



## Submission to the Joint Committee on Gender Equality

March 2022

Founded in 1976, Treoir is the national federation of services for parents who are not married to each other. Treoir, in partnership with its member agencies, promotes the rights and best interests of unmarried parents. Treoir recognises the diversity of family life in Ireland and believes that all families, especially those where parents not married to each other have equal rights to respect, care, support, and protection. In addition, Treoir supports and promotes the rights of all children as outlined in the Irish Constitution and in the United Nations Convention on the Rights of the Child.

### **The following statements of principle underpin and inform Treoir's work:**

- unmarried parents and their children should enjoy the same rights as married families and they should be supported, recognised, and treated equally;
- the rights of all children as set down in the United Nations Convention on the Rights of the Child (1989) should be respected;
- all children have a right to information about their parents and where-ever possible to be loved, and cared for by them;
- all unmarried families, such as, LGBTI+ parents, ethnic minorities including, members of the Traveller community, immigrants should be supported;
- unmarried parents should enjoy the same rights as other families in accessing housing, health, education, training, and employment.

## **1. Executive Summary**

Treoir welcomes the opportunity to make a submission to the Joint Committee on Gender Equality. Every year our National Specialist Information Service responds to thousands of calls, a considerable number of which are from lone parents, unmarried fathers, cohabiting parents, extended family, and professionals. The recommendations in this submission are based on the experiences of those contacting this Service. Treoir notes the Open Letter to the Oireachtas from the Citizen Assembly in its report on Gender Equality. The Open Letter identified six key areas in need of reform for the advancement of gender equality in Ireland. These include our models of care, the labour market and the gender pay gap, the reproduction of gender stereotyping, gender-based violence, and a call for better public services and improved social protection for people. The acknowledgement that a lack of access to key public services and adequate income directly impacts the possibilities for gender equality, is notable. Overall Treoir agrees with the recommendations in the Report of the Citizen's Assembly. However, in this submission we focus specifically on its recommendations in relation to: The Constitution, Care, Social Protection, Norms & Stereotypes and Education, Pay and Workplace Conditions, Domestic, Sexual and Gender-Based Violence and Access to Public Services. In what follows, the sections are numbered in the same format as in the Citizens Assembly' Report.

## The Constitution

1. **Article 40.1 of the Constitution that “all citizens shall, as human persons, be held equal before the law” should be amended to refer explicitly to gender equality and non-discrimination.**

Treoir agrees with this amendment.

2. **Article 41 of the Constitution which states, “The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law”, should be amended so that it would protect private and family life, with the protection afforded to the family not limited to the marital family.**

Since its foundation in 1974 Treoir has advocated for the rights of unmarried parents and for their equal treatment with their married counterparts. The most visible and indeed important expression of their inequality is found in the Constitution where the superior status of the marital family is enshrined in law. Dramatic changes in Irish life in relation to the family are well documented and are characterised by a decline in fertility and family size, and an increase in extra-marital births and cohabitation. Thus, Ireland has seen an increase in the number of cohabiting couples, while 38% of all births are now outside of marriage.<sup>1</sup>

The Constitution is a dynamic document based on broad principles. From Treoir’s perspective, discussion of constitutional reform must pay heed to what is happening in 2022 and should prioritise the removal of barriers to protection for unmarried families. The latter should have the same entitlements in terms of social welfare, taxation, and access to pensions such as the widows/widower pension and grants. Treoir believes Article 41.3 should be amended so all families are recognised in the Constitution and afforded the same rights and protections as the marital family. We believe the current Constitutional wording could be enhanced by the addition/replacement of Article 8 ECHR wording to afford recognition of family rights and privacy to everyone without undermining the current recognition of marriage.

3. **Article 41.2 of the Constitution which states “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,” should be deleted and replaced with language that is not gender specific and obliges the state to take reasonable measures to support care within the home and wider community.**

Treoir agrees Article 41.2 of the Constitution should be deleted and replaced with the following, “the State recognises that care provided in the home, family and community gives society a support without which the common good cannot be achieved.”

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<sup>1</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20200717-1>

## Care

### 8. Ireland should:

- (a) ***Over the next decade move to a publicly funded, accessible, and regulated model of quality, affordable early years and out of hours childcare.***

Treoir agrees with this recommendation and calls for an end to the market driven model of childcare provision, investment in the public system to be prioritised, and a move away from the extensive reliance on the private and informal market. We want childcare provision to be accessible to all children regardless of the income or the employment status of their parents, and a public model of affordable and quality childcare for all.

- (b) ***Increase the State share of GDP spent on childcare, from the current 0.37% of GDP to at least 1% no later than 2030 in line with the UNICEF target.***

Treoir believes Ireland's current childcare model cannot deliver quality outcomes for children, parents, and workers. The state's over-dependence on the private market presents significant barriers for already disadvantaged groups. Recent research found that almost 60% of lone parents could not afford to access childcare services. Ireland has one of the most poorly funded childcare systems in Europe. It spends well below the EU average and the UNICEF recommended figure of 1%. Childcare remains the single most significant barrier to women's equal participation in society. Treoir supports the Assembly's recommendation for an increase in investment in childcare to 1% of national income over the next decade.

### 9. Paid Leave for parents should:

- (a) ***Cover the first year of a child's life.***

Treoir agrees with this recommendation.

- (b) ***Be non-transferable to encourage sharing of childcare responsibly between parents.***

Treoir believes in permitting transferability between parents or others, in a one parent family. For example, in Iceland, mothers get three months leave, fathers get three months, and either parent can use an additional three months. Lone parents can use the full nine months. In Norway, parental leave is more flexible and can be used by someone else who will assist the mother (i.e., grandparents) if the parents do not live together.

- (c) ***Provide lone parents with the same total leave period as a couple.***

Treoir agrees with this recommendation and calls the amendment of the Parent's Leave and Benefit Act to ensure lone parents have the same level of support as two parent families by providing an additional entitlement to the parent caring in a one parent family.

**(d) *Be incentivised by increasing payment levels to encourage increased take up.***

Treoir agrees with this recommendation and believes the rate of Parental Benefit must be brought into line with what is paid in other European countries. The value of paid leave in Ireland, across Maternity, Paternity and Parent's leave schemes, is far behind our EU peers.<sup>2</sup> Germany for example, provides paid leave at the equivalent of 73% of the average wage; Ireland compares unfavourably at 27%.<sup>3</sup> A recent review by the Department of Public Expenditure and Reform found uptake of Parent's Leave in Ireland low among fathers, one of the main reasons being the low rate of payment.<sup>4</sup> Treoir recommends an increase in the rate of Parent's Benefit to bring it into line with EU norms and to ensure it is a realistic option for all families.

## Social Protection

**13. *Adopt a fully individualised social protection system to reflect the diversity of today's lives and to promote an equal division of paid work and care.***

It is not acceptable that government departments treat cohabiting couples inequitably. For example, Cohabitees are treated by the Department of Employment & Social Affairs in the same way as married people (i.e., as dependents) and by the Revenue Commissioners as separate unrelated individuals. In both cases they are treated in the way that is most beneficial to the State. Moreover, eligibility for One-Parent Family Payment (OFP) prohibits cohabitation. This can be a disincentive to form two parent families which in most cases is in the best interest of the child. Treoir supports the introduction of a fully individualised social protection system. However, we believe that while working towards this system, the Revenue Commissioners should recognise the dependents of cohabitees.<sup>5</sup>

**14. Social Protection services should:**

**(a) *Set payments at a level that lifts people above the poverty line, prevents deprivation and supports an adequate standard of living.***

Core social welfare payments should be adequate enough to lift lone parents out of poverty and should reflect the actual cost of providing for a family.<sup>6</sup> However, Treoir believes that even if year-on-year increases were given, unless there is a shift to the public provision of decent public services, the impact on poverty will be minimal. Treoir is calling for greater acknowledgement among policy makers of the importance of the social wage in tackling poverty and social exclusion.

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<sup>2</sup> National One Parent Alliance submission to the Joint Oireachtas Committee on Children, Disability, Equality and Integration on the General Scheme of the Parent's Leave and Benefit (Amendment), February 2021.

<sup>3</sup> OECD 2018 Family Data base [www.oecd.org/els/soc/PF2\\_1\\_Parental\\_leave\\_systems.pdf](http://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf)

<sup>4</sup> DEPER 2020 <https://igees.gov.ie/wp-content/uploads/2020/11/Focused-Policy-Assessment-Paid-Parent-Leave-Scheme.pdf>

<sup>5</sup> Treoir submission to the Office for Social Inclusion on The National Action Plan against Poverty and Social Exclusion 2006-2008, February 2005.

<sup>6</sup> Ibid.

15. **Take account of gender equality issues in piloting a Universal Basic Income scheme.**  
The core social welfare rate of €208 is exceptionally low and makes it impossible for lone parents 86.4% <sup>7</sup>of whom are women, to move out of poverty. Treoir is calling for all social welfare rates to be benchmarked against the minimum essential standard of living, as calculated by the Vincentian Partnership. As it stands, the gap between social welfare for a one-parent family with two children and the cost of a minimum standard is €82 a week. Treoir agrees with the above recommendation.
16. **Address the specific needs of lone parents to incentivise and support them in accessing work or education, including provision of child and after school care.**  
Current levels of Social Welfare for families on One-Parent Family Payment, condemn them to a life of poverty with all its accompanying disadvantages<sup>8</sup> As a group, lone parents are systematically excluded from higher education and their participation in this area decreased by approximately 20% between 2011 and 2016. However, we know investment in education for them is money well spent and leads to greater labour market participation.<sup>9</sup> For this to happen requires cross departmental cooperation on childcare, social welfare, and housing. For example, research has shown that because lone parents are at greater risk of poverty to begin with, they are extremely vulnerable to policy changes in multiple areas, which in turn leads to complexity for them when attempting to access financial supports such as SUSI. These issues are important, as cost or financial burdens and time are the two most significant barriers in terms of access to formal education.<sup>10</sup>

## Norms & Stereotypes and Education

29. **In view of the gendered impact on women, reform the Third Level Grants scheme to ensure those accessing part-time courses are eligible to apply for a grant.**  
Lone parents wishing to access university as mature students are met with an additional obstacle in that universities may require them to complete an Access to Education Programme prior to commencing a degree programme. Many access programmes are level six which will not meet the criteria, and many are part-time. Mature lone parents are excluded from this much needed financial support. Furthermore, the Student Assist Fund (SAF) is only available to full-time students which means lone parents on an Access to Education Programme cannot avail of SAF either. As part of the PATH Programme, 20% of the fund was to be ring-fenced for lone parents.<sup>11</sup> Treoir wants this increased to 40% and the criteria relaxed to ensure this

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<sup>7</sup> <https://www.cso.ie/en/releasesandpublications/ep/p-cp4hf/cp4hf/fmls/>

<sup>8</sup> *Under-Represented: Lone Parents and Higher Education*, Murphy, M., & O. Sweetman, Maynooth University 2017.

<sup>9</sup> *Lone Parents and Activation, What Works and Why: A Review of the International Evidence in the Irish Context*, Millar, M., & Crosse, R., UNESCO Child and Family Research Centre NUI, Galway September 2016

<sup>10</sup> Ibid.

<sup>11</sup> Treoir submission to the Department of Further and Higher Education, Research, Innovation & Science, Public Consultation on Review of the Student Grant Scheme – SUSI, April 2021.

fund goes to lone parents; and for the number and variety of part-time and flexible courses in Further and Higher Education to be increased. We also recommend access to the SUSI grant be extended to those on PLCs, Access to Education Courses and to students whose family responsibilities do not allow them to study full-time.

## Pay and Workplace Conditions

### **36. *Introduce a statutory right to reasonable access to flexible working.***

Treoir supports the introduction of legislation giving workers a right to flexible working. Flexible working is important if we are to achieve greater participation of men in shared parenting and the reduction of the caring burden on women.

## Domestic, Sexual and Gender-Based Violence

Treoir supports all the recommendations in this section. We note this will require a commitment of substantial investment from government if it is to be successful.

### **39. Support Justice for victims/survivors by:**

#### ***(a) Reviewing and reforming the Courts System – including the family courts – to better protect and support victims/survivors of domestic, sexual and gender-based violence and their dependents and remove barriers to justice.***

Currently there is a disjuncture between the state's Criminal Law System and its Civil (Family) Law System. This is particularly problematic in the case of Domestic Abuse/Violence and has a significant impact on already vulnerable women and children. Treoir recommends that as part of the Department of Justice's reform of family law system this division is rectified, and that the welfare of women and the best interests of children is embedded in the family law system as a matter of urgency.<sup>12</sup>

## Access to Public Services

The centrality of access to decent public services for women and children, for families, and for society in general particularly in the areas of housing, childcare, transport, and health care, cannot be overestimated in a discussion on gender equality. Thus, while aspirational sentiments around greater participation, inclusion and equality are important, unless structural change underpins it, gender and class inequalities will persist. The elimination of gender and class inequalities will require significant structural investment and expenditure by the state that will address the material deprivations experienced by the poor and those on low incomes in society.

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<sup>12</sup> Forthcoming in the Third National Strategy on Domestic, Sexual and Gender Based Violence, Department of Justice 2022.

