

## Submission to the Citizens Assembly on Gender Equality

Thankfully significant strides have been made toward gender equality in recent years including greater female participation in the workforce, provision of significant maternity leave etc. Further challenges remain including; greater participation for women in leadership roles and in business and politics and greater rights LGBT and transgender generally.

However as a separated father my own real life experience is that gender equality is only about rights for women and that that men are treated at best lesser parents and at worse second class citizens when it comes to access to their children, child maintenance, and child benefit.

In my own case shortly after my wife left the family home, I was denied access to our 2 boys, the child benefit payment was transferred out of our joint account, and without any prior consultation I was taken to court twice for maintenance despite my continued financial commitment to the children.

My experience of the court system was, like most men, one where it is presumed, without any meaningful assessment that the mother is the primary carer, that the father automatically must pay maintenance directly to the mother without even considering other more equitable means could be employed to maintain the children (e.g. payment by both parents to a joint bank account).

This unequal treatment of fathers with regard to such matters has been well documented by researchers such as Dr Roisin O'Shea who, after observing 493 judicial separation and divorce cases 'could not find a single case where the wife was ordered to pay maintenance for children or a spouse, and had only seen the courts order joint custody in two cases'<sup>1</sup>

Such inequalities are exacerbated by the Child Benefit system whereby by default child benefit is paid to the mother and save in the few instances where fathers get more custody than mother they are unable to access any of the child benefit payments to help them support their children.

All of the above means that young children are denied irreplaceable time with their fathers, children grow perceive that is only the mother who pays for their clothes, football boots, school books etc, and in a very real way fathers are treated as second class parents and citizens and suffer real mental health difficulties as a result.

If we are a society are to achieve real gender equality, in a manner which actively supports women's greater participation in the workforce then we must start treating fathers as real and equal parents. Consequently based on my own experience I would request that in order to:

- Challenge the remaining barriers that facilitate gender discrimination towards men.
- Dismantle the economic norms that result in gender inequalities.

---

<sup>1</sup> As reported in the article *Men will only get equality in custody cases when women face some hard truths* Irish Independent, August 26 2016

- Promote men's co responsibility for care within the family.

That the Citizens Assembly endorse the following legislative and policy changes:

1. That the family mediation service is placed on a legislative basis and properly resourced. That the service legally empowered on the basis of their assessment of the each case to make independent written proposals regarding custody and maintenance of children which must be considered by the Courts in any subsequent legal proceedings. That participation in a mediation process is a mandatory step prior to either party taking court proceedings in relation to either child custody or maintenance save in exceptional circumstances.
2. That Section 3 of the Guardianship of Infants Act 1964 (as consolidated) to state that (amended text in bold )
3. (1) *Where, in any proceedings before any court, the—*
  - (a) *guardianship, custody, **maintenance** or upbringing of, or access to, a child, or*
  - (b) *administration of any property belonging to or held on trust for a child or the application of the income thereof,*

*is in question, the court, in deciding that question, shall regard the best interests of the child as the paramount consideration **but in doing so shall treat each guardian of the child equally unless there are compelling reasons in the interest of the child to do otherwise.***

REDACT  
REDACT  
REDACT  
REDACT  
REDACT  
REDACT  
REDACT

REDACT

REDACT