

Equality Budgeting Campaign

Shadow Report in Advance of Ireland's Combined Sixth and Seventh Periodic Reports Under the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

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Shadow Report in advance of Ireland's combined sixth and seventh periodic review under UN CEDAW

This submission will follow the structure of the "list of issues" as set out by the Committee, and will focus specifically on:

- 1. General and background
- 2. Constitutional, legislative, and institutional framework
- 3. National machinery for the advancement of women
- 4. Economic independence, poverty, and inequality

1. General

1.1 Situation of Women in Ireland: Gender Inequality, Economic Crisis, and Equality Budgeting

Since Ireland's last periodic review, large swathes of women in Ireland have experienced substantial increases in inequality and poverty, and a significant deterioration in living standards. Although the current periodic report is to be welcomed, it is not clear why the report has been delayed for almost a decade, especially since those years have proven to be particularly detrimental to women's advancement. During the period in question, Ireland went from economic "boom" to "bust," with the economic crisis and successive governments' policy response to the crisis being gendered. Austerity, as the preferred policy approach to dealing with the crisis, has had a disproportionate, negative effect on women.

A number of studies by independent research bodies and academics have highlighted these adverse effects, and there has been some significant civil society mobilisation against cuts and tax increases that were having a disproportionate effect on marginalised sections of Irish society, including on women.² One of the initiatives to emerge from such mobilisation is the Equality Budgeting Campaign (EBC), a coalition of civil society organisations and concerned individuals. The campaign was set up to respond to gendered, fiscal policymaking that disadvantaged women and other marginalised Irish populations during the austerity years. The campaign has highlighted the lack of transparency in budgeting, and the

¹ Mary Murphy, "Gendering the Narrative of the Irish Crisis," *Irish Political Studies* 30, no. 2 (2015).

² Tasc, "Winners and Losers? Equality Lessons for Budget 2012" (Dublin, 2011). Ursula Barry and Pauline Conroy, "Ireland 2008-2012, Untold Story of the Crisis: Gender, Equality, and Inequalities (Tasc Thinkpiece)" (Dublin, 2012).

lack of equality and human rights analysis informing fiscal policy. It has sought and continues to seek significant changes to the budget process, and to fiscal policy and political decision-making.

Since 2012, the EBC has campaigned for the adoption of equality budgeting, which can be defined as "an approach to economic policymaking and planning that places equality at the centre of decisions concerning public expenditure and income."3 Ireland has had one of the least transparent and effective budgetary processes in the OECD. It was ranked 35th of 43 countries by the World Bank in terms of financial scrutiny of legislation, and was awarded zero out of ten for quality of budgetary information given to parliament and civil society, as well as for time allocated to parliament to scrutinise budget proposals.4 For many years, EBC has campaigned to have the budget process opened up to parliamentary and civil society scrutiny, and to have in-depth gender, equality and human rights analysis published alongside all proposed budget measures before these are agreed on. EBC has always argued for gender and equality-sensitive fiscal policymaking, especially in times of financial crisis. Even within the context of austerity, we believe that genderproofing of the budget (and attendant, appropriate political decision-making) could have mitigated against some of the most egregious, gendered excesses of austerity budgets.

Given the closed nature of the budgetary process in Ireland (which became tightly controlled by a new cabinet sub-committee, the Economic Management Council, consisting of the leader and deputy leader of the government, as well as the two finance minsters – an all-male group until a change of deputy leader in 2014), and given the dearth of analysis on the likely gender and equality impact of budgetary measures before such measures were adopted, successive Irish governments designed and implemented budgets that have since been independently assessed as "regressive" and that disproportionately, negatively affected women. At the same time, the equality infrastructure in Ireland, which could also have mitigated somewhat against these gendered effects, was dismantled, thereby exacerbating the impact of austerity on women.

To date, there is no government analysis of the impact of the economic crisis and subsequent policy response in terms of gender, equality, and human rights. There are, however, some reforms to the budgetary process underway. A new Oireachtas (Irish Parliamentary) Committee for Budgetary Oversight has been established, and "equality and gender-proofing" of budgetary measures (to be supported by the Irish Human Rights and Equality Commission) has been included by the current

³ Clara Fischer (Irish Feminist Network), "Equality Budgeting in Ireland: An Information Booklet," 2012, http://equalitybudgeting.ie/wp-content/uploads/2012/11/EQUALITY-BOOKLET high-res.pdf, p. 2.

⁴ Joachim Wehner, "Assessing the Power of the Purse: An Index of Legislative Budget Institutions," *Political Studies* 54 (2006): 767–85. Joachim Wehner, "Legislative Arangements for Financial Scrutiny: Expalining Cross-National Variation" (World Bank, Washington, D. C., 2005). See also Clara Fischer (Equality Budgeting Campaign) and Stephen Donnelly (T.D.), "Incorporating Equality Budgeting into Ireland's New Budgetary Process" (Dublin, 2013).

⁵ Claire Keane et al., "Distributional Impact of Tax, Welfare and Public Service Pay Policies: Budget 2015 and Budgets 2009-2015," 2015,

http://www.socialjustice.ie/sites/default/files/attach/publication/3683/2014-12-12-budget2015distributionalimpact.pdf.

government in its Programme for Partnership Government. There are also plans to establish a Budget Office. We welcome these planned changes, but believe that a much more wide-ranging and systematic approach to redressing gender inequality in Ireland is needed if the damage to women's advancement, wreaked during the austerity years, is to be redressed. We outline specific recommendations below.

Recommendation:

A comprehensive government analysis of the impact of the economic crisis and subsequent policy response in terms of gender, equality, and human rights, to be conducted in a timely and efficient manner. Adoption of recommendations arising from this analysis with continued monitoring throughout the newly planned Equality Budgeting process.

1.2 Collection of data

EBC has repeatedly called on the government to increase data collection and analysis (especially on the potential impact of budgetary measures on specific groups), and to make this publicly available. Currently, certain government departments are using the ESRI's SWITCH model for distributional analysis, which is to be welcomed. EBC would like to see data collection beyond this, though, to encompass information on specific groups, such as Traveller and other marginalised women. There is some post-budget data and analysis made available by the Department of Social Protection. However, there is no evidence that this analysis actually informs policymaking. For instance, despite DSP's own analysis highlighting the disproportionate impact Budget 2013 had on households with children, and especially lone parent households, the department continued to implement a series of cuts to lone parent welfare supports.7

Recommendation:

Increase data collection and analysis, particularly as it pertains to marginalised groups. Ensure this feeds into political decision-making through a transparent and responsive process of Equality Budgeting.

⁶ Government of Ireland, "A Programme for a Partnership Government" 2016 (n.d.), http://www.taoiseach.gov.ie/eng/Work_Of_The_Department/Programme_for_Government/A Programme for a Partnership Government.pdf.

⁷ Department of Social Protection, "Social Impact Assessment of the Main Welfare and Direct Tax Measures in Budget 2013," 2013, https://www.welfare.ie/en/downloads/2013-03_SIABudget2013_Final.pdf. See also M. Millar and R. Crosse, "Lone Parents and Activation, What Works and Why: A Review of the International Evidence in the Irish Context," 2016.

2. Constitutional, legislative, and institutional framework

2.1 Incorporating international obligations into domestic law, definition of discrimination

The protection of economic, social, and cultural rights, and individuals' ability to vindicate those rights, are severely limited in the Irish context. ESC rights are not enshrined in the Irish constitution, although two years ago a Constitutional Convention recommended to government to have this revised (to date, there don't appear to have been any measures taken to implement this recommendation). Despite the fact that Ireland has ratified the International Covenant on Economic, Social, and Cultural Rights, these rights are still effectively denied to people in Ireland, much to the detriment of Irish women, who have disproportionately borne economic hardship and injustice throughout the austerity years.

There is no clear definition of gender discrimination in the Irish Constitution (contra the Committee's recommendation).¹⁰ The existing equality legislation (based on 9 grounds, including gender) is only applicable in the provision of goods and services, and in employment.

2.2 Establishment of IHREC, Public Sector Duty, and Equality Budgeting Reforms

IHREC has been tasked in the Programme for Partnership Government with overseeing future gender and equality-proofing of budgets. It is not yet clear how this process is envisaged, and no extra resource allocation has been announced in relation to this. Given the ambitiousness of this reform, which will have to be implemented across government departments, parliament, and the civil service, and with expertise from external agencies and civil society, it is vital that equality and gender-proofing and related initiatives, such as the Budget Office, are properly resourced and planned. Moreover, such budgetary reforms should be given a statutory basis, preferably in tandem with the strengthening of ESC rights as recommended by the Constitutional Convention and with the new public sector duty.

Recommendation:

- Implement Constitutional Convention recommendations on ESC rights
- Include a definition of gender discrimination in the Irish Constitution
- Place gender and equality budgeting on a statutory footing to form a comprehensive gender and equality-focused legislative framework.

⁸ See Katie Boyle, 19th February 2014, "Economic, Social, and Cultural Rights in Ireland: Why the Constitution? http://humanrights.ie/constitution-of-ireland/economic-social-and-cultural-rights-in-ireland-why-the-constitution/

⁹ The Journal.ie, 23rd February 2014, "Convention votes to strengthen economic, social, and cultural rights", http://www.thejournal.ie/constitutional-convention-economic-social-cultural-rights-1329652-Feb2014/

¹⁰ "Concluding Comments of the Committee on the Elimination of Discrimination Against Women on Ireland's 4th and 5th Periodic Reports, A/60/38.," n.d.

3. National machinery for the advancement of women

The 2007-2016 National Women's Strategy was largely ineffective, as it did not include measurable targets, objectives, or indeed monitoring measures. While there is now an opportunity to devise a new and improved strategy for 2017-2020, with consultation currently taking place, it is vital that this be an actionable and effective plan for redressing gender inequality in Ireland.

During the economic crisis, several gender and equality-focused services, institutions and advocacy groups saw their funding drastically reduced, or were closed down or amalgamated. For example, the Equality Authority had its budget cut by 43%, and was eventually amalgamated with the Human Rights Council; the Women's Health Council was closed in 2009; the National Women's Council had its funding cut by 15% in 2008-2011 and by 35% in 2012; the Crisis Pregnancy Agency was subsumed into the HSE in 2009; and the Combat Poverty Agency was closed in 2008.¹¹

We welcome the commitment to future gender and equality-proofing of the budget in the current Programme for Partnership Government, and plans to establish a Budget Office. As noted, these reforms must be properly designed and resourced in terms of infrastructure and expertise, and must include significant civil society input in planning and implementation.

Recommendation:

- Produce and implement a National Women's Strategy 2017-2020 that has
 measurable targets and objectives, and a comprehensive monitoring
 mechanism. The strategy should have a strong focus on marginalised groups
 of women, and should advance effective means of redressing inequalities
 that have been exacerbated in recent years.
- Increase funding to gender and equality-focused agencies and advocacy bodies, and rebuild the equality infrastructure in Ireland.
- Develop a comprehensive vision, strategy, and action plan for implementing Equality Budgeting through consultation with civil society and relevant stakeholders. Identify and resource distinct roles and responsibilities within the equality budgeting process, and establish a robust monitoring mechanism.

¹¹ For a more comprehensive list, see Kathleen Lynch, "EQUALITY AS RHETORIC: THE CARELESS STATE OF IRELAND," *McGill Summer School*, 2013, http://www.macgillsummerschool.com/equality-as-rhetoric-the-careless-state-of-ireland/.

4. Economic Independence, Poverty, and Inequality

4.1 Gendered Poverty and Care

During the economic crisis, the policy approach favoured was one of higher spending cuts, rather than increased taxation (at a 2:1 ratio). The refusal to focus to a greater extent on progressive tax raising measures occurred while simultaneously large-scale corporate tax avoidance was tolerated, if not encouraged, by the Irish state. This approach is another factor in the widespread inequality of wealth in Ireland. The gap between the richest and poorest in Ireland increased by 25% in 2010 alone. The focus on cuts as opposed to progressive taxation also had a detrimental impact specifically on women, who are disproportionately dependent on a number of welfare supports which were cut, including Child Benefit and the One Parent Family Payment. Women's care work, more generally, was disproportionately affected through cuts to the Respite Care Grant, the Household Benefits package, and home help hours.

Childcare costs in Ireland are the second highest in the OECD for couples and the highest for lone parents. As a consequence, parents have to make choices between care and paid work, with some couples being forced to decide whether or not one (often lower paid and female) parent should stay at home or move to part-time work, or single parents having to refuse full or part-time paid employment. In a two-parent family on social welfare, only one parent is obliged to engage with social welfare and the other parent is allowed be a primary carer for the children. Lone parents, however, do not have that option and therefore need a tailored child care scheme that will allow them to fulfil their dual role as primary carer and earner. Although the recently announced Single Affordable Childcare Scheme will benefit 95% of parents, we are concerned that abolition of other, capped schemes, means that the 5% losing out are the poorest lone parents who will no longer have access to childcare with a guaranteed parental contribution. 17

In Budget 2012, a new "activation" policy phasing out One Parent Family Payment was introduced for lone parents once their youngest child turned seven years of age. However, this policy was introduced without the necessary supports. It resulted

¹² Oxfam, "Tax Battles: The Dangerous Global Race to the Bottom on Corporate Tax," 2016, https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-race-to-bottom-corporate-tax-121216-en.pdf.

¹³ While the general population experienced a downgrading of services, increased indirect taxes, and reductions in income (due to unemployment or general "belt-tightening" through large-scale public sector wage reductions), the top 10% of earners in Ireland increased their wealth by 8% between 2009 - 2013, and the Sunday Times Rich List shows that the number of Irish billionaires has doubled since the beginning of the recession.

¹⁴ Central Statistics Office 2010 and 2011: Survey of Income and Living Conditions.

¹⁵ Alison Spillane, "The Impact of the Crisis on Irish Women," in *Ireland Under Austerity: Neoliberal Crisis, Neoliberal Solutions* (Manchester: Manchester University Press, 2015), p. 158.

¹⁶ OECD, "OECD Economic Surveys: Ireland 2015" (Paris, 2015), http://www.finance.gov.ie/sites/default/files/OECD Economic Survey of Ireland 2015.pdf, p. 34

¹⁷ One Family, "One Family Submission on Single Affordable Childcare Scheme," 2016, https://onefamily.ie/wp-content/uploads/2016/12/One-Family-Submission-on-Single-Affordable-Childcare-Scheme_Nov16final-1.pdf.

in lone parents already in employment losing up to 18% of their income, ¹⁸ despite the fact that they were already one of the poorest groups in Irish society. ¹⁹ This policy had a disproportionate impact on women, as 91.6% of lone parent families are headed by women, and 97.7% of lone parents in receipt of One Parent Family Payment in 2012 were women. ²⁰

The deprivation rate for lone parents peaked in 2013 at 63.2% and has marginally declined to 58.7% in 2014 (which is still almost twice as high as for a single adult without children, or a two-parent household with 1-3 children). Deprivation entails experiencing at least two deprivation measures such as not being able to heat one's home or not being able to pay bills. Beyond EU SILC research on poverty and lone parents, other studies have also highlighted the disproportionate disadvantaging of lone parents during the recession. For instance, the independent Think Tank, TASC, found in its analysis of Budget 2012, that "the category most negatively affected by the measured Budget 2011 changes is the 'Single with children' group which lost 5% of income on average, compared with a 1.3% loss of income in the high earner, double income households." The Department of Social Protection's own analysis also shows that households with children, especially those headed by lone parents, were hardest hit by measures introduced in Budget 2013.

4.2 Maintenance

The policy change to lone parent welfare supports exacerbated gender inequality in several ways in addition to increasing lone parent poverty: historically, if a lone parent was in receipt of One Parent Family Allowance, the Department of Social Protection could issue a 'Determination Order' against the "liable relative." This provision usually results in a voluntary maintenance arrangement between parents, rather than risk a higher payment through the Determination Order. ²⁴ In July 2015, 15,000 lone parents were transferred to from One Parent Family Allowance (OFPA) to Jobseekers' Transition payment (JST). Unfortunately, when the legislation was being drafted for JST, the Department of Social Protection did not include the provision for the "liable relative." As a result, in October 2015, the Department wrote to thousands of "liable relatives" and told them that as their former partner was no longer in receipt of OPFA, they had no further obligation to the Department to pay

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¹⁸ Joint Committee on Education and Social Protection, 18 February 2015.

¹⁹ Central Statistics Office, "Survey on Income and Living Conditions: 2013 Results," 2015, http://www.cso.ie/en/releasesandpublications/er/silc/surveyonincomeandlivingconditions201 3/.

²⁰ CSO, "Women and Men in Ireland 2013," 2013,

http://www.cso.ie/en/releasesandpublications/ep/p-wamii/womenandmeninireland2013/.

²¹ EU SILC, "Survey on Income and Living Conditions: 2014 Results," 2014, http://www.cso.ie/en/releasesandpublications/er/silc/surveyonincomeandlivingconditions2014/.

²² Tasc, "Winners and Losers? Equality Lessons for Budget 2012", p. 5.

²³ Department of Social Protection, "Social Impact Assessment of the Main Welfare and Direct Tax Measures in Budget 2013."

²⁴ Ireland has a very low prevalence of child maintenance payment. Child maintenance could be used as a tool to lift one parent families out of poverty. The state has no statutory maintenance authority and this means that custodial parents are often forced into adversarial court cases to seek maintenance. There are no agreed guidelines on the amount of maintenance to be paid, and the amount awarded can vary greatly, depending on the presiding judge.

maintenance for their child (unless there was a court order in place).²⁵

Lone parents were also told when seeking JST that it is a condition of JST that they seek maintenance from their former partner, and should they fail to do this, they will face a weekly financial sanction. There are several difficulties with this:

- 1. Non-custodial parents have letters telling them they are no longer obliged to pay maintenance, yet the parent raising the child is now expected to seek maintenance.
- 2. The courts will not issue a summons unless there is an address for the non-custodial parent, which means it is impossible for the lone parent to comply.
- 3. There has been no risk assessment on domestic abuse survivors. Women, who may have escaped from abusers, are being informed that unless they make contact with their former, abusive partner, their payment will be cut. This is placing lone parents into an unfair position of making contact or losing money.

The Department of Social Protection does not have any protocols in place to ensure that domestic abuse survivors will not be forced to make contact with their abusers to satisfy the JST maintenance condition. Since the "liable relatives" received letters stating they have no further obligation to the Department of Social Protection, there has been a 28% drop in the numbers of claimants receiving maintenance when moving from OFPA to JST. This has further added to losses of income for lone parent families.²⁶

Given the above, we question the assertion that the Department of Social Protection has "promoted" gender and poverty impact assessments, as the research does not bear this out.²⁷ Even if and when a gender and poverty impact analysis had been done on specific measures, there is no evidence to suggest that this fed into policymaking. We further question the "current strong recovery phase," for although unemployment has indeed decreased, "the recovery" is uneven and still gendered (given the still disproportionate and severe poverty experienced by lone parents) and comes in the wake of successive austerity budgets that disproportionately disadvantaged already marginalised populations, including marginalised women such as lone parents and Traveller women.²⁹ We further question the assertion that "increases in employment and the impact of new welfare measures" will increase "household incomes and living standards." ³⁰

²⁵ Kitty Holland, "Non-Custodial Parents Told Child Paymens Can Stop," *The Irish Times*, September 19, 2016, http://www.irishtimes.com/news/social-affairs/non-custodial-parents-told-child-payments-can-stop-1.2796104?mode=sample&auth-failed=1&pw-origin=http%3A%2F%2Fwww.irishtimes.com%2Fnews%2Fsocial-affairs%2Fnon-custodial-parents-told-child-payments-can-stop-1.2796104.

²⁶ One Family, "One Family Submission on Single Affordable Childcare Scheme." See also M. Millar and R. Crosse, "Lone Parents and Activation, What Works and Why: A Review of the International Evidence in the Irish Context," 2016, p. 70.

²⁷ Irish Government, "Ireland's Combined Sixed and Seventh Reports Under the UN Convention on the Elimination of All Forms of Discrimination Against Women," 2016, http://www.justice.ie/en/JELR/CEDAW_REPORT_September_2016.pdf/Files/CEDAW_REPO RT_September_2016.pdf, p. 15. See also Millar and Crosse, "Lone Parents and Activation, What Works and Why: A Review of the International Evidence in the Irish Context." ²⁸ Ibid., p. 3.

²⁹ For a comprehensive analysis of the severe cuts to Traveller supports, see Brian Harvey, "Travelling with Austerity: Impacts of Cuts on Travellers, Traveller Projects and Services," 2014.

³⁰ Irish Government, "Ireland's Combined Sixed and Seventh Reports Under the UN Convention on the Elimination of All Forms of Discrimination Against Women," p.4.

4.3 Housing

Ireland is currently experiencing a housing and homelessness crisis that again disproportionately affects marginalised women. Due to a stagnation in the building of social housing, housing needs are currently being met through the private rental market and an emergency payment for those in receipt of social welfare, Rent Supplement. The conditions around Rent Supplement are onerous. There is a €75.00 per week income disregard allowed for income from employment, however 75% of all income above this is deducted from Rent Supplement payment. This in effect means that lone parents receive no benefit from child maintenance payments or work (especially as childcare is not seen as a deductible in calculations) and are trapped in social welfare dependency. In addition, rents have been increasing year on year and in Dublin are now 3.9% higher than in 2007 during the boom period.³¹ There has not been a concurrent increase in Rent Supplement payments, which means poorer households have been unable to secure accommodation in the private market and there are over 2,000 children in Dublin living in emergency accommodation. The majority of families living in emergency accommodation (65%) are lone parent families headed by women.³²

Women in violent relationships who wish to leave also face additional significant barriers, given the unavailability of affordable housing in Ireland. In light of government reluctance to intervene in the housing market (either through indexlinked rent controls, measures introducing certainty of tenure and better protection against eviction, and tighter regulation of "vulture funds", who are now significant players in the Irish property market), we remain sceptical of the government's optimism regarding increased living standards, especially given the Irish legislative context, where there are significant weaknesses regarding economic, social and cultural rights.

Recommendation:

- Conduct a full gender and equality analysis of the impact of cuts to carerelated welfare supports; address these in Budget 2018 as part of the newly proposed Equality Budgeting process.
- Devise an affordable, accessible childcare scheme tailored specifically to lone parents to allow them to fulfil their dual role as primary carer and earner.
- Ensure adequate maintenance is awarded, complied with and allowed to benefit families. Set up a statutory maintenance authority, and have maintenance paid directly by the state to the custodial parent, with the state taking responsibility for pursuing delinquent debtors.
- Conduct a complete gender and equality analysis of housing policy and the provision of homelessness services. In the short-term, regulate the private rental market and ensure rents are affordable on current wage levels. In the

³¹ ESRI, "The RTB Rent Index: Quarter 2 2016," 2016, https://www.esri.ie/pubs/RI2016Q2.pdf.

³² While traditionally viewed as a male-dominated phenomenon, the rapid increases in lone parents becoming homeless, have now resulted in parity between women and men in homelessness - see Focus Ireland, "Lone Parents and Homelessness: Presentation to Oireachtas Joint Committee on Social Protection," 2017, https://www.focusireland.ie/wp-content/uploads/2016/03/Submission-to-the-Oireachtas-Committee-on-Social-Protection-final.pdf.

- medium term, undertake substantial construction of social housing to replace housing stock that has not kept in line with demographic demands.
- All fiscal policy to be gender, equality, and human rights proofed under the new Equality Budgeting process, and in the larger context of public sector duties and strengthened ESC rights.