

# Ireland

## Apie

The Constitution of Ireland (Bunreacht na hÉireann) contains a general provision that allows the State to give 'due regard to the differences of capacity, physical and moral, and of social function' between women and men (Article 40(1)). Gender equality is not mentioned and, in fact, Articles 41(2)(1) and 41(2)(2) recognise a narrow role for women, in the home and as mothers, with no similar passage on fathers.

Gender equality legislation was introduced in the 1970s after Ireland first became a member of the European Economic Community (EEC). The introduction of broader equality legislation in the Equal Status Acts (2000-2015) and the Employment Equality Acts (1998-2004), together with new equality infrastructure in the 2000s, established protection against discrimination on nine grounds (including gender) in employment and in access to services. The government body responsible for gender equality policy is the Gender Equality Division (GED) of the Department of Justice and Equality. The Irish Human Rights and Equality Commission (IHREC) is a public body that is independent of the government.

Despite the loss of ground resulting from the gendered impacts of the economic recession, [1] the national gender equality machinery has been strengthened through the requirement for all public bodies to comply with a 'Public Equality and Human Rights Duty' introduced in the Irish Human Rights and Equality Commission Act 2014 [2]. This requires public bodies to carry out ongoing gender impact assessments, gather sex-disaggregated data, address emerging inequalities and report annually on their progress and plans for further actions. The National Strategy for Women and Girls 2017-2020 was prepared by the GED, with the advice of a Strategy Committee [3]. The Strategy requires cross-departmental involvement for its implementation and essentially demands that gender mainstreaming becomes a whole government obligation [4]. Ireland has even introduced a legal obligation to implement gender mainstreaming for the first time.

Recent years have seen a number of national campaigns on gender-related issues and these have undoubtedly influenced the more gender-friendly politics and culture that is now evident in Irish society. Considering the importance of gender data in the drive for greater equality [5], a commitment to methodical and systematic gathering and dissemination of robust sex-disaggregated data would further fuel these recent positive developments [6].

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## Legislative and policy framework

The National Strategy for Women and Girls 2017-2020 locates the work on gender equality within EU legislation [7]. An all-government strategy, prepared by the GED with input from a Strategy Committee, the National Strategy obliges all government departments to gender-proof new policies and review existing policies for gender equality [8]. This has the potential to impact significantly on gender culture throughout government and wider society, if it is properly resourced and given clear lines of responsibility and accountability. An integral management tool of the National Strategy is an Inter-Departmental Committee, which coordinates, stimulates and mainstreams gender equality. The Committee is composed of all managerial personnel with the opportunity to drive and oversee policy implementation, and meets twice a year. A [progress report](#) on the initial stage of the strategy has now been published.

The National Strategy for Women and Girls 2017-2020 was adopted by the government in May 2017. It identified embedding gender equality in decision-making as one of six high-level objectives, with 16 actions agreed to advance this priority. State bodies' implementation of the public sector duty of equality means that gender will increasingly become a focus, alongside the eight other discrimination grounds. Given these solid beginnings, Ireland is expected to develop a robust gender equality system that is inter-departmental, inclusive and closely linked to advice and guidance from the civil society women's sector.

The actions applicable to all government departments include addressing gender equality formally in strategic planning, policies and practices, and annual reports (in line with the public sector duty under Section 42 of the IHREC Act 2014), including in recruitment and promotion of staff in the public service. Departments can also develop in-house expertise in gender mainstreaming and consider gender impact in the development or review of strategies, as well as ensuring that the design and review of funding and grant schemes include measures on gender equality.

The institutional mechanisms for equality and human rights were consolidated by the establishment of the independent IHREC in 2014 and the Workplace Relations Commission (WRC) in 2015. IHREC's mandate was established under the IHREC Act in 2014, which encompasses and extends the functions of the former Irish Human Rights Commission and the former Equality Authority. This includes the positive duty obligation imposed on the public sector, which sets out that IHREC is to assist public bodies in accordance with Section 42 of the Act, which requires such bodies, in the performance of their functions, to have regard to the need to:

- eliminate discrimination;
- promote equality of opportunity and treatment of its staff and the persons to whom it provides services; and
- protect the human rights of its members, staff and the persons to whom it provides services.

There is, however, a danger that developing and implementing a wider equality agenda may result in a deprioritising of gender equality, unless political will and definite commitments are closely followed by resources and responsibilities. The National Strategy for Women and Girls 2017-2020 is thus a welcome addition to the broader equality focus of the IHREC. The Gender Pay Gap Information Bill 2019 will be another step in the process of implementing this positive duty ethos, in that it will require companies to gather gender-specific data in relation to pay. The Gender Pay Gap Information Bill 2019 was introduced in the Irish parliament (Dáil) in April 2019 and given a second reading in May 2019.

A significant gender mainstreaming policy was established during the late 1990s and early 2000s, when a National Development Plan (NDP) (partly funded by the European Structural Funds (ESF)) adopted gender mainstreaming as a horizontal principle. The European Commission requirement meant that projects supported by the ESF were to be implemented in accordance with the principle of promoting equal opportunities. Gender mainstreaming was subsequently introduced into the policy-making process in Ireland through the National Development Plan (NDP) 2000–2006, the country's multi-annual investment strategy. While ESF regulations applied only to those projects supported by the Funds, the Irish government extended the requirements to all measures, with some (limited) exceptions. Gender Impact Assessment Guidelines were issued and applied to most areas of policy, and a Gender Mainstreaming Unit (GMU) was established. The GMU has now been replaced with the GED, whose remit is more limited (as is its budget), being responsible only for monitoring the implementation of the National Strategy for Women and girls 2017-2020.

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## Structures

### Government responsibilities

Within the Department of Justice and Equality, the GED (Rannóg Comhionannais Inscne, An Roinn Dlí agus Cirt agus Comhionannais), as the government equality body, has responsibility for drafting and reviewing gender equality policy legislation, as well as its implementation and promotion. The GED is also responsible for coordinating the implementation of gender mainstreaming processes and methodologies, including gender budgeting. Research, EU and international matters, information services, publishing and training similarly fall within the remit of the GED. The work of the GED aims to positively influence levels of female representation at work, in politics, in public appointments and on company boards. Tackling violence against women and girls and engaging with women to strengthen their voice in government are stated core objectives of the [GED's work](#). In 2018, the GED was allocated a budget of EUR 4,050,673 (an increase compared to 2017) for its activities related to the promotion of gender equality. The work of the GED complements the broader remit of the independent equality body IHREC, which deals with all nine equality grounds, including gender.

A Strategy Committee was appointed in February 2017 to advise the Department of Justice and Equality on the preparation and implementation of the National Strategy for Women and Girls 2017-2020. The Committee is composed of representatives of all government departments, key public bodies, the social partners and civil society, including the National Women's Council of Ireland. Other government departments consult with the GED to a varying degree, suggesting a lack of concern about gender equality. Nevertheless, Ireland has made progress in its willingness to introduce the foundations of a potentially robust gender equality culture.

### Independent gender equality body

The Irish Human Rights and Equality Commission (IHREC) was formed in 2014 as a public body independent of the government. It combines the responsibilities previously held by the (now defunct) Equality Authority and the Irish Human Rights Commission. The [IHREC](#) also serves as the national equality body for Ireland. The Commission has a broad statutory remit in relation to the protection and promotion of human rights and equality under the IHREC, 2014.

Section 10(1) of the Act sets out the overall functions of the IHREC: to protect and promote human rights and equality; to encourage the development of a culture of respect for human rights, equality, and intercultural understanding in the State; to promote understanding and awareness of the importance of human rights and equality in the State; to encourage good practice in intercultural relations; to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person; and to work towards the elimination of human rights abuses, discrimination and prohibited conduct.

The anticipated impact of the public sector duty under Section 42 of the IHREC Act promises to focus attention on sex-disaggregated data, the absence of which remains a weakness in Irish equality mechanisms [9].

## Parliamentary bodies

The Joint Oireachtas Committee on Justice and Equality holds responsibility for gender equality as part of its brief. There is a system of Parliamentary Committees in operation within the Oireachtas. Four Committees must be appointed: 1) Selection, 2) Public Accounts, 3) Procedure and Privileges, and 4) Consolidation Bills. Other committees may be established by a resolution of one or both of the Houses of the Oireachtas. Committees are empowered to request official papers and to hear evidence from individuals, although their findings are not binding. The reports of the Committees are laid before the Oireachtas, which decides if any action is necessary. It is a matter for the Oireachtas to decide the number and range of Committees that should be established, together with their terms of reference. The Committees that may consider matters relating to progress of gender equality efforts include the Public Accounts Committee (which focuses on ensuring that public services are run efficiently and achieve value for money) and the Joint Oireachtas Committee on Justice and Equality. For its part, the Select Committee on Budgetary Oversight has considered gender budgeting.

The National Strategy for Women and Girls 2017-2020 contains a provision for regular progress reports on implementation. Annual progress reports are presented to the Cabinet Committee on Social Policy and Public Service Reform. These reports are then disseminated to relevant stakeholders and published on the departmental website. The GED is responsible for regular reporting to the government and representative elected bodies through formal meetings, report drafting and (where required) public hearings.

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## Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by Ireland.

A wide range of gender analysis tools and processes exist in government, most of which have associated guidelines for their use and implementation. As there is no legal imperative to implement gender impact assessment processes (beyond the public sector duty), their impact is difficult to track and evaluate. Along with the lack of emphasis on accountability, the gathering of sex-disaggregated data is not strongly embedded in Irish political culture, impeding access to a clear gender picture at organisational and systemic level.

Nevertheless, a wide range of gender assessment tools are in use, with independent evaluations published that include examples of successful gender mainstreaming, gender monitoring and gender evaluation. These include reviews of budgetary policy [10], a social impact assessment of the female labour force [11] and the national adult training authority (SOLAS) apprenticeship programme [12]. Reviews and evaluations are available online. However, review of budgetary policy has yet to include gender equality budgeting that produces publicly available assessments of policy measures prior to and after implementation. Programme reviews and evaluations typically involve consultation with NGOs and civil society groups.

The National Strategy for Women and Girls 2017-2020 includes an action to build capacity within the civil and public service on gender mainstreaming and gender budgeting [13]. Similarly, the public sector duty is based on the gradual systematic collection of data disaggregated by gender (and other equality elements). A proposed outcome of the National Strategy is a public service that demonstrably values diversity, is inclusive and representative of the wider population, promotes equality of opportunity and protects the human rights of its employees. Action 6.5 of the Strategy establishes that departments should develop in-house expertise in gender mainstreaming activities, including through interdepartmental seminars and provision of guidance and training materials. This is congruent with Section 42 of the IHREC Act 2014 that requires public bodies to have (evidence-based) due regard to equality and human rights (public sector duty) [14].

## Gender budgeting

Equality budgeting was piloted for Budget 2018, which used gender as a primary axis of equality. In Budget 2019, the scope of the initiative was extended to other dimensions of inclusiveness, including poverty, socioeconomic inequality and disability, drawing on a broader range of national equality strategies.

Equality budgeting involves providing greater information on the likely impact of budgetary measures across a range of areas, such as income, health and education, and how outcomes differ according to gender, age, ethnicity, etc. Equality budgeting is intended to help policy makers to better anticipate potential impacts in the budgetary process, thereby enhancing the government's decision-making framework.

## **Gender training and awareness-raising**

Awareness-raising and training on gender equality are in place, while mentoring and resource-sharing of detailed guidelines and implementation templates are widely available. GED employees participate in ad hoc and voluntary gender equality training but this does not (yet) include all staff or high-level staff members. The National Strategy for Women and Girls 2017-2020 proposes that in order to comply with the expectations of mainstreaming, all staff in public services will require training in issues like unconscious bias, data collection and gender-proofing of all policies, including those related to rural communities and sustainable energy. The lack of action to date in this regard, however, is a weakness in Irish gender equality mechanisms, with changes evidently slow to develop.

## **Gender statistics**

The Central Statistics Office (CSO) online report 'Women and Men in Ireland 2016' illustrates their role in statistical management for the State, in particular the limited disaggregation of gender data to date [15]. A new issue of this report is planned for publication in 2020 [16]. The CSO reports that there is no clear responsibility in their organisation for the collection and management of sex-disaggregated data, despite the National Strategy for Women and Girls 2017-2020 referring to the importance of sex-disaggregated data. A major deficit in the current arrangements is the lack of clear responsibility and accountability for the production of sex-disaggregated data, with no institution explicitly charged with their production.

Effective gender mainstreaming requires data that are sex-disaggregated and thus enable policy makers to (objectively) see the different outcomes for women and men. An action has therefore been proposed to promote the collection of sex-disaggregated data [17]. Action 6.13 of the National Strategy for Women and Girls 2017-2020 states the need to identify knowledge gaps in relation to gender inequality and to use this as a basis for improvements in the data infrastructure and analysis required to close those gaps. This Action aims to ensure that evidence generated through improved data infrastructure and analysis of gender inequality is then linked to relevant policies [18].

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## Good practices

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## Endnotes

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[3] Department of Justice and Equality (2017). National Strategy for Women and Girls 2017-2020: creating a better society for all. Dublin: Department of Justice and Equality.

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[5] Russell, H., McGinnity, F., Fahey, E. and Kenny, O. (2018). Maternal Employment and the Cost of Childcare in Ireland. Dublin: Economic and Social Research Institute (ESRI).

[6]. National Women's Council of Ireland (NWC) (2014). Toolkit: Gender mainstreaming in the health sector. Dublin: NWC.

- [7] Department of Justice and Equality (2017). National Strategy for Women and Girls 2017-2020: creating a better society for all.
- [8] 'Gender proofing' is less specific than 'gender mainstreaming' even if it has similar motivations. Something can be gender proof in isolation, while gender mainstreaming – by contrast - implies consistency and continuous commitment to gender equality and encompasses both gender impact assessment and gender budgeting.
- [9] Pegram, T. (2013). Bridging the Divide: The Merger of the Irish Equality Authority and Human Rights Commission. Dublin: Policy Institute University of Dublin, Trinity College Dublin.
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- [13] Department of Justice and Equality (2017). National Strategy for Women and Girls 2017-2020: creating a better society for all, p. 69.
- [14] IHREC (2017). Public Sector Equality and Human Rights Duty: eliminating discrimination, promoting equality and protecting human rights.
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- [18] Department of Justice and Equality (2017). National Strategy for Women and Girls 2017-2020: creating a better society for all, p. 72.
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