



National Women's
Council of Ireland
Comhairle Náisiúnta
na mBan in Éirinn

**Submission to the Department of Justice and Equality on the National
Women's Strategy and Action Plan 2017-2020**

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Introduction

The National Women's Council of Ireland (NWCI) is the leading national women's membership organisation in Ireland. NWCI seeks full equality between women and men and we receive our mandate from a membership of over 180 groups and organisations across a diversity of backgrounds, sectors and locations. We also have a growing, committed individual membership.

NWCI's values and beliefs shape and inform all the work we do. They include:

- ***Feminism;***
- ***Solidarity between women in all their diversity;***
- ***Collective action, collaboration and participation;***
- ***The recognition of care in our society and the redistribution of care work between women and men;***
- ***Importance of human rights, global interdependence, justice and sustainability;***
- ***Intersectionality;***
- ***Protection and respect for the bodily integrity and security of women and girls;***
- ***Promote women's and girls' leadership;***
- ***Right of women to economic independence;***
- ***Committed to build a society based on equality, respect, dignity and inclusivity.***

NWCI's Strategic Plan 2016-2020, *Driving Women's Equality*, aims to build on the progress that NWCI has helped to bring about for women in Ireland to date and sets out our vision for the future. It includes two main goals, one in relation to progressing key human rights and equality issues for women and one in relation to further developing NWIC as a stable, diverse, sustainable and highly visible organisation.

The plan highlights four key policy priorities over the next four years:

- Women realise their right to health and bodily integrity, including reproductive rights.
- Women have economic independence.

- Women's care roles are recognised and valued.

- Women lead and are represented on and can meaningfully participate in all decision-making spaces that affect their lives.

NWCI wants to see these crucial policy areas reflected strongly in the new National Women's Strategy and Action Plan 2017-2020.

1. Submission Structure

This submission aims to address key areas for change arising under each of the five Strategic Objectives as set out by the Department of Justice and Equality in its consultation document. Of particular concern to NWCI is the absence of an Objective relating to Violence Against Women. With this in mind, we have included a sixth Strategic Objective on Tackling Violence Against Women in recognition of the importance of this problem in Irish society and the urgent need to tackle it in all the forms that it takes.

1.1 Towards a National Women's Strategy and Action Plan 2017-2020

NWCI welcomes the opportunity to contribute its views on the New National Women's Strategy and Action Plan 2017 - 2020. We welcome the Government's commitment to this new Strategy and the associated consultative process. We have engaged thoroughly with our member organisations to capture their priority views. We held a special members meeting on 12th January 2017 to consult specifically on the key areas that our membership want to see included in the new National Women's Strategy. We have also actively encouraged our membership to send their own submissions to the Department of Justice and Equality and to attend the regional consultation events hosted by the Department.

NWCI believes that the New National Women's Strategy and Action Plan 2017 - 2020 offers a critical opportunity to effectively leverage current and future policies and programmes to achieve the transformative change needed to ensure that Ireland becomes a more equal country. Renewed focus and innovation must be applied to policy formulation to continue the progress achieved to date. The New National Women's Strategy and Action Plan 2017-2020 must achieve deliberate and explicit reconfiguring of current and future Government policies to achieve what is not yet a reality for women in Ireland - true equality. The formulation of this critical strategy offers Ireland an opportunity to mitigate against its continuing low position in equality rankings, in both the EU and internationally.

1.2 Role of NWCI in the Implementation of the Strategy

NWCI, as the national women's membership organisation is committed to working with Government in the implementation of this new Women's Strategy and Action Plan. NWCI over the past 40 years has developed strong evidence based research resulting in a range of policies for advancement of women's equality and human rights. We will continue to bring forward the views and perspectives of our members on all elements of the Strategy. We will work with the Gender Equality Division of the Department of Justice and Equality and all Government departments and state agencies in the implementation of their commitments in the plan. We will reflect the experiences of women in all their diversity and strive to bring forward solutions to both the structural inequalities women experience and the immediate consequences of discrimination against women. It is critical for both an effective and successful Strategy that the voices and experiences of women are an integral part of the implementation process.

1.3 Women in Ireland – The current context

There is no doubt that life for women in Ireland has changed significantly over the past number of decades and in the period since the previous National Women's Strategy was instigated. NWCI has been at the coalface in the struggle to win many of the key changes over this period and as a result we know that advancing women's equality is hard fought and hard won, achievements don't come through natural progression they have come from the campaigns, activism and struggles and personal sacrifices of women and the women's movement.

Today, we have greater numbers of women achieving success in third-level education and in paid employment, the introduction of quotas for women candidates in our national elections has resulted in a significant increase in the number of female TD's elected, we now have legislation against female genital mutilation, and the first step has been taken towards a publically funded model of childcare. We now live in a country that provides full equality for lesbian and gay couples in the right to marry. Women are increasingly moving into senior decision making positions – judiciary, Minister for Justice, Garda Commissioner, DPP and Attorney General. But women in Ireland continue to be discriminated against both directly and indirectly and the structures in our society are still embedded in patriarchy.

Article 41 of the Irish constitution which ascribes to women a life in the home and defines women's importance solely as mothers in the home reinforces and reflects those patriarchal structures. Women, continue to carry the responsibility for care and care work in Irish society diminishing their

capacity to participate on an equal footing to men in all aspects of economic, social and political life. The distribution of care work has not shifted between women and men and care work remains undervalued. We witness the legacy of abuses of women incarcerated in Magdalene laundries, and their struggle to gain recognition and support even to this day.

Many of the critical decision making areas in Irish society remain bereft of women. Only 22% of TDs are women and only 9% of women sit on the boards of our top private companies. Fewer than 1 in 4 voices on our news and current affairs radio belong to a woman. We have one of the most restrictive abortion regimes in the world which demonstrates a complete lack of trust in women to have power and control over their own bodies.

Despite the increase of women's participation in the labour market there is an absence of state support for affordable childcare in Ireland with costs amongst the highest in the EU which has detrimental effect on women's economic choices and ability to participate in all aspects of society. And at the fundamental heart of women's equality we are living in a society where at a minimum 1 in 5 women experience violence from their current or previous partner and 1 in 5 women experience sexual violence. The prevalence of violence against women in Irish society reflects how far we still have to go achieve full equality for women.

NWCI is heartened and encouraged by a renewed interest in and commitment to feminism, both at home here in Ireland and internationally. The rise of populist right wing political figures, the USA and closer to home in Europe, pose a grave threat to the progression of women towards equal status with men. We believe that now, more than ever, a strong, vibrant and resilient women's movement, committed to maintaining and protecting advances won to date, and steadfast in insisting that there is so much more to be achieved, is absolutely vital.

This is why we need a new National Women's Strategy, firmly rooted in clear and achievable commitments that have the potential to transform the lives of women in Ireland in its lifetime. NWCI wants to see a National Women's Strategy that is rights based, and has its foundations in Ireland's obligations to women set out in the international treaties and covenants that we are a party to.

1.4 Gender Mainstreaming and Positive Actions

A gender mainstreaming approach to advancing women's equality is critical to ensure sustainable equality for women in Ireland. A gender mainstreaming approach means incorporating a gender equality perspective into the development, implementation and evaluation of mainstream policies. Gender disaggregated data and gender proofing process are key mechanisms to achieving gender mainstreaming. It implies identifying the need impact and outcomes of women and men in services,

programmes and policies. A gender mainstreaming approach throughout the new Strategy will enable Departments and State Agencies to embed women's equality. Central to gender mainstreaming is the inclusion of positive actions to address specific inequalities which women experience. Positive action measures have played a critical role in the advancement of women's equality in Ireland, most recently, legislation to introduce quotas for general elections has made a significant impact, and similarly the Equality for Women measure was important to target women experiencing multiple forms of discrimination to advance their economic equality.

We recommend that the National Women's Strategy and Action Plan (henceforth "NWS") contains commitments to:

- **A gender mainstreaming approach.**
- **Allot resources for positive action measures for the duration of the Strategy.**

1.5 A Rights Based Approach to gender equality

While previously the advancement of women was regarded as important for singular outcomes such as economic development, it is now recognised globally that women's rights are human rights and the realisation of those rights ensure the empowerment and autonomy of women and the improvement of their political, social, economic and health status. This rights based and feminist approach has been an important shift in comprehensively addressing key issues of concern of a diversity of women.

The language of human rights allows legitimate claims to be articulated with an authority which other approaches lack. Human rights speak in broad terms about the fundamental entitlement of all human beings to live in dignity and have access to social justice. A human rights approach highlights the importance of inclusion and participation of women in decision making structures at all levels so their perspectives are reflected in policy and legislative responses to issues that affect their lives. The human rights framework immediately involves the recognition of State and international responsibility if a right is denied or violated. Issues of inequality and discrimination, when placed in a human rights context, become fundamental, immutable and non-negotiable.

An important example of adopting a human rights based approach is the framing of violence against women as a violation of women's fundamental human rights. This approach recognises that gender inequality is both a cause and consequence of violence against women and emphasises government responsibility for the protection of women from such violence and abuse, leading to the

development of legislation and policy responses related to protection of women and prosecution of offenders. Taking a human rights, gendered and feminist approach to issues affecting women produces real, effective and sustainable outcomes in the path to gender equality. NWCI believes all aspects of the National Women’s Strategy and Action Plan must be grounded in the language of human rights as enshrined in many of the international legal instruments of which Ireland is a party including the following:

EU Treaties, Directives, Legal Regulations

- Treaty of Rome
- Treaty of Amsterdam
- EU Draft Constitution Treaty
- Treaty of Lisbon
- Council of Europe Convention on Human Rights and Fundamental Freedoms
- EU Charter of Fundamental Rights
- Women’s Charter
- Directives on Gender Equality and Anti-Discrimination

UN Treaties and Covenants

- CEDAW
- Commission on the Status of Women
- Beijing Platform for Action
- UN Sustainable Development Goals

We recommend that the NWS contains commitments to:

- **A rights based approach and the realisation of women’s rights as human rights as enshrined in the international law which Ireland is a party to.**

1.6 Governance Structure

The Constitution

In 2013, the Convention on the Constitution recommended replacing the male-oriented language with gender-sensitive language.¹ While the Constitution guarantees equality before the law in

¹ The Convention on the Constitution was termed a “venture in participative democracy” as it was tasked with considering certain aspects of the Constitution to ensure that it is fully equipped for the 21st Century and to make recommendations to the

Article 40.1, the interpretation of this provision has been focused exclusively on a procedural model of equality to the neglect of a substantive model. A majority of the members of the Convention (62%) recommended inserting an explicit provision on gender equality into the Constitution. Such an amendment would allow for the introduction of legislative schemes that would increase equality of outcomes for women. The constitutional recognition of the role of women in the home (Article 41.2) is anachronistic and outdated. Notwithstanding this, the recognition of the importance of unpaid informal care work in Ireland is of great value. In that respect the Constitutional Convention recommendation to recognise this type of work in a gender neutral manner is welcome. However the Government commitment to hold a referendum remains to be progressed.² The majority of economic, social and cultural rights are not legally enforceable in Irish law. A large majority (85%) of the members of the Constitutional Convention recommended that these rights should be given greater protection in the Constitution and that they should be enforceable before the courts. Over two years after the recommendation was made, the Minister of State at the Department of the Taoiseach, said that the matter will be referred to an Oireachtas committee for consideration.³ A provision in the Constitution recognising the value of care work in a gender neutral manner would be a useful symbolic statement. However any serious attempt to improve the lot of carers in Ireland must include enforceable constitutional socio-economic rights. The constitutional context of the Citizens' Assembly and the Eighth Amendment are discussed in the section on reproductive healthcare.

We recommend that the NWS contains commitments to:

- **Substantially progress and implement the recommendations of the Constitutional Convention concerning inserting an explicit provision on gender equality into the Constitution, amending the Constitution to include gender-inclusive language, as well as those relating to economic, social and cultural rights.**
- **Set a concrete timeframe within which Article 41.2 regarding the role of women in the home will be progressed towards a referendum.**

Oireachtas on future amendments to be put to the people in referendums. It comprised of an independent Chairman and a forum of 100 people, representative of Irish society and parliamentarians.

² Second Report of the Convention on the Constitution (i) Amending the clause on the role of women in the home and encouraging greater participation of women in public life; and (ii) Increasing the participation of women in politics. May, 2013 <https://www.constitution.ie/AttachmentDownload.ashx?mid=268d9308-c9b7-e211-a5a0-005056a32ee4>

³ Eighth Report of the Convention on the Constitution Economic, Social and Cultural (ESC) Rights (March, 2014),

Legislation

During the 30th Dáil and the 23rd Seanad (2007 – 2012), three committees of the Oireachtas (Irish Parliament) held a specific named remit regarding women’s rights.⁴ Since the 31st Dáil and 24th Seanad (2011 – 2016), the Committee structure has altered to include the Select Committee on Justice, Defence and Equality and the Joint Committee on Justice, Defence and Equality. Thus, women’s rights have been subsumed into the broader ‘equality’ stream of work without a named specific mandate around women’s equality attaching to any parliamentary committee structure. Furthermore, while there is a formal requirement that all Memoranda for Government should consider the impact of proposed legislation on women, there is not yet a mechanism for ensuring this is done systematically. Equality proofing during the drafting of legislation should not be seen as stand-alone but rather as part of an on-going process of analysis which begins at the policy development stage. Given resource constraints it may be impracticable to analyse all policies in depth. Screening tools enable civil servants to identify those legislative proposals which require more detailed attention and analysis. There is, however, a need for equality experts within departments and legal specialists with expertise in gender and diversity analysis to support equality proofing in the policy development process and in the drafting of legislation.

We recommend that the NWS contains commitments to:

- **Attach a named specific mandate around women’s equality to a parliamentary committee.**
- **Ensure all proposed legislation be gender proofed in a systematic and consistent manner. Assign equality experts within departments and legal specialists with expertise in gender and diversity analysis to support equality proofing in the policy development process and in the drafting of legislation.**

The public sector duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 requires public bodies to have regard, in carrying out their functions, to the need to eliminate discrimination, promote equality of opportunity and treatment of service users, and protect the human rights of service users. Specifically the Act requires public bodies to identify the human rights and equality issues relevant to its functions and to devise an action plan to address those issues. For the purposes of the 2014 Act, “functions” clearly has a very wide meaning and includes any activities undertaken pursuant to a power or duty. Furthermore, the range of public bodies which come within the scope

⁴ Select Committee on Justice, Defence and Women’s Rights and Joint Committee on Justice, Defence and Women’s Rights, the latter which operated a Sub-Committee on Women’s Participation in Politics.

of the Public Sector Duty is very wide, and includes Government departments, local authorities and universities. In fulfilling their duties under the 2014 legislation, public bodies must consider the human rights and equality impact, including the gendered impact, of their policies, services, procedures and practices. Therefore, public authorities such as the Legal Aid Board and the Department of Social Protection are required to take a proactive approach to tackling institutional gender discrimination, and promote the mainstreaming of gender perspectives in all other functions. Such an approach has the potential to ensure that attention to the goal of gender equality is a central consideration in all activities undertaken by public bodies and to complement actions which are required under European Union law.

We recommend that the NWS contains commitments to:

- **Ensure that the Public Sector Duty is utilised to promote the mainstreaming of gender equality in all areas and sectors. There should be a designated specific budget line for its implementation.**
- **Allocate a specific budget line for implementation of the new Public Duty on Equality and Human Rights and conducting a full Departmental Gender Audit.**

Sustainable Development Goals

Ireland has undertaken a range of commitments within the framework of the Sustainable Development Goals (SDGs). Goal 5 is “achieving gender equality and empowering all women and girls”. But the goals on poverty, health, including universal access to reproductive health, education, including comprehensive sexuality education, decent work and inequalities are also of critical significance to women and girls. The SDGs are of national application and are also relevant to Ireland’s overseas development commitments. The Government has expressed very strong commitment to the SDGs; however, no National Action Plan for their implementation has been produced.

We recommend that the NWS contains commitments to:

- **Reflect the commitments made under the Sustainable Development Goals including measures planned to ensure the full implementation of the Goals at national level. Any National Action Plan (NAP) for the implementation of the SDGs should be mutually reflected.**

1.7 Effective Monitoring Framework

A strong monitoring framework provides a cohesive guide to how the various measures and elements of a strategy contribute to the agreed outcomes and impacts of a strategy. A clear and effective monitoring framework will be essential to ensure the successful implementation of the New National Strategy and Action Plan for Women. To ensure comprehensive and effective implementation of this strategy NWCI expects strong operational monitoring, at Departmental or agency level, and also a collaboratively designed performance monitoring framework with input from NGOs and relevant expert bodies. This Strategy must include a robust monitoring framework which clearly sets out the outcomes and impacts desired, with accountability and ownership clearly assigned to Departments or agencies.

We recommend that the NES contains commitments to:

- **An overall body, including representatives of the NGO sector, should monitor the New National Women's Strategy. Representatives of Government Departments, Statutory Agencies, IHREC should be represented on this body to ensure effective implementation of commitments and to enhance ownership and delivery. A competencies approach should be taken when deciding membership of NGOs of this body.**
- **An independent mid-term review should be committed to and carried out in order to gauge the progress being made on the implementation of the commitments and actions in the Strategy, and to identify and address roadblocks to implementation.**
- **Metrics and indicators which measure progress towards the agreed results and impacts must be agreed by all relevant stakeholders. These metrics and indicators must be easy to measure, understand and relate clearly to the agreed impact and outcomes.**
- **A performance monitoring approach should influence the design of the monitoring framework taking into account the qualitative and less tangible nature of desired impacts and outcomes.**

1.8 Addressing the Current Lack of Data

To avoid the pitfalls of flawed and weak monitoring the NWCI recommends that the National Statistics Agency, the Central Statistics Office, be tasked with providing relevant disaggregated data which can be used to monitor the new strategy. There is a critical need for gender disaggregated data and for data in areas relating to women's equality. NWCI notes, with concern, that the Women and Men in Ireland publication previously published by the CSO, which provided useful disaggregated data, is no longer produced. This should be reinstated on an annual basis as matter of priority. It cannot be emphasised enough the urgent need for robust data so as to have a baseline to

measure impact of the new Strategy and to inform the assessment of the effectiveness of the commitment. An obligation to include gender disaggregated data in all Departmental and State Agency statistical reports and national reports published by the CSO should be specified in the Strategy. In addition resources should be allocated to conduct data gathering for women who will not be captured in large scale data sources e.g. women with disabilities, Traveller and Roma women and conducting research into attitudes towards the phenomenon.

We recommend that the NWS contains commitments to:

- **The CSO Data Group should be strengthened with appropriate representation from relevant NGOs. The role of this Data Group should be clarified and adequately resourced.**
- **Reintroduce the annual publication of Women and Men in Ireland Report from the CSO.**

2. CRITICAL AREAS FOR CHANGE

2.1 Strategic Objective 1 - Advance socio-economic equality for women and girls

Recession and austerity, combined with gender-blind policy-making and budgeting, have had a disproportionate economic and social impact on women in Ireland. According to the most recent CSO figures, the gender pay gap widened from 12.6% in 2006 to 14.4% in 2012, while the gender pension gap widened from 35% in 2010 to 37% in 2012.

Women have a marginally higher risk of poverty and experience a higher level of deprivation than males. Already vulnerable groups of women are worst impacted. 63% of lone parents are at risk of deprivation in 2014. Ireland has one of the highest rates of overall female homelessness in Europe and the number of women being sent to prison has significantly increased from 155 female committals in 1999⁵ to 3,411 female committals in 2015. Traveller and Roma women remain among the most excluded groups in the country. Women awaiting decisions on their asylum applications continue to endure unsuitable accommodation in the direct provision system.

Significant cuts to funding of public services, the community development sector and local women's networks, along with the radical alteration of Ireland's equality infrastructure, have had drastic repercussions on the promotion and achievement of equality and exacerbated social exclusion, further isolating marginalised and disadvantaged women.

NWCI welcomes the recognition in the Programme for Partnership Government (PFIG) that "economic repair must now be complemented by social repair". Recent commitments to devote two thirds of budgetary expenditure to public investment and one third on tax measures, though overdue, are to be welcomed. The Strategy should aim to build ambitiously on these commitments. Any sustainable economy must have inclusion, equality and care at its core. It necessitates a long term vision and multi-annual planning that is aimed at reducing unequal distribution of and access to resources. A more equal society is not an aspirational idea which might eventually be achieved through the overspill of a 'trickle-down' economy; rather it requires a transformative economic approach and dedicated resources.

⁵ Inspector of Prisons (2013) *Interim Report on Dóchas Centre*, p.9

Recognition of care and care work

An inclusive economy that genuinely seeks to advance equality can only be achieved by recognising the particular contribution women are making to Irish society, through undertaking the vast majority of unpaid care work. Care is fundamental to a viable economy and a flourishing society. This work remains largely invisible, yet is the most significant obstacle to women's participation in the workforce, politics and civic engagement. It is a fundamental factor in the perpetuation of the gender pay and pension gaps.

Women's lives have changed dramatically in Ireland. They no longer exist predominantly in the private sphere of the home as they once did. The majority of women are now in paid work outside the home. The distribution of care and household responsibilities, however, has not changed to any significant degree. Women continue to undertake the vast majority of care work in Ireland, with the last census revealing that women provided around two-thirds (66.1%) of all care hours in Ireland. A recent report by the United Nations Development Programme found that women in Ireland carry out 93% of all unpaid childcare. At various times throughout their lives, their care responsibilities will require them to be at home full-time, or to work part-time hours outside the home, and at other times they will have no caring responsibilities and will want to work full-time.

In addition, increased efforts must be made to achieve a more equal distribution of care responsibilities between women and men. NWCI welcomes the government's commitment to "significantly increase parental leave in the first year of a child's life" and to "prioritise paid parental leave in the first year". The introduction of paid paternity leave is also a positive step in this regard.

For those parents who wish to, or must work, the State must support parents in this role by providing affordable, accessible subsidised childcare services. Childcare costs in Ireland are the second highest in the OECD for couples and the highest in the OECD for lone parents. The position is further exacerbated as Ireland has the fourth shortest period of paid family leave in Europe.⁶ A significant development is the introduction of the new 'Single Affordable Childcare Scheme' from September 2017, including both targeted and universal elements. Further investment in the scheme will be critical to build a publically subsidised model of childcare supports and this will need to be prioritised in subsequent budgets.

⁶ The gap between the end of paid leave (a maximum of six months given that two weeks of maternity leave must be taken prior to the child's birth) and the beginning of subsidised preschool programme is approximately 138 weeks, depending on when during the programme year a child turns three years old. With the introduction of paid parental leave and together with the provision of 26 weeks paid maternity leave, Ireland now offers a total of only 28 weeks paid leave (7 months), compared to the average of 76 weeks (19 months) paid leave for parents across Europe.

Early childhood care and education is an essential social infrastructure and must be recognised as such, vital to achieving equality for women and for sustainable economic and social development. Critical areas that require further measures are the low pay and working conditions of workers in the childcare sector and supports and availability of out-of-school-hours childcare. Early Childhood Ireland, in their 2016 report *Doing the Sums: The Real Cost of Providing Childcare*, states that ‘the average childcare service in Ireland, whether private or community run, urban or rural, operates on a breakeven basis’, often precluding reinvestment for the purposes of maintenance, building improvements and replacing equipment into the business. The report finds that while wages represent the largest proportion of costs for providers – totalling up to 80% of overall costs – workers, including those with a Level 7 qualification, often earn less than the living wage and many are on part-time and temporary contracts. For providers, this causes difficulties in recruiting and retaining highly qualified staff, while workers have little access to professional security and development. Workers also often find they are ineligible for formal credit in order to secure mortgages, etc., hampering progress in their personal sphere.

In the absence of significant State investment into the sector, there are only limited options available to support the financial sustainability of services that are predicated on maintaining a workforce that is highly qualified, low paid and employed on a part-time basis.⁷ It is critical that subsidies are based on a realistic assessment of the costs of childcare provision, that the new childcare scheme is developed appropriately. Quality standards of ECCE must include the pay, conditions and qualifications of the ECCE workforce. This requires investment in childcare professionals and an accelerated process to increase the pay and conditions to a high quality standard which is in the best interests of children and parents.

In addition, while public discourse and policy development will often focus on the cost of childcare for younger children in formal settings, little attention is paid to the needs of older children who require supervision and support. School attendance is not the same as childcare – children only attend school a limited number of hours a day, for only part of the year. Therefore, the need for the State to play a major role in supporting and subsidising paid employment, particularly in the case of those on low pay with child dependants, must be at the core of any reform measures.

⁷ Early Childhood Ireland’s recent report *Doing the Sums: The Real Cost of Providing Childcare* (September, 2016).

We recommend that the NWS contains commitments to:

- **Appropriate investment in developing a public early-years and out-of-school-hours infrastructure and professional workforce that provides high quality, affordable and accessible childcare.**
- **Introduce paid parental leave for the first year of a child's life.**
- **Extend paid paternity leave to 1 month of paid leave.**
- **Obligation on employers to provide flexible working conditions, and extend right to flexible working to senior levels within public sector.**
- **Unpaid work is credited for PRSI contributions to access maternity benefit.**

A flexible, gender-responsive welfare and activation model

Social welfare must not be viewed as simply a safety net, but as the foundation of a healthy society, based on principles of solidarity and redistribution. CSO statistics tell us that half of all households in Ireland would be at risk of poverty were it not for social transfers. As well as providing an essential safeguard against poverty, it plays a crucial role in investing in Ireland's people and in the security, equality and inclusion essential to sustainable growth and social cohesion. A social welfare system that truly works for women requires reforming the prevailing family-based, breadwinner model and replacing it with a flexible, gender-sensitive welfare and activation model that provides for individual entitlement and recognises women's care responsibilities across the life cycle.

Traditionally women have been defined and named in the social welfare system in relation to their husbands. This extends to women deriving rights through their husbands' social insurance records as is by and large the case for Qualified Adults, 90% of whom are women. The introduction of individual entitlement into the social welfare system – giving women a choice to be assessed separately or as a family unit – would safeguard the security and well-being of women (and their children) by establishing economic independence from their partner or spouse. Qualified Adults are not only distant from the labour market but from the social protection system itself. Some are in what are described as 'jobless households' yet they cannot access training or supports without committing to full time availability. It is crucial to reach out and engage these women in their own right though it is imperative that be invited rather than compelled.

Over recent years our social protection system has introduced significant change in relation to employment activation. However, it unfortunately failed to challenge many of the embedded assumptions which lead to gender inequality. The all or nothing approach which demands full-time

availability and a strong emphasis on mandatory over voluntary activation have had a serious toll on economic independence and access to opportunity for many women.

Social security has continually failed to appropriately recognise care work and parenting. One such example is the manner in which a person is deemed to be a new entrant if they have not contributed to the social insurance system for the previous two years. This is compounded by the fact that there is no statutory entitlement to flexible work practices in Ireland, with such schemes at the discretion of the employer. Those that may wish to combine unpaid care work with part-time waged work find that they are not eligible for social welfare payments (i.e. Jobseekers Allowance), are not registered as unemployed and are, therefore, discriminated against in terms of welfare income and opportunities to participate in training programmes.

Lone parents, 90% of whom are women, have been particularly adversely affected by ‘careless’ social protection measures. The latest figures show that lone parent households had a deprivation rate in 2014 at almost 59% and a consistent poverty rate at 22%.⁸ Regressive cuts since 2012 to the One Parent Family policies have resulted in working lone parents being worse off financially and those working part-time feeling forced to give up employment to qualify for social welfare payment. Persistent reductions in the income disregard for lone parents receiving the One Family Payment (OFP) have resulted in proportionally significant losses each week. Gradual reductions to the OFP age threshold from 21 to seven years for the youngest child have moved significant numbers of lone parents onto the replacement unconditional Jobseekers Transitional Payment (JSTA), which has even lower income disregards than the OFP. Though lone parents in receipt of the JSTA are not required to seek full-time work and have more flexible part-time work patterns accommodated, those who do work are not entitled to the Family Income Supplement (FIS), unlike those in receipt of the OFP. A lone parent whose youngest child is aged 14 years or more must seek and accept full-time work without regard for the potential need for childcare; effectively prohibiting them from prioritising their child’s welfare. This requirement does not apply to two parent families where the mother is in receipt of the Qualified Adult payment; their parenting choices, at least, are undisputed.

The current generation of young people have been described as the forgotten generation⁹ or the lost generation¹⁰ and there can be no doubt that the recession has been particularly difficult for

⁸ The results of Survey on Income and Living Conditions (SILC) 2014, released on the 26th of November, 2015.

⁹ National Youth Council of Ireland, *Youth Unemployment in Ireland: The Forgotten Generation*

¹⁰ Bell D. & Blanchflower, *YEAR Young People and Recession: A Lost Generation*

young people emerging into a changing labour market.¹¹ In 2007 when the recession began, the unemployment rate for young people was 9.2%.¹² By the same period (quarter 3) in 2012, the unemployment rate had trebled to 31.1%. Between 2007 and 2014, the numbers of young people in employment had decreased by almost 200,000. According to the most recent statistics, young women and men are twice as likely to be unemployed as men and women generally. This leads to a concern about young people entering and integrating into the labour market, and can have long-term consequences on their skills and future labour-market position in terms of career development and wages.¹³

Reduced rate payments for under-25s have been widely criticised as unfair and discriminatory. It is imperative that we challenge the notion that young people are lacking motivation to enter the workforce or that they must be coerced into doing so through punitive welfare policies. It is also important to recognise that many young people who may not be working are still actively contributing by participating in their communities; some are also carers who require targeted supports to help them balance that care with their own development.

The ending of Jobbridge is to be welcomed as it was open to exploitation and contributed to a culture of low or no pay for young people. However, new quality initiatives must now be resourced and introduced, with proper attention to gender proofing. The next stage of the European Youth Guarantee should emphasise quality and options for all young people, including those not on Jobseeker's Allowance. It would also be positive to see tailored initiatives rolled out for young people in rural areas. Young women should be encouraged and directed to explore entry into sectors and jobs that have been traditionally male-dominated rather than being steered into sectors offering low pay and part-time, precarious contracts.

Women from migrant communities experience multiple disadvantages within the welfare system, where they experience a high level of incorrect refusals of claims. Many migrant and Roma women in Ireland are unable to access any social protection due to the implementation of the right to reside, European Directive 2004/38, and the Habitual Residence Condition (HRC), a policy by the Department of Social Protection. Under the European Directive migrants and returning Irish citizens have a right of residence without restriction for three months. Establishing a right to reside is a prerequisite to meeting the HRC, which a person must meet in order to access welfare supports,

¹¹ Council recommendation 22 April 2013 on establishing a youth guarantee (2013/C 120/01) (2).

¹² CSO, Quarterly National Household Survey, Q3 2007.

¹³ NESC 2013, p. 17.

including Child Benefit, Job Seekers Allowance, Rent Allowance, public housing, and employment and training supports. The right to reside and HRC can also impact access to medical cards when women cannot prove their means. 57% of Roma women are not successful in applying for social welfare supports, and 85.1% of Roma women feel discriminated against in accessing social protection. This leaves them completely outside of the social protection system. It is important to note that of those who are not successful in their social protection applications, the average number of years they have lived in Ireland is eight years.

We recommend that the NWS contains commitments to:

- **Provide target supports to lone parents, predominately women, to access education, training and employment provision.**
- **Set firm targets to reduce deprivation for Lone Parents. Restore Income Disregard and extend to Jobseekers Transitional Payment pending a complete review of current policy.**
- **Move towards an individualised system of social welfare and provide supports to qualified adults to access labour market opportunities.**
- **Review the implementation of the right to reside (Directive 2004/38) and HRC (as per the Joint Oireachtas Committee's recommendation¹⁴) and introduce an exemption to end their discriminatory impact on Roma and Traveller women who experience domestic, sexual and gender-based violence.**

An adequate, comprehensive pension guarantee for all

The pension gap between women and men in Ireland rose from 35% in 2010 to 37% in 2012.¹⁵ Government reports consistently indicate low numbers of women with pension coverage and high numbers of older women at risk of poverty.

Inadequacy of the pension system generally focuses on increasing coverage. However, one of the key issues of concern for women is having access to pension entitlements in the first instance; many women remain reliant on their spouse for access to pension entitlements. Under the current system, women are hampered from building up sufficient contributions across both the private and public pension systems as a result of the pay gap, precarious and low-paid work, carrying out unpaid caring, and being excluded from the labour market for long periods over the course of their lives as a

¹⁴ Joint Committee on Justice, Defence and Equality Report on hearings in relation to Domestic and Sexual Violence October 2014.

¹⁵ European Institute for Gender Equality.

result of the prohibitive cost of childcare. Women who have worked on family farms and in family businesses also do not have social insurance coverage, which means that they are totally reliant on their husbands in older age.¹⁶

Only 16% of those receiving a full state contributory pension are women. While this payment was protected during the recession, the non-contributory pension, on which the majority of women rely, has been steadily eroded. In 2012, changes made to the eligibility criteria for the state contributory pension effectively made it more difficult for those without a full-time, long-term working history to qualify for the maximum weekly payment. The National Pensions Framework made a commitment to replace the Homemakers' disregard with credits for new pensioners, but there is yet to be official confirmation of when this will happen.

If we are to successfully close the gender pension gap in Ireland, we must guarantee direct personal access to pensions for all women, by establishing a system that takes into account the important role women have played and continue to play in providing unpaid care. Time spent caring must be recognised and credited, both for people currently in the workforce and those who are now of retirement age who have spent a large portion of their lives caring.

We recommend that the NWS contains commitments to:

- **Pension reforms should include the development of a Universal Pension, and all proposals should be gender proofed.**
- **2nd tier pension should be developed through the PRSI system and integrate periods out of paid work for care responsibilities.**
- **Deliver on the long promised transition from Homemakers Disregard to a Homemakers Credit that actively recognises the contribution of care and also serves as a Re-Entry Credit, opening up voluntary access to employment and training opportunities.**
- **Reverse cuts to Reduced Rate Contributory State Pension.**
- **Engage NWCI, its members and individual women actively in efforts to close the gender pension gap.**

A reformed, progressive tax system

¹⁶ Placing a spotlight, through these testimonials, on the impact of a patriarchal pension system, is critical in order to ensure that the inequalities which women experience are acknowledged and addressed in the current reform of Pension policy in Ireland. http://www.nwci.ie/download/pdf/pension_sample4.pdf Forgotten Women Personal stories of women experiencing discrimination of the State pension system (2007).

Critical to repairing our social fabric and delivering the solid groundwork needed for a more equal and sustainable future is a reformed, progressive, European tax system that ensures women and men have the capacity to contribute individually to meeting collective needs, rather than individualised tax breaks and tax rebates that erode public services and increase the privatisation of social risks.

Tax concessions do not represent the most strategic use of hard-earned public funds and overwhelmingly benefit high income groups. An ESRI study, for example, showed that 80% of the benefit of pension contributions goes to the top 20% of earners, while the Commission on taxation found that these same earners benefitted by nearly €300 million a year in mortgage interest relief. As women tend to be lower earners, these tax reliefs also widen rather than narrow the gender pension gap. It has been estimated that a three to four year programme of phasing the number and cost of tax breaks down to EU levels would save the State over one billion euros a year. Indeed, if developments such as Brexit contribute to a reduction in fiscal space, proposed tax reductions should be set aside in favour of the urgent task at hand to rebuild our public services.

There is a need for a rigorous cost/benefit analysis of all such expenditure and it is notable that the cost-neutral test, frequently invoked in relation to public investment such as social housing, is rarely applied to tax concessions.

We recommend that the NWS contains commitments to:

- **Carry out a rigorous cost/benefit analysis and progressivity test of all tax expenditure.**
- **End marginal rate tax reliefs on private pensions as they have been shown to be ineffective and inequitable, with resources redirected to development of universal pensions.**

Women's equal participation in the workforce

Women workers earn less across their lifetime than men and are less likely to achieve leadership positions in either the public or the private sector, particularly if they have children. Care does not impact on men's career patterns and participation rates in the same way. Over half of women with children in Ireland are in employment, while ¾ of men with children are in employment. It is not simply entry into the workforce that is hampered for women but progression into leadership positions. 70% of managers, directors and senior officials are men, while 80% of administrative and secretarial roles are held by women. Of those that started a business in Ireland between January 2011 and June 2014, 70% were men and 30% were women

The gender pay gap in Ireland rose to 14.4%¹⁷ over four years from 12.6% in 2008. The gender pay and pension gaps arise from a cumulative effect of care responsibilities, gender segregation in education and employment in addition to unconscious gender biases in institutional and corporate cultures. For women with one child the pay gap jumps to 31% compared to women with no children (OECD). A 2016 study comparing thousands of professionals in Ireland across a number of sectors revealed that the average earnings gap (basic salary plus bonuses) in the professional sector stands at 20%.¹⁸ The average salary gap stands at 16% while the bonus gap goes up as high as 50%. Of particular significance, the gap widens with the number of years of experience that women have and their greater educational attainment had no impact on the earnings pay gap.

The government has committed in its PFIG to putting the reduction of the gender pay gap formally on the political agenda. It has committed to introduce 'Wage transparency by requiring companies of 50 and more to complete a wage survey' Immediate action is needed. Increasing transparency around gender pay differences will enable the impact of those workplace policies and practices promoting gender equality to be monitored and remedial action to be prioritised. An employer may be unaware that they even have a gender pay gap until they analyse their pay information.

Jobs, enterprise and employment policies and regulation must seek to actively reverse gender segregation in education and employment, close the gender pay gap and introduce family-friendly working conditions. The OECD, in its 2014 report *Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth*, has found that '*strong evidence shows that greater gender equality in labour markets and education can contribute to economic growth, national happiness and well-being*'.

We recommend that the NWS contains commitments to:

- **Establish mandatory annual gender pay gap reporting, requiring large private sector employers to publish the differences between the average pay and bonuses of their female and male employees. This should also extend to the public sector. Following publication, employers must identify and publicise how they propose to close the identified gap.**

¹⁷ *Women and men in Ireland 2013* - CSO - central statistics office (2014) Available at: <http://www.cso.ie/en/releasesandpublications/ep/p-wamii/womenandmeninireland2013>

¹⁸ <https://www.morganmckinley.ie/article/irish-gender-pay-gap-stands-20-according-morgan-mckinley-study>

Quality jobs and a living wage

Ireland has one of the highest percentages of low paid jobs in the developed world (OECD 2013). According to 2014 CSO figures, 50% of women workers earned €20,000 or less. The Economic and Social Research Institute has found that women in couples suffered a 14% loss in income during the recession compared to a 9% drop for men.

By 2013, one-in-five full-time male employees and almost three in every ten female full-time workers were low paid. Sectors where women predominate such as services, hospitality and retail have been at the frontline of aggressive casualization and job and wage erosion with low pay compounded by precarious work and non-fixed-hour contracts, made possible by the absence of sufficient regulation. Low paid employment is linked to poor working conditions with the use of low and non-fixed-hour contracts increasing. The rate of part-time employment is also highly gendered; among women it has traditionally accounted for over a third of the female workforce, and stood at 35% in 2014, compared to 13.8% of men's in the same year.

The majority of workers dependent on minimum wage are women. Though recent budgets have introduced minimum wage increases, the current incremental rate is inadequate, particularly if it is to achieve the commitment in the Programme for a Partnership Government to increase the minimum wage to €10.50 by 2020. Low pay can lead to patterns of churning between 'low and no pay', limited access to mainstream credit, social, cultural and civic exclusion and can create further social pressures on mental and physical health. TASC, the Think-Tank on Action for Social Change, in its *Winners and Losers? Equality Lessons for Budget 2012* report, affirmed that women are concentrated in the lower income groups. It also found that changes to taxes and social welfare supports disproportionately impact on low-income groups. Tax and social welfare changes therefore can be expected to disproportionately impact on women.

The Government's PFIG has committed to 'strengthen regulation on precarious work' and to introduce 'locally delivered courses for women, comprising a series of training opportunities on self-development and work related skills, to assist a return to the labour market and promote entrepreneurship'. Starting in 2009, the Department of Jobs and Enterprise has gradually introduced restrictions to the employment permits system making it more difficult to secure a permit for work in the private home. Since the last reform of the system in 2014, work in the private home has become ineligible in all circumstances which has contributed to the devaluation of the work, often unrecognised, and has resulted in the emergence of exploitative practices. Of special

concern is the growing use of the ‘au-pair’ system as a cover up for the exploitation of childminders in private homes. Au pairs provide childcare to approximately 20,000 families in Ireland, often for as little as €100 per week for sixty hours of work, or more.¹⁹ In spite of recent favourable rulings from the Workplace Relations Commission and official communications from relevant government departments, the enforcement of employment rights of those providing childcare in private home remains difficult and the ‘au-pair’ system continues to flourish. The ILO Domestic Workers Convention 2011 (No.189) was ratified by Ireland in 2015. However, greater protections are required for female migrant workers in the reform of immigration legislation. A voluntary code of practice under the Industrial Relations Act 1990 does not offer adequate safeguards.

We recommend that the NWS contains commitments to:

- **Legislate against insecure, non-fixed hour jobs as ‘reasonable offer of work’.**
- **Recognise atypical work patterns by calculating unemployment in hours rather than in days per week.**
- **Drive cross-departmental cooperation to promote ‘Living Wage’ through policy and practice.**

A gender-proofed budgetary process

Budgetary decision-making reflects political priorities and transforms them into practical measures. To achieve a more equal society, it is crucial to consider whether governments’ decisions on how money is raised and spent impact women in real terms. “Gender budgeting” is the process through which public budgets are examined in order to assess whether they do or they do not contribute to more equality between women and men, and then to introduce changes that promote gender equality accordingly.

The PFIG commitment to equality and gender proof the budget process has the potential to significantly improve the lives of women and the most marginalised and disadvantaged communities in Ireland. In order to do so, appropriate new mechanisms must be meaningfully developed and delivered. Gender proofing can produce gender disaggregated data to assess how women are affected by budgetary measures, particularly taxation and social welfare measures. In addition, it is critical that there is a commitment to utilise the information gained to achieve tangible, positive outcomes for women by reducing social and economic gender inequalities. While this commitment is welcome, it is important that gender proofing is used not just to produce gender disaggregated

¹⁹ Migrant Rights Centre of Ireland - ‘Childcare in the Domestic Work Sector: Who’s Minding the Children?’

data which assesses whether women are disproportionately affected by budgetary measures, particularly taxation and social welfare measures, but that this information is utilised to achieve tangible, positive outcomes for women by reducing social and economic gender inequalities.

We recommend that the NWS contains commitments to:

- **Embed gender and equality proofing in the budget process, with a strong role for civil society.**
- **Establish an Equality Statement to accompany each as a first step as is done in Scotland.**
- **Establish an Irish equivalent of the Scottish Expert Budget Advisory Group as a crucial element of Ireland's equality budgeting infrastructure.**

2.2 Strategic Objective 2 - Improve women's and girls' physical and mental health

NWCI advocates a rights based approach to addressing the needs of women in relation to health.²⁰ Throughout our consultations on health with a diversity of women over the past decade, we have named the various barriers to women accessing health services, highlighted their experiences and identified gaps in services. NWCI members have communicated the devastating impact of cutbacks and austerity on our health services and the need for renewed investment to ensure women's health needs are being met. In this context, NWCI regrets the dissolution in 2009 of a statutory body with a gender-specific health focus, the Women's Health Council. In addition there are now no HSE women's health officers within the HSE.

In November 2016 the Department of Health and the HSE launched a National Men's Health Action Plan 2017-2021 to work with men in Ireland to achieve optimum health and wellbeing, working in partnership with men's groups across the country. A corresponding focus on women's health was not announced. NWCI believes that the proposed National Women's Strategy and Action Plan is an opportunity for the Department of Health and HSE to outline its commitment to promoting women's health in a comprehensive manner.

Recent work, conducted by NWCI and the HSE, confirms that gender sensitive health policies and services deliver better outcomes for both men and women.²¹ There remains an urgent need to maintain a specific focus on women's health, given the national and international evidence of the gender differences between women and men in their access to and experience of health services.²² Gender proofing our health services will help the Department of Health and HSE to both meet their legal obligations under the new Public Sector Duty to promote Equality and Human Rights while also helping to eliminate health inequalities through evidence based targeted interventions.

We note the commitment in the PFIG to develop a ten year plan for the health services. NWCI believe that there are opportunities for new, more effective approaches to health services for women which should be placed at the heart of health reform to inform the long term vision for healthcare. Our request is for renewed investment to ensure that women's health needs will be recognized and resourced.

²⁰ NWCI: Women's Health: Meeting International Standards (2006) available at www.nwci.ie

²¹ See NWCI / HSE Equal but Different: A Framework for Integrating Gender Equality in Health Service Executive Policy, Planning and Service Delivery. (November 2012)

²² See Ibid for national and international evidence on the different experiences and different health outcomes for women and men in Ireland including a report of consultations with women and men groups.

A Women's Health Action Plan

NWCI believe that the differentiated health needs of women are not being addressed in a strategic or targeted way by our health services. NWCI requests a commitment in the National Women's Strategy and Action Plan to the development and implementation of a National Women's Health Action Plan. This Health Action Plan would contain specific commitments for the Department of Health and the HSE and to be devised and implemented in partnership with NWCI and its members to achieve optimum health and wellbeing for a diversity of women in Ireland.

The National Women's Health Action Plan should set out a new vision for women's health that can play a pivotal role in supporting the effective implementation of Healthy Ireland, the national framework for improved health and wellbeing, while also meeting the Department of Health and HSE commitments under the Public Sector Duty to promote Equality and Human Rights.

We recommend that the NWS contains commitments to:

- **A Women's Health Action Plan to deliver key measurable outcomes in relation to women's health and wellbeing.**

Health Promotion & Improvement

The World Health Organisation recognizes that the social construction of gender identity and unbalanced power relations between women and men affect the health seeking behaviour and health outcomes of women in different age and social groups. Sex and gender is relevant in various health areas that are also the priority areas for Healthy Ireland, such as physical activity, obesity, tobacco, alcohol, mental health, sexual health and cancer. The reduction of health inequalities is one of the goals of Healthy Ireland. Maintaining a specific focus on women's health makes a significant contribution to this goal.²³ Rigorous, gender sensitive analysis can reveal different gender needs and priorities, as well as gender inequalities in terms of access to health services and health outcomes.

²³ Please refer to the Institute of Public Health Response to the proposed National Women's Strategy and Action Plan (27 January 2017) which details the specific health inequalities that women face.

We recommend that the NWS contains commitments to:

- **Department of Health and the HSE to continue to commit to the gender proofing of health plans, policies and strategies to ensure positive health outcomes for a diversity of women.**
- **Department of Health and the HSE resource women centred approaches to promote women's health including physical activity, healthy diet, smoking cessation and addressing alcohol and drug use. There are already models of best practice in existence and these should be rolled out nationwide.²⁴**

Cancer Prevention & Care

More women in Ireland are now dying from lung cancer than from breast cancer. Smoking is the leading preventable cause of lung cancer. Despite all that is known about the dangers of smoking, almost 1 in 3 women in Ireland smoke. Women and girls in Ireland are in the midst of an epidemic of smoking related disease and the burden of this disease is being carried by women who are socioeconomically disadvantaged. Links have been shown between persistent gender inequalities and smoking for women.²⁵

The availability of high-quality population based screening is one of the strongest weapons to reduce the high breast cancer death rate in Ireland. 1 in 10 incidences of breast cancer occur in women aged 65-69 years old. It is critical that women in the 65-69 age bracket are screened as soon as possible. NWCi welcomes the commitment in the PFPG to extend BreastCheck and this must to be delivered on as a matter of priority.

We recommend that the NWS contains commitments to:

- **Increase investment in community based smoking cessation services such as the Irish Cancer Society We Can Quit Programmes which are specifically targeted at women where smoking prevalence is high and make Nicotine Replacement Therapy (NRT) free for all those in smoking cessation programmes.²⁶**
- **Increased investment in annual HSE Services Plans to protect funding of Breastcheck and to extend the roll out of the programme.**

²⁴ Examples include Irish Cancer Society We Can Quit Programme women centred smoking cessation programmes and the Saol Project women centred programmes responding effectively to drug addiction.

²⁵ Irish Cancer Society / NWCi: Women and Smoking: Time to Face the Crisis. (2013) available at www.nwci.ie

²⁶ At present NRT has to be paid for by the user, unless they have a medical card and evidence from Ireland shows that this is a barrier to potential quitters trying to access NRT.

Mental Health

Gender inequalities have a powerful impact on mental health and well being.²⁷ Although biology may play a part in understanding some mental health conditions women and men's social roles are linked to many causes of mental ill health. Risk factors that impact on mental ill health in women include gender discrimination, socioeconomic disadvantage, low income and income inequality, responsibility for the care of others and domestic and sexual violence. According to the Healthy Ireland Survey 2016 higher levels of positive mental health were recorded among men than women.

The Government's strategy on mental health and wellbeing A Vision for Change is under review in 2017 and it is currently gender blind. NWCI advocates incorporating a gender perspective into this strategy so that our mental health policies plans and services can recognise the particular needs of women and respond accordingly. This will positively affect how support is provided and how health promotion materials and treatment programmes address mental health concerns. It is critical that commitments around promoting women's mental health and wellbeing feature prominently in the National Women's Strategy and Action Plan and there is synergy between A Vision for Change and the new National Women's Strategy. It is also important that the National Women's Strategy be aligned and integrated with the implementation of the 'Connecting for Life' suicide prevention strategy for Ireland.²⁸

NWCI will co-host the World Congress on Women's Mental Health in March 2017. This event will uncover many health inequalities which create barriers to women accessing supports to ensure mental health and wellbeing. In Ireland there has been very little research conducted into women's mental health across the lifecycle. For example we have little information on young women and mental health. From our work with young women, we recognise that mental health is a significant issue due to the pressure to conform and instances of sexual harassment and abuse. In 2016 the UK Department of Health funded a large scale research study into mental health and wellbeing and it revealed young women as a key high risk group.²⁹ NWCI argues that similar research should be conducted in Ireland to make visible women's mental health needs across the lifecycle and to inform mental health policy and reform.

²⁷ See Women's Health Council: Women's Mental Health: Promoting A Gendered Approach to Policy and Service Provision. <http://health.gov.ie/wp-content/uploads/2014/03/Womens-Mental-Health-Promoting-a-Gendered-Approach-to-Policy-and-Service-Provision.pdf>

²⁸ See Institute for Public Health response to the proposed National Women's Strategy (27 Jan 2017) page 10 where a similar recommendation is made.

²⁹ See NatCen Social Research: Survey of Mental Health & Wellbeing reported at <https://www.theguardian.com/lifeandstyle/2016/sep/29/self-harm-ptsd-and-mental-illness-soaring-among-young-women-in-england-survey>

Recent consultations on mental health with NWCI members also highlighted the effectiveness of providing women-specific, community-based mental health supports and services and the importance of providing access to free counselling services for women who have been subjected to domestic and sexual violence.³⁰ In addition it highlighted the importance of providing mental health supports for women during all stages of pregnancy and early mental health screening at all maternity hospitals as a matter of course.³¹ In light of the mental health challenges facing young women in Ireland it would be important that the recently established Youth Mental Health Taskforce incorporate a gendered approach and identify the particular issues facing young women.

We recommend that the NWS contains commitments to:

- **Ensure that a diversity of women’s mental health needs across the lifecycle are reflected in the revised Vision for Change and in the implementation of the ‘Connecting for Life’ suicide prevention strategy.**
- **Commit resources for action research into women’s mental health with consultations with women across Ireland and findings from that research inform mental health policy, practice and service delivery.**
- **Provision of women-specific, community-based mental health supports and services.**
- **The Youth Mental Health Taskforce incorporate a gendered approach and identify the particular issues facing young women.**
- **Provide access to free counselling services for women who have been subjected to domestic and sexual violence.**
- **Provide mental health supports for women during all stages of pregnancy and early mental health screening at all maternity hospitals as a matter of course.**

A public health response to violence against Women

Violence against women has been named as a key health inequality in consultations held by HSE in late 2015. From working with our members NWCI believe that there needs to be a public health response to violence against women, particularly domestic violence and abuse. A co-ordinated

³⁰ The Women’s Therapy Centre was an excellent example of a woman specific community based mental health service which closed down in 2014 due to lack of funding.

³¹ See Redeem Research Group TCD: A population survey of prevalence rates of antenatal depression in the Irish obstetric services using the Edinburgh Postnatal Depression Scale (2016) which concluded that prevalence rates are high among women attending obstetric services in Ireland and highlight the importance of increasing awareness of antenatal depression. Peri-natal psychiatry services are grossly under resourced and women should be screened for depression early in their antenatal care plan and encouraged to seek help.

approach is required by the HSE to address issues of prevention, identification of risk and support for women and children experiencing and leaving domestic abusive relationships and the development of cross state agency responses. It is critical that the HSE make sure that their services are more responsive to the needs of women experiencing domestic or sexual violence and survivors of such violence.

The Department of Health and the HSE must view all forms of violence against women as a public health issue and respond accordingly. This includes domestic and sexual violence, prostitution, trafficking and Female Genital Mutilation. It is important that there is synergy between the commitments in the National Women's Strategy and the important health commitments that are contained in other strategies such as HSE commitments under the Second National Strategy on Domestic, Sexual and Gender Based Violence 2016-2021. It is regrettable that there is little dedicated resources within the Department of Health or the HSE to deliver on these commitments and this must be addressed as a matter of urgency.

We recommend that the NWS contains commitments to:

- **Department of Health and the HSE recognise violence against women as a major public health issue and allocate dedicated resources to fully deliver on its commitments in the Second National Strategy on Domestic, Sexual and Gender Based Violence.**

Female Genital Mutilation

It is estimated that more than 3,780 women and girls between the ages of 15 and 44 in Ireland have experienced FGM.³² A recently released study on FGM risk within the European Union has calculated that between 1 and 11% of girls in Ireland from FGM-practising countries may still be at risk of having the procedure done to them.³³ While the passing of the Criminal Justice (Female Genital Mutilation) Act 2012 was a very positive step towards eradicating FGM in Ireland legislation alone is insufficient to ensure the eradication of the practice. Immediate action is needed across departments to put in place proper measures of protection and prevention, as part of a comprehensive plan to safeguard women and girls.

³² kidwa/RCSI (2013). FGM: Information for Health Care Professionals Working in Ireland, 2nd Edition.

³³ European Institute for Gender Equality (2015). Estimation of girls at risk of female genital mutilation in the European Union. Available at <http://eige.europa.eu/content/document/estimation-of-girls-at-risk-of-female-genital-mutilation-in-the-european-union-report>

We recommend that the NWS contains commitments to:

- **Department of Health and the HSE allocate resources for the establishment of an inter-departmental committee on FGM which would be tasked with the role of drawing up a National Action Plan to combat FGM and maintain funding for the Irish Family Planning Association specialist treatment service for women who have experienced FGM.**

Sexual Health

Despite the assertion that there is good availability of, and access to, contraception methods to people of all ages in Ireland, a number of studies and reports³⁴ have identified barriers preventing young people from accessing contraception. These include regional disparities in the quality and availability of services, stigma and lack of confidentiality. In addition, the 2010 Irish Contraception and Crisis Pregnancy Study³⁵ identified the cost of contraception as a significant access barrier for young people. The National Consent Policy³⁶ states that there is no specific provision in law regarding the age at which contraceptive advice and sexual health services can be provided to a young person. The Policy also notes that while a young person over 16 can give their own consent to medical treatment, sexual activity under the age of 17 may constitute a criminal offence. The legal status of prescribing contraception to young people under the age of 16 is therefore very unclear. This poses a major dilemma for doctors who are ethically required to provide a confidential service which is in the best interest of their client. In 2012 the Sexual Health and Crisis Pregnancy Programme highlighted that some migrant women still have problems accessing contraception. This is due to cost, lack of information, problems with changing GPs or a refusal to prescribe contraception.

³⁴ *The Irish study of sexual health and relationships. Sub report 2: Sexual health challenges and related service provision*, Mc Gee et al, 2008: <http://crisispregnancy.ie/wp-content/uploads/2012/05/ISSHR-sub-report-2.pdf>; *Irish Contraception and Crisis Pregnancy Study 2010 (ICCP-2010) A Survey of the General Population*, Crisis Pregnancy Programme (CPP), 2012: <http://www.crisispregnancy.ie/publications/irish-contraception-andcrisis-pregnancy-study-2010-iccp-2010-a-survey-of-the-general-population/>; *Understanding how sexually active women think about fertility, sex, and motherhood*, Crisis Pregnancy Agency Report N°6, Murphy-Lawless et al., 2004: <http://crisispregnancy.ie/wp-content/uploads/2012/05/6.-Understanding-how-sexually-active-women-think-about-fertility-sex-and-motherhood.pdf>; *A follow-up project on perceptions of women about fertility, sex, and motherhood: probing the data further*, Crisis Pregnancy Agency Report N°17, Jo Murphy-Lawless, 2012: <http://crisispregnancy.ie/wp-content/uploads/2012/05/17.-A-follow-up-project-on-perceptions-of-women-about-fertilitysex-and-motherhood-probing-the-data-further.pdf>; *Understanding Teenage Sexuality in Ireland*, Crisis Pregnancy Agency Report N°9, Abbey Hyde and Etaoine Hewlitt, 2004: <http://crisispregnancy.ie/wp-content/uploads/2012/05/9.-understanding-teenage-sexuality-in-Ireland.pdf>

³⁵ *Irish Contraception and Crisis Pregnancy Study 2010 (ICCP-2010) A Survey of the General Population*, Crisis Pregnancy Programme Report N°24: http://www.ucd.ie/t4cms/ICCP-2010_REPORT.pdf

³⁶ *National Consent Policy* QPSD-D-026-1.V.1. Section 10, page 60. A supplementary document, *Consent: A guide for young people* (QPSD-GL-055-1. V.1) gives a general overview of the policy, but makes no specific reference to access to contraceptive treatment.

We recommend that the NWS contains commitments to:

- **The current Sexual Health Strategy should be gender proofed, identifying the specific needs of a diversity of women in relation to sexual health and meeting these needs within the lifetime of the National Women’s Strategy.**

Substance Misuse

Recent studies and reports reveal an increase in women affected by substance misuse.³⁷ Recent research by the Women’s Health Council comprehensively outlined the distinct gender differences in relation to substance misuse in Ireland.³⁸ The report recommended that since women and men have different experiences and issues around substance misuse, a gendered approach to treatment and service provision must be adopted so that women’s needs are dealt with in the most appropriate manner possible.

An example is the importance of the provision of childcare so that women can access treatment and other supports and engage in education and training opportunities. The Saol Project is an excellent model of service that has identified the specific needs of women in relation to substance misuse and provides comprehensive care to and support for women in addiction including the provision of on-site childcare facilities and access to educational and training opportunities to ensure sustainable recovery from addiction. However it is regrettable that this is the only women specific service of this kind in the country.³⁹

We recommend that the NWS contains commitments to:

- **Gender proof national drug and alcohol strategies, policies and services to ensure that they recognize and respond to the particular needs of women and the particular supports they need to access treatment and provide dedicated resources to women specific services around the country.**

Minority Ethnic Women’s Health

Despite the evidence that Travellers experience the worst health status in Ireland, the Government adopts a standardised approach which ignores disparities in health outcomes amongst communities who experience discrimination and disadvantage. For members of the Roma community, lack of

³⁷ For example see Alcohol Action Ireland Women and Alcohol Section <http://alcoholireland.ie/facts/women-and-alcohol/>. See also <http://www.irishexaminer.com/ireland/report-shows-growing-female-addiction-rates-and-rise-in-those-seeking-help-for-heroin-use-299968.html>

³⁸ Women’s Health Council: Women and Substance Misuse in Ireland (2009)

³⁹ For more information on the Saol Project see www.saolproject.ie

financial resources or state support, combined with a lack of clear accessible information and a lack of trust all impact on engagement with health services.⁴⁰ Women in Direct Provision or who have transitioned out of Direct Provision have a range of health needs that are not currently being addressed in the Irish health service.⁴¹ The HSE made a recent call for submissions to the review of the HSE Intercultural Strategy to address needs and concerns. Furthermore the HSE has made commitments in the Second National Action Plan on Women, Peace and Security 2015-2018 in relation to the health of minority ethnic women coming from conflict and post conflict countries and combatting Female Genital Mutilation. However to realise these commitments, investment is required with special and targeted programmes for migrant women who are particularly marginalised to overcome the multiple barriers to accessing health supports.

We recommend that the NWS contains commitments to:

- **Develop and resource a National Traveller Health action plan to address the findings of the All Ireland Traveller Health Study and develop and fund a primary healthcare project with the Roma community to increase access to information on healthcare and uptake of services.**
- **The revised HSE Intercultural Health Strategy needs to be fully resourced to ensure implementation. HSE commitments in other strategies need to be reflected in the National Women’s Strategy and Action Plan and resources dedicated to the achievement of tangible health outcomes for minority ethnic women living in Ireland.**

Osteoporosis

Osteoporosis affects more women than men especially women over 50 as they can lose up to 30% of their overall bone density while going through the menopause. 1 in 2 women and 1 in 5 men over 50 years will break a bone due to osteoporosis. This is a silent disease with no signs or symptoms. Everyday people are losing their independence and becoming a burden on the state – it is estimated that 280,000 people are undiagnosed at present. It cost the State €535 million to treat fractures in 2013. Prevention and early diagnosis by a DXA scan of the spine and hips is vital. Osteoporosis is a preventable and treatable disease in the majority of cases.⁴²

⁴⁰ For more comprehensive information on the health needs and barriers experienced by the Traveller and Roma community see Pavee Point Traveller and Roma Centre & National Traveller Women’s Forum submission to CEDAW (January 2017) available at <http://www.paveepoint.ie/wp-content/uploads/2017/01/Pavee-Point-NTWF-Joint-Shadow-Report-to-CEDAW-Committee-20012017.pdf>

⁴¹ For more information on the barriers to health that women from minority ethnic communities face and their health needs please refer to Cairde website <http://cairde.ie/research-policy/reports/>

⁴² For further information on women and osteoporosis go to the website of Irish Osteoporosis Society <http://www.irishosteoporosis.ie/>

We recommend that the NWS contains commitments to:

- **Provision of free access to DXA scans and to invest in a national public awareness campaign so that women are aware of the disease and how it can be prevented.**

Maternity Services

NWCI welcomed the publication of the National Maternity Strategy in January 2016, in particular the focus on more midwife led services in local communities to facilitate choice and continuity of care for women, with better information and communication throughout the different stages of pregnancy and birth. However this can only happen with considerable investment for the implementation of the Strategy, in particular the recruitment of more midwives. The maternity services have been starved of resources for decades so NWCI would welcome a major injection of resources into the maternity sector to realise the vision of the new Strategy. As mentioned in the section on Mental Health, resources need to be channelled into mental health supports for women at all stages of pregnancy.

NWCI notes that an annual report on the progress of the implementation of this Strategy will be submitted to the Minister. We would also submit that an independent mid-term review of the 10 year strategy be conducted to ensure that it is delivering on its women centred vision and approach.

We recommend that the NWS contains commitments to:

- **Department of Health and the HSE make a significant investment in our maternity services annually to ensure that it can deliver on the National Maternity Strategy and engage in an independent mid-term review of the Strategy.**

Reproductive Health

Ireland has one of the most restrictive abortion regimes in the world and the most restrictive regime in Europe. The law relating to abortion in Ireland comprises Article 40.3.3 of the Constitution, the Protection of Life During Pregnancy Act 2013 and the Abortion Information Act 1995. Article 40.3.3 is formed by the Eighth (1983), Thirteenth and Fourteenth (both 1992) Amendments. It is clear that as long as reproductive health is regulated through the Constitution, Ireland will continue to grapple with unworkable legislative restrictions. If the Eighth Amendment was designed as a measure to prevent women from Ireland having abortions then it has failed, and its continued presence in our Constitution and in the lives of women only serves as an impediment to their health and wellbeing.

Irish law, does not permit abortion in cases where carrying a pregnancy to term puts the physical or mental health or wellbeing of the woman in danger. No other country in Europe makes the unworkable distinction made in Irish law, which permits abortion to save a woman's life, but not to preserve her health. In the context of fear of criminal prosecution, medical services providers are effectively prevented from exercising clinical discretion in their patients' best interests and applying best clinical practice by intervening when a serious health risk presents. A Health Services Executive report into the tragic death of Savita Halappanavar while in receipt of maternity care in Galway University Hospital in 2012, found that the uncertainty created by Ireland's abortion laws was a "material contributory factor" in her death.⁴³

By situating women's reproductive decision making in the context of criminality, the law infringes on women's dignity and autonomy. The 2011 interim report of the UN Special Rapporteur on the Right to Health⁴⁴ highlighted the way in which criminal law shifts the burden of realising the right to health away from the State and onto pregnant women, some of whom may be seriously ill. The woman must seek treatment and an individual doctor must make a legal determination in a context where a medical decision could become the subject of a criminal enquiry, a prosecution and potentially result in a criminal conviction.

The failure to provide services in Ireland creates considerable psychological, physical and emotional hardship for those who are either forced to travel outside the country for abortion or forced to carry an unwanted pregnancy to term and to parent because of restrictions imposed on them. Many women report feelings of fear, stigma, secrecy, isolation and lack of support. The United Nations states that the right of women to enjoy the highest attainable standard of physical and mental health includes the right to control one's health and body, including sexual and reproductive freedom. Where a barrier to health is created by a criminal law or other legal restrictions, it is the obligation of the State to remove it.

Furthermore the current abortion regime in Ireland impacts disproportionately on the mental health and wellbeing of certain groups of women in Ireland. Women and girls who can experience the most barriers to accessing abortion services are those already marginalised and disadvantaged: those with

⁴³ Health Service Executive (2016) *HSE publishes report of the investigation into the death of Ms. Savita Halappanavar*. Available at: <http://www.hse.ie/eng/services/news/media/pressrel/newsarchive/2013archive/jun13/savitareport.html> (Accessed: 15 December 2016).

⁴⁴ Anand Grover. (2011) *Report to the General Assembly (main focus: Criminalisation of sexual and reproductive health)*. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/443/58/PDF/N1144358.pdf?OpenElement> (Accessed: 15 December 2016).

little or no income, women with care responsibilities, minors in state care, women with disabilities, women with a pre-existing illness, women experiencing domestic or sexual violence, asylum seekers and women who are undocumented.

Abortion is a reality in Ireland. Every year thousands of women and girls living in Ireland travel to another country, usually in Europe, to have an abortion because they make a decision that continuing a pregnancy is not in their best interest or in the best interests of the child should they continue with the pregnancy.⁴⁵ Between January 1980 and December 2015, at least 166,951 women and girls travelled from the Republic of Ireland to access abortion services in another country.

It can be assumed that some women who cannot travel to access abortion services do not have access to the abortion pill are continuing pregnancies to term. More than 5,600 women in Ireland tried to buy abortion pills online over a five-year period between 1 January 2010 and 31 December 2015 using a leading web supplier based in the Netherlands.⁴⁶ Pills were shipped by the Women on Web site to 1,642 women in Ireland between 2010 and 2012.⁴⁷ Though considered relatively safe if purchased from a reputable source, a significant risk to the woman's health arises where women fearing prosecution may delay or avoid seeking medical assistance should they require it. Others may assume the pregnancy has been terminated when it has not. Women – and medical professionals – can often miscalculate the gestational stage of a woman in early pregnancy and pregnancy tests will continue to show positive results for a number of weeks following successful termination of a pregnancy using the pill. There is some risk to the health of the foetus if the abortion pill has been consumed but was not effective.

Women decide to seek and have an abortion due to a range - and a complex combination - circumstances, including her access to contraception; her economic status; her immigration or asylum status; her physical and mental health; her age; her civil status; her housing status. Each of these elements can act to inform whether she requires access to abortion services and determine her ability to access those services. Equally, obstacles to accessing abortion services, such as those posed by the Ireland's restrictive regime, can have decisive, disproportionate and detrimental impacts on women.

⁴⁵ According to research published in *The Lancet*, 70 million abortions occurred in 2014. See Volume 388, No. 10041, p258–267, 16 July 2016

⁴⁶ Aiken ARA, Gomperts R, Trussell J. Experiences and characteristics of women seeking and completing at-home medical termination of pregnancy through online telemedicine in Ireland and Northern Ireland: a population-based analysis. *BJOG* 2016; DOI: 10.1111/1471-0528.14401.

⁴⁷ *Ibid.*

The World Health Organisation highlights the importance of an enabling regulatory and policy environment to ensure that every woman who is legally eligible has ready access to good-quality abortion services. In order to ensure this ‘enabling’ environment, a woman’s access to financial resources must not be a factor in her ability to access services, she must not be criminally sanctioned for doing so and the provision of abortion services should be regulated to ensure the highest attainable standard of care. When performed by skilled providers using correct medical techniques and drugs, and under hygienic conditions, induced abortion is an extremely safe medical procedure. In fact evidenced-based research shows that legal, induced abortion is markedly safer than childbirth.⁴⁸ This is particularly true where the pregnancy is considered to be at high risk of complications.

Abortion is an integral part of women’s maternal healthcare services and must be recognised in the new National Women’s Action Plan.

We recommend that the NWS contains commitments to:

- **Call a referendum to repeal the Eight Amendment to the Constitution.**
- **The removal of all criminal sanctions on women seeking and accessing abortion services in Ireland**
- **The removal of criminal sanctions on provision and performance of abortion in the Republic of Ireland**
- **The regulation of abortion services and medical professionals performing abortions through customary medical disciplinary procedures and general criminal law**
- **The enactment of legislation providing for access to abortion on a woman’s request, combined with abortion in certain circumstances, in line with good practice in other European countries.**

⁴⁸ See, for example, Raymond, E.G. and Grimes, D.A. (2012) ‘The comparative safety of legal induced abortion and childbirth in the United States’, *Obstetrics & Gynecology*, 119(2, Part 1), pp. 215–219. doi: 10.1097/aog.0b013e31823fe923.

2.3 Objective 3 – Promote Women’s and Girl’s Equal and Active Citizenship

NWCI believe that all women and girls should have the opportunity and resources to have an active role in families, neighbourhoods, communities, voluntary organisations, workplaces and political structures. However, women from marginalised groups and women living in poverty face significant barriers and challenges in shaping their own future and achieving full and equal participation. Throughout the recent period of austerity, the community development sector has undergone a prolonged process of dismantling, weakening its capacity to pursue a gender equality agenda. It has led to erosion in the opportunities for women and local women’s groups to highlight their needs and concerns or to develop and demand appropriate strategies to address them.⁴⁹ Particular groups of women including women experiencing homelessness, women in direct provision and seeking asylum, women with addiction, migrant women, women living with disabilities, Traveller and Roma women, rural women and women in prison face considerable challenges in playing a meaningful and equal role in society.

Women and Homelessness

The research of the Simon Communities also highlights the fact that women experiencing homelessness have very differing needs to men experiencing homelessness and that these differing needs are not acknowledged or provided for in service provision. NWCI recommended that the Action Plan on Housing be gender and equality proofed. This is to ensure that the particular needs of a diversity of women in or at risk of homelessness are taken into account and a specific response planned for. The requirement to gender proof and equality proof is now an obligation on public bodies through the new public sector duty to promote equality and human rights and eliminate any discrimination and is a commitment in the Programme for Government so it is essential that this happens with this Plan.

Ireland has one of the highest rates of overall female homelessness in Europe. NWCI want to highlight in particular the needs of minority ethnic women including Traveller women, one parent families and victims of domestic abuse. Victims of domestic abuse are a particular high risk group and policy changes are required to adequately protect women and children. Violence against women as a pathway to homelessness is rarely referenced in national homeless policy or local authority policies. The reality of domestic violence must be factored into Housing Action Plan and

⁴⁹ The Changing Landscape of Local and Community Development in Ireland: Policy and Practice. Conference Proceedings | 21st October 2015, University College Cork

encourage local authorities to make provisions in their planning for victims of domestic abuse. Women's shelters are frequently oversubscribed. In 2014, domestic violence services were unable to meet 4,831 requests for safe accommodation because their refuge was full.⁵⁰ Ireland's shelters only provide 31% of the places needed according to the Recommendation of the Council of Europe.⁵¹

We recommend that the NWS contains commitments to:

- **Provide adequate funding to specialist domestic violence services so they can meet demand and increase refuge provision to meet international standards.**
- **Recognition within local authorities that victims of domestic abuse have unique and varying circumstances. Their circumstances and needs may not meet the specific housing criteria. Local authorities should have a policy which allows them to exercise flexibility and fluidity when dealing with victims of domestic abuse.**
- **A risk assessment should be carried out when families first present to local authorities and appropriate refuge and step down accommodation is provided where appropriate.**

Women living with Disabilities

Little attention has been paid to the specific experiences and needs of women with disabilities in Ireland. There is an unspoken assumption that policies and practices towards people with disabilities are gender neutral and a lack of understanding of the ways in which gender and disability issues interact. In practice, gender inequalities that permeate the structures of our society combine with disadvantages experienced by disabled women to create particular forms of exclusion and discrimination. In our economic and political systems, women with disabilities are only beginning to become visible and their needs only starting to be addressed within the policy-making process. The struggle for women's equality has not concentrated to any significant degree on the particular needs of disabled women or on the specific strategies required to address their concerns. NWCI looks forward to its imminent ratification by Ireland of the UN Convention on the Rights of People with Disabilities, and in that respect welcomes the Disability (Miscellaneous Provisions) Bill 2016, in particular the proposed approach to establish an independent monitoring mechanism. This is an important opportunity for the Government to elicit the views of people with disabilities by engaging in a participatory process, however, it is essential that such a process should include a gender perspective.

⁵⁰ Safe Ireland National Domestic Violence Service Statistics Report 2014.

⁵¹ Women Against Violence Europe (WAVE) Country Report 2014 Vienna.

A Report on the Formal Recognition of Irish Sign Language was published in October 2016⁵² by the Joint Committee on Justice and Equality. It recognised that members of the deaf community face “extreme marginalisation” due to the lack of official sign language recognition and provision. In particular, their interactions with the organs of the State, including the education system, the health service,⁵³ the courts system and the national parliament itself are all affected. Deaf women are continually fighting to obtain services. Only by official recognition of ISL can we expect for these barriers to be broken down and for services to be compelled to make interpreter provision available.

We recommend that the NWS contains commitments to:

- **Ratify the UN Convention on the Rights of People with Disabilities.**
- **Lend full support to the Recognition of Irish Sign Language for the Deaf Community Bill 2016.**

Migrant Women

Many migrant and Roma women in Ireland are unable to access any social protection due to the implementation of the right to reside, European Directive 2004/38, and the Habitual Residence Condition (HRC), a policy by the Department of Social Protection. This economic impact of the HRC is outlined in length under *Objective 1 -Advance socio-economic equality for women and girls.*⁵⁴ The HRC also has a particular negative impact upon women experiencing violence and their children. 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. 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. Ireland must ensure that women experiencing violence are not subject to the HRC when trying to access safety in a domestic violence situation. There also needs to be formal recognition of domestic violence in immigration law by making provisions which enable migrants who experience domestic violence to apply for independent residence permits. While NWCI acknowledges that the Irish Naturalisation and Immigration Service has developed useful guidelines in relation to survivors of domestic violence, these need to be placed on a statutory basis. Pending determination of applications to remain in Ireland, victims of domestic violence must be able to access safe emergency housing and essential welfare benefits to meet basic needs.⁵⁵

⁵² <http://www.oireachtas.ie/parliament/media/committees/justice/Final-Report-on-Recognition-of-Irish-Sign-Language.pdf> (last accessed on 19/12.2016)

⁵³ Deaf women who are medical card holders can access their G.P. and hospital services via an interpreter, however, those who do not hold a medical card are not provided with interpreters.

⁵⁴ See that section for the relevant recommendation.

⁵⁵ See Domestic Violence Coalition Submission to the Joint Oireachtas Committee May 2013. Available at www.womensaid.ie

Traveller and Roma Women

As minority ethnic groups, Traveller and Roma women constitute one of the most marginalised and excluded individuals and groups in Ireland. They face additional marginalisation in comparison to women in the general population and Traveller and Roma men due to intersectional discrimination based on gender, ethnicity, socioeconomic status and other factors.

Little has changed since the last National Women's Strategy. In fact, numerous national and international bodies have raised significant concerns in relation to the persistent and deteriorating situation of Travellers and Roma, particularly as a result of austerity measures introduced as part of the most recent recession. The National Women's Strategy 2007-2016 was developed without consultation with Traveller and Roma women's representative organisations. It contained no actions, targets or funding mechanisms to address the socioeconomic, political or cultural issues experienced by Traveller and Roma women. It is imperative that the new National Women's Strategy and Action Plan contains specific actions and targets relating to Traveller and Roma women, with the associated human and financial resources.

The cuts have also severely compromised the capacity of public services and community development programming in facilitating the inclusion of Traveller and Roma women in education, training, employment, health and accommodation. Travellers constitute a mere 1 % of total beneficiaries in Local and Community Development Programmes, and less than 1.75 % of actions in Social Inclusion and Community Activation Programme have Travellers and Roma as a primary target group.⁵⁶

After repeated recommendations by UN treaty monitoring bodies, European institutions, and Irish equality and human rights bodies, the Taoiseach has indicated that Traveller ethnicity will be recognised in early 2017. This will be most welcome, allowing for the inclusion of Traveller women in anti-racism and intercultural initiatives and legislation. For the first time, the Government has indicated a commitment to include gendered actions in the new National Traveller Roma Inclusion Strategy. However, there are major concerns with the draft Strategy, including lack of clarity whether an implementation plan will be developed with associated targets, indicators, budgetary lines or timeframes.⁵⁷

⁵⁶ NWTM and Pavee Point, Joint Shadow Report to the CEDAW Committee, January 2017

⁵⁷ See Irish Traveller & Roma Women Joint Shadow Report A Response To Ireland's Consolidated Sixth And Seventh Periodic Report To The Un Committee On The Elimination Of Discrimination Against Women (January 2017).

We recommend that the NWS contains commitments to:

- **Recognise Travellers as a minority ethnic group in Ireland without any further delay.**
- **Ensure the gendered goals in the National Traveller Roma Inclusion Strategy have measurable objectives and a concrete implementation plan with targets, indicators, timeframes and budget lines.**

Women in Direct Provision and the Asylum Process

In consultations with groups working with and on behalf of female refugees in Ireland, the need for women and children to have suitable accommodation and the impact of Direct Provision on mental health and well-being, child development and general health are core priorities. In particular, women recommended that the Government should plan for more appropriate accommodation so that it is safe for women and children and take account of the diversity of the population. The Direct Provision system has been a source of intense criticism both at home and abroad for over 15 years now, and it is vital that this system, which is not fit for purpose and poses serious threats to the wellbeing of those living under it, be dismantled without delay. The average length of stay for residents is currently cited at four years, yet some applicants have been awaiting decisions and consequently living under the Direct Provision system for up to seven years. Ireland and Lithuania are the only two EU countries which ban asylum seekers from working.

We recommend that the NWS contains commitments to:

- **Dismantle the Direct Provision System for asylum seekers entering Ireland.**
- **Until such a time as this is possible, ensure that women and children entering the system are provided with separate and secure accommodation.**
- **Expedite the applications of those already awaiting decisions under the current system.**
- **Ombudsman and Ombudsman for Children should have an oversight role in relation to asylum applicants, the asylum system and the processing of applications.**
- **A new International Protection Bill make specific reference to the implementation of a set of comprehensive gender guidelines to be followed when assessing applications for asylum. The guidelines should at a minimum be informed by best practice as set out by the UNHCR guide to best practice.**

Racism

The National Consultative Committee on Racism and Interculturalism was abolished in 2008. It was intended that its functions would be transferred to the Office for the Promotion of Migrant

Integration. However, this has not happened nor has the National Action Plan Against Racism (2005-2008) been renewed. While the Office for the Promotion of Migrant Integration monitors racially motivated incidents, it is unclear how it uses this information in the absence of a clear anti-racism and integration strategy to underpin its activities. NWCI understands that the Department of Justice and Equality is currently reviewing the operation of the Prohibition on Incitement to Hatred Act 1989, and in that respect would stress that legislative and policy reform is urgently required to address all incidents of hate crime. During NWCI's CEDAW consultations many women communicated repeated, sustained and almost daily racist motivated incidents.

We recommend that the NWS contains commitments to:

- **Introduce a new National Action Plan against Racism with a strong gender focus and establish a national oversight committee with representatives from statutory and NGO sectors to implement it.**

Rural women

In a rural context, it has long been a concern that policies have focused predominantly on economic development in isolation from social development and have failed to recognise resource or support the diversity that, while now growing, has always been a part of rural society. Socially excluded members of rural populations are rarely targeted or prioritised in rural development policy and programmes. The White Paper on Rural Development Committee⁵⁸ found that '[t]he problems of poverty and social exclusion in rural areas have a distinct impact on women. Economic dependency, isolation, unequal opportunity and participation are compounded by the problems of distance from services and amenities. The absence of an adequate transport service and affordable childcare services in many areas make it difficult for women to avail of training and education or to enter into or retain employment.'

We recommend that the NWS contains commitments to:

- **The particular concerns of women in rural areas should be incorporated into all developments in relation to rural development, including the LEADER programme⁵⁹ and similar programmes should be gender proofed.**

⁵⁸ <https://www.agriculture.gov.ie/publications/1996-1999/whitepaperonruraldevelopment/> See chapter 9, Social Inclusion

⁵⁹ The LEADER Programme 2014 – 2020 Rural Development Policy is a core element of the European Union's Common Agricultural Policy, delivered through national Rural Development Programmes RDPs. LEADER is a key funding pillar supporting the implementation of RDPs through the delivery of local development actions in rural communities.

Women in detention

Over recent years, there has been a significant increase in the number of women being sent to prison. In 2015, there were 3,411 female committals⁶⁰ compared to 155 female committals in 1999.⁶¹ Although Travellers account for 0.6% of the overall population in Ireland, they account for 22% of the female prison population.⁶² The majority of women serve short sentences and commit non-violent offences.⁶³ In 2015, 80% (2,667) of female committals were for failure to pay court-ordered fines.⁶⁴ Despite the commencement of the Fines (Payment and Recovery) Act 2014, the highest percentage of female committals continues to be for fines default.⁶⁵ The lower risk presented by women has resulted in provision of “generic offender based services to women offenders, designed for men in the first instance.”⁶⁶ The provision of gender-specific non-custodial alternatives on a national basis is particularly important for women, who often have primary caregiving responsibilities and may be at risk of losing their home if imprisoned. Despite the introduction of the Criminal Justice (Community Service) Amendment Act 2011, the number of Community Service Orders for women decreased every year between 2012 and 2015.⁶⁷

The two women’s prisons are consistently the most overcrowded in the State⁶⁸, with higher rates of female remand committals (18.9%) than males (14%).⁶⁹ Currently, 30% of women in the Dóchas Centre are in shared cells⁷⁰ using the toilet in the presence of others. Overcrowding and staffing issues are having a detrimental impact on regimes, including access to education.⁷¹ 85% of women in the Dóchas Centre have addiction issues, with limited interventions for women on remand.⁷² The prison currently has no onsite psychologist, and a waiting list for addiction services.⁷³ There are no open prison facilities for women in Ireland. The particular vulnerability of women on release from prison has been highlighted by the Inspector of Prisons and others, stating that no woman should leave prison homeless, and calling for provision of supported accommodation.⁷⁴ Female offenders in

⁶⁰ Irish Prison Service (2016) *Irish Prison Service Annual Report 2015*, p. 29

⁶¹ Inspector of Prisons (2013) *Interim Report on Dóchas Centre*, p.9

⁶² Irish Prison Service cited in Travellers in Prison Initiative, http://ssgt.ie/travellers_in_prison.html.

⁶³ Irish Prison Service, *Snapshot Offence Profile 2007-2014*

⁶⁴ Irish Prison Service (2016) *Irish Prison Service Annual Report 2015*, p. 31

⁶⁵ Irish Examiner, *Jailing for Fines down by 1000*, 3 December 2016

⁶⁶ The Probation Service & Irish Prison Service *Joint Strategy 2014-2016: An Effective Response to Women who Offend*, p.7. *Probation Service Annual Report, 2014* and *Probation Service Annual Report, 2015*

⁶⁷ Inspector of Prisons (2013) *Interim Report on the Dóchas Centre*, p.14 and Dóchas Visiting Committee Report 2015, p. 7

⁶⁸ *Strategic Review on Penal Policy*, p.65

⁶⁹ Irish Prison Service (2016) *Census of Cell Occupancy* available at

⁷⁰ *Dóchas Centre Visiting Committee Report 2015*.

⁷¹ The Probation Service & Irish Prison Service (2016) *Review of Drug and Alcohol Treatment Services for Adult Offenders in Prison and in the Community*, pp.69-70, 74

⁷² Ibid.

⁷³ Inspector of Prisons (2013) *Interim Report on the Dóchas Centre*, p.10 and *Dóchas Visiting Committee Annual Report (2015)*, p.7

Ireland are 4.6 times more likely than males to experience difficulties with accommodation.⁷⁵ There is particular need for tailored post-release supports for Traveller women who are over-represented in the prison population.

We recommend that the NWS contains commitments to:

- **Implement the Probation Service and Irish Prison Service (2014) Joint Strategy for Women who Offend, including the development of: (1) gender-specific non-custodial options for women, as an alternative to custodial sentences, which take into account the complexity of female offenders' needs, including those of Traveller women; and (2) post-release supports including an open prison and supported step-down residential facilities, which should be geographically spread.**

Women in Education

Women's participation in education has increased and there are higher success rates of young women at secondary level. At third level, while there have been efforts to change educational options for women and men, as well as efforts to increase leadership roles in academia, this has yet to manifest itself in all areas. Women indicated that everyday problems include overt and unconscious sexism from male-dominated lecturer panels and male students, lack of female role model lecturers and an academic system that often demands inflexible timelines and group type working that conflicts with care responsibilities. Furthermore, pathways from education to industry and ongoing training whilst working can present significant problems for women in terms of care responsibilities, loss of social welfare supports such as Medical Card, confidence and networking. NWCi is concerned by the low level of young people from lower socio-economic groups that actually progress to Higher Education.

We recommend that the NWS contains commitments to:

- **Increase resources to make education available to young people from lower socio-economic groups, particularly in DEIS schools, to both remain longer in education and progress to Higher Education.**

Equality in Education

The Department of Education and Skills has adopted a National Strategy on Education for Sustainable Development that seeks to ensure learners are equipped with the relevant knowledge,

⁷⁵ Kelly, J. & J. Brogue (2014) Gender Differences in Criminogenic Needs among Irish Offenders, *Irish Probation Journal*, p.97

the key dispositions and skills and the values that will motivate and empower them throughout their lives to become informed active citizens who take action for a more sustainable future. The Strategy emphasises that 'ESD' is proactive and transformational. It lists a range of policy areas spanning the environmental, social and political issues, including gender equity. The Department should work to ensure that the education system both guarantees gender equity from early childhood to further and higher education, and is a driver for gender equality. Ensuring that children and young people are equipped with the knowledge and skills to prevent and counteract inherent gender bias is key. This needs to be recognised in the development of curricula for primary and post-primary education, in particular the Framework for the Junior Cycle. New curriculum developments should be proofed to ensure that potential gender bias is recognised and dealt with. This can contribute to addressing other national priorities, such as increasing the engagement of girls with STEM subjects.

We recommend that the NWS contains commitments to:

- **Expand the current school curricula to include education about gender equality, including education about the need for shared care responsibilities.**

Education about domestic, sexual and gender-based violence

Educating young people about domestic, sexual and gender-based violence is part of the proposed Actions for Second National Strategy on Domestic Sexual and Gender-based Violence 2016-2021. According to a Monitoring Report published in June 2016, the current stay safe programme meets the obligations of this action. However, it is the view of NGOs working in this area that both children and young people in primary and secondary education are not appropriately and sufficiently educated on gender based violence. The revised programme should also cover what is meant by a safe relationship. Educating teenagers on sexual consent is vital and it should be complemented by education on respectful, healthy relationships with awareness of the unacceptability of verbal, emotional and all other forms of domestic abuse. There have been a number of studies of late that clearly indicate that young people are having trouble understanding the concept of 'consent'.⁷⁶

We recommend that the NWS contains commitments to:

- **Expand the current school curricula to include age appropriate awareness and prevention programmes throughout the education system, including a focus on gender based violence.**

⁷⁶ Union of Students of Ireland carried out a study of students' experiences of harassment, stalking, violence & sexual assault, entitled 'Say Something' in 2013. See poll of 25 November 2016 https://ec.europa.eu/ireland/news/21-de-mhuintir-na-h%C3%A9ireann-den-tuairim-go-bhfuil-caidreamh-colla%C3%AD-gan-toil%C3%BA-ceart-go-leor-i_en

Relationships and Sexuality Education (RSE)

The provision of sexuality education in Ireland is hugely varied and its comprehensiveness depends on the ethos and value system of individual schools. A strong policy and legislative infrastructure exists (the Department of Education has developed policy and curriculum guidelines, as well as other resources), however, significant freedom is given to individual schools in developing an RSE policy, and the monitoring and evaluation systems are inadequate to ensure effective implementation. RSE is sometimes taught as a stand-alone subject or in conjunction with other subjects, such as Biology and Religious Education. The latter approach is particularly problematic as it may result in young people only receiving information about the biological aspects of sex or being taught sexuality education within a religious framework. As a result, there is a lack of transparency surrounding sexuality education and uneven implementation of the RSE programme across the country. In addition, the policy allows schools discretion to invite external groups that focus exclusively on heterosexual relationships, promote abstinence until marriage and/or advocate against abortion to deliver programmes or provide materials for use in schools. As a result, young people go through the school system without acquiring adequate information and knowledge to negotiate safe sexual relationships and to protect themselves from sexually transmitted infections and unplanned pregnancy.⁷⁷

We recommend that the NWS contains commitments to:

- **Ensure that all young people receive high-quality, evidence-based sexuality education, in line with the goal on sexual health promotion, education and prevention in the National Sexual Health Strategy 2015-2020.**
- **Laws and policies should be put in place to ensure that children and adolescents can access social, personal and health information in a neutral studying environment and free from religious influence.**

Women in leadership in education

Institutions have, to varying degrees, sought to address gender inequality. However, although there is gender-balance at entry-level academic grades, 81% of academic professor positions are filled by men, and although 62% of all non-academic staff are women, men represent 72% of the highest paid non-academic staff. A national review of gender equality in higher education institutions concluded that a series of systematic barriers have cumulatively impacted on the degree of gender equality in

⁷⁷ Ireland was reviewed by the UN Committee on the Rights of the Child in early 2016, wherein the Committee expressed concern at the “severe lack of access” to sexual and reproductive health education for adolescents.

Higher Education Institutes. Talent alone is not always enough to ensure success, and the ‘fix the women’ approach – aimed at getting women to change to fit the existing culture has not resulted in substantial change. The expert group concluded that “deliberately ambitious and radical” recommendations are required to affect “gender balance in top leadership positions”. They adopted nearly a dozen key recommendations but in particular, mandatory quotas for academic promotion, based on the flexible cascade model where the proportion of women and men to be promoted/recruited is based on the proportion of each gender at the grade immediately below.⁷⁸

We recommend that the NWS contains commitments to:

- **The Higher Education Authority should implement in full the recommendations of its Expert Group on gender equality in higher education institutions.**

Women and community and adult education

Education is key to redistribution of resources and recognition for women. The development of community and adult education has benefitted many women to bridge the gap between the personal and the political and to gain the confidence to progress in their own lives and own communities in a way of their choosing. Community education receives only 1.6 percent of Solas funding.⁷⁹ There has been a significant lack of investment in adult and community education in disadvantaged communities. More value is placed on the delivery of short term accredited courses. This lack of investment in pre-development courses and in community education further disadvantages women and often results in women taking up low paid precarious work or not being able to access the formal education system. Some part time programmes are structured in a way that does not understand the realities of the lives of women who have families and who are on low incomes. Social welfare payments can be deducted for women attending part time courses, some of which are on at night and seem to be developed with working people in mind that can combine work and study rather than providing flexible courses that recognise the caring responsibilities and limited income of socio-economically disadvantaged women. Supports for return to education are only offered for full time courses. It is important that women are offered a broad range of choices when it comes to taking up courses.

⁷⁸ Report of the expert group HEA Review of Gender Equality in Irish Higher Education Institutions, JUNE 2016. Available at <http://www.heai.ie/en/policy/policy-development/gender-equality>

⁷⁹ Aontas response to the new Programme for Government, 13th May 2016

We recommend that the NWS contains commitments to:

- **Explore the expansion of the delivery of third level courses in partnership with Universities and Institutes of technologies in outreach services to make it more accessible for rural women.**
- **Invest in community and adult education and recognise the extra supports and investment that marginalised women require to access education.**
- **Ensure that financial barriers are removed for women accessing part time education.**

2.4 Strategic Objective 4 – Advance Women in Leadership

From its foundation, NWCI has promoted actions to encourage women to take up positions of leadership and to enter public life. NWCI actively campaigned for quotas to increase the numbers of women in the Dail and worked closely with the Constitutional Convention on increasing women's participation in public life.

Political Life

Ireland has historically had a low level of women's participation in elected politics. However, significant positive development was the introduction of a quota of 30% for national elections, which has improved women's participation, and women now hold 35 of the 158 seats in the lower house of our national parliament.⁸⁰ Despite a pre-election promise of a 50/50 Cabinet, just four women were among the 15 senior ministers and just six women out of 23 were appointed to committee chairs. NWCI would like to see the quota system extended to local elections in order to see a greater increase in the number of female politicians at local level. But quotas are just one element needed to genuinely tackle the chronic problem of women's under-representation in politics. The focus must also include the retention of women in our political system. According to the report 'Women's Participation in Politics' the obstacles to women's equal participation in politics can be described as the 5 C's – Cash, Childcare, Confidence, Culture and Candidate selection procedures.⁸¹ The risk of electing increased numbers of women only for them to leave politics after one term in office is very real. To counteract this Ireland needs a parliament and a political process fit for the 21st century. One of the most fundamental reforms needed is to change how our parliament functions. It is uncontested that the cultural and institutional values of the Oireachtas have been and continue to be male ordered. These dominant traits include:

- Hierarchy valued over participatory decision-making
- Competition is valued over collaboration
- Little or no work-life balance
- Debates are "win-lose" because of the adversarial debating and voting system
- Important decisions can be made during dramatic late-night sessions
- Weakness and vulnerability are not acceptable, even for physical or mental illnesses

⁸⁰ The figure places Ireland in 76th place in the world tables of women's representation in the lower or single house of national parliaments. (www.ipu.org). Ireland is placed 25th out of 28 in the EU.

⁸¹ 'Women's Participation in Politics', Joint Oireachtas Committee on Justice, 2009.

We do not consider the above features to be conducive to creating a fit for purpose Oireachtas reflecting a democratic society based on equality and diversity. Our report '*A Parliament of all Talents*'⁸² published in 2014, highlighted the very real barriers and obstacles to women's advancement in key leadership and decision making positions. There was widespread cross party support for its recommendations which proposed reforms to create an Oireachtas where the role and contribution of women is valued and where women can view politics as a viable career option. The implementation of this report's recommendations would foster a more enabling climate for women to contribute as leaders and equals.

We recommend that the NWS contains commitments to:

- **Legislate for gender quotas to be introduced for local elections.**
- **Create a family-friendly Oireachtas:- through the introduction of maternity leave and paternity leave for politicians, family friendly working hours and video-conferencing and remote-voting.**
- **Promote women to Cabinet and devolve power to Oireachtas members and committees and apply a 40% gender quota for Cabinet appointments.**
- **Conduct a gender audit of the Oireachtas and establish a clear plan, including benchmarks and indicators, for making the institution's policies and practices more gender sensitive.**
- **The Ceann Comhairle lead the development of a 'Code of Conduct' for acceptable and respectful behaviour in the Oireachtas among members and staff.**
 - **Training in gender equality for TD's and Senators.**
 - **All political groupings should designate funding to the establishment of a women's caucus with an independent secretariat.**

Fostering Leadership Skills in Young Women

NWCI has always recognised the vibrant work and action of young people and their organisations as part of the women's movement. In more recent years, we have developed and implemented a number of projects designed to ensure that we can support and include young women's voices in the movement for women's equality while also providing a space to consider and discuss gender equality issues. Young women face many barriers to realising their full potential. Issues of sexism amongst their peers, the impact of body image messaging, sexual harassment in public places, lack of female role models in non-traditional areas, experiences of self-harm, anxiety and eating disorders are all part of growing up as young women in Ireland today. In order to fully value the

⁸² 'A Parliament of All Talents', NWCI, 2013.

voices of young women and ensure that they are equipped to become the leaders of tomorrow, we need to continue listening to, including and supporting the voices of our girls and young women.

We recommend that the NWS contains commitments to:

- **Allocate a ringfenced budget, provided for by the Department of Justice and Equality (Or Department of Children and Youth Affairs) to develop the leadership potential and to enable young women fully participate in Irish society.**

Women and Local Development

Creating spaces and opening up opportunities to build leadership among women at a local level is crucial so more women will take leadership roles in public life. Local participatory democratic processes and a strong independently funded community sector are integral to building leadership among women from a diverse range of backgrounds and to supporting the voices of women that are often absent in decision making structures and who lack the necessary resources to participate.

Developments within Local Development and Local Government sectors present a wide range of opportunities and challenges for women to engage meaningfully and have their voices heard in local participatory democratic processes and structures. The reform of local government as laid out in the Local Government Reform Act 2014 envisaged the development of a “*coherent and integrated approach to local and community development*” . Key mechanisms for providing such coherence include the establishment by all Local Authorities of a Local and Community Development Committee and the development of Local Economic and Community Plans.

The aim is to bring greater co-ordination on an area-basis to publicly-funded programmes and to oversee administration efficiencies across the local development landscape, while drawing on the capacity of local government and the experience, perspective and expertise of local and community actors in the relevant local authority area in programme delivery. In the development and design of Local Economic and Community Plans, local authorities had to be cognisant of the wellbeing of local communities and this must include the wellbeing of women in the community. All rural development programmes should target, prioritise and include socially excluded members of diverse rural populations including women.⁸³ Programme actions, impact and outcomes need to be

⁸³ Supporting Community Development as an Approach to Advancing the Development of Rural Areas in Ireland CWI Submission on the Action Plan for Rural Ireland October 2016

measured in terms of outcomes for women, particularly marginalised and socio-economically disadvantaged women.

The establishment of Public Participation Networks (PPNs) in each local authority area, with a focus on the community, voluntary, social inclusion and environmental sectors represent an important attempt by Government to ensure that local authorities consult with and promote effective participation of local communities in local government. However, in 2015 a total of 11,137 community organisations were included in the County Register, of which 19.78% opted to be part of the Social Inclusion College of their respective PPN.⁸⁴ This presents a challenge in terms of supporting the voice and participation of groups working to support the most vulnerable. It is important that the PPN is not the only recognised vehicle in local government and local development for consultation and engagement purposes.

Women, as those who engage most frequently with frontline services are also those who play a key role in community development initiatives, and yet have the least power in relation to the decision-making processes that affect their lives. Funding and supports for autonomous community development work has been significantly eroded and notwithstanding the funding that is available for a number of local women's groups, many areas throughout the country lack the supports necessary for women to organise collectively to advance their rights. It is imperative therefore that Local Authorities not only develop and implement clear policies and programmes in relation to core areas of importance to women but that these are developed in a way that ensures maximum input and meaningful participation of women, in particular those who are most marginalised from decision making processes.

⁸⁴ NOAC PI Report October 2016.

We recommend that the NWS contains commitments to:

- **Local Economic and Community Plans and the Action Plan for Rural Development should be gender proofed to assess their differential impact on women and on men.**
- **Task a specific section with oversight of the Local Economic and Community plans and responsibility for monitoring the effectiveness of engagement by local authorities with marginalised women.**
- **Gender balance on Local and Community Development Committees and other relevant local decision making structures including Strategic Policy Committees and Local Development Companies should be monitored and enforced. All sectors should be responsible to put forward a gender balance and at least one representative of locally based women's groups should be included.**
- **Clear direction to local authorities from the Department of Housing, Planning, Community and Local Government should highlight and enforce the importance of promoting and embedding gender equality.**
- **SICAP should specifically name disadvantaged women as a key target group and measures to address the needs of women incorporated into the programme.**
- **A new national multiannual community development fund should be established to support autonomous community development locally and disadvantaged women named as a key target group.**
- **Ensure that the all local and community development funded programmes and structures LEADER, SICAP and Local and Community Development Committees have a robust monitoring mechanism that implementing bodies to account on developing on key social inclusion targets.**
- **Initiate research on women's groups to investigate the following: 1) the capacity and potential of the women's community sector to support the needs of marginalized women 2) the interaction and potential collaboration with local government structures to enhance the engagement and participation of representatives from women's groups 3) propose a participation and funding model necessary for women's community groups to participate effectively and be sustainable.**

2.5. Objective 5 - Embedding Gender Equality in Decision Making Spheres

Equal representation of women and men in society is critical for achieving gender equality in Ireland. Increasing the number of women in power and decision making has consistently been a core priority of NWCi. The presence and active participation of women in central decision making arenas goes to the heart of equality and recognises that women must play an active part in the decision making processes in all areas of society.

It is neither smart nor sustainable for economies and societies to ignore the need for diversity in decision making. Previously dominant paradigms of leadership and risk management are now being debunked and there is growing awareness of the different attitudes to risk, innovation, ethics and people management which women contribute. We note that the Mid Term review of the previous The National Women's Strategy 'Towards Gender Parity in Decision-Making in Ireland' in 2014 confirmed that women are under-represented across major areas in Irish life including the civil service, the diplomatic corps, the judiciary, and state and corporate boards. Women currently comprise just 10% of Irish corporate boards and 36% of all State Boards, while 90% of Irish private board rooms continue to be male. The incremental measures undertaken by successive Governments since 1993⁸⁵ have seen the representation of women on State Boards creep towards the minimum target of 40%, while the percentage of women occupying the position of chair stands at approximately 23%. While most boards are lacking in female members, a small number need more male representation. None of the 12 boards under the Department of Agriculture meets the target of 40% women. Furthermore, the 2014 Act which established the Irish Human Rights and Equality Commission is an example of best practice in this regard as it sets out that, of the members of the Commission, not less than a half shall be women.⁸⁶ The public sector should lead the way for the private sector, where women occupy only 10% of board positions.

Ireland cannot continue to exclude over 50% of the population in these critical decision making spaces. Our report 'Better Boards, Better Business, Better Society', which includes the perspectives of NWCi members, clearly shows how change is not only possible, but necessary, to achieve a more sustainable society as well as achieving greater equality.

⁸⁵ Women's representation on all non-commercial State Boards increased was at 15% in 1992. See <http://www.justice.ie/en/JELR/Pages/PR14000203>

⁸⁶ Section 12 (b), Irish Human Rights and Equality Commission Act 2014.

We recommend that the NWS contains commitments to:

- **Government, Chairs and Members of State Boards should take concrete steps to ensure that the State becomes a model of gender parity at board level by legislating for gender quotas and reaching the 40% quota for state boards**
- **Directors and CEO's of state and non-state companies should create a leadership pipeline from the workplace to the boardroom by incorporating gender-sensitivity training into workplace management, human resources, and employee training to identify 'unconscious bias' and implementing mentoring programmes for women at senior management and board levels.**
- **Chairpersons and Board Members should self-regulate on board diversity, set gender goals, strengthen governance, seek out women and invest in directors and potential directors and monitor progress through formal reporting on an annual basis.**

Tackling unconscious gender bias in the public service

NWCI knows that that women must be part of the key decision making processes, structures and institutions in Ireland in order to achieve and sustain substantive equality between the sexes. We acknowledge the role that unconscious gender bias - the stereotyping of behaviours or beliefs by gender - often plays, in how important decisions get made. We also see the importance of tackling gender bias particularly in the sphere of public policy making. In 2014 NWCI developed a training programme '*Recognising and Challenging our Unconscious Bias*'⁸⁷ as part of an EU project coordinated by the Department of Justice and Equality entitled "Initiatives to support the achievement of gender balance in decision-making roles in Ireland". The aim of this project was to increase awareness of the existence of gender bias and its negative impact in decision making, and to provide tools to address it in order to increase the numbers of women at senior levels of decision making in the Irish Civil Service. The programme, through effective use of case studies, highlights the potential negative implications of failing to support gender diversity and address unconscious gender bias in recruitment, promotion and retention policies.

We recommend that the NWS contains commitments to:

- **Continue the use of this training programme within the public service and statutory agencies.**

⁸⁷ '*Recognizing and Challenging Our Unconscious Bias*' NWCI, 2014 http://www.nwci.ie/images/uploads/NWCI_Training_Pack_Final.pdf

Women in the Media

The lack of gender balance is a concern recognised across the wider broadcasting arena. Research in Ireland⁸⁸ has shown that on average less than one quarter or 23% of the voices on air are women and women represent just one fifth of on air voices in news and current affairs broadcasting. Such imbalance can negatively impact attitudes toward male and female participation in our society, and contribute to the reinforcement of negative gender stereotypes. The Broadcasting Authority of Ireland has the capacity to raise awareness of gender equality across all stations public and private. It also has the capacity to compel stations to meet minimum targets, if these targets are linked to the licencing process. NWCI co-authored the research report '*Hearing Women's Voices?*' which makes a number of recommendations to address the gender imbalance in broadcast media in Ireland, both at media or programme level, and also at BAI level.

We recommend that the NWS contains commitments to:

- **Extend the requirement (required of the BAI and two public service broadcasters under the 2013 EIGE Report) to include a section in annual reports on gender equality to all stations licenced by the BAI. This would lend significant weight to the need to address gender equality.**
- **Require all stations public and private to report on gender equality performance and to identify actions to increase gender balance in programming, presenting, expert guests and commentators.**
- **Set minimum gender quotas for guests/experts of 30:70 over a three year period.**
- **Highlight programmes and stations that achieve the target of 40:60 and challenge stations and programmes that do not show improvements over time.**

Women in the Arts

There is a chronic problem in the theatre and wider arts industry in Ireland when it comes to the advancement of women. Latest figures show that more women than men are matriculating through Third Level Education with degrees in theatre practice, yet women are very poorly represented professionally as directors, playwrights, producers, and even as performers in the organisations in receipt the highest levels of State funding. Currently the Arts Council, funded through State budgets, does not take into account the gender of the applicant and therefore has no mechanism in place to monitor gender differences in terms of number of awards made and amounts awarded. This in turn means there is currently no way to assess and evaluate gender imbalances, or to strategize around

⁸⁸ '*Hearing Women's Voices?*' Dr Kathy Walse, Dr Jane Suiter & Orla O'Connor, 2015
http://www.nwci.ie/images/uploads/Hearing_Womens_Voices_2015_final.pdf

reducing imbalances and inequalities where they occur. While the Arts Council has underlined the importance of diversity in their funding models in their two most recent reports, there seems to be no attempt to outline what this diversity might consist of, or how exactly it is being promoted. The Arts Council distributes public money to arts organisations. They should make equal distribution of funding in gender terms a stated priority.

We recommend that the NWS contains commitments to:

- **The Arts Council should make equal distribution of funding in gender terms a stated priority.**

Women and Sport

Ireland has a rich sporting tradition, although in many cases the success of our women athletes has not been as recognised or celebrated as it should have been. The 2016 Sports and Sponsorship Sentiment Index⁸⁹ identified, once again, the differences between women's and men's active and social participation in sport in Ireland. As with past research, the participation in team sports tends to fall off for women when they leave school. When it comes to participation in sport, males and females are not the same, and a different approach is required. We cannot "fix" the female participation problem by replicating what works for men. Instead, we need to create innovative ways in which to encourage women to play more sport. In that respect, are the male-dominated governing bodies best placed to understand what works for women?⁹⁰ The Minister of State for Tourism and Sport called for gender quotas on the boards of sports governing bodies. However this recommendation attracted large scale opposition. The approach was shelved without an agreed alternative long-term policy solution. At a time when young women and girls are bombarded through social media with conflicting and unattainable body image ideals, women athletes serve as great role models. Women need a diversity of role models, and we need to see a normalisation of team sports among young women. Sport has the power to transcend social and cultural barriers, capture imaginations and bring communities together. High participation levels of women in sport helps to fight diseases like diabetes and obesity, empower women and girls, and teach important life skills such as teamwork, leadership and respect. A long term policy is essential.

⁸⁹ The SSSI is a comprehensive 1,000-person, nationally representative survey with quotas imposed on gender, region, age and social class. The research was carried out by PSG Sponsorship and examines Irish attitudes towards sport, sporting heroes, levels of participation, and the impact of sport on the Irish psyche. This is the seventh year of the research.

⁹⁰ An analysis by The Irish Times earlier this year showed that of the top 20 sports organisations in terms of 2015 State-funding, seven of them had a female representation of 10 % or less. These included the three most popular and heavily-funded sporting bodies in the country. Between the 50 places filled by the executive committees/boards of the FAI, IRFU and the GAA there was just a single female representative. <http://www.irishtimes.com/sport/women-in-sport/shane-ross-halts-gender-quota-penalties-plan-for-sports-bodies-1.2909078>

We recommend that the NWS contains commitments to:

- **Promote women's participation in sport at all levels.**
- **Apply gender quotas to the boards of sports governing bodies.**

2.6 Strategic Objective 6 - Tackling Violence Against Women

As previously pointed out in this submission, NWCI expresses serious concern that tackling Violence Against Women has not been listed as a specific strategic objective by the Department of Justice and Equality in its consultation document. NWCI strongly recommends that this be amended and that specific and targeted commitments to tackle Violence Against Women in all its various forms are included. Sexual and domestic violence is a cause and consequence of gender discrimination and should be located within a gender equality framework.

Violence against women is gendered. Far fewer men than women experience domestic abuse and the pattern of victimisation is different for men and women, with women being considerably more likely to experience repeated and severe forms of violence. A Scottish study in 2004 showed that 32% of women who had ever experienced domestic violence did so four to five (or more) times, this compared with 11% of men. The same study showed that women constituted 89% of all those who had experienced four or more incidents of domestic violence. Therefore, the pattern and impact of violence is different for men and women, violence is used in different ways, with violence by men more likely to involve fear and control of the victim. Statistically, men are less likely to fear for their safety, less likely to be seriously injured, and are more likely to have financial independence. Where men are subjected to violence at the hands of women, usually the violence is not as prolonged, or as extreme.

Since 2005, Ireland has signed the Istanbul Convention on violence against women after a long campaign by NWCI and our members. A timescale for the ratification of the Convention has still to be announced. Ireland has also completed its first National Strategy on Domestic, Sexual and Gender Based Violence, and is currently in the early stages of implementing a second strategy. This new strategy, which is until 2021, adopts a whole of Government approach under the areas of prevention, prosecution, protection and monitoring and is expected to act as a roadmap to the ratification of the Istanbul Convention. In addition, the Tánaiste and Minister for Justice and Equality has recently launched the “What would you do?” campaign on domestic violence, and secured funding of €950,000 for 2016 and 2017. NWCI considers the National Awareness campaign to be an important part of the overall strategy to combatting violence against women. The Strategy has been officially declared as ‘a living document’ with ongoing scope for actions to be added over time.

We recommend that the NWS contains commitments to:

- **Implement the remaining steps necessary to ratify the Istanbul Convention and ratify the Convention by 2018.**

Data Collection and research

Significant change on violence against women cannot be achieved without a sustained commitment to data collection and analysis by all agencies working in the area of domestic and sexual violence. As well as supporting research in the field of all forms of violence in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention. For example, the last comprehensive study on the level of sexual violence in Ireland dates from 2002.⁹¹ The Government has committed in principle to establishing a bottom line 'gold standard' of data collection and analysis with plans to include the disaggregation of data by ethnicity, sex, age, disability and relationship between the victim and perpetrator. While this is a welcome and necessary step, it is imperative that the development, implementation and monitoring of the 'gold standard' is undertaken in consultation with civil society organisations; is in line with human rights principles and standards; and is allocated sufficient resources.

Data from An Garda Síochána has proven to be unreliable, with the most recent Garda Inspectorate Report revealing that domestic violence incidents were often not classified correctly.⁹² Improvements have been made since 2015, as all incidences recorded on PULSE must now be flagged if they are domestic violence related. However, there continues to be a significant concern with the PULSE system as it was established as a data recording system and does not easily facilitate data analysis on the full spectrum of violence against women. The data produced by the Courts services are also unreliable as they are paper based systems and individual to each court geographical area, so there is no agreed national system for recording data from the district and circuit courts.

⁹¹ THE SAVI REPORT Sexual Abuse and Violence in Ireland Hannah McGee, Rebecca Garavan, Mairéad de Barra, Joanne Byrne and Ronán Conroy Royal College of Surgeons in Ireland. Commissioned by Dublin Rape Crisis Centre: <http://www.drcc.ie/about/savi.pdf> Accessed 5/9/2016

⁹² Garda Inspectorate, 2014, Crime Investigation Report

We recommend that the NWS contains commitments to:

- **Ensure the ‘gold standard’ of data collection and analysis is developed within An Garda Síochána, Courts system, TUSLA and HSE and other relevant agencies, is implemented in consultation with civil society organisations and is in line with human rights-based standards of data collection.**

Training

There is an absence of appropriate training on domestic and sexual violence within all statutory agencies and the judiciary. Training for Gardaí is solely included within training at recruitment stage. Training for judges and other legal personnel is ad hoc and not systematic. Medical and paramedical staff do not consistently receive training on the impact of physical and sexual violence on women, particularly by partners and former partners. Similarly training is ad hoc for HSE and TUSLA personnel. Staff in all agencies that assist women experiencing domestic violence need to be trained to develop an understanding of the impact of abuse on women and children, the risk of the abuse continuing or escalating and the responses of perpetrators to approaches to agencies by women for support. Training is also required on legislation and internal policies which are relevant to domestic and sexual violence on an ongoing basis. Dedicated funding must be ring-fenced within the budgets of each statutory agency to provide high quality training at regular intervals. The composition of the training is also important and should include the diverse experiences of women from minority ethnic groups and developed in consultation with NGOs.

We recommend that the NWS contains commitments to:

- **Fund and provide mandatory and high quality training, in conjunction with specialist services, to the Gardaí, Court and legal personnel, including judges and child experts, social workers, relevant staff in A&E departments, maternity hospitals, mental health and child protection services, Local Authorities staff and community organisations, which are often the first and vital point of contact. This training should include material on the fluid, complex and inter-related nature of the specific needs of women victims of violence. Training should also address ‘unconscious bias’ to help avoid stereotypical thinking in relation to some groups of women with specific needs.**

An Garda Síochána

The establishment of the National Protective Services Bureau whose remit includes domestic, sexual violence, trafficking and child pornography is a welcome development. There is now greater

oversight of the force through the Bureau. However, it is significantly under resourced to carry out its wide remit effectively. Other welcome changes include the Garda Victims Service Offices, new information leaflets for victims and the introduction of new domestic violence kits for officers called to incidences to collect evidence. While these initiatives are important, the introduction of further necessary reforms is unacceptably slow and the approach of Gardaí on the ground remains inconsistent. It is clear that there are insufficient Garda personnel at district level to meet the demand of domestic violence incidences appropriately. The quality of the initial response a woman receives from An Garda Síochána is critical to her future contact and engagement. Greater monitoring and supervision is required of domestic violence incidences to ensure consistent and appropriate responses. In addition, the absence of regular training results in a lack of expertise and understanding to effectively respond to domestic and sexual violence in a consistent manner. Divisional Garda Protective Units, due to be in place in 2016, are still not operating, with only three such units now proposed on a pilot basis instead of the original nine. A new Garda domestic violence policy has also been under development for the last four years, it is unclear when it will be published and how it will be implemented effectively.

We recommend that the NWS contains commitments to:

- **Adequately resource the Garda National Protective Service Bureau and the Divisional Units to increase the capacity and effectiveness of the Gardaí and increase resources so that each district has adequate personnel to respond to domestic and sexual violence.**
- **Ensure the national rollout of Divisional Units of the GNPSB in 2018.**
- **Greater monitoring and supervision of domestic violence incidences to ensure consistent and appropriate responses.**

Femicide

Since the beginning of 1996, 209 women have died violently in the Republic of Ireland. 131 women were (63%) killed in their own homes. In resolved cases, 89 women (54%) were murdered by a current or former male intimate partner, 54 women (33%) were killed by a male relative or acquaintance and 21 women were murdered by a stranger.⁹³

In other jurisdictions, domestic homicide reviews are systematic multi-agency reviews which are understood to be a route to improving both risk assessment and management, and to identifying gaps in policy and practice. This needs to take place in Ireland. A review of domestic homicides from

⁹³ These statistics were provided by Women's Aid Female Homicide Media Watch 1996 to June 2016.

2007 has recently been committed to by the Department of Justice and Equality and An Garda Síochána to identify trends and patterns which is a positive and necessary development. A system of risk assessment is also urgently required in order to protect the lives and safety of women and children. This will require close co-operation from a range of agencies – An Garda Síochána, TUSLA, NGOs and local authorities regarding accommodation. It will also require appropriate and effective responses to meeting the identified safety risks to women.

We recommend that the NWS contains commitments to:

- **Domestic Homicide Reviews which are systematic multi-agency reviews should be carried out annually and identify learning to inform practice of relevant agencies.**

Domestic Violence

In Ireland, domestic violence is not classed as a crime but rather describes a context in which crimes occur.⁹⁴ When a perpetrator is charged and prosecuted this is done under a range of other criminal statutes (e.g. damage to property, threats, assault, rape, homicide), making it impossible to get an accurate picture of how domestic violence perpetrators are dealt with by the criminal justice system. Furthermore, while the legislation provides for the criminalisation of forms of domestic violence such as assault and sexual violence, provision is not made for coercive control nor are repeated patterns of violence legislated for (unless they satisfy the definition of criminal harassment). Establishing new criminal legislation to include all forms of intimate partner violence and coercive control including physical, sexual, psychological and economic abuse would recognise domestic violence as a serious crime with significant consequences for victims and allow for harsher penalties and address high rates of recidivism by requiring more severe punishments for multiple domestic convictions.

The current domestic violence legislation governs civil protection orders. However, its effectiveness is undermined as it does not include a clear and comprehensive definition of what constitutes ‘domestic violence’. One of the major findings of a 2015 study was that the law is being applied inconsistently in civil courts in different parts of the country.⁹⁵ As a consequence, responses vary, legal professionals find it difficult to predict outcomes for women and this in turn deters women from reporting and pursuing legal cases. This is undoubtedly contributing to the low levels of

⁹⁴ Women’s Aid submission to the CEDAW Committee, January 2017.

⁹⁵ SAFE Ireland. (2015) *The Lawlessness of the Home*. Athlone: SAFE Ireland. Available at: <http://www.safeireland.ie/wp-content/uploads/SAFE-IRELAND-The-Lawlessness-of-the-Home.pdf>

reporting and high levels of withdrawals of complaints. A clear statutory definition of ‘domestic violence’ should be adopted to assist the operations of civil courts.

Dating or formerly dating, intimate partners (of either sex) should have the protection of the domestic violence legislation, not least because abusive behaviour is by no means confined to current or former intimate partners who are, or were, living together. It also includes cases where there is no issue relating to legal or beneficial interests in property.⁹⁶ Furthermore, emergency interim barring and protection orders are currently unavailable outside of ordinary court hours. Moreover, the courts, when dealing with domestic violence orders, custody or access, are usually not supplied with expert assessment of the safety of children in the relationship and it is common that the abuser has unsupervised access. Even when supervised access is ordered, there are no suitable access centres with staff trained on the dynamics of domestic violence. The forthcoming Reformed and Consolidated Domestic Violence Bill, published in 2015, should be refined, progressed, enacted and brought into force as soon as possible.

We recommend that the NWS contains commitments to:

- **Domestic violence should be made a distinct criminal offence. Any offence should include physical, emotional or psychological abuse and coercive control.**
- **Further amending the Domestic Violence Act to extend eligibility for Safety Orders to all parties who are or have been in an intimate relationship, regardless of cohabitation and providing for Emergency Barring Orders. Any person should be able to seek a restraining order against an individual who has put them in fear.**
- **Emergency Interim Barring and Protection Orders should be available outside of ordinary Court hours, through liaison by an Garda Síochána and judiciary and consideration should be given to providing additional powers for An Garda Síochána to institute interim barring orders for a limited period of time to allow the victim time to consider taking further action, similar to practise in other EU countries.**
- **The Courts, when dealing with domestic violence orders, custody or access, should be supplied with expert assessment of the safety of children in the relationship. When supervised access is ordered, there should be suitable access centres with staff trained on the dynamics of domestic violence.**

⁹⁶ In 2015, there were just over 17,000 visits to www.2in2u.ie, a dating abuse website of Women’s Aid.

Sexual violence

The prosecution of serious cases of sexual violence remains very low in Ireland.⁹⁷ In the SAVI report of 2002, only 8% of women who suffered an adult sexual assault reported their experience to the Gardaí.⁹⁸ In 2009 Ireland was among 11 countries that took part in the EU Daphne II project, Different systems - similar outcomes,⁹⁹ which looked at attrition in rape cases. The report found the reporting of rape had increased in Ireland by over 500% between 1977 and 2007 but that the conviction rate had fallen. Between 1998 and 2000 the conviction rate was 16%, but at the time of the report had dropped to 8%.¹⁰⁰ The small percentage of those known to have suffered sexual violence who proceed to prosecution is a matter of serious concern. It is problematic that there are no sentencing guidelines available to the judiciary in relation to rape and sexual assault cases. Legal professionals do not receive specific training targeted at ensuring the protection of the victims of sexual violence.

Irish law has no statutory definition of consent in sexual cases and an accused's entirely subjective view of 'honest consent' constitutes a full defence to a charge of rape.¹⁰¹ While the Tánaiste has recently given a firm commitment to create a statutory definition of consent, it is not clear at this stage if the subjective 'honest belief' defence will be reformed to a defence test based more on reason. The measures contained within the Criminal Law (Sexual Offences) Bill 2015 have the capacity to significantly protect women and particularly girls, against sexual offences and to heighten their protection in the court system. The draft legislation would advance the rights of those with intellectual disabilities both to have their rights to family life recognised and also their rights to be better protected from sexual harm. While recognising the Government's commitment to ensuring this legislation is put in place, NWCI remains concerned about the length of time that this legislation is taking to process through the Oireachtas to enactment, following which it will have to be implemented by regulation.¹⁰² It was first debated in October 2015.

⁹⁷ Dublin Rape Crisis Centre submission to the CEDAW Committee, January 2017.

⁹⁸ THE SAVI REPORT Sexual Abuse and Violence in Ireland. McGee et al. Royal College of Surgeons in Ireland. Commissioned by Dublin Rape Crisis Centre:

⁹⁹ <http://kunskapsbanken.nck.uu.se/nckkb/nck/publik/fil/visa/197/different>

¹⁰⁰ <http://www.irishtimes.com/news/just-8-of-reported-rapes-result-in-convictions-1.756237>

¹⁰¹ The decision of the Supreme Court was delivered by Mr. Justice Peter Charleton on behalf of a 7 judge Supreme Court on Friday November 11th 2016 in the case of The People (at the suit of the DPP) and C O'R.

¹⁰² S.1.2 Criminal Law (Sexual Offences) Bill 2015 as amended in the Select Committee on Justice & Equality

We recommend that the NWS contains commitments to:

- **Progress the Criminal Law (Sexual Offences) Bill 2015 with immediate effect.**
- **A statutory definition of consent be incorporated and the legislation should also reform the currently entirely subjective defence to rape of ‘honest belief’.**

Stalking

Digital abuse sometimes known as “revenge pornography” and cyber stalking are set to become illegal offences, after Cabinet approved the drafting of a Non-Fatal Offences (Amendment) Bill to address loopholes in current legislation. This is to be welcomed. However, there should be a distinct offence of stalking. Currently, harassment is dealt with under Section 10 of the Non-Fatal Offences Against the Person Act 1997, however it is the experience of those working in this sector that this Act is rarely used to protect women who are stalked by their partners.¹⁰³ A defined order, like a non-harassment order or a restraining order, copies of which should be served on the accused/defendant, the victim and the Gardaí, would be much clearer than an order made under s10(3). This would also be open to the court to make an order in circumstances where harassment has occurred but a criminal charge has not been brought. It is important that stalking legislation should recognise that behaviours that may appear innocent or trivial when viewed in isolation may amount to harassment when viewed in context and that stalkers can target not just the victim but also someone close to the victim as a means of creating fear and apprehension in the victim. In the context of domestic violence, this often means targeting children, new partners, family and friends, or colleagues of the victim.

We recommend that the NWS contains commitments to:

- **A distinct offence of stalking, and a definition to include online stalking which provides for restraining orders for victims. Stalking should be explicitly recognised as a ground for applying for a safety order.**

EU Victims Directive

In order to comply with and give effect to the EU Victims Directive, the State published the Criminal Justice (Victims of Crime) Bill 2016 on December 29th 2016, which, when enacted, will put victims’ rights on a statutory footing in Irish law for the first time. It should be progressed with expediency

¹⁰³ Women’s Aid Response to the Law Reform Commission Issue Paper on Cyber-Crime Affecting Personal Safety, Privacy and Reputation including Cyber-Bullying, January 2015.

and should be reviewed within a designated time period to ensure the full implementation of the Directive.

We recommend that the NWS contains commitments to:

- **The enactment and implementation of legislation to give effect to the EU Victims Directive.**

Female Genital Mutilation

It is estimated that at least 5,277 women and girls in Ireland have experienced FGM. A 2015 study on FGM risk within the European Union calculated that between 1 and 11% of the 14,577 girls aged 0-18 in Ireland whose parents originate from FGM-practicing countries may be at risk of having the procedure done to them. While progress has been made on the prohibition of FGM in Ireland through the introduction of the Criminal Justice (Female Genital Mutilation) Act 2012, legislation alone is insufficient to ensure the abandonment of the practice. Immediate action is needed across Government departments to put in place proper protection and prevention measures, as part of a comprehensive plan to safeguard women and girls. As regards FGM treatment, the funding by the Health Service Executive of a specialist treatment service for women and girls who have undergone FGM is a welcome development.

We recommend that the NWS contains commitments to:

- **Allocate resources for the establishment of an inter-departmental committee on FGM tasked with the role of drawing up a National Action Plan to combat FGM as a whole of Government approach.**

Trafficking

Ireland's first National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland expired in 2012. There have been extremely low conviction rates for sex trafficking since enactment of 2008 legislation with no convictions since 2013. The Second Action Plan which was published in late 2016 commits to addressing the identified and well established problems but is not yet a guarantee for a satisfactory resolution. The current policy limits the right to formal identification solely to undocumented third country nationals, excluding the vast majority of victims who are either EU nationals or asylum seekers. Apart from amending this policy by removing any considerations linked to nationality and immigration status, there needs to be the involvement of independent parties in the assessment process for identification. Presently, only high-ranking officers of An Garda Síochána can identify.

There also needs to be a comprehensive policy with regard to assistance and protection of victims. Such a policy is presently absent with the exception of Administrative Immigration Arrangements for undocumented third country nationals. In that respect the Victims Directive should be fully applied to all suspected victims of trafficking whether or not they are formally recognised. There is a lack of viable avenues to compensation for the majority of victims of trafficking and especially those affected by the most prevalent form of the crime, namely sexual exploitation. The existing avenues put victims of trafficking for sexual exploitation at a disadvantage because, in the vast majority of cases, they do not have verifiable expenses or employment losses. Serious consideration is required of the possibility of appointing an independent national rapporteur that reports directly to the Oireachtas on human trafficking. Presently the Department of Justice and Equality's Anti Human Trafficking Unit evaluates the efforts and investments in the area, which is a clear conflict of interest.

We recommend that the NWS contains commitments to:

- **Appoint an independent national rapporteur that reports directly to the Oireachtas on matters concerning human trafficking.**
- **Investigate new possibilities for compensation for victims of trafficking, e.g.the creation of a specialised fund or the possibility for direct compensation from the Criminal Assets Bureau fund.**

Prostitution

Women and children are exploited in Ireland's sex industry that has an estimated annual value of 180 million and is present and thriving across Ireland. On average 1000 women are available for sale on any given day and the vast majority of them are migrant women and girls who are particularly vulnerable.¹⁰⁴ Trafficking for the purposes of sexual exploitation is a well-documented issue in Ireland and significant efforts have been made to tackle these problems. NWCI views prostitution as a form of violence against women and holds the firm belief that prostitution is not an equal consensual contract which both people have equal power. Most women enter prostitution because they do not have a choice. Prostitution is a violation of women's human rights, including human dignity. The system of prostitution perpetuates patriarchal views on women's sexuality and legitimates male domination in society.

¹⁰⁴ Kelleher Associates, O'Connor M., and Pillinger, J. (2009), Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland, Dublin: Immigrant Council of Ireland. www.dublinpact.ie/dignity/traffickingreport.pdf

NWCI believes the introduction of legislation to criminalise the purchase of sex whilst at the same time decriminalising those who sell sexual acts and offering support services to people in prostitution is the only viable way to work towards an end to this exploitative industry. The Criminal Justice (Sexual Offences) Bill 2015 as a mechanism for reducing the harm and exploitation of prostitution and sex trafficking is an essential piece of legislation that should be enacted without delay. This legislation is supported by the 70+ members of the Turn Off the Red Light Campaign, of which NWCI is a member. A law that does not criminalise those 'selling' in prostitution but targets those who buy sex should not impact the availability or access to sexual health services or education initiatives because these are already in place for those involved in prostitution. This approach will ensure that any education initiatives will have to target a broader male population and not a narrow cohort of 'identified sex buyers'. Therefore a criminal offence in relation to this activity should not preclude safe sex education.

We recommend that the NWS contains commitments to:

- **Progress the Criminal Law (Sexual Offences) Bill 2015 with immediate effect.**
- **Resources must be ring fenced to provide a range of support services for survivors of prostitution. These include: access to social protection, education, training and employment, and appropriate accommodation, regardless of nationality or immigration status. Existing health and support services must be maintained and further resourced nationally.**