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Joint Committee on Gender  
Equality  
Leinster House  
Dublin 2  
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Dear Clerk to the Joint Committee on Gender Equality,

I have been invited to make a brief written submission to the Joint Committee on Gender as part of the committee's examination of the recommendations of the Citizens' Assembly on Gender Equality. As a professor of politics specialising in gender politics, my comments are based on my expertise as an active researcher in the field. If I can assist the committee in its work further, please let me know.

Yours faithfully,

Fidelma Ashe

## **Submission to the Joint Committee on Gender Equality**

### **Recommendations of the Citizens' Assembly on Gender Equality**

**8 March 2022**

#### **Executive Summary**

- The Assembly's recommendations recharge long-standing calls by campaigners to recognise, prioritise and address a range of historical gender inequities.
- Government working in partnership with civil society organisations with condensed expertise in the areas that the Assembly reviewed will be central to the successful and holistic implementation of the Assembly's recommendations.
- The report notes intersectionality as a pertinent factor in considering the advancement of gender equality, but the concept is not applied in the recommendations. Any strategy that ignores women's diversity is likely to be both exclusionary of specific groups of women and fundamentally flawed in terms of its potential effectiveness.
- The recommendation that gender quotas should be used to increase women's representation in public life is a tried and tested means to increase women's representation.
- The implementation of quotas should be combined with strategies that challenge ideological notions that quotas undermine 'merit' and create cross-gender 'unfairness'. Such discourses are particularly damaging for women and lack an evidence base.
- Recommendations that are designed to increase gender representation in public life and decrease inequality in the workplace require mechanisms that enable women to assess how well strategies are working. It is unlikely that employers and other organisations such as sports organisations will be able to adequately assess the success of equality policies and plans without feedback from those affected.
- Recommendations in the areas of social care and equal pay are essential to address forms of economic advantage.

#### **Overview of Recommendations**

The 45 recommendations of the Citizens' Assembly expose the depth and persistence of gender inequality in Irish society. Collectively, the recommendations highlight the failure of successive governments to address women's inequality across political, social and economic life. The issues identified are not new nor are the proposed strategies to address them. The Assembly's recommendations recharge long-standing calls by campaigners to recognise, prioritise and address a

range of historical gender inequities that continue to be reiterated in the present. The most important aspect of the Assembly's recommendations will be their refinement, implementation and development. Therefore, the recommendation that a statutory body for gender equality be established and adequately funded under a cabinet minister co-ordinating cross-departmental actions is an essential aspect for advancing the full menu of recommendations.

The Assembly's report engaged with a range of social arenas. Some, if not all areas explored, have deep complexities and those complexities should not be lost in terms of the wider governmental approach to gender inequalities. While intersectionality is noted in the report, it is absent in the recommendations. The implementation of effective gender equality strategies requires recognition of the diversity of women and the concept of multiple oppressions. Without recognition of women's differences, strategies risk reinforcing existing exclusions and may set up new hierarchies within the category of women.

A Citizens' Assembly can bring together the recommendations and strategies that have been developed primarily by the women's sector/movement which operates at both local and international levels. However, it is essential that the women's sector and other civil society groups dedicated to advocating for groups of women who experience cross-cutting inequities are fully consulted. The latter seem to have had little imprint on the Assembly's recommendations. The depth of expertise on policy options in the area of gender equality lies within civil society across a range of advocacy groups and campaigners – all voices must be heard, and all identities should be included in strategies if they are to be fair and effective.

### **Constitutional Changes**

The Assembly recommends that Article 40.1 of the Constitution should be amended to refer explicitly to protecting gender equality and non-discrimination. Such an amendment would underline the state's responsibility for the advancement of gender equality and is symbolically important. It is also legally important as it may provide an instrument that can be used to advance equality claims. The provision of resources for legislative advancement through constitutional revision will be important in actualising the principles of protecting gender equality and non-discrimination.

The Assembly considered both the ideological and material barriers to women's equality as both are mutually reinforcing. The recommendations to delete and replace Article 41.2 challenges historical assumptions about women's place in Irish society. SDG 5 requires the deletion of discriminatory constitutional provisions. Moreover, that Article 41.2 was included in the Irish constitution is a reminder that gender inequality was actively constructed by the state to the extent that it was

enshrined, and copper fastened in the constitution. However, the deletion and replacement of Article 41.2 will not remove deeply engrained notions about gender. Prevailing notions about what is fair and just in terms of gender relationships will have to be challenged to facilitate the necessary governmental strategies recommended by the Assembly, many of which have significant associated costs.

### **Leadership in Politics, Public Life & the Workplace**

The Assembly recommends that quotas should be implemented to ensure women represent a 'critical minority' in public life and the workplace. We know that quotas are an efficient means of increasing women's representation and that they address the historical factors that facilitated the over-representation of men in public life. 95 countries use some type of electoral quota for their parliament. The quota system places the burden of recruitment not on the individual woman, but on those who control the recruitment process, and there is much that can be done to recruit and open doors for women in public life. Quotas can be considered an effective time-limited strategy to remove the barriers to democratic gender representation in public life. Given Ireland's position on the international ranking tables by country for women's representation in parliaments, the use of quotas would appear to be the only viable method of improving the representation of women in public life within a reasonable timeframe.

The main objection to quotas revolves around notions of merit. Therefore, in terms of public narratives around quotas it is important to challenge the claim that they undermine the merit of the candidate. This notion has been propagated in public discourse and has been given credence by some men and women in political life who argue quotas are unfair. These narratives are particularly damaging to the advancement of gender equality in public life and may undermine public support for the further implementation of gender quotas. These narratives are linked to and embed ideas of the 'unworthy' woman candidate in existing stereotypes about women.

Merit is a socially constructed notion that is only applied to women politicians. We have had quotas for men in public life for centuries and activities such as men supporting the advancement of 'clones' in political parties and other areas of public life continues. It is important to ensure that notions of merit are not discussed at political and public levels in the absence of an exploration of men's social, political, economic and familial advantages. Quotas compensate for the *actual* barriers that prevent women from equal representation in public life and it is the voters who ultimately decide whether to vote for a woman candidate. In terms of electoral quotas, as recommended by the Assembly, these should operate at all levels of political life to have full impact.

National parliaments, parliamentary roles and parliamentary business have been structured around men's lives. Remodelling parliaments will enhance the recruitment of women but also help retain them. Recommendation 23 on family friendly policies could act as a catalyst for a broader review of how institutions including, but not limited to parliament, operate to disadvantage women. There are plenty of international examples of how parliaments and other institutions have been made 'gender sensitive.'

### **The workplace, Pay and Care**

The Assembly's Recommendation 25 states that workplaces should be required to develop, resource, implement and monitor gender-neutral recruitment and promotion policies and practices. At a practical level, the recommendation is difficult to implement in ways that are meaningful for women. The problem is that too often 'resourcing and monitoring' become tick box exercises or vacuous processes. The requirement to have a third-party reporting mechanism would allow employees to report instances of discrimination in recruitment and promotion anonymously and to explain how that discrimination operates within the organisation. Rather than operating as a device to examine individual cases, this mechanism allows for patterns of discrimination to be identified and will provide important data on how employees perceive the success of 'gender neutral' practices. Similar mechanisms will be necessary in other areas of public life such as sport. It is also important to review how processes of legal redress for discriminatory practices operate, if employers break equality laws. How many cases have been brought in the last decade? Is the rate increasing or declining? What are the associated costs of bringing cases? What are the hurdles and barriers to gaining legal redress for discrimination? What is the success rate? Recommendation 24 will also require a lot of development in order to ensure women's protection in online environments. The key to the recommendations in the chapters on **Pay and Workplace conditions and Changes to Care and Social Protection** is that they need to be implemented and deepened as they are key aspects of gender transformative policymaking. There are several issues in terms of how social care operates and the rights of all parties within that system should be recognised in policy development. That said, clearly, if implemented these recommendations will improve women's lives.

### **Domestic, Sexual and Gender-Based Violence**

The recommendations in this section highlight areas where progress can be made and identify important flaws in the legal system. However, the issues are complex, and a broader more dedicated strategy is required that encompasses the Assembly's recommendations but is not limited to them. Any strategy must include the expertise of existing organisations who have been addressing these

issues for some time and have invaluable expertise in the area. These groups have identified a wide range of actions to address violence against women. They must be more than stakeholders in policy development. They are important partners in develop strategies in this area. To return to a central point highlighted earlier, they will be able to advise on issues of intersectionality in implementation of strategies in this area as research has exposed that some groups of women are more likely to experience gender-based violence due to their social location or identity.

In conclusion, the Assembly has highlighted that gender inequality can be addressed through a range of strategies. A number of the recommendations in the various sections of the report have the potential to create real change in women's lives. The role of civil society cannot be under-estimated in terms of refining and progressing the Assembly's recommendations.

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