

(a) Insufficient level of the minimum wage to ensure a decent living for workers and their families;

(b) Exemptions from the obligation to pay the statutory minimum wage even in cases of opposition from the majority of the workers, their representatives or the trade unions concerned;

(c) Inadequate working conditions of workers on zero-hour (or low-hour) contracts and their limited access to labour protection and social benefits as well as the lack of data on zero-hour contracts;

(d) Lack of guarantee of the compensatory rest for working on a Sunday in the Organisation of Working Time Act, 1997 (arts. 7 and 8).

The Committee recommends that the State party expedite the adoption of the National Minimum Wage (Low Pay Commission) Bill 2015 and the Industrial Relations (Amendment) Bill 2015, review all relevant legislation to ensure just and favourable conditions of work for all workers, including the minimum wage, working hours and rest days, and improve data collection, particularly on zero-hour contracts. It also recommends that the State party take the steps necessary to ensure that the

minimum wage applies to all employees and ensures a decent living for workers and their families.

Institutionalized forced labour — the Magdalene laundries

18. The Committee regrets the massive and systemic forced labour that occurred, with the patronage of the State, between 1922 and 1996, in the Magdalene laundries. While noting the State party's apology to the survivors of those laundries and the establishment of an ex-gratia restorative justice scheme in 2013, it remains concerned that there has been no prompt, thorough and independent investigation into the allegations regarding the Magdalene laundries and that the survivors have not been given adequate remedies (art. 7).

The Committee recommends that the State party conduct a prompt, thorough and independent investigation into these allegations, bring those responsible to justice and provide all victims with effective remedies.

Right to collective bargaining

19. The Committee reiterates its concern about the obstacles imposed by the State party with respect to the right to collective bargaining of trade unions, through the requirement on collective bargaining licences. It is also concerned that the Industrial Relations (Amendment) Bill 2015 does not propose any change in terms of collective bargaining licences.

The Committee recommends that the State party, in its new legislation, enhance the collective bargaining rights of trade unions and do away with the requirement to obtain collective bargaining licences.

Social security

20. The Committee is concerned at the large number of social welfare appeals owing to the lack of clear understanding and consistent application of the eligibility criteria. It is also concerned that a considerable number of initial decisions on these appeals have been revoked (art. 9).

Bearing in mind that social welfare benefits provide a social safety net to the most disadvantaged and marginalized, the Committee recommends that the State party clarify the eligibility criteria regarding social welfare benefits as well as their application so as to avoid a large number of appeals. It also recommends that initial decisions on social welfare appeals be made in a consistent and transparent manner and that appropriate training be provided to the public officers who make such decisions.

Habitual residence condition

21. The Committee is concerned at the discriminatory effect of the habitual residence condition on women who are victims of domestic violence, the homeless, migrants, Travellers and Roma in accessing social security benefits. It is also concerned at the lack of understanding of and clear guidelines for the relevant officials on the criteria applicable to decide on the condition (art. 9).

The Committee recommends that the State party review the habitual residence condition so as to eliminate its discriminatory impact on access to social security benefits, particularly among disadvantaged and marginalized individuals and groups, and ensure the consistent application of the criteria by providing clear guidelines and training to the relevant officials.

Domestic violence

22. The Committee is concerned that domestic violence is pervasive in the State party. It is also concerned at the legislative gaps in investigating and sanctioning the perpetrators as well as providing protection and assistance to victims of domestic violence and at the lack of systematic data collection as well as insufficient support services for these victims due to funding cuts (art. 10).

The Committee recommends that the State party take all the measures necessary to combat domestic violence, in particular by introducing a domestic violence bill, improving data collection on domestic violence and strengthening support services, including shelters and legal aid, for victims of domestic violence.

Maternity benefits and childcare services

23. The Committee is concerned that not all women workers are covered by the maternity benefits scheme and that paternity leave is not statutory. It is also concerned at the very high cost of childcare services provided by private actors and the lack of affordable public childcare services in the State party (art. 10).

The Committee recommends that the State party review the maternity benefits scheme with a view to ensuring that all women workers benefit from the scheme and expedite the enactment of the Family Leave Bill to ensure statutory entitlement to all family care-related leave, including paternity leave. It also recommends that the State party take all the necessary measures to meet the childcare needs of families, including through expanding affordable public childcare services.

Poverty

24. The Committee is concerned at the increase in the number of people living in consistent poverty or at risk of poverty, particularly among children, single-parent families, older persons, persons with disabilities, migrants, Travellers and Roma. It is also concerned at the lack of integration of economic, social and cultural rights into poverty reduction policies as well as at the absence of concrete policies addressing the specific needs of the groups affected (art. 11).

The Committee recommends that the State party step up its efforts to reduce poverty, paying special attention to disadvantaged and marginalized individuals and groups, including through the adoption of poverty reduction programmes and strategies with concrete targets and a time frame for implementation. It also recommends that the State party integrate a human rights-based approach in all poverty reduction programmes and strategies, guaranteeing entitlements to individuals and ensuring accountability.

Food insecurity and malnutrition

25. The Committee is concerned at the increase in food insecurity and malnutrition among disadvantaged families, including single-parent families and families with children, and at the high cost of healthy food in the State party, which puts these families at risk of obesity (art. 11).

The Committee recommends that the State party take concrete measures to address the critical food and nutritional needs of disadvantaged families and expedite the adoption of a national action plan on food security and nutrition in line with the 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

Adequate housing

26. The Committee is concerned at the overall difficult housing situation in the State party, which includes the:

- (a) Continuing gaps between availability and demand for social housing, which result in a long waiting list for social housing;
- (b) Increased costs of rental housing and reduced family incomes;
- (c) Ineffective social support programmes, such as the Rent Supplements and the Housing Assistance Payment, which do not reflect rent increases;
- (d) Increasing number of long-term mortgage arrears;
- (e) Growing number of families and children that are homeless or are at risk of being homeless as a result of the lack of social housing and the inadequate levels of rent supplement;
- (f) Lack of effective complaint mechanisms for local authority tenants on tenancy-related issues.

27. The Committee is also concerned at the lack of culturally appropriate accommodation provided to Travellers and Roma and of adequate legal protection of Traveller families at risk of eviction (art. 11).

The Committee draws the State party's attention to its general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on the right to adequate housing: forced evictions and recommends that the State party:

- (a) **Review policies with a view to making them more effective in responding to the real needs of the population, especially disadvantaged and marginalized individuals and groups;**
- (b) **Step up its efforts to increase the number of social housing units so as to satisfy the high demand and to reduce the long waiting list;**
- (c) **Consider introducing legislation on private rent and increasing rent supplement levels;**
- (d) **Consider introducing banking regulations in order to strengthen protection for mortgage borrowers in arrears, including through the provision of an independent appeal system to assist such borrowers in negotiating, with legal and financial advice, an equitable arrangement with their lenders to address their arrears situations;**
- (e) **Take all the measures necessary to meet the critical needs of those who are homeless or who are at risk of being homeless;**
- (f) **Establish effective complaint mechanisms for local authority tenants on housing issues.**

The Committee also reiterates its previous recommendations (see E/C.12/1/Add.77, paras. 32–33) that the State party take steps to provide Travellers and Roma with culturally appropriate accommodation in consultation with them and ensure that the funding allocated to Traveller housing at the local level is fully and appropriately spent to this end.

Health-care services

28. The Committee is concerned at the overall deterioration in health-care services due to significant budget cuts in public health in recent years and at the negative impact on

access for disadvantaged and marginalized individuals and groups to adequate health care, in particular, the:

- (a) Widening disparity between people with and those without private health insurance in accessing medical services;
- (b) Delay in providing universal health services and community-based health services;
- (c) Lack of oversight of health-care services;
- (d) Poor health state of Travellers and Roma, particularly with regard to their life expectancy, which is 15 years shorter, and infant mortality, which is more than three times higher, than the general population (art. 12).

The Committee recommends that the State party take all the measures necessary to improve, in both qualitative and quantitative terms, its public health-care services, including by increasing public spending on health care, introducing a common waiting list for treatment in publicly funded hospitals for privately and publicly insured patients and expediting the introduction of a universal health services system and community-based health services. It also recommends that the State party strengthen the Health Information and Quality Authority to ensure quality health services and take effective measures without delay to reduce the disparity between Travellers and Roma and the general public in health and access to health services.

Mental health

29. The Committee is concerned at the significant lack of funding and at the inadequate legal framework for mental health as well as at the delay in implementing the national mental health policy, entitled "A vision for change". It is also concerned at the admission of children with mental health difficulties to psychiatric facilities for adults (art. 12).

The Committee recommends that the State party revise the Mental Health Act 2001 in the light of the recommendations of the expert group tasked with reviewing the Mental Health Act 2001 and expedite the implementation of "A vision for change" through the allocation of sufficient resources. It also recommends that the State party immediately take measures to separate child patients from adults in psychiatric facilities.

Sexual and reproductive health

30. The Committee is concerned at the State party's highly restrictive legislation on abortion and its strict interpretation thereof. It is particularly concerned at the criminalization of abortion, including in the cases of rape and incest and of risk to the health of a pregnant woman; the lack of legal and procedural clarity on what constitutes a real substantive risk to the life, as opposed to the health, of the pregnant woman; and the discriminatory impact on women who cannot afford to obtain an abortion abroad or access to the necessary information. It is also concerned at the limited access to information on sexual and reproductive health (art. 12).

The Committee recommends that the State party take all the steps necessary, including a referendum on abortion, to revise its legislation on abortion, including the Constitution and the Protection of Life During Pregnancy Act 2013, in line with international human rights standards; adopt guidelines to clarify what constitutes a real substantive risk to the life of a pregnant woman; publicize information on crisis pregnancy options through effective channels of communication; and ensure the accessibility and availability of information on sexual and reproductive health.

Right to education

31. The Committee is concerned at the discrimination faced by children with disabilities, migrant children, children belonging to a religious minority, Traveller and Roma children, including:

(a) Legal provisions, such as section 7 of the Equal Status Act 2000, which allow schools to give preference to admission of students based on religion;

(b) Discriminatory criteria against children with special educational needs contained in many admissions policies and the lack of a regulatory framework;

(c) Adverse effects of the austerity measures on the education sector, including the reduced number of teachers, rationalization of teacher/student support services, abolition of grants to schools, increase in transport charges and reduced allowance for clothing and footwear, which further restrict disadvantaged children from attending schools (arts. 13 and 14).

The Committee recommends that the State party:

(a) **Take all the measures necessary to bring all relevant laws, including the Equal Status Act 2000 and the Education (Admission to Schools) Bill 2015 in line with international human rights standards and to increase the number of non-denominational schools at the primary and post-primary education levels;**

(b) **Review admissions policies of all schools with a view to removing all discriminatory criteria for enrolment and establish a regulatory mechanism to monitor school policies, including admissions policies;**

(c) **Revoke the austerity measures that disproportionately affect disadvantaged children.**

32. The Committee is concerned at the prevalence of Traveller children and children with disabilities in the Delivering Equality of Opportunity in Schools action plan and their disproportionately low level of entry to higher education. It is also concerned at the high rate of Traveller children who leave school before the age of 15.

The Committee recommends that the State party step up its efforts to promote inclusive education for all, including the implementation of the Education for Persons with Special Educational Needs Act 2004, to ensure equal opportunities for all children to quality education.

Travellers

33. The Committee is concerned at the State party's long-standing non-recognition of Travellers as an ethnic minority. It is also concerned that Travellers are not included as an ethnic minority in anti-discrimination legislation (arts. 2 (2) and 15).

The Committee recommends that the State party expedite its efforts to give legal recognition to Travellers as an ethnic minority and include them as an ethnic minority in anti-discrimination legislation.

Access to the Internet

34. The Committee is concerned that people living in rural areas have limited access to broadband Internet (art. 15).

The Committee recommends that the State party intensify its efforts to expand broadband Internet access to rural areas.

D. Other recommendations

35. The Committee encourages the State party to ensure that, before entering into any agreement with or implementing any fiscal consolidation policy prescribed by international organizations, including international financial institutions such as the International Monetary Fund, such agreement or policy is in compliance with its obligations under the Covenant. It also encourages the State party, as a member of international organizations, including international financial institutions such as the Fund, to ensure that the policies of these organizations are in conformity with the obligations of State parties under the Covenant.

36. The Committee encourages the State party to achieve its commitment to official development assistance of 0.7 per cent of its gross national product and to pursue a human rights-based approach in its development cooperation policy.

37. The Committee encourages the State party to withdraw its reservation to article 13 (2) (a), of the Covenant and to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

38. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among government officials, members of Parliament, judicial authorities and civil society organizations, and to inform the Committee, in its next periodic report, about the steps taken to implement the present recommendations.

39. The Committee requests the State party to submit its fourth periodic report by 30 June 2020 and invites the State party, if necessary, to update its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).