



## **Submission to Ireland's Second National Report**

### **As part of the UN Universal Periodic Review Process**

**23 October 2015**

#### **National Women's Council of Ireland**

Founded in 1973, the National Women's Council of Ireland (NWCI) is the leading women's membership organisation. NWCI vision is of an Ireland and of a world where there is full equality between women and men. We represent and derive our mandate from our membership which includes over 180 member organisations from a diversity of backgrounds, sectors and locations. Further information is available on our website at [www.nwci.ie](http://www.nwci.ie)

#### **1. National Women's Strategy**

Ireland's National Women's Strategy covers the period 2007-2016. The current Minister of State for Equality recently flagged his intention to initiate a process to map out a new strategy.<sup>1</sup> However, in spite of a commitment to do so,<sup>2</sup> an independent evaluation of the current strategy and its implementation has not been carried out. Such an evaluation is necessary to identify particular policy areas where implementation has been slow or non-existent, and to ensure that any successive national action plan for women's equality is effective.

**NWCI recommend that the Government initiate an independent evaluation of the National Women's Strategy 2007-2016 and develop and communicate a timeline for the commencement of discussion with civil society on the development of a new national action plan for women's equality post 2016.**

#### **2. Women in the Irish Constitution**

One of the priority tasks of the Government-established Constitutional Convention,<sup>3</sup> which is a convening of citizens and public representatives to consider matters of constitutional reform, was the role of women in the home and encouraging greater participation of women in public life. In February 2013, the Constitutional Convention recommended that the government replace Article 41.2 with a gender neutral clause valuing care work in Irish society.<sup>4</sup> The Convention has also recommended a number of other measures, including modifications to the electoral system and changes in political education in schools which would enhance the participation of women in public life.<sup>5</sup> No response from the Government has been forthcoming, despite the Convention's terms of reference requiring a response from Government within four months of receiving the Convention's report.<sup>6</sup>

**NWCI recommend that steps be immediately undertaken to remove Article 41.2 from the Constitution, as per the recommendation of the Constitutional Convention.**

### **3. Participation of Women in Political and Public Life**

The Local Government Reform Act 2014<sup>7</sup> provides a legislative basis for the introduction of new governance structures aimed at, *inter alia*, making better provision for the establishment and oversight of local community development committees and programmes for an increased role for local authorities in economic development and enterprise support.

**NWCI recommend that policies and guidelines regulating these local government structures contain a particular focus on women, to enhance their participation in decision-making and policy formation processes.**

Budgetary cuts and restrictions on funding eligibility throughout the recent period of austerity measures have disproportionately impacted on the capacity of women's organisations to protect the rights of all women, in particular vulnerable women, through frontline services and advocacy work.<sup>8</sup>

**NWCI recommend that adequate funding be provided to national and community-based non-governmental organisations working to progress gender equality so they can respond effectively to the needs of women, particularly the most marginalised and disadvantaged women.**

The Electoral (Amendment) (Political Funding) Act 2012 provides for the application of a financial sanction for failure to reach a quota of 30% of both men and women candidates at the general election following enactment (increasing to a 40% quota at the subsequent general election). These measures apply to the Dáil Éireann (Lower House of Parliament) only; no such requirement is in place for local government. 77% of new TD's elected to the Oireachtas in 2011 had previously held seats at local government. It is critical that the legislative quota be extended to local government level in order to take advantage of this pipeline for women candidates.

**NWCI recommend the introduction of temporary special measures<sup>9</sup> by the Government to increase the representation of women in local elections.**

A target of 40% of the underrepresented gender was set for state boards in 2011. While progress has been made, this target has yet to be achieved at the time of writing. Women are underrepresented in the civil service, particularly at senior levels<sup>10</sup>. While some action has been taken to address this issue these actions have been fragmented and have not taken a whole-of-service approach. Targeted measures have not been introduced to increase the number of women on corporate boards.

**NWCI recommend that the Government increase the number of women in senior decision making, including in the civil service, on State boards and in particular, on corporate boards through introduction of targeted measures.**

### **4. Violence against Women**

Ireland has not signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).<sup>11</sup> Ireland previously stated that "administrative and legislative" arrangements, required to enable signature, were being examined.<sup>12</sup> There is insufficient data on the nature and extent of domestic violence in Ireland to develop evidence-based policies, plan service provision and identify gaps or discrimination in services.<sup>13</sup> There has been no comprehensive audit of sexual abuse and violence since 2002.<sup>14</sup> Although demand for relevant services grew,<sup>15</sup> cuts have continued since the introduction of austerity measures in 2008 so that many women are on waiting lists for support services and cannot be accommodated in refuges.<sup>16</sup>

The Habitual Residence Condition (HRC),<sup>17</sup> which must be satisfied when applying for social protection, can be a barrier for women experiencing violence in accessing social protection entitlements.<sup>18</sup> Concerns about the habitual residence condition have been raised by the Special Rapporteur on extreme poverty and human rights, ECRI, HRC and CESCR.<sup>19</sup> The Joint Oireachtas Committee on Justice, Defence and Equality has recommended for the introduction of a formal exemption to the habitual residence condition to account for domestic violence in its 2014 Report on Hearings in Relation to Domestic and Sexual Violence.<sup>20</sup> Migrants experiencing domestic violence face difficulties in applying for independent residence permits.<sup>21</sup> Traveller and Roma women face additional barriers to legal and support mechanisms on domestic and sexual violence in comparison to women in the majority population. Traveller women use emergency refuge accommodation to a much greater extent, proportionally, than settled women and are more likely to be accommodated in a refuge on more than one occasion due to a lack of access to long-term safety and other options beyond emergency accommodation.<sup>22</sup> Migrants experiencing domestic violence face difficulties in applying for independent residence permits.<sup>23</sup>

#### **NWCI recommend:**

- **Sign the Council of Europe Convention on preventing and combating violence against women and domestic violence as a matter of urgency and then work towards its expeditious ratification.**
- **Protect domestic and sexual violence support services from further cuts Increase funding to front-line services by 10% to offset budget cuts in recent years**
- **Ensure access to safe, emergency accommodation for women experiencing male violence, a target of at least 1 refuge place per 10,000 of population should be agreed and resources ring fenced to make progress towards that target.**
- **Amend the Habitual Residence Condition to make an exception in cases of domestic violence and survivors of human trafficking so that women can have ease of access to welfare and social housing supports including refuge support**
- **Allocate resources to fund a SAVI 2 report in relation to establishing the nature and extent of sexual abuse and violence in Ireland and prioritize the work of COSC in relation to improving much needed domestic violence data.**

#### **5. Gender Pay Gap**

A primary objective of the National Women's Strategy 2007-2016 was to address the gender pay gap; however, margins have increased.<sup>24</sup> Women lost 14% of their income during the recession compared to 9% for men and 50% of women workers earn less than €20,000, far below the median wage of €28,500.<sup>25</sup> 63% of one-parent families, predominantly women, suffer material deprivation.<sup>26</sup> Ireland has a widening 38% gender pension gap, up almost 6 percentage points since 2008.<sup>27</sup>

**NWCI recommend the immediate introduction of measures to reduce the gender pay gap in both public and private sector and measures to address gender pension gap between women and men.**

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<sup>1</sup> Talks on new national strategy for women's rights to start next week, Kitty Holland, Irish Times, 21 February 2015.

<sup>2</sup> This is one of the recommendations accepted by the Irish government as part of the current Universal Periodic Review Process. See [www.upr.ie](http://www.upr.ie)

<sup>3</sup> See <https://www.constitution.ie>

<sup>4</sup> <https://www.constitution.ie/AttachmentDownload.ashx?mid=268d9308-c9b7-e211-a5a0-005056a32ee4>

<sup>5</sup> Ibid

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<sup>6</sup> This report was sent to the Government in March 2014. The report is available at <https://www.constitution.ie/AttachmentDownload.ashx?mid=5333bbe7-a9b8-e311-a7ce-005056a32ee4> (date accessed: 13 August 2015).

<sup>7</sup> <http://www.environ.ie/en/Legislation/LocalGovernment/LocalGovernmentAdministration/FileDownload.35715.en.pdf>

<sup>8</sup> Funding for locally based women's projects has been cut by 41% since 2011 and this has significantly reduced the level of services / support that organisations can provide and the level of advocacy they can engage in. (Department of Finance / Department of Public Expenditure and Reform: Budget 2012 and 2013). Some of the Women's Networks have closed while others have been forced to cut back on staff and on services. In April 2015, the government replaced the former Local Community Development Programme with the Social Inclusion and Community Activation programme.<sup>8</sup> In this new iteration, 'disadvantaged women' were removed as a target group from the programme.

<sup>9</sup> In accordance with article 4, para graph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures

<sup>10</sup> In 2011 63 per cent of the General Civil Service and 43 per cent of posts in the technical and professional Civil Service were filled by women. However a more detailed examination will show that the structure is largely pyramidal with relatively few women rising to senior positions.

[http://www.genderequality.ie/en/GE/FINAL\\_Towards%20Gender%20Parity.pdf/Files/FINALTowards%20Gender%20Parity.pdf](http://www.genderequality.ie/en/GE/FINAL_Towards%20Gender%20Parity.pdf/Files/FINALTowards%20Gender%20Parity.pdf)

<sup>11</sup> Ireland is one of only 9 countries out of 47 Council of Europe member States which has not signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

<sup>12</sup> It is contended that the barrier to signature and ratification identified by the Government is Article 52 of the Convention which provides for emergency barring orders which are not provided for under Irish law. Notwithstanding the need to have such legislation in place in order to ratify the Convention, there is a clear need, in any event, for barring orders to be available outside of traditional Court hours, so that victims of domestic violence do not find themselves without protection for extended periods of time.

Recent new commitments by the Minister for Justice and Equality on the issue are available from:

<<http://www.justice.ie/en/JELR/Pages/PR15000436>>; <<http://www.rte.ie/news/2015/0724/716887-domestic-violence-barring-orders/>> [Accessed 21 September 2015].

<sup>13</sup> Similar concern was expressed by UN Human Rights Committee in 2014. UN Human Rights Committee concluding observations on Ireland's fourth periodic report, CCPR/C/IRL/CO/4, para. 8. See also recommendation 107.38 from Ireland's first UPR regarding statistics. Report of the Working Group on the Universal Periodic Review, Ireland, A/HRC/19/9. Available from:

<[http://www.rightsnow.ie/assets/60/E91603AB-AE06-94B9-F9BFA56D21A3ABED\\_document/UPR\\_HRC\\_Working\\_Group\\_Report\\_on\\_Ireland\\_Dec\\_2011.pdf](http://www.rightsnow.ie/assets/60/E91603AB-AE06-94B9-F9BFA56D21A3ABED_document/UPR_HRC_Working_Group_Report_on_Ireland_Dec_2011.pdf)> [Accessed 17 September 2015].

Despite the work of COSC (National Office for the Prevention of Domestic, Sexual and Gender-Based Violence) and its Data Committee, no public data exists on domestic violence offences and prosecutions.

<sup>14</sup> Ireland's Sexual Abuse and Violence in Ireland (SAVI) report was published in 2002. The newly-formed (2014) Child and Family Agency (TUSLA) has been tasked with data collection in this area; despite it being a government agency responsible primarily for improving outcomes and wellbeing of children.

<sup>15</sup> In 2014 the Dublin Rape Crisis Centre (DRCC)'s National 24 hour helpline took a total of 12,059 counselling contacts. There was a dramatic increase of 30% in first time contacts compared to 2013. There was an increase of 14% in the number of calls specifically relating to adult rape. (Dublin Rape Crisis Centre (DRCC): Annual Statistics for 2014. In relation to domestic violence in 2013, 46,137 helpline calls were answered and 8,033 individual women and 3,424 individual children received support from domestic violence support services. Safe Ireland, (2013) *Domestic Violence National Statistics 2013*. Available from: <[www.safeireland.ie](http://www.safeireland.ie)> [Accessed 18 September 2015]. Demand on services has greatly increased. For example the number of women receiving support from a domestic violence service has increased by over 36% from 2008 to 2012. Over the same time period core HSE funding to services has been cut by 14% in total, with some services being cut as much as 37%. Safe Ireland, (2014) *Safety in a time of Crisis 2014*. Available from: <[www.safeireland.ie](http://www.safeireland.ie)> [Accessed 18 September 2015]. Domestic and sexual abuse services were previously funded by HSE but now come under the remit of TUSLA, the Child and Family Support Agency).

<sup>16</sup> Safe Ireland, (2011) *Lifelines to Safety: A National Study of Support Needs and Outcomes for Women Accessing Domestic Violence Services in Ireland*. Available from: <[www.safeireland.ie](http://www.safeireland.ie)> [Accessed 18 September 2015]. Further cuts to domestic violence services are planned by TUSLA Child and Family Agency for 2015. Refuge provision remains inadequate and many women and children are unable to access refuge accommodation each year. In 2013, 3,494 requests for refuge could not be met because the refuge was full. Safe Ireland, (2014) *Safety in a time of Crisis 2014*. The Council of Europe recommends that there should be a target by member states of at least 1 refuge place per 10,000 of population and Ireland seriously lags behind this modest target. (Safe Ireland report that Ireland is ranked 24<sup>th</sup> in Europe, only meeting one third of the minimum standards for refuge provision, translating to 141 family places for women and children).

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<sup>17</sup> The Habitual Residence Condition (HRC) is a qualifying condition for social welfare payments which was introduced on 1 May 2004 in response to EU enlargement. All persons seeking means-tested social welfare payments and Child Benefit after that date have been required to satisfy this condition. The HRC applies to Irish citizens as well as non-citizens but it is usually much easier for Irish citizens to show a sufficient connection to the Irish State in order to satisfy the Condition than for non-citizens. The five criteria used by the Department of Social Protection (formerly the Department of Social and Family Affairs) to determine whether a person satisfies the Habitual Residence Condition are: 1) The length and continuity of living in the State or another country; 2) The length and reasons for any absence from the State; 3) The nature and pattern of the person's employment; 4) The person's main centre of interest; 5) The future intentions of the person applying for the social welfare scheme. See Free Legal Advice Centres, *Guide to Habitual Residence condition*. Available from: <[http://www.flac.ie/download/pdf/habitual\\_residence\\_condition\\_guide\\_final.pdf](http://www.flac.ie/download/pdf/habitual_residence_condition_guide_final.pdf)> [Accessed 18 September 2015].

<sup>18</sup> For women trying to leave a situation of violence, if they do not have access to financial resources from the State, it can impact on their ability to successfully leave a violent relationship long term and it also impacts on their ability to access a refuge because a woman generally has to be in receipt of social welfare to access a refuge beyond an emergency period.

<sup>19</sup> See UNGA (2012) Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, A/HRC/20/25 Para 102; ECRI (2013) Fourth Report on Ireland, CRI(2013)1 Para 130; Human Rights Committee (HRC) Concluding Observations on the Fourth Periodic Report of Ireland 2014, CCPR/C/IRL/CO/4; Committee on Economic, Social and Cultural Rights (CESCR) Concluding Observations of the Committee on Economic, Social and Cultural Rights on Ireland 2015, E/C.12/IRL/CO/3

<sup>20</sup> 2014 Report on Hearings in Relation to Domestic and Sexual Violence (16 Oct 2014)

[http://www.oireachtas.ie/parliament/oireachtasbusiness/committees\\_list/jde-committee/reports/](http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/jde-committee/reports/)

<sup>21</sup> Migrants experiencing domestic violence should also be provided with access safe emergency housing and essential welfare benefits, pending determination of applications to remain in Ireland. See Domestic Violence Coalition Submission to the Joint Oireachtas Committee May 2013. Available from <[www.womensaid.ie](http://www.womensaid.ie)> [Accessed 18 September 2015].

<sup>22</sup> Watson and Parsons, *Domestic Abuse of Women and Men in Ireland*, 2005. The Women's Health Council reports that 37% of women accessing refuge identified themselves as Travellers, in The Women's Health Council, *Translating Pain Into Action: A study of Gender-based Violence and Minority Ethnic Women in Ireland*, 2009.

<sup>23</sup> Migrants experiencing domestic violence should also be provided with access safe emergency housing and essential welfare benefits, pending determination of applications to remain in Ireland. See Domestic Violence Coalition Submission to the Joint Oireachtas Committee May 2013. Available from <[www.womensaid.ie](http://www.womensaid.ie)> [Accessed 18 September 2015].

<sup>24</sup> The pay gap stood at 11 per cent at the introduction of the Strategy and now stands at 14.4 per cent. Government of Ireland (2007) *National Women's Strategy 2007-2016*, Dublin: Stationery Office, p. 27. As highlighted also FLAC, (November 2014) *Our Voices, Our Rights: a parallel report in response to Ireland's Third Report under the International Covenant on Economic, Social and Cultural Rights*, para. 7.2.

<sup>25</sup> National Women's Council of Ireland: Pre-Budget Submission 2016. September 2015. Available at [www.nwci.ie](http://www.nwci.ie)

<sup>26</sup> Ibid.

<sup>27</sup> European Commission (2015) Report on Equality between Women and Men 2014. Brussels: European Commission, p58.