



THE COUNTESS

06 Feb 2024

Ms. Reem Alsalem

United Nations Special Rapporteur on violence against women and girls

Re: Call for input to the report of the Special Rapporteur on violence against women and girls to the 62nd session of the United Nations Human Rights Council on Violence against mothers

Dear Ms. Alsalem,

Please find our responses to the questions outlined in your call for input. As a human rights advocacy group in Ireland, we have campaigned against the removal of a clause in the Irish Constitution that gives special recognition to the invisible benefits that mothers bring to Irish society, the removal of the words mother and woman from maternity legislation, and against the introduction of surrogacy legislation, which erodes the very meaning of motherhood. We deem this attack on the words to describe motherhood, and its unique place in the world, as a type of violence. Our responses focus on more tangible violence against mothers, including the direct harm of surrogacy however we are happy to further expand these concepts should you be interested.

Our thanks for your tireless efforts on behalf women and girls across the world.

Kind regards,

Laoise de Brún BL

CEO and Founder, The Countess

Sorcha Nic Lochlainn

Director, The Countess

1.1. Manifestations, causes and perpetrators of violence

1.1.1. What are some of the most prominent forms of violence and extreme discrimination to which women are subjected because of their status as mothers?

A. Work and Motherhood

Mothers and babies have the right and need to be together for the first three years to form secure attachment/bonding.

Women fought for and won the right for mothers to engage in economic activity in their own right so that they would no longer have to be dependent on the father of their child(ren)/husband to provide for her and her children.

This liberation was beneficial to mothers at a time when one average income was sufficient to provide for a family's needs. However, this has changed. The expectation was created that women and mothers should pursue jobs and careers. Mothers were to put their economic independence and their careers first; mothering was to be done after working hours.

Now, two incomes are needed to provide for a family. Many mothers are forced to work due to economic. They have no longer a choice. Mothers won the right of independence and autonomy at the expense of the right to meet their intrinsic and instinctive need to be with, and care for their children. There is no recognition by the state that the needs of babies to be with their mothers and mothers need to be with their babies is the very foundation of human thriving. Current maternity protection laws do not go far enough to vindicate the right of mothers to care for and be available to their child(ren) as long as they need them.

It is a well understood fact that infants need to form a secure attachment to their mother during the first three years of their lives, to achieve a healthy social, emotional development. Many a mother experiences severe distress and a constant feeling of guilt when she is forced to return to work before she and her child were ready to separate.

To deny a mother's need and natural right to care for her child constitutes psychological violence towards mothers (and children). Many mothers who do not return to work after their statutory maternity leave, are economically disadvantaged.

B. Surrogacy

The concept of surrogacy is to exploit a woman's ability to grow and give birth to baby. The "surrogate" mother loses the autonomy over her own body and baby and has to put her health and life at risk, as all surrogate pregnancy are high risk. Surrogacy violates mother's dignity, autonomy, and emotional needs, as it is a cruel practice to set up a scenario in which a mother and newborn infant are separated. This practice is exploitation as well as psychological and reproductive violence against mothers, and emotional abuse of the child.

C. Reproductive violence

In Ireland, the rate of caesarean sections is as high as 40% of live births. While some are medically necessary, it is reported that many of these surgeries are carried out because of convenience, and some because of the aversion to risk of litigation by some hospital staff. Hospital practice is to speed up the birth process for convenience, by performing amniotomies, inductions, and oxytocin augmentation. A 2025 study by the Trinity College of Nurses and Midwives College found that in Irish hospitals oxytocin augmentation was used in cases where labour started naturally, which led to more interventions and potential risks. Mothers who underwent oxytocin augmentation faced higher odds of having an instrument-assisted birth (forceps or vacuum) and receiving epidural analgesia. Early use of oxytocin augmentation (before 5cm dilatation) was also associated with suspected fetal hypoxia, caesarean section, and postpartum haemorrhage.

These practices cause injury and birth trauma to mothers and babies, which is reproductive, psychological and physical abuse of mothers (and babies). Infant mortality numbers are rising in Ireland since 2022.

1.1.2 Is there a correlation between femicide and intimate partner violence and women's status as mothers?

A woman's vulnerability to violence in the home increases significantly when she becomes pregnant. Men often start violent behaviour against their female partner at that time. One reason for this is that pregnancy and motherhood makes women more vulnerable and dependant on her partner's support. A woman is most at risk of being killed when she leaves the abusive partner.

Sometimes, when child protection services are alerted to the situation, they tell the mother that she must protect the children from the violence and witnessing the violence, and leave the violent partner, or else the children will be taken into care.

In Ireland, courts grant mothers protection order against their violent intimate partner, ordering him to leave the home and not to enter it. The woman must report any breach

of the order by her former partner, so that he can be arrested and charged. However, her children might be angry and upset with their mother about this. Children often blame their mother when their father is getting in trouble with the police. The connection between the children and their father prevents mothers from cutting contact with her abuser, which puts her at high risk.

Intimate partner violence affects mothers physically, economically and emotionally. In addition, mothers have to protect their children and help them with the emotional distress and loss they experience, whilst worrying that they might be taken from her if she fails. If she seeks a safe house or the courts protection, her life might in danger. While the state's concern about the children is founded, mothers are asked unfairly to carry all the responsibility and serious consequences for the violent behaviour of their partner, without sufficient support.

1.1.3 What is the linkage between violence against mothers and their children, including girls- and vice versa.

Children often blame their mother when their father is getting in trouble with the police. The connection between the children and their father often prevents mothers from hiding from the abuser, which puts them at high risk.

There is also a generational link between the violence perpetrated on the mother and her children because the emotional development of children is affected by either having witnessed violence perpetrated on their mother, and/or because of the trauma their mother has suffered. A mother's unresolved trauma always impacts on children's emotional development because it impacts mother's mental health, ability to cope, to be emotionally available to her children, or to maintain healthy relationships. Where mothers are impaired in their ability to meet their children's emotional needs due to trauma, her children will carry the secondary trauma. This means that these children are more prone to develop mental health issues, addiction issues, low self-esteem, difficulty in forming healthy relationships, which increases their vulnerability to be exploited and abused, or act out violently.

Single mothers without a good social network of family and friends often depend on a male partner for support. This makes them vulnerable to exploitation and abuse by this partner, and to predators who get involved with vulnerable, single mothers to get access to children.

Social status influences the level of discrimination and violence a person is exposed to and the level of access a person has to remedy the injuries to him or her. This applies to mothers too. By extension, children of mothers with low social status at higher risk to be exposed to and/or experience violence.

In countries/ societies/cultures where women have lower status than men, violence against women and girls is considered legitimate. The daughters to mothers living in these cultures are therefore also at risk of violence against them by their societal system, their male family members and intimate partners

1.1.4 What are the causes of violence against mothers, and which social, economic, legal and cultural factors increase mothers' vulnerability to violence?

Societal factors: Low status and inequality for women; lack of redress and legal protection for women/mothers from intimate partner violence. Women's vulnerability increases with motherhood, as her dependency on the partner increases, and because it is more difficult to leave the father of your child.

Economic causes: Mother's ability to earn money is reduced, due to the need to care for her child(ren) while her financial needs increase, as she has to provide for her child(ren). Therefore she is more dependent on her partner to support her. Economic stress creates stress and conflict, which might cause violence.

Legal causes: Equal legal rights for women and family law impact on mothers' vulnerability to violence. If a mother does not have custody rights over her children, she is more vulnerable to intimate partner violence.

Cultural factors: Cultures that accept violence as a legitimate way to settle disputes increase women's vulnerability. In cultures that view women subordinate to men, where women must obey men, women are much more vulnerable to violence by an intimate partner. Mothers' vulnerability to violence by a son are also increased. When a woman becomes a mother, her vulnerability increases for all the reasons above.

Women who have low economic and social status are also more vulnerable to exploitation, such as becoming a surrogate mother.

1.1.5. Who are the perpetrators of violence against mothers, and under what circumstances enable these perpetrators to inflict such violence? Are there patterns of institutional complicity or impunity?

In Ireland, the largest group of perpetrators of violence against mothers are intimate male partners, often the fathers of the children. Pregnancy and motherhood tie a

woman to him, especially if he is the father of her child(ren), because she needs his support with the care of the children and financially, and because she wants her children to grow up with their father. Men who apply coercive control over the mother isolate her from her friends and family, making it extremely difficult for a mother to leave.

Economic coercion and psychological abuse impair mothers' ability to function to protect herself and her children. Ireland offers legal protection to women, and the courts do grant protection orders to women, but women often allow the men to breach the order because of fear, or because they don't want to upset their children, and because of revenge acts by the man. Women without a good social support network often breach the order because they need support from their violent partner.

Mothers with a good social network of family and friends are much more likely to leave a violent relationship. However, there are many families who cannot offer support because of family breakup and physical distance between family members. The state does not provide sufficient supports to fill the gap. There are not enough refuges, there is not enough housing available, there are not enough services for the children, etc. Child protection services do not offer sufficient supports for mothers and her children, but expect mothers to make very difficult decisions that might put her in danger.

The Irish maternity services inflict medical violence on mothers when they subject them and their babies to unnecessary procedures, which put mother's and babies' health at risk, and inflict birth trauma.

Ireland enacted surrogacy legislation, which allows for surrogacy arrangements in limited circumstances. This makes surrogacy legal in Ireland.

1.2. Groups of women and girls particularly affected

1.2.1. Which groups of mothers are particularly affected by extreme forms of discrimination and violence, and what are the principal challenges and forms of violence they face?

- 1. Mothers who live in a society/state where men's domination over women is the societal norm, in custom, culture and law**

In these societies men are entitled to obedience from women and have the right to punish their women for disobedience. There is little or no legal protection for women. Often accepted behaviour, their autonomy, and freedom of movement is curtailed by law and/or custom. Violence against women is structural and legal in these societies. Women are at the mercy of the men who are in charge of them. In case of a woman separating or escaping from a marriage, the father will be granted custody of the children. It is extremely difficult for a woman to leave the violence of their husbands, for mothers it is even much more difficult, as it is almost impossible for her to leave with her children.

2. **Women who live in a subculture, i.e. ethnic groups, religious communities, where men's domination over women is the societal norm and custom.**

Mothers from such subcultures face similar situations, for example the Irish Traveller community, where men continue to be dominant. Women from this ethnic group are protected by the laws of the state they live in, and they have opportunity to leave a violent situation. Mothers who leave a violent marriage/relationship are usually granted custody over their children. However, ethnic minorities, like the Irish Traveller community, have strong family bonds with the extended family, and their customs and identity are fundamentally important. To leave a violent marriage, or to seek legal protection, might alienate a mother from her family and social support systems.

3. **Disabled mothers**

Mothers with intellectual disabilities are very vulnerable to being exploited and dominated by an intimate male partner, because they are easily manipulated, and more dependent on their partner, especially if her partner is viewed as the more capable parent. A mother with an intellectual disability is often not able to ask for help.

Mothers with physical and/or mental health disability or conditions are vulnerable to violence and discrimination for the same reason.

3.3. Targeted Policies

3.3.1. How do social-protection systems (e.g. cash transfers, family benefits, pensions) include or exclude mothers?

- We would urge our government to introduce a payment scheme for mothers who wish to stay at home with their children for the first three years of the child's life, if she so wishes and needs financial support. Currently all focus is on external childcare, which is provided predominantly by creches with a high turnover of staff. It would be preferable for mother and infant to stay together at home and supports put in place to enable that.
- Investments into maternity care services and provision of better maternity care, with increased home birth opportunities.
- Better support service systems for women and children experiencing violence in the home, including practical, financial, therapeutic and safe accommodation.
- Provision of a specialised parenting/family support service for mothers with intellectual disability/impairment.

3.3.2. What are the responsibilities of State and non-State actors in preventing acts of violence against mothers, including in the area of business and human rights?

- The Government must amend the surrogacy provision on the new Assisted Human Reproduction legislation. The current proposed framework is one of normalisation and creates a two-tier system whereby commercial surrogacy is banned in Ireland but permitted abroad. It is open to trafficking and altruistic surrogacy is permitted. We view surrogacy as violence against Mothers and babies and are calling for an abolition framework in line with EU countries.
- Reform and improve maternity services to reduce interventionalist and over-medicalised labour and birth and obstetric violence.
- Reinstate the UNICEF and WHO breastfeeding protocols in all maternity hospitals. Ireland has the lowest breastfeeding rates of any industrialised nation. We view breastfeeding as the birthright of all mothers and babies and are calling on the government to set up a taskforce and properly fund the provision of IBCLC support for all mothers.
- Proper provision of post-partum care for mothers, such as doulas and specialist women's health physiotherapy

3.3.3. What factual barriers do mothers face when seeking protection and assistance, justice or reparations?

The treatment of survivors by the State has been disappointing.

The Mother and Baby Home enquiry was limited in time and scope and excluded survivors who were incarcerated for under six months. It cherry-picked only eighteen homes. Survivors were not treated fairly. There is an ongoing protest by survivors of the homes who were denied a medical card that would provide free healthcare (Ireland does not have socialised medicine, with 40% of the population receiving free medical care via medical card). All survivors remaining years must be as comfortable as possible, with proper provision of care, therapy and compensation.

The false negative smear tests scandal which was covered up by the State resulted in young mothers losing their lives. The State was dragging out litigation and mothers were ageing out.

The scandal over the provision of vaginal mesh must be addressed and compensation provided.

3.3.4. What legal and policy frameworks have States put in place to prevent and respond to specific situations of extreme discrimination and/or violence against mothers?

Free Legal Aid is extremely difficult to access for family law matters. Increasingly solicitors will not practice in this area on the public side because they get paid so little. Mothers will often have to represent themselves or file applications and appeals on their own.

Ireland lags behind other countries with regard to the treatment of mothers in the Court system. These areas must be addressed.

- The use of unregulated, unqualified, assessors whose reports are not peer reviewed and who can be weaponised by abusive ex-partners against mothers
- All practitioners must receive training in a trauma led approach from judiciary to psychologists to barristers and solicitors and social workers. Currently the 'pair of them in it' view prevails as the lens through which violent relationships are viewed. A mother who stays or who does not bring charges because she fears reprisal is viewed as making the whole thing up. The widely debunked Parental Alienation doctrine is still applied in the Irish Family Courts.

- Family Court is held in camera and this enables bias. The in-camera rule must end immediately as it helps perpetrators and silences mothers.
- Mothers are losing their babies to state care for arbitrary reasons. There is no transparency and once the baby is in State Care, the Courts favour the status quo. The burden of proof is on the mother rather than the organ of the state, in this case the family and child agency. We view the current treatment of mothers by the family Courts as the same violence against mothers that was done by the State from 1922 until 1997 via the system of Mother and Baby Homes.