



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

Sofia Strid, Jo Armstrong, and Sylvia Walby

### **Report Analysing Intersectionality in Gender Equality Policies for Ireland and the EU**

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## 1 INTRODUCTION

This report addresses the nature and implications of the intersection of multiple inequalities for the quality of gender+ equality policies. It considers how inequalities and their intersections are conceptualised; the extent to which context matters in the (re)production of inequalities; whether taking intersectionality into account changes what is meant by gender equality; and what attention must be paid to other structural (in)equalities in the making and implementing gender equality policies.

The report starts with a brief review of the way that questions concerning the implications of intersectionality for gender equality policies have been posed and addressed in the literature (chapter 2).

Each policy area is then considered in chapters 3 through to 6 (general gender equality, non-employment, intimate citizenship, and gender based violence), beginning with an account of the framing and meaning of gender equality, exploring the range of intersections present in the documents analysed, and examining the implications of intersectionality.

The evidence to answer these questions is drawn from the material in the issue history, country context study and the documents selected for detailed analysis. It uses the summary coding of the documents, presented at the end of the LARG country reports. This means that the concept of 'significance' rests primarily on the presence of these terms in the documents.

Chapter 7 compares the policy areas, discusses any changes or turning points, and provides a brief comparison of Ireland with the analysis of intersectionality in the UK.

The conclusion to the report provides an overview of intersectionality in the policy areas studied and draws out the implications of the presence or absence of intersectionality for the quality of gender equality policies.

## 2 QUESTIONS ABOUT INTERSECTIONALITY AND GENDER EQUALITY FROM THE LITERATURE

The importance of taking intersectionality into account in order to analyse gender equality adequately has become a feminist orthodoxy, although there remain significant differences as to how this should be best achieved (Acker 2000; Anthias and Yuval-Davis 1992; Bhopal 1997; Brah and Phoenix 2004; Carbin and Harjunen 2007; Collins 1998; Davis 1981; Felski 1997; Jakobsen 1998; Lundstrom 2006; Lykke 2004; Medaglia 2000; Mirza 1997; Mohanty 1991; Phoenix and Pattynama 2006; Verloo 2006; Yuval-Davis 2006).

There is a question as to what is meant by intersectionality, since interpretations of this concept are varied in both theory and practice. A second question concerns the diversity of the potential implications of intersectionality for gender equality policies.

What is intersectionality? Analysis and reviews of EU gender equality policy rarely comment on intersectionality, with the apparent implication that it is not a major or integral concern of these policies (Braithwaite 1999; Daly 2005; Lombardo and Meir 2006; Mósesdóttir et al 2006; Verloo 2005). However, it is not unusual to find that groups of the most disadvantaged women have been given special or additional attention in such programmes, though this is rarely labelled as attention to intersectionality (Braithwaite 1999). This means that there must be caution in any conclusion about the absence of consideration of intersectional issues unless this has been investigated using the full range of concepts that overlap with that of intersectionality, for example, 'disadvantaged women' (Braithwaite 1999) and 'vulnerable' women (Department for Communities and Local Government 2007). It is necessary to investigate what is meant by intersectionality and to consider a range of adjacent terms and concepts in order to be fully inclusive of the range of meanings and practices.

What are the implications of intersectionality? The question is not only whether taking intersectionality into account strengthens gender equality policies, but rather what forms of engagement with intersecting inequalities have better, worse, or simply different outcomes for the quality of gender equality policies (Walby 2007). Issues include:

- Whether outcomes are stronger by addressing simultaneously the multiple inequalities that people may experience;
- Whether outcomes may be stronger as a result of broader coalitions of more numerous actors that are more powerful;
- whether the differences between the forms of inequalities means that attempts to address them using the same equality institutions or machinery will be weaker than if these are treated more separately;
- whether treating different equalities using the same machinery leads to the replacement of the broader concept of mainstreaming by the narrower concept of non-discrimination;
- whether the focus on gender equality is diluted by the attention paid to other inequalities;

- whether the terms and meanings shift away from the explicit naming of gender equality and the terms used in the development and implementation of the policies are degendered;
- whether gender equality becomes merely a tool for other policies rather than an end in itself.
- The goal or focus on gender equality becomes lost, everybody 'else' is doing gender but nowhere is gender the *key* focus; gender is everywhere which paradoxically leaves gender nowhere.
- A disproportionate focus on one inequality rather than another at their point of intersection may make invisible the concerns and priorities of one group;
- A focus on one disadvantaged group at the intersection may be used to stigmatise rather than assist that group.

Are the inequalities sufficiently similar that there could or should be the same legal instruments, and shared governmental institutional mechanisms (Verloo 2006)? Verloo (2006: 214) identifies as concerns: 'the assumed similarity of inequalities, the need for structural approaches and the political competition between inequalities' and recommends the development of an equalities strategy that challenges a 'one size fits all' approach, that addresses the different constitution of inequalities, their interconnections, the potential for competition between them, and the need to go beyond individual to more structural remedies. Verloo argues that the 'one size fits all' approach to address multiple inequalities is based on an incorrect assumption of sameness/equivalence of the social categories connected to inequalities and of the mechanisms and process that constitute them (Verloo, 2007: 211). "Different inequalities are dissimilar because they are differently framed". Policy strategies must therefore be "ground...not only in the similarity, but also the distinctiveness of inequalities" (2006: xx).

Will there be a dilution to the lowest common denominator, losing expertise and focus (O'Connell 2002)? Are the differences sufficiently great they are best addressed with separate remedies? This question is central to the changing policy architecture around inequality. In order to address it, it is necessary to know not only about legal mechanisms, but also to fully understand what generates the unequal social relations themselves. Implicit in the Commission's (2004) paper is an assumption of ontological similarity of the inequalities, in which the same institutional mechanisms are equally relevant to each. Yet, the EU has led the development of gender equality policies that go beyond shared notions of non-discrimination. For example, narrowing the gender gaps in employment has involved developing policies to facilitate the balancing care and employment, for instance through the promotion of flexible working hours. Such a policy engages with the mechanisms that generate gender inequality within employment in a way that is not reducible to the notion of 'combating discrimination'. In the field of disability, the development of the policy that employers should engage in the reasonable accommodation of disabled workers by minor changes in the physical environment is specific to this field and hardly relevant to other inequalities. This issue requires an in-depth understanding of the constitution of each of the inequalities; their differences as well as commonalities. Does the use of a common rather than distinctive framework within which to address multiple and diverse inequalities tend to lead to a narrowing of the focus to employment, since this is the area where there is legal competence for all of the grounds?

Is the newer and wider ranging equality process of 'mainstreaming' undermined by the renewed emphasis on the older concept of non-discrimination? While combating discrimination was the starting point of much EU policy on inequality, recent developments, especially in gender equality, have widened the range of generative mechanisms beyond that captured by the term discrimination. This is exemplified in the development of the concept and strategy of mainstreaming in which equality is to be included as a concern in all policy development. But in the search for a common to each of the six grounds, and the apparent assumption of their ontological similarity, there is the repeated use of the term 'discrimination' in the 2004 Commission Green Paper rather than that of 'mainstreaming'. While mainstreaming, which developed in relation to gender, is being applied to ethnicity and to a lesser extent to disability, it has not been extended to the newer grounds of religion, sexual orientation and age. What are the implications of this tension between mainstreaming and non-discrimination for gender equality policy in the context of intersectionality?

Are there significant variations in the actual and preferred meaning of gender equality consequent on the intersection of gender with other social inequalities? Is the notion of a general standard of gender equality (United Nations Convention on the Elimination of Discrimination Against Women, the UN Beijing Platform for Action, the EU) challenged by taking the diversity consequent on intersecting inequalities into account? There is a tension between gender equality meaning sameness, the equal valuation of different contributions and implying a transformative project (Rees 1998), though this dilemma may not extend to all grounds. Does the likelihood of one or other of these three strategic interpretations of the meaning of equality vary by the intersection of gender with other inequalities? How and why does the meaning of gender equality vary between different intersections of gender with other inequalities? Does the shift towards a generic concept of equalities or towards diversity dilute the meaning of equality in relation to gender equality or strengthen it?

Crenshaw (1989, 1991) positions the concept of intersectionality as a way out of the theoretical and political dilemmas of the concept and political practice of identity. Crenshaw first used the concept of intersectionality as a tool to indicate the multiple ways in which the interactions of gender and race limited Black women's access to the American labour market, and how a lack of understanding this intersection lead to the marginalisation of Black women and Black women's experiences (Crenshaw, 1989). The experiences faced by women of colour, Crenshaw argued, were "not subsumed within the traditional boundaries of race or gender discrimination as these boundaries are currently understood" (Crenshaw, 1991: 1244). Accordingly, academic, political and civil societal engagements with the intersections of gender and race/ethnicity has not been sufficiently scrupulous, one identity category is treated as dominant, and others as biased where social power "works to exclude or marginalise those who are different" (Crenshaw, 1991: 1242). Groups at the very intersection of two or more identity categories are left out of focus in both analysis and politics. Concretely, Crenshaw argues that Black women and/or ethnic minority women, or 'women of colour', i.e. a group at the intersection of gender and ethnicity, become marginalised as a group, and their experiences as women of colour biased. They "face limited options of political communities formed either around ethnicity or around gender, rather than political action that engages with the particular difficulties

at the intersection”.

Where the material permits, these questions are addressed for each of the four policy areas in turn.

### 3 INTERSECTIONS IN EQUALITY LEGISLATION AND MACHINERY

In considering the legislation on gender equality, it is important to note the significance of the Constitution. The Irish Constitution is the basic general law in Ireland which can only be changed by a referendum 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 men and women. 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.”

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, 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. Ireland joined the EU in 1973 and the EU has been especially significant in legislation and policy relating to of equal pay, and improvements in maternity leave and of parental leave.

In considering general equality policies with regard to the gender machinery, Daly and Clavero (2003) identify two distinct periods: the first 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 main drivers being both national and international. According 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 specific focus on gender and where there has been a strong legalistic approach with considerable influence from EU Directives and regulations.



### **3.1 Meaning and framing of gender equality**

General legislation and machinery are both policy areas discussed in terms of gender equality. Gender equality, and gender, are both considered important in legislation and the gender machinery. All studied documents invoke gender, and gender equality as a vision is seen as relevant.

The main vision of gender equality is that of difference, and to a lesser extent, sameness, and this is to be achieved by equal treatment, with some marginal special programmes targeting women.

Gender equality was positioned mainly as an end in itself, except in the government policy where there was a balance between gender equality as a means to another policy goal, and gender equality as an end in itself. Gender equality was considered relevant in all the selected texts with the exception of the parliamentary debate.

## Gender Equality framing

Gender Equality	Gender equality relevant	Policy means	Policy ends	Vision	Strategy	GE VISION			GE AS STRATEGY		
						Sameness	Difference	Transformation	Equal treatment	Special programmes	Transformation
<b>Gender legislation</b>											
Law	YES	-	Only end	Balance	balance	Significant	Significant	-	Sole	-	-
Policy	YES	Balance	Balance	Balance	Balance	Marginal	Dominant	-	Marginal	Dominant	Marginal
Debate	NO	-	-	-	-	-	-	-	-	-	-
Civil society	YES	-	Only end	major	Minor	Marginal	Significant	Significant	Marginal	Significant	Significant
<b>TOTALS</b>	<b>3 yes</b>	<b>1 balance</b>	<b>2 sole 1 balance</b>	<b>2 balance 1 major</b>	<b>2 balance 1 minor</b>	<b>2 marginal 1 significant</b>	<b>2 significant 1 dominant</b>	<b>1 significant</b>	<b>2 marginal 1 sole</b>	<b>1 dominant 1 significant</b>	<b>1 significant 1 marginal</b>

	Gender equality relevant	Policy means	Policy ends	As vision	As Strategy	GE VISION			GE AS STRATEGY		
						Sameness	Difference	Transformation	Equal treatment	Special programmes	Transformation
<b>Gender machinery</b>											
Law	Yes		Only	Only							
Policy	Yes	Balance	Balance	Balance	Balance	Marginal	Marginal	Marginal	Marginal	Marginal	Marginal
Debate(x3)	Yes Yes Yes		Only Only Only	Only Only Only		Marginal Marginal Marginal	Marginal Marginal Marginal	Marginal Marginal Marginal			
Civil society	No										
<b>TOTALS</b>	<b>4 yes 1 no</b>	<b>1 Balance</b>	<b>4 only end 1 Balance</b>	<b>4 only vision 1 Balance</b>	<b>1 Balance</b>	<b>4 marginal</b>	<b>4 marginal</b>	<b>4 marginal</b>	<b>1 marginal</b>	<b>1 marginal</b>	<b>1 marginal</b>

## The broad framing of the policy

The key framing used across these documents relating to gender machinery and legislation is that of equality. However, in the most recent text (the government policy document from 2007 on the machinery), there is a tendency to employ additional frames (e.g. rights, economic benefits). It would thus be interesting to look at whether this represents a broader trend whereby a 'simple' equality frame becomes superseded and to explore the potential consequences of the fragmentation of frames (e.g. whether there are contradictions when different frames are used together). It is as if equality is no longer a sufficient goal in and for itself, and that it needs to be for the wider good and bring other benefits in order to be justified.

In terms of the broad framing used in the texts, the most frequent and dominant framing was equality. There were some marginal framings, including: capacities and well being, and to a lesser extent: economic development and human rights; health and crime and justice.

## Framing in general gender equality legislation

FRAMING	Equality	Human Rights	Economic Dev.	Cap/well-being	Crime & Justice	Health
Law	Sole	-	-	-	-	-
Policy	Significant	-	Significant	Significant	-	Marginal
Debate	Sole	-	-	-	-	-
Civil society	Significant	Significant	-	Minor	-	-
<b>SUMMARY CODE</b>	<b>Dominant</b>	<b>Marginal-</b>	<b>Marginal-</b>	<b>Marginal</b>	-	-

## Framing in general gender equality machinery

FRAMING	Equality	Human Rights	Economic Dev.	Cap/wel l-being	C rime and justice	Health	Other
<b>Gender machinery</b>							
Law	Sole						
Policy	Major	Marginal	Marginal	Marginal		Margin al	
Debate (x3)	Sole Sole Sole						
Civil society	Sole						
<b>Summary code</b>	<b>Dominant /sole</b>	-	-	-	-	-	-

The main underlying norm in this area is equality, simultaneously, the area invokes gender and gender equality is understood as relevant to the policy

and/or legislation. The main vision of gender equality is that of difference, and this is to be achieved by equal treatment, with some marginal special programmes targeting women.

The documents analysed are based on a difference approach to gender equality, where either equal treatment or special programs are seen as the strategy to realise the vision of equality by difference. In particular, recognising the dual role of women is seen as important in working towards gender equality. The *National Women's Strategy 2007-2015*, includes over 200 different policy actions and measures to achieve equality between women and men, and states that women need to be supported both in their role as employees, but also as carers.

Economic development is used to argue for gender equality, and while economic and social progress is being recognised, the unequal social and economic positions of women are also recognised. Support of women is needed at work (defined as either in the economy or at home as carers); in terms of health and well being; and for women to make a contribution as active citizens. It is argued that many women have chosen to remain in their home or to return to the labour market; or chosen to take time out of the labour market to care for their children. Choice becomes positioned as a key factor, detracting from structural inequalities in Ireland.

The tensions between gender equality and choice, equality and difference are also present within civil society in Ireland. There are often combined calls for both gender equality and transformation of what is named as patriarchy in combination with gender as a social category, while simultaneously calling for recognition of women's choices to be carers and domestic (unpaid) workers.

### 3.2 The range of intersections

In general, there is a wide range of inequalities present in the Irish policy and legislative context. All in all, nine separate inequality grounds are taken into account and discrimination on these grounds is illegal.<sup>1</sup> The nine grounds include gender (man, woman, transsexuals); marital status (single, married, separated, divorced or widowed); family status (pregnant, a parent of a person under 18 years or the resident primary carer or parent of a person with a disability); sexual orientation (gay, lesbian, bisexual or heterosexual); religion (different religious belief, background, outlook or none); age (only applies to people over 18 except for the provision of car insurance to licensed drivers under that age); disability (broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions); race (particular race, skin colour, nationality or ethnic origin); Traveller community (people who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life in Ireland). There is a slight dominance of gender and class. In practice, these nine grounds are the same as covered by the EU, only separated into 'finer units'.

Government policy (National Women's Strategy 2007-2016. April 18 2006) names mainly gender and class. The Strategy recognises diversity and the diversity of experiencing inequalities between and among different groups of women, but there are no specific actions in the Strategy to address inequalities experienced by migrant women or traveller women. The recognition of diversity thus becomes rhetorical rather than having a real impact on the formulation of objectives and policy actions. The nine inequality grounds are mentioned. The nine inequality grounds are also present in parliamentary debates, albeit primarily listed and seen and treated as additive rather than mutually constitutive.

Gender as an inequality ground is explicitly visible, there is mainly no degendering. There are, however, some exceptions, most notably carers and lone parents, combined with the remarkable absence of men. Gender seems to mean women. The Strategy is all about women: women's role as carers, changing women; getting women into employment. In violence, there are perpetrators and offenders of for instance domestic violence. Victims are named as women, but offenders are degendered/gender less. The tendency to degender is criticised by civil society, even if their terminology is somewhat degendered too, including the use of the term homemakers for example.

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<sup>1</sup> The nine grounds are defined by the Equality Act 2004, which implements three EU Council Directives - the Race Directive (2000/43/EC), the Framework Employment Directive (2000/78/EC) and the Revised Gender Equal Treatment Directive (2002/73/EC). The Directives require all EU member states to prohibit discrimination, harassment and victimisation on the grounds of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, in relation to employment and occupational and vocational training. The scope of the Race Directive is broader and extends beyond employment and self-employment to the provision of goods and services, housing social protection and health care.

*Intersectionality is predominantly made visible by civil society.* Traveller women, ethnic minority women, women with disabilities, lesbians, homeless women, lone mothers, religion and belief have presence are treated as both as additive and mutually constitutive.

In concrete legislation and policy, and debates on legislation, however, the intersection of gender with other inequalities is minor, and the most commonly intersecting equality strand is marriage and family status. All inequality grounds were approached, but mainly as completely separate strands. The exception is Traveller women where ethnicity and gender clearly intersect. Secondary inequalities intersecting with gender include ethnicity, class, age, and nationality/migrant status. Disability, sexual orientation and religion are barely noticeable.

Intersectionality	Ethnicity	Religion	Class	Sexual orient.	Age	Disability	Marital/ family status	Nation/ migrant.
<b>Legislation</b>								
Law	Major	-	-	Minor	Minor	-	Minor	Major
Policy	-	-	Major	-	Minor	Minor	Major	-
Debate	Minor	Minor	-	Minor	Minor	Minor	Minor	Minor
Civil society	Minor	Minor	Major	Minor	Minor	Minor	major	Minor
<b>TOTALS</b>	1 major 2 minor	2 minor	2 major	3 minor	4 minor	3 minor	2 minor 2 major	1 major 2 minor

Intersecting inequalities lack specific reference in the policy area of the gender machinery too. In relation to the intersection of gender with other inequalities, the most frequently intersecting strands are marriage/family status and social class. There is no intersection of gender with ethnicity, religion or disability in any of the documents that were analysed. The only other intersection of gender is with sexual orientation.

Intersectionality	Ethnicity	Religion	Class	Sexual orient.	Age	Disability	Marital/ family status	Nationality /migrant Status
<b>Gender machinery</b>								
Law								
Policy			Minor				Minor	
Debates			Minor Minor	Minor			Minor Minor Minor	
Civil society								
<b>TOTALS</b>			3 minor	1 minor			4 minor	

The broad mandate of the integrated Equality Authority does not necessarily foster a particularly intersectional account of inequalities. Though the research overseen by the Authority has included some attention to multiple inequalities, possibly more sustained and nuanced accounts tend to be found in the strand specific bodies that take into account the ways the strand in question

interconnects with other equality grounds; though it appears easier to find examples in those bodies where lead strand is say, disability, rather than gender (e.g. the National Disability Authority has researched and reported on Violence Against Women, Women and Disability, Disability and Sexual Orientation, and Disability and Poverty). This is possibly related to the general strength of the women's movement, though it may simply be a matter of insufficient resources.

This raises the question of whether it is within the capacity of a single equalities body, with limited size in terms of staffing and resources, to 'do intersectionality' adequately, given the different constitution of inequalities, the expertise that is required usually accumulated over a long period of time, and taking into account the range of equality strands in question.

### **3.3 Implications**

Possibly a more generalised concern with equality overall means that a focus on specificities associated with particular strands is neglected. There is also the question of whether a focus on multiple inequalities tends to result in attention to the details rather than generalities with a consequent loss of attention structural factors underlying the constitution of inequalities?

As observed by Walby (see STRIQ report), a concern with groups at the intersection of a variety of equality strands tends to produce analyses which prioritise the complexity of subjectivity and lived experience at the expense of more macro analyses. In other words, is there a tendency to 'do equality' and 'intersectionality' without precise attention to the specific circumstances relating to each equality ground? Could this be a consequence of transferring to an integrated equality body at a relatively early stage, prior to the development of expertise for each strand? These are questions that would require further detailed investigation of the equalities machinery in Ireland, including more consideration of the actions and outputs of the bodies concerned.



## 4 INTERSECTIONS IN NON-EMPLOYMENT POLICY

### Introduction

In Ireland the sub-issues analysed 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.<sup>2</sup> According to Daly and Yeates (2003: 88), 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) 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 on male-headed family farms.<sup>3</sup> 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:

"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."<sup>4</sup>

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<sup>2</sup> For further information about the influence of the Church in Ireland see Evelyn Mahon (1987)

<sup>3</sup> 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.

<sup>4</sup> This item was recently discussed in the Parliamentary (Oireachtas) Committee on the Family

The topics considered (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 increased rate of employment amongst women has been rapid and large<sup>5</sup>, 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.

Given this context, the intersectionality ('on the ground') between gender, social class, and marital / family status (motherhood), shaped in the broader sense by the influence of religion, is important. The extent to which this is reflected in policy will be examined in following sections.

#### **4.1 The range of the meanings or frames of gender equality in non employment**

Gender equality was not construed to be relevant in over half of the documents analysed (12 of 21).

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where it was concluded that the language used was outdated and sexist. Amending the Constitution (which requires a referendum) is still under consideration.

<sup>5</sup> 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/labour_market/current/qnhs.pdf)

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

	Gender equal. relevant	Policy means	Policy ends	As vision	As Strategy	GE VISION			GE AS STRATEGY		
						Sameness	Difference	Transformation	Equal treatment	Special programmes	Transformation
<b>TAX BENEFITS</b>											
LAW	No										
POLICY	No										
DEBATE (x3)	No Yes No		Only end	Major	Minor		Dominant	Marginal		Significant	Significant
CIVIL SOC	Yes		Only end	Balance	Balance		Significant	Significant		Significant	Significant
<b>CARE</b>											
LAW	No										
POLICY (x2)	No No										
DEBATE	no										
CIVIL SOC	Yes	Minor	Major	Major	Minor	Marginal		Dominant	Marginal		Dominant
<b>WORK LIFE</b>											
LAW	No										
POLICY	No										
DEBATE (x2)	No Yes	Minor	Major	Major	Minor	Marginal		Dominant	Marginal		Dominant
CIVIL SOC	No										
<b>EQUAL TREATMENT</b>											
LAW	Yes		Only end		Only strategy				Dominant	Marginal	
POLICY	Yes	Major	Minor	Minor	Major	Marginal	Marginal	Marginal	Marginal	Marginal	Marginal
DEBATE (x2)	Yes Yes		Only Only	Balance Balance	Balance Balance	Marginal Marginal	Marginal Marginal	Marginal Marginal	Marginal Marginal	Marginal Marginal	Marginal Marginal
CIVIL SOC	Yes	Minor	Major	Major	Minor	Marginal	Marginal	Marginal	Marginal	Marginal	Marginal
SUMMARY CODE	<b>12 no 9 yes</b>	<b>1 major 3 minor</b>	<b>5 only end 3 major 1 minor</b>	<b>4 major 3 balance 1 minor</b>	<b>1 only strategy 1 major 3 balance 4 minor</b>	<b>6 marginal</b>	<b>1 dominant 1 significant 4 marginal</b>	<b>2 dominant 1 significant 5 marginal</b>	<b>1 dominant 6 marginal</b>	<b>2 significant 5 marginal</b>	<b>2 dominant 1 significant 4 marginal</b>

## Framing of gender equality

In the areas of tax and benefits, childcare, and work-life balance, the use of a gender equality frame was not common and texts were often de-gendered. There was a tendency to use a broader equality framing in which the objective was to tackle poverty, with an emphasis moving toward the interests of children. Only in the area of equal pay was the framing of gender equality prevalent. This is a significant finding in itself but requires further analysis. In one area at least it would seem that there is a temporal dimension, with a shift in the way childcare has been framed. One of the documents analysed called for a change- away from childcare seen as a key service for working parents- and a key aspect of gender equality (which was positioned as something that had been emphasised in previous years with the receipt of EU funding) towards an emphasis on the interests of the child.

The most frequent framings used are equality. The frequency of equality as a framing is partly due to the inclusion of the gender pay gap as a sub-issue (where an equality framing would be expected). Also, the use of equality as a broad framing did not necessarily include a focus on gender (as in the issue of childcare where a large focus is on equalising outcomes amongst children, and in the issue of tax and benefits where one of the aims is to alleviate poverty). (See above table for those documents where a gender equality framing was used).

**Table: Framing of gender equality in non employment**

FRAMING	Equality	Human Rights	Ec. Dev.	Cap/well being	Crime and justice	Health	Other	Strength of other
<b>TAX BENEFITS</b>								
Law	Sole							
Policy	Sole							
Debate (x3)	Sole Dominant Significant	Minor		Minor			Education	Significant
Civil society	Sole							
<b>CARE</b>								
Law	Major			Major				
Policy (x2)	minor significant	minor	minor	Minor Significant		minor	Education	Minor
Debate	Minor	Minor	Marginal	Minor		Minor	Education	Marginal
Civil society	Dominant		Minor					
<b>WORK LIFE</b>								
Law	Minor			Dominant				
Policy	Major		Major					
Debate (x2)	Dominant		Major	Minor			Choice	Major
Civil society	Significant	Minor		Significant		Minor		
<b>EQUAL TREATMENT</b>								
Law	Sole							
Policy	Major		Major					
Debate (x2)	Sole Sole							
Civil society	Dominant	Marginal	Marginal					
<b>Summary code</b>	Major	-	Marginal	Marginal	-	-		Marginal

## 4.2 The range of intersections

Using the summary coding of the policy documents the main intersections are shown in the table below.

In relation to the intersection of gender with other inequalities, the most frequently intersecting strands were marriage/family status and social class. There was no intersection of gender with religion or disability in any of the documents that were analysed. There was an intersection of gender with ethnicity, sexual orientation, age and nationality / migrant status very infrequently (and largely within only civil society texts). Overall, there was a tendency for the civil society texts to consider intersections between gender and other equality strands to a greater extent than the other texts, and for law to be the least likely to attend to any intersectionality.

The intersection of marital status, class and gender is significant in the context of Ireland, given the large number of single parent families (the majority who are women, even though the category becomes de-gendered in the policy texts) and the poverty in these households.

Intersectionality	Ethnicity	Religion	Class	Sexual orient.	Age	Disability	Marital/ family status	Nat./ migrant status
<b>TAX BENEFITS</b>								
Law							Minor	
Policy			Minor				Minor	
Debate (x3)			Major Minor Minor		Minor		Major Minor Minor	
Civil society			Major		Minor		Minor	
<b>CARE</b>								
Law								
Policy (x2)							Minor	
Debate								
Civil society								
<b>WORK LIFE</b>								
Law							Minor	
Policy							Minor	
Debate (x2)			Major				Minor Major	
Civil society	Minor		Minor				Minor	
<b>EQUAL TREATMENT</b>								
Law								
Policy			Minor				Minor	
Debate (x2)			Minor				Major Major	
Civil society			Minor	Minor	Minor		Minor	Minor
<b>Totals</b>	1 minor		7 minor 3 major	1 minor	3 minor		12 minor 4 major	1 minor

### 4.3 Implications

Possibly the most interesting question emerging from the various analyses in the area of non-employment is whether or not different gender regimes are being promoted for different women? Are there 'double standards' across the gender / class intersection? Is there one policy for lone parents (public gender regime), another for partnered (domestic gender regime)?

In Ireland, there does seem to be competing pressure from different polities (EU; Irish State / Organised religion), and divides between different civil society groups (including within the women's movement; trade unions; and employers).

For single mothers in poverty receiving state support there appears to be moves toward 'coercion' to become employed (largely low-paid, low skilled jobs, part-time), yet for those mothers in higher income household (and not in receipt of benefits) then there seems to be state support (at least in symbolic terms, and in relation to the childcare payment) for carers to stay in home.

In terms of assessing the quality of gender equality policies, this apparent contradiction raises the question of who benefits, who loses? Which is better, a public or a domestic gender regime, and for whom? Does it depend on extent of gender inequality in labour market? The extent of regulation and protection in labour market? Does it also depend on the quality and extent of care services, and how these are financed? Is it preferable for women to be employed in terms of other (less measurable) criteria? E.g. social capital; domestic violence in home; conditions of labour (not least in terms of whether or not paid); and access to political collective organisation?

Is the current problem or impasse that seems to have been reached- and threatens to erode wider support for women's employment- *a failure to separate outcomes for women- from outcomes for traditional recipients of women's unpaid domestic and care labour (i.e. children; male partners; elderly)?* If this step is taken, then it raises the question of what would improve outcomes: quality day care; equalised hours in paid work (with working time regulation); quality care services for elderly. If there is consensus around the wider social benefits of such services, then this implies equalising the distribution of costs of these services.

Then there is a question about the longer term, in terms of which policies are sustainable. This question raises the issues of the losses to the economy associated with the under-utilisation of women's skills; loss in terms of taxation; and continued (and possibly increased, given the rising importance personal pension provision) poverty amongst women in later life.

The 'fallback' position, leaving the tension unresolved, seems to be that if women choose, then differences are acceptable. But 'choice' in this context seems spurious.

## 5 INTERSECTIONS IN INTIMATE CITIZENSHIP POLICY

### 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 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 (1993) 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: 609):

“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.

In Ireland then, the power of the Catholic Church in influencing both general ideology and shaping public debates, and consequently public policy, needs to be taken into account.

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 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 cases of young women wanting abortion following rape have 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 member 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'<sup>6</sup> 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.

### **5.1. The range of the meanings or frames of gender equality**

Gender equality was not construed to be relevant in 13 of the documents analysed. Of those 4 texts where gender equality was seen as relevant, all were within the issue of divorce, one parliamentary voice and 3 civil society voices.

In those texts where gender equality was seen as relevant, in the civil society documents it was seen as an end in itself (i.e. gender equality as the primary policy goal rather than a means to an end) and as a vision only (a large scale view of the future).

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<sup>6</sup> <http://www.familydiversity.ie/index.php>



	Gender equality relevant	Policy means	Policy ends	As vision	As Strategy	GE VISION			GE AS STRATEGY		
						Sameness	Difference	Transformation	Equal treatment	Special programmes	Transformation
<b>ABORTION</b>											
Law	No										
Government policy	No										
Parliament debate	No										
<b>Civil society</b>	No										
<b>DIVORCE</b>											
Law	No										
Government policy	No										
Parliament debate	Yes	Only			Only				Marginal	Marginal	Marginal
Civil society (x3)	Yes Yes Yes		Only Only Only	Only Only Only		Marginal Significant	Marginal Dominant	Marginal Marginal Significant			
<b>CIVIL PARTNERSHIP</b>											
Law	No										
<b>Government policy</b>	No										
Parliament debate (x4)	No No No No										
Civil society	No										
	<b>4 yes 13 no</b>	<b>1 only means</b>	<b>3 only end</b>	<b>3 only vision</b>	<b>1 only strategy</b>	<b>1 significant 1 marginal</b>	<b>1 dominant 1 marginal</b>	<b>1 significant 2 marginal</b>	<b>1 marginal</b>	<b>1 marginal</b>	<b>1 marginal</b>

### Framing of gender equality:

Across this issue is the significance of human rights as a frame, particularly in the area of abortion, together with equality frame (broadly conceived), particularly in the area of civil partnership. In the area of abortion, the rights of one (the 'foetus') become pitted against another, and the rights to travel and to information have come to serve as a protection for women's access to abortion services offered within another country under European Law.

Overall, the most frequent framings used in the documents were human rights followed by equality. Capabilities / well-being, crime and justice, and other were marginal framings. A broad equality frame was common within civil partnership. The framing of human rights extends across all of the issues.

Notable in this issue of intimate citizenship is the lack of a gender equality framing (except for some texts in the area of divorce and marriage), together with the absence of gender itself in the area of civil partnership.

	Equality	Human Rights	Economic development	Capacities /Well-being	Crime and Justice	Health	Other
<b>ABORTION</b>							
Law					Sole		
Government policy		Significant		Minor	Minor	Minor	
Parliament debate		Dominant				Minor	
Civil society		Dominant		Marginal		Marginal	
<b>DIVORCE</b>							
Law							
Government policy				Major			Social stability Major
Parliament debate	Significant	Significant					Children's welfare Significant
Civil society (x3)	Significant Major Major	Major Major Major					
<b>CIVIL PARTNERSHIP</b>							
Law	Major	Major					
Government policy	Significant	Significant		Minor		Minor	
Parliament debate (x4)	Minor Sole Major Major	Dominant  Major Major					
Civil society	Major	Major					
<b>SUMMARY CODE</b>	<b>Significant</b>	<b>Significant / major</b>	-	<b>Marginal</b>	<b>Marginal</b>	-	<b>Marginal</b>

## 5.2 The range of intersections

In relation to the intersection of gender with other inequalities, the most frequently intersecting strands were age and marriage/family status within the issue of abortion, and gender with marital / family status within the issue of divorce. In civil partnership there were no intersections (even though sexual orientation was obviously key, gender was absent). In the absence of any significant intersectionality, it is difficult to draw conclusions about differences in the treatment of intersectionality in the various types of document.

Intersectionality	Ethnicity	Religion	Class	Sexual orient.	Age	Disability	Marital/family status	Nationality./migrant status
<b>ABORTION</b>								
Law								
Government policy					Minor		Minor	
Parliament debate					Minor		Minor	
Civil society					Minor		Minor	
<b>DIVORCE</b>								
Law								
Government policy			Minor		Minor		Minor	
Parliament debate				Minor			Major	
Civil society (x3)							Major Major Minor	
<b>CIVIL PARTNERSHIP</b>								
Law								
Government policy								
Parliament debate (x4)								
Civil society								
<b>TOTALS</b>			1 minor	1 minor	4 minor		5 minor 3 major	

### **5.3 Implications**

Given the absence of gender in the area of civil partnership, it is difficult to draw out significant implications in this area. Further reflection on this absence may be interesting in terms of considering feminist critiques of the institution of heterosexuality and bringing this literature to an analysis of the policy field.

In relation to abortion, the key intersections here from the LARG analysis are age and marital/family status. There is particular concern around young women, and the issue of the stigma of single women becoming pregnant is considered. Perhaps the absence of religion however is very misleading, given the primary role of Catholicism in shaping the entire debate.

The area of divorce is also shaped strongly by religion, even though again, its explicit mention is absent in the texts. The key strand (visible) intersecting with gender is marital/family status.

## 6 INTERSECTIONS IN GENDER BASED VIOLENCE POLICY

### Introduction

The gender based violence sub issues most relevant in the context of Ireland include sexual assault (especially rape), domestic violence, and sexual harassment and stalking

Irish legislation and policy defines acts of violence against women, such as “domestic violence, rape, sexual assault, stalking/harassment”<sup>7</sup> as criminal acts. They have little to do with gender equality. 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 political debates, and hard pornography is occasionally referred to in relation to violence against women (Labour women); there is however no definition of pornography.

A number of QUING relevant policies and policy contexts developed in Ireland in the 1990s (providing NGO’s 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)<sup>8</sup>; 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*.<sup>9</sup> Ireland ratified CEDAW

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<sup>7</sup> Ireland Combined second and third periodic reports to 21<sup>st</sup> Session to CEDAW, 1999. <http://www.un.org/womenwatch/daw/cedaw/cedaw%20report%20submission%20status%2031Aug2006.pdf>

<sup>8</sup> “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)

<sup>9</sup> 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.

in 1985 and its Optional Protocol to CEDAW in 2000. Ireland has developed *National 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).<sup>10</sup> 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.<sup>11</sup>

## 6.1 The range of the meanings or frames of gender equality

Gender is considered relevant in many of the policies analysed here, with some exceptions (the law documents in trafficking and in domestic violence, one of the debates in domestic violence, and the sexual assault debate).

When gender is invoked within the policy area of gender based violence, it is invoked in a de-gendered way, using categories that appear to be gender neutral, but are in fact known to be gendered. Such terms include victims of domestic violence and sexual offenders. Gender is solely understood as social, and never as biological.

Gender equality is rarely seen as relevant to policy on gender based violence, but when it is, gender equality is predominantly wanted as an end in itself, as the primary policy goal (forced marriage) or there is a balance between gender equality as an end in itself and gender equality as a means to some other policy goal (domestic violence).

Where gender equality is relevant to the policy (either as a goal or as a means), there is a balance between gender equality as a strategy and gender equality as vision. Vision here means that gender equality is relevant as a large scale view of the future, and gender equality as a strategy means that gender equality is understood as relevant in terms of practical policy initiatives and actions. The vision of gender equality is first and foremost that of sameness, and secondly there is a vision of a transformation of gender relations/society.

The immediate strategy or tactics to reach gender equality is mainly that of gender transformation, for instance the changing of standards for men as well as for women, Secondly the strategy towards gender equality includes the implementing of special programmes, for instance refuges and rape crisis phone lines for women. The least explicit strategy towards gender equality is equal

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<sup>10</sup> 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 Irish National Observatory on VAW spokeswoman, be included in the plan.

<sup>11</sup> 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)

treatment, for instance to combat discrimination. Vision and strategy put together than makes visible that the vision of equality through sameness should be realised via a strategy of transformation/ transformed gender relations.

**Gender Equality framing in Gender based violence**

Gender Equality	Gender Equality relevant	Policy means	Policy ends	As vision	As strategy	Gender equality as vision			Gender equality as strategy		
						Sameness	Difference	Transformation	Equal treatment	Special programmes	Transformation
<b>Domestic violence</b>											
Law	No	-	-	-	-	-	-	-	-	-	-
Policy	Yes	Sole	None	Major	Minor	-	Sole	None	None	Sole	None
Debate1	No	-	-	-	-	-	-	-	-	-	-
Debate2	No	-	-	-	-	-	-	-	-	-	-
Civil society	Yes	Balance	Balance	Balance	Balance	Marginal	Dominant	None	Marginal	Dom	None
<b>Sexual Assault</b>											
Law	No			-	-	-	-	-	-		-
Policy	Yes	None	Sole	Major	Minor	-	Sole	None	Marginal	Dom	Marginal
Debate	No	-	-	-	-	-	-	-	-	-	-
Civil society	Yes	None	Sole	Sole	-	Sole	None	None	-	-	-
<b>Trafficking</b>											
Law	No	-	-	-	-	-	-	-	-	-	-
Policy	No	-	-	-	-	-	-	-	-	-	-
Debate	No	-	-	-	-	-	-	-	-	-	-
Civil society	yes	Sole	None			None	None	None	Marginal	Dominant	None
<b>SUMMARY</b>	<b>NO (8) Yes (5)</b>					<b>1 Difference 2 Sameness</b>			<b>1 Special programmes 2 Equal treatment 3 Transformation)</b>		



The main policy norm in gender based violence is crime and justice. Gender equality is not a major norm in any of the documents studied. Human rights is a second major frame. Equality is significant, but far less visible than the first two.

#### Framing of gender based violence

<b>FRAMING</b>	<b>Equality</b>	<b>Human rights</b>	<b>Economic development</b>	<b>Capacities &amp; well-being</b>	<b>Crime &amp; Justice</b>	<b>Health</b>
<b>Domestic violence</b>						
Law	-	-	-	-	Sole	-
Policy	Marginal	Marginal	-	significant	Minor	Sign
Debate1	-	-	Marginal	-	Marginal	-
Debate2	--	-	-	-	Sole	-
Civil society	Minor	Dom	-	-	-	-
<b>Sexual assault</b>						
Law	-	-	-	-	Major	-
Policy	Minor	Major	-	Marginal	Marginal	Marginal
Debate	-	Minor	-	-	Dom	-
Civil society	Marginal	-	-	-	Dom	Marginal
<b>Trafficking</b>						
Law	-	Minor	-	-	Dom	-
Policy	-	-	-	-	Major	-
Debate	-	Sole	-	-	-	-
Civil society	Minor	Dom	-	-	-	-
<b>SUMMARY CODE</b>	<b>Marginal</b>	<b>Significant</b>	<b>None</b>	<b>None</b>	<b>Major</b>	<b>None</b>

## 6.2 The range of intersections

The intersections relevant to this question include ethnic or racial inequality, e.g. reference to minority ethnic or ‘racial’ groups (include Roma); religion, e.g. reference to minority or non-dominant religious groups, or to the moral preferences of the majority religion; class inequality, e.g. reference to lower-skilled, unemployed or economically disadvantaged groups, social exclusion / inclusion (plus other country specific terms that are used to signal social class); sexual orientation, e.g. reference to gay, lesbian or bisexual orientations; age, e.g. reference to older people, or youth; disabled people; marital/family status (e.g. lone mothers); nationality/migrant status and possible other inequalities.

There are very few intersections of gender with other inequalities in the analysed documents. The only inequalities intersecting with gender to a more than a marginal extent are ethnicity and age, albeit they both only intersect in minor ways. Forced marriage marks a clear exception where ethnicity and religion are two major intersecting inequalities (policy and debate). As with the gender equality framing question above, the civil society text within domestic violence is also an exception to the majority of documents as ethnicity is seen as a major intersecting inequality. A further exception is the law in sexual assault in which age and disability are two major intersecting inequalities.

### Intersectionality in gender based violence

Intersectionality	Ethnicity	Religion	Class	Sexual orient.	Age	Disability	Marriage/ family status	National/migrant
<b>Domestic violence</b>								
Law	-	-	-	-	-	-	-	-
Policy	Minor	-	-	-	-	-	-	-
Debate1	-	-	-	-	-	-	-	-
Debate2	-	-	-	-	-	-	-	-
Civil society	-	-	-	-	-	-	Minor	-
<b>Sexual Assault</b>								
Law	-	-	-	-	Major	Minor	-	-
Policy	-	-	-	-	-	-	-	-
Debate	-	-	-	-	Major	Minor	-	Minor
Civil society <sup>12</sup>	-	-	-	-	-	-	-	-
<b>Trafficking</b>								
Law	-	-	-	-	Major	-	-	Minor
Policy	-	-	-	-	Minor	-	-	Major
Debate	-	-	-	-	-	-	-	Major
Civil society	-	-	-	-	Minor	-	-	Minor
<b>TOTALS</b>	1 minor	0	0	0	3 major 2 minor	2 minor	1 minor	3 minor 2 major

<sup>12</sup> Includes Other: regional inequality as a marginal framing.

### 6.3 Implications

There is a general lack of the inclusion of multiple inequalities on gender based violence policy. There is not a complete silencing, and ethnicity is one of the major grounds that is seen as intersecting with gender. This is however combined with an overall tendency towards de-gendering in the texts analysed. Where gender at the intersection with other inequality strands was present, there was a tendency for particular types of gender-based violence to be associated with particular strands (e.g. trafficking and prostitution, migrant status; forced marriage and honour crimes: ethnicity). Women are rarely and men are never discussed as victims or perpetrators. Occasionally, women are explicitly victims of gender based violence, but men are never perpetrators. Occasionally, causes of violence are related to specific categories, there is not a complete silencing or marginalisation of traveller women's experiences of domestic violence. When discussed, it is the severity and prevalence of violence in traveller communities that is seen as the problem.

## 7 COMPARISONS

In this chapter, the presence or absence of intersectionality by policy area is compared, together with the consideration of voice and intersectionality (i.e. which types of text are most likely to include recognition of intersectionality).

Changes in the area of gender equality policies are then identified, with a focus on the implications for intersectionality.

Finally, some comparisons are drawn between the UK and Ireland.

### 7.1 Intersectionality: presence and voice across the policy areas

The most frequent specific intersections that emerge in policy and related documents as relevant to gender+ equality policies in Ireland are:

#### Inequalities intersecting with gender by policy area

<b>Policy area</b>	<b>Most frequent intersecting strand</b>	<b>Second frequent intersecting strand</b>	<b>Third frequent intersecting strand</b>
<b>General gender equality</b>	Class	Marital / family status	Ethnicity; sexual orientation; age; nationality/migrant status (equal frequency)
<b>Non-employment</b>	Marital/family status	Class	Age
<b>Intimate citizenship</b>	Marital/family status	Age	Class; age (equal frequency)
<b>Gender based violence</b>	Age	Nationality/migrant status	Disability

#### Voice and intersectionality

In terms of the type of text most likely to consider intersections of gender with other inequality strands, there was a slight tendency (e.g. in non-employment) for civil society texts to position gender equality as being relevant, and to take into account intersectionality, to a greater degree than the other texts.

## 7.2 Changes and intersectionality

Overall, there do not appear to be any significant changes in the way intersectionality is treated across the four policy areas.

However, some more general observations on possible changes over the recent period can be made in relation to the equalities machinery

In Ireland, the shift to an integrated equality body occurred relatively early; The Equality Authority was set up in 1999 with a mandate over 9 grounds. This body took over from the Employment Equality Agency which had remit over gender and marital status and was formed under 1977 Employment Equality Act.

In relation to the meanings of gender equality adopted by the various machineries in Ireland, at times there appears to a tendency toward a choice framing, which may be way to avoid tension between different meanings of gender equality (i.e. the priority becomes whether or not women can choose, rather than the actual outcomes of their 'choices'). It does seem that there is some movement, though with caveats that emphasise the importance of women's choices, towards prioritising economic independence for women through employment. For example, in May 2008, the Minister for Justice, Equality and Law Reform announced 61 million Euros in funding for the Equality for Women measure to support positive action in relation to women's employment.<sup>13</sup>

Recent publications of equality authority, such as its annual report, place emphasis on number of legal cases adopted, and recent research by the body tends to be 'strand specific'. Proposals in the Equality Authority's strategic plan for 2006-08 do refer to multiple grounds and cross grounds, though there is an absence of in-depth consideration of intersectionality in inequalities.

Further developments have taken place in the government machinery; The previous Gender Equality Unit set up under the National Development Plan (2000-06) became integrated (from 2007) into the Gender equality division within the Department for Justice, Equality and Law Reform. This division will have the lead in the implementation of the National Women's Strategy (launched in 2007) and gender mainstreaming across government departments.

In relation to the overall equalities machinery there seems to have been a reversal of the trajectory followed in other countries such as the UK (from specialised to general bodies) in that strand specific bodies have been established in some cases *following* the formation of the Equality Authority. For example, a separate

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<http://www.justice.ie/en/JELR/Pages/Ahern%20launches%20new%20€61%20million%20Equality%20for%20Women%20Measure>

independent statutory body for disability equality 'the National Disability Authority' was set up in 2000 under the National Disability Authority Act 1999. Since its formation, the NDA has worked with the Equality Authority in researching disability inequality, producing joint reports.

The National Women's Council of Ireland, another state funded body, was founded in 1973 (as the then Council for Status of Women) and continues to act as the national representative organisation for the diversity of women's organisations in Ireland.

There is also a separate commission for human rights (the Irish Human Rights Commission, established in 2001); a statutory agency to fight poverty (the Combat Poverty Agency, established in 1986); a statutory body working on research and policy in relation to older people: 'the National Council on Ageing and Older People'; the National Consultative Committee on Racism and Interculturalism (receiving core funding from the Department of Justice, Equality and Law Reform) and 'Pobal', a not-for-profit company having charitable status which manages programmes for the Irish Government and the EU to promote social inclusion and cohesion, reconciliation and equality through social and economic community developments.

The picture overall in Ireland is somewhat mixed then, with a general independent quasi governmental equality body having a broad mandate across the strands, together with the formation or continuation of specialised government funded bodies. The co-existence of an integrated equality body with strand specific statutory bodies suggests something of a (possibly preferable) compromise between the dichotomy of having a generalised body or specialised bodies. Also, assessing the state of equality in Ireland purely on the basis of its SEB only provides a partial picture of what seems to be a much wider web of equality bodies.

However, the existence of multiple bodies in Ireland seems under threat. In July and August the government proposed a future merger of some of the existing commissions, proposals that have been met by strong criticism from the former president Mary Robinson.<sup>14</sup>

### **7.3 Comparing and contrasting the UK and Ireland**

The most interesting points for comparison and contrast, and possibly further research, between Ireland and the UK are the following:

*Strand or merged legislation and machinery*

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<sup>14</sup> <http://www.irishtimes.com/newspaper/ireland/2008/0825/1219613973025.html>  
<http://www.irishtimes.com/newspaper/ireland/2008/0820/1219158421157.html>

The consequences for intersectionality in gender equality policies of the different structures of machinery and legislation could be further investigated across the two countries. This would require a possibly longer time frame, to allow for the establishing of the single equalities body in the UK, and to look at how the recent moves to 'condense' the machinery in Ireland proceed.

*The intersection of gender, class, and marital/family status: de-gendering*

In both countries there is a focus on lone mothers, and the problem of poverty. However, it is also the case that this area becomes significantly de-gendered. This tendency to de-gender such that lone motherhood becomes lone parenthood is interesting, and while detracting attention away from the fact that the majority of lone parents are women, it is not clear what more concrete implications are from the analysis conducted thus far.

*Gender, age, class (and religion) in abortion policies*

The issue of intersectionality and abortion is also one in which interesting contrasts could be drawn: in the UK abortion is legal (though the time period and process under question) and in Ireland (including Northern Ireland, part of the UK), being illegal. Intersectionality is important in considering women's access to abortion services in other countries, including the UK (e.g. age and resources available restricting women's access). Whether these arguments will be brought increasingly to the fore in the current debates in UK parliament with the passage of the Human Fertilisation and Embryology Bill (Department of Health, 2007) would be interesting to examine further.

*Gender and ethnicity in gender-based violence*

As in the UK, there is a tendency overall towards de-gendering. There is a tendency for particular types of violence to be associated with particular intersecting inequality strands. There is a similar process in Ireland, but significantly weaker than the UK process of degendering. Both Ireland and the UK frame gender based violence as crime and justice, but in Ireland, there is also a human rights approach to gender based violence visible. Whether or not this can explain the difference in the presence of multiple intersecting inequalities would be an interesting question to analyse further. The marginalisation or silencing of ethnic minority women is less apparent in the UK than in Ireland, with the possible exception of Traveller women in Ireland.

## 9 CONCLUSIONS

Returning to the question 'what are the implications of intersectionality for the quality of gender equality policies', what can be concluded?

Conclusions from the analysis conducted thus far are limited to tentative statements given that while the material used is significant in its scope, it only represents a small amount given the size of the overall area (and time span).

From the analysis of intersectionality in Ireland, it may be concluded that:

In Ireland the recent National Women's Strategy and the observation of the relevance of gender equality in the texts in the area of general gender equality may suggest a positive picture in terms of action on gender equality. However, given a tendency towards de-gendering, gender equality as a framing does not seem prominent in the other areas. This then has an impact in terms of a lack of focus on the intersectionality of gender with other inequalities. Overall the picture appears to be one whereby gender equality is not mainstreamed consistently throughout the policy areas.

The existence of an integrated equality body should not be necessarily associated with an intersectional focus; likewise, the existence of dedicated machinery should not suggest a lack of intersectionality. There may be a case for the existence of both generalised equality bodies possibly to oversee equalities legislation in the broader field, together with specialised strand bodies that have the expertise, and capacity to build up such expertise, to develop more effective policies and practices in combating inequality. Overall, history and the wider social, economic and political context are important in understanding strand prioritisation and particular tensions in the meanings of gender equality.

Intersectionality can be associated with sensitivities in policies towards differences amongst women. For example, the barriers faced by lone mothers in participating in labour market. However, unless an intersectional approach is 'mainstreamed' across the different aspects of policy on non-employment as well as other policy areas such as intimate citizenship, then inconsistency and possibly 'double standards' and/or stigmatisation can result. For instance, neglect of the position of lone mothers in policies on childcare compared with the focus on lone parents in the tax-benefits system. In Ireland, supplements for childcare are paid regardless of parental employment status (implicitly supporting women to remain as carers in the home), which contradicts the emphasis on getting lone mothers into employment.

The intersections relevant to this question include ethnic or racial inequality, e.g. reference to minority ethnic or 'racial' groups (include Roma); religion, e.g. reference to minority or non-dominant religious groups, or to the moral preferences of the majority religion; class inequality, e.g. reference to lower-skilled, unemployed or



economically disadvantaged groups, social exclusion / inclusion (plus other country specific terms that are used to signal social class); sexual orientation, e.g. reference to gay, lesbian or bisexual orientations; age, e.g. reference to older people, or youth; disabled people; marital/family status (e.g. lone mothers); nationality/migrant status and possible other inequalities.

In the area of non-employment, the de-gendering of policies on childcare also seems significant in considering intersectionality (and the absence thereof). While increasing the provision of childcare was framed previously in terms of gender equality (increasing women's access to paid employment), there seems to have been a shift towards a de-gendered framing whereby childcare becomes framed in terms of children's interests (well-being / education). In this instance, de-gendering does appear to detract from women's positioning as the primary carers (and the implications of this for their access to employment).

In relation to intimate citizenship, given that intersectionality is largely absent from the texts analysed for LARG, little can be concluded from this section. Nevertheless, from the country context and issue histories it is clear that one of the key intersections is that of gender and religion, in the sense of the latter shaping or indeed constraining the range and content of gender equality policies. This raises the question of the distinction between intersectionality as influencing the actual policies (even though it may remain implicit or invisible, such as beliefs about women influenced by religion); or intersectionality as part of the policy content.

In relation to gender based violence, there are very few intersections of gender with other inequalities in the analysed documents. The only inequalities intersecting with gender to a more than a marginal extent are age and nationality/migrant status, albeit they both only intersect in minor ways. Forced marriage marks a clear exception where ethnicity and religion are two major intersecting inequalities (policy and debate). As with the gender equality framing question above, the civil society text within domestic violence is also an exception to the majority of documents as ethnicity is seen as a major intersecting inequality. A further exception is the law in sexual assault in which age and disability are two major intersecting inequalities. There are possibly some potential explanations for this in the human rights approach to gender based violence which can be found in Ireland, but any such correlation would require more analysis.

Occasionally, causes of violence are related to specific categories, there is not a complete silencing or marginalisation of traveller women's experiences of domestic violence. When discussed, it is the severity and prevalence of violence in traveller communities that is seen as the problem.

The process of degendering is significant in this area. When gender is invoked within the policy area of gender based violence, it is invoked in a de-gendered way, using categories that appear to be gender neutral, but are in fact known to be

gendered. Such terms include victims of domestic violence and sexual offenders, rarely women and men. Further gender equality is rarely seen as relevant to policy on gender based violence, but when it is, gender equality is predominantly wanted as an end in itself, as the primary policy goal (forced marriage) or there is a balance between gender equality as an end in itself and gender equality as a means to some other policy goal (domestic violence).

Where gender equality is relevant to the policy (either as a goal or as a means), there is a balance between gender equality as a strategy and gender equality as vision. Vision here means that gender equality is relevant as a large scale view of the future, and gender equality as a strategy means that gender equality is understood as relevant in terms of practical policy initiatives and actions. The vision of gender equality is first and foremost that of sameness, and secondly there is a vision of a transformation of gender relations/society.

In drawing conclusions, it is important to note the continually changing equalities landscape, with the threat of reducing the institutional support for equalities possibly bringing in a new 'period' in Ireland's equality history. What consequences this will have for intersectionality remains to be seen, and it is possible to imagine both positive outcomes (e.g. of strands forming alliances to challenge the proposed cutbacks) and negative (e.g. prompting competition for resources).

### **Best practice?**

De-gendering does seem to have the negative consequence of taking the focus away from women's position, and consequently the potential intersection of gender with other inequality strands is lacking; and the principle of gender equality requires mainstreaming (then a focus on intersectionality could follow, though whether this would be positive or negative is difficult to assess given its limited presence). Also seemingly important is consistency, for example a focus on one group (such as lone mothers) at the intersection in one policy area (tax and benefits system) needs to be reflected in related areas (access to childcare).

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