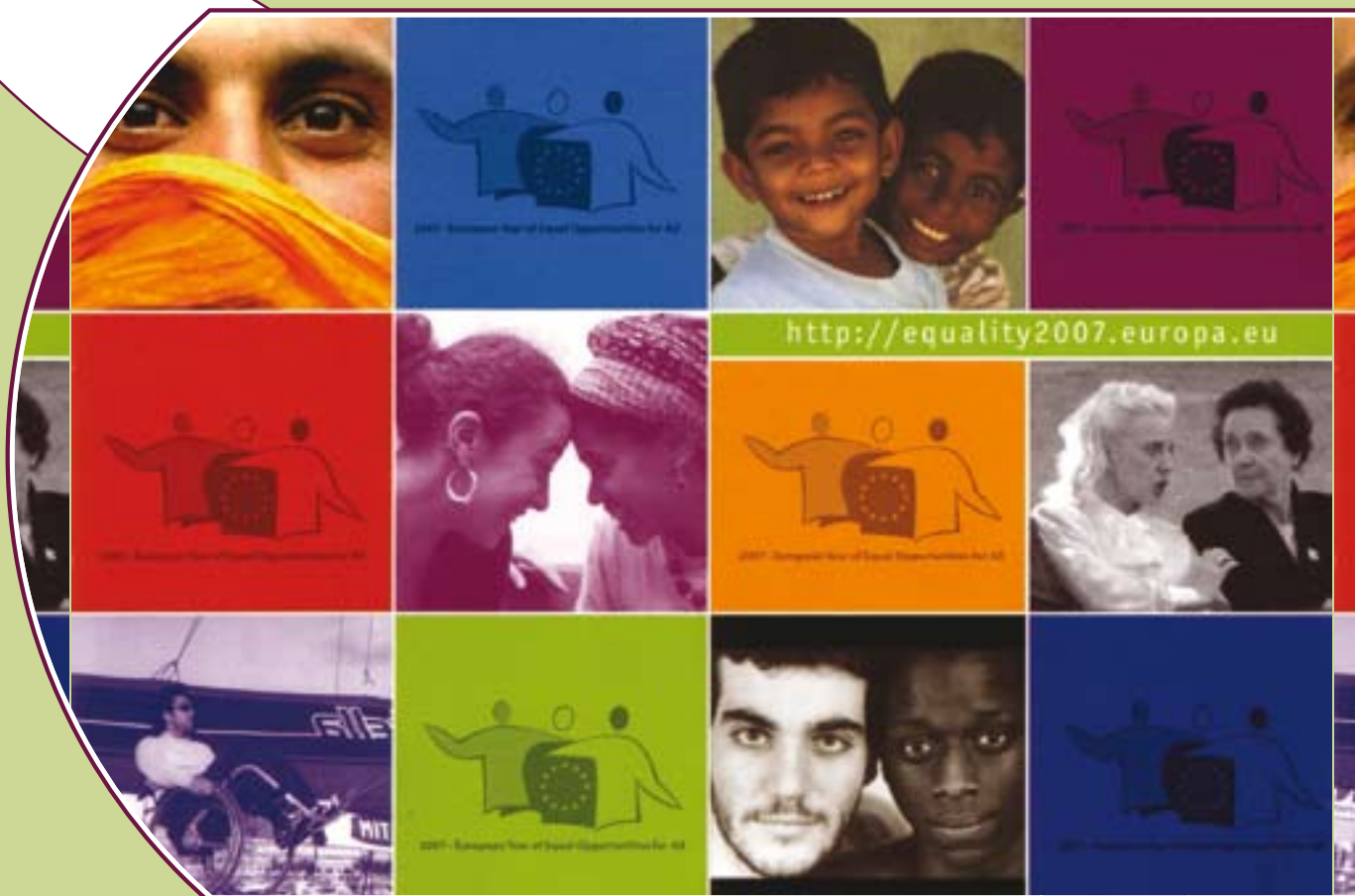


Equality News

Winter 2006/2007



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The contributions to Equality News are welcome and appreciated. The opinions of the contributors do not necessarily reflect the position of the Equality Authority. We welcome your feedback on any article in Equality News. Please send information to Patrick O'Leary (contact details on back page).

Update

by Niall Crowley, Chief Executive Officer, Equality Authority



European Year of Equal Opportunities for All

2007 has been identified by the European Commission as the European Year of Equal Opportunities for All. The Equality Authority has been appointed as the National Implementation Body for the Year in Ireland. The Equality Authority has just completed a consultation exercise to shape the preparation of a strategy for the Year. This involved a dialogue with over fifty organisations – non governmental organisations, social partner organisations, government departments, state agencies and media organisations. The strategy has now been submitted to the European Commission.

A key part of the strategy will seek to support non governmental organisations to take initiatives to achieve progress on burning issues for groups experiencing inequality across the nine grounds. These issues, which were identified as part of the consultation process, will focus on:

- the sharing of caring responsibilities between women and men, the status and standing of caring roles and those who play caring roles and the role of the state in supporting caring;
- exploring and developing effective strategies for building an understanding of male gender conditioning in men and a focus on the role of men in the pursuit of gender equality;
- the need to achieve a visibility for and to accord recognition to transgender people in the gender in which they identify;
- building a knowledge base about and a profile for family diversity;
- policy and practice in accommodation provision to meet the needs of lone parents;
- gearing up to shape a national strategy for carers;
- combating and preventing negative stereotyping of young people;
- addressing barriers to access to health services for older people;
- policy and practice in relation to people with disabilities in institutions;
- supports for service providers to ensure accessibility for their services to people with disabilities;
- new policy and practice on partnership rights for same sex couples;

- integration of minority ethnic groups with a particular focus on access to public services;
- exploring majority community attitudes to Islam and the Muslim community in Ireland
- practice at school level in creating inclusive schools that achieve educational outcomes for Travellers.

Proposals will be sought in the new year for a small scale project led by an NGO in each of these areas.

Equality Mainstreaming Unit

The Equality Authority, the Department of Justice, Equality and Law Reform and the Department of Enterprise, Trade and Employment are currently in detailed discussion on an equality mainstreaming measure under the next European Social Fund Operational Programme. This measure would be implemented by the Equality Authority, if agreed.

The measure should involve three principal areas of activity:

1. The development of support packages for providers of education, training and labour market programmes to enhance their capacity to promote equality and accommodate diversity. These packages could include:
 - support for staff in building or further developing the equality competence of their organisation,
 - resourcing an equal status review exercise to examine existing programmes for their capacity to

achieve equality for groups covered by the equality legislation,

- providing training to enhance staff skills and awareness to promote equality, accommodate diversity and prevent discrimination and harassment,
- creating a change management fund to support equality mainstreaming activity.

2. Support for enterprises to be planned and systematic in their approach to workplace equality. These activities would be developed with the social partners through the Framework Committee for Equal Opportunities at the Level of the Enterprise.
3. Initiatives to enhance the knowledge base in relation to those groups experiencing labour market inequality. These initiatives would include research projects, the development of resource materials on equality mainstreaming for providers of education, training and labour market programmes, and organising an annual conference on equality mainstreaming. This unit would represent an exciting new development in the promotion of equality in a sector that has a key contribution to make in achieving full equality in practice for groups currently experiencing inequality across the nine grounds.

Amicus Curiae

The Equality Authority had applied to act as an amicus curiae in proceedings being brought in the High Court by Paddy Doherty and Bridget Doherty against South Dublin County Council, the Minister for Environment, Heritage and Local Government, Ireland

and the Attorney General. The High Court granted liberty to the Equality Authority to act as an amicus curiae in the proceedings.

This decision of the High Court was appealed to the Supreme Court. In October, the Supreme Court dismissed the appeal of the Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General and affirmed the decision of the High Court.

Mr Justice Fennelly delivered the majority judgement. The majority judgement found that the power of the Equality Authority to apply to act and, if permitted by the Court, to act as amicus curiae is a power which falls well within the scope of the general powers of the Equality Authority and that it is a power to be exercised sparingly and in exceptional cases.

The Equality Authority also achieved a significant success in a case involving two leaving certificate students with dyslexia (see case reports p.14).

EQUINET

EQUINET has been developed through the European Union Community Action Programme Against Discrimination as the European network of specialised equality bodies. It is now preparing a new phase for its work.

EQUINET is organising its work across five strands:

- information exchange through a well managed interactive website;
- sharing interpretations of equality legislation to maximise the potential in

current equality legislation and to highlight issues in current provisions;

- sharing information on implementation of the different powers available to specialised equality bodies and how to achieve the best mix of these powers in a strategic enforcement strategy;
- sharing information on how specialised equality bodies can most effectively support organisations to operate in a manner that promotes equality, prevents discrimination and accommodates diversity; and
- developing channels of communication at EU level to facilitate a contribution from specialised equality bodies to policy formation at this level.

EQUINET has demonstrated an effectiveness in providing supports to specialised equality bodies as they grow and develop and in providing a mechanism to give expression to shared policy perspectives.

Policy Initiatives

The Equality Authority also made a submission to the Joint Committee on Child Protection (see article p.34) and participated on the Working Group on Domestic Partnership (see article p.18).

Higher Certificate in Advocacy Studies

by Margaret Tumbleton and Michelle Scanlon, Graduates of the Higher Certificate in Humanities in Advocacy Studies

I was appointed advocacy resource officer in Clondalkin Citizen Information Centre in January 2005. I was delighted to find that there was accredited training in advocacy just beginning. The Higher Certificate in Advocacy Studies was launched in November '05. The modules that were covered were:

Year 1	Year 2
Introduction to Advocacy	Advocacy 2
<ul style="list-style-type: none">• Equality Studies• Communications• Introduction to Law• Disability Awareness• Information Management	<ul style="list-style-type: none">• Law 2• Project / Placement• Ethics• Communications 2• Social Administration

I feel better equipped to deal with the variety of challenges that advocacy presents after completing this course. The tutors were very accessible to me both by phone and e-mail and also seminars on a number of Saturdays in Dublin.



Connie Gerety and Richard Regan, graduates of the Higher Certificate in Humanities in Advocacy Studies

The course gave me the chance to improve my skills and abilities and also helped me to pass on advocacy skills more appropriately. I also felt it helped me to

understand the different types of advocacy and acknowledge the fact that we are already doing quite a lot of advocacy in our employment. I now evaluate my work for evidence that clients become empowered because of the process of advocacy.

I also had the chance to gain a broad view of the principles of advocacy and learn a lot from listening to other students and the situations they were involved in. Advocacy work involves me in assisting a person to claim rights or representing a person at a tribunal or Rights Commissioner hearing. The law module helped me in assessing legislation and regulations and understanding the legislation. The module introduced us to the Irish legal system including an overview of the Constitution, explained the concept of legal principles and legal reasoning and an understanding of employment law, consumer law and social welfare law. I found this particular module interesting as it explained the Irish legal system in language easy to understand and it enabled an understanding the main rules for interpreting legislation.

Working full time and attending the course and doing the assignments was quite time consuming but I am glad I did it as I feel I can now put more professional systems in place, which help my clients, which is the most important reason for doing this course.

I feel this course is essential for anybody getting involved in advocacy.

Margaret Tumbleton



I thoroughly enjoyed my 2 years studying for the Higher Certificate in Advocacy. I chose to take on the course for a number of reasons. Firstly I was keen to experience distance learning and the online element of the first year of the course also appealed to me. In addition I felt that studying the area of advocacy would increase my understanding of the issues facing a wide range of people who experience marginalisation in Ireland today and better equip me for my role as an information officer with the National Womens Council of Ireland (NWCi). The placement offered as part of the second year of the course would offer me a practical opportunity to use the skills I had learned while on the course.



Michelle Scanlon (centre) with L to R Mairide Woods and Helen Lahert of Comhairle

Advocacy for me is about empowerment and increasing the capacity of people to effectively become their own advocates. The course content certainly lent itself to increasing my knowledge and understanding of the theoretical basis of advocacy along with the practical side of how to be an effective advocate. The modules I felt I learnt the most from were the introduction to advocacy module and the module on ethics. Both these subjects offered examples of how best to deal with situations that may arise for students in the course of their advocacy work. I found both of these modules particularly interesting and they certainly challenged my perceptions of the role of an advocate.

My advocacy placement offered me ample opportunity to give practical application to what I had studied. I was lucky enough to secure a placement with the Migrant Rights Centre Ireland (MRCI), where I volunteered as a caseworker in the drop in centre. While on placement I saw first hand the important role played by advocates and how crucial this support and assistance is to migrant workers and their families. I found the placement an excellent means of bringing together elements of the modules I had studied and of seeing advocacy at work. I learned through the placement that sharing information and experiences with other caseworkers is an important part of the work of an advocate and leads to the delivery of a dynamic and evolving service for clients.

I continue to put into practice what I learned over the past two years, in my role as information officer with the NWCi. I deal on a daily basis with information queries from groups affiliated to the NWCi and the general public. I rely heavily on the skills I developed during my studies when answering queries particularly where callers are in need of advice and support.

Finally one of the most enjoyable and supportive aspects of the course was the opportunity to meet and work closely with other people working in the area of access to rights and entitlements for disadvantaged groups. I learnt a lot from my fellow students and as this was the first time the course had been run there was a sense of cohesion within the group that being trailblazers inevitably brings!

There is no denying that part-time study takes an increased level of commitment and focus. As far as I am concerned the last 2 years of study in the area of advocacy was time well spent.

Michelle Scanlon

Focusing on Outcomes: Reviewing the Effectiveness of Section 75 of the Northern Ireland Act 1998

by Evelyn Collins, Chief Executive, Equality Commission for Northern Ireland

Section 75 of the Northern Ireland Act 1998 introduced a statutory framework for mainstreaming equality of opportunity and good relations in the development and delivery of public policy and service provision in Northern Ireland. It represents an active approach to promoting equality of opportunity and good relations and preventing and redressing inequality by public authorities. The Northern Ireland Act also gives important responsibilities to the Equality Commission for Northern Ireland, including keeping the effectiveness of the duties under review.

The Equality Commission has reviewed the effectiveness of the duties on an ongoing basis through analysis of progress reported by public authorities, and has reported annually on this. But, six years into the implementation of the duties, the time is right to ask fundamental questions about the difference that the legislation has made to the lives of people in Northern Ireland. Who has benefited from the legislation and why? Has the legislation resulted in the required cultural change in the public sector here, and in more informed, and better, public policy making? Has it promoted equality of opportunity?

We are seeking answers to these questions as part of an ambitious review of the effectiveness of the legislation that we are currently undertaking. While a number of reviews of Section 75 have taken place, this review is very different. It affords us an opportunity to take stock and gain a strategic overview of implementation in the past six years and, critically, to learn lessons from the experiences of implementing the duties. It will give us a greater understanding of whether Section 75 has met its policy objectives and of the impact and outcomes which Section 75 has had on the lives of those people directly affected by the legislation.

The Equality Commission agreed the terms of reference and objectives of the review in October 2005, as follows:

To review the effectiveness of the duties on public authorities as set out in Section 75 of the Northern Ireland Act 1998 in terms of the impact which their discharge has on the development of public policy, on the provision of services and on the practical outcomes for the nine categories insofar as promoting equality of opportunity is concerned and for the three categories insofar as promoting good relations is concerned.

To consider whether any issues arise for consideration by the Commission itself or on which it might wish to make recommendations to Government.

Since then, we have commissioned a number of projects, each being developed throughout 2006 and each carried out independently of the Equality Commission. A number of the projects examine the role played by key actors in implementing Section 75: an audit of compliance with Section 75 by public authorities; consideration of the role of the voluntary and community sectors in representing the views of persons likely to be affected by the duties; and the role of the



Evelyn Collins
Chief Executive
Equality Commission for Northern Ireland

Office of the First Minister and Deputy First Minister and of the Northern Ireland Office in promoting and securing implementation of Section 75. This approach of evaluating effectiveness and impact will also apply to the Equality Commission itself - our work, the processes and procedures we have established, our guidance, and the timeliness of our responses will all be the subject of independent evaluation.



To be effective, Section 75 must have a positive impact on the lives of individuals across the equality categories. While we have evidence, through annual progress reporting, of successes in terms of the impact of Section

75 on the development of policies, a much bigger task lies in measuring the impact of the legislation on the lives of individuals. The effectiveness review will enable the Equality Commission to assess, through careful analysis and evaluation, the effectiveness of the legislation in terms of the impacts and outcomes achieved for the nine equality categories and the three good relations categories. A further two projects in the review will do just that. They will look at the impact of the legislation on how public policy is developed in Northern Ireland and on the lives of the individuals within the equality and good relations categories.

We recognize that the success of the review is dependent on the engagement of the Equality Commission's partners, so each project making up the review will include engagement with relevant organisations and individuals to ensure we hear all views during the review period. Commissioners will host a series of roundtable events to discuss with public authorities, the voluntary and community sectors and those directly affected by the legislation, the fundamental questions that we are seeking to address through our 'effectiveness review'.

We plan to complete the review in April 2007 with the launch of a report setting out our consideration of the effectiveness of Section 75 and any recommendations we might wish to make. The lessons learned as part of the review will be invaluable to the Equality Commission in overseeing implementation of Section 75 in the future. Previous reviews have already reported the positive impact of Section 75 on how policy is developed in the public sector. This review is critical to furthering the effectiveness of Section 75; in order to ensure even greater promotion of equality of opportunity and good relations to the benefit of everyone living in Northern Ireland.

Lesbian, Gay, Bisexual & Transgender Young People, Experiences in Irish Schools

by Michael Barron, BeLong To Youth Project



I have written this article around reflections and comments from members of BeLong To Youth Project, Ireland's only designated youth service for lesbian, gay, bisexual & transgender young people. These reflections were made at a time when BeLong To was working in partnership with the Equality Authority on our *Stop Homophobic Bullying Campaign*. As a result bullying and school experiences emerged as the main site of discussion.

They're coming out younger!

It is our experience that lesbian, gay, bisexual and transgender young people in Ireland are 'coming out' more regularly and at an earlier age these days. Recent research from Northern Ireland indicated that the average age when a young man knows that he is gay is 12; while for young women this age is 13. We have noticed a significant increase in the numbers of under 18s attending BeLong To and presently the majority of our members are school-goers.

Although not all these under 18s are 'out' in school an ever-increasing number are. It is clear that this courageousness and confidence is forcing change within schools. From what we see in these situations schools inevitably have to play a game of catch-up.

Being LGBT in school in Ireland

In a recent survey carried out for the youth issue of Gay Community News, Ireland's long standing LGBT community newspaper, 40 members of BeLong To were asked to answer 'Yes' or 'No' to the following questions:

When asked:

Do you agree with the following statement – 'My school is proactive about tackling homophobic bullying' - 37% said yes but 63% said no.

When asked:

Do you agree – 'My school educates its pupils about homosexuality clearly & fairly' 7 % said yes but 93% said no.

Experiences of being a gay young person in school in Ireland vary.

Jonathon (19) said:

"Nothing bad whatsoever happened regarding my coming out. Of course there were a minority of people who had issues with homosexuality, but they tended to be the sort who didn't know many gay people. These people were a minority in the school I attended because it was very open and progressive"

Not everyone experienced this inclusiveness however. Recalling his experiences, Kevin (19) said:

“I would do anything to get out of classes, from pretending to be sick to actually making myself sick when I was too scared to face even the prospect of going in. Now I can see there were certain teachers I could have talked to about it. But the teachers that went out of their way to embarrass me cancelled out any trust I had for people at the time.

Things got the worst in 5th year with the bullying becoming more physical - putting glue on my jacket etc., (but at least I didn't have urinal cubes thrown at me like one of my friends!). People would try to feel me up in the corridors to take the piss which was a bit humiliating, especially when teachers saw and would ignore it.”

Billy (17) left school in the West of Ireland without completing his Leaving Cert. When asked why he said:

‘There was stuff written about me in school, I was slagged going down the street, there was stuff thrown at me. I had to go to hospital in first year because someone pushed me off the stage. I had to move from that school to another one... when I was in fourth year I had a bottle thrown at the back of my head and had to go to hospital again. Whenever I'd go across to the shop I'd just get slagged for being gay. I had to stand on my own, no one would talk to me unless they wanted a cigarette, or they wanted money’ (Billy, 17).

Yvonne (17) told us:

“Once I came across some graffiti about me in the toilets saying I was a ‘lezzer’. I was really upset about this, but my friend calmed me down and told me to go to a teacher. My teacher made sure the graffiti was removed and sat me down to tell me that it's probably



best not to be so open about being a lesbian.”

These young people's experiences are reflective of recent research into how schools deal with LGBT issues.

Straight Talk, an extensive study focused on Irish schools by James Norman, Miriam Galvin & Gerry McNamara at Dublin City University (DCU) found that 94% of SPHE (Social, Political and Health Education) teachers in single sex schools and 82% in co-educational schools were aware of verbal homophobic bullying in their schools. This study also found that 25% of these teachers in single sex schools and 17% in co-educational schools were aware of instances of physical homophobic bullying.

How young people think homophobic bullying is being handled:

Danielle, a 15-year-old transgender young person, highlighted that

“They [teachers] suck at preventing homophobic bullying, mainly being reactionary when forced instead of being proactive. Kids would say homophobic things in class and sometimes the teachers would even laugh at it. Laughter would always follow talking of LGBT issues”.

In DCU's study mentioned above, a teacher said the following about the use of homophobic language:

“If it was happening right in front of me, I would stop it, if it was in the distance I wouldn't bother, it is just too frequent. It is a term I am not as opposed to as others, it is just a term that would be picked up on”

But LGBT young people do not see it as 'just a term'. In the youth issue of Gay Community News, mentioned above, 19-year-old editor Kevin writes the following:

“In claiming our territory we are also reclaiming our language. Specifically, the word “gay.” Gay does not mean “bad”, “shit”, “crap”, etc. Gay means gay. As in homosexual. As in *actually* HOMOSEXUAL. Just like straight means straight, and black means black. People argue that it is just words, and words don't mean anything. Well, what does saying “you're so gay” - in the most condescending tone possible - say to the little gay boy who hears it and is still in the closet? It says being gay is not ok. It says being gay is something to be derided and made fun of - it certainly doesn't say it is something to be proud of.”

Looking to the future:

In looking to the future members of BeLonG To made the following declaration:

“We want to know that any LGBT kid that's starting school does not face into 5 or 6 years of hiding who they are for fear of constant abuse. Schools need to recognise that homophobia is just as detrimental to the educational environment and students' well-being as racism is. The Department of Education should act on this by having an anti-homophobic bullying policy enforced. Principals, teachers and guidance counsellors must be willing to be informed on LGBT issues and on how to handle those issues in the classroom.”

They continued:

“All we want to see happen in the future is pretty basic, and most importantly, achievable. We believe that we can build on all the work that's gone before us and achieve these things, and by the time someone is writing an article like this again hopefully all they'll be thinking is “I hope it doesn't rain; my gay wedding dress isn't waterproof!””



MAKING YOUR SCHOOL SAFE



for **LESBIAN, GAY, BISEXUAL**
and **TRANSGENDER** Students



THE EQUALITY AUTHORITY
AN TÚDARÁS COMHIONANNAIS



Case Reports

by Patrick O'Leary, Equality Authority

Government decision to pay adult dependent allowance in respect of same sex partner of terminally ill gay man

The Equality Authority has welcomed the satisfactory outcome of a case under the Equal Status Acts in relation to the treatment of a same sex couple by the Department of Social and Family Affairs. The case was being taken by a gay man in relation to the refusal of an adult dependent allowance for his partner under the claimant's invalidity pension.

The claimant is in receipt of invalidity pension from the Department of Social and Family Affairs. He is permanently unfit for work due to a terminal illness and has a life expectancy of less than two years.

His partner took unpaid leave from his full time paid employment to take care of the claimant and expected to be entitled to

qualify for an adult dependent allowance on the claimant's invalidity pension. Such an adult dependent allowance is payable to unmarried heterosexual couples.

An application to the Department of Social and Family Affairs for this adult dependent allowance was refused on 10th March 2005. This decision was appealed and a complaint was then lodged with the Equality Tribunal under the Equal Status Acts. Subsequently, the support of the Equality Authority was sought and granted.

Both the claimant and his partner suffered significant stress on account of this refusal. It interfered with the necessary care of the claimant, and his partner had to return to employment.

On foot of correspondence between the Equality Authority and the Department of Social and Family Affairs, the Department agreed to make an ex-gratia payment in respect of the adult dependent allowance to include arrears due arising from their initial refusal to make the payment. The Department of Social and Family Affairs have written to the claimant stating that "having considered the circumstances of your situation, the Government have decided to process your application for qualified adult allowance and, on a without prejudice basis, to treat your partner on the same basis as

the category of persons covered by the rules in force. Accordingly, provided the standard scheme criteria are met, the allowance will be paid on an ex-gratia basis together with arrears". The ex-gratia payment has now been made.

The claimant responding to the outcome of the case stated:

"As a couple who have been together for 17 years, we welcome the Government's decision to pay adult dependent allowance in our case. We didn't take this case just for ourselves but in the hope that it will benefit other same sex couples. We pay our PRSI and income tax just like other couples. While the decision on adult dependent allowance responds to our immediate needs, we also ask our Government to grant us an entitlement to contributory widow's pension. In our view the Government should bring in legislation introducing civil marriage without delay".

The Department of Social and Family Affairs had relied on Section 14 of the Equal Status Acts which exempts action taken on foot of other legislation from review under the Equal Status Acts.

The Equality Authority had pointed out that Section 2(2) of the Social Welfare (Consolidation) Act 2005 allows the Minister to specify persons to be adult dependents. The Equality Authority contended that the Minister therefore has a discretion which may be exercised to specify the claimant and his partner as a couple and that the failure to exercise this discretion constituted discrimination and that the exercise or failure to exercise this discretion is amenable to review under the provisions of the Equal Status Acts.

The outcome of the case reflects an important recognition for same sex couples and their relationships. The case highlights the difficult and stressful situations that arise for gay and lesbian people in the absence of a legal recognition for their relationships. There is an urgent need to address this inequality and to accord a legal recognition to same sex couples on a par with heterosexual couples. The Government decision in this instance marks an important recognition for this same sex couple. The Government now needs to provide a comprehensive recognition for same sex couples through legislation that provides for civil marriage for same sex couples.

Landmark decision for Leaving Certificate students with dyslexia

Two former Leaving Certificate students with dyslexia have succeeded in a claim of discrimination under the Equal Status Acts 2000 to 2004 against the Department of Education and Science in relation to the annotation of their Leaving Certificates. The case was supported by the Equality Authority. The decision of the Equality Tribunal has been appealed by the Department of Education and Science to the Circuit Court.

An equality officer of the Equality Tribunal found that the Department of Education and Science discriminated against two Leaving Certificate students with dyslexia by annotating their Leaving Certificates. Their Leaving Certificates contained an explanatory footnote which stated that the complainants were assessed on all parts of the examination in each subject except spelling and written punctuation elements in

English and spelling and some grammatical elements in other language subjects.

The Department of Education and Science have been ordered to:

- issue new Leaving Certificates to the claimants without the relevant notations,
- investigate the feasibility of creating and implementing a system of accommodation which can meet the needs of each particular student applying for accommodation based on their individual assessment,
- pay each claimant €6,000 compensation.

It was argued on behalf of the claimants that the Department of Education and Science were requiring the students to sit a standardised examination which does not permit a disabled person's ability to be measured in comparison to others without reference to their disability. Secondly, the annotation of their Leaving Certificates suggests that the complainants' results were not real results which are as meritorious as the result of a student obtaining the same grade but without the annotation.

Thirdly, the annotated Leaving Certificate labels the complainant as a person with a disability. This undermines the student's right to privacy. 'Complainant A' suffered significant embarrassment when the results of the Leaving Certificate came out as all her friends wanted to know why her certificate was different. She had not previously revealed her disability.

The Department of Education and Science argued that the annotation is a necessary

balance to protect the integrity of the examination certification process and that the certificate does not record that the complainant has a disability. 'Complainant B's' spelling and written punctuation in English had not been assessed in her Leaving Certificate examination nor had her spelling and written grammar in Irish and French. The Department argued that the annotation arises only because the complainants have applied for and been granted reasonable accommodation. They argued that the annotation can only arise because the complainants have already been treated more favourably than others in the first place. The equality officer stated that it was worthy of comment that there is an assumption running through the submissions made by the Department that the exam process is sacrosanct, and that it is absolutely objective. No evidence, she stated, was produced to confirm this viewpoint nor, according to the equality officer, did the Department present any evidence in support of their assertion that the annotation is necessary to maintain the integrity of the certification process. They failed to present any evidence that the annotation actually achieves that goal. The viewpoint of the Department is clearly discriminatory as it proceeds on the basis that one size fits all, thereby discriminating against students with disabilities.

The equality officer noted that the Central Applications Office, which is possibly the biggest single end user of Leaving Certificates, accept the grade presented on the Certificate without taking account of the mark adjustment indicated in the annotation.

Therefore the Central Applications Office does not require this information to be provided by the Department.

The equality officer accepted that employers who routinely use Leaving Certificates as part of their recruitment process would quickly come to know that people with annotated certificates are people who had a disability of some sort at the time they sat the examination. In her view the annotation reveals details about the Leaving Certificate holder which they may not have been otherwise obliged to reveal wherever it was not relevant. In such situations, the decision to reveal their disability or not has been taken out of the hands of the complainant.

While the integrity of the system is vital and is correctly something to be aspired to, the equality officer noted that the Department's position is undermined in regard to annotation when the marks that are given to those who sit their exams through Irish are considered. Those students are given an extra 10% in some subjects, 5% in others. The Leaving Certificates of these students bear no indication that an adjustment has been made and they are not annotated in any way.

The Department of Education and Science set out their belief that what they provide for students with disabilities sitting the Leaving Certificate is reasonable accommodation in terms of the Equal Status Acts. The Department was of the opinion that any reasonable accommodation given to students with disabilities confers an unfair advantage on the recipient. The equality officer stated that the approach

of the Department "is to fundamentally misunderstand the purpose of the reasonable accommodation provisions in the Equal Status Acts. The purpose of reasonable accommodation is to provide for a situation where people with disabilities can avail of a service on an equal footing with those who have no disabilities. Reasonable accommodation is to remove a disadvantage rather than to confer an advantage. It is to allow people with disabilities to take part on a level playing field while allowing for their disability."

This case is about creating a level playing field for students with disabilities with other students in the assessment of their achievements under the Leaving Certificate. It is important that the examination system is now reviewed to ensure that it is accessible to all participants and that it represents a fair assessment of the ability or educational attainment of a student with dyslexia. This is urgent in a context where there is a policy commitment to ensure access for people with disabilities to mainstream education. This policy commitment is compromised where people with disabilities do not have access to an examination system that adequately and fairly assesses their educational attainment within mainstream education.



Working Group on Domestic Partnership Report

by Niall Crowley, Chief Executive Officer, Equality Authority

Working group sets out options of civil marriage and full civil partnership for same sex couples

The Working Group on Domestic Partnership have presented their Options Paper to Tánaiste Michael Mc Dowell. Eilís Barry, B.L. legal advisor to the Equality Authority, represented the Equality Authority on the Working Group with Laurence Bond, head of research at the Equality Authority, as alternate.

The Equality Authority has welcomed the report of the Working Group. It sets out a valuable range of options through which to address the situation of same sex couples and of heterosexual cohabiting couples. It is important now that there is a substantial policy and legislative response to these options.

The Working Group set out options for same sex partnerships, for opposite sex partnerships and for non-conjugal relations. The report contains valuable material which is not readily available elsewhere - in particular in the chapters on Social Context: Opposite-Sex Couples, Social Context: Same-Sex Couples and Domestic Partnership: Other Jurisdictions. This material will serve future debate on these issues.

The report of the Working Group highlighted that same sex couples have no opportunity to attain formal state or societal accreditation for their relationships with the legal recognition, status and social acceptance that flows from these. There is a consensus in the report on the granting of as full recognition as possible to same sex couples. The report sets out only two options for addressing the situation of same sex couples – civil marriage or full civil partnership.

Civil marriage for same sex couples, it states, would be the same as that currently available to persons of opposite sex. It notes that the introduction of civil marriage for same sex couples would achieve equality of status with opposite sex couples and that such that recognition would underpin a wider equality for gay and lesbian people.

Full civil partnership for same sex couples, it states, would entail the state introducing a civil registration scheme which extends the full range of rights and duties of marriage to same sex couples who choose to register their partnership. The report notes that full civil partnership falls short of full equality for same sex couples as it excludes such

families from the protection given to the family in the Constitution. In the absence of civil marriage the full civil partnership option is seen by the group as one which would address the majority of the issues encountered by same sex couples.

The report notes that the Constitution does not define marriage. However, it states that it has been consistently interpreted as having been founded on the understanding that marriage is the union of one man and one woman. However, it further notes that judicial interpretation can evolve with societal change. The report then states that in view of existing and recent case law the group believes that extending civil marriage to same sex couples is likely to be vulnerable to constitutional challenge. However, it further notes that the first case to be heard on this specific issue only came before the High Court in October 2006. In this case the High Court subsequently found against Katherine Zappone and Anne Louise Gilligan.

The report highlights that there has been little quantitative sociological study of the phenomenon of cohabitation in Ireland. It went on to suggest a comprehensive study of cohabitation in Ireland with a view to informing a review of relevant legislation and to identify where reforms may be required to address issues relating to cohabiting opposite sex couples. The report notes that vulnerable partners in unregulated relationships enjoy little or any legislative protection at present and the consequences, financial and otherwise, at the end of a long relationship, owing to death or break-up, may be catastrophic.

The Working Group set out a range of possible options for opposite sex cohabiting couples:

- Contractual arrangements where the cohabiting couple is free to choose to

regulate some aspects of their relationship by way of contract governed by contract law, enforceable through the courts.

- Presumptive scheme which follows generally but not entirely the approach elaborated by the Law Reform Commission. The presumptive scheme is designed to protect the vulnerable dependent partner in a relationship in the absence of any other formal recognition of that relationship. It would apply at the end of the relationship.
- Limited civil partnership which would entail the state introducing a statutory civil registration scheme which extends a certain status and a limited selection of rights and duties of marriage to cohabiting couples who choose to register their partnership.
- Legislative review and reform to address issues relating to cohabiting opposite same sex couples. The process of legislative change should in future include a process of proofing all new family legislation for its impact on cohabitants where this is relevant.

The Working Group emphasised that these options are not mutually exclusive and that a combination of a number of options is required to adequately address the range of issues of concern to cohabiting couples taking into account their different circumstances and preferences.

The Working Group found it difficult to consider in any depth the nature of the diverse relationships in the non conjugal category and the options for and consequences of according legal recognition in this area. This was due to the absence of research material and a dearth of submissions made to the Working Group.

Copies of the full report are available from the Department of Justice, Equality and Law Reform.

Anti-Racist Workplace Week

6th-12th November 2006

PASS IT ON



We seek:

- to support Black and minority ethnic employees including migrant workers and Travellers to adapt to our workplace.

work **against** racism





- to support all our employees to adapt to and engage with our culturally diverse workforce.

- to have regard to cultural and linguistic diversity and to contribute to achieving full equality in practice through our employment policies, procedures and practices



Equality in ‘Towards 2016’ - The New National Agreement

By David Joyce, Irish Congress of Trade Unions

General Secretary of the Irish Congress of Trade Unions, David Begg strongly praised the new employment standards measures contained in ‘Towards 2016’, saying they represent the “single biggest leap forward in social policy” ever undertaken in Ireland.

In a speech delivered to the McGill Summer School in July he said: “I have no hesitation in saying that these measures in their totality... represent the single biggest leap forward in social policy initiated in this country. Other important social policy changes were inspired by the EU but this is the biggest thing we have ever done of our own volition.”

There is no doubt that the new labour standards measures, if implemented fully,

have the potential to benefit many of the most vulnerable and exploited sectors of the workforce, including many thousands of woman and migrant workers. They should also help us to avoid the creation of a ‘two-tier labour market’ in Ireland, which could lead to serious ethnic and social tensions.

More broadly, ‘Towards 2016’ sets out a number of equality related ambitions for Ireland in 10 years time, including:

“Every person, irrespective of background or gender, would enjoy equality of opportunity and freedom from discrimination”.

“The parties to the agreement share a vision of an Ireland where people with disabilities have, to the greatest extent possible, the opportunity to live a full life with their families

and as part of their local community, free from discrimination”.

These are ambitions we would all share and are now commitments to which the partners to ‘Towards 2016’ have now agreed. Anybody engaged in the struggle for equality knows that while we have made much progress in recent years, many challenges remain to be met. These include the gender pay gap, the lack of participation and advancement in the workforce of people with disabilities, exploitation of migrant workers, disadvantages caused by the lack of legal recognition of same sex couples and many others. But will the commitments made in ‘Towards 2016’ lead to policy changes and practical actions that will address such challenges in an effective manner?



David Begg, General Secretary, Irish Congress of Trade Unions

Some of the commitments and actions in relation to equality in ‘Towards 2016’

The agreement states that in relation to gender, the Government is committed to promoting gender equality across all stages of the lifecycle through a range of measures including the forthcoming National Women’s Strategy. There is an acknowledgement in the agreement that “while the introduction of a strong body of anti-discriminatory legislation and other supporting mechanisms

has contributed to the reduction of gender inequality in Ireland over the past thirty years, there is still evidence which shows that we have some way to go to achieve true gender equality”.

Gender equality related actions agreed include:

- Implementing policies to increase employment levels with the goal of exceeding the EU Lisbon employment rate targets for 2010 of 70% overall, 60% for females and 50% for older workers.
- Building upon the achievements of the National Development Plan Equality for Women Measure.
- Focusing on actions by the social partners to encourage greater numbers of women to advance to the higher levels within their chosen careers through training and cost effective reviews of equality policies within organisations.
- Further exploring the causes of the gender pay gap in order to reduce it further.
- The increase in the minimum wage also contributes to gender equality.
- Providing 50,000 new childcare places; €2.65 billion for the National Childcare Strategy, 2006-2010; and 17,000 new training places for childcare workers.
- Legislation on maternity/paternity leave is to be reviewed again before the end of 2008.

Wider equality related actions agreed include:

- Reviewing as necessary existing equality

legislation with a view to establishing best practice in relation to positive action, particularly in access to employment, across all nine equality grounds.

- Reviewing expenditure on the equality infrastructure provided by the Equality Acts to reduce the incidence of discrimination. A particular priority will be the removal of the current backlog of cases before the Equality Tribunal.
- Continue to encourage companies and organisations to meet proactively the challenges of diversity and equality.
- Collecting data to support policies for the promotion of equality of opportunity across the nine grounds covered by equality legislation.
- The National Employment Action Plan referral process will be extended to other groups such as lone parents and people with disabilities.

There are also a number of “innovative measures” including:

- A new framework to address the broader issue of integration policy.....linked with progress already achieved in the areas of social inclusion and anti-racism.
- Language and other supports for migrant workers.
- A range of strategies will also be pursued as part of the National Action

Plan Against Racism. Furthermore, racism in the workplace will be proactively addressed in the context of the Anti-Racist Workplace Week in keeping with best international practice in this area.

- Improved regulation of employment agencies.
- Travellers - developments in line with the recommendations of the Report of the High Level Group on Traveller Issues, taking account of the Second Progress Report of the Traveller Monitoring Committee.
- Protecting employees in the home - the parties are agreed on the need for special measures to support the employment rights of persons employed in other people’s homes.
- The workplace of the future - promoting equality and diversity in the workplace.
- National Framework Committee for Equal Opportunities at the Level of the Enterprise will continue its work in developing and disseminating practical supports for the equal opportunities workplace.
- National Framework Committee for Work Life Balance Policies will continue to support and facilitate the development of family friendly policies aimed at assisting in the reconciliation of work and family life at the level of the enterprise.
- Developing and promoting codes of practice on how statutory parental and force majeure leave can be taken.

- Lone parents will get support - access to childcare, flexible training and education opportunities.
- National Disability Strategy – including a comprehensive employment strategy for people with disabilities. The Government has agreed to amend the Cabinet Handbook to incorporate a requirement that all substantive memoranda submitted to Government take account of the impact on people with disabilities. Appropriate guidance will be developed to assist with the proofing requirement in the context of proposals being developed in relation to equality proofing more generally.
- Recognition of the importance of helping families to balance their work responsibilities with their family, caring and other commitments and acknowledge, in particular, the important role played by family carers, including initiatives in relation to expanding the income limits for the Carer's Allowance; significant increases in the value of the respite care grant for carers and continuing to review the scope for further development of the Carer's Allowance, Carer's Benefit and the Respite Care Grant having regard to the recommendations of the Equality Authority Report "Implementing Equality for Carers"; the Carer's Association report "Towards a Family Carer's Strategy"; the Joint Oireachtas Committee on Social and Family Affairs Report on the Position of Full-Time Carers and other available research. A National Carers' Strategy that

focuses on supporting informal and family carers in the community will be developed by end 2007.

- Public information campaigns to tackle ageism.

'Towards 2016' provides a framework for unions and others committed to the realisation of equality in practice to build further on the progress we have been making towards achieving equality in the workplace and in society generally. However, it is only a framework; and within that framework, we will have to work very hard to make sure that progress is actually made. Many of the commitments contained in the agreement are positive provisions, if not particularly detailed or specific. 2007, the EU Year of Equal Opportunities for All, offers a real opportunity to highlight the existing discrimination and inequalities in our society and workplaces and to address these in the context of the 'Towards 2016' framework.

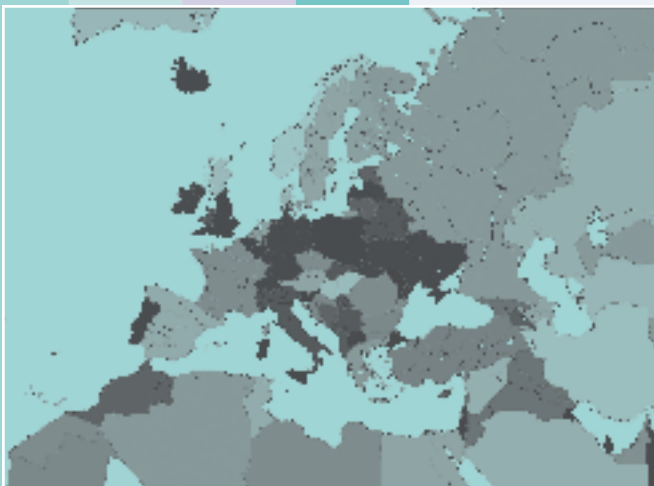
Integration Debates in Europe

by Jan Niessen, Director Migration Policy Group, Brussels

Europe's population is dramatically changing in composition and size. It is getting older and will, as things stand at the moment, eventually shrink. This poses serious challenges for how European societies are kept together, i.e. for how they are integrated. Can sufficient income be generated and the same level of productivity and standard of living be maintained? Are the same services needed and will they be delivered in the same way and by the same people, as currently is the case?

How will (inter-generational) solidarity be organised and social bonding take shape? Continuous settlement of immigrants and refugees are part of the equation. Working in pursuit of just immigration and refugee policies and the effective integration of these persons into our societies cannot be done in isolation from efforts to meet the overall challenges and requires the active involvement of all citizens, whether or not they have an immigrant or refugee background.

Integration is a long-term and non-linear process it is also multi-faceted, demanding a capacity for adaptation from a wide variety of actors including immigrants themselves. European societies need to become 'learning societies' and citizens become active citizens, familiarising themselves with new



types of interaction and communication and with new and diverse groups of people, including immigrants and refugees. At the same time, family life, education, voluntary work, political parties, trade unions, organised religion, social dialogue, and other mechanisms and institutions are changing shape under the influence of rapid socio-economic and demographic changes. Rather than integrating into static societies, immigrants and refugees in Europe engage with the fluid societal arrangements that surround them.

In many countries an 'integration infrastructure' is being developed that includes mechanisms for policy design, implementation and review, as well as official and less official, public and private structures and networks for co-operation. European policies impact on national policies and European policy mechanisms and institutions are gaining importance for work at national level. Examples are the Council of Europe's human rights standard setting and enforcement, EU equality and non-discrimination law, but also policy processes and mechanisms such as the Lisbon process and the open-method of co-ordination on social inclusion.

What integration is may easily trigger familiar debates about assimilation or multiculturalism. However, it seems that the debates are somewhat moving away from these often rather ideological discussions about integration models to more pragmatic discussions on access and equality, and participation and active citizenship. Increasingly policies and practices are geared towards the elimination of considerable and persistent inequalities between immigrants (first and subsequent

generations) and the 'native' population in terms of economic integration and mobility (as employees or entrepreneurs), education (attainment and career development), health and social services (not yet sufficiently tailored to the needs of a diverse population), and societal participation (under-representation in political life, the voluntary sector and cultural life). By eliminating inequalities, the societal outcomes for immigrant and 'native' population converge.

This approach (integration as convergence of outcomes) leans on equality and anti-discrimination principles (and theories)¹. Another approach is also emerging which could be summarised as a life-cycle approach to integration. This takes the challenges and opportunities people face in the different stages of their life as starting points. It concentrates on groups of individuals who interact with their environment. For example, it identifies obstacles for immigrant groups accessing schools (depending on the life stage: primary or secondary schools) and verifies whether this is more a matter of socio-economic position or of belonging to an ethnic group. It checks whether and how obstacles are overcome or are perpetuated in other life stages (with entering university, work, or retirement). It establishes what makes up the direct or wider environment (from family life to work and from education to leisure) and who the significant other players are and what role they play. Along similar lines, opportunities can be identified in all stages of life, and the factors which make opportunities arise are analysed as well as how these are seized. This approach leans on theories and practices that are responsive to diversity, namely opening up of institutions, acquisition of competencies and customising

¹ For a similar approach in relation to immigration policy and practice see Equality Authority, (2006), *Embedding Equality in Immigration Policy*. Dublin: Equality Authority

of public and private services. Equally it looks at strategies of life-long learning.

Confronting inequalities in economic life, education, and other areas is a task for all governmental and non-governmental actors, although those shaping the legislative framework have a special responsibility. Elements of 'civic citizenship' such as security of residence, support for family life, facilitated naturalisation and anti-discrimination are of central importance, as are concepts associated with the term social citizenship: participation, social mobility and customised service delivery. These concepts can be put into practice through standard setting at national and European levels, codes of conducts concerning administrative practices, and the removal of unnecessary legal barriers. Acquisition of competencies is directed at the overall population including immigrants and calls upon each individual to engage in a process of lifelong learning. Language acquisition is part of the undertaking, as is continuous training and education. Over time, individuals not only gain new information but also develop the capacity to learn: 'learning to learn'. Empowerment also reinforces knowledge, and vice versa.

Organisations also help themselves and the integration process by acquiring intercultural knowledge, be they small or big, professional or voluntary, mainstream or immigrant-led. By constantly adapting to their environment and its changing patterns of diversity, they become 'learning organisations' that strengthen social cohesion in the societies of which they are a part.

Working together on immigrant integration requires putting this work into the context of Europe's overall challenges and the policies that are put in place to address these challenges (combining a targeted approach with mainstreaming). The aim is to enable everybody to participate and to enhance organisations' capacity to act. Equality and access are core-guiding principles. It would seem that sharing an all-embracing definition of integration becomes less important than agreeing on specific integration objectives, which can be categorised under the headings: improving policies and services in the public and private sectors, removing 'integration impediments' and building on 'integration facilitators', and opening up of mainstream institutions and enhancing intercultural competence.

This article is an abridged version of a longer document prepared by the Migration Policy Group for the European Monitoring Centre on Racism and Xenophobia (EUMC).

Men in Gender Equality – EU Advisory Committee Opinion

By Niall Crowley, Chief Executive, Equality Authority

Introduction

The Advisory Committee on Equal Opportunities Between Women and Men recently produced an Opinion on “Men in Gender Equality”. This Opinion reflects a growing focus on this theme within work on gender equality at European level. The Finnish presidency of the European Union subsequently hosted a conference on “Men in Gender Equality”. This theme has also been named as one of the issues to be explored in the strategy being developed by the Equality Authority for the European Year of Equal Opportunities for All in 2007.

The Advisory Committee includes representatives of Member States, specialised gender equality bodies and the EU level social partner organisations.

The Advisory Committee was established to assist the European Commission to formulate and implement Community measures aimed at promoting equal opportunities for



women and men and to encourage ongoing exchange of information on this theme between the member states.

The Advisory Committee fulfils this mandate through the preparation of Opinions for the European Commission on a wide range of gender equality issues. Opinions set out the agreed thinking of the members of the advisory committee on the issue. As such the opinions benefit from a broad range of perspectives and experiences across the European Union. Opinions however do not necessarily reflect the position of the various Member States nor are they binding on the European Commission or the Member States.

Objectives

The recent Advisory Committee Opinion sets a range of objectives for work in relation to men in gender equality.

The primary objective for work on men in gender equality must be to strengthen the role and contribution of men in challenging and changing the structures, institutional policies and practices, and culture (including stereotypical attitudes) that generate and sustain the inequalities experienced by women.

This is because gender inequality is predominantly experienced by women. It is both widespread and persistent. Women experience inequalities in the workplace and in access to economic development. The representation, standing and status of women reflects gender inequality. Women experience inequalities in access to power and decision making roles. Gender equality can also be reflected in relationships with men that involve violence, abuse, being patronised and disrespect. These inequalities

experienced by women are a product of societal structures, institutional systems and practices, and societal culture and individual attitudes. It is important that work on men in gender equality is, and is perceived to be, supportive to women's empowerment and to greater equality for women.

A gender equal society will inevitably involve a redistribution of resources and power from men to women. However it is important to acknowledge that a gender equal society will involve significant gains for men. These gains include:

- liberation from the inflexibilities imposed on men by current dominant models of masculinity and male behaviours;
- new relationships of respect, care and solidarity between men and women;
- access to new roles for men particularly in the caring domain and to a new balance between paid employment and caring work; and
- structures and institutions in society that work more effectively and without discrimination for people, men and women.

The opinion identifies a number of ancillary objectives that can also be pursued as part of this primary objective for work on men in gender equality. These ancillary objectives would include:

- to support the emergence of new models of masculinity and male behaviour and the cultural change required to embed these new models across societal structures, institutions and values;
- to support new gender relations where women's experiences of male violence

and abuse and of being patronised or disrespected by men are replaced by relations of respect, care and solidarity; and

- to address issues that are specific to men such as in the area of health provision for example.

Pitfalls

The Advisory Committee opinion emphasises that it is important to develop this work on men in gender equality with some care. There are pitfalls facing those involved in designing and implementing this work.

These pitfalls need to be avoided to ensure that work on men in gender equality does not diminish or limit work on gender equality.

These pitfalls include:

- the danger of shifting the focus in gender equality work away from the experience and situation of women to that of men;
- the risk of this work merely empowering men to maintain a status quo characterised by persistent and significant inequalities experienced by women;
- the problems that arise where work on men in gender equality is not felt to be or is not supportive of women and equality for women or where this work can be experienced as oppositional to equality for women;
- the dangers of this work competing for the scarce resources currently available for gender equality work rather than this work being a focus for additional funding;
- the limitations of an approach that does not take into account the diversity of men

in terms of their particular identity, role, attitude and situation.

These pitfalls present important challenges that must be met in this work on men in gender equality. However they are not presented in any way as a reason for not progressing this work.

Strategic Approach

The Advisory Committee explored a broad range of initiatives being developed across the Member States in relation to men in gender equality. It emphasised the need for a strategic approach in this work that pursues a range of objectives simultaneously.

A strategic approach, it suggested, should involve objectives, activities, indicators, targets and resources capable of meeting the following seven challenges.

- 1** To develop an institutional infrastructure adequate to develop and drive forward a strategic approach to work on men in gender equality. This institutional infrastructure should be adequately linked to and coherent with the wider institutional infrastructure established to address gender equality goals.

The development of institutions with responsibilities in relation to men in gender equality is central in securing a strategic approach to the issues involved. It is important that such institutions operate in a manner that is supportive of equality for women and that reflects an expertise in gender equality issues for women.

- 2** To develop an adequate knowledge base to underpin work on men in gender equality. This would include developing

an understanding of current perspectives among men in relation to gender equality issues, and an understanding of current barriers to the effective involvement of men in gender equality issues and of how best to address these. It would also involve identifying the key topical issues for work on men in gender equality.

It is important that work on men in gender equality is evidence based. Knowledge development is required to enhance an understanding of:

- the role and contribution of work on men in gender equality to greater equality for women;
- the changing perspectives of men on gender equality issues and equality for women;
- the issues of diversity among men and the relevance of this for work on men in gender equality. This diversity involves the different identities, roles, attitudes and situations of different groups of men;
- the barriers faced by men in what have been traditionally defined as women's jobs.

3 To build solidarity and leadership from men for equality for women. There is a need to:

- develop understanding among men of the experience and situation of women;
- create opportunities for peer education among men in relation to gender equality;

- generate an understanding of the right to and need for gender equality and the shared benefits that flow from this for men and women;
- stimulate a support from men in taking up public positions against issues such as male violence against women; and
- support a leadership on gender equality from men already in positions of power.

4 To secure a more equal balance in the sharing of caring between men and women. There needs to be:

- positive action targeting men in this area;
- the development of statutory leave entitlements targeting men;
- workplace initiatives on reconciliation by men of work and family life and
- information and awareness campaigns all have a role to play in this.

Much of the current work on men in gender equality has focused on this theme of men in caring roles. The need for this is evident from the persistent and significant inequalities in the sharing of caring between women and men. It is important therefore that such work continues to be further developed and is extended to the sharing of family responsibilities. Equally however it is important that such work is part of a wider strategic approach to men in gender equality.

5 To shape and inform new choices made by boys and young men. Education, guidance counselling and similar interventions have a particular contribution

to make in addressing issues of labour market segregation.

A segregated labour market involves choices made by men and by women along with the social conditioning that can shape those choices. Work is required and has been pursued to broaden the choices being made by women and to open up new areas of labour market participation by women. Work on men in gender equality must also be concerned with labour market choices made by boys and men.

- 6 To facilitate the emergence of new models of masculinity and new thinking about and expectations of men, men's behaviour and the role of men. Education, media, research on men and masculinity, and statutory policy initiatives have a particular contribution to make in breaking current stereotypes of men and addressing current social conditioning of men.

Attitudinal change at the level of the individual man is important in work on men in gender equality. However cultural change at the level of society must also be an important goal.

Cultural change must challenge the dominance of particular and fixed models of masculinity and of specific expectation in relation to male behaviour. This involves a focus on identity and how society constructs male and female identities. This is not a well developed area of work within this focus on men in gender equality.

- 7 To identify and meet needs specific to men as men. This would focus on areas such as health provision issues, social exclusion and rural isolation experienced by men in some Member States but could

expand with new knowledge developed in this area.

This last challenge raises the need to focus on issues specific to men - meeting the needs of men as men - within work on men in gender equality. Such initiatives have focused in the area of health provision, for example, given specific needs that flow from biological difference.

Conclusion

The Advisory Committee concluded that work on men in gender equality could usefully be further developed and deepened. The Advisory Committee identified a particular role for the European Commission in promoting and supporting this work through new policy initiatives.

In particular the Advisory Committee recommended that the European Commission should develop a Communication on men in gender equality. In relation to policy initiatives the Advisory Committee recommended that the European Commission should stimulate a focus on men in gender equality in guidance for Member States' National Reform Programmes and for the open method of coordination in relation to social protection, health and pensions, and in any further development of regulations and guidance in relation to the Structural Funds. The Advisory Committee also recommended a review of current legislation in relation to statutory leave entitlements and work life reconciliation issues with a view to assessing their role and contribution to this work in relation to men in gender equality.



Equality Authority Submission to the Joint Committee on Child Protection

by Niall Crowley, Chief Executive Officer, Equality Authority

The Equality Authority made a submission to the Joint Committee of the Oireachtas on Child Protection in August 2006. This submission addressed in particular the work of the Joint Committee on the age of consent in relation to sexual offences, on the issue of constitutional change to protect children and on amending legislation. The submission was made on the basis that the issues being considered by the Joint Committee on Child Protection had significant equality dimensions on both the gender and age grounds.

The Equality Authority recommended that the approach to the age of consent should be consistent with the general principles and provisions of the Convention on the Rights of the Child.

Article 3 of the Convention requires that the best interests of the child are a primary

consideration in all decisions taken concerning the child. Article 12 of the Convention requires that every child who is capable of forming an opinion has the right to express it and have it given due weight in accordance with the child's age and maturity. Choosing an age of consent must take both principles into account – this requires that ages of majority and consent must not be set too low so as to ensure the maximum protection of the child nor must they be set at too high a level so as to ensure that children can exercise the relevant rights autonomously.

Article 2 of the Convention requires states to respect and ensure Convention rights to all children without discrimination. There must, therefore, be non-discrimination in the choice and application of ages of majority and consent.

The Equality Authority included among its recommendations that:

- a principled non-discriminatory approach should be taken to the issue of the age of consent and one which is consistent with the general principles and provisions of the Convention on the Rights of the Child. There is a growing emergence of an approach which incorporates dual criteria of age and maturity in decision making. Consideration should be given to using such an approach in the civil and criminal spheres;
- boys and girls should be treated equally so as to respect the principle of non-discrimination. Overall the measures must be proportionate to the aim sought to be achieved; and
- consideration should be given to decriminalising sex between children of similar ages and penalising only those whose behaviour is abusive and explorative.

The submission noted that the circumstance of the “CC case” (23rd May 2006 Supreme Court decision) reinforced the arguments for giving express recognition to children in the Constitution. The submission also emphasised the importance of any amendment to the Constitution, including the recognition that all children are entitled to enjoy their rights equally. There must be no discrimination between children in terms of their status or the exercise of their rights.

The recommendations of the Equality Authority included that:

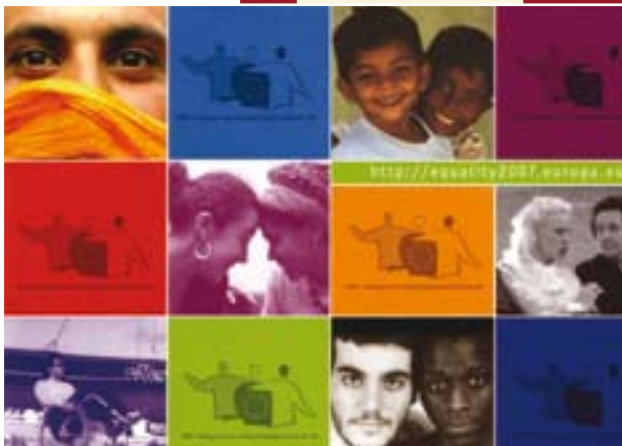
- consideration should be given to amending the Constitution to give express recognition to children, to include the principle of non-discrimination and to include the other Convention on the Rights of the Child principles in Article 3 and 12 and a right to protection from harm; and
- the Equal Status Acts 2000 and 2004 should be amended to remove the lower age limit in the definition of the age ground, to explicitly set out the scope of the Acts as covering both the functions and the services of the State and to include a positive duty on the statutory sector, in particular those areas responsible for prosecution services and policing, to have due regard to equality in carrying out their functions.

The submission of the Equality Authority noted the broad range of ages of majority and consent across Irish law. These start from 10 years of age, the age of criminal responsibility for serious offences under the Criminal Justice Act 2006. The Equality Authority recommendations included that the age of criminal responsibility should be kept under review and that every effort should be made to ensure consistency in the ages of majority and ages of consent set out in legislation.

The full text of the submission is available from the Equality Authority or at www.equality.ie. The Equality Authority is grateful to Dr Ursula Kilkelly, Faculty of Law UCC for her work in the preparation of the submission.

2007 European Year of Equal Opportunities for All

by Carole Sullivan, Development Officer, Equality Authority



The European Commission has designated 2007 as 'European Year of Equal Opportunities for All' as part of a concerted effort to promote equality and non-discrimination in the EU. The European Year is the centrepiece of a framework strategy designed to ensure that discrimination is effectively tackled, diversity is celebrated and equal opportunities for all are promoted.

Building on and learning from the achievement of previous European Years, notably the 1997 European Year Against Racism and more recently the 2003 European Year of People with Disabilities, the 2007 European Year of Equal Opportunities for All will provide an opportunity to promote a more cohesive society that celebrates diversity across the nine grounds covered by the Irish equality legislation. These are:

- Gender
- Family Status
- Race
- Disability
- Marital Status
- Sexual Orientation
- Religion
- Age
- Membership of the Traveller Community

The Equality Authority has been nominated the National Implementation Body for Ireland and as such is responsible for drafting the strategy for the Year and ensuring its effective implementation.

We have been busy over the last few months meeting with various stakeholders during our consultation regarding the strategy. We have met with non-governmental organisations representing groups experiencing inequality, government departments, state agencies and social

partner organisations. The strategy was submitted to the European Commission on Friday, December 15th and activities will begin in early February 2007, once the strategy has been approved.

Feedback from consultations have highlighted the need for the strategy to be strategic in terms of proposed actions and themes to ensure that the Year gives a new dynamism to the focus on equality and leaves a legacy for change into the future.

The European Commission have defined 4 specific objectives for the Year.

1. Rights

Raising awareness of the right to equality and non-discrimination and of the problem of multiple discrimination. The Year will highlight the message that all people are entitled to equal treatment and will make groups at risk of discrimination more aware of their rights under existing equality legislation.

2. Representation

Stimulating debate on ways to increase the participation in society of groups that experience discrimination and ensure balanced participation among men and women. The Year will encourage discussion on the need to promote greater participation of these groups in society and greater involvement in actions designed to combat discrimination.

3. Recognition

Facilitating and celebrating diversity and equality. The Year will emphasise the positive contribution that people from across the nine grounds can make to society and celebrate diversity.

4. Respect

Promoting a more cohesive society. The Year will raise awareness of the importance of eliminating stereotypes, prejudice and violence, promoting good relations between all in society.

The following are some of the themes that have emerged from the consultation exercise and will feature as activities in the strategy.

1. Information and Advocacy

The first objective is to enhance information strategies to raise public awareness of the existing equality legislation both the wider public and to individuals or to groups at risk of being discriminated against. The second objective is to encourage the development of advocacy supports for those who have experienced discrimination.

This will include an emphasis on bringing together those with responsibilities and roles in relation to providing information to groups experiencing inequality so as to explore shared challenges, new approaches to information provision and new cooperation and cohesion among information providers.

2. Equality Mainstreaming

Equality mainstreaming involves placing equality considerations at the heart of decision making. The key objective is to ensure that policy design and delivery and programme development can accommodate diversity, promote equality and combat discrimination across the nine grounds. A key action will be to progress an equality mainstreaming infrastructure for vocational education and training through the European Social Fund Operational Programme. Another important issue

is data and the development of a data initiative with the Central Statistics Office.

3. Equality Competency

The objective here is to support an institutional capacity to accommodate diversity, promote equality and combat discrimination. This means supporting institutions to be planned and systematic in their approach to equality for customers and employees. It involves developing equality policies, preparing and implementing equality action plans, providing equality training to staff and carrying out equality audits.

The emphasis in the strategy is on creating learning networks in the public and private sectors and to support practical initiatives within these sectors. This will include a learning event and the development of guidance material for participants in the learning networks.

4. Single Ground Issues

This theme will focus activity on advancing a 'burning issue' for each of the grounds covered by the equality legislation. The consultation has sought to identify particular issues that groups experiencing inequality feel need a dedicated focus during the Year. For example, partnership rights for gay and lesbian people, broadening the definition of access for people with disabilities and caring issues and gender equality.

A central fund will be created to support action by national NGOs to advance the burning issues identified. There will be a call for proposals in relation to the burning issues early in the Year. The burning issues also serve as a focus across the other themes for the Year.

5. Multiple Discrimination

The first objective is to examine the issue of multiple discrimination for women e.g. older women, women with disabilities, Traveller women etc. An initial project will involve publication of a booklet to develop an approach to this theme and to inform gender mainstreaming within the strategy for the Year. A focus on other groups experiencing multiple discrimination will then be developed.

6. Equality Debate

The objective is to stimulate and develop a public debate on equality, our understanding of equality and what we seek to achieve through promoting equality, in order to build deeper and more ambitious objectives for equality and to support the development of a societal commitment to equality. A range of methodologies will be used including conferences, public awareness campaigns and taking initiatives to support debate within the political process and the social partner process.

An advisory committee will be established to support, drive and monitor the implementation of the strategy and its further evolution during the Year. The advisory committee will include representation from the grounds covered by the equality legislation, social partners, government departments, state agencies, other specialist agencies and the media. A consultative forum will also be established to facilitate further dialogue with a wider forum of interested groups.

If you should require further information in relation to the European Year, please feel free to contact Carole Sullivan ph: 01 - 4173361 or email: csullivan@equality.ie



Work + Life

Work life balance involves putting in place working arrangements and policies which assist employees in combining employment with other responsibilities and choices.

Work Life Balance Day takes place on Thursday 1st March 2007.

Work Life Balance Day is organised by the National Framework Committee for Work Life Balance Policies. The Committee is chaired by the Department of Enterprise, Trade and Employment and includes as members Congress, IBEC, the Equality Authority, the Department of Justice, Equality and Law Reform, the Department of Social and Family Affairs, the Department of the Taoiseach and the Department of Finance.

Play your part

Work Life Balance Day provides an opportunity to assess and further develop work life balance working arrangements within your organisation. It is hoped that employers, employees and trade unions in organisations around the country will mark the day with:

- information events on work life balance
- workplace initiatives to support work life balance and
- networking activities to find out more about work life balance.

For further information contact:

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Visit www.equality.ie or contact our Public Information Centre directly at 01 417 3333 or Lo Call number 1890 245 545, for information on the Employment Equality Acts 1998 and 2004 and the Equal Status Acts 2000 to 2004. Information is also available on the Maternity Protection Acts 1994 and 2004, the Adoptive Leave Acts 1995 and 2005 and the Parental Leave Acts 1998 and 2006.