



Quality in Gender+ Equality Policies

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Integrated Project

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Issue Histories Ireland: Series of Timelines of Policy Debates

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1. INTRODUCTION

This report provides an account of the timelines of the debates and developments on gender+ equality policies in Ireland. It is a history of the development of policies on general gender equality, non-employment, intimate citizenship and gender-based violence in Ireland.

The focus of the time period is 1995-2007, however, some earlier events are also reported where they are important for understanding subsequent policy developments.

2. LEGISLATION, PLANS AND INSTITUTIONAL STRUCTURES

2.1 General Legislation ¹

The Irish Constitution is the basic general law in Ireland which can only be changed by a referendum in which every citizen of Ireland, over the age of 18, is entitled to vote. The present Constitution was passed by a referendum in 1937, thus replacing the original 1922 Constitution (which was set up when Ireland gained independence from the UK in 1922). No law can be passed if the law does not agree with the Constitution. There have been 27 amendments to the Constitution. The Constitution contains a general provision that allows the State to give “due regard to the differences of capacity, physical and moral, and of social function” between citizens. Further, it recognises a unique role for women in the home and as mothers, and the State recognises the family as “a moral institution possessing inalienable and imprescriptible rights” and guarantees to protect it and the institution of marriage.²

The EU – Ireland joined the EU in 1973 and advances made by and for women/equality in Ireland “have been to some extent fostered by the obligations imposed by the EU on the Irish Government” (Smiszek), for instance the removal of the marriage bar in public service. The EU has been especially significant in legislation and policy relating to equal pay, and improvements in maternity leave and parental leave.

Two major pieces of equality-based policies and legislation in Ireland include the *Employment Equality Act* 1998 and the *Equal Status Act* 2000 prohibiting discrimination in both employment and non-employment areas on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, ethnicity/race, and membership of the Traveller community. These two Acts were both influenced by the Beijing Declaration and Platform for Action, as well as the EU.

Pre Quing

1922 Ireland gained independence from the UK

1973 Ireland joins the EU – removal of the marriage bar and the acceptance of the *acquis communautaire*.

1973 Minimum Notice and Terms of Employment Act, 1973 (1973, No. 4)

1976 Family Home Protection Act of 1976³

1977 Equal Pay Act and Employment Equality Act (also established the Employment Equality Agency) following EU directive.

Ireland acceded to the UN Convention for the Elimination of Discrimination against Women (CEDAW).

¹ All legal acts at: <http://www.legislationline.org> 1999-2005:

<http://www.ucc.ie/law/irl/ii/statutes/statutes.php>. Citizen's Information (2007) lists laws on sexual offences in Ireland. Dublin: Citizen's Information Board. <http://www.citizensinformation.ie>.

² Constitution of Ireland <http://www.constitution.ie/reports/ConstitutionofIreland.pdf>

³ <http://www.legislationline.org/legislation.php?tid=99&lid=1643&less=false>

1983 Pro Life Amendment to the Irish Constitution banned abortion, with long-lasting effects.
1987 Tenth Amendment of the Irish Constitution permitted the signing of the Single European Act (adopted in response to the Supreme Court ruling). Fine Gael, The Progressive Democrats and farmers' and employers' organizations were in favour of the change, and Labour and the Workers' party were against it.

1990 The Criminal Law (Rape) (Amendment) Act extended the definition of rape

1993 Matrimonial Home Bill of 1993

1993 The Criminal Law (Sexual Offences) Act 1993 prohibits soliciting or importuning for purposes of prostitution as well as loitering.

1994 Maternity Protection Act (Maternity leave extended) Plus amendment bill (see 2003)

1992 Eleventh Amendment of the Irish Constitution allowed Ireland to ratify the Maastricht Treaty. Anti abortion groups opposed the amendment fearing it would lead to the legalisation of abortion.

1992 Thirteenth Amendment to the Irish Constitution specifies that the right to travel is not limited (as a consequence of EU law), even if the travel is in order to have an abortion. Therefore, a woman may travel abroad to have an abortion. This followed a court ruling in the X case where a 14 year old girl pregnant as a result of rape had sought an abortion abroad.

1992 Fourteenth Amendment specified that despite the illegality of abortion in Ireland it was legal (because of EU law) to distribute information about abortion services in other countries.

QUING period

1996 EU Parental Leave Directive⁴

This granted both men and women a minimum of 3 months parental leave for the birth or adoption of a child. The Directive is based on a framework agreement by the Social Partners.⁵

1996 EU implementation of Equal treatment in social security

Council directive on the implementation of the principle of equal treatment for men and women in occupational social security schemes⁶

1996 Family Law (Divorce) Act 1996⁷ legalised divorce in Ireland. This followed an amendment to the Constitution (Fifteenth Amendment) which had previously prohibited divorce. However, the grounds for divorce were tightly drawn. The married couple had to

⁴ Council directive on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC - 96/34/EC of 3 June 1996.

⁵ See also "Report from the Commission on the Implementation of Council Directive 96/34/EC of 3rd June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC" - COM (2003) 358 (19/6/2003)

http://ec.europa.eu/employment_social/equ_opp/documents/com2003358_en.pdf

⁶ Council directive on the implementation of the principle of equal treatment for men and women in occupational social security schemes - 96/97/EC of 20 December 1996 amending Directive 86/378/EEC

⁷ <http://acts.oireachtas.ie/zza33y1996.1.html>

live apart for at least four of five years before the proceedings; and there is no principle of clean break, so couples remain financially entangled.

1996 Domestic Violence Act⁸ extended safety, barring and protection orders to non-spouses, gave health boards powers to apply for orders, allowed arrest without warrant for breach. The act outlines civil and criminal provisions in the area of domestic violence. Protection is extended to co-habitants, other adults living together, and to parents regarding a violent adult child. The Act extended to cohabiting heterosexual couples, as well as some blood relatives, the option to apply for Barring Orders (court orders which remove the violent persons from the home). The Act, however, does not allow lesbian women to apply for Barring Orders to remove violent female cohabiting partners from the home.⁹

1996 Refugee Act (not fully implemented until 2000) is the main Irish legislation on Irish asylum procedures and interprets the UN 1951 Convention. The Act extends the Geneva Convention definition of a refugee to include a person at risk of persecution by reason of gender, sexual orientation or membership of a trade union.

1997 EU Amsterdam Treaty comes into force on 1 May 1999

1997 Non Fatal Offences against the person Act¹⁰ replaced the 1996 Domestic Violence Act and brings together all crimes against the person under one act. Prosecutions of FGM are possible under this act, even though FGM is not named as such. The Act also covers harassment and stalking.

1997 Family Law Act amended the law in relation to notification of intention to marry, barring orders where the violent partner in cases of domestic violence may be excluded from the home. It also changed the powers of attorney and distribution of disclaimed estates.¹¹

1997 EU Directive on Burden of Proof shifts the burden of proof in sex discrimination cases.¹²

1998 EU Part-time Workers Directive prohibits discrimination against part-time workers, e.g. including pro-rata pay and benefits to full-timers, but does not give a right to work part-time.

⁸ <http://www.irishstatutebook.ie/1996/en/act/pub/0001/index.html>

⁹ NGO submission:

http://www.iccl.ie/DB_Data/publications/TheCommitteeontheEliminationofDiscriminationAgainstWomen-SubmissionbyTheWomensCommitteeoftheICCL.pdf

¹⁰ Act: <http://www.irishstatutebook.ie/1997/en/act/pub/0026/index.html>. See also the Bill and Parliamentary debates: <http://historical-debates.oireachtas.ie/S/0151/S.0151.199705070010.html>

¹¹ See also 1997 Family Law (Amendment) Bill:

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1997/0497/document1.htm> and 1997 Family Law (Miscellaneous Provisions) Bill:

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1997/3497/document1.htm>

¹² Council Directive 97/80/EC of 15 December 1997

1998 Eighteenth Amendment to the Constitution to allow ratification of Amsterdam Treaty.

1998 Parental Leave Act enacted to give effect to 1996 EU Directive on Parental Leave.¹³

1998 Child Trafficking and Pornography Act makes it an offence, punishable by up to life imprisonment, for any person to organise or knowingly facilitate the entry into, transit through, or exit from the State of a child for the purpose of his/her sexual exploitation. See also 1997 Child Trafficking and Pornography Bill¹⁴ (introduced the prohibition of trafficking in, or the use of, children for the purposes of their sexual exploitation and the production, dissemination, handling or possession of child pornography).

1998 Employment Equality Act¹⁵ outlaws discrimination in employment on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership of the Traveller community (e.g. Roma). The Act covers more grounds than EU legislation required. The Employment Equality Act 1998 defines sexual harassment as unwanted physical intimacy, requests for sexual favours, spoken words and gestures and the display or circulation of written words, pictures or other materials in the workplace. Unwelcome requests or conduct that could reasonably be regarded as sexually- or otherwise on the gender ground- offensive, humiliating or intimidating, shall constitute sexual harassment. The Act provides for exemptions for institutions with a religious ethos, in the past this ground was used to justify the dismissal by a religious school of a woman who became pregnant outside marriage. According to the Irish Council for Civil Liberties Women's Committee "The government chose to retain this provision despite widespread calls from NGOs and trade unions for its removal. We believe that provisions such as these have had and will continue to have a disproportionate impact on women".¹⁶

The Act was introduced in connection with the EU Directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions (Directive 75/117/EEC).

2000 EU Framework Directive for Equal Treatment in Employment and Occupation

This requires Member States to implement legislation prohibiting discrimination on grounds of sexual orientation and religious discrimination by December 2003 and on grounds of age and disability by December 2006.

2000 EU Directive establishing a general framework for equal treatment in employment and occupation on the grounds of religion or belief, disability, age or sexual orientation.¹⁷

¹³ See also Parental Leave Bill, 1998

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1998/3998/document1.htm>

¹⁴ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1997/7397/document1.htm>

¹⁵ Employment Equality Act: <http://193.178.1.9/eng/index.asp?locID=60&docID=205>

¹⁶

http://www.iccl.ie/DB_Data/publications/TheCommitteeontheEliminationofDiscriminationAgainstWomen-SubmissionbyTheWomensCommitteeoftheICCL.pdf

¹⁷ Council directive 2000/78/EC of 27 November 2000

2000 EU Anti Discrimination Directive on implementing the principle of equal treatment between persons irrespective of racial and ethnic origin.¹⁸

2000 Equal Status Act¹⁹ gives protection against discrimination in the provision of goods and services, going beyond the employment provisions of the Employment Equality Act 1998. In extending this protection to all of the nine grounds in the Employment Equality Act 1998 it goes beyond current EU law, which extends this protection to only some of these. The Act covers all goods and services which are available to the public, whether on payment or not and irrespective of whether provided by the public sector or private sector. "Services" are defined broadly to include access to public places, banking and insurance services, entertainment, travel, transport, professional services, education, disposal of premises and provision of accommodation and registered clubs. There are some exemptions.²⁰

2000 Illegal immigrants Act²¹ creates the offence of trafficking in illegal immigrants. Such an offence is committed by a person who organises or knowingly facilitates the entry into the State of a person whom he or she knows or has reasonable cause to believe to be an illegal immigrant or a person who intends to seek asylum. Since September 2000, about fifty (50) persons suspected of committing a breach of section 2, Illegal Immigrants (Trafficking) Act, 2000, have been arrested. To date, three (3) people have been charged. One of those persons has subsequently been convicted while the other two cases are before the Courts.

2001 Sex Offenders Act²² has three main provisions. First it protects children and other vulnerable persons against sexual abuse or attack through the introduction of a notification system for convicted sex offenders. Second, it introduces separate legal representation in certain circumstances for complainants in rape and other serious sexual assault trials. Third, it significantly increases the penalty for sexual assault.²³

2001 Carer's Leave Act²⁴ widens the conditions under which employees are entitled to leave their employment to care for another person. The person being cared for ("a relevant person") may be a relative or a friend and is subject to approval as a relevant person by civil servants.

¹⁸ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

¹⁹ http://www.ucc.ie/law/irlii/statutes/2000_8.htm

²⁰ See also 1997 Equal Status Bill:

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1997/0697/document1.htm>

²¹ <http://www.irishstatutebook.ie/2000/en/act/pub/0029/index.html>

²² http://www.ucc.ie/law/irlii/statutes/2001_18.htm

²³ See also 1998 Criminal Law (Rape) (Sexual Experience of Complainant) Bill

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1998/7298/document1.htm>; 1998 Sexual Offenders Registration Bill

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1998/1198/document1.htm>; 1998

Children (Reporting of Alleged Abuse) changed to Protections for Persons Reporting Child Abuse Bill

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1998/0398/document1.htm>

²⁴ http://www.ucc.ie/law/irlii/statutes/2001_19.htm

2001 Prohibition of Female Genital Mutilation Bill²⁵ was introduced but has not been passed into an Act, so no specific offence is on the statute book.

2001 Children Act authorised courts to order health boards to convene a family welfare conference where a child requires special care or protection. The health board can apply for a care order or supervision order if necessary.²⁶

2001 Protection of Employees (Part-Time Work) Act implemented Directive 97/81/EC and provides that a Part-Time Employee cannot be treated in a less favourable manner than a comparable full-time employee in relation to conditions of employment.

2001 Maternity Protection (Extension of Periods of Leave) Order extended paid maternity leave entitlements to the current levels of 18 weeks (previously 14 weeks). The legislation drew on a report from the Working Group on the Review and Improvement of Maternity Protection Legislation, set up in 2000²⁷.

2001 Adoptive Leave (Extension of Periods of Leave) Order extended adoptive leave entitlements in the same way as the 2001 Maternity Protection legislation.

2002 Social Welfare Act provides for increases in the rates of social insurance and social assistance payments.

2002 Twenty-sixth Amendment to the Irish Constitution allowed Ireland to ratify the Nice Treaty.

2002 EU Equal Treatment (Amendment) Directive, regarding access to employment, vocational training and promotion, and working conditions, amends the Equal Treatment

²⁵ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2001/1501/default.htm>

²⁶ See also Children's Bill 1997:

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1997/3597/document1.htm>

²⁷ Other recommendations of the *Working Group on the Review and Improvement of Maternity Protection Legislation* remain to be implemented. These include: breastfeeding facilities/facilities to express breast milk or reduction of working hours for breastfeeding mothers up to 4 months after the birth; paid time off work for expectant mothers to attend one complete set of ante-natal classes and a one off right for fathers to paid time off to attend the two ante-natal classes immediately prior to the birth; the period of additional (unpaid) maternity leave will count for all employment rights (except remuneration and superannuation benefits); provision for breastfeeding mothers who have given birth within the previous 4 months with an entitlement, without loss of pay, to either an adjustment of working hours or where breastfeeding facilities are provided by the employer, breastfeeding breaks." (Irish combined fourth and fifth reports to CEDAW, 2005)

<http://daccessdds.un.org/doc/UNDOC/GEN/N03/409/07/PDF/N0340907.pdf?OpenElement>

Implementation of these recommendations will necessitate the drafting of primary legislation and subsequent regulations.

Directive, most importantly by adding a definition of sexual harassment and of harassment. Implementation by September 2005.²⁸

2002 Domestic Violence (Amendment) Act²⁹ amends the 1996 domestic violence Act by making possible interim barring orders ex parte (i.e. an application where one party can apply for an initial court order in an urgent case without notice to or in the absence of the other party), which had previously been held to be unconstitutional by the Supreme Court. The new section (4) (3) stipulates that an ex parte order has effect for a limited duration.³⁰

2002 Pensions (Amendment) Act was intended to improve the position of women with broken employment records due to childcare and other responsibilities through the introduction of personal retirement savings accounts. (This adds to the practice from the 1990 change on home-workers which allowed care work to count towards state pension entitlements.)

2003 Social Welfare (Miscellaneous Provisions) Act provides for increases in Child Benefit and the Respite Care Grant, extends Child Dependent Allowances for certain recipients of short-term social welfare payments and provides for changes in the means test for certain social assistance schemes. It increases the rates of social insurance and social assistance payments and the amount of the Widowed Parent Grant. It excludes from entitlement certain non-EEA nationals including asylum seekers.

2003 Protection of employees (fixed term work) Act³¹ implements EU Directive 1999/70/EC concerning the Framework Agreement on Fixed-Term Work. It improves the quality of fixed-term work by making it illegal to treat fixed-term workers less favourably than comparable permanent workers.

2004 EU Gender Directive³² implements the principle of equal treatment between men and women in the access to and supply of goods and services, legally prohibiting discrimination. This is the first Directive on gender equality to go beyond employment. It includes: discrimination against men and women; against transsexual men and women (on grounds of gender reassignment); and discrimination for reasons of pregnancy and maternity.

2004 Equality Act implements the EU law on sexual orientation discrimination.

²⁸ Council directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC

²⁹ <http://www.ucc.ie/law/irlii/statutes/2002-30.php>

³⁰ See also Domestic Violence (Amendment) Bill, 2002
<http://www.oireachtas.ie/documents/bills28/acts/2002/a3002.pdf>

³¹ <http://www.ucc.ie/law/irlii/statutes/2003-29.php>

³² EU Directive 2004/113/EC http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_373/l_37320041221en00370043.pdf

2005 Social Welfare and Pension³³ amends and extends the previous social welfare acts 2004 (to give effect to EU Directive 2003/41/EC)³⁴ and includes changes in the institutional responsibilities for pensions, and the right of state borrowing from pensions funds (nothing that directly effects gender+ equality though).³⁵

2006 EU Equal Opportunities Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

2006 Social Welfare Act

2006 Criminal Justice Act 2006 creates a new offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or an abuser and who intentionally or recklessly endangers a child by 1) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse or 2) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

2006 Criminal law (Sexual Offences) Act³⁶ re-enacts, in gender neutral terms, the provision struck down by the Supreme Court and allied provisions of the Criminal Law Amendment Act 1935 and the Criminal Law (Sexual Offences) Act 1993 which protected young persons following the de-criminalisation of homosexual acts. This 2006 Act makes it an offence to engage in a sexual act with a boy or girl less than 17 years old. It includes the defence of mistake as to age. It provides more severe penalties for persons in authority.

2007 Criminal Law (Sexual Offences) (Amendment) Act³⁷ amends the Criminal Law (Sexual Offences) Act 1993, the Child Trafficking and Pornography Act 1998 and the Criminal Law (Sexual Offences) Act 2006. It includes longer sentences for sexual offences, and includes the offence of soliciting or importuning for prostitution (in relation to children, this offence was included in the 1993 Act but was omitted from the 2006 Act).

2007 Social Welfare and Pensions Act³⁸

³³ <http://www.ucc.ie/law/irlii/statutes/2005-04.php>

³⁴ EC Council Directive 2003/41/EC on the activities and supervision of Institutions for Occupational Retirement Provision (IORP).

³⁵ See also Minister for Social and Family Affairs speech on 2nd March 2005 <http://www.welfare.ie/press/sp05/sp020305.pdf>

³⁶ <http://www.oireachtas.ie/documents/bills28/acts/2006/A1506.pdf>

³⁷ 2007 Act <http://www.oireachtas.ie/documents/bills28/acts/2007/a607.pdf>. See also Bill Number 20 of 2007 <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2007/2007/document1.htm>

³⁸ <http://www.oireachtas.ie/documents/bills28/acts/2007/a807.pdf>

2.2 National Action Plans

The National Action Plan for Gender Equality for 2000-2005 (rights focused).

National Development Plan 2000-2006 includes gender mainstreaming as a strategy to promote equal opportunities between women and men (51 billion euro over seven years). Approximately 130 measures were funded, organised into six 'Operational Programmes: Employment and Human Resources; Productive Sector; Economic and Social Infrastructure; Peace (to promote peace and reconciliation in the border region); and two regional programmes - one for the Border, Midland and West region, and the other for the Southern and Eastern region. Gender mainstreaming is required for all but six of the NDP measures (these are water, waste water, waste management, energy, coastal protection, and roads).³⁹

National Development Plan 2007-13 designates social inclusion as a high priority spending area, with proposed investment into children's services, working age education and employment support programmes, initiatives supporting older people and disabled people, investment in disadvantaged urban areas, support for diverse communities, and investment in the promotion of immigrant integration, language support, the national action plan against racism, and gender equality.⁴⁰

National Action Plan Against Poverty and Social Exclusion⁴¹

Domestic violence is addressed in the action plan, and policy outcome of the plan is to develop the institutional structure to better combat domestic violence.

2.3 Short history of the development of gender equality machinery in the government and its relationship with governmental institutions for other equalities.

Date of **accession** to EC: 1973.

Daly and Clavero (2003)⁴² identify two distinct periods in Irish equality policy. The first was in the early 1970's when legislation on equal pay and equal treatment followed accession to EC with the Anti-Discrimination (Pay) Act 1974 (making it unlawful to discriminate on grounds of sex or marital status) and the Employment Equality Act 1977 (making it unlawful to discriminate on grounds of sex or marital status for the purpose of access to employment, promotion and working conditions). The latter act established a state agency with a specific brief on gender equality, the 'Employment Equality Agency' (1977). The second period in the 1990's saw reforms of equality legislation and the creation of a new agency, with the

³⁹ http://www.ndp.ie/documents/publications/ndp_csf_docs/NDP_complete_text.pdf

⁴⁰ <http://www.ndp.ie/documents/ndp2007-2013/NDP-2007-2013-English.pdf>

⁴¹ http://www.welfare.ie/publications/naps/nactplan/napincl_plan0305.pdf

⁴² Daly, Mary and Sara Clavero. 2003. EQUAPOL: Gender sensitive and woman friendly public policies: A comparative analysis of their progress and impact: Ireland. Belfast: School of Sociology and Social Policy, Queen's University, Belfast.

main drivers being both national and international. According to Daly and Clavero (2003: 2) 'The highly consensual form of national planning, known as social partnership, was of major significance'. There was also pressure from the report of the Second Commission on the Status of Women (1993), women's groups in general and the influence of one of the social partnership advisory bodies- the National Economic and Social Forum- which had developed an understanding of equality in terms of outcomes. Internationally, as a signatory to the UN Platform for Action in Beijing (1995), Ireland drew up a national plan for women and a monitoring process. Adoption of gender mainstreaming by the EU following Beijing was also an important influence. Daly and Clavero (2003) argue that Ireland now has a distinctive gender equality policy where there is a focus on equality generally rather than a specific focus on gender and where there has been a strong legalistic approach with considerable influence from EU Directives and regulations.

Government and Parliamentary bodies: Gender machinery

Department of Justice, Equality and Law Reform

The Ministry for Equality (1993) was a new department responsible for promoting and implementing equality of treatment for all persons experiencing disability, disadvantage and discrimination- through institutional, administrative and legal reform. It merged in 1995 with the Department for Justice which was renamed- the '**Department of Justice, Equality and Law Reform**' which downgraded the status of minister responsible (junior minister) and was therefore no longer represented directly in cabinet. According to National Women's Commission, this has led to a reduction in the prominence of a gender equality policy profile.

Gender Equality Unit (2000-06; end of 2007-)

The National Women's Strategy (2007-16) states that the work to undertake the strategy will be supported by a small team of technical gender experts in a dedicated (re-established) Gender Equality Unit within the Equality division of the Department of Justice, Equality and Law Reform as the Central Gender Mainstreaming Unit (by end of 2007). This unit will provide training and support to other departments. The strategy also proposes that formal mainstreaming supports in government departments will be established by the end of 2008 and that departmental strategy statements will include linkages with the National Women's Strategy as a cross-departmental initiative.

The proposed unit will re-establish The Gender Equality Unit which was established under the National Development Plan. The Unit was set up to advise policy makers on how to incorporate a gender equality perspective into the development, implementation and evaluation of National Development Plan policies (i.e. to assist government departments and state agencies to gender mainstream their policies and programmes). The work of the unit included providing training and information on issues relating to gender in the NDP, collecting and analysing data, and advising on the gender impact assessment of NDP policy proposals.⁴³

⁴³ <http://www.ndpgenderequality.ie/>

The Equality Authority (1999)

The Equality Authority⁴⁴ is an independent statutory body with the mandate to eliminate discrimination and promote equality of opportunity. The board of the Equality Authority includes representatives from government, employers' associations, trade unions and the National Women's Council for Ireland. The Employment Equality Act, 1998 and the Equal Status Act, 2000 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally have access on nine distinct grounds: gender, marital status, family status, age, disability, race, sexual orientation, religious belief, and membership of traveller / gypsy community. Mainstreaming equality was included in the Equality Authority's Strategic Plan 2000-2002. The Equality Authority is independent of the political party in government. The authority was established following the Employment Equality Act 1998 and was preceded by the Employment Equality Agency (established in 1997). In 2007 the Equality Authority published the National Strategy for Ireland for the 2007 European Year of Equal Opportunities for All.⁴⁵ According to the 2006 Strategic Plan⁴⁶, the Equality Authority operates within a wider infrastructure of public institutions contributing to the promotion of equality which include: The Department of Justice, Equality and Law Reform; The Irish Human Rights Commission; The National Disability Authority; The Office of Social Inclusion within the Department of Social and Family Affairs; The Combat Poverty Agency; The National Council on Ageing and Older People; The National Consultative Committee on Racism and Interculturalism; The Equality Commission for Northern Ireland; The Joint Equality and Human Rights Forum involving statutory equality and human rights bodies in Ireland, Northern Ireland and Britain; The Anti Discrimination Unit of the European Commission; The EU Advisory Committee on Equality of Opportunity between Women and Men; and EQUINET the European Network of specialised equality bodies.

(Parliamentary) Oireachtas Joint Committee on Women's Rights

The Committee on Women's Rights was first established in 1983 with membership drawn from both Houses of the Oireachtas (Parliament). It was established to examine or propose legislative measures affecting the interests of women, to consider means to eliminate any areas of discrimination against women, and to consider specific disadvantages affecting women in the home and to propose changes to eliminate these disadvantages. Since 1997 the effect of reform of the committee system with the establishing of a committee with a broader remit 'Joint Committee on Justice, Equality, Defence and Women's Rights' and Select Committee⁴⁷ is seen as diminishing its influence (Daly and Clavero 2003; Galligan 2000⁴⁸).

⁴⁴ <http://www.equality.ie/index.asp?locID=3&docID=-1>

⁴⁵ <http://www.equality.ie/index.asp?locID=271&docID=-1>

⁴⁶ <http://www.equality.ie/index.asp?locID=106&docID=513>

⁴⁷ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/JustEquDefWomRgts-Select.htm>

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/JustEquDefWomRgts.htm>

⁴⁸ Galligan, Yvonne. 2000. The development of mechanisms to monitor progress in achieving gender equality in Ireland. Dublin: Department of Justice, Equality and Law Reform.

First and second Commission of the Status of Women

1970 First Commission on the Status of Women (Report 1972).

1990 Second Commission on the Status of Women. Established by the government to review the implementation of the recommendations of the first commission and to consider and make recommendations on the means to enable women to participate on equal terms and conditions with men, with special attention to the needs of women in the home. The report was presented to Government in January 1993, concluding that equality requires power sharing and partnership at the domestic level as well as within the wider community. Its implementation was monitored by the Department for Equality and Law Reform (CEDAW report Ireland 1997).

Gender Equality Monitoring Committee: established in 1993 to oversee implementation of the recommendations of the Second Committee, with its remit broadened to include monitoring the implementation of the Beijing Platform for Action. Produced 3 reports (1994, 1996 and 1999). By 1999, the committee decided to pursue a new agenda and on the advice of the committee the Department of Justice commissioned research into the development of mechanisms to monitor progress. The committee proposed that the best way to move forward would be to draw up a National Plan for Women.⁴⁹

A **Task Force on Domestic Violence** focusing on domestic violence, rape and sexual assault was established in 1996. In response to the report of the task force a **National Steering Committee** on Violence Against Women was set up in 1997 comprising government departments and agencies together with representatives from NGOs.⁵⁰

Recently announced: COSC- The Irish Office for the Prevention of Domestic Violence⁵¹ within the Department of Justice, Equality and Law Reform.

Semi-state / state sponsored bodies:

The Women's Health Council

A statutory body set up in 1997 to advise the Minister for Health and Children on all aspects of women's health.⁵²

Crisis Pregnancy Agency

The Crisis Pregnancy Agency (CPA) is a planning and co-ordinating body established to formulate and implement a strategy to address the issue of crisis (unwanted) pregnancy in Ireland (where abortion is illegal). It was established in October 2001 and published the first Strategy to Address the Issue of Crisis Pregnancy in November 2003.⁵³

The Equality Authority (a state sponsored body, see above)

⁴⁹ www.gendernet.at

⁵⁰ http://www.justice.ie/en/JELR/Pages/Appointment_of_head_of_COSC

<http://www.justice.ie/en/JELR/Pages/WP07000027>

⁵¹ See NWCI criticism of the announcement of this office, which excludes NGO expertise in the area of violence against women.

⁵² <http://www.whc.ie/about/index.html>

⁵³ <http://www.crisispregnancy.ie/>

National Women's Council of Ireland

Founded in 1973 as Council for Status of Women, renamed in 1995. The National Women's Council of Ireland (NWCI) is an umbrella body which groups together approximately 160 NGOs – acting as the national representative organisation of women. NWCI is the member organisation for Ireland of the European Women's Lobby. It has sought to articulate a consensus view from members, initiated political campaigns for women's rights, and has influenced government agenda and policies. It is considered an important part of the institutional framework.

National Economic and Social Forum

This forum was established in 1993 as a consultative body with members of the Oireachtas, the social partners (trade unions, employers and farming organisations), representatives of women's organisations, the unemployed, disadvantaged and other groups who have been excluded from the consultation process. The forum aimed to establish consensus on social and economic issues and had a major focus on measures to tackle unemployment.

Primary sources:

Department of Justice, Equality and Law Reform (2007) *National Women's Strategy 2007-2015*⁵⁴ (148 pages)

National Women's Council of Ireland (2007) *What women want from the next Irish Government*⁵⁵ (4 pages)

UN CEDAW (1999) *Ireland Second and Third Periodic Reports of States Parties*⁵⁶ (148 pages)

UN CEDAW (2003) *Ireland Combined Fourth and Fifth Periodic Reports of States Parties*⁵⁷ (141 pages).

⁵⁴ <http://www.justice.ie/en/JELR/National%20Womens%20Strategy%20PDF.pdf/Files/National%20Womens%20Strategy%20PDF.pdf>

⁵⁵ http://www.nwci.ie/publications/published_reports/what_women_want_from_the_next_irish_government_nwci_election_2007_manifesto

⁵⁶ <http://daccessdds.un.org/doc/UNDOC/GEN/N97/266/28/IMG/N9726628.pdf?OpenElement>

⁵⁷ <http://daccessdds.un.org/doc/UNDOC/GEN/N03/409/07/PDF/N0340907.pdf?OpenElement>

3. NON-EMPLOYMENT

Introduction

In Ireland the most relevant sub-issues to track in relation to non-employment comprise: changes in the tax-benefits system in relation to the position of mothers / carers / lone mothers; care work, particularly the (lack of) provision of childcare; the reconciliation of work and family life and increasing leave provisions; and the gender pay gap.

Ireland has seen high economic growth over the past couple of decades, hence is sometimes called the 'Celtic Tiger' or 'Tigress', given the large increase in women's employment over this period, particularly for married women. This economic growth has taken place in a society where the influence of conservative Catholicism (though declining over recent years) remains embedded in the structure of Irish society.⁵⁸ According to Daly and Yeates (2003: 88)⁵⁹, the Catholic Church has acted as a brake on the development of a welfare state. They argue that traditionalist (as opposed to social) Catholicism has prevailed in Ireland in which the Church sought absolute control and sovereignty in particular spheres, including social policy as it affected the family.

As Jo Murphy-Lawless (2000: 89)⁶⁰ states, the entrance of women into the formal workforce has dramatically broken 'the traditional ideology of women as child bearers and homemakers.' Historically, women's rate of participation in paid employment has been very low though with high engagement in work on male-headed family farms.⁶¹ Women were confined to work in the home with their exclusion from paid work reinforced by the ban on the employment of married women in the civil service, local authorities and health boards, which was only removed in 1973 on joining the EU.

Mahon (1987) notes that the 1937 Irish Constitution has endorsed a patriarchal system in which the male is considered the breadwinner and the woman is confined to the domestic sphere. According to article 41 of the Constitution:

In particular, 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.
And...

⁵⁸ For further information about the influence of the Church in Ireland see Evelyn Mahon (1987)

⁵⁹ Daly, Mary, and Nicola Yeates. 2003. Common origins, different paths: adaptation and change in social security in Britain and Ireland. *Policy and Politics* 31 (1):81-97.

⁶⁰ Murphy-Lawless, Jo. 2000. Changing women's lives: Child care policy in Ireland. *Feminist Economics* 6 (1):89-94.

⁶¹ For further information regarding women in farming, and the way their labour has been neither recognised nor rewarded (which has had important consequences in terms of women's professional, legal, tax and social security status), see O'Hara, Patricia (1997) *Partners in production? Women, farm and family in Ireland*. Oxford: Berghahn Books. 'Off-farm' employment, by both men and women, has become increasingly common as a way of supplementing the family income to ensure the economic viability of farming.

The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.⁶²

The topics considered in this issue history: the (non)employment of mothers, the lack of childcare, inadequate leave provisions, and the gender pay gap, need to be seen in this context of Ireland as a highly patriarchal and religious society where the family (mother) is seen as the proper provider of care.

Although the increase in the rate of employment amongst women has been rapid and large⁶³, because of the low starting point, the rate remains relatively low in comparison to other EU countries. The issue of women's employment, in particular mother's paid work, continues to be a sensitive issue. There appears to be ambivalence on the part of government and NGOs, on the one hand promoting employment amongst women, on the other, stating that women should have the 'choice' to remain at home with concern that care labour should be recognised and valued. However, recent documents seem to be moving closer to a position where it is implied that women *should* be employed and the mention of 'home duties' appears to be declining.

But, as Murphy-Lawless (2000) notes, the growth in women's employment has been characterised by their concentration in low paid, low skilled, part-time jobs. At the same time, there continues to be a severe lack of affordable quality childcare. In this context, it is difficult for lone mothers, who are at particular risk of poverty, to participate in the formal workforce.

Another feature of Ireland important to note in considering the sub-issue of non-employment in Ireland is the (tripartite) Social Partnership Agreements- between government, trade unions and employers. These pacts have been in place since 1987, initiated during a period of high unemployment and economic recession, and are seen as a major factor in the success of the Irish economy over recent years. At the same time however, it is notable that social expenditure remains very low in Ireland relative to most other EU member states⁶⁴ (total public social expenditure of 15.9% of GDP, OECD 2007⁶⁵).

⁶² This item was recently discussed in the Parliamentary (Oireachtas) Committee on the Family where it was concluded that the language used was outdated and sexist. Amending the Constitution (which requires a referendum) is still under consideration.

⁶³ According to the Quarterly National Household Survey (May 2007) the current rate of participation in employment amongst females aged 15 and over is 53.2% (compared to rate for males of 72.8%), in contrast to around 30% in 1985.

http://www.cso.ie/releasespublications/documents/labour_market/current/qnhs.pdf

<http://www.cso.ie/releasespublications/documents/statisticalyearbook/2006/Chapter%20%20Labour%20Market%20and%20Social%20Inclusion.pdf>

⁶⁴ Eurostat (20-10-05) News release 'Social protection in the EU 2002'

http://epp.eurostat.ec.eu.int/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_2005/PGE_CAT_PREREL_YEAR_2005_MONTH_10/3-20102005-EN-BP.PDF

⁶⁵ OECD (2007) Society at a glance 2007

<http://www.oecd.org/dataoecd/12/7/38138100.xls>

- Tax and benefits system and the position of mothers/ lone mothers / carers

Possibly the most visible and controversial sub-issue to track is that of the position of women – as mothers and as carers – in relation to paid employment. While the care work of women receives some ‘symbolic’ recognition (e.g. in the Constitution), in practice their labour has not valued or rewarded economically, with the consequence that large numbers women experience poverty – particularly as lone mothers and in later life. Some legislation has set about reforming the system (e.g. Homemaker Scheme, see below 1994). A recent OECD report suggests that the current tax-benefit system is in need of reform in order to promote participation in paid work. It suggests that the Early Childcare Supplement⁶⁶ (introduced 2006, see timeline) which was ‘introduced to help parents of children under the age of six to meet their childcare needs’ is ‘an extremely expensive solution that involves considerable deadweight costs, but was chosen to reflect public preferences for not discriminating against mothers at home’ (OECD 2006: 9)⁶⁷. The report also notes that: the income tax system contains elements of individual and joint taxation; that marginal tax rates on second earners are higher than they need to be which may act to discourage second earners to work full-time; and that there are a high number of sole mothers with a low employment rate, reducing labour supply and increasing child poverty.

Barry and Conlon (2004)⁶⁸ also note that the largely household based welfare system acts as a disincentive to employment for women who are potential earners due to the household impact of all earnings. They further observe that the government commitment to individualisation in taxation slowed in 2003 (the National Women’s Council for Ireland has been lobbying for individualisation), and that the aim of this policy to increase women’s employment may be contradicted by other policies, such as the low level of childcare, that have the opposite effect.

In 2006, a report entitled ‘Proposals for supporting lone parents’ discussed options for reform, with recognition of the barriers to employment and the extent of poverty experienced by lone mothers (and acknowledging the high proportion of lone mothers in Ireland). The idea of increased promotion of employment was discussed, though in the current context of a lack of childcare the case cannot be made strongly. While mothers’ position as non-employed in Ireland largely seems legitimate (especially when children are young with part-time employment thereafter), this legitimacy appears precarious. Attitudes towards the non-employment of lone mothers claiming benefits can be seen as a ‘litmus test’ of legitimacy in this regard (since this group of mothers often seems the first to be targeted by, for instance, active labour market policies). Increasingly it seems as if the state is moving towards de-

⁶⁶ Responsibility for the scheme belongs to the Department of Health and Children. It is a direct, non-taxable payment, to be paid at the end of each quarter for each child under 6 years of age who receives Child Benefit, amounting to €1,000 per year for each eligible child.

<http://www.welfare.ie/schemes/families/ecs.html>

⁶⁷ OECD (2006) Economic survey of Ireland, 2006 (policy brief)

<http://www.oecd.org/dataoecd/28/47/36204794.pdf>

⁶⁸ Barry, Ursula and Catherine Conlon. 2004. Gender equality perspective on Ireland’s National Employment Action Plan 2004: Irish report. Dublin: Women’s Education and Research Centre and Resource Centre, University College Dublin.

legitimising the non-employment of lone mothers, with emphasis upon paid work as the best route out of poverty.

Also significant in considering this topic is the position of migrants in Ireland. As Luibheid (2004)⁶⁹ notes, Ireland has previously been a country associated with emigration rather than immigration but with the high level of economic growth this has changed. A distinction has been constructed between 'economic' migrants and asylum seekers / refugees, with a concern to limit the numbers in the latter group (there has been particular controversy over asylum seekers' childbearing, with media claims that childbearing was being used to circumvent the asylum process, see Luibheid 2006)⁷⁰. The citizenship status of asylum seekers has shifted over the period being considered here (1995-2007) and their current positioning is such that their entitlement to benefits is restricted and they lack access to employment.^{71 72}

- Carework: Childcare / care provision

Several commentators (e.g. Barry and Conlon 2004; Murphy-Lawless 2000) point out that in Ireland the poor provision of childcare has been, and continues to be, one of the main barriers to increasing female participation in employment. As Murphy-Lawless notes, there has been extensive lobbying by social critics and feminist activists demanding funding, facilities, training and support for women with childcare costs.

Over the time period considered there has been a series of initiatives to increase number of childcare places and extend hours available, particularly in disadvantaged areas. However, in the midst of various state projects and proposals, there appear to have been insufficient *resources* allocated to the development of childcare (Murphy-Lawless 2000). For example, the NWCi has criticised the recent National Women's Strategy (2007) publication, pointing out that while the strategy recognises the problem, there are no clearly defined targets on how to make childcare more affordable for women in Ireland.

(See above also, the introduction of the Early Childcare Supplement).

⁶⁹ Luibhéid, Eithne. 2004. Childbearing against the state? Asylum seeker women in the Irish Republic. *Women's Studies International Forum* 27: 335-349.

⁷⁰ Luibhéid, Eithne. 2006. Sexual regimes and migration controls: Reproducing the Irish nation-state in transnational contexts. *Feminist Review* 83:60-83.

⁷¹ Loyal and Staunton (2001) note that Asylum Rights Alliance- an umbrella organisation comprising NGOs, employer organisations and trade unions- had formally campaigned to give asylum seekers the right to work. Some groups, such as the Irish Refugee Council, argued largely on grounds of human rights, while others such as employers focused on the economic principle. Ultimately, the (temporary) right to work for asylum seekers arose as a compromise between coalition partners in government- who had a shared liberal economic agenda- the result being a right to work that was limited in scope and supporting rights and based on economic principles, with little social and material support, made in the context of labour shortages.

Loyal, Steven and Ciarán Staunton. 2001. The dynamics of political economy in Ireland: The case of asylum seekers and the right to work. *Irish Journal of Sociology* 10 (2):33-56.

⁷² In 2004, entitlement to certain welfare payments – including the previously universal child benefit- became restricted by the 'condition of habitual residence' (see timeline 2004).

- Reconciliation of work and family life: leave provisions

In Ireland, the topics most relevant to this area of reconciliation of work and family life are the provisions for leave, with lobbying by unions and women's groups for improvements to statutory entitlements. There is some attention to 'family-friendly practices' and 'work-life balance', and legislation (following the EU Directive on Parental Leave) has increased the duration of maternity and adoptive leave (paid and unpaid). However, paternity leave is not yet recognised in Employment Law in Ireland (though within the civil service there is 3 days paid leave for male employees, and there is the possibility for men to take parental leave⁷³) (this does not contravene EU law). Under the Programme for Prosperity and Fairness National agreement (2000-03) a National Framework Committee was established with representatives from TUs, government departments, the Equality Authority and employers with the aim to support family friendly voluntary initiatives in the workplace. However, there is a question as to how far such initiatives become implemented given that they are not compulsory.

- Equal Pay

Despite legislation and various initiatives, a large gender pay gap remains. Although there have been several research reports and working groups to address the inequality, these do not seem to have had a large impact. Mahon (1987)⁷⁴ notes that the call for equal pay for equal work was one of the principal demands of the women's movement. Perhaps its relative lack of visibility in the literature and policies is due to the fact that women in Ireland have been struggling hard against other elements of inequality.

3.1 Actors

Government departments

Department for Justice, Equality and Law Reform (Parental Leave entitlements)

Department of Social and Family Affairs (Social Welfare payments)

Department of Health and Children (Childcare)

Department of Enterprise, Trade and Employment (Employment Permits; Work-Life Balance; Organisation of working time; Carers' Leave)

Department of Finance

Irish National Training and Employment Authority (FAS)

⁷³ http://www.citizensinformation.ie/categories/employment/employment-rights-and-conditions/leave-and-holidays/parental_leave
http://www.citizensinformation.ie/categories/employment/employment-rights-and-conditions/leave-and-holidays/paternity_leave

⁷⁴ Mahon, Evelyn. 1987. Women's rights and Catholicism in Ireland. *New Left Review* I (166):53-77.

Gender machinery

Equality Authority (1999).

All Party Committee of the parliament – women’s rights (est. 1983)- since 1997- Joint committee on Justice, Equality, Defence and Women’s Rights- with sub-committee on women’s rights.

Second Commission on the Status of Women (est. 1990). Gender Equality monitoring committee (1993) to oversee the implementation of the recommendations of the second commission (published reports- 1994, 1996, 1999).

Since 1992- all government memoranda required to indicate impact of policy proposals on women.

‘Partnership 2000’ (National agreement): commitments to equality (social partnership between government, employers, trade unions, farmers, community and voluntary organisations), followed by ‘Programme for Prosperity and Fairness’ (2000-2003), ‘Sustaining Progress’ (2003-05) and ‘Towards 2016’ (2006-15).

National Development Plan (2000-06) and proposals regarding gender mainstreaming.

EU structural funds (2000-06) and requirement of gender mainstreaming⁷⁵.

Trade Unions

Irish Congress of Trade Unions (umbrella body covering Northern Ireland and the Republic of Ireland), as of 2005 the congress had 56 affiliated unions with women making up 45% of union membership.⁷⁶

General unions in Ireland: Services Industrial Professional Technical Union (representing over 200,000 Irish workers)⁷⁷ and the Transport and General Workers’ Union⁷⁸ (becoming ‘Unite’), and GMB (north west and Irish region)⁷⁹.

Several women’s committees within each of unions exist across Northern Ireland and the Republic.⁸⁰

Workers’ Party Ireland⁸¹

Irish National Organisation of the Unemployed: the national federation of local centres and groups concerned with combating unemployment. Established in 1987 and now comprising nearly 200 local unemployed centres, community development organisations and branches of unemployed people throughout the country.⁸²

⁷⁵ GenderNet:

http://www.gendernet.at/opencms/opencms/gnet/de/leftNav/Country_information/ie.html#1

⁷⁶ For list of Trade Unions: <http://www.ictu.ie/html/aboutcon/affuni.html#General>

⁷⁷ <http://www.siptu.ie/AboutSIPTU/>

See below for SIPTU publication on Childcare

<http://www.siptu.ie/equality/ChildCare/FileDownload,287,en.pdf>

⁷⁸ <http://www.tgwu.org.uk/Templates/RegionHomepage.asp?NodeID=42528>

⁷⁹ <http://www.gmb.org.uk/> <http://www.gmb.org.uk/Templates/Internal.asp?NodeID=90357>

⁸⁰ <http://www.ictu.ie/html/aboutcon/commit.html#Women's%20Committees>

⁸¹ <http://workerspartyireland.net/>

⁸² <http://www.inou.ie/about/>

NGOs

Some of key NGOs making submissions to government on equality policies:

National Women's Council for Ireland

National Consultative Committee on Racism and Interculturalism

One Family

OPEN

Integrate Ireland

Immigrant Council of Ireland

Irish Refugee Council

Men's Council for Ireland

Mothers at Home

WITH Irish Parent and Carer NGO

National Youth Council of Ireland

Irish National Organisation of the Unemployed

Combat Poverty

European Anti Poverty Network Ireland

Conference of Religious of Ireland⁸³

Church: Strong influence of Catholic Church throughout Ireland, both directly and indirectly.

Employers and employer bodies

Irish Small and Medium Enterprises

Irish Business and Economic Confederation

Small Firms' Association

Irish Exporters' Association

Irish Tourist Industry Confederation

Chambers of Commerce Ireland

Construction Industry Federation

Irish Farmers' Association

Irish Creamery Milk Suppliers' Association

Irish Co-operative Organisation Society Ltd.

International influences

Key influence of EU Directives in bringing about legislation.

Joined CEDAW in 1985 (with reservations).

NGOs have tended to use EU and international agreements to lobby government on issues such as women and poverty (Reilly 2005; Duffy 1994).⁸⁴ According to Reilly, NGOs have struggled to hold the government to its adoption of the BPfA, with the government seemingly

⁸³ Recent publication by CORI on social inequality:

http://www.cori.ie/justice/publications/ansoecrev/ase_review07.pdf

⁸⁴ Duffy, Catherine. 1994. Female poverty, powerlessness and social exclusion in Ireland. *Administration* 42 (1):47-66.

Reilly, Niamh. 2005. The United Nations 'Beijing Platform for Action' (1995-2005): Local-global political spaces, NGO activism and governmental responses in the Republic of Ireland. *Irish Political Studies* 20 (2):187-200.

using the 'particular context' of Ireland as a reason or justification for their lack of action on issues. Also, the presence of some (powerful) conservative groups led other NGOs to organise a 'pro-BPFA' coalition.

Policy experts / Research

Includes: UCD Women's Education, Research and Resource Centre (WERRC) located in the School of Social Justice, University College Dublin. Projects related to work of: Equality Authority; Combat Poverty Agency; Higher Education Authority; Gender Equality Unit of the Department of Education and Science; EU Expert Group on Gender, Employment and Social Inclusion.⁸⁵

Trinity College, Dublin, Centre for Gender and Women's Studies.⁸⁶

Ireland Economic and Social Research Institute (Relevant research includes programme on Equality and Discrimination).⁸⁷

Employment Appeals Tribunal⁸⁸

The Office of the Director of Equality Investigations- the Equality Tribunal (ODEI)

This is an independent quasi-judiciary body established in 1999 (under Employment Equality Act 1998) to adjudicate and/or mediate complaints of unlawful discrimination at work.

Labour Relations Commission (LRC) Established in 1991 under the Industrial Relations Act 1990, and has general responsibility for good industrial relations. Under the 1990 Act, the conciliation function and the Equality Service were transferred to the Commission from the Labour Court.⁸⁹

Labour Court established under the Industrial Relations Act 1946.⁹⁰

High and Supreme Court

European Court of Justice

European Court of Human Rights

Organisation of actors; shifts in frames; intersectionality

The major shift over time has been the increased participation of women in employment. There has been a struggle by women's groups to reform the social welfare system, gain access to formal employment, close the gender pay gap, secure better conditions in employment and improve the supply of childcare facilities (Ireland has one of lowest rates of formal state childcare provision in Europe). But according to some commentators (Mahon 1987), the hegemony of the Catholic Church has meant that a unified women's movement has been hard to achieve and that the energies of groups have been devoted to struggling for other causes, (see intimate citizenship section).

⁸⁵ <http://www.ucd.ie/werrc/research.html>

⁸⁶ http://www.tcd.ie/Womens_Studies/index.php

⁸⁷ http://www.esri.ie/research/research_centres/research_programme_on_equ/

⁸⁸ <http://www.eurofound.europa.eu/emire/IRELAND/EMPLOYMENTAPPEALSTRIBUNAL-IR.html>

⁸⁹ <http://www.eurofound.europa.eu/emire/IRELAND/LABOURRELATIONSCOMMISSION-IR.html>

⁹⁰ <http://www.eurofound.europa.eu/emire/IRELAND/LABOURCOURT-IR.html>

Trade Unions have argued that it is the place of the state and employers to improve conditions of leave (to introduce paternity leave and flexible working provision) and childcare. Employers' groups have also argued that the state should provide childcare.⁹¹

Women's organisations appear ambivalent in their attitude towards policies promoting women's employment, wishing in part to protect the desire of mothers to stay at home with children in early years ('choice') (but the recognition of the poor quality of much available employment may also be a factor here).

The position of non-employed asylum seekers has shifted over time with changes in the economic climate: from an 'amnesty period' in which asylum seekers could take up paid work (limited), to the current situation of increased restrictions on entitlements and a lack of access to work, with the impact upon women and children being highlighted by NGOs.

Key intersections: gender, social class, religion, ethnicity, partnership / motherhood status (i.e. lone mothers dependent on benefits as a particular 'target' for government policy).

3.2 Timeline

Significant events pre 1995

1974 Anti-discrimination (Pay) Act – came into effect 1975

1977 Equal Pay Act and Employment Equality Act (also established the Employment Equality Agency) following EU directive.

Ireland acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women in December 1985- with reservations.⁹²

⁹¹ For example, it is stated in the ICTU and IBEC (2005: 37) Social partnership 'Quality childcare' report: 'While it is acknowledged that employers have a role to play in supporting and endorsing certain childcare facilities, it is IBEC's belief that the fundamental responsibility for regulation and for ensuring that there is a satisfactory supply of quality and affordable childcare rests with the State.'

⁹²Source- CEDAW report 2003 Foreword, Michael McDowell Minister for Justice, Equality and Law Reform; CEDAW Convention text. Reservation to article 15.3- withdrawn in March 2000
Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Reservation to 13 (b) and (c)

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

1990 Lone Parents' Allowance (LPA) was introduced.

The second Commission on the Status of Women (the first was appointed in 1970; reported in 1972) was established. The Commission reported in early 1993.⁹³

1994 The '**Homemaker** Scheme' was introduced to make it easier for those providing full time care for children or incapacitated persons to qualify for a contributory old age pension.

Maternity Protection Act (Maternity **leave** extended) Plus amendment bill (see 2003)

Pilot Childcare Initiative 1994-1996 (Department of Equality and Law Reform) focused on disadvantaged areas, involved creation of new **childcare** places and extended hours of existing provision.

Department of the Taoiseach (Prime Minister) publishes 'Programme for Competitiveness and Work'- proposals in relation to the social partnership agreement 1994 to 1996:

'The central focus of this Programme is the acceleration of growth in opportunities for work at every level. This of itself is likely to be the single most effective strategy for the achievement of greater social equity in Irish society' (1994: 61).

Primary sources:

Childcare Directorate, Department of Justice, Equality and Law Reform (2005) *Developing School Age Childcare: report of a working group of the national childcare co-ordinating committee*⁹⁴ (119 pages)

Department of Social and Family Affairs, The Family Affairs Unit (2006) *Government discussion paper: proposals for supporting lone parents*⁹⁵ (82 pages)

Department of the Taoiseach (1994) *Programme for Competitiveness and Work*⁹⁶ (83 pages)

1995-2007

1995

Adoptive Leave Act 1995 (amended 2001).⁹⁷

1996

Refugee Act (fully implemented November 2000) guides asylum procedure and interprets the 1951 UN Convention (the right of any person from any country to invoke the asylum procedure and for individuals to seek recognition as a refugee).⁹⁸

1997

Government: Fianna Fáil and Progressive Democrats

Publication of social partnership agreement proposals: 'Partnership 2000' (1997-2000) (New government agrees to continue with social partnership programme).⁹⁹

⁹³ GenderNet

http://www.gendernet.at/opencms/opencms/gnet/de/leftNav/Country_information/ie.html#1

⁹⁴ <http://www.omc.gov.ie/documents/childcare/ChildcareFullRpt.pdf>

⁹⁵ http://www.welfare.ie/publications/prop_lp.pdf

⁹⁶ <http://www.taoiseach.gov.ie/index.asp?locID=393&docID=1690>

⁹⁷ The Equality Authority 'About the Adoptive Leave Act'

<http://www.equality.ie/index.asp?locID=106&docID=54>

⁹⁸ Loyal, Steven and Ciarán Staunton. 2001. The dynamics of political economy in Ireland: The case of asylum seekers and the right to work. *Irish Journal of Sociology* 10 (2):33-56.

The Partnership 2000 working group commissioned a study by the Economic and Social Research Institute to address the **gender pay gap**. Reported 2000.

Introduction of One-parent Family Payment in January provides some incentive toward taking employment but supports wish to remain at home if this is desired.

Expert working group on **Childcare** formed (Department for Justice, Equality and Law Reform) in the context of the Partnership 2000 national agreement.

Organisation of Working Time Act (1997).¹⁰⁰

One Family Payment introduced with 'relatively generous earnings disregard' to give recognition to women's increasing participation in paid employment and the 'fact that employment can provide a route out of poverty and social exclusion' (see below 'Proposals for supporting lone parents', 2006).

Primary sources:

Childcare Directorate, Department of Justice, Equality and Law Reform (2005) *Developing School Age Childcare: report of a working group of the national childcare co-ordinating committee*¹⁰¹ (119 pages)

Department of Social and Family Affairs, The Family Affairs Unit (2006) *Government discussion paper: proposals for supporting lone parents*¹⁰² (82 pages)

1998

Final report of the Commission on the Family- (established in 1995 to- to examine the effects of legislation and policies on families and make recommendations to the Government on proposals which would strengthen the capacity of families to carry out their functions in a changing economic and social environment'). The report includes recommendations concerning child benefit and lone parents.

The Employment Equality Act 1998 – outlaws discrimination in relation to employment on nine grounds: gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community. **Equal pay** for equal work.

The Framework for the Development of Equal Opportunities at the Level of the Enterprise set up. A National Committee comprising representatives of public and private sector employers and employees is established to oversee the initiative.

Equal Opportunities **Childcare** Programme I-(EOCP I) 1998-1999- focus on areas of disadvantage.

Parental **Leave** Act 1998 enacted in December to give effect to EU Directive on Parental Leave (Amendment in 2000, see below).

⁹⁹ Sheehan, Brian (28-02-97) 'Social partners agree three year programme'

<http://www.eurofound.europa.eu/eiro/1997/02/feature/ie9702103f.html>

Sheehan, Brian and John Geary (28-06-97) 'New Government to continue with social partnership' *EIRO*Online

<http://www.eurofound.europa.eu/eiro/1997/06/feature/ie9706218f.html>

¹⁰⁰ Department of Enterprise, Trade and Employment 'Organisation of Working Time Act'

<http://www.entemp.ie/employment/rights/organisationofworkingtime.htm>

¹⁰¹ <http://www.omc.gov.ie/documents/childcare/ChildcareFullRpt.pdf>

¹⁰² http://www.welfare.ie/publications/prop_lp.pdf

Primary Sources:

Department of Justice, Equality and Law Reform (2004) *Developing Childcare in Ireland*¹⁰³ (65 pages)

Irish Statute Book (1998) *Parental Leave Act 1998*¹⁰⁴

Department of Social and Family Affairs (1998) *Report on the Commission on the Family*¹⁰⁵

1999

Census on **Childcare** as part of the EOCP I (see above) prepared for Department of Justice, Equality and Law Reform. This provided a base line study for the next initiative (EOCP II 2000-2006).

2000

The Equal Status Act 2000: Protection against discrimination in non-workplace areas - goods and services available to the public – on same nine grounds as Employment Equality Act.

Government National Development Plan 2000-2006 commitment to increasing investment in **childcare**.

EOCP- Equal Opportunities **Childcare** Programme 2000-2006 (lead Department of Justice, Equality and Law Reform). According to McDowell (minister): The principal objective of the EOCP is to increase the supply of centre based child care places by 55%, or some 31,500 places, by the end of the programme.

National Minimum Wage Act 2000.

European Communities (Parental Leave) Regulations, (2000) Amendment to Parental **Leave** Act, after complaint to European Commission that the Act was in breach of the Directive. In response to a complaint by Congress, the EU Commission found that the date of birth provision in the original Act was in breach of the provisions of the Directive.

Publication of report on **gender pay gap** by Economic and Social Research Institute 'How unequal'.

Social Partnership agreement 2000-2003 'Programme for Prosperity and Fairness.'

Work on Gender pay gap initiated by the PPF Consultative Group (Report on Male/Female wage differentials).

A "national framework for **family-friendly** policies" established under the PPF to "support and facilitate the development of family-friendly policies at the level of the enterprise". It is stressed in the PPF that "policies to support childcare and family life are a cornerstone of future social and economic progress."

Budget: Tax-free allowance for home **carers** introduced.¹⁰⁶

¹⁰³ http://www.dohc.ie/publications/pdf/developing_childcare03.pdf?direct=1

¹⁰⁴ <http://www.irishstatutebook.ie/1998/en/act/pub/0030/index.html>

¹⁰⁵ <http://www.welfare.ie/publications/comfam.html#foreword>

¹⁰⁶ Dobbins, Tony (28-09-00) 'Managing the work-life balance' *Eironline*

<http://www.eurofound.europa.eu/eiro/2000/09/feature/ie0009155f.html>

Parliamentary debates 20th October 2005

<http://www.oireachtas-debates.gov.ie/D/0608/D.0608.200510200061.html>

<http://www.oireachtas-debates.gov.ie/D/0608/D.0608.200510200063.html>

Economic and Social Research Institute

http://www.esri.ie/publications/search_for_a_publication/search_results/view/index.xml?id=266

<http://www.eurofound.europa.eu/eiro/2000/11/feature/ie0011160f.html>

Primary Sources:

Government of Ireland (2000) *National Development Plan 2000-2006*¹⁰⁷ (304 pages)

Services, Industrial, Professional and Technical Union (2005) *Childcare in Ireland: A trade union view*.¹⁰⁸ (15 pages)

2001

Department of Social, Community and Family Affairs publish their Strategy statement- 2001-2004- 'people, policies, services', including details of past initiatives and future plans.

Department of Social, Community and Family Affairs publish a review of One-Parent Family payment system, with discussion of the question of incentives to engage in paid employment but with the conclusion that given the current inadequate **childcare** infrastructure there would need to be a return to the issue in the future.

Carers' Leave Act 2001: 'The main purpose of the Act is to provide for a new entitlement for an employee to avail of unpaid leave from his/her employment to enable him/her to personally provide full-time care and attention for a person who is in need of such care'.¹⁰⁹

June, the National **Childcare** Co-ordinating Committee (NCCC) which is chaired by the Department of Justice, Equality and Law Reform and which oversees the development of an integrated childcare infrastructure throughout the country, established a Working Group on School Age Childcare.

Maternity Protection (Extension of Periods of **Leave**) Order 2001 (extension of entitlement to 18 weeks paid leave – from 14, and 8 weeks unpaid- from 4.

Adoptive Leave (Extension of Periods of Leave) Order 2001 (extension of adoptive leave entitlements to 14 weeks paid, 8 weeks unpaid).

Department of Health and Children publishes report on fathers' role: Fathers and families: research and reflection on key questions.¹¹⁰

Protection of Employees **Part-time** work Act (2001).¹¹¹

Irish TUC **Gender Pay Gap** project (2001-04).

Primary sources:

Childcare Directorate, Department of Justice, Equality and Law Reform (2005) *Developing School Age Childcare: report of a working group of the national childcare co-ordinating committee*¹¹² (119 pages)

Irish Congress of Trade Unions 'Parental Leave Act 1998'

<http://www.ictu.ie/html/yrights/parental.htm>

O'Donnell, Rory and Paul Teague (2000) 'Partnership at work in Ireland'

http://www.bettergov.ie/attached_files/upload/publications/PartnershipAtWorkInIreland.pdf

¹⁰⁷ http://ndp.ie/documents/publications/ndp_csf_docs/NDP_complete_text.pdf

¹⁰⁸ <http://www.siptu.ie/Resources/SIPTUPublications/FileDownload,287,en.pdf>

¹⁰⁹ Carer's Leave Act (2001)

<http://www.entemp.ie/publications/employment/2001/carersleaveactbooklet.pdf>

<http://www.entemp.ie/publications/employment/2001/carersleaveact.pdf>

¹¹⁰ McKeown, Kieran (2001) 'Fathers and families: research and reflections on key questions'

Department of Health and Children.

<http://www.dohc.ie/publications/pdf/fathers.pdf?direct=1>

¹¹¹ Department of Enterprise, Trade and Employment 'Part-time work act'

<http://www.entemp.ie/employment/rights/parttimeworkact.htm>

Department of Social, Community and Family Affairs (2001) *Strategy statement 2001-2004: people, policies and services*¹¹³ (58 pages)

Department of Social, Community and Family Affairs (2001) *Review of the One Parent Family Scheme*.¹¹⁴ (226 pages)

2002

Government: Fianna Fáil and Progressive Democrats re-elected.

Speech- by the Minister of State- Willie O'Dea at the launch of the Equality for Women Measure Annual Report 2001, the Equality for Women website and the ESRI report 'Getting out of the house: women returning to employment, education and training'.¹¹⁵

Office of Social Inclusion established in December¹¹⁶, taking over from National Anti-Poverty Strategy (NAPS) and located in the Department for Social and Family Affairs.¹¹⁷

Publication by Department of Social and Family Affairs of research examining the future financing of long-term **care** in Ireland.¹¹⁸ In this study the issue of women's increasing employment is implied to be a potential threat to families' capacity to provide care- although the report cites evidence from the UK to suggest that the impact is not significant.

Conference on 'work-life balance' held at Trinity College Dublin where a new study was presented on **work-life balance** undertaken by Fine-Davis and Clarke of the Centre for Gender and Women's Studies at Trinity College, together with three collaborators.¹¹⁹

NWCI Submission to government – Draft **National Action Plan for Women**.

Equal Status Acts (2002 – 2004), extend antidiscrimination protection into the provision of goods, services, accommodation and education.

Primary source:

National Women's Council of Ireland (2002) *Submission to the Draft National Action Plan for Women*¹²⁰ (40 pages)

2003

Department of Social and Family Affairs Statement of strategy: promoting a **caring** society 2003-05.¹²¹

¹¹² <http://www.omc.gov.ie/documents/childcare/ChildcareFullRpt.pdf>

¹¹³ <http://www.welfare.ie/publications/strategy/strat0104.pdf>

¹¹⁴ <http://www.welfare.ie/publications/opfpreview.html>

<http://www.welfare.ie/publications/opfpreview.pdf>

¹¹⁵ Equality for Women Measure archived news: <http://www.ewm.ie/new/archived.html>

¹¹⁶ Office for Social Inclusion

<http://www.socialinclusion.ie/about.html>

¹¹⁷ Department of Social and Family Affairs <http://www.welfare.ie/publications/naps/index.html>

¹¹⁸ Mercer Ltd. (2002) Study to examine the future financing of long-term care in Ireland.

<http://www.welfare.ie/publications/stetffolcii.pdf>

¹¹⁹ Dobbins, Tony (23-07-02) 'Better childcare and public transport seen as vital for work-life balance' *Eironline* <http://www.eurofound.europa.eu/eiro/2002/07/feature/ie0207202f.html>

¹²⁰ <http://www.nwci.ie/publications/submissions>

¹²¹ Department of Social and Family Affairs (2003) Strategy statement: Promoting a caring society'. <http://www.welfare.ie/publications/strategy/strat0305.pdf>

NWCI publishes 'A women's model for **social welfare reform**'. This document seems to be framed in terms of an equal valuation of difference approach – in terms of recognition of the worth of women's work as carers.

NWCI publication: 'Valuing **Caring Work**.'¹²²

Protection of Employees (Fixed term work) Act 2003.

Employment Permits Act 2003.¹²³

'Sustaining Progress' National Agreement (2003-2005)¹²⁴ (and continuing work on **gender pay gap**).

2004

February: Publication of 'Families and family life in Ireland: challenges for the future' (Mary Daly) Department of Social and Family Affairs. In this document, an overview of the attitudes towards the family and families in Ireland (from series of forums) are discussed. In her report, Daly notes the divergence – between those (a majority) who see changes in **family** as requiring more inclusive definitions of families within Ireland (and changes to policies), versus those who expressed concern and more traditional views.

Department of Justice, Equality and Law Reform publication of report into **gender pay gap**.

Aimed at providing recommendations for narrowing wage differentials, compiled by a consultative group established under the previous national agreement, the PPF.¹²⁵

May: **Habitual residence** rule takes effect, making benefits conditional upon habitual residence.¹²⁶

Maternity Protection Act 2004.¹²⁷

December: Publication of the working groups (chaired by Department for Social and Family Affairs)– initially set up in 2002 to: 'produce proposals for the development of a fully inclusive **social insurance** model which would facilitate combining work and family responsibilities in the context of changing working and social patterns'.

September: Department of Enterprise, Trade and Employment (DETE) publication of National Employment Action Plan. This document provides an overview of the department's activity and plans, including an annex in which the views of 'social partners' (Irish Congress of Trade Unions; Community and Voluntary Pillar; Irish Business and Employers' Confederation) are included. Reference is made to the need to increase female labour force participation and the inadequacy of current **childcare** provision.

Report on EOCP June, 'Developing **Childcare** in Ireland.'

Equality Act (2004).¹²⁸

¹²² NWCI <http://www.nwci.ie/>

¹²³ Employment Permits Act 2003

<http://www.entemp.ie/labour/workpermits/>

¹²⁴ <http://www.taoiseach.gov.ie/index.asp?locID=231&docID=-1>

¹²⁵ Dobbins, Tony and Brian Sheehan (14-05-04) '2003 Annual review for Ireland' *Eironline* <http://www.eurofound.europa.eu/eiro/2004/01/feature/ie0401203f.html>

¹²⁶ Department of Social and Family Affairs (2004) 'The Habitual Residence Condition'¹²⁶ <http://www.welfare.ie/publications/sw108.pdf>

¹²⁷ Equality Authority 'About the Maternity Protection Acts' <http://www.equality.ie/index.asp?locID=106&docID=53>

¹²⁸ Dobbins, Tony (21-07-04) 'New equality law extends workers' rights' *Eironline* <http://www.eurofound.europa.eu/eiro/2004/07/feature/ie0407202f.html>

Primary sources:

Department of Enterprise, Trade and Employment (2004) *National Employment Action Plan 2004 Ireland*¹²⁹ (92 pages)

Department of Justice, Equality and Law Reform (2004) *Developing Childcare in Ireland*¹³⁰ (65 pages)

Department of Social and Family Affairs (2004) *Developing a fully inclusive social insurance model.*¹³¹ (59 pages)

Department of Social and Family Affairs (2004) *Families and family life in Ireland: challenges for the future.*¹³² (80 pages)

2005

Publication of report by working group on **childcare**: 'Developing School Age Childcare: report of a working group of the national childcare co-ordinating committee'. Discussion of childcare provision in view of the increasing proportion of women entering the labour market. Creation of **OMC** (Office of the Minister for Children) within Department for Health and Children. Responsibility for Childcare Directorate formerly within Department of Justice, Equality and Law Reform.¹³³

Strategy statement of the Department of Social and Family Affairs 2005-07 'Security with opportunity.' This document begins by sketching out an overview of the changes taking place in Ireland, social and economic. In relation to women, their position in terms of increasing participation in employment and their role as carers is acknowledged- and framed as producing a dilemma in terms of the 'diminished capability of the family to provide care'.

Discussion of lone parents, the objective to explore ways to remove barriers to employment (page 36) and mention of working towards policies which would mean an end to welfare dependency (page 65).

Social Welfare Consolidation Act 2005 (**Homemaker** scheme now in primary legislation, see Blackwell 2006 for details in her presentation to NWCI seminar 2006).¹³⁴

NWCI received funding from the Gender Equality Unit to conduct research into the development of a subsidised public **childcare** system in Ireland.

NWCI Brown Envelope Campaign - 12,000 individually signed letters to Minister for Finance, Brian Cowen, calling for reform of the Social Welfare System.

According to NWCI Annual Report, representatives from the Irish National Organisation for the Unemployed (INOUE), the Irish Countrywoman's Association (ICA), Age Action, One Parent Exchange and Network (OPEN), the National Collective of Community Based Women's Networks (NCCWN) and the Irish Farmers Association (IFA) all spoke outside the Department of Finance in support of the campaign.

¹²⁹ <http://www.entemp.ie/publications/labour/2004/employmentactionplan.pdf>

¹³⁰ http://www.dohc.ie/publications/pdf/developing_childcare03.pdf?direct=1

¹³¹ <http://www.welfare.ie/publications/fisimrep.html> <http://www.welfare.ie/publications/fisimrep.pdf>

¹³² http://iyf2004.welfare.ie/Family_Life_FINAL.pdf

¹³³ National Economic and Social Council (2005) *The Developmental Welfare State*. Dublin: NES. http://www.nesc.ie/dynamic/docs/NESC%20DWS_RZ%20Text+Cover.pdf

¹³⁴ NWCI 'Papers and presentations' http://www.nwci.ie/publications/papers_and_presentations

Department of Social and Family Affairs publishes Ireland's National Strategy Report to the EU on adequate and sustainable **pensions**, noting the poverty amongst older women due to their time out of labour market / lower wages and the predicted resolution through recent policies (e.g. Homemaker scheme 1994) and the increased participation of women in employment.

Primary sources:

Childcare Directorate, Department of Justice, Equality and Law Reform (2005) *Developing School Age Childcare: report of a working group of the national childcare co-ordinating committee*¹³⁵ (119 pages)

Department of Social and Family Affairs (2005) *Ireland's National strategy report to the EU on adequate and sustainable pensions*¹³⁶ (62 pages)

Department of Social and Family Affairs (2005) *Strategy statement*¹³⁷

National Women's Council of Ireland (2006) *Annual Report: Making a Real Difference*¹³⁸ (54 pages)

2006

Proposals for Supporting **Lone Parents** (Report of the Senior Officials Group on Social Inclusion, Analysis of Obstacles to Employment for Lone Parents; and Report of the Working Group on Lone Parents, Department of Social and Family Affairs, Reform of Income Supports for Lone Parents and Parents on Low Income: Proposals for discussion. 2 separate documents within the paper with an introduction by the Minister for Social and Family Affairs). In the introductory section, note is made of the fact that thus far supports have been 'passive' with no active support to assist in taking up of employment, education or training. The objective: to look at possible reform of the system with a move away from passive income support.

NWCI responded to the discussion paper with reservations, wishing to protect mothers' 'choices', stating: 'The challenge for the Government will be to devise legislation that acknowledges the diversity of women's lives and working patterns and simultaneously recognises both women's right to work in paid employment and to make choices regarding parenting and care.'¹³⁹ The NGO 'One Family' also expressed concern about removing parental allowance when the child reaches 7 years, and commented upon the lack of focus on childcare provision in the proposals.¹⁴⁰

Publication of National Report on strategies for social protection and social inclusion (DSFA):¹⁴¹

¹³⁵ <http://www.omc.gov.ie/documents/childcare/ChildcareFullRpt.pdf>

¹³⁶ <http://www.welfare.ie/publications/nsrtoeu.pdf>

¹³⁷ <http://www.welfare.ie/publications/strategy/index.html>

¹³⁸ http://www.nwci.ie/publications/annual_reports

¹³⁹ NWCI (2006) 'Submission to the Department of Social and Family Affairs on the proposals for supporting lone parents' <http://www.nwci.ie/publications/submissions>

¹⁴⁰ One Family (2006) 'Opportunity or Threat? Reforms for One-parent Families Must Provide Real Opportunities and Choices' <http://www.onefamily.ie/news76.htm>

¹⁴¹ Department of Social and Family Affairs (2006) National report for Ireland on strategies for social protection and social inclusion <http://www.welfare.ie/publications/natrepspsi0608.pdf>

Page 19:

Women are a large group amongst those marginalised from the labour market, especially lone parents and mothers of larger families. The employment participation rates among older women is also lower than for men, largely as a result of lower female participation in the past due to family responsibilities. The main focus of the new policies is to remove disincentives to employment in social protection and other systems and to provide the necessary supports. These include childcare, care of older family members and those with disabilities, education and training, job search and job placement. Research shows that high employment participation rates for women is an effective way of combating child poverty.

Budget: higher earnings disregard to allow lone parents to increase earnings without loss of entitlement to One Parent Family Payment.

Equal Opportunities **Childcare** Programme- transition to National Childcare Investment Plan 2006-2010 and shift in ministerial responsibility for childcare, see 2005: creation of the Office of the Minister for Children).

The new National **Childcare** Investment Programme (NCIP) 2006-2010 to be implemented by the newly established Office of the Minister for Children. The NCIP builds on the success of the EOCP which will conclude in 2007. One of the key objectives of the NCIP is the creation of 50,000 additional childcare places, including 5,000 after-school places.¹⁴²

Report on '**The Family**' of the All Party Parliamentary Committee on the Constitution. This committee meets to discuss possible amendments to the constitution. The committee on the family held public hearings for those individuals and interest groups who wanted to support their written submissions with oral presentations. According to the introduction to the report, the vast majority of those making submissions (totalling 7,989 from individuals and groups) supported leaving the Articles related to the family unchanged- but see conclusions regarding women in the home statement- recommendation of gender-neutral term. NGOs making submissions included the National Women's Council of Ireland, Mother & Child Campaign, and WITH-Curam (Women in the Home). Also men's / fathers' groups. Amendments to constitution under consideration (would require referendum).

Budget- Introduction of Early **Childcare** Supplement (paid whether or not parent in employment).¹⁴³

Introduction of **Childminding** tax relief.

Increase in maternity **leave** duration- with a 4 week extension to both paid and unpaid maternity leave coming into effect in March 2007 bringing the total duration of paid maternity leave to 26 weeks and the total duration of unpaid leave to 16 weeks from that point.

Office for **Social Inclusion** (Department of Social and Family Affairs) publishes consultation document on National Action Plan against poverty and social exclusion, identifying women as a vulnerable group.¹⁴⁴

¹⁴² Office of the Minister of Children 'National Childcare Investment Programme
<http://www.omc.gov.ie/viewdoc.asp?fn=%2Fdocuments%2Fchildcare%2FNationalChildcareInvestmentProgramme2006.htm&mn=chim&nID=2>
<http://www.oireachtas-debates.gov.ie/D/0623/D.0623.200607060176.html>

¹⁴³ Budget 2006: Summary of measures
<http://www.budget.gov.ie/2006/downloads/SummaryOfMeasures.doc>

Publication of National Agreement, Department of Taoiseach (Prime Minister) 'Towards 2016'. Brief reference to position of women in relation to employment, and refers to forthcoming National Strategy for Women (2007).

Parental **Leave** Act (2006).

Primary sources:

All Party Parliamentary Committee on the Constitution (2006) *Tenth Progress Report The Family*¹⁴⁵ (431 pages)

Department of Social and Family Affairs, The Family Affairs Unit (2006) *Government discussion paper: proposals for supporting lone parents*¹⁴⁶ (82 pages)

Department of Taoiseach (Prime Minister) (2006) *Towards 2016: Ten year framework social partnership agreement 2016-2016* (141 pages)¹⁴⁷

2007

National Development Plan launched 2007-13: In this document there is a sub programme for the '**activation**' and 'participation' of groups outside the workforce- including reference to women, lone parents, migrants, travellers, older workers (see pages 193-196).

National Action Plan for Social Inclusion published- Office for social inclusion (within Department of Social and Family Affairs). Page 44: states that the Dept. of Enterprise, Trade and Employment is to receive money to provide targeted training and supports to groups outside labour market- including women, older workers and migrants.

Launch of National Women's Strategy (18th April 2007) Note, here **intersectionality** becomes the 'special needs' of some women.

Employment Permits Act (2007).¹⁴⁸

Primary sources:

Department of Justice, Equality and Law Reform (2007) *National Women's Strategy 2007-2015*¹⁴⁹ (148 pages)

Government of Ireland (2007) *National Development Plan 2007-13 Transforming Ireland: A better quality of life for all*¹⁵⁰ (265 pages)

Office for Social Inclusion, Department of Social and Family Affairs (2007) *National Action Plan for social inclusion 2007-2016*¹⁵¹ (103 pages)

¹⁴⁴ Office for Social Inclusion, Department of Social and Family Affairs (2006) Report on the consultation for the NAP against poverty and social exclusion

<http://www.socialinclusion.ie/documents/ConsultationReport2006-2008.pdf>

¹⁴⁵ <http://www.constitution.ie/reports/10th-Report-Family.pdf>

<http://www.constitution.ie/oral-hearings/default.asp?UserLang=EN>

¹⁴⁶ http://www.welfare.ie/publications/prop_lp.pdf

¹⁴⁷ http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Towards2016PartnershipAgreement.pdf

¹⁴⁸ Employment Permits Act (2007)

<http://www.entemp.ie/labour/workpermits/>

¹⁴⁹ <http://www.justice.ie/en/JELR/National%20Womens%20Strategy%20PDF.pdf/Files/National%20Womens%20Strategy%20PDF.pdf>

¹⁵⁰ http://ndp.ie/documents/ndp2007-2013/NDP_T-2007-2013-English.pdf

<http://www.ndp.ie/viewdoc.asp?fn=/documents/homepage.asp>

¹⁵¹ http://www.socialinclusion.ie/documents/NAPinclusionReportPDF_000.pdf

4. INTIMATE CITIZENSHIP

Introduction

In Ireland the key sub-issues for intimate citizenship are: abortion; divorce; and same sex partnerships. These issues are being played out against and within the context of the Constitution of Ireland. The key articles of the Constitution (1937) in relation to intimate citizenship (specifically abortion, divorce and same sex partnerships) are:

Article 41.3.1: The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.

And, an Amendment added in 1983 (see timeline below):

Article 40.3.3: The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

The status of the Constitution in Ireland is particularly interesting. Despite the rapid changes occurring in Ireland over the past twenty years or so (with a decline in unemployment, increases in women's employment, economic growth, and decline in the influence of the Catholic Church), the Constitution is both relatively static (in that amendments require referenda) and of fundamental importance in shaping the content and scope of social policy. In this context, Michele Dillon's (1993¹⁵²) observation seems pertinent: that Ireland is an 'unevenly modernized' society.

The Constitution is important across the various sub-issues in intimate citizenship - from the right to life of the unborn enshrined within the constitution, to the status of the family, and the restricted definition of family. The place of the Constitution in Ireland also raises the difficult question of its status relative to EU treaties (which have 'constitutional effect').

According to Yeates (1999: 609¹⁵³):

The State's commitment to 'protect' the family as 'the basis of the social order' must be read alongside the constitutional preference for the marital family as a 'moral authority'. The State's constitutional obligation to uphold the moral authority of the marital family and its attendant social, sexual, and economic relations has been detrimental to women.

The struggles over abortion, divorce and same sex relationships can be seen as indicative of, and as involving, shifting relationships between the power of the Church, the State and the EU.

¹⁵² Dillon, Michelle. 1993. *Debating divorce: oral conflict in Ireland*. Lexington, University of Kentucky Press.

¹⁵³ Yeates, Nicola. 1999. Gender, familism and housing: Matrimonial property rights in Ireland. *Women's Studies International Forum* 22 (6):607-618.

Also significant in considering the issue of intimate citizenship is the division in women's groups over what would constitute gender equality. While this is always the case regardless of the country under study, in the context of Ireland this seems even more important given the strength historically of the patriarchal and religious arguments for women's key role as mothers within the home (even though the value of their work has not been recognised nor rewarded economically, legally or socially).¹⁵⁴ Such arguments have tended to result in moves towards an 'equal valuation of different contributions' view of gender equality in Ireland.

Abortion has been an issue of much controversy in Ireland, prominent both nationally and internationally with referenda for amendments to the Constitution, high visibility court cases and public protests, particular in cases where young women have sought abortions after becoming pregnant through rape. Debate has recently been reignited following the case of a 17 year old who wished to travel to the UK for an abortion, the foetus having an abnormality meaning that it would survive only 3 days following birth.¹⁵⁵ Estimates suggest that annually 6000 women have abortions in clinics in England and Wales (abortion is also illegal in Northern Ireland).

In Ireland, it is the right to travel protected by EU law which secures women's access to abortion (and information about abortion clinics), through the legal construction of abortion as a 'service'. In her work, Fletcher (2000¹⁵⁶) has explored the implications of categorising abortion as a supranational economic service for feminist legal strategy. She addresses both the advantages- in that it legitimates abortion – and the disadvantages- in that, for example, a woman's legal interest in abortion is based on her capacity to buy the service and the foetus is rendered devoid of value (Fletcher 2000).

From 1937, divorce was banned under the Irish Constitution.¹⁵⁷ Divorce only became available in February 1997 following an amendment to the Constitution. Despite predictions by anti-divorce campaigners¹⁵⁸ that legalisation of divorce would 'open the floodgates' to marital breakdown, there were relatively few applications. In the literature, this is explained by a number of factors, including the 'no clean break' form of divorce and the 'no divorce

¹⁵⁴ As O'Connor (2000: 88) writes in relation to the ruling that deemed the Matrimonial Home Bill unconstitutional (see below) 'This judgement threw into sharp relief the hollowness of the rhetoric surrounding the social value attached to women's position in the home.'

O'Connor, Pat. 2000. Ireland: a man's world? *The Economic and Social Review* 31 (1): 81-102.

¹⁵⁵ <http://www.ireland.com/newspaper/frontpage/2007/0508/1178204621827.html>

¹⁵⁶ Fletcher, Ruth. 2000. National crisis, supranational opportunity: The Irish construction of abortion as a European service. *Reproductive Health Matters* 8 (16):35-44.

¹⁵⁷ Burley and Regan (2002): the ban was introduced with the new Constitution of 1937 which gave 'a special place to the moral leadership of the Catholic Church in the Irish state.'

¹⁵⁸ Mahon (1987) emphasises the extent of the anti-divorce fear campaign, noting that the Catholic Church 'launched a full scale offensive'.

culture' in which divorce and remarriage have not been widely accepted. According to Burley and Regan (2002: 218)¹⁵⁹:

... it will be some years before further change is sought by government or legal profession reformers. Any change in the grounds for divorce... will require a referendum and few reformers, if any, are ready or willing to re-engage with what was, for them, a bruising and exhausting exercise.¹⁶⁰

In explaining the reluctance of Ireland towards legislating for divorce and abortion, some authors have used a post-colonial framework to imply that there are barriers to gender equality stemming from a desire to defend the (moral) superiority of the Irish nationality (e.g. Fletcher 2001¹⁶¹; Dillon 1993¹⁶²).

In relation to discrimination on the grounds of sexual orientation, Ireland has implemented laws against discrimination in employment. Ireland also played a central role in promoting the adoption of Article 13, the antidiscrimination clause of the Treaty of Amsterdam (1997) which includes sexual orientation as a protected ground.¹⁶³ However, it was not until 2004 that discrimination on the grounds of sexual orientation was extended to encompass pensions (Bell 2004)¹⁶⁴. Movements towards legal recognition of same sex partnerships (and co-habiting heterosexual couples) have been very slow, with the 'protection' of 'the family' as defined in the Constitution seemingly a key barrier.

4.1 Actors

Departments

Department for Justice, Equality and Law Reform

Department for Health and Children

Department of Social, Community and Family Affairs

Semi / state actors-

The Women's Health Council

Crisis Pregnancy Agency

¹⁵⁹ Burley, Jenny and Francis Regan. 2002. Divorce in Ireland: The fear, the floodgates and the reality. *International Journal of Law, Policy and the Family* 16:202-222.

¹⁶⁰ The continuing concern with the stability of the 'family' in Ireland is evidenced by some recent publications of the Department of Social and Family Affairs-which part funded a study published (2003) concerned with the well-being of parents and children in families which discusses the 'couple relationship' and ways of 'resolving conflict.' http://iyf2004.welfare.ie/Family_Life_FINAL.pdf
<http://www.welfare.ie/publications/famwellect03.pdf>

¹⁶¹ Fletcher, Ruth. 2001. Post-colonial fragments: Representations of abortion in Irish law and politics. *Journal of Law and Society* 28 (4):568-569.

¹⁶² Dillon, Michelle. 1993. *Debating divorce: oral conflict in Ireland*. Lexington, University of Kentucky Press.

¹⁶³ [http://www.justice.ie/80256E01003A21A5/vWeb/flJUSQ6VYKDA-en/\\$File/OptionsPaper.pdf](http://www.justice.ie/80256E01003A21A5/vWeb/flJUSQ6VYKDA-en/$File/OptionsPaper.pdf)

¹⁶⁴ Bell, Martin. 2004. Combating sexual orientation discrimination in employment. Report of the European Group of Experts on Combating Sexual Orientation Discrimination.

The Equality Authority
(see gender machineries section above)

Civil society

Irish Family Planning Association
Abortion Reform
The Women's Health Council
Irish Congress of Trade Unions, Workers' Party
Religious groups- Catholic; Anglican; Methodist; Presbyterian; Muslim;
Gay and Lesbian Equality Network
One Family
Open, representing lone parents in Ireland
WITH / Curam (Women in the Home)
Women's National Council for Ireland
Women's Aid
Women's Information Network
Dublin Well Woman Centre
Women's Counselling Network
Medical practitioners (e.g. Irish College of General Practitioners, Doctors for Life; Doctors for a Woman's Choice on Abortion)
Legal profession e.g. Feminist Legal Action Group
Political parties- e.g. Fianna Fail, Socialist Party, Labour Party
Irish Council for Civil Liberties- Women's Committee
Students' groups
Men's Council of Ireland
Pro-life groups (several- from across Ireland-'Pro-life' Associations/ Groups / Committees made submissions to report on Abortion, plus Society for Protection of Unborn Children and other groups)
GLUE- Gay and Lesbian Unions Eire
GLEN- Gay and Lesbian Equality Network

International influences

European Union
United Nation BPfA

Courts:

Ireland: High Court, Supreme Court.
European Court of Human Rights
European Court of Justice

Shifts in frames; organisation of actors; intersectionality

The organisation of actors in intimate citizenship pivots around religion and protection of 'the family' and national identity. Women's groups have been involved in the struggle for access to abortion and divorce, with support from civil liberties groups and trade unions. However,

the split between women according to religion (with the power of the Catholic Church to mobilise against divorce and abortion) has seemed to result in a general lack of unity in the feminist movement (Mahon 1987).

In debates on abortion there seems to have been a move away from absolutist claims towards arguments on medical / health grounds. Also, the construction of abortion as a service (in the European Court of Justice and European Court of Human Rights) has been significant in protecting women's access to abortion outside of Ireland and the high profile of cases of young women wanting abortion following rape has led to increasing acceptance of abortion in limited circumstances.

Over the QUING period, divorce has become legalised but not 'accepted', it seems to be seen as a necessary but far from welcome step. There were moves towards divorce in the Acts preceding the legalisation for divorce which increasingly recognised (though in a limited way) the value of women's – or rather mothers'- contribution in terms of their unpaid mothering work. It appears that this was necessary to counter the claims (instigated by conservative Catholic groups) that divorce would be detrimental to women's position.

Civil partnership is a relatively recent issue in Ireland, with a Working Group Report on domestic partnership being published in 2006 and two private members' bills being introduced into Parliament (2004 and 2006). The legal recognition of same-sex couples is supported by the NWCi.

In the background, lone parent groups have also argued for the recognition of diversity amongst families (e.g. a coalition of groups in 2005 'The family diversity initiative'¹⁶⁵ argued for broader definition of the 'family' and a similar argument has been put forward by the Immigrant Council and a lone parent NGO). It will be interesting to analyse whether lone parent groups will join the campaign for the legal recognition of same sex relationships.

Key intersections: gender – class- religion- sexual orientation- family / marital / motherhood status.

4.2 Timeline

The events prior to the beginning of the Quing period (1995) are recorded here in some depth given their significance in understanding the current situation in Ireland.

Significant events pre-1995

1861 Offences against the Person Act (an offence to procure a miscarriage)

Abortion has been illegal in Ireland since this Act.

1935 Criminal Law (Amendment) Act

Prohibits importation and sale of artificial **contraceptives** (until 1973)

1957 The Married Women's Status Act (1957)

¹⁶⁵ <http://www.familydiversity.ie/index.php>

1967 All Party Parliamentary Committee on the Constitution- recommended that **divorce** should be legally granted where recognised by a person's religion.

1974 The Irish Supreme Court recognised the right to **marital privacy**- in *McGee v. Attorney General* [1974] I.R. 284. for contraception.

According to Luibheid (2006¹⁶⁶), anti-abortionists feared that the outcome of the McGee case may lead to the legalisation of abortion and a bitter campaign followed.

1981 The **Pro-Life** Amendment Campaign or PLAC was launched, consisting largely of Catholic groups. By June 1982, each of the main Protestant Churches in Ireland, Anglican, Presbyterian and Methodist, had issued statements opposing the amendment (Fletcher 2001).

A referendum was held and an amendment to the Constitution (Article 40.3.3) was made in

1983. This amendment stated:

The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and as far as practicable, by its laws to defend and vindicate that right.

1976 The Family Home Protection Act (1976). Prior to this act, non-owning spouse not entitled to be consulted by owning spouse prior to decision to dispose of the **property**. Arguments for strengthening wives' claims based on their contribution to its purchase. Act established a 'beneficiary' right rather than a statutory right and did not cover women in non-marital families.

1979; (1992 and 1993) Health (Family Planning) Acts¹⁶⁷

Provides for the regulation and control of the sale, manufacture, importation, display and advertisement of **contraceptive** devices (excluding those with a medical dimension); Provides for the supply of family planning services by Health Boards; deregulates sale of condoms.

1985 In 1985 a Joint Parliamentary Committee was established to explore **marital breakdown** and, after uncovering the extent of separation, recommended that a referendum should be held, a recommendation taken up by the government.¹⁶⁸

1986 Tenth Amendment of the Constitution Bill, which proposed that the prohibition on **divorce** in the Constitution be removed and divorce permitted in specified circumstances, was rejected.

In **1986**, and **1988**, Society for the Protection of the Unborn Child (SPUC) obtained an injunction to restrain Open Door Counselling and the Dublin Well Woman Centre, and then

¹⁶⁶ Luibheid, Eithne. 2006. Sexual regimes and migration controls: Reproducing the Irish nation-state in transnational contexts. *Feminist Review* 83:60-83.

¹⁶⁷ http://www.irishstatutebook.ie/1979_20.html

¹⁶⁸ <http://historical-debates.oireachtas.ie/S/0109/S.0109.198510300008.html>

students' unions (represented by Mr Grogan), from providing information facilitating **abortion**.

Open Door Counselling and Dublin Well Woman took their case to the European Court of Human Rights and successfully argued that Ireland was in breach of the Convention on Human Rights.

In *Society for the Protection of the Unborn Child (SPUC) v. Grogan I.R. 753 (1988)*, the Supreme Court held that it was unlawful to disseminate information which had the effect of facilitating abortion.

But in the Grogan case, the High Court ruled that a judgement by the European Court of Justice was necessary and referred the matter to the European Court of Justice.

Fletcher selects the Grogan case for analysis given its novel legal categorisation of abortion. Abortion is brought within the legal regime of the Common Market in services and is positioned as an exchangeable commodity.

The ECJ ruled that abortion carried out in accordance with the law of the state within which it is performed did constitute a service, but ruled that provision of information by student unions was not protected by EC law since the unions were operating independently of the service providers (and this meant that the injunction preventing distribution of information was not lifted until the Act of 1995 came into effect). (European Court of Justice Case No. 375, 29.10.1992).

1988 European Court of Human Rights ruled that a law penalising certain **homosexual** acts in private between consenting male adults constitutes a breach of rights under Article 8 of the European Convention on Human Rights (*Norris v. Ireland [1988]* European Court of Human Rights).

1989 Sexual orientation included as a category of protection under the Incitement to Hatred Act (November 1989) and in the Unfair Dismissals (Amendment) Act, April 1993.¹⁶⁹

In 1989, the Judicial **Separation** and Family Law Reform Act allowed couples to separate and to finalise ancillary matters but did not allow remarriage. This has been described by Burley and Regan (2002: 205¹⁷⁰) as a 'limited form of back-door divorce'.

1992 White paper on **Marital Breakdown**: a review and proposed changes. Various constitutional proposals suggested.

Abortion: The X case. *Attorney General v. X [1992] 1 IR 1*: The Supreme Court- held that the termination of pregnancy is unconstitutional unless real and substantial risk to life (as opposed to health) of mother, which includes risk of suicide.

According to Luibheid (2006: 65) the State had previously chosen not to notice the 'abortion trail' (women travelling to the UK and elsewhere to obtain abortion) but the X case brought

¹⁶⁹ [http://www.justice.ie/80256E01003A21A5/vWeb/flJUSQ6VYKDA-en/\\$File/OptionsPaper.pdf](http://www.justice.ie/80256E01003A21A5/vWeb/flJUSQ6VYKDA-en/$File/OptionsPaper.pdf)

¹⁷⁰ Burley, Jenny and Francis Regan. 2002. Divorce in Ireland: The fear, the floodgates and the reality. *International Journal of Law, Policy and the Family* 16:202-222.

the issue into the public spotlight – and further put into question the interpretation of the Constitutional Amendment (1983).¹⁷¹

Travel and Information Referenda¹⁷²: Two referenda passed to safeguard the rights to travel and information. A third referendum was defeated, it would have limited the effect of the X case (proposed a more limited right to abortion than that already allowed by the supreme court- which provided that abortion was not unlawful where it was necessary to save the life as distinct from the health of the pregnant woman- and sought to exclude the risk of self-destruction as a grounds for abortion. Both pro-life and pro-choice advocated defeat, one arguing that it was unacceptable, the other that was too restrictive, Fletcher 2001: 583¹⁷³).

1993 Matrimonial Home Bill proposed to introduce a statutory property right whereby each spouse has equal rights of ownership in the existing or future **matrimonial home** and its contents. The bill passed through Irish Parliament but President Robinson referred the Bill to the Supreme Court to test whether it would amount to impermissible interference by legislature in rights of the family and it was rejected as unconstitutional. The interests of individual family members were seen as best served within the family as a unit. Attempts by the State to proscribe principals were deemed to infringe the family right to privacy and choice. The issue was constructed as one of family (the patriarchal family) rights not property rights (see Yeates 1999).

1993 The Irish Government abolished Legislation which had criminalised sexual relationships between men. The Criminal Law (Sexual Offences) Act changed the law by decriminalising sexual activity between males over the age of 17. The **age of consent** for heterosexuals is also 17. In the second stage of the bill, the Minister for Justice Mrs. Geoghegan-Quinn argued that while the 1988 ECHR ruling (Norris case) formed the

¹⁷¹ X was a 14 year old who had been raped and whose parents wanted to take her to Britain for an abortion. An injunction was issued against them by the Attorney General of Ireland and they returned without X having an abortion. But the case reached the international media and Ireland was presented as 'backward'. The Irish Times editorial expressed shock at what the Eighth Amendment had produced (Fletcher 2001: 580). Fearing negative responses, the government paid the costs of a Supreme Court appeal in which X was permitted to get an abortion- given that she was suicidal – which represented a threat to her life. However, the right to travel across international borders without government inquiry into a woman's reproductive status was questioned and was followed by protests by groups supporting abortion at Dublin airport. According to Taylor (1998), Case X and the attention it brought provided Irish feminists the opportunity or 'springboard' to launch public protests for greater reproductive freedoms. During the course of the X case, it was revealed that in 1991 the government had secretly appended a Protocol to the Maastricht Treaty which prevented the 1983 Constitutional amendment being superseded by a European act or amendment.

Protocol No. 17: 'Nothing in the Treaty on European Union, or in the Treaties establishing the European Communities, or in the Treaties or Acts modifying or supplementing those Treaties, shall affect the application in Ireland of Article 40.3.3 of the Constitution of Ireland' (From p. A18 of the Report on Abortion, 2000). In May 1992, the Foreign Ministers of Member States agreed to a Declaration giving their legal interpretation of the Protocol- that it shall not limit freedom to travel between member states and shall not limit provision of information relating to services lawfully available in member states.

¹⁷² Thirteenth amendment: http://www.irishstatutebook.ie/1992/en/act/cam/0013/gen_1.html

Fourteenth amendment: http://www.irishstatutebook.ie/1992/en/act/cam/0014/gen_1.html

¹⁷³ Fletcher, Ruth. 2001. Post-colonial fragments: Representations of abortion in Irish law and politics. *Journal of Law and Society* 28 (4):568-569.

background for the bill, the fundamental concern was a necessary development of human rights.¹⁷⁴

1995-2007

1995

Regulation of Information (Services outside the State for the Termination of Pregnancies) Act regulates the manner in which information on **abortion** services is made available to the public.

April, a Constitution Review Group was established to review the Constitution and identify those areas where change may be necessary; it considered Article 40.3.3 and in its report (1996) discussed 'Possible Constitutional and Legislative Approaches' (extract available in Appendix 5 of the Green Paper on **abortion**).

Fifteenth Amendment of the Constitution Act: provided for **dissolution of marriage** in specified circumstances, referendum held and proposal accepted.¹⁷⁵

Family Law and Social Welfare (no.2) Act extending court powers in making 'ancillary relief orders' (especially in relation to pensions and welfare entitlements).¹⁷⁶

1996

Family Law (**Divorce**) Act 1996 only came into effect in February 1997. But the procedure is very different from that in other societies: a long period of separation is required (living apart for at least four of five years before the proceedings); all divorce cases heard *in camera* (in private); solicitors obliged to discuss possibility of reconciliation, mediation, alternative

¹⁷⁴ Further information on pre 1995:

Lawson, Rick. 1994. The Irish abortion cases: European limits to national sovereignty? *European Journal of Health Law* 1:167-186.

Taylor, Judith. 1998. Feminist tactics and friendly fire in the Irish women's movement. *Gender & Society* 12 (6):674-691.

Throp, Arabella (1998) '*Age of Consent*' for male homosexual acts. House of Commons research paper 98/68.

¹⁷⁵ Highly organised and effective fear campaigns involving ultra conservative Catholic groups took place. According to Burley and Regan (2002: 203) opposition was 'fuelled by anti-divorce campaigns which used fear tactics to underpin their claim that the introduction of divorce would tear apart the fabric of Irish society'. There was comparison with other Catholic countries such as Spain and Italy which saw a steep rise in the number of divorces once legislation had been enacted. There was also opposition on the grounds that women would not be protected upon divorce, and that increasing secularisation of Irish society would lead to a loss of Ireland's identity as a Catholic state. At the same time, the influence of Catholic Church was being undermined by series of sex-related scandals involving the clergy in the 1990's.

The referendum to allow divorce was won- but only by a narrow margin of 0.6%- and legislative reform was delayed since there was a High Court challenge to the validity of the referendum on the grounds that there had been 'material interference' in the conduct of the referendum. The case was rejected in the High Court and rejected on appeal in the Supreme Court.

¹⁷⁶Burley, Jenny and Francis Regan. 2002. Divorce in Ireland: The fear, the floodgates and the reality. *International Journal of Law, Policy and the Family* 16:202-222.

Irish Family Planning Association <http://www.ifpa.ie/abortion/index.html>

Family Law and Social Welfare (no. 2) Act <http://acts.oireachtas.ie/zza26y1995.1.html#zza26y1995>

possibilities; and no clean break principle- i.e. no legislative impediment to ongoing court adjustment to financial or other payments (unpopular in the judiciary and legal professions). Frank Martin (2002) notes that in the Act itself the term spouse is used to refer to a person whose marriage has been dissolved.¹⁷⁷

Refugee Act 1996, allowed the granting of refugee status on the basis of a fear of persecution arising from one's sexual orientation. Ireland was one of the first countries in the world to provide protection on this basis in its refugee and asylum laws.

Constitution Review Group issued report recommending legislation to implement the X judgement specifying conditions for lawful **abortion** within Ireland. Recommendation rejected by the anti-abortion campaign.¹⁷⁸

1997

The C case: involving a 13 year old girl who had been raped and become pregnant as a result. The Eastern Health Board had taken the girl into care and, acting in accordance with the girl's wishes, obtained orders from the District Court to allow it to take the girl abroad for an **abortion**. The girl's parents unsuccessfully sought to challenge these orders.

According to the Irish Family Planning Association, this case highlighted both that the failure to enact legislation after the X case had led to another harrowing ordeal and that if the 1992 proposed amendment (to limit the scope of the X case ruling to exclude the risk of suicide as a ground for abortion) had been passed then Miss C would have been forced to continue with the pregnancy.¹⁷⁹

1998

Department of Health and Children publishes report: Women and **Crisis Pregnancy**. Final report of the Commission on the Family.¹⁸⁰

Employment Equality Acts 1998 and 2004, prohibit discrimination in employment on grounds of sexual orientation.

Abortion Working Group established following the C case (1997), inter-departmental group.¹⁸¹

1999

Department of Health and Children: Green Paper on **Abortion**- referred to the All Party Parliamentary Committee on the Constitution in September.

¹⁷⁷Burley, Jenny and Francis Regan. 2002. Divorce in Ireland: The fear, the floodgates and the reality. *International Journal of Law, Policy and the Family* 16:202-222.

Martin, Frank. 2002. From prohibition to approval: The limitations of the 'no clean break' divorce regime in the Republic of Ireland. *International Journal of Law, Policy and the Family* 16:223-259.

Family Law (Divorce) Act 1996 <http://acts.oireachtas.ie/zza33y1996.1.html>

¹⁷⁸ Irish Family Planning Association <http://www.ifpa.ie/abortion/index.html>

¹⁷⁹ Irish Family Planning Association <http://www.ifpa.ie/abortion/index.html>

¹⁸⁰ Department of Health and Children
http://www.dohc.ie/publications/women_and_crisis_pregnancy.html

¹⁸¹ Irish Family Planning Association <http://www.ifpa.ie/abortion/hist.html>

Primary source:

Department of the Taoiseach (1999) *Green Paper on Abortion*¹⁸² (103 pages)

2000

Report of the All Party Parliamentary Committee on **Abortion**

(Views of medical practitioners, special interest groups and faith groups heard in a series of public oral hearings). According to the report (2000: 13): ‘The majority of those individuals who made submissions are totally against abortion and desire a referendum which will give them the opportunity to secure an absolute ban on abortion’.

Equal Status Act 2000

Primary source:

The All Party Oireachtas Committee on the Constitution (2000) *Fifth Progress Report Abortion*¹⁸³ (712 pages)

2001

One of recommendations of the committee report of the Joint Oireachtas Committee on the Constitution was the establishment of an agency with ‘responsibility for drawing up a strategy to combat **crisis pregnancies**, to promote options [other than abortion] where a crisis pregnancy occurs and to provide for post crisis pregnancy services’ (Michael Martin, Minister for Health and Children, in CPA 2003: 3). In December the Crisis Pregnancy Agency was established, funded by the Department of Health and Children. According to the order establishing the agency: “Crisis pregnancy” means a pregnancy which is neither planned nor desired by the woman concerned, and which represents a personal crisis for her.

CPA Strategy was developed, having 3 main elements: invited submissions in June 2002 (received 246); targeted consultation process beginning in March 2003 (60 consultations); and a review of research and evidence. (The Strategy document lists Board members who include members from departments of education, justice equality and law reform, health and children, also lists members of consultative committee appointed by Minister for Health and Children which includes members from health / religious / women’s organisations / Irish Congress of Trade Unions).¹⁸⁴

2002

Referendum on the Twenty-Fifth Amendment of the Constitution (Protection of Human Life in Pregnancy Bill) seeking to roll back the Supreme Court decision of 1992. Opposition from NGOs including: the National Women’s Council of Ireland, the Irish Family Planning Association, Irish Council for Civil Liberties, and Alliance for Choice. The bill was defeated.

¹⁸² http://www.taoiseach.gov.ie/attached_files/Pdf%20files/GreenPaperOnAbortion.pdf

¹⁸³ <http://www.constitution.ie/reports/5th-Report-Abortion.pdf>

¹⁸⁴ Press release Department of Health and Children

<http://www.dohc.ie/press/releases/2001/20011002.html>

Crisis Pregnancy: <http://www.crisispregnancy.ie/index.html>

Crisis Pregnancy Agency establishment order: <http://www.irishstatutebook.ie/ZZSI446Y2001.html>

In the 'Baby O case', the amendment (above, Article 40.3.3) was invoked; the solicitor used pro-life arguments in an attempt to prevent the deportation of a Nigerian citizen who was pregnant. Other arguments against Ms O's deportation were used, including the claim that the unborn was legally a person and thus should have been served a separate deportation order. The Supreme Court affirmed that she could be deported.¹⁸⁵

2003

Labour Party supports proposal to support **abortion** where there is a risk to the life or health of the mother, or where there is foetal abnormality meaning the foetus would not be born alive.¹⁸⁶

National Economic and Social Forum report - Equality Policies for **Lesbian, Gay and Bisexual** People: Implementation Issues.¹⁸⁷

2004

Civil Partnership Bill Reading (Introduced by private member into the Senate)¹⁸⁸

Social Welfare Act (2004) Prohibits discrimination in occupational **pensions** on a range of grounds, including **sexual orientation** (Amending the Pensions Act 1990).¹⁸⁹

In 2004, a referendum ended the automatic practice of **citizenship** through birthright for non-nationals. The Constitution was changed and the following Act was passed: Irish Nationality and Citizenship Act 2004.¹⁹⁰

Primary source:

Parliamentary debate (16.2.05) *Civil Partnership Bill 2004: Second Stage*.¹⁹¹

2005

February: debate in parliament on **civil partnership**.

Parliamentary vote on civil partnership adjourned.¹⁹²

¹⁸⁵ Irish Family Planning Association <http://www.ifpa.ie/abortion/index.html>

Irish Council for Civil Liberties <http://www.iccl.ie/>

Luibhéid, Eithne. 2006. Sexual regimes and migration controls: Reproducing the Irish nation-state in transnational contexts. *Feminist Review* 83:60-83.

National Women's Council for Ireland http://www.nwci.ie/about_us

Twenty-fifth Amendment of the Constitution Bill (2001)

<http://www.oireachtas.ie/documents/bills28/bills/2001/4801/b48b01d.pdf>

¹⁸⁶ Irish Family Planning Association <http://www.ifpa.ie/abortion/index.html>

RTE news (11-5-03) 'Labour party backs abortion legislation proposal'

<http://www.rte.ie/news/2003/0511/labour.html>

¹⁸⁷ National Economic and Social Forum http://www.nesf.ie/dynamic/docs/nesf_27.pdf

¹⁸⁸ Link to Gay and Lesbian Equality Network (GLEN) document summarising main developments in relation to legal recognition of same sex relationships

http://www.glen.ie/press/docs/Resource%20Documenton%20civil%20marriage%202005.doc#_Toc120530607

¹⁸⁹ Bell, Martin. 2004. Combating sexual orientation discrimination in employment. Report of the European Group of Experts on Combating Sexual Orientation Discrimination.

¹⁹⁰ Luibhéid, Eithne. 2006. Sexual regimes and migration controls: Reproducing the Irish nation-state in transnational contexts. *Feminist Review* 83:60-83.

¹⁹¹ <http://www.oireachtas-debates.gov.ie/S/0179/S.0179.200502160009.html>

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2004/5404/document1.htm>

¹⁹² Gay and Lesbian Unions Eire, statement on civil partnership bill.

2006

Government rejects new EU proposals on **divorce**¹⁹³

Report on Pre-nuptial agreements¹⁹⁴

Report published: The Irish Study of Sexual Health and Relationships, commissioned by the Department of Health and Children and the Crisis Pregnancy Agency.

Amendments to the Parental **Leave** Act 1998 allows for the extension of leave to include provision for same-sex couples.

Working group on **domestic partnership** established (Department of Justice, Equality and Law Reform): 'to consider the categories of partnerships and relationships outside of marriage to which legal effect and recognition might be accorded, consistent with Constitutional provisions', and to 'identify options as to how and to what extent legal recognition could be given to those alternative forms of partnership, including partnerships entered into outside the State.'¹⁹⁵

Civil Unions Bill 2006 (Source- private member's bill brought into House of Representatives).¹⁹⁶

Legal case 'Kalcuse'¹⁹⁷- lesbian couple fighting for recognition of their married status (married in Canada) in Ireland. Recognition of marriage would bring financial advantage under the Tax Code which does not define the terms 'husband' and 'wife'.

Primary sources:

Department of Health and Children, Crisis Pregnancy Agency (2006) *The Irish study of sexual health and relationships*¹⁹⁸ (377 pages)

Labour Party (2006) *Civil Unions Bill*¹⁹⁹ (7 pages)

Working group on domestic partnership (2006) *Options paper presented by the working group on domestic partnership to the Tánaiste and Minister for Justice, Equality and Law Reform, Mr. Michael McDowell, T.D.*²⁰⁰ (89 pages)

<http://www.glue.ie/dynapage.php?id=30>

¹⁹³ Department for Equality, Justice and Law Reform: Press release

http://www.justice.ie/en/JELR/Pages/Government_rejects_EU_divorce_proposals

Parliamentary Dáil Éireann - Volume 626 - 07 November, 2006

<http://www.oireachtas-debates.gov.ie/D/0626/D.0626.200611070091.html>

¹⁹⁴ Department for Justice, Equality and Law Reform (2006) Report on pre-nuptial agreements

[http://www.justice.ie/80256E010039C5AF/vWeb/fIDOJA72LNKT-en/\\$File/PrenuptialRpt.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/fIDOJA72LNKT-en/$File/PrenuptialRpt.pdf)

Parliamentary debate, Seanad Éireann - Volume 184 - 18 October, 2006 Pre-Nuptial Agreements: Motion.

<http://www.oireachtas-debates.gov.ie/S/0184/S.0184.200610180008.html>

¹⁹⁵ Department of Justice, Equality and Law Reform: Press release

<http://www.justice.ie/en/JELR/Pages/PR07000328>

¹⁹⁶ Gay and Lesbian Equality Network press release

<http://www.glen.ie/press/docs/Press%20on%20Labour%20Civil%20Unions%20Bill.doc>

¹⁹⁷ Kalcuse: <http://www.kalcuse.org/index.htm>

¹⁹⁸ http://www.dohc.ie/publications/pdf/ISSHR_Main_Report.pdf?direct=1

¹⁹⁹ http://www.labour.ie/download/pdf/civil_unions_bill.pdf

²⁰⁰ <http://www.justice.ie/en/JELR/OptionsPaper.pdf/Files/OptionsPaper.pdf>

2007

21st February: Second stage resumed of **civil unions** bill: outcome- postponed second reading for 6 months.

New controversy over abortion and the right to travel with the 'Miss D' case. A spokesperson for the Irish Congress of Trade Unions declares that the case highlights: "Legislation is urgently required, the next Government needs to ensure that women are respected as equal members of society and that the rights of women including to health, travel and autonomy as well established principles of international human rights law are legislated for".²⁰¹

Primary source:

Parliamentary debate (20.2.07) *Civil Unions Bill 2006, second stage (resumed)*²⁰²

²⁰¹ Press articles on abortion and right to travel:

<http://www.ireland.com/newspaper/frontpage/2007/0508/1178204621827.html>

<http://www.guardian.co.uk/frontpage/story/0,,2076340,00.html>

ICTU news release: <http://www.ictu.ie/p090507.htm>

²⁰² <http://debates.oireachtas.ie/DDebate.aspx?F=DAL20070221.xml&Page=1&Ex=1871>

<http://debates.oireachtas.ie/DDebate.aspx?F=DAL20070221.xml&Page=1&Ex=H18#H18>

5 GENDER BASED VIOLENCE

Introduction

The sub issues most relevant in the context of Ireland include

- Sexual Assault (especially rape)
- Domestic Violence
- Sexual harassment and stalking

Irish legislation and policy defines acts of violence against women, such as “domestic violence, rape, sexual assault, stalking/harassment”²⁰³ as criminal acts. In relation to legislation and policy, Ireland has enacted strong legislation on domestic violence and sexual assault (especially rape). Legislation and policy on stalking, harassment, FGM, forced marriage, prostitution and trafficking is less developed. Pornography is mentioned in debates, and hard pornography is occasionally referred to in relation to violence against women (Labour women); however there is no definition of pornography.

A number of policies and policy contexts developed in Ireland in the 1990’s (providing NGOs institutional opportunities to influence social policy addressing violence against women). What stands out during this period is the rapid pace by which new policies and acts were being initiated and implemented. The most significant of these contexts include the 1996 setting up of the Task Force on Violence Against Women and the subsequent establishment of the National Steering Committee and the Regional Planning Committees in 1997 chaired by the Minister of State at the Department of Justice, Equality and Law Reform. The Irish economy flourished during the 1990s and there was *increased funding* for services for female victims of violence (Irish National Observatory on VAW)²⁰⁴; the setting up of these *institutional structures* was followed by an increase of resources channelled to the voluntary and community organisations delivering services and responses to violence against women. In general, there is a significant international influence on Irish policy making; the most important, but not only, part of this *international context* is the *EU*.²⁰⁵ Ireland ratified CEDAW in 1985 and its Optional Protocol to CEDAW in 2000. Ireland has developed a *National*

²⁰³ Ireland Combined second and third periodic reports to 21st Session to CEDAW, 1999.
<http://www.un.org/womenwatch/daw/cedaw/cedaw%20report%20submission%20status%2031Aug2006.pdf>

²⁰⁴ “Between 1996 and 2004 the funding provided by the Department of Health and Children for services to female victims of violence has increased from IR £ 3.1 million to 11.95 million Euro annually (Dept of Justice, Equality and Law Reform). The Department of Justice Equality and Law reform is allocated additional funding to tackle violence against women, some £101,000 increased to 885,000 Euro in 2002. This has decreased in the last two years from 840,000 euro in 2003 to 802,000 in 2004. It is interesting to note that the Dept of Health and Children budget has also seen a slow down, with the 2004 budget remaining fixed at 2003 figures” (Irish National Observatory on VAW)

²⁰⁵ The Irish Combined second and third periodic reports to CEDAW (1999) list EU membership as one out of three factors that has changed the social/political/legal domain in relation to the rights of women and gender equality. Ireland has adopted gender mainstreaming strategy to most of the expenditure of €50 billion under the National Development Plan 2000-6. The NDP Gender Equality Unit, established in 2000 in the Department of Justice, Equality and Law Reform to advance the implementation of gender mainstreaming is co-financed by EU Structural Funds.

Action Plan to combat violence against women (although this plan does not fully meet the criteria set out in the UN BPfA, most notably because it does not regard prostitution as a form of gender based violence).²⁰⁶ In the 2006 Council of Europe report on policy on violence against women, the Irish government replied that there is a general national action plan on violence against women, but the plan only explicitly addresses rape and sexual violence, and violence in institutional environments.²⁰⁷

General policies on violence against women include government partnership agreements, and the Partnership for Prosperity and Fairness and Sustaining Progress contains specific objectives in relation to tackling *violence against women in intimate relationships* and *rape* and *sexual assault*. Various pieces of legislation developing the criminal law on rape, sexual assault and child sexual abuse were introduced during the 1980s and 1990s.

Domestic violence remained a hidden issue until the late 1970s in Ireland. At this time domestic violence could only be criminally prosecuted using the general *criminal law on assault* (public trial, open court).²⁰⁸ The Domestic Violence Act introduced in 1996 (see timeline) introduced and extended civil law remedies. Health policy has been developed; the government's Task Force on VAW report (1997) made several recommendations as to how the health service must to respond to DV. A Plan for Women's Health (Department of Health, 1997) identified violence against women as a critical area for action, and the Government's Health Strategy (2002) also named violence against women as a key issue.²⁰⁹

Sexual violence debates predominantly concern issues of rape and sexual assault. The 1990 criminal law (Rape) (Am) Act revised the legal definitions of sexual assault. There also remains the traditional meaning of sexual assault as 'indecent' ranging in meaning from non-consensual touching to assaults just falling short of rape (Grainne Healy, chair of EWL Observatory on VAW). It was only in 1990 that rape within marriage was recognised as a crime; before then the law held that rape was something "done to a woman by a man other than her husband." There have been many legal developments relating to child abuse, child pornography, incest, and rape. Sexual assault, and especially rape, have seen a great deal of civil society mobilisation and the Rape Crisis Network Ireland (RCNI) is a key actor, active

²⁰⁶ A consultation process has been carried out among the women's sector to inform Government who are now in the process of writing the plan. Violence against women will, according to the Irish National Observatory on VAW spokeswoman, be included in the plan.

²⁰⁷ Council of Europe (2006) "Combating violence against women. Stocktaking study on the measures and actions taken in Council of Europe member States." Directorate General of Human Rights, Strasbourg, 2006.

[http://www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG\(2006\)3_E.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG(2006)3_E.pdf)

²⁰⁸ In 1976 the concept of barring orders was introduced in the Family Law (Maintenance of Spouses and children) Act giving battered women (and men) the possibility to prohibit the violent spouse from entering the home for up to three months (Bacik, 2003). The three months were extended to one year in 1981, at a time when a second remedy was introduced in Irish law, the protection order.

²⁰⁹ Sources: Office of the Tánaiste (1997) Report of the Task Force on Violence against Women. Dublin: Government Publications Office Dublin. Department of Health and Children (1997) A Plan for Women's Health. Dublin: Government Publications Office. Department of Health and Children (1997) The Health Strategy. Dublin: Government Publications Office.

at both a national and European level (e.g. through their affiliation with the Rape Crisis Network Europe and the European Women's Lobby).

Harassment and stalking are treated predominantly as matters of civil rather than criminal law. They can be addressed through provisions in the Employment Equality Acts 1998 and 2004 which prohibit all discrimination, and also provide statutory codes of practice and guidelines for employers, trade unions and employees, and a complaint procedure to the Equality Tribunal. The Equal Status law covers harassment in other areas (e.g. education). Sexual harassment is positioned in the wider context of gender equality in Ireland; a section on sexual harassment can be found in the gender equality law. Stalking is not specifically addressed in Irish legislation (as, for instance, in the UK).

Female genital mutilation (FGM) is not common in Ireland. It was the subject of a Bill on FGM in 2003, but this has not become law. However, FGM amongst girls under sixteen can be covered under the provisions of the 1997 Non-Fatal Offences Against the Person Act. There is a small amount of civil society mobilisation around FGM in relation to *asylum*. Ireland has traditionally been a country of emigration rather than immigration; there is little tradition of developing policy on minority ethnic issues other than for Travellers.

Trafficking has only recently been addressed in Ireland, most notably through a 2006 Bill. The Bill does not link trafficking to prostitution, despite NGO submissions to the consultation that do. **Prostitution** is not a major issue in the Irish context.

5.1 Actors

The Department of Justice, Equality and Law Reform is responsible for legislative provisions in relation to the various forms of violence against women. It is also responsible for dealing with perpetrators through the criminal justice system and the establishment of perpetrator programmes (to prevent repeat violence). The Department conducts and funds research and awareness raising campaigns in relation to VAW. It funded a Domestic Violence Intervention Pilot Project, which draws on research on the development of an intervention model for victims of domestic violence.

The Department of Health & Children provides health and social services to victims of violence. The Department also funds research and service provision by NGOs.

The Department of Environment and Local Government provides funding for the provision of emergency accommodation for victims of domestic violence

The Department of Education and Science has established education programmes dealing with violence as part of the Social, Personal and Health Education programme.

The Department of Community, Rural and Gaeltacht Affairs provides funding for community development programmes and grant-aid local groups dealing with DV.

The Department for Foreign Affairs website contains many references to gender based violence, and calls it a violation of human rights. There is explicit reference to the systematic abuse of women, to gender equality and to human rights. The Department has commissioned several studies and responses to GBV since the early 2000s. However, this concerns violence outside Ireland, among the ‘other’ in Darfur, Bosnia, and Senegal.²¹⁰

COSC – Irish Office for the Prevention of Domestic Violence is placed within the Department of Justice, Equality and Law Reform and its aims include providing “better co-ordination and leadership for the widely diverse domestic violence and violence against women sector”. The main functions of the Office are to 1) enhance co-ordination between the Departments, Agencies and Non-Governmental Organisations (NGOs) in the sector, 2) develop and deliver awareness raising programmes, 3) provide leadership and direction to the National Steering Committee on Violence Against Women (NSC) and its Sub-Committees, 4) consider, and where relevant facilitate, the implementation of internationally established best practice throughout the sector, 5) provide secretariat support to the NSC, its three Sub –Committees and the Forum of Regional Planning Committees, and 6) further develop and implement grant funding schemes for perpetrator programmes.

National Steering Committee on Violence against Women

The Steering Committee is representative of a wide range of interests concerned with VAW and aims to provide a multi-disciplinary and cohesive response to VAW. Objectives include ensuring that regional and local structures are established, developing public awareness campaigns, co-ordinating and advising on the distribution of funding, and co-ordinating and advising on ongoing development of policies including those concerning perpetrators, criminal justice intervention, services and supports. The committee’s competence/remit includes: overseeing development of policy nationally and monitoring development of policy in individual agencies; advising on allocation of resources to Health Boards and ensuring maximum value for resources available; developing codes of practice and encouraging interagency training; ensuring regional and local structures established; and undertaking research and needs assessment nationally.

Regional Committees on Violence against Women have also been established in each of the ten health board regions. They draw together the statutory and non-statutory services available to women in each of these regions to provide treatment for victims of violence. The committees are also involved in the assessment of existing services in their respective regions and the drawing up of local strategies and implementation plans. RCs are chaired by a person from the voluntary or community sector and have a remit to develop a strategy to address violence against women at a regional level and to implement strategic plans.

²¹⁰ <http://www.irishaid.gov.ie/article.asp?article=585>

Local Area Networks on Violence Against Women are established to develop a community based approach to the development of responses including interagency cooperation and information sharing. The networks' remit includes: to ensure support and information is available locally to women experiencing violence; promote interagency coordination of services; and to facilitate information sharing at a local level.

Parliament:

Joint committee on Justice, Equality, Defence and Women's rights
Oireachtas Joint Committee on European Affairs
National Domestic Violence Intervention Agency

The Police (Gardaí) have established a Domestic Violence and Sexual Assault Investigation Unit within the National Bureau of Criminal Investigation. The Unit provides ongoing liaison with Government and Non-Government Organisations. The Gardaí have a written policy on Domestic Violence Intervention. An Assistant Commissioner has been assigned specific responsibility for monitoring action in relation to VAW. The Gardaí are represented at Inspector level on each of the Regional Committees on VAW to enhance contacts with local level service providers at the local level

Civil Society (or Semi Civil Society) Actors

The early focus of the women's movement was on women's basic needs to shelter, money and physical safety and how these basic rights were being denied. Feminist activism in this area in the 70s focused on the development of refuges. A number of rape crisis centres were also established in Ireland in the 1970's as a response to the growing number of women reporting rape, sexual assault and child sexual abuse. There has been cooperation between the NGOs and the police in the field of GBV, since An Garda Síochána (the Irish police force) began to seek the expertise of the NGO sector in GBV, with the development of policies and good practice guidelines from the mid 1990s. Women's NGOs are well networked with the EU, including the UK. The EU Daphne programme has been of assistance to the development of NGO networks and expertise.

National Women's Council of Ireland is an umbrella organisation bringing together some 160 NGOs and functioning as the national umbrella organisation representing women's interests both within and outside of institutionalised politics. It is the national representative body for Ireland in the European Women's Lobby.

Women's Aid²¹¹ provides support and information to women and their children who are being physically, emotionally and sexually abused in their own homes. Women's Aid is a feminist and political NGO that campaigns to eliminate VAW through political, social and cultural change. The organisation also engages in outreach and service provision, e.g. by running a national helpline. Women's Aid has a training unit which trains Garda recruits, health professionals and frontline service personnel working with domestic violence.

²¹¹ <http://www.womensaid.ie/>

The Rape Crisis Network Ireland (RCNI) was set-up in 1985 and, together with the NNWESS (see below), constitutes the representative body for refuges and support services and rape crisis centres (RCCs) in Ireland. RCNI play a key role in policy making and represent their members at a national, European and international level. Prior to 1985 many RCCs had no funding, statutory or otherwise; centres began to receive funding in 1985. The Rape Crisis Network Ireland provides accredited training for Rape Crisis workers and volunteers. Recent publications by RCNI, from initiatives funded under the EU Daphne programme, have examined the issues of attrition rates and Best Practice Guidelines in Ireland and Europe. The RCNI first received funding, from the Department of Health and Children, in 1999. The RCNI has strong links to European networks and is formally affiliated to the Rape Crisis Network Europe; the European Women's Lobby; the Community Platform; and to the European Anti Poverty Network.

The Dublin Rape Crisis Centre runs a national free phone helpline and provides training for Gardai, health professionals etc. on rape, sexual assault, sexual harassment and child sexual abuse.

Sonas Housing is a sister organisation to Women's Aid (initiated by WA). Sonas provides permanent and transitional housing for women and children who have had to leave their own homes because of violence. Sonas has approximately 50 housing units and works in partnership with the local frontline services responding to domestic violence.

The National Network of Women's Refuges and Support Services (NNWESS) is considered to be the representative body for refuges and support services in Ireland.²¹² 37 member organisations are spread over Ireland. The NGO provides support services to women victims of domestic violence. Given the representative role of the NNWESS, it has a voice in national, European and international committees and legislative input on a national level.

Pavee Point Traveller Centre established in 1983 works at local, regional and national levels to influence policy and social change in the areas of racism and human rights in relation to the Traveller community and DV. Pavee also aims to break the silence on domestic violence among Traveller women.

Immigrant Council of Ireland generally works in the area of rights for immigrants and the elimination of discrimination. However, ICI has- in partnership with Women's Aid and AkiDwA (see below)- established a forum on gender based violence targeting migrant women and service providers working with immigrant women who are victims of violence.

²¹² Labour party publication "Safety, accountability and responsibility!"

Akina Dada wa Africa (AkiDwA) is a national network of African women living in Ireland and was established in 2001 working in the field of gender based violence in general and domestic violence and inter-culturalism in particular.

The Irish Council for Civil Liberties was founded in 1976 (by, amongst others, Mary Robinson) and is a membership organisation working to defend and promote human rights and civil liberties in Ireland. Since the ICCL's establishment, the organisation has worked on gender issues and women's rights largely through the ICCL Women's Committee. The ICCL's activities in this area focus on gender discrimination legislation, reproductive rights, prostitution and reporting to the UN Committee on the Elimination of Discrimination Against Women (CEDAW).

The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which brings together government and non-government organisations. The NCCRI, in partnership with the Equality Authority, is the Irish National Focal Point (NFP) for the EU Monitoring Centre on Racism (EUMC).²¹³

Catholic Church

The Catholic Church is an influential actor which for quite some time seemed to be standing above the law and treated separately. To some extent, the Church in Ireland is an example of a voice so institutionalised that it becomes invisible. For instance, Fianna Fáil used to be known as the Bishops' Party due to its allegiance with the Catholic Church. The Church has been able to exercise influence over policy areas such as the mother and child scheme, women's right to life, abortion, travel, information and equal job opportunities, divorce, contraception, equal rights for homosexuals, free speech, funding for the rape crisis centres and for child support groups.²¹⁴

A major turning point in this special standing of the Church was in the 1990s when the government chose not to prosecute a priest accused of sexually abusing children, leading to the resignation of the government in 1994. The Church acknowledged that the priest had molested dozens of boys in the 1980s and 1990s and bishop Comiskey had been informed about the priest's abuse but did nothing for six years except for transferring the priest to another parish, resulting in new allegations of sexual abuse. Comiskey resigned and the priest committed suicide in 1999 while facing 66 criminal charges of sexually abusing boys.²¹⁵ The 2005 Ferns report²¹⁶ by a government appointed commission on the sexual abuse of children by Roman Catholic priests led some members of Parliament to call for a

²¹³ <http://www.nccri.ie/index.html>

²¹⁴ Smyth, Ailbhe (1995) "States of Change: Reflections on Ireland in Several Uncertain Parts" *Feminist Review*, No. 50, The Irish Issue: The British Question (Summer, 1995), pp. 24-43.

²¹⁵ Notable is the difficulty in finding any information on this in either newspapers or governmental web sites; contrary to the expectation that the fact that the government fell as a consequence of the event would have produced a series of reports and articles.

²¹⁶ Francis D. Murphy, Helen Buckley, and Larain Joyce, *The Ferns Report*, presented to the Minister for Health and Children (Dublin: Government Publications, October 2005). <http://www.bishop-accountability.org/ferns.htm>

severing of the formal ties between the Irish government and the Roman Catholic Church. The report, produced by a three-member panel appointed by the Irish government, showed that the Catholic Church hierarchy in Ireland was only one part of a system that enabled cover-ups allowing known sexual predators to retain their positions within the Church and thus their access to young victims. According to the report, the police were reluctant to investigate sexual abuse claims because they did not want to challenge the privileged position of Roman Catholic Church. Further, since most Irish schools are run by the Church (95 percent of Ireland's elementary schools are state-financed but run by Catholic authorities), teachers also found it difficult to report on the sexual abuse of children.²¹⁷ This crisis over the absence of Church and state action against sexual violence had major repercussions.

International Influences

UN: CEDAW, BPfA (especially used by NGO sector). Ireland is constantly criticised in CEDAW reports because of the prohibition of abortion and, before 1997, the ban on divorce.

EU: Daphne programme. Close links in civil society where Irish NGOs use EU and EU networks to put pressure on national government. Gender mainstreaming adopted as a strategy.

UK: UK is often mentioned as a point of reference, in particular by civil society (e.g. as in relation to legislation on sexual offences when Irish NGOs called for a more comprehensive review of the legislation, as in the review set up in the UK). There is contact and movement among feminists North and South of the border, as well as with mainland Britain.

5.2 Timeline

Pre QUING period

1973 Ireland joins the EU

1974 Women's Aid opened first refuge

1977 First Rape Crisis Centre

1981 Criminal Law Act defined rape as a man having unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it, and the man either knows that she does not consent or acts recklessly as to her consent.²¹⁸

1990 The Criminal Law (Rape) (Amendment) Act extended the definition of rape to criminalize sexual assault defined as indecent assault upon any female, to include rape and other sexual assault. Removes doubt as to whether a husband could be prosecuted for raping his wife; provides that rape cases under section 4 should be heard in the Central Criminal Court (i.e. the public is excluded); and removed the rule by which males under 14 years of age were considered physically incapable of committing an offence of a sexual nature.²¹⁹

²¹⁷ <http://www.britannica.com/eb/article-9111729/IRELAND>

²¹⁸ 1981 Criminal Law Act <http://www.legislationline.org/legislation.php?tid=104&lid=1663&less=false>

²¹⁹ This second offence (known as section 4 rape) is gender neutral in the sense that section 4 rape can be perpetrated by both a man and a woman against a man or a woman. In the 1981 criminal law

State Actors: Oireachtas Joint Committee on Women's Rights

Civil Society: The Rape Crisis Network Ireland began campaign to reform the 1981 Act in 1986. According to the Network, most of their recommendations to the Oireachtas Joint Committee on Women's Rights were included in the new legislation.

1993 The Criminal Law (Sexual Offences) Act 1993 prohibits soliciting or importuning for purposes of prostitution as well as loitering. It outlaws organizing prostitution for gain, living on the earnings of prostitutions, and keeping or managing a brothel i.e. prostitution in itself is not an offence but rather the act seeks to protect society from the more intrusive aspects of prostitution, such as soliciting in the streets, and to protect prostitutes from exploitation by persons such as pimps living on the earnings of prostitutes.²²⁰

1993 The Criminal Justice Act enabled the Court of Criminal Appeal to review “unduly lenient sentences” and requires the Court, when determining sentences, to take into account any effect (long-term or otherwise) of the offence on the victim. The act also decriminalised homosexual acts between consenting adult males. The Act replaced the offence of gross indecency with a new offence of gross indecency by a male with a male under 17 years of age. It updated the law on the protection of the mentally impaired from sexual abuse.

QUING period

1995 The Criminal Law (Incest Proceedings) Act, similar to the 1990 Rape Act, allows that in cases of incest the public may be excluded from some proceedings. It also increases the maximum penalties.

1995 National prevalence study on domestic violence (Making The Links, Women's Aid, 1995) found that 1 in 5 women in Ireland had experienced domestic violence.

1995 The Department of Health initiated a nationwide consultation process with women aiming at defining a framework for a women's health policy. Following the recommendation of the Women's Health Plan, the Women's Health Council was set up as a permanent statutory body to ensure effective and appropriate policy for women's health care and to advise the Minister for Health and Children on all aspects of women's health. Its explicit objective is to “inform and influence the development of health policy to ensure the maximum health and social gain for women in Ireland”. The membership of the Women's Health

on rape, the perpetrator could only be a man. The act revised the law to reject the previous presumption that a man was innocent because his age made him physically incapable of committing an offence. The Act limits public attendance at rape or sexual assault hearings and prohibits the introduction of evidence concerning the victim's prior sexual experience, unless specifically allowed by the judge. The 1990 criminal law also abolished the requirement that the victim's testimony be corroborated by other evidence. Policy changes: exclusion of sexual history evidence; rape in marriage; widened definition, forms of penetration; resistance requirement removed; review of sentencing; further widening of definition, boys under 14 can be charged; and extended restrictions on sexual history evidence.

²²⁰ Criminal Law (Sexual Offences) Act (1993)

<http://www.legislationline.org/legislation.php?tid=104&lid=1477&less=false>

Council included a wide range of expertise and interest in women's health. The work of the Women's Health Council was to be guided by three principles:

- Equity based on diversity - the need to develop flexible and accessible services which respond equitably to the diverse needs and situations of women
- Quality in the provision and delivery of health services to all women throughout their lives
- Relevance to women's health needs.

Sources: Department of Health "Women's Health Plan" <http://www.whc.ie/about/index.html>

1996 The Domestic Violence Act²²¹ outlines civil and criminal provisions in the area of domestic violence. Protection is extended to co-habitants, other adults living together, and to parents regarding a violent adult child. The Act addresses authorizing an arrest without a warrant in certain circumstances, the granting of barring, safety and protection orders, and extending protection in situations of violence between unmarried partners. It also extended the law to include abuse by people who were not spouses – co-habitees, parents and children. Significantly, under the Domestic Violence Act, a spouse, parent, or opposite-sex co-habitee who has been living for six of the previous nine months with the person accused of abuse may seek a barring order. A barring order excludes the perpetrator from the family. The conditions of the barring order are determined by the individual judge who issues it. A safety order prohibits a person from threatening violence or putting the applicant in fear of violence, whether or not the persons reside together. This order does not require that the violent person leave the family home. The safety order may be made valid for five years, and prevents the perpetrator from watching or harassing the applicant. An interim barring order is temporary and granted on an expedited basis. A protection order is the more common form of order granted on an expedited basis, if there are reasonable grounds to believe the applicant's safety and welfare are at risk. A protection order is valid until the time of a full hearing for the barring order. Deals with both the civil and criminal aspects of domestic violence.²²²

State Actors: Dept. of Justice, Equality & Law Reform

Civil Society: Women's Aid, The Network of Women's Refuges and Support Services, Amnesty (The Domestic Violence Act 1996 is incomplete in terms of the categories of victims covered), National Women's Council Ireland.

1996 Sexual Offences (Jurisdiction) Act²²³ extends Irish criminal law to sexual acts involving children committed abroad by Irish citizens or ordinary residents. It also makes it an offence to make travel arrangements for the purpose of enabling the commission of a sexual offence against a child abroad. In addition, it makes it an offence to publish information which is likely to promote the commission of sexual offences against children abroad.

Civil Society: Rape Crisis Network Ireland, Rape Crisis Centre, Dublin Rape Crisis Centre.

²²¹ Attorney General *Irish statute Book*, <http://www.irishstatutebook.ie/1996/en/act/pub/0001/index.html>

²²² Sources: Domestic Violence Act (1996) <http://www.ucc.ie/law/irl/ii/statutes/2004-24.php>. Family Law (Divorce) Act (1996) <http://www.legislationline.org/legislation.php?tid=99&lid=1645&less=false>

²²³ Attorney General *Irish statute Book*, www.irishstatutebook.ie/1996/en/act/pub/0038/sec0001.html

1996 Task Force on Domestic Violence focusing on domestic violence, rape and sexual assault is established. Trafficking and pornography are not included. The Report makes recommendations in relation to domestic violence, rape and sexual assault. However, it does not contain targets, timeframes, budgets, and measurable and quantifiable indicators of progress by Government departments. Therefore there is a problem in terms of the capacity to monitor government performance and in holding the state accountable for implementation of the recommendations in the report.

State actor: Minister for State, Eithne Fitzgerald, Dept. of An Tánaiste.

Civil Society: Ruhama (specialist NGO working with women in Prostitution who joined the National Steering Committee), National Women's Council Ireland.

Primary Source: National Steering Committee on Violence Against Women (1996) "Report of the Task Force on Violence Against Women" focus on domestic violence, rape and sexual assault (not including pornography, prostitution or trafficking) (337 pages)

<http://www.justice.ie/en/JELR/dvreport.pdf/Files/dvreport.pdf>

1997 Non Fatal Offences against the Person Act replaced the 1996 Domestic Violence Act and brought together all crimes against the person under one act. It also introduces the first stalking legislation in Ireland (Section 10). Reform measures include changes in the protection of victims of rape- from the reporting to the Gardai (police) through to the completion of a trial, including anonymity for the victim (and the accused unless found guilty); restricted access of the public to the trial; further restrictions regarding a victim's sexual history or sexual experience; and the removal of a previous requirement that the jury are warned about the danger of convicting on the uncorroborated evidence of the complainant.

Civil Society: Women's Aid, National Observatory on VAW (partly critical of the 'hiding' of gender/women).

1997 Report of the Task Force on Violence Against Women published by the Irish government. The report contains proposals for a national coordinated and more coherent response to violence against women. According to the task force, VAW should be tackled through the development of services, preventative strategies and the improvement of legislation and law enforcement. Following the report, a *National Steering Committee on Violence Against Women* (NSC) was established to implement the Task Force's report. The NSC is comprised of Government Departments, Non-Governmental specialist Organisations and various key experts. Chaired by the Minister for State in the Department of Justice, Equality and Law Reform, the committee generally meets quarterly and intends to develop a 5 year Strategic Plan. The Task Force Report contains a feminist analysis of violence against women as agreed by the United Nations Declaration on the Elimination of Violence Against Women adopted by the UN General Assembly in 1993.

State Actors: The Task Force

Civil Society: Ruhama, Women's Aid, Rape Crisis Centre, Amnesty (critical towards implementation of the Plan, or lack of implementation).²²⁴

²²⁴ Student Union: <http://www.ucc.ie/en/SIN/Welfare/StudentSafety/GenderViolence/>

Sources: Report of the Task Force on Violence Against Women, (Irish Government).
Secondary: Amnesty (2005) Justice and Accountability: Stop Violence Against Women, June, 2005.

1997 Violence at Home - Support at Work. Joint Trade Union campaign.

1998 Department of Social, Community and Family Affairs. Women's Aid is appointed as a specialist support agency to the Community Development Support Programmes Programme; thereby recognising that violence against women is an issue for projects in the Community Development Support Programmes.

1998 Child Trafficking and Pornography Act makes it an offence, punishable by up to life imprisonment, for any person to organise or knowingly facilitate the entry into, transit through, or exit from the State of a child for the purpose of his/her sexual exploitation.²²⁵

1999 CEDAW Concluding Observations on Ireland reported its concern "that no comprehensive and multidimensional strategy has yet been adopted to prevent and eliminate violence against women". (According to Amnesty, this continues to be the case).²²⁶

2000 Sex Offenders Bill imposes notification requirements on convicted sex offenders resident in Ireland (whether convicted there or elsewhere) to comply with the compilation of a register of such offenders.

2000 Illegal Immigrants (Trafficking) Act creates the offence of trafficking in illegal immigrants. Such an offence is committed by a person who organises or knowingly facilitates the entry into the State of a person whom he or she knows or has reasonable cause to believe to be an illegal immigrant or a person who intends to seek asylum.

Civil Society: AkiDwA; Immigrant Council of Ireland

Note: trafficking for sexual exploitation vs. trafficking, "trafficking not a problem in Ireland, illegal immigration is".²²⁷

2000 Gender Guidelines in Asylum were suggested by the Irish Council for Civil Liberties Women's Committee ("Women and the Refugee Experience: A Statement of Best Practice"). The Irish 1996 Refugee Act recognises the specificity of the experience of women by including gender as a defining characteristic of persons persecuted as a result of their

²²⁵ See also Children (Reporting of Alleged Abuse) changed to Protections for Persons Reporting Child Abuse Bill
<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1998/0398/document1.htm> and the
See also the 1998 The Child Trafficking and Pornography Bill
<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/1997/7397/document1.htm>.
(Definition on pornography still missing, approached in terms of decency/indecency and morality.)

²²⁶ Amnesty (2004) "Justice and Accountability"

<http://www.usi.ie/media/SVAW/SVAW%20summary.pdf>

²²⁷ Act, and O'Connor, M. and Healy, G., Prostitution and Trafficking - A Briefing Handbook, CATW / EWL 2006); Stand up, speak out, fight back. Labour women strategic plan 2006-2008
<http://www.labour.ie/women/policy/strategicplan.html>

membership of a particular social group but by 2000 there were still no gender guidelines for asylum seeking women (as in, for instance, Norway, Sweden and the UK).

Semi State actor: The National Consultative Committee on Racism and Interculturalism (NCCRI).

2000 Progress report on Travellers included a strategy that specifically underlines actions targeting women, including greater access to and uptake of family planning and sexual health services and measures addressing violence against women. General levels of racism and discrimination against Travellers constitute significant barriers to Traveller women accessing support services, and safety and concerns about further stigmatizing their own community create additional barriers for Traveller women.²²⁸

State Actor: Minister for Justice, Equality and Law Reform established a committee.

2001 Sex Offenders Act²²⁹ has three main provisions. First it protects children and other vulnerable persons against sexual abuse or attack through the introduction of a notification system for convicted sex offenders. Second, it introduces separate legal representation in certain circumstances for complainants in rape and other serious sexual assault trials. Third, it significantly increases the penalty for sexual assault.

State Actors: Minister for Justice, Equality and Law Reform.

Prohibition of Female Genital Mutilation Bill, 2001²³⁰ is still (2007) not passed into law as an Act and Ireland lacks strong legislation on FGM. FGM is therefore not a ground for asylum. FGM of girls under sixteen is however an offence under the Non-Fatal Offences Against the Person Act 1997, while it therefore is a matter for the Gardai to prosecute those who perform FGM.

State Actors: Dept. of Health, Dept. of Justice, Equality and Law Reform; Directorate for Asylum Support Services

Civil Society: Residents Against Racism (RAR) campaigning to make FGM a ground for asylum.²³¹

2002 Towards a National Women's Strategy: Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women. As part of the development of Ireland's Report to the United Nations on the National Plan for Women 2002, a wide ranging consultation process was undertaken. The outcome of the consultation process is documented in the Report 'Towards a National Women's Strategy: Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women'. It is intended that both reports will guide and influence Government policy in the future.

²²⁸ Fay, R. Pavee Beoirs - Breaking The Silence, 1999.

²²⁹ http://www.ucc.ie/law/irlii/statutes/2001_18.htm

²³⁰ The Bill: <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2001/1501/default.htm>

²³¹ The Independent, "Prosecutions ordered on female mutilation cases" Tuesday March 27 2001 <http://www.independent.ie/national-news/prosecutions-ordered-on-female-mutilation-cases-353169.html>

2002 National Plan for Women is the report to the UN on the National Plan for Women 2002 on the Implementation of the Beijing Platform for Action. A draft Plan was published in October 2001 to inform and guide a consultation process which was launched at the same time. In the consultation process women's NGOs demanded abortion rights for women, funding for perpetrator programmes and extended health service measures for women victims of male violence. 40 consultative workshops were held and a compiled consultation response document was published.²³²

State Actors: The task of overseeing the consultation process was led by a representative Steering Committee chaired by the Department of Justice, Equality and Law Reform.

Primary source: Department of Justice, Equality and Law Reform.(2002) "National Plan for Women – national women's strategy" (report to the UN on the National Plan for Women 2002 on the Implementation of the Beijing Platform for Action).

NGO coalitions 2002 "Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women 2002: Towards a National Women's Strategy" (Consultation responses from 40 consultative workshops)

<http://www.justice.ie/en/JELR/Aspirations+of+Women.pdf/Files/Aspirations+of+Women.pdf>

Consultation Document: "Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women 2002: Towards a National Women's Strategy"

<http://www.justice.ie/en/JELR/Aspirations+of+Women.pdf/Files/Aspirations+of+Women.pdf>

2002 The Sexual Abuse and Violence in Ireland (SAVI) Report published by Dublin Rape Crisis Centre showed that more than 25% of female respondents had experienced some form of sexual abuse in their lifetime, and 20% experienced sexual assault that involved physical contact as adults. The SAVI findings are now informing policy and practice in sexual abuse settings.

State Actors: Department of Health and Children; Department of Justice, Equality and Law Reform.

Civil society: Royal College of Surgeons in Ireland, the Dublin Rape Crisis Centre. Atlantic Philanthropies (funding).

Sources: Sexual abuse and Violence in Ireland report: Written by Hannah McGee, Rebecca Garavan, Mairead de Barra, Joanne Byrne and Ronan Conroy of the Health Services Research Centre at the Royal College of Surgeons in Ireland. Sponsored by the Dublin Rape Crisis Centre. Published by Liffey Press, 2002.

<http://www.drcc.ie/about/savi.pdf>

2002 The report "Men and domestic violence: what research tells us" announced by the Department of Health and Children in 2000 was published. It aims to provide a basis for health services to respond to the needs of male victims of domestic violence and address the absence of information on this issue in an Irish context. The project is still on-going. Since it was initiated, the National Crime Council has decided to undertake a national study on domestic abuse.

State Actors: Department of Health and Children

²³² <http://www.justice.ie/en/JELR/Aspirations+of+Women.pdf/Files/Aspirations+of+Women.pdf>

Sources: Dept. of health literature review “Men and domestic violence: what research tells us” <http://www.dohc.ie/publications/pdf/mdv2.pdf?direct=1>.

Draft report (March 2002); Peer review 1 (September 2002); Peer review 2 (September 2002); Comments of the authors on the peer reviews (January 2002) http://www.dohc.ie/publications/men_domestic_violence.html:

2003 Legislative and Administrative Review of the Criminal Justice System. The Joint Committee on Justice, Equality, Defence and Women’s Rights initiated a consultation process with a view to conduct a legislative and administrative review of the criminal justice system (and in particular, the issue of witness protection). The review focus was to look into 1) preventing witness intimidation and securing successful criminal prosecutions (including for example, the model currently in use in Canada), 2) the steps which would need to be taken to speed up criminal trials, 3) the possibility of extending the admissibility of video-taped interviews as evidence in court, 4) other changes which might be effected in the criminal justice system, and how they might impact on the right to a jury trial in accordance with law, 5) resourcing, operational and administrative issues relating to policing, and 6) resourcing, operational and administrative issues relating to the courts system.

State actors: Joint Committee (Deputies Seán Ardagh (Chairperson), Joe Costello, Máire Hóctor, Dinny McGinley, Finian McGrath, Paul McGrath (Vice Chairperson), Breeda Moynihan-Cronin, Seán Ó Feargháil, Charlie O’Connor, Denis O’Donovan, Peter Power, and Senators Tony Kett, Sheila Terry, Joanna Tuffy, and Jim Walsh.)

2003 Domestic Violence Intervention Pilot Project was initiated.²³³ The three year pilot project, funded by the Department of Justice, Equality and Law Reform, coordinates the work of the civil and criminal judicial systems, perpetrator programmes, women’s support programmes and other key agencies i.e. Probation & Welfare, Gardaí and locally based groups and agencies.

2004 Child trafficking and pornography (Amendment) Act 2004²³⁴ (Amendment of Child Trafficking and Pornography Act 1998).²³⁵ The Act ensures that any person who sends or produces documents to a committee of the Houses of the Oireachtas which might include child pornography does not run the risk of committing the criminal offence of distributing child pornography in contravention of the Child Trafficking and Pornography Act 1998.

State Actors: Dept. Justice Equality and Law Reform

Civil Society: Amnesty

²³³ The experience of the Irish National Domestic Violence Intervention Agency (NDVIA) of mandated and non-mandated interventions with offenders of domestic violence crime at Irish National Domestic Violence Intervention. (<http://www.womenlobby.org/SiteResources/data/MediaArchive/Violence>) Centre/resources/violence in intimate relationships/NDVIA - working with DV offenders.doc <http://www.womenlobby.org/SiteResources/data/MediaArchive/Violence%20Centre/resources/violence%20in%20intimate%20relationships/NDVIA%20-%20working%20with%20DV%20offenders.doc>

²³⁴ <http://www.ucc.ie/law/irlii/statutes/2004-17.php#1>

²³⁵ See also the bill:

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2004/2204/document1.htm>

2004 NGO CEDAW shadow reports which include Violence against Women launched.²³⁶

Civil Society: Women's Aid, Pavee, Irish National Observatory on VAW (set up as a EWL member).

Primary Source: Women's Aid (2004) Submission to the CEDAW Committee "Ireland Shadow Report: Domestic Violence" December 2004. (24 pages)

http://www.wave-network.org/cmsimages/doku/shadowreport_womensaid_ireland_2004.pdf

NGO coalition on travellers "Shadow Report: Ireland's Combined Fourth and Fifth Reports under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)" <http://www.paveepoint.ie/submissions/CEDAWShadowReport2004.pdf>

2005 "Sexual abuse and Violence in Ireland Revisited: Long-term effects of disclosure of sexual abuse in a confidential research interview" report by the Dublin Rape Crisis Centre is a three year follow-up study to the *Sexual abuse and Violence in Ireland* (SAVI) Report (2002).

State Actor: Department of Justice, Equality and Law Reform

Civil Society: Royal College of Surgeons in Ireland, The Dublin Rape Crisis Centre

Primary source:

McGee, Hannah Rebecca Garavan, Mairead de Barra, Joanne Byrne and Ronan Conroy (2002) "The SAVI Report - Sexual Abuse and Violence in Ireland. A national study of Irish experiences, beliefs and attitudes concerning sexual violence". Health Services Research Centre at the Royal College of Surgeons in Ireland. Liffey Press, 2002. (392 pages)

<http://www.drcc.ie/about/savi.pdf>

"SAVI Revisited", a three year follow-up study to the 'SAVI Report' (2002) (26 pages) [Savi revisited](#)

2005 Planning For Diversity. The National Action Plan Against Racism 2005 - 2008²³⁷

seeks to be inclusive of the multiple forms of diversity and discrimination, with reference to the nine grounds identified in the equality legislation, i.e. gender; age; marital status; family status; disability; race; sexual orientation; Traveller and religion.

State actors: Equal Status Division, Department of Justice, Equality and Law Reform; Equality Authority National Action Plan Against Racism Steering Group.

Semi state: The National Consultative Committee on Racism and Interculturalism (NCCRI)

Civil Society: Pavee Point, Women's Aid, Amnesty, National Women's Council, Irish Traveller Movement.

²³⁶ NGO coalition on travellers "Shadow Report: Ireland's Combined Fourth and Fifth Reports under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)". See also Irish National Observatory on VAW report <http://www.womenlobby.org/SiteResources/data/MediaArchive/Violence%20Centre/National%20Reports/nation-ob-ireland.pdf>. See also Reilly, Niamh (2005) "The United Nations 'Beijing Platform for Action' (1995–2005): Local–Global Political Spaces, NGO Activism and Governmental Responses in the Republic of Ireland". Department of Politics and Public Administration, University of Limerick. <http://docserver.ingentaconnect.com/deliver/connect/routledg/07907184/v20n2/s5.pdf?expires=1184770951&id=38628544&titleid=8193&accname=University+of+Lancaster&checksum=DCD720C764C678038291D065CE0791C3>

²³⁷ <http://www.nccri.ie/pdf/ActionPlan.pdf>

Sources: “Towards the Development of a National Action Plan Against Racism In Ireland - A Discussion Document to Inform The Consultative Process” Dept. of Justice, Equality and law reform http://www.nccri.ie/pdf/natnl_action_plan.pdf

National Action Plan Against Racism Steering Group: “Diverse Voices: A Summary of the Outcomes of the Consultative Process and a Proposed Framework for the National Action Plan Against Racism” 2004 <http://www.nccri.ie/pdf/DiverseVoices.pdf>

2006 Supreme Court ruling on rape & age: The Supreme Court declared the law under which any man is automatically guilty of a crime if he has sex with a girl under 15 to be unconstitutional. The ground for the ruling was based on the failure to allow the defence that a genuine mistake had been made about a girl's age. (The ruling led to the amendment of the 2006 Sexual Offences Act in 2007.)

2006 Sexual Assault Treatment Services: A National Review launched by Minister of State. Department of Health and Children and the National Steering Committee on Violence Against Women and the Sexual Assault Review Committee published the National Review on Sexual Assault Treatment Services which identifies key areas for the development of sexual assault treatment services. The Sexual Review Committee was a joint civil society/state committee with the Rape Crisis Network Ireland, Department of Health and Children, the HSE, the Dept. of Justice, Equality & Law Reform, An Garda Síochána Domestic Violence and Sexual Assault Investigations Unit, medical personnel from the Sexual Assault Treatment Unit in the Rotunda, nursing personnel from the CARE unit in Letterkenny, the Irish Nurses' Organisation, nursing education personnel, The Royal College of Surgeons in Ireland, General Practitioners, a paediatrician, and personnel from Rape Crisis Centres (Children centred report).

State Actors: Dept. of Health and Children; Dept. of Justice, Equality and Law Reform; Regional Planning Committees on Violence Against women

Civil Society: Rape Crisis Centre; Coordinators and Sexual Assault Treatment Unit Dublin

Other: Police Service Northern Ireland, Forensic Nursing Working Group, Director of Public Prosecutions, Domestic Violence and Sexual Assault Investigations Unit, Sexual Violence Centre.

Source: Department of Health and Children and the National Steering Committee on Violence Against Women and the Sexual Assault Review Committee Sexual Assault: A National Review

http://www.dohc.ie/publications/pdf/sexual_assault.pdf?direct=1

2006 Dept of Health and Children/National Steering Committee on Violence Against Women “Sexual Assault: A National Review” (88 pages).

http://www.dohc.ie/publications/pdf/sexual_assault.pdf?direct=1

RCNI (2006) Comment on “The National Review of Sexual Assault Treatment Services” 9 pages of recommendations. <http://www.rcni.ie/ReasonMinisterdidntknow.htm>

2006 Criminal law (Sexual Offences) Act²³⁸ re-enacts, in gender neutral terms, the provision struck down by the Supreme Court and similar provisions of the Criminal Law Amendment Act 1935 and the Criminal Law (Sexual Offences) Act 1993 which protected young persons in relation to the de-criminalisation of homosexual acts. In sum, the 2006 Act makes it an offence to engage in a sexual act with a boy or girl under the age of 17 and includes the defence of mistake as to age. It provides more severe penalties for persons in authority who engage in a sexual act with a girl or boy below 17 years of age. The Act also provides that proceedings can only be brought by or with the consent of the Director of Public Prosecutions. This is in order to ensure that inappropriate proceedings will not be brought where the boy and girl are of a similar age. Under Section 5 of the Act a girl below 17 years cannot be guilty of an offence by reason of engaging only in an act of sexual intercourse.

State actor: Dept. of Justice Equality and Law reform, Dept. of Health and Children

Civil society: The Rape Crisis Network Ireland (RCNI), Dublin Rape Crisis Centre

Primary Source: RCNI (2007) "The Investigation of Sexual Violence. Priority Recommendations" (9 pages). <http://www.rcni.ie/documents/RCNIbook2007ProofIII.pdf>
RCNI consultation submission "Protecting young people from sexual exploitation: Rape Crisis Network Ireland thinking towards effective legislation" 7th June 2006:

<http://www.rcni.ie/documents/ProtectingyoungpeoplefromsexualexploitationRCNIthinkingtowardseffectivelegislation13thJune06.doc>

Dublin Rape Crisis Centre submission to consultation:

<http://www.drcc.ie/about/submission/DRCCsubmission-Aug31st.doc>

2006 Criminal Justice (Trafficking & Sexual Offences) Bill was introduced, addressing trafficking in terms of a specific law and human rights violation. The bill, if passed into an act, will change the way trafficking for sexual exploitation is being addressed by gathering all various piecemeal legislation that up until the bill criminalized some of the underlying offences. Civil society organisation Ruhama²³⁹ was highly critical of the missing links between trafficking and prostitution in the bill. Further, Ruhama expressed concerns as to the effectiveness of the anti-trafficking bill as it lacks provisions that set out the fundamental protection and assistance mechanisms for the victims of trafficking. Ruhama also criticised the sharp differentiation between the legislative protections available for vulnerable children and those available to vulnerable adults.

State actor: Department of Justice, Equality and Law Reform

Civil Society: Ruhama²⁴⁰

2007 Criminal Law (Sexual Offences) (Amendment) Act²⁴¹ amends the Criminal Law (Sexual Offences) Act 1993, the Child Trafficking and Pornography Act 1998 and the Criminal Law (Sexual Offences) Act 2006. The amendments include longer sentences for sexual offences, and include the offence of soliciting or importuning for the purpose of

²³⁸ <http://www.oireachtas.ie/documents/bills28/acts/2006/A1506.pdf>

²³⁹ Ruhama is an organisation founded in 1989 that has worked with women who have been sexually exploited.

²⁴⁰ Ruhama's submission to bill: <http://www.ruhama.ie/>

²⁴¹ 2007 Act <http://www.oireachtas.ie/documents/bills28/acts/2007/a607.pdf>. See also [Bill Number 20 of 2007](http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2007/2007/document1.htm) .<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2007/2007/document1.htm>

prostitution (in relation to children, this offence was included in the 1993 Act but was being omitted from the 2006 Act).

2007 “What women want from the next Irish Government”²⁴² was published by the National Women’s Council of Ireland on 7 March. Issues identified in manifesto related to VAW are a demand for zero tolerance of VAW, including 1) stronger legislation to protect victims of violence, and to hold those who perpetrate VAW accountable to the criminal justice system, 2) adequate funding of services for survivors of violence and 3) enactment of legislation to prohibit trafficking of women.

State Actors: Dept of Justice Equality and Law reform

Civil Society: National Women’s Council of Ireland

Primary Source: National Women’s Council of Ireland (2007) “What women want from the next Irish Government” (4 pages).²⁴³

http://www.nwci.ie/publications/published_reports/what_women_want_from_the_next_irish_government_nwci_election_2007_manifesto

Women’s Aid (2007) ‘Protection, Provision, Prevention - A Manifesto to End Domestic Violence’ (4 pages) www.womensaid.ie/pages/what/election/Manifesto.pdf

Women’s Aid manifesto: <http://www.womensaid.ie/pages/what/election/Manifesto.pdf>.

2007 National Women’s Strategy 2007-2016 On 18 April, the Irish Government launched a National Women’s Strategy 2007-2016 with a funding package of €148m to foster gender equality, and the establishing of a new Executive Office to counter Domestic Violence. The National Women’s Strategy has “tried to find every facet of a woman’s life on which the State can have an impact and has tried to take steps to address any shortcomings.” It addresses three key themes: 1) Equalising socio-economic opportunity for women, 2) ensuring the well being of women, and 3) engaging as equal and active citizens.²⁴⁴ Gender based violence is addressed within the second theme, Ensuring the well-being of women, in terms of objectives to 1) improve the health status of women in Ireland through gender focused policies, 2) improve the physical health status of women in Ireland, 3) improve the reproductive and sexual health status of women in Ireland, 4) improve the mental health status of women in Ireland, 5) protect women from bullying and harassment in the workplace, 6) combat violence against women through improved services for victims together with effective prevention and prosecution, and to 7) address the issue of trafficking of women and children.

²⁴²National Women’s Council of Ireland (2007) “What women want from the next Irish Government” http://www.nwci.ie/publications/published_reports/what_women_want_from_the_next_irish_government_nwci_election_2007_manifesto

²⁴³ See also “Election 2007- Putting Domestic Violence On The Agenda Analysis of Consultation with Frontline Domestic Violence Services, Community Development Projects and Family Resource Centres” <http://www.womensaid.ie/pages/what/election/consultation.pdf>

²⁴⁴ In 2000, all UN governments made a commitment, following the 1995 BPfA, to draw up an Action Plan addressing gender equality issues. The committee drawing up Ireland’s Action Plan, which was completed in 2002, recommended that a National Women’s Strategy be developed. The social partners agreed in Sustaining Progress to the completion of a National Women’s Strategy. The work commenced in earnest in 2005 and the project was further endorsed in *Towards 2016*.

State actors: Strategy prepared by the Gender Equality Division of the Department of Justice, Equality and Law Reform under the direction and with the assistance of an Inter-Departmental Committee representative of all Government Departments; The Taoiseach, Bertie Ahern, T.D., together with the Tánaiste and Minister for Justice, Equality and Law Reform, Michael McDowell, T.D., the Minister for Agriculture and Food, Mary Coughlan.

Primary Source: Gender Equality Division of the Department of Justice, Equality and Law Reform (2007) “National Women’s Strategy 2007-2016” (Gender based violence focus is domestic violence, but the strategy also addresses harassment and trafficking)

<http://www.taoiseach.gov.ie/index.asp?locID=560&docID=3369>

2007 Irish Office for the Prevention of Domestic Violence²⁴⁵ announced. Civil society organisations have voiced concerns and demanded clarification as to whether or not the new agency will address all forms of violence against women or not. RCNI were “baffled at the naming of this agency and deeply troubled at the failure to explicitly nominate all forms of Violence Against Women as being the business of COSC.” The agency is to be funded via the National Steering Committee on Violence Against Women (NSC VAW). The new agency might become in charge of implementing the SAVI report, which created further debate among civil society actors in that the SAVI report goes beyond domestic violence.

State Actors: Minister McDowell, Minister Frank Fahey

Civil Society: The Rape Crisis Network Ireland (RCNI); National Network of Women’s Refuges and Support Services (NNWRSS).

²⁴⁵ <http://www.rcni.ie/RCNIdeplyconcerned.htm>

6. CONCLUSIONS AND SUMMARIES OF KEY QUESTIONS

This final section summarises some of the key questions in the issue histories. It is intended not only as a conclusion to the report, but also as an aid to the comparative analysis of gender+ equality policies in the 29 countries (plus EU) by providing simplified accounts of the key questions.

Comparing the relative importance of the topics in the sub issues between the UK and the Quing generic

The sub-issues and topics within gender+ equalities within the Quing project as a whole were identified and defined in the introduction to the report on the timelines of policy development in the UK²⁴⁶. However, the extent to which these topics are actually present in policy debates in each country varies significantly. This section considers the extent to which these topics and sub-topics identified at the level of Quing as a whole are actually present in the policy debates in each country.

General comments on Ireland

When comparing the sub-set of sub-issues and topics on gender+ equality policies that are analysed for Ireland with those for Quing as a whole, it is useful to note some aspects of Ireland in order to provide an informative context.

Ireland has a very small population of just over 4 million people.

While in 1973 on joining the EU Ireland was a poor country with a large agricultural sector, low rates of female employment and strong conservative forces on intimate aspects of gender relations, today it has a rapidly growing economy with increasing numbers of women in employment, a high standard of living, and strong conservative forces on intimate aspects of gender relations. In 1973 Ireland had a classic form of domestic gender regime across almost all domains, while today there is an exceptionally fast though highly uneven transition to a public form via a market route, led by employment, but with much slower changes in intimate relations.

Generic gender equality policies

Ireland implemented all the EU Directives directly, on some occasions making changes to domestic law before the Directives came into force at slightly higher standards. This applies to a narrowly defined field of gender equality in the area of employment and the slightly wider field of the sale and supply of goods and services.

²⁴⁶ Jo Armstrong, Sofia Strid and Sylvia Walby (2007) *Timelines of Policy Debates: UK*. Quing Draft Deliverable 19. Lancaster, UK.

The Employment Equality Agency set up by the 1977 Act was concerned solely with gender inequality. The new Equality Authority, set up in 1999, is concerned with the full range of nine equalities issues. Both are focused on employment.

Non-employment

Quing as a whole identifies four main sub-issues in the area of non-employment: tax-benefit policies, care-work, reconciliation of work and family life, and the gender pay gap. Ireland has seen major debates and changes in the area of tax-benefits, care-work, slightly less on the reconciliation of work and family life, and still less on the gender pay gap.

Underlying the debates and policy changes on tax-benefits and care-work is a common theme: the debate on whether it is legitimate for mothers to be in employment. Motherhood is often, though not always, seen as a legitimate reason for non-employment. There are some exceptions to this. In particular, the legitimacy of lone mothers' non-employment is increasingly being eroded. These issues are found within changes to the taxes and benefits and care-work. The maintenance of the traditional form of the family is supported by the lack of individualisation of the taxation system. The continuation of the traditional valuation of women's work in the home in modern form is found in the moves to recognise the value of women's unpaid care work in the home, for example, in their rights to claim pension benefits for care-work not only paid work. There is reluctance by the state to fund childcare, despite the desire by some women and some employers to increase female employment, which might also be interpreted as a prioritisation of the notion that this is the women's sphere. There is thus a tension between this approach to gender equality, involving an equal valuation of different contributions, with that of an increasingly employment-focused notion of equality as sameness.

There is some discussion of the reconciliation of work and family life, in particular around the lack of paternity leave and right to request flexible working.

While present in the work of some NGOs and unions, there is not a large debate or policy prioritisation of the gender pay gap.

Intimate citizenship

Within the issue of intimate citizenship, Quing has identified three main sub-issues or topics: divorce, marriage and separation; sexual orientation discrimination and partnering; reproduction, including abortion, contraception and assisted reproduction.

In Ireland, the key topics are: divorce- its legalisation but with strict conditions; sexual orientation- ongoing struggle for legal recognition of gay/lesbian civil partnerships; reproduction- continuing struggles over abortion (both legally and health oriented), which remains illegal, though access is effectively provided through the EU delivered right to travel to countries where it is legal.

Gender-based violence

Within the issue of gender based violence, there are four main Quing sub-issues: domestic violence; sexual assault; sexual harassment and stalking; forced marriage and Female Genital Mutilation.

In Ireland the two major topics are domestic violence and sexual assault. This is partly a result of the efforts of the Irish women's movement and NGOs engagement with government, pushing the issue up the political agenda.

Sexual harassment and stalking are more rarely addressed, though not completely absent from the debates. There is also some debate on trafficking.

Forced marriage and FGM are rarely addressed, though FGM is not completely absent.

In addition to these, though outside the Quing framework, is the importance of sexual abuse of children, including but not only, by priests.

Major changes in gender+ equality policies, generally and in the three sub issues

General

Ireland has transposed the EU Directives on gender equality and the other equalities since 1995, especially in the 1998 Employment Equality Act and the 2000 Equal Status Act. The 1998 Act named nine grounds for protected equality status: not only gender, race/ethnicity, disability, religion/belief, age and sexual orientation, but also marital status, family status and membership of the Traveller community. The last three, while appearing additional, might be considered to be already included under EU law, though their explicit naming removes any ambiguity. The 1998 Act concerned employment; the 2000 Act extended protection to the sale and supply of goods and services.

From 1977 there was an Employment Equality Agency, which had a special brief on gender; this was replaced in 1999, following the 1998 Act, by the Equality Authority covering all nine grounds. It appears that the salience of gender declines with the new body.

When the focus is on gender policy in areas outside the EU remit, then a different picture emerges. In intimate citizenship, women's rights are severely restricted. Abortion remains illegal, though the right to travel protected by EU law secures women's access to abortion outside of Ireland. Divorce was made legally available only in 1997, but only under very restrictive conditions. In gender based violence, however, there have been significant developments.

Non-employment

Since the 1980s there has been a very substantial increase in women's employment. Most of this is not due to any particular actions of the state, but rather to the growth of the

economy and a market led shift towards a public gender regime. However, some is the long-term consequence of equal opportunities policies introduced in the 1970s consequent on the entry to the European Union, including the removal of the marriage bar, under which women were sacked on marriage within the civil service and related occupations.

In the period since 1995, there has been much discussion as to whether there should be changes in state policies to further increase women's employment, such as changes in the tax-benefit system (individualisation) and the development of state funded childcare. There has been a change in the traditional legitimacy associated with mothers being non-employed, especially in relation to lone mothers who would otherwise be dependent on state benefits. However, there have been few major resourced policy initiatives as yet.

Intimate citizenship

The most important change was the legalisation of divorce, although it remains tightly circumscribed and rarely practiced, despite relatively high numbers of lone mothers.

Abortion has never been legal in Ireland. During the 1980s there were a series of high profile legally focused contests, which led to the entrenchment of opposition to abortion in the Constitution to this day. During the same period it was established that EU law on the right to free movement across borders took priority over domestic attempts to prevent travel in order to prevent abortion. This legal 'pluralism' remains today, under which abortion remains illegal in Ireland, but that Irish women can access abortion by travelling (often to the UK). During the Quing period, the issue occasionally resurfaced as a controversy when there was particularly pressing reason for an abortion. Further policy developments in this area were being addressed via health concerns rather than as an issue of women's rights.

Irish legal developments on sexual orientation and same sex partnerships are highly uneven. Ireland legislated for an end to discrimination on grounds of sexual orientation in relation not only to employment in 1998 but for the sale and supply of goods and services in 2000, ahead of changes in the requirements of EU law. However, the struggle to pass legislation to recognise same sex civil partnerships has not yet led to a successful conclusion, slower than all other EU15 countries (except Greece).

Gender-based violence

Major changes in gender based violence throughout the Quing period include: firstly, the development of state/institutional structures to combat gender based violence, especially DV and sexual assault; secondly, there has been an extended focus on women's health in relation to gender based violence, starting with the development of a women's health strategy in 1997 and; thirdly, money invested in sexual assault centres and Domestic violence centres. There is a constant focus on children in relation to sexual abuse, and health is becoming more and more visible in policy which otherwise seems to be very patchy and scattered.

Civil society and political forces

General gender+ equality policies

There are deep divisions in civil society and political forces on gender issues, but which vary significantly by policy area. In the 1980s, a small radical women's movement confronted deeply conservative forces organised especially through the Catholic Church; in 2007, in employment and gender based violence, the principle if not the practice of gender equality has been won, though not in the area of intimate citizenship.

Non-employment

- The rapid growth in the Irish economy since the 1980s has transformed the environment and the social forces involved in employment/non-employment.
- Employers, trade unions and some women's organisations support the continual move of women into employment.
- Among women's organisations there is some ambivalence and divisions regarding the decreasing legitimacy of mothers' non-employment.
- Trade unions and some women's organisations have supported increased leaves and flexibility in employment thereby facilitating the increased employment of mothers.

Intimate citizenship

- Struggle of women's groups for the availability of divorce and abortion.
- Mobilisation of conservative forces often through Catholic groups against the availability of abortion and divorce.
- Developing organisation and mobilisation around the legal recognition of same sex partnership (gay/lesbian organisations and the Labour party) in the context of broader moves towards support for increasing recognition of family diversity.

Gender based violence

- The mobilisation against gender based violence started from small feminist groups and has become spread much more widely through Irish civil society and politics.
- There are significant links between civil societal forces at EU and international levels.

Impact of the EU

General gender+ equality policies

The EU has been a very major influence since 1973 on the development of gender equality policies in the areas within its remit. Ireland transposed the acquis and the Directives, and they have had a major influence in the areas of its remit.

Non-employment

Employment is the area of strongest EU influence. Ireland has imported EU legal standards of gender equality and transposed these into its own law.

However, motherhood is still a legitimate reason for non-employment, except for lone mothers dependent on the state, although this is under serious discussion. This is unlike the EU, where closing the gender gap in employment rates is a stated goal.

Intimate citizenship

Intimate citizenship might be thought to be largely outside the remit of the EU. However, there are areas where the broad interpretation of employment and economy has effects in this area.

Abortion, although illegal in Ireland, is available to Irish citizens as a consequence of the higher prioritisation of free movement of people, goods and service across national boundaries within the EU as part of the regulations for the single European market. This enables Irish citizens to have information on this service supplied outside Ireland, even though illegal within Ireland, and to travel to obtain it.

The Irish government implemented the intended EU law making illegal discrimination on grounds of sexual orientation in employment before the date the EU made it compulsory, and have extended this to the sale of goods and services, even though the EU has not yet moved on this so far.

Divorce and civil partnerships are not within the EU remit. Divorce was not made legal until 1997; civil partnerships were not yet legal in 2007.

Gender-based violence

The EU does not have a strong legal remit in the area of gender based violence, so there are no Directives to be transposed.

However, the EU has facilitated the development and exchange of best practice between NGOs in this area through the funding made available especially in the Daphne programme. There are strong links between Irish NGOs and others in the EU facilitated through European level NGOs and Daphne. Such European and international networking was already taking place, and the EU facilitated its further development.

Impact of other international bodies

There is frequent mention of practices and standards for gender equality that are outside of Ireland. This includes not only the EU, and also the UN (CEDAW, Platform for Action), but also a range of international reference points. These provide benchmarks and information on developments elsewhere for comparison, assessment and selective incorporation in modified form. In Ireland there is both a focus on national identity and practices and also an active engagement with the European and global communities. These vary significantly over time and between different policy areas.