

15 April 2005

Original: English

**Committee on the Elimination of
Discrimination against Women**
Pre-session working group
Thirty-third session
5-22 July 2005

**Responses to the list of issues and questions for consideration
of the combined fourth and fifth periodic report**

Ireland

Constitution, legislation and national machinery for the advancement of women

1. The Gender Equality Division of the Department of Justice, Equality and Law Reform was responsible for preparing the combined fourth and fifth report. In November 2002, the Gender Equality Division prepared an initial draft report which was then circulated to all Government Departments. Each Department was requested to examine and to update the draft report in respect of their areas of responsibility. The main contributors to the Report were the Departments of Justice, Equality and Law Reform, Education and Science, Health and Children, Agriculture and Food, Social and Family Affairs, Enterprise, Trade and Employment and Finance with additional contributions from all other Departments. An important element in preparing the Report was engagement with statutory bodies and Agencies under the aegis of relevant Departments as well as with political parties. The Gender Equality Division subsequently co-ordinated and collated the responses received to prepare the final Report. The Report was presented to the Government in May 2003 for approval and laid before the Houses of the Oireachtas (Parliament) in June 2003. The report was considered by the Joint Committee on Justice, Equality, Defence and Women's Rights, which questioned the then Minister of State for Justice, Equality and Law Reform on its content on 19 November, 2003.

In 2001, the Department awarded funding under the Equality for Women Measure to the Women's Human Rights Alliance to prepare a Shadow Report to CEDAW. This report was published in 2004.

2. At present, Articles 41, 42 and 43 of the Constitution are under review. Article 40.1 is one of the articles of the Constitution to be studied by the All-Party Oireachtas Committee on the Constitution in its ongoing study of fundamental rights.

Like other common law countries, Ireland has a "dualist" system under which international agreements to which Ireland becomes a party are not automatically incorporated into domestic law. Article 29.6 of the Constitution of Ireland provides that "No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas (Parliament)". This provision has been interpreted as precluding the Irish courts from giving effect to an international agreement, such as the United Nations Convention on the Elimination of all forms of Discrimination Against Women, if it is contrary to domestic law or grants rights or imposes obligations additional to those of domestic law.

Where Ireland wishes to adhere to an international agreement it must, therefore, ensure that its domestic law is in conformity with the agreement in question.

This principle of dualism applies equally to Human Rights agreements such as the International Covenants and the United Nations Conventions such as the UN Convention on the Elimination of all forms of Discrimination Against Women as well as the European Conventions.

The Equal Status Act, 2000, came into operation on 25 October 2000. This Act gives protection against discrimination in access to and provision of goods and services on nine grounds – gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. This Act has extended protection against discrimination to non-workplace areas and thus complements the Employment Equality Act, 1998 which provides protection against discrimination in the employment area.

The Equality Act 2004 was enacted on 18 July, 2004 and provided for amendments to both the Employment Equality Act 1998 and the Equal Status Act 2000 to give effect to three EU Equality Directives (the Race Directive, the Framework Employment Directive (grounds of religion or belief, disability, age or sexual orientation) and the Gender Equal Treatment Amendment Directive).

Ireland now has an advanced and comprehensive equality legal code which compares favourably by international standards and which provides a solid foundation for the fight against gender discrimination.

3. The Employment Equality Acts prohibit discrimination in the workplace. The Equality Authority report for 2003 shows that 29% of its case files under the Employment Equality Acts related to the gender ground. This involved 164 case files. These raised issues of working conditions (43), dismissal (32), sexual harassment (28), equal pay (19), access to promotion (15), victimisation (7), access to employment (6), harassment (8), and advertising for jobs (2). Four cases were categorised as miscellaneous. Gender was the second highest ground for case files after the race ground.

In 2004, of the 298 cases referred to the Equality Tribunal under the Employment Equality Act and the Pensions Acts, 113 of these cited gender as the whole or partial ground of discrimination. This amounts to about 38 % of the total.

The Equality Tribunal issued 77 decisions under the Employment Equality Acts in 2004. In 34 of these, the complainant(s) had cited gender as at least one of the grounds of alleged discrimination and in 32 of these decisions the complainant(s) were female. In 12 of these decisions the complainant's complaint was upheld. The subject of these decisions related to claims of discrimination in relation to equal pay, recruitment, conditions of employment and promotion.

The Equal Status Act prohibits discrimination in the provision of goods and services, accommodation and education. It makes separate provisions in relation to registered clubs.

The Equality Authority report for 2003 highlights that 7% of its case files under the Equal Status Act related to the gender ground. This involved 55 case files. These raised issues in relation to golf clubs (10), State Departments and Government Bodies (8), educational establishments (7), licensed premises (4), insurance (4), social welfare provisions (4), Health Board services (4), private accommodation (1), and shops (1), with 9 miscellaneous issues.

In 2004, 23 out of a total of 185 cases (12%) referred were taken wholly or partly on the gender ground under the Equal Status Act, which governs areas other than employment. Of 111 equal status cases which were the subject of decisions in 2004, only 4 concerned gender. Of these, the complainant was a woman in only one case and her complaint was not upheld by the equality officer.

All of the decisions of the Equality Tribunal are available for viewing on the website www.equalitytribunal.ie.

The Equality Tribunal and the Equality Authority are not aware of any cases where the Convention has been invoked.

4. A key aim in the National Statistics Board's (NSB) *Strategy for Statistics 2003-2008*¹ was the development of a comprehensive set of frameworks for national statistics covering the economy, society and the environment. The NSB strategy built upon an April 2003 NSB report *Developing Irish Social and Equality Statistics to meet Policy Needs*². This report examined the data needs and data holdings in Government Departments related to social statistics. A Government decision arising from this report required all Government Departments to publish data/statistics strategies. The Central Statistics Office (CSO) is working with Departments to assist them in the development of these strategies. In addition, the CSO has undertaken a detailed examination of the social, business and environment data holdings in Government Departments and Agencies³. Building upon this work, the NSB will oversee the development of a national statistical framework which comprehends all of the key statistical domains and which facilitates the statistical system being informed of and meeting user needs effectively and efficiently.

The first of a series of thematic publications in the area of social and equality statistics entitled "Women and Men in Ireland 2004" was published by the CSO in December 2004. The series will cover each of the nine grounds of discrimination covered by Ireland's equality legislation. Each of the series will inform policy makers for the purposes of putting in place targeted strategies in the equality arena, including gender equality.

Education and stereotypes

5. The Gender Equality Unit in the Department of Education and Science has a wide remit in relation to gender equality in the education sector. Since its establishment, it has focused on a number of areas, with a particular emphasis on the schools inspectorate.

Paragraph 13 of the Education Act 1998 sets out the functions of the Inspectorate and provides that inspectors "*shall visit recognised schools and centres for education on the initiative of the Inspectorate, evaluate the organisation and operation of those schools and centres for education and the quality and effectiveness of the education provided*"

Inspections are carried out in primary schools (ages 4-12 years), post-primary schools (12-17/18 years) and centres for education (ages 16-18 years approx). At primary level, primary inspectors carry out *Tuairisci Scoile* (School Inspections) and Whole School Evaluations (WSEs). At post-primary level, post-primary inspectors carry out WSEs and subject inspections.

The Gender Equality Unit is currently co-operating with the Evaluation, Support and Research Unit (ESRU) of the Inspectorate in refining a gender mainstreaming audit and evaluation template which will form part of the WSE process at primary and post-primary levels. The template was developed and piloted in schools in 2003.

All members of the Inspectorate have received training on gender mainstreaming and evaluate how schools implement gender mainstreaming in the course of inspection. The impact of this can

¹ NSB (2003): Strategy for Statistics 2003-2008.

² NSB (2003): Developing Irish Social and Equality Statistics to meet Policy Needs. Report of the Steering Group on Social and Equality statistics.

³ CSO (2003): Statistical Potential of Administrative Records. An Examination of Data Holdings in Six Government Departments.

be measured by reference to inspection reports which reflect inspectors' awareness of gender equality issues in schools. Inspection reports highlight issues such as timetabling arrangements, subject take-up by girls and boys, (particularly those subjects where girls traditionally have been under-represented and where the situation continues), as well as other gender equality issues, and make recommendations regarding action for changes. On-going training on the evaluation of gender mainstreaming and the effective use of the template is provided for inspectors. The impact of training will continue to be measured through the reports of inspections which are provided to the management of the schools or centres inspected.

In relation to the impact of the training undertaken with the School Development Planning Support Services, the services are currently working with the Equality Authority and the ESRU to broaden their guidelines for facilitators of school development planning, to include the nine grounds, which include gender, covered by equality legislation. The Gender Equality Unit is contributing to this process.

The Women into Educational Management initiative provided since 2002 aims to increase the number of women in educational management. These courses are a positive action measure to support female teachers who wish to move into administrative/management roles.

The impact of the initiative is currently being examined, including the number of participants who have been promoted to management positions, as part of a research project on gender inequality in seeking and accessing promotional posts in Irish schools. This project is funded by the Gender Equality Unit and is expected to be completed in autumn 2006.

In addition, the Gender Equality Unit is also funding a research project on Senior Appointments in Education, a study of management culture. This project is looking at senior appointments in the first, second and third levels of the education sector, at senior appointments in the agencies under the auspices of the Department of Education and Science and at senior management appointments in the Department itself. This project is expected to be completed in autumn 2006.

6. There have been substantial changes in the legal and policy frameworks surrounding educational disadvantage over the last number of years. The Education Act, 1998, the Education (Welfare) Act, 2000, the Children Act, 2001 and the Education for Persons with Special Educational Needs Act, 2004 are of particular importance as are commitments enshrined in the National Anti-Poverty Strategy and the National Children's Strategy.

In the education sector, this evolving framework is reflected in a number of measures which will mean that compared to a decade ago young people will spend longer in education, either in school or centres, for education and training. Significant contributing factors are:

- The school leaving age has been raised from 15 to 16 in the Education (Welfare) Act of 2000;
- Schools have been given increased resources to respond to the range of needs of their students through a series of initiatives and interventions;
- The number of places offering alternative and more flexible forms of educational provision to those who cannot respond to or who do not benefit from the form of education provided in mainstream schools has grown (for example:- providers in the Community and Voluntary sector, Back to Education Initiative (part-time), Adult Literacy and Community Education);

- Teachers in school completion programmes, Area Development Partnership education officers, psychologists, inspectors and increasingly education welfare officers, identify students at risk of dropping out of school early and facilitate their successful transfer to the Youthreach sector.

The Education Equality Initiative (EEI) was established by the Department of Education and Science to address educational disadvantage through the strategic allocation of funding (€4.44 million 2000-2006). The EEI is assisted under the European Social Fund. Its objective is to address gaps in the provision of education and training for educationally disadvantaged women and specific marginalized groups. Funding is intended to be used to support innovation and learning which will inform future practice, particularly in ensuring effective strategies for those who are most in need. It provides for education, training and supports to develop models of good practice and to promote community education models to disadvantaged adults.

EEI Phase 1 ran from 2000 to 2003 and forms part of a continuum from the Women's Education Initiative (WEI 1997 – 2000). EEI Phase 2 runs from 2004 to 2006. EEI Phase 1 funded seventeen projects addressing the learning needs of adults, including: adults in urban/rural settings; adults in treatment for substance dependence; adults with learning difficulties or disability; members of the Traveller community; and lesbian and gay adults participating in further or higher education. Approximately, 455 women took part in the projects funded under EEI Phase 1 (55 participants were under 25 years of age and 400 over 25 years of age).

An evaluation report of Phase 1 noted that an examination of the projects clearly demonstrated the positive impact of EEI for the individual and for the education sector. Participants experienced a change in attitude to education, leading to a positive engagement, and increased enthusiasm and thirst for learning and the development of a broad range of skills.

The major policy lesson arising from EEI Phase 1 is that an integrated services approach at national and local levels is the only effective way to address educational disadvantage comprehensively. Such services include guidance, childcare, transport, skilled tutors, resource materials and administrative back-up.

The Education Welfare Board (EWB)

The Educational (Welfare) Act 2000 provides a comprehensive new framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving. Under the legislation, co-ordinated supports and strategies will be developed to ensure that young people remain actively involved in education up to early adulthood so that they have a solid foundation for full participation in society. The lead role in this is given to the National Educational Welfare Board. The Board will operate throughout the country with particular focus on disadvantaged children and children at risk of early school leaving.

The most recently published ESRI survey of post-primary school leavers (i.e. the 1999/2000 survey year) indicates that 23.5% and 13.2% of men and women respectively, left school prior to completion of Leaving Certificate or its equivalent.

School Completion Programme: Teenage Parenting Projects

From 2004, six Teenage Parenting Projects, in Galway, Waterford, Limerick, North Eastern Health Board, Coolock and Barnardos in Dublin, are being funded as a specific gender equality strand under the School Completion Programme. The young parents supported by the Teenage Parenting Projects are given the opportunity to reach their full potential through continued participation in education and training. This will improve their life opportunities and reduce the likelihood of the young family experiencing poverty and social exclusion and being long-term dependants on state support.

Adult Educational Guidance Initiative

This service offers information, advice and guidance on an individual and group basis to assist people to make the best choices for learning. The budget allocation for the Adult Educational Guidance Initiative in 2004 was €3,287,000 and approximately 20,500 clients benefited from the service in 2003 and 21,800 in 2004. The budget allocation for 2005 is €4.087m.

The gender breakdown of those accessing guidance/counselling/psychological services is expected to mirror take-up on further education programmes; more women than men participate on these programmes.

Youthreach

This is the national response to the needs of unqualified early school leavers in Ireland. The programme is designed to offer two years integrated education, training and work experience for young people age 15-20 who have left school early without qualifications or incomplete qualifications or vocational training. The overall Youthreach programme is administered jointly by the Department of Education and Science and the Department of Enterprise, Trade and Employment and FÁS (The National Training and Employment Authority). **Table 1** shows the gender breakdown of Youthreach participants.

Basic skills training, practical work training and general education are features of the programme, and the application of new technology is integrated into all aspects of programme content. The programme provides a strong emphasis on personal development, on the core skills of literacy/numeracy, communications and IT, along with a choice of vocational options such as Catering, Hairdressing, Computers, Woodwork, Photography, Video, Sports, Art and Craft, and a work experience programme.

Adult Literacy

The OECD International Adult Literacy Survey, carried out in 1995, found that some 25% of adults scored at the bottom literacy level, and do not have the necessary skills needed for participation in knowledge based economy.

Adult literacy services are provided through the Vocational Education Committees (VECs), which employ Adult Literacy Organisers and staff, funded through the Adult Literacy and Community Education budget of the Department of Education and Science. At the time of the publication of the OECD survey, the budget was €1m for the entire country, some 5,000 learners were benefiting

from the service, and 85% of all tuition was given by unpaid volunteers. Participation on adult literacy programmes has increased from 5,000 in 1997 to approx 30,000 at the end of December 2003.

Males accounted for 12,542 (40%) clients and females accounted for 18,093 (60%). English as a second or other language was provided to 5,928 participants and 12% of all literacy participants were asylum seekers/refugees.

In addition, a quality framework, nationally certified staff development programmes, research on assessment, and international co-operation have all been undertaken. Family learning programmes, literacy and language for non-nationals, programmes for special needs and for Travellers have also been expanded. The report of the Workplace Literacy Strategy Group was published in 2002 and recommends the establishment of a workplace literacy fund with the social partners. This recommendation has been incorporated into the national partnership agreement, Sustaining Progress.

A joint FÁS/VEC Return to Learning Programme which combined work experience within the Community Employment Scheme with intensive literacy tuition is also being expanded nationally.

A workplace literacy programme has been piloted successfully and is being extended to all local authority areas, in co-operation with Local Authority National Partnership Board.

FÁS ‘Gateways for Women’

The FÁS ‘Gateways for Women’ project was established and funded under the Equality for Women Measure to develop a dedicated support service to facilitate and promote services for women wishing to return to work. It is planned to have the ‘Gateways for Women’ project mainstreamed in all regions by December 2005 and the learning gained by the project team during the pilot phase will be hugely beneficial when mainstreaming.

Statistical Data

The Statistics Section of the Department of Education and Science is currently working on a comprehensive report of educational statistics disaggregated by gender. The data will include details of participation at all levels of education as well as details of subject take-up and performance in state examinations. Data on participation in further education will be included in addition to an overview of the educational profile of the adult population. The report will provide a statistical basis for policy development, monitoring and evaluation and is due to be ready for publication in the second half of 2005.

7. Female entrants continue to constitute slightly more than half (52.48%) of all entrants to third level courses (**Table 2**). Entry patterns to fields of study continue to be differentiated by gender. This differentiation is detailed in **Table 3**. Female entrants to fields such as engineering, architecture and building are low while, in contrast, teacher training, health and social and behavioural science continue to have a high proportion of female entrants.

The Gender Equality Unit is currently providing the secretariat for the Women into Science, Engineering and Technology Committee established by the Minister for Education and Science.

The purpose of the Committee is to examine relevant research and reports and to make recommendations on strategies and initiatives which might be undertaken to increase the uptake by females of the physical sciences in the Leaving Certificate at second level and to increase the number of females choosing Science, Engineering and Technology (SET) courses at third level. The Committee is due to report to the Minister for Education and Science in autumn 2005. The report of the Committee will identify short, medium and long term Strategies and initiatives aimed at increasing the female representation in science, engineering and technology.

In addition the Gender Equality Unit has funded research on the following areas:

- Females and Third Level Engineering
- Gender Differences in Practical subject take-up at Junior Certificate
- The Leaving Certificate Applied Programme and Disadvantaged Girls.

Under the Equality for Women Measure, the Department of Justice, Equality and Law Reform funded two projects based in third level institutions, aimed at increasing the numbers of women in Science, Engineering and Technology. One provided a mentoring service to female students in the field and the other a foundation course to facilitate entry to women returning to education.

8. The All-Party Oireachtas Committee on the Constitution is now studying the Articles in the Constitution relating to the family, including Article 41.2. It has received submissions on the issue and it will convey its conclusions in its Tenth Progress Report, which it intends to publish in late summer or autumn of this year.

The Parental Leave Act 1998, which came into effect on 3 December, 1998, provides parental leave to both the father and mother of an eligible child. This is an individual and non-transferable entitlement to each parent to 14 weeks unpaid leave from work per child to take care of young children. The leave must be taken before the child reaches 5 years of age, except in certain circumstances in the case of an adopted child.

The Act also provides an entitlement to limited paid force majeure leave for urgent family reasons owing to the injury or illness of an immediate family member, in circumstances where the presence of the employee, at the place where the family member is ill or injured, is indispensable. The employee may not be absent on force majeure leave for more than 3 days in any period of 12 consecutive months or 5 days in any period of 36 consecutive months. During an absence on force majeure leave an employee is regarded as being in the employment of the employer, and retains all of his or her employment rights. This entitlement is available to all employees regardless of gender.

On 16 December 2004, the Parental Leave (Amendment) Bill 2004 was published. The new Bill will amend the 1998 Act as agreed by the social partners. The Bill will enhance the entitlement of employees to take time off to care for their children by allowing the leave to be taken over a longer period of time and in a broken format and also extends the entitlement to persons acting *in loco parentis*. Further details on the main provisions of the Bill are set out in the response to Q.17.

The Carer's Leave Act, 2001 came into operation on 2 July, 2001. The main purpose of the Act is to provide for an entitlement for an employee (both male and female) to avail of unpaid leave from his/her employment to enable him/her to personally provide full-time care and attention for a person who is in need of such care. The period of leave to which an employee is entitled is subject to a maximum of 65 weeks in respect of any one care recipient. The minimum statutory entitlement is 13 weeks.

In nearly all instances so far, employees who have availed of Carer's Leave have also been entitled to Carer's Benefit. This is a payment made to insured persons who leave the workforce to care for a person(s) in need of full-time care and attention. There are currently 610 people availing of Carer's Leave and Carer's Benefit, 555 of these are females and 55 are males. In 2004, 700 people availed of Carer's Leave and Benefit, 608 people in 2003 and 288 people in 2002.

Media

The Government has introduced legislation in the form of the Broadcasting Act 2001 to regulate the broadcasting media in Ireland, in particular, the public service broadcaster, RTÉ. This Act complements the Broadcasting Authority Act 1993 in that there is a statutory requirement for gender balance on the RTE Authority, the board of TG4 as well as on the Broadcasting Complaints Commission.

Under the Equality for Women Measure, the Department of Justice, Equality and Law Reform funded a project in RTÉ which conducted a gender equality audit of management positions in the company and also compiled an electronic database of female contributors available to participate in programmes.

Since Ireland's combined Fourth and Fifth reports under the Convention, the Government has introduced the Public Service Broadcasting Charter, published in June 2004. The Public Service Broadcasting Charter sets out the obligations of RTÉ to its audience under the legislation. In relation to gender, the guiding principles of the Charter stipulate that "*no editorial or programming bias shall be shown in terms of gender, age, disability, race, sexual orientation, religion or membership of a minority community*" and that "*in its programming and editorial content, RTÉ shall strive to resist gender stereotyping*".

Violence against women, and trafficking

9. An evaluation of the national and regional structures in place to address the issue of Violence against Women is currently underway as part of the development of a 5 year Strategic Plan for the National Steering Committee on Violence Against Women. The Department of Justice, Equality and Law Reform has recently commissioned a consultant to develop the strategic plan which will record the progress that has been made on the recommendations contained in the Report of the Task Force on Violence Against Women published in 1997. The Plan will take account of developments since the publication of that Report and will prioritise further progress over the next five years. It will also review the effectiveness of the mechanisms established arising from the 1997 Task Force Report, i.e. national and regional structures, examining such issues as clarity on the different functions of the bodies established, overall cohesion, internal and external communications, compatibility with 'best practice' in relation to statutory/non-statutory

partnership structures and policy provision. The consultant has also been asked to make recommendations to enhance the effectiveness of these structures. The Plan is expected to be completed by the end of 2005.

The issue of expanding the service provided by Sexual Assault Treatment Units is currently being examined by an inter-departmental and inter-disciplinary group. This group has recently been convened and is chaired by staff from the Department of Health and Children. The report of this group is expected to issue later in 2005.

10. The Garda Síochána (Irish police) Research Unit has recently conducted two surveys in relation to victims' perceptions of the responsiveness of the police to complaints of domestic violence and sexual violence.

As part of a review of the Garda Domestic Violence policy, female and male victims of domestic violence were surveyed in relation to their perceptions of the police response. In addition, wider consultation also took place to allow various Agencies and Non-Governmental Organisations to outline their perceptions. NGO's surveyed included Women's Aid, the National Network of Women's Refuges and Support Services and disability and other minority groups.

The Garda Síochána Research Unit also surveyed a number of victims of rape and sexual assault, through the Rape Crisis Centres, as part of a qualitative study of victims' experiences of police response.

Both surveys are currently being finalised and are expected to be available shortly.

In relation to rape and sexual assault, the Department of Justice, Equality and Law Reform has provided funding for comprehensive research into attrition rates in rape cases in Ireland. The research, which is entitled "The Understanding of Attrition, Early Withdrawal, the Trial Process and Identifying Possible Changes to Support Complainants in Rape Cases", is being carried out by the Department of Law at the National University of Ireland Galway and the Rape Crisis Network Ireland. The research will take three years to complete. This research should provide a greater understanding as to why some victims choose not to report cases to the Gardaí, what can be done about under-reporting and why, of the cases that are reported, only a relatively small percentage result in a court hearing.

The research will include a survey of victims' perceptions of the judicial system and, in the case of victims who do not report to the police or who withdraw from the legal process, will ask victims what might have changed that perception or might have helped them to proceed with the case.

The National Crime Council (NCC) carried out a nationally representative study on domestic abuse (against men and women) in Ireland which is currently being drafted in association with the ESRI and it is hoped to publish the study during the summer of this year. It is likely to contain details of the general public's attitudes towards informing the Gardaí of domestic abuse, those victims of domestic abuse who have reported their experiences of domestic abuse to the Gardaí, reasons for not reporting to the Gardaí, their satisfaction with the Garda response and reasons for dissatisfaction with the Garda response. It may also examine those victims of domestic abuse who have sought help from solicitors and their satisfaction with the service they received.

- 11.** The Domestic Violence Intervention Project, launched in 2003, is currently operating on a pilot basis in two District Court areas in Dublin. This is the final year of the Project's 3 year pilot phase and an independent evaluation of the project will be conducted during the year.

The Project is working with the civil and judicial systems and other key agencies to institutionalise policies and practices which maximise victim safety and perpetrator accountability. Much of the work to date has involved engaging with the key agencies (the Garda Síochána, the Courts Service, the Probation and Welfare Service and Support Services for Victims) on a national and local level and working with those agencies to examine the system, their current response within it and how that can be built on to achieve the optimum response for victim safety.

In addition, a number of perpetrators have been referred to the Project through the Courts. The Project is also providing support to the partners of the men on the Programme and to individual victims who may contact them for help and support.

In relation to support services available for women experiencing violence, there are 18 Refuges, 24 Domestic Violence Support Services and 17 Rape Crisis Centres operating in Ireland at present. Funding for these services is provided by the Department of Health and Children. A budget of €12 million has been allocated in 2005 for the provision of services to women experiencing violence.

The Department of Health and Children is responsible for the provision of health and social services to victims of violence, including domestic violence, rape and sexual assault. In the main, these services are provided by Non-Governmental Organisations who receive funding for this work from the Department of Health and Children through the relevant Health Boards.

The Department of Environment, Heritage and Local Government has responsibility for homelessness, and through local authorities, provides funding for the provision of accommodation for homeless persons. As part of this, the Department provides some funding to refuges towards their accommodation related costs. For example, in 2004 funding of almost €2.16 million was provided for this purpose.

As part of the Government's Homeless Strategy, homeless fora have been established at local authority level to oversee the implementation of local homeless action plans. These plans address what services are required to meet the need of homeless persons, including those fleeing domestic violence, and who will provide the services. Many organisations working with victims of domestic violence are represented on the homeless fora. Any issue regarding the need for additional accommodation for homeless persons in a particular area, including those fleeing domestic violence, should be raised in the first instance with the local homeless fora.

- 12.** Ireland does not have any formal procedures in place for granting residence (temporary or otherwise) to victims of trafficking. This is due in part to the fact that, to date, the immigration authorities have not encountered any women or children who have been forcibly trafficked into Ireland against their will. However, a major review of immigration and residence legislation is currently being undertaken. This review will result in the publication of an Immigration and Residence Bill later this year. The new Bill may examine the issue of victims of trafficking.

In advance of the new legislation being published and enacted, the present system does not prevent victims of trafficking being treated with sympathy and compassion. It is legally possible for the Minister for Justice, Equality and Law Reform to grant leave to remain to those victims who co-operate with the authorities.

If instances of women victims of trafficking were to arise, support would be available to such women by Ruhama, a Non-Governmental Organisation based in Dublin, which works with women engaged in prostitution. The Department of Justice, Equality and Law Reform and the Department of Health and Children both provide funding to Ruhama to carry out this work.

Ireland's main focus is on the prevention of trafficking in human beings for sexual and labour exploitation. To this end, further legislation is at present being prepared which will provide for compliance with the EU Framework Decision on combating trafficking in human beings (for the purpose of their sexual and labour exploitation) and the Framework Decision on combating the sexual exploitation of children and child pornography. This legislation will also take account of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, which supplements the UN Convention against transnational organised crime and the draft Council of Europe Convention against trafficking in human beings.

Political and public life

13. There are currently three women Ministers (out of 15) in the Cabinet, including the Tánaiste (Deputy Prime Minister). These Ministers hold the portfolios of Health and Children, Education and Science and Agriculture and Food. There are two female Ministers of State.

Generally speaking, there is a pathway to Government which begins with membership of a Political Party, election to a Local Authority, and election to the Dáil/Seanad, from amongst whose members, Ministers and Ministers of State are drawn.

While progress in relation to the numbers of women in the Dáil has slowed in recent years, the percentage of women in local government has increased from 15.5 % in 1999 to 18.7 % in the 2004 elections.

This may reflect in part the impact of the support provided to a number of political parties under the Equality for Women Measure. Under the Measure, **Fianna Fáil** developed a 10 year 'Gender Equality Action Plan 2004-2014' which contains a range of measures designed to support women members' participation in organisation and public decision-making. **Fine Gael** developed a Gender Equality Toolkit aimed at increasing the number of women in decision-making roles in the Party. **Sinn Féin** undertook to implement a 50:50 gender balance on the election of members to the National Executive and to set up a regional gender equality structure.

In addition to this activity under the Measure, other Parties have made clear commitments to gender equality. The **Labour Party**, at its party conference in 2003, adopted a 10-year programme with the aim of ensuring that the number of women candidates put forward by the party reflects the proportion of women in the population at large. The **Green Party** constitution stipulates that the party must aim to achieve a gender balance of 60%/40% of either gender in all committees and in candidates put forward by the party at election time. In the **Progressive Democrats**, a total of 50% of deputies are women.

In addition, the Gender Equality Unit in the Department of Education and Science worked with the Curriculum Development Unit of the City of Dublin Vocational Education Committee to develop a publication for the Civil, Social and Political Education programme in second level schools called "VOTE: Gender Participation and Democracy". The publication deals with the electoral process at local, national and European levels and the Presidency and the importance of women's representation in political life.

The Civil Service Equality Unit, Department of Finance is responsible for monitoring the implementation of Gender Equality Policy in the employment of civil servants. During 2004 the Unit conducted a review of initiatives undertaken in Departments to support equality of opportunity. The review will form the basis of a report on best practise in achieving equality, including gender equality, in the Civil Service.

2005 is the target year for achieving one of the key objectives of the gender equality policy, namely, that 33% of Assistant Principal posts should be filled by women to meet the aim of creating larger pool of women candidates to compete for higher management posts. Present indications are that this target will be met.

In relation to the Irish Diplomatic Service, the Department of Foreign Affairs has set gender equality targets of 35% at First Secretary level and of 30% at Counsellor level. The achievement of these targets is monitored continually. The Department's Human Resources Strategy also provides for "equality proofing" of all new Human Resources policies being developed.

Since the introduction of a Government policy of a representation of a minimum of 40% of both genders on State Boards in 1993, the overall percentage of women on State boards has increased from 15% in 1992 to 33% at December 2004. Government and ministerial appointments had increased from 17% to 36% in the same period. Promotion of gender balance in decision-making bodies constitutes an important element of Government policy in relation to gender equality. The Government has made commitments in the Programme for Government and current Social Partnership agreement 'Sustaining Progress' to achieving the 40% gender balance target. However, as Government is responsible for just over 40% of all appointments to State Boards and Committees, with other nominating bodies having effective control over the remaining 60%, the Government decided in January 2005, that for the future, nominating bodies must nominate both men and women, so that Government can then choose from among those nominated in such a manner as to ensure that the overall target is met. It is expected that this decision will result in a further significant improvement in the situation.

Employment

14. As mentioned in Ireland's combined Fourth and Fifth Report, the fact that the Employment Equality Act 1998 does provide for exclusions made removal of the reservation to Article 11 problematical as Article 11(1) of the Convention makes no provision for exclusions. The exclusions in the Employment Equality Act 1998 were then under review in the context of the transposition into national law of new EU Directives.

The Employment Equality Act 2004 was enacted to give effect to provisions in recent EU Equality Directives in the area of equal pay and equal treatment to ensure consistency across the

discriminatory grounds. As a result, the gender equal pay and equal treatment in employment Directives permit Member States to operate an exclusion based on "occupational requirements". The Employment Equality Act 1998, as amended by the 2004 Act, complies with the new EU provision in relation to "occupational requirements" and represents a substantial narrowing of the original exclusions in this regard under the 1998 Act.

The question of withdrawing the reservation to Article 11 was further considered in the light of the reduced exclusions. However, as the Employment Equality Act, as amended, still provides for exclusions, albeit reduced, the reservation cannot be removed at this point.

15. The Department of Justice, Equality and Law Reform chaired the Consultative Group, set up under the Programme for Prosperity and Fairness, to report to Government on actions required to address the gender wage gap. The Group's report was finalised and presented to Government in November 2003. It contains a number of recommendations addressing a wide range of Government policies including taxation, statutory minimum wages, education and training and the development of family friendly policies. Arising from a recommendation in the Report, the Department has commissioned the ESRI to research the gender pay gap among graduates, the report on which is due to be finalised by mid 2005.

The indications are that Ireland has made considerable progress in relation to the gender pay gap with a significant narrowing of the gap in recent years. Statistics produced by Eurostat (European Union Statistics Body) show an Irish Gender Pay Gap of 16% which is the EU average. Recent reductions in the gap are attributable to a number of factors including the introduction and regular uprating of the National Minimum Wage; the implementation of various legislative provisions; the introduction of the Equal Opportunities Childcare Programme; part-individualisation of the taxation system; increases in child benefit payments; and the continued strength of the Irish economy and the underlying strong demand for labour. A description of some of these is given under.

- **National Minimum Wage and Wage Round Increases:** Ireland introduced a National Minimum Wage (NMW) in 2000. The current NMW rate is €7.00 per hour. As women disproportionately earn the NMW, its introduction and subsequent increases narrow the gender pay gap. The rates are agreed with the Social Partners and are regularly increased. In addition, the current National Partnership Agreement, *Sustaining Progress*, provided for an additional 0.5% wage increase for low paid workers over and above that paid to workers generally.
- **Government support for equal opportunities policies:** Ireland has comprehensive equality legislation which prohibits discrimination in the labour market and promotes equality of opportunity. The Equality Authority, which has an annual budget of €5.451 million, supports the implementation of the legislation. The Equality Tribunal is separately funded as the adjudicating body of first instance under the legislation. In addition, funding is provided for the Social Partner Framework Committee on equal opportunities to advance the implementation of equal opportunities at the level of the enterprise.
- **Work/Life Balance Arrangements:** New Maternity, Parental and Adoptive Leave Bills were introduced in 2004/5 improving statutory rights in these areas. Workers also have

entitlements under the Part-time Workers and the Carer's Leave Acts which help them combine work and family responsibilities.

- **Equal Opportunities Childcare Programme:** The achievements of the Equal Opportunities Childcare Programme to date include: 2,340 grants awarded to childcare providers and community groups up to end 2004; nearly 33,500 new childcare places will be created with funding committed to date; 28,839 new and existing places will be supported with their staffing costs; of these, 21,500 new places were in place at the end of June 2004. The Government recently provided an additional €90 million to expand this Programme further, bringing the total investment to the end of 2006 to €500 million.

Tables 4 and 5 illustrate relative income categories by gender and age.

- 16.** There are two measures of female employment. The first, the employment rate, covers women over 15 and under 64 years of age. This is the measure of employment used by the European Union and, for Ireland, the 2004 employment rate for women is 55.8%. This means that Ireland is on course to achieve the "Lisbon target" of 57% for 2005 and that female employment is above the EU average. The second measure is the labour market participation rate and this includes all women over 15 years. This rate has increased from 44.0% in 1998 to 49.4% in 2004. The corresponding figures for men were 69.5% in 1998 and 70.9% in 2004. [**Table 6**]

In 2004 the number of female employees as a proportion of the number of male employees was 89.3% [**Table 7**]. However, in 2004 self-employed women represented only 20.2% of the number of self-employed men. This was, nevertheless, an increase on the corresponding 1998 figure of 19.0%.

The labour force participation rate increased for women in all marital status categories between 1998 and 2004 [**Table 8**].

The number of women in employment increased in most economic sectors between 1998 and 2004 [**Table 9**]. There was a particularly sizeable increase in the *Health, Wholesale and Retail*, and *Financial* sectors. While the numbers of women employed in the *Construction* sector are relatively small, they almost doubled in the 1998-2004 period.

Table 10 shows the Numbers of women and men in Technology and Science Occupational Groups 1996-2002. **Table 11** shows females in employment by age 1999-2004.

- 17.** The Report of the Working Group on the Review and Improvement of the Maternity Protection Legislation, published in January 2001, made a series of unanimously agreed recommendations to improve maternity protection for employees. The recommendation to increase the periods of maternity leave attracting Maternity Benefit payment (from 14 weeks to 18 weeks) and additional unpaid maternity leave (from 4 weeks to 8 weeks) was implemented with effect from March 2001. In December 2000, the Government approved the implementation of the other recommendations of the Group by amendment of the existing legislation through Statutory Instrument or primary legislation as appropriate.

The **Maternity Protection (Amendment) Act 2004** was passed by the Dáil and Seanad on 8 July, 2004 and was signed into law by the President on 19 July, 2004. The Act, which commenced on 18 October, 2004 implements the outstanding recommendations of the Maternity Review Group.

The **Adoptive Leave Bill 2004** will apply the appropriate recommendations of the Report of the Working Group on the Review and Improvement of the Maternity Protection Legislation to the adoptive leave legislation. Enactment is expected by mid-2005.

The **Parental Leave Act 1998**, which came into effect on 3 December, 1998 provides an individual and non-transferable entitlement to both parents to 14 weeks unpaid leave from work to take care of young children. The leave must be taken before the child reaches 5 years of age, except in certain circumstances in the case of an adopted child.

On 16 December 2004, the Parental Leave (Amendment) Bill 2004 was published. The Bill will enhance the entitlement of employees to take time off to care for their children by allowing the leave to be taken over a longer period of time and in a broken format and also extends the entitlement to persons acting *in loco parentis*. The main provisions of the Bill include the following:-

- Raising the maximum age of the eligible child from 5 to 8 years;
- An increase in the maximum age of the eligible child to 16 years in the case of children with disabilities;
- Extension of parental leave entitlements to persons acting *in loco parentis* in respect of an eligible child.
- A statutory entitlement to take the 14 weeks parental leave in separate blocks of a minimum of 6 continuous weeks, or more favourable terms with the agreement of the employer;
- That an employee who falls ill while on parental leave and as a result is unable to care for the child may suspend the parental leave for the duration of the illness following which period the parental leave recommences;
- Provision for statutory codes of practice on parental leave and *force majeure*.

The Bill is expected to be enacted by mid-2005.

- 18.** The second National Action Plan against Poverty and Social Exclusion (NAP/Inclusion) covering the period 2003-2005 was submitted to the EU Commission on 31 July 2003. The plan incorporates the commitments made in the revised National Anti-Poverty Strategy (NAPS) – Building an Inclusive Society 2002 to 2007, and the social partnership agreement, Sustaining Progress.

The National Anti-Poverty Strategy (NAPS) and National Action Plan against Poverty and Social Exclusion (NAP/Inclusion) contain a range of targets in relation to women. Progress in relation to these targets has been reported on in the Office for Social Inclusion (OSI) Annual Report 2003/2004 and will continue to be monitored and evaluated.

Key Targets

- Over the period to 2007, the Strategy will aim at reducing the numbers of women who are 'consistently poor' below 2%, and, if possible, eliminate consistent poverty, under the current definition of consistent poverty.

- Increase the employment participation rate of women to an average of more than 60% in 2010, as envisaged under the National Employment Action Plan 2001.

Consistent Poverty

Consistent poverty measures those with less than 60% of average incomes and who suffer deprivation across a number of indicators. Data from the Economic and Social Research Institute's (ESRI) Living in Ireland Surveys provide information on consistent poverty levels from 1997 to 2001, the latest and last survey available which facilitates trend analysis. Consistent poverty for women fell from 9.2% in 1997 to 4.9% in 2001. Consistent poverty for those on lone parents allowance, who are mostly women, fell from 24.9% in 1997 to 17.6% in 2001.

Improvements in Social Welfare Rates

The Government is committed to continuing efforts to alleviate poverty, especially for those who cannot work and have not been in a position to benefit from the employment opportunities afforded by the high economic growth. Improved income supports form a key component of these efforts. During the period 1997 to 2005, the lowest social welfare rates increased by 37.1% above the increase in the cost of living. The equivalent rate of increase for the Old Age Contributory Pension was 38.5%. The Government is committed to increasing old age pensions to €200 per week by 2007 and is continuing to make progress towards achieving the target level of €150 per week (in 2002 terms) for the lowest rates of social welfare payments by 2007.

Lone Parents

The main route out of poverty for lone parent families is employment and better jobs. The Government is focused on removing obstacles to employment in respect of this vulnerable group. The earnings disregard under the One-Parent Family Payment Scheme is designed to remove, in part, obstacles to employment. Up to 60% of recipients of the One-Parent Family Payment are in employment and availing of the disregard.

Direct Financial Support for Children

Between 1997 and 2005, the rate of child benefit, normally paid to the mother, will have risen from €38.09 per month for the first two children and €49.52 for each child thereafter to €141.60 per month for each of the first two children and to €177.30 per month for the third and each subsequent child. The substantially increased spending on child benefit in recent years has been an effective means of channelling income support to lone parent families in order to tackle lone parent and child poverty.

Employment Participation

Overall unemployment has fallen from 10.3% in 1997 to 4.3% in 2004 (4th quarter) with long-term unemployment falling from 5.6% to 1.5% during the same period. The number of women in employment has grown from 483,000 in 1995 to 795,000 in 2004, an increase of approximately 65%.

Childcare Provision

Adequate childcare provision is a crucial element in any package of measures to help parents reconcile employment and family care and increase the employment participation of women, in general, and lone parents, in particular. The Equal Opportunities Childcare Programme (EOCP) 2000 - 2006 aims to maintain and increase the supply of childcare facilities and places, improve the quality of and introduce a co-ordinated approach to the delivery of childcare services.

The benefits of the EOCP in supporting employment, education and training are clearly seen from the Annual Survey of Grant Beneficiaries. The 2003 Survey shows that, among 37,730 parents whose child/children were attending childcare services, almost 90% of the fathers and 70% of the mothers are actively engaged in employment, education and training, which is the primary aim of the Programme.

Data on groups of women

A lack of adequate sectoral data does not permit the level of poverty being experienced by certain groups of women to be measured and presents problems in assessing the impact of policies. This is an issue that the Office for Social Inclusion will be addressing as part of the development of a Data Strategy in 2005.

Health

19. One of proposals outlined in the Women's Health Council's (WHC) report in 2002 was to set up a forum of key stakeholders to explore the parameters for policy and action in the field of women's health. Under the aegis of the Women's Health Council, a National Planning Forum for Women's Health, was set up in 2002 and the Forum published its final report in June 2004. The Forum comprised mainly statutory service providers and advocacy groups, along with representatives of the WHC. The Forum concluded that:

- There is a commonality of experience of disadvantage shared by all women on the grounds of their gender.
- This disadvantage frequently manifests as sub-optimal health.
- A twin-track approach, involving both gender mainstreaming and specific targeted actions, is required to achieve significant health gain for women.
- Both tracks should receive appropriate ring-fenced funding.
- A body should be identified to develop, promote and oversee the introduction and application of gender mainstreaming in the field of health.
- There should be an appropriate gender balance on all high-level, regional and local bodies concerned with the health service reform process, women's health issues and health matters generally.
- This gender balance should be monitored as a matter of course by the agency involved.

- Health bodies should introduce appropriate standards for consultation with women, and for implementing the results of such consultation.
- The perspectives offered by the Forum should be continued through official support for further collaboration and connection.

Another significant development was the establishment of Womens Health Advisory Committees in each of the health regions to draft and agree regional plans for women's health.

The Irish health system is currently undergoing a major structural reform programme. The Women's Health Council is in talks with the Department of Health and Children and the newly established Health Service Executive to progress the Forum's recommendations and to assist with their implementation.

- 20.** Family planning services for non-card holders can be accessed through a variety of means, including GP services, student health clinics, Well-Woman and Irish Family Planning Association centres.

Data from the Irish Contraception and Crisis Pregnancy Study (2004) indicate that most of those surveyed in representative sample of 3,000 members of the public said that they had always used a method of contraception or precaution when having sex in the last year. Level of contraceptive use was significantly related to gender, with 75% of men reporting always using contraception against 85% of women.

In 2003 the Crisis Pregnancy Agency launched its Strategy to Address the Issue of Crisis Pregnancy. One of its aims is the development of capacity within contraceptive service delivery through focusing both on GP and specialised services, as well as emphasising the importance of age-specific programmes.

The Agency seeks to ensure that Ireland has a network of contraceptive services, which is client-focussed and universally accessible to both men and women. The strategy addresses the issue of information, education and advice and contraception services.

- 21.** In relation to abortion and the Committee's recommendation in regard to a national dialogue on women's reproductive rights, it should be noted that the Irish people established (in 1983) and amended (in 1992) the present constitutional position. The Committee may also wish to note that, since 1983, Ireland has held five separate referenda on three separate occasions on the issue of abortion. It should also be noted that the Irish Constitution can be amended only through a referendum where the majority of the votes of the people are cast in favour of the Constitutional amendment concerned.

The Government, in implementing Article 12 of the Convention, has taken into account General Recommendation 24 in relation to provision of contraceptive services and prevention of crisis pregnancy.

The government set up the Crisis Pregnancy Agency in 2001. The Crisis Pregnancy Agency (CPA) is a planning and co-ordinating body established to formulate and implement a strategy to address crisis pregnancy in Ireland through:

- A reduction in the number of crisis pregnancies by the provision of education, advice and contraceptive services;
- A reduction in the number of women with crisis pregnancies who opt for abortion by offering services and supports which make other options more attractive; and
- The provision of counselling and medical services after crisis pregnancy.

The Crisis Pregnancy Agency published the first *Strategy to Address the Issue of Crisis Pregnancy* in November 2003. The Strategy provides a framework for understanding the causes and consequences of crisis pregnancy and presents a clear set of actions to address the complex and interacting factors that contribute to the experience of a crisis pregnancy. In 2003, the CPA allocated €900,000 towards commissioning new research to identify all relevant factors in the area of crisis pregnancy.

The Agency has continued to build on the Positive Options Campaign on crisis pregnancy services. This campaign uses advertising, text messaging, web and resource materials to ensure widespread awareness of the availability of crisis pregnancy services nationwide.

Parallel to the communication programme, the Agency has worked to expand crisis pregnancy counselling services nationwide. Research completed by National University of Ireland, Galway as well as audit information to map service development and needs, assisted the Agency in planning and implementing a 44% expansion of crisis pregnancy counselling nationally.

The prevention of crisis pregnancy is a primary goal of the Crisis Pregnancy Agency and the Agency places a particular emphasis on targeting sexual health promotion messages at young people in social, entertainment and third-level settings.

The Agency is committed to funding high quality, innovative projects that build on existing partnerships and reflect the Agency's core principles. Last year, the Crisis Pregnancy Agency made available €2,173,076 to service providers to develop new initiatives.

Rural women

- 22.** The law relating to succession is contained in the Succession Act, 1965 and there are no legal obstacles to women's sole or joint ownership of land.

It is, however, recognised that the patrilineal system of inheritance is a cultural obstacle to women's ownership of land. However, there is no impediment, legal or otherwise, to joint ownership or partnership in relation to property in Ireland.

- 23.** The White Paper on Rural Development stresses the need for access to services in achieving balanced regional development. "Services" here means, for example, broadband, health, transport, although difficulty in accessing these in rural areas is not exclusive to women.

It is policy that, on all State Bodies including those involved in Rural Development at both national and local level, a minimum of 40% should be either men or women. However, while this has proved difficult to achieve in the past, the recent Government Decision (see Q.13) is expected to have a considerable positive impact on the situation.

In relation to women's participation in rural development projects, there is no difference in the treatment of men and women project promoters in any of the agriculture, forestry or wider rural development schemes.

- 24.** The Report of the Advisory Committee on the Role of Women in Agriculture was published in September 2000. The Advisory Committee was drawn from policy makers, representatives of the agricultural social partners and women farmers. The Advisory Committee made recommendations on a wide range of issues of concern to women farmers and women in agriculture. These encompassed education, training, information technology, promoting women's participation in farming organisations and the establishment of a Network of women in farming, issues of social inclusion such as child, elder and disabled care, rural transport and matters relating to personal finance economics and other legal issues such as land transfer and ownership.

Some of the recommendations of the Advisory Committee's Report were overtaken by a range of developments, including the establishment of a National Rural Development Forum. This meets in open session twice a year and provides a forum for continued attention to many of the issues raised in the Report. Also, subsequent to the publication of the Report, the Department of Community, Rural and Gaelteacht Affairs was established.

Notwithstanding the change of remit of the Department in 2002 and the aforementioned developments, the Advisory Committee's recommendations were pursued by the Department of Agriculture and Food, and a comprehensive progress report on the recommendations was produced in early 2004. This report shows that substantial progress has been made across the broad range of issues raised by the Advisory Committee. Annex 1 summarises the reports findings.

Vulnerable groups of women

25. Education and training

Traveller Education Strategy

On a national basis, the Department of Education and Science provides a continuum of provision for Travellers from pre-school to further education, encompassing the following specific measures: 52 Pre-Schools for Travellers; 520 Resource Teachers for Travellers and an enhanced capitation grant for Traveller pupils enrolled in primary schools; additional teaching resources and an enhanced capitation grant for Travellers enrolled at post-primary level; 40 Visiting Teachers for Travellers which encompass all levels of education; 4 Junior Education Centres which cater for Traveller children aged 12 to 15 years; Senior Traveller Training Centres which provide a programme of general education, vocational training and work experience programme for Travellers in the 15+ age group; and a National Education Officer for Travellers to, inter alia, identify the needs of Travellers and assist in planning education provision. In designing and revising School Plans, schools must affirm minority groups such as Travellers.

The Gender Equality Unit is currently funding research on Traveller Boys and Girls in late Primary, early Secondary education. It is also funding a project to develop indicators on Traveller men and women, boys and girls in education.

Work commenced in autumn 2003 on developing a five-year Traveller Education Strategy. The Strategy will provide recommendations on the way forward in relation to Traveller education and will also recommend a phased implementation plan.

Senior Traveller Training Centres (STTCs)

Senior Traveller Training Centres operate on the same basis as Youthreach centres but there is no upper age limit. Particular efforts are made to encourage Traveller parents into the centres because of the impact this can have on their children's schooling. Females represent the largest proportion (80% +) of participants in STTCs. The STTC programme offers a minimum of two years for those following Foundation and Progression Programmes and up to three years if required for those following extended courses, e.g. the Leaving Certificate applied programme. Training is provided in a culturally supportive network of training centres.

FÁS Programmes

In addition to the inclusion of Travellers on a range of FÁS Programmes, there are a number of special initiatives, which have been developed in response to approaches from Traveller support groups locally. It is important to note that at any given time there are a number of Travellers attending FÁS Programmes who may not have registered as such. **Tables 12 and 13** indicate the Travellers who have registered as such for the years 2002, 2003 and 2004.

Health

A National Strategy for Travellers' Health was launched by the Department in 2000, running until 2005. A number of measures are contained therein aimed at improving the health of Traveller women:

- Health education programmes to highlight the relevance of proper ante-natal and post-natal care.
- Culturally appropriate ante-natal promotion.
- Liaison between maternity units and the Designated Public Health Nurses to ensure early identification of Traveller mothers, prompt birth notification, more timely communication regarding discharges dates for mother and baby and better follow up.
- Greater access to and uptake of family planning and sexual health services to be encouraged by Health Service Executive areas through improved primary care services.
- Access to women's refuges in each Health Service Executive area to be monitored to ensure that no barriers exist for Travellers and that they are inclusive to Travellers' needs.
- Travellers and Traveller organisations to be represented on all national and regional steering groups addressing the issue of violence against women.
- Any research projects undertaken on the issue of violence against women will include a Traveller dimension.

- Traveller organisations promoting special initiatives addressing the issue of violence against women to be supported.
- Refuges to be encouraged to develop and adopt anti-racist codes of practice and to provide in-service training in anti-racism and interculturalism.
- Initiatives to work with Traveller men perpetrating violence against women to be supported.
- Traveller organisations funded to train and employ Traveller women as refuge workers and counsellors.
- Primary Health Care for Travellers Projects to be developed in conjunction with Traveller organisations in all Health Service Executive areas where there is a significant Traveller population by the end of 2005.

The Strategy also provided for the establishment of a Traveller Health Advisory Committee in the Department and for a Traveller Health Unit in each Health Service Executive area. A Travellers' Health Study is also currently being designed by the Department.

Life Expectancy

A Target has been set to reduce the gap in life expectancy between the Travelling Community and the whole population, by at least 10%, by 2007.

A Study Group incorporating the members of the Traveller Ethics, Research and Information Working Group (TERIWG) and representatives from relevant organisations in Northern Ireland and other stakeholders including Traveller women has been established to progress an All-Ireland Traveller Health Study. This Study will comprise two key elements;

- Measurement of the health status of Travellers including mortality and life expectancy, neonatal and infant mortality, morbidity and other status indicators.
- Evaluation of health needs and other health related issues.

The Study will involve both quantitative and qualitative research methods and will inform the appropriate actions required in the area of Traveller health including the National Anti Poverty Strategy target of reducing the gap in the life expectancy between the Travelling community and the whole population by at least 10% by 2007. The study will provide national data in relation to the target.

Primary Health Care of Travellers Projects

Traveller women work as Community Health Workers in Primary Health Care of Travellers projects, allowing primary health care to be developed based on the Traveller community's own values and perceptions so that positive outcomes which have a long term effect can be achieved. Primary Health Care for Travellers Projects are currently in place or are being organised in all Health Service Executive areas.

In 2004 there were 12 Primary Healthcare Projects for Traveller Women, with a total of 170 participants. These projects are funded by FÁS and the Local Area Health Boards and in some cases the Department of Social Family Affairs.

Consistent Poverty

A key target in the NAPS is to reduce the numbers of those who are 'consistently poor' below 2% and, if possible, eliminate consistent poverty, under the current definition of consistent poverty. Specific attention is being paid to particular vulnerable groups (including Travellers, migrants and members of ethnic minority groups) in the pursuit of this objective.

A lack of adequate sectoral data does not permit the level of poverty being experienced by members of the Traveller community, or indeed women within that group, to be measured and presents problems in assessing the impact of policies. This is an issue that the Office for Social Inclusion will be addressing as part of the development of a Data Strategy in 2005.

Housing/Accommodation

A target was set to the effect that all Traveller families identified in the local authority five-year Traveller Accommodation Programme process as being in need of accommodation would be appropriately accommodated by end 2004.

At the end of 2003, a total of 1,369 additional families had been provided with, or assisted in the provision of, accommodation through the Programme. There were 419 less families on the unauthorised sites than had been on such sites at the beginning of the programme in 2000. The numbers of families on unauthorised sites has been reduced to 788 from 1,207.

Local authorities are in the course of preparing follow-on Traveller accommodation programmes to the five-year programmes which expired at the end of 2004. These new programmes will cover the period 2005 to 2008. In order to assist in giving a renewed focus to making progress on providing accommodation for Travellers, local authorities are now required to include annual targets for the number and type of accommodation to be provided in each year of the programme.

Expenditure on Traveller accommodation 2003/2004

Travellers are provided with accommodation through the local authority housing programme as well as through the provision of new and refurbished Traveller specific accommodation. In 2003, a total of €29 million was spent on the provision of Traveller specific accommodation, with the allocation increased by one-third to €40 million for 2004. This is in addition to the cost of providing standard housing allocated to Traveller families provided and funded under the local authority housing programme. It is expected that the increased accommodation provision of recent years and the reduction in the number of Traveller families in unauthorised encampments will continue.

- 26.** The National Anti-Racism Awareness Programme (Know Racism) was a 3-year public awareness programme to address racism and to promote a more inclusive intercultural society. The programme ended its 3 year term at the end of 2003. Aspects of the awareness programme have been incorporated into the National Action Plan Against Racism (2005 -2008).

In the three years of the programme, four grant schemes were launched. A total of €1,290,000 was allocated to 450 successful projects in all 26 counties. The grants were awarded to community

groups and organisations including a number of women's groups, for the development of local anti-racism initiatives or projects.

The National Action Plan Against Racism 2005-2008 (NPAR), which was launched in January, 2005, seeks to be inclusive of multiple forms of diversity and discrimination, with reference to the nine grounds identified in the equality legislation, which are: gender; age; marital status; family status; disability; race; sexual orientation; Traveller and religion. The inequality of women from cultural and ethnic minorities can be compounded by gender as well as ethnic origin, and this is reflected in the NPAR. The National Action Plan Against Racism was used to pilot an integrated proofing template which included gender, poverty, and equality proofing.

The Gender Equality Unit in the Department of Education & Science is funding research on **Islam and Equality: Affirming Cultural Diversity and Gender Equality in Education**.

Asylum applications on grounds of gender-based persecution are provided for in current Irish refugee law. The definition of a refugee according to section 2 of the Refugee Act, 1996 (as amended) is *“a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it...”*.

Section 1 of the Act interprets *“membership of a particular social group”* as including membership of a group of persons whose defining characteristic is their belonging to the female or the male sex or having a particular sexual orientation.

Where a woman applies for a declaration to be a refugee under the Refugee Act, 1996, it is the practice where possible and appropriate to assign a female interviewer and interpreter to her regarding her application to the Office of the Refugee Applications Commissioner. This is particularly the case where a female applicant presents a claim which contains gender specific issues such as sexual violence and female genital mutilation. If the matter reaches appeal, this practice continues in the Refugee Appeals Tribunal — where practical and possible a female Member of the Tribunal is assigned to consider and decide the case. This is to accommodate situations where the alleged fear of persecution could be gender specific or where the woman's cultural or religious background would make it impossible for her to properly relay the details of her case to a male interviewer or Member of the Tribunal.

All staff working in the Offices of the Refugee Applications Commissioner and Refugee Appeals Tribunal complete appropriate training and are aware of the importance of treating all applicants for asylum with respect and sensitivity and with full awareness of cultural differences. This training includes procedures to be followed when dealing with victims of trauma and violence and other sensitive matters such as gender specific issues. The training programmes have been agreed with, amongst others, the United Nations High Commissioner for Refugees (UNHCR), the UNHCR full-time official for Ireland, asylum experts from other countries and agencies with specialist skills. In addition, a team of trainers has received training on racism and

interculturalism awareness from the National Consultative Committee on Racism and Interculturalism (NCCRI).

Table 14 shows the number of female applications for Asylum and the number granted refugee status for the period 1 January 2001- 28 February 2005.

Women can claim asylum, on their own behalf or on behalf of their daughters, on grounds of Female Genital Mutilation (FGM). According to latest figures, there are currently 3,574 females receiving Direct Provision. There are 170 unaccounted for as gender information was not received. These are mostly new-born babies.

- 27.** The National Anti-Poverty Strategy (NAPS) and National Action Plan against Poverty and Social Exclusion (NAP/Inclusion) contain a range of targets in relation to women. Progress in relation to these targets has been reported on in the Office for Social Inclusion (OSI) Annual Report 2003/2004 and will continue to be monitored and evaluated.

The overall objective is to eliminate consistent poverty for older people and to improve their access to appropriate health, care and housing supports, and to support older people to live independent and fulfilling lives.

Key Targets

- *Over the period to 2007, the Strategy will aim at reducing the numbers of older people who are 'consistently poor' below 2%, and, if possible, eliminating consistent poverty, under the current definition of consistent poverty.*
- *By 2003, national guidelines will be put in place for the provision of respite care services to carers of older people;*
- *Access to orthopaedic services will be improved so that no one is waiting longer than 12 months for a hip replacement. This is an initial short-term action to improve quality of life for older people and it will be reviewed in 2003.*
- *By end 2007 adequate heating systems will be available in all local authority rented dwellings provided for older people.*

Consistent Poverty and Employment Participation Rate

Data from the Economic and Social Research Institute's (ESRI) Living in Ireland Surveys provide information on consistent poverty levels from 1997 to 2001, the latest and last survey available which facilitates trend analysis. The consistent poverty rate for older women fell from 10.2% to 4.4% during that period. The employment participation rate of 55-64 year-old women increased from 21.6% in 1997 to approximately 39% in 2004.

Pension Rates of Payment

Since 1997 social welfare pensions have been increased by 81%, or about 50% above the rate of inflation over the same period. It is planned to continue this progress in future Budgets and, ultimately, the aim is to achieve the National Pensions Policy Initiative target of 34% of Gross

Average Industrial Earnings for the social welfare pension. Recent increases brought the pension to about 32%. The more immediate target is to increase the pension to €200 per week by 2007; at present the Old Age (Contributory) Pension stands at €179.30 and the Old Age (Non-Contributory) Pension is at €166.00.

Social Welfare Measures of Particular Benefit to Older Women

In addition to the above, a number of measures have been taken which are of particular benefit to older women;

- In the Programme for Government, the Government committed to increasing the payment for qualified adults (age 66 or over) to the same level as the personal rate of the old age (non-contributory) pension. Considerable progress has already been made in this regard with the qualified adult allowance on the contributory payment now standing at 83% of the maximum rate of old age (non-contributory) pension. The qualified adult allowance on the old age (non-contributory) pension stands at 66% of the full personal rate.
- Also, since October 2002 new pension claimants can opt to have the allowance paid directly to their spouse or partner, in accordance with the conclusions of a Programme for Prosperity and Fairness Working Group on administrative individualisation.

With increased workforce participation of women, extensions to social insurance in the 1990s, particularly in so far as it applies to part-time work, easing of qualifying conditions for pensions and the introduction of the Homemakers Scheme, it is expected that more and more women will, in future, qualify for social insurance pensions in their own right.

Homemakers Scheme

The Homemaker's Scheme was introduced in 1994 and is intended to protect the pension entitlements of those who take time out of the paid workforce for caring duties. The scheme allows up to 20 years to be disregarded when a person's insurance record is being averaged to assess entitlement for contributory pension purposes. The scheme will not of itself qualify a person for a pension as the standard qualifying conditions relating to the type and number of contributions paid or credited must also be satisfied.

In August 2000, the Department of Social and Family Affairs published a review of the qualifying conditions for old age (contributory) and retirement pensions. This review also included a general examination of the homemaker's scheme and the report suggested a number of reforms for further consideration. These included the possibility of changing the operative date of the scheme and replacing the disregard system with one based on actual credited contributions. These suggestions are being examined in more detail in the second part of the review. This phase of the review is also looking at changes to the qualifying conditions for contributory and retirement pensions suggested in the phase 1 report together with a range of other issues. Phase 2 of the review is expected to be ready for publication later this year and developments in relation to the homemaker's scheme will be considered in the light of the conclusions of that report.

Improvements in the position of Widows/Widowers

With regard to those widow(er)s who are over 66 years of age the Government had committed to bringing their rate of payment into line with that of the old age contributory pension. This was achieved through a series of special increases in recent budgets and the process was completed in Budget 2004. The maximum rate of both old age contributory and widow(er)s pension is now €167.30 per week.

This group of widows and widowers is also benefiting from the changes in the Household Benefits Package announced over a number of Budgets. Under these arrangements all persons aged over 70 years of age are now entitled to the full range of schemes, (i.e. free electricity/natural gas, free television licence and telephone allowance) regardless of their means or household composition.

Irish Social Insurance System

Reflecting the result of previous efforts to make the social insurance system more comprehensive and as a result of labour market changes, coverage under the social insurance system has increased considerably over the past number of years.

The numbers of insured persons grew from almost 1.92 million in 1996/97 to nearly 2.53 million in 2002. This increase in coverage of the social insurance system has been accompanied by a rise in female coverage and access to benefits, as follows:

- Of the 1.9 million workers insured for all benefits in 2002 (i.e. PRSI Class A contribution), almost 48% are women,
- Over 293,000 contributors paid PRSI as self employed contributors that year, of whom almost 23% were women.

The rise in coverage is also reflected in the data on benefit take-up. For weekly social insurance based payments, 53.2% of payments were made to women⁴. Some further data on a gender-disaggregated basis is provided in **Table 15**, indicating the differences between long-term and short term benefits.

For long term schemes, it can be observed that:-

- female recipients of Old Age Contributory Pension from 1996 to 2003 has remained relatively stable (from 37.6% to 37% of total);
- the percentage of women receiving Retirement Pension has grown from 24.7% in 1996 to 27% in 2002; and
- payments to widowed spouses are paid predominantly to women (89.2% in 2003).

In relation to short-term social insurance payment schemes, the level of payments to women in respect of unemployment has moved from 54.2% in 1996 to 51.2% in 2003 while for disability

⁴ For social assistance based payments, 55.4% were paid to women. It should be noted that some payments are made exclusively to women i.e. Maternity Benefit, Adoptive Benefit, Health and Safety Benefit, Deserted Wives and Prisoners Wives Benefit and Assistance.

benefit, it has risen by almost 7 percentage points over the same period (from 55.9 to 62.8% of recipients).

Labour Force Participation Rate

Between 1998 and 2004, the labour force participation rate of women increased in all age groups for persons aged 25 or over (post third level education age groups). In the 55-59 age group, the rate was 42.1% which was significantly above the 1998 figure of 30.7%. There was a similar improvement in the participation rate of women in the 60-64 age group from 17.6% in 1998 to 24.8% in 2004.

Family and personal status

- 28.** Work on the Family Law Bill is continuing. The purpose of the Bill is as given in Article 16.2 of the 4th and 5th periodic report. The Bill may also include certain other reforms of family law.

The Family Law Bill must be based on the Irish Constitution and cannot take into account any recommendations for amendment to the Constitution which have not been approved by means of a referendum of the people. Unlike the position in some other countries, the Irish Constitution can be amended only through a referendum where the majority of the votes of the people are cast in favour of the Constitutional amendment concerned. There has been no amendment of the Constitution arising from the recommendations in relation to the family of the Constitutional Review Group.

The All-Party Oireachtas Committee on the Constitution is examining Articles 40.3, 41 and 42 of the Constitution and has undertaken public consultation as part of this examination. It sought submissions in relation to the family by 31 January, 2005.

One aspect of family law, the requirement that cases be heard otherwise than in public, was addressed in the Civil Liability and Courts Act 2004. That Act provided for some relaxation of the requirement that cases be heard otherwise than in public.

- 29.** A judgment by the European Court of Human Rights and Fundamental Freedoms, delivered in May 1994, addressed the position of a natural father of a non-marital child in the Irish adoption process. The Court found that the rights of the father concerned under the Convention for the Protection of Human Rights and Fundamental Freedoms had been violated by the adoption of his child without his knowledge or consent and without his having a right of hearing in the proceedings.

The Adoption Act 1998 provided for the introduction of a new statutory procedure for consulting the father of a child born outside marriage before the child was placed for adoption so as to afford the father an opportunity to exercise his right to apply for guardianship and/or custody of the child, if he so wished.

In the years following the introduction of the Act, the Adoption Board noted an increase in the number of natural fathers requesting a hearing following notification from the Board that it had received an adoption application in respect of their son/daughter by the child's mother and her husband. A number of birth fathers applied to the Courts for rights in relation to their child

following notification from the Board. In other cases natural fathers issued proceedings following a hearing before the Board. In some cases natural fathers were happy for the adoption application to proceed on the basis of their continuing to have a relationship with the child after the adoption order was made and in other cases the natural father decided that he was happy for an adoption order to be made in respect of his child as he considered it was in the best interests and welfare of his child.

2001 saw a dramatic reduction in the number of natural fathers attending the Adoption Board to be heard on adoption applications in respect of their children (from 19 in year 2000 to 5 in 2001). This is most likely attributable to a change in Board's procedures early in that year. Natural fathers, when being notified of an adoption application, were, from then on, offered an additional option of meeting with the Board's Social Workers in relation to their views on the application. They were also issued with the Board's new information booklet on step-parent adoption. Frequently, their enquiries only related to procedural and legal matters and were not indicative of opposition to the making of an adoption order. Prior to this, their only option in such circumstances was to seek a hearing by the Board and the Board itself felt that a full formal hearing was not the most appropriate way of dealing with such enquiries. The option of a full Board hearing is still open to all natural fathers being notified of adoption applications but was taken up by only 5 natural fathers of the 135 notified in 2003.

The Adoption Board has asked the Department of Health & Children to explore the possibility of introducing amending legislation to allow the Board to attach conditions to the making of an adoption order to ensure that a natural father can have continuing access to his child after the making of an adoption order.

30. This reservation is maintained because the rights of fathers of children born outside of marriage are not equal to those of mothers. Specifically, mothers are automatically the guardians of their children while non-marital fathers must acquire the status of guardian. This process has become much less onerous following the enactment of the Children Act, 1997. The Act amended the Guardianship of Infants Act 1964, by, inter alia, providing a mechanism for, and relating to the recognition of natural fathers as guardians of their children born outside of marriage. The Act allows a father, who has not married the mother of his child, to be appointed guardian of the child by agreement with the mother, without the need to go to court, as was previously the situation.

Another consideration is that withdrawing the reservation could be construed as a denial by the State that legislative differences in treatment of women and men in this area still exist.

Note: Annexes to this report are available from the Secretariat in the language in which they were submitted