

PUBLIC CONSULTATION - CITIZENS' ASSEMBLY ON GENDER EQUALITY 2020

QUESTIONNAIRE

In July 2019, the Citizens' Assembly on gender equality was established by resolution of the 2 Houses of the Oireachtas: Dáil Eireann and Seanad Eireann.

As set out in the [Oireachtas resolution](#), the Assembly has been asked to advance gender equality by bringing forward proposals that:

- challenge the remaining barriers and social norms and attitudes that facilitate gender discrimination towards girls and boys, women and men;
- identify and dismantle economic and salary norms that result in gender inequalities, and reassess the economic value placed on work traditionally held by women;
- in particular, seek to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in the workplace, politics and public life;
- recognise the importance of early years parental care and seek to facilitate greater work-life balance;
- examine the social responsibility of care and women and men's co responsibility for care, especially within the family; and
- scrutinise the structural pay inequalities that result in women being disproportionately represented in low pay sectors.

Following on from the above, to prioritise the proposals, which may include policy, legislative or constitutional change, having regard to the legal requirements and the costs versus the potential impact.

It should be noted that the Oireachtas resolution establishing the Assembly refers to women and men, girls and boys. However, for the purposes of this consultation, please understand 'gender' to refer to any and all options in terms of gender identity.

Submissions

The Citizens' Assembly on gender equality is inviting public submissions to inform the discussions of the Assembly. Please note anonymous submissions will not be accepted. Full details on the public consultation process are available on our [website](#).

Closing date for submissions is **Friday 6 March 2020**.

Please return this questionnaire: by email to info@citizensassembly.ie with 'Public Consultation' in the subject line, or by post to The Citizens' Assembly, 16 Parnell Square, Dublin D01 E7C1.

Confidential or Sensitive Information

If you wish for information that you provide to be treated as confidential and not published, please state clearly and explain why below.

Privacy

We only collect personal data for the purpose it is intended and only retain for as long as necessary. Our [privacy policy](#) sets out how we handle any personal data you submit to us.

By providing personal information (full name and email or postal address, as applicable) for the purposes of this public consultation, we understand that you consent to its publication. See further details on our [website](#).

About the Questionnaire

The questionnaire is organised under 4 themes based on the Oireachtas resolution:

Theme 1: Gender norms and stereotypes

Theme 2: Work: gender discrimination and occupational segregation by gender and the gender pay gap

Theme 3: Care, paid and unpaid, as a social and family responsibility

Theme 4: Women's access to, and representation in, public life and decision making

You are invited to answer 2 questions under each of these themes.

The last section seeks your views about where gender inequality impacts most.

Personal Information

The information below must be provided as anonymous submissions will not be accepted.

Are you submitting as an individual or on behalf of an organisation? (please tick 1 box below)

Individual

Organisation

First Name	Damien
Surname	Peelo
Email	damien.peelo@treoir.ie
Organisation (if applicable)	Treoir: The National Federation of Services for Unmarried Parents and their Children

Under 18s

If you are under 18, do you wish for your personal information (full name) to be published?

Yes

No

If you tick No, we will publish your submission once we have checked it is in line with our submission policy, but we will not include your name.

Theme 1: Gender norms and stereotypes

Gender norms and stereotypes as barriers to gender equality

Fixed ideas about what women and men should do in the home or at work are learned by girls and boys in early childhood and throughout their lives. These ideas or gender stereotypes affect their choices in school and as they enter careers and contribute to a lack of progress toward equality between women and men. This limits not only the jobs that women and men consider or are available to them, but also can exclude women and men from social roles and tasks.

- Please outline what you see as the key barriers/ obstacles and challenges to gender equality under this theme in law, policy and practice.

Treoir was founded in 1976 to improve the position of unmarried parents and their children in Ireland. Treoir, in partnership with its member agencies, promotes the rights and best interests of unmarried parents and their children through providing specialist information, support services, training and advocating for their rights. Since our foundation Treoir has continuously advocated for gender equality. Treoir recognises that women continue to be the primary carers of children and have historically borne the burden of care of children, particularly in the unmarried family. To achieve gender equality in the family framework, the burden of care needs to be shared more equally between both parents. Treoir promotes shared parenting and seeks to address the barriers that remain to the full participation of both parents in parenting their children.

The roots and reproduction of gender inequality are complex, multifaceted and dynamic in nature. Gender operates in tandem with other key organising categories such as race, class, and definitions of the family, all of which cut across each other to produce a range of inequalities.

In the Irish context the state is a key player in shaping gender norms and stereotypes and thus the lived experience of men and women's lives. This is particularly the case when it comes to childcare, parenting and parental responsibility, labour market participation, the family law system, and economic wellbeing. When it comes to unmarried parents all of these issues produce different yet significant gender inequalities. Treoir advocates on behalf of the latter so the issue of gender inequality will be discussed as it pertains to this specific group.

In terms of legislation in Art.41.1.1 of the Constitution, the State recognises the Family as "the natural primary and fundamental unit group of Society ... possessing inalienable and imprescriptible rights, antecedent and superior to all positive law". The Constitution does not provide a definition of "Family" but in Art.41.3.1, it commits the State to guard with special care the institution of Marriage "on which the Family is founded".

In 1966 a landmark Supreme Court Case found "that the family referred to in [Article 41] is the family which is founded on the institution of marriage". By implication, the non-marital family is not a Family for the purpose of Articles 41 and 42 of the Constitution and therefore does not enjoy the same inalienable and imprescriptible rights attributed to the marital family.

Ireland's demographic and socio-economic landscape has changed dramatically over the last forty years. These changes have had implications for the nature of Irish families both in terms of composition, and the issues they face.

The provisions of the Constitution dealing with the family and children have been amended in ways that mark a break with Catholic social teaching as a philosophical influence on the Constitution.

The legislative and cultural changes since the adoption of the Constitution imply that non marital parents of both sexes enjoy inherent constitutional rights in relation to their children. Yet, inequalities still exist.

In 2017, 62,053 new births were registered in Ireland. Of these, 23,340 children were born into non-marital families, making up 37.6% of the total number which is the highest on record and is indicative of the trend over the last 20 years that more children are being born to unmarried parents year on year.

In Article 2 of the United Nations Convention on the Rights of the Child (1989) it states that children have the right to be protected from discrimination irrespective of the marital status of their parents.

Despite Ireland's ratification of this UN Convention and the progression of rights for families following the Children and Families Relationships Act (2015), unmarried fathers continue to have restrictions imposed on them in relation to guardianship compared to an unmarried mother and married parents. Currently, married parents, of the opposite sex, will both enjoy the same rights and responsibilities for their children from the moment of birth.

When a child is born outside of marriage, the mother is automatically the sole legal guardian. An unmarried father whose name is on his child's birth cert does not have guardianship rights in respect of his child.

An unmarried father can obtain guardianship of his child at any time following the birth by signing a witnessed statutory declaration with the mother. In the absence of an agreement, it is necessary for an unmarried father to apply to the Court to be appointed joint guardian of his child.

The Children and Family Relationships Act provides that unmarried fathers can acquire automatic guardianship rights by virtue of cohabiting with the child's mother for 12 months, three months of which must be post birth.

Both the statutory declaration and the co-habiting condition depend on the father's relationship with the mother and not the child.

- Please identify the steps to be taken to address the issues raised and who should address them (e.g. the state, private sector, education system etc.)

Whether elevated to constitutional status or introduced by legislation, Treoir favours an end to the current situation where unmarried fathers who are involved in the welfare, care and maintenance of their children have less rights to the guardianship of their children than the mother.

There is no reason to make a distinction based on marital status in relation to the rights of unmarried fathers vis a vis mothers. The recognition of the family based on marriage, has given rise to the gender discrimination faced by unmarried fathers. In

particular, guardianship rights should flow to fathers on the establishment of paternity subject always to the discretion of the courts to remove those rights in circumstances where this is warranted, as in the case of married parents. This could be achieved through legislation.

A first step to address this issue would be for the Minister for Justice to immediately issue a commencement order for Section 97:27A (Amendment to the Civil Registration Act 2004) of the Children and Family Relationship Act 2015, whereby Registrars may take and receive statutory declarations of guardianship agreed between unmarried parents of a child.

Section 97: 27A read as follows:

“A registrar may, during the period of 14 days immediately following the date on which the birth of a child is registered or re-registered, take and receive a statutory declaration made under section 2 (4)(e) or 6B(4)(c) of the Guardianship of Infants Act 1964 in respect of the child.”

Commencement of the above section would make it easier for an unmarried father to become a guardian (if the mother is in agreement) and raises awareness amongst parents that an unmarried father’s name on a child’s birth certificate does not confer any rights of guardianship.

Treoir recommends that a Central Register for joint guardianship agreements be established to ensure that an official copy of an agreement could be obtained as and when required.

Article 41.1. confers rights on the family unit as distinct from the rights of individual members of the family and are therefore distinct from personal rights protected by the Constitution. Treoir recommends that parental rights and responsibilities apply equally to all parents, mothers, fathers, married or unmarried and be subject to the principle that children’s rights are paramount.

Theme 2: Work: Occupational segregation by gender, gender discrimination and the gender pay gap

Women and men are often concentrated into different kinds of jobs and within the same occupations, women are often in work that is less well paid and has less opportunities for career advancement. Women often work in areas where they can work part-time so as to fit in with their caring responsibilities. While many men work in low paid jobs, many professions dominated by women are also low paid, and professions that have become female-dominated have become lower paid. This worsens the gender pay gap (the average difference between the wages of women and men who are working).

- Please outline what you see as the key barriers/ obstacles and challenges to gender equality under this theme in law, policy and practice.

Women are over-represented in sectors and jobs with endemic low pay and insecurity, like health and social care, childcare, cleaning and retail. They are twice as likely as men to be working part-time and in want of more hours. When you include part-time work in the calculation the gender pay gap becomes much starker. This is because women do more part-time work than men, and, crucially, because part-time work is paid less hour per hour — two facts which are not unrelated.

When we rely on individuals' personal choice to make decisions about labour patterns in this way, it tends to be women, not men, who opt for part-time and flexible work to meet care needs, reinforcing existing care-related gendered labour inequalities. In reality "choice" over working hours and contracts is predetermined by socio-economic class, income levels and gender. Thus the over concentration of women in part-time, precarious, low paid work with limited security and protections not only reproduces gender inequality but is itself a product of an unregulated labour market, poor workers' rights, and an out of date welfare regime.

- Please identify the steps to be taken to address the issues raised and who should address them (e.g. the state, private sector, education system etc.)

Pay inequality is a structural, not an individual issue. Legislative and policy solutions at the level of the state are needed to counter the biases and imbalances that currently exist in the jobs market.

1. In terms of public policy a generous social security system and universal access to decent public services is of critical importance in addressing the feminization of poverty and labour market accessibility. In this regard, the constitutional distinction (Article 41.3) between the marital and non-marital family should be revised. Families be they cohabiting, or headed by a lone parent should be protected in law and their needs addressed in social welfare and taxation regimes that are fit for purpose in 21st century Ireland. Such a regime must also ensure that lone parent households, who in the main are headed by women, are not penalised for working outside of the home.
2. It is of critical importance that models of childcare delivery that embed childcare in the social fabric of communities, neighbourhood and workplaces are resourced and introduced. The aim must be a model of childcare that is publically funded, ensures universal access and is essentially a public service. The current model of childcare as provided for through the National Childcare Scheme does not meet these requirements as it is dependent on the private market for provision.

Theme 3. Care, paid and unpaid, as a social and family responsibility

Care -- the social responsibility of care and women and men's co responsibility for care, especially within the family

Women remain disproportionately responsible for unpaid care and often work in poorly paid care work. For working parents or lone parents, balancing paid work with parenting and or caring for older and dependent adults presents significant challenges. Women are most disadvantaged by these challenges, yet men also suffer from lack of opportunities to share parenting and caring roles. Despite recent legislation and policy initiatives to support early years parental care, inequalities in the distribution of unpaid care continue between women and men. The cost of childcare has been identified as a particular barrier to work for women alongside responsibilities of caring for older relatives and dependent adults.

- Please outline what you see as the key barriers/ obstacles and challenges to gender equality under this them in law, policy and practice.
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There are significant challenges for unmarried parents to establishing and sustaining shared parenting relationships of their children. In 2018 Treoir commissioned research into the Barriers Unmarried fathers face to shared parenting. The research found that the lack of information, support and financial resources to assist unmarried fathers to stay involved in their children's lives in a significant way is a key obstacle to them sharing the parenting of their children.

There is evidence of the existence of official, professional and cultural biases, which serve to construct fathers as being of lesser importance and value where children are concerned. The research shows that there is scope for the development of a stronger legislative, policy and practice infrastructure in Ireland which is conducive to the normalisation of shared parenting arrangements in unmarried families.

https://www.treoir.ie/wp-content/uploads/2018/12/Booklet_Version_Executive-Summary-An-Examination-of-the-Barriers-to-Shared-Parenting.pdf

As already noted the lack of access to properly resourced and publicly funded childcare contributes to gender imbalance in terms of caring for children. The state has also failed to invest in any meaningful way in the promotion of shared parenting or in educating men, particularly young men, about the responsibilities and practicalities of being a parent.

Demographic changes, dramatic changes in family formation and structure, and significant cultural shifts are collectively putting pressure on families and public services. Ireland's public services especially in relation to housing, access to justice (legal aid), family supports, mediation and the family law system are inadequate for today's society. All of the above impact gender relations and put pressure and stress on relationships between unmarried parents and their children, and additional family members.

Kinship care is the full time parenting of children by grandparents, older siblings, aunts and uncles, other relatives or friends of the family. It occurs for many reasons,

for example, death of a parent, parental substance misuse, abandonment, illness or imprisonment.

Grandparents, aunts, and adult siblings, the majority of whom are women are now increasingly rearing children (sometimes very young children) with little if any support from the state. This unrecognised, unpaid and often taken for granted work by Kinship carers, is highly gendered and seriously impacts one's ability to participate in the labour market. Kinship carers may apply for a Guardians payment and may receive child benefit. However they do not receive additional supports, such as parenting support, counselling or therapeutic support, when it comes to the children in their care, a significant proportion of whom may be traumatised and have additional needs.

- Please identify the steps to be taken to address the issues raised and who should address them (e.g. the state, private sector, education system etc.)

4. It is of critical importance that alternative models of childcare delivery that embed childcare in the social fabric of communities, neighbourhood and workplaces are resourced and introduced. The aim must be a model of childcare that is publically funded and that ensures universal access.
5. Treoir recommends that the state resource and implement shared parentings courses throughout the country and that a national programme aimed at parenting and the provision of supports for unmarried fathers (especially young fathers) be rolled out.
6. Treoir recommends that cross departmental and agency supports and services be put in place to support kinship carers and this is enshrined in legislation.

Theme 4: Women's access to, and representation in, public life and decision making

Ensure women's participation and representation in decision-making and leadership in the workplace, political and public life

Women are systematically underrepresented in leadership in economic and political decision-making. Despite the introduction of a candidate gender quota (through the system of party funding) for national political office, and initiatives to support women's access to corporate decision-making roles, men continue to dominate leadership positions. There are also issues to be considered around how media represents women and men.

- Please outline what you see as the key barriers/ obstacles and challenges to gender equality under this theme in law, policy and practice.

- Please identify the steps to be taken to address the issues raised and who should address them (e.g. the state, private sector, education system etc.)

5. Where does gender inequality impact most?

To conclude we would be interested in your response to the following question: In which area do you think gender inequality matters most?

Please rank the following in order of importance, 1 being the most important:

- Paid work __ 3 __
- Home & family life __ 1 __
- Education __ 4 __
- Politics and public life __ 6 __
- Media __ 5 __
- Caring for others __ 2 __
- Other – please elaborate _____

- Please outline the reasons for your answer below:

Childcare is a huge issue for all families but particularly for lone parents, low paid workers and disadvantaged cohabiting couples. Thus far successive governments have failed to invest adequately in parenting supports or in the promotion of shared parenting. There is an urgent need for a national parenting support programme that is targeted specifically at fathers (especially young fathers) and for an education programme and information campaign around the rights and responsibilities of unmarried parents.

- Please include any further comments or observations you may have here.

The recommendations of the Oireachtas Justice Committee Report on Reform of the Family Law System 2019 should be fully implemented, especially recommendation 35. In recognition of the significant imbalance in terms of guardianship rights for

fathers who are married or unmarried, the Committee recommends creating a central register of guardians to ensure that there is a record of legal guardians in the system. The Committee is also of the view that serious consideration ought to be given to granting automatic guardianship rights to unmarried fathers.

https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2019/2019-10-24_report-on-reform-of-the-family-law-system_en.pdf

If there is any supplementary information or documents that you would like to submit as part of your consultation, please send this to info@citizensassembly.ie, with 'Public Consultation Supplementary Information' in the subject line, along with your name to allow us to correctly match any documents with your submission.