

PUBLIC CONSULTATION - CITIZENS' ASSEMBLY ON GENDER EQUALITY 2020

CA30148	Name: Ken Murray
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From: Ken Murray <[REDACTED]>
Sent: Tuesday 3 March 2020 16:26
To: Citizens Assembly 2019 <info@citizensassembly.ie>
Subject: Re: Query

Dear [REDACTED],

thank you for your email yesterday.

I wish to make a submission on three areas of existing Irish legislation which I feel need to be addressed in order to bring about a sense of proper and fairer gender equality in their respective areas. I will try to be as brief as I can.

1. One of the un-addressed issues following the introduction of Divorce in 1996 relates to the sharing of assets arising from a marriage break-up.

At present, pre-nuptial agreements are not recognised in Irish courts and the failure to address this oversight, is causing untold chaos for certain families around the Country particularly in the farming sector.

As things stand, where a marriage breaks down and a divorce is granted, assets are split. In 95 per cent of cases, men lose almost everything and end up worse off, many of which end up homeless.

The question that prevails is that in the absence of pre-nuptial agreements, Irish divorce law is weighted against men.

For example, I know of one scenario where a farm had been in the family name since 1850 and was passed on father to son.

The last remaining son to own the farm got married in 1999. The marriage lasted three years and at the stroke of a pen, the son lost the farm and with it, the long held family connection to the asset! Is that fair?

Likewise, is it fair if a woman takes a risk, sets up a business, obtains a loan, works hard to develop her enterprise and her husband makes little or no contribution to its success that he should get 50 per cent of the company in the event of a divorce?

At face value, this is grossly unfair but has been accepted as the norm because in the vast majority of marriage-break-ups, woman benefit, men lose but the male species can't voice a complaint to bring about legislative change as non-disclosure agreements are the norm in divorce situations.

By retaining the existing 'norm', Ireland is out of kilter with all western democracies and maintains a traditional approach to equality that men have been the main breadwinners in a home and therefore, the female spouse must get 50 per cent of the couple's assets.

As I understand it, a Referendum will be required to bring about change in this area and I am calling for this.

I refer you to this

link: https://www.citizensinformation.ie/en/birth_family_relationships/getting_married/pre_nuptial_agreements.html

2. The recently enacted law on prostitution in Ireland is deliberately weighted in favour of women. The new law (Criminal Law (Sexual Offences) Act 2017) clearly states that it is legal to sell sex but it is illegal to purchase it!

As 99 per cent of sex via prostitution is sold by women and purchased by men, this, in my opinion, is discriminatory as it punishes men imposes no legal punishment on women.

The evidence to hand shows that the number of prostitutes in Ireland has increased by close on 25 per cent (Escorts Ireland website) since 2017.

This is like introducing legislation that says, 'it will be legal to sell drugs but it will be illegal to buy them' which of course would be laughed at. Yet in the area of prostitution in Ireland, that's the legal process we have.

Logic in this case says, that if the purchaser and the seller are to be treated as 'equals', **it should be an offence to buy while likewise it should be an offence to sell.**

In that way, both parties work under the same risks and are treated as equals under the law. As it is, a woman can sell risk-free but men are prosecuted if it's proven they purchased!

3. Finally, under existing Irish law, gender quotas are in place to encourage more women in to politics. (<https://www.thejournal.ie/gender-quota-bill-approved-dail-seanad-527824-Jul2012/>)

While everyone in society would like to see more women participate in the democratic process, the very existence of quotas are, in my opinion, blatantly biased in favour of one section of society but discriminate, in subtle fashion, against others.

What the quota system says in real terms is "Yes Johnny, you are the best candidate to run for the Party, but we're asking Mary who has no experience and is unlikely to win."

The one-side quota system I believe could be unconstitutional on the basis that it is deliberately weighted in favour of one section of Irish society i.e. women but by accident, isolates many other sections who feel under-represented in the National Parliament.

For example there are no quotas for the disabled, travellers, protestants, muslims, immigrants/emigrants or the gay/lesbian community.

Each one of those cohorts would be totally within their rights to say their 'community' is under represented in the Oireachtas and they would be right.

I would argue that the quota system should be discontinued as it favours one gender while simultaneously isolates others and that in itself is discriminatory.

Alternatively, a quota system that represents the isolated groupings above is necessary to ensure fair and equal representation across all sectors of Irish society.


I trust you understand the arguments I am putting forward here and can clearly see the anomalies and legal contradictions the above highlighted areas of Irish law currently allow to pertain without any motive to change or amend.

I am convinced, having spent many years in the courts as a journalist, that if the above were challenged in the Supreme Court, the respective areas I have highlighted would be struck down and subsequently amended in order to create fair and equal legal treatment of both genders in these respective areas.

Should you require any further details on my submission, feel free to contact me at the details below.

Yours sincerely,

Ken Murray

A black rectangular redaction box covering the signature of Ken Murray.

Tel: 