



# SEANAD ÉIREANN

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*Dé Céadaoin, 26 Deireadh Fómhair 2011.  
Wednesday, 26 October 2011.*

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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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## **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Fidelma Healy Eames that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister for Education and Skills to outline the benefits of and need for accreditation for a library-based Saturday literacy hour as a community-based, early intervention model for reluctant readers and writers.

I regard the matter raised by the Senator as suitable for discussion on the Adjournment and it will be taken at the conclusion of business.

## **Order of Business**

**Senator Maurice Cummins:** It is proposed to take No. 1, Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011 — all Stages, with Second Stage to be taken at 2 p.m., on which the contributions of group spokespersons are not to exceed eight minutes and those of all other Senators are not to exceed five minutes, with the Minister to be called on to reply not later than 3.25 p.m., and Committee and Remaining Stages to be taken at 3.30 p.m.; and No. 13, motion No. 6 re gendercide, to be taken at 4 p.m. and conclude not later than 6 p.m. Business will be interrupted following the Order of Business until 2 p.m. We had to change our schedule because the Minister for Education and Skills had further amendments to draft to the Qualifications and Quality Assurance (Education and Training) Bill 2011. The Minister withdrew the legislation on Monday and stated he would not be in a position to take it today. I apologise for the resultant changes to the Order of Business today.

**Senator Darragh O'Brien:** Yesterday's debate on the Keane report was useful and I commend the Minister of State, Deputy Brian Hayes, on his contribution. He made some significant remarks, giving a firm commitment that the implementation strategy to deal with mortgage arrears will be published in advance of the budget and this is welcome. In fairness to the Minister of State, Deputy Hayes, several items were put to him from all Members and I believe he will take them on board. The gravity of the mortgage issue crosses all parties here and I wish to put on record that I was pleased with the Minister of State's contribution and interaction.

I did not get an opportunity to ask the Leader about a matter which we might take up if the Minister of State, Deputy Willie Penrose, is due in the House in the coming weeks. The Hous-

[Senator Darragh O'Brien.]

ing Finance Agency financed many affordable housing and shared ownership scheme mortgages. For example, in the case of my county council in Fingal almost 19% of affordable housing and shared ownership mortgages are in arrears. The county councils are not following the code of conduct applicable to other lenders. It was outside the original code of conduct and I have anecdotal evidence from constituents not only in Fingal, but in other county councils, that mortgage holders are finding it remarkably difficult to strike deals with local authorities. We have direct control over the local authorities and the Housing Finance Agency should be on the agenda. I call on the Leader to find a slot to debate this in the next week or two.

I note the change to the Order of Business today and I fully accept that there is nothing the Leader could do about the matter with regard to the Minister for Education and Skills. Several members have raised the question of scrutiny of European Union legislation in recent weeks, how the Seanad could play a role in it and how we are entitled to play a role in it due to the passing of the Lisbon treaty. I call on the Leader to pursue this. The schedule has been light on certain weeks. We should set aside a minimum number of days every month to consider EU directives and legislation coming down the tracks. The House can play an important role in scrutinising such legislation. We have done so with our Bills and the House has done well with several recent Bills and has done well in scrutinising legislation. We have the capacity to do so and we should do so.

I am pleased the Minister for Health will be in the House tomorrow. It is timely because we have seen reports about the slow privatisation of our hospitals by stealth, especially in the HSE west region, where a tender has been put out by the HSE with the agreement of the Minister to privatise the management of the Mid-Western Regional Hospital, Limerick, and University College Hospital, Galway. Fine Gael gave this commitment in its manifesto, effectively privatising the health sector. We are particularly concerned about this and I will ask the Minister about it tomorrow.

All Members should be concerned because the Minister addressed these matters to regional Deputies and Senators late last week but no statement has been given to the House. I will ask the Minister about it tomorrow but in my view we are creating another layer of private management consultants which, apparently, will interact and share their experience with other hospitals that will not have this private layer of management over them. This is the start of a privatisation which has outlined the creation of Tory-style hospital trusts in the country, to which we are most opposed. I will use the opportunity tomorrow to ask the Minister about it directly.

**Senator Ivana Bacik:** Like Senator O'Brien I welcome the fact that we are having the health debate tomorrow but I listened with growing disbelief to his comments about creeping privatisation. This, from a member of the party which initiated the co-location principle with Mary Harney as Minister for Health and Children, was an extraordinary comment to make——

**Senator Darragh O'Brien:** Not really.

**Senator Ivana Bacik:** ——particularly given the commitment in the programme for Government, which is part of a common policy platform that Fine Gael and the Labour Party share, to end the two-tier health system——

**Senator Darragh O'Brien:** It is to privatise the health system. That is what the Government is doing.

**Senator Ivana Bacik:** ——and bring in universal health insurance and, for the first time, bring in an equitable and fair fundamental basis for our health system.

**Senator Darragh O'Brien:** The bearded ones in the unions are not happy at the moment with this.

**Senator Ivana Bacik:** It was extraordinary to hear him speaking about creeping privatisation.

**Senator Darragh O'Brien:** That is what it is.

**Senator Ivana Bacik:** I renew my calls for a debate on political reform to take place in the House at some point after the referendum tomorrow. A good deal was said about the referendum yesterday, much of it contrived controversy about the Oireachtas inquiries referendum, legislation for which was passed in the House by an overwhelming majority. In fact, there was no vote on the Bill and I believe only three Senators voted in favour of a particular amendment.

**Senator Rónán Mullen:** That was my one.

**Senator Ivana Bacik:** It really was a contrived controversy. Senator O'Donovan, who spoke yesterday, was a member of the Joint Oireachtas Committee on the Constitution.

**Senator Paschal Mooney:** Senator Bacik does a great disservice to all the distinguished people——

**An Cathaoirleach:** The Senator without interruption.

**Senator Paschal Mooney:** ——including members of the Senator's party and a former Attorney General.

**An Cathaoirleach:** Senator Bacik without interruption.

**Senator Ivana Bacik:** He was a Member of the Joint Committee on the Constitution.

**Senator Darragh O'Brien:** Senator Bacik has had 24 hours to prepare something she should have said yesterday. She obviously watched it back and realised what was said.

**Senator Ivana Bacik:** It recommended a referendum in January on this issue and sought submissions from the public exactly 12 months ago, on 21 October 2010.

It is also extraordinary that eminent lawyers, including former Attorneys General, are claiming that the referendum will rule out recourse to the courts for anyone who believes his or her constitutional rights has been breached by an Oireachtas committee. That is not the case and anyone who has a doubt about it should read Professor Gwynn Morgan's excellent article in the *Irish Times* today, which points out clearly that other articles of the Constitution preserve the jurisdiction of the High Court to judicially review any decision or procedures of Oireachtas committees.

**Senator Rónán Mullen:** Are the Attorneys General contriving as well?

**Senator Ivana Bacik:** Those concerned about the powers the Oireachtas should examine the 2004 Commissions of Investigation Act brought in by Michael McDowell which confers all these powers, including the power to seek a search warrant for entry to someone's home in the case of commissions of investigation. All these powers are in place. The legislation the Minister, Deputy Howlin, published in September mirrors the legislation from 2004. A good deal of scaremongering is going on and many people are coming in late and jumping on a bandwagon of opposition to the referendum.

**Senator Darragh O'Brien:** That is ridiculous.

**Senator Ivana Bacik:** I hope it will be passed. Then we can debate how best to implement the referendum in this House in November and how to ensure we hold Ministers to account through our parliamentary committees.

I offer my congratulations to Claire Loftus on her appointment as Director of Public Prosecutions. This means for the first time the three senior legal offices in the land, the DPP, the Attorney General and the Chief Justice, are held by women. This is a significant step forward. These are three excellent individuals on their own merits, apart from the question of gender.

**Senator Deirdre Clune:** Hear, hear.

**Senator Paul Bradford:** And there are no quotas.

**Senator Rónán Mullen:** Yesterday I asked that the Minister, Deputy Alan Shatter, would come to the House and state whether the Bar Council had been warned that it would be to its disadvantage in the context of its lobbying on the Legal Services Regulation Bill were it to oppose the proposal to give new powers to Oireachtas committees of inquiry. I have received a courteous letter from the Minister, Deputy Alan Shatter, and I am grateful to him for acknowledging that I set about addressing issues with honesty. He assures me, and I am happy to accept his assurance, that at no stage did he warn the Bar Council or any member of it, either expressly or implicitly, against voicing opposition to this referendum.

However, I was hoping to raise the issue again because I am in a position to put the question more forensically today and I believe I ought to because it is a question on which we must hear from the Minister, Deputy Shatter, not in his personal capacity, but in his capacity as the responsible Minister. Senator Bacik may be interested in this point as well. Was it the Minister, Deputy Pat Rabbitte, or some other Labour Party Minister who warned the Bar Council or members of the Bar Council that it would go to their disadvantage and that Labour Ministers——

**Senator Ivana Bacik:** On a point of order, that is an outrageous allegation.

**Senator Rónán Mullen:** I am asking a question and if Senator Bacik wants parliamentary inquiries, I am sure she will be happy to allow parliamentary questions.

**An Cathaoirleach:** Senator Bacik, have you a point of order?

**Senator Ivana Bacik:** The Senator made an allegation about the Minister, Deputy Shatter, yesterday which he had to withdraw today. Now he is making a similar allegation about the Minister, Deputy Rabbitte.

**Senator Darragh O'Brien:** That is not a point of order.

**An Cathaoirleach:** Senator, that is not a point of order.

**Senator Ivana Bacik:** I presume he will withdraw that tomorrow when it is proven to be incorrect.

**Senator Rónán Mullen:** First, I did not make an allegation. I asked a question which it was my duty to do. As I stated, I am now in a position——

**An Cathaoirleach:** Have you a question for the Leader?

**Senator Rónán Mullen:** I call for the Minister, Deputy Shatter, to come in and address this issue and to check with his colleagues in Government. It would be a scandal if the Minister,

Deputy Rabbitte, or some other Labour Party Minister were to convey any message to members of the Bar Council that it would be to their disadvantage in terms of Labour Party Ministers' attitude to the proposed legal services legislation were they to oppose the referendum on Oireachtas committees of inquiry.

**Senator Ivana Bacik:** That is absolute rubbish.

**Senator Rónán Mullen:** The question remains. It is put more forensically and I believe a Labour Party Minister or Ministers may have a question to answer.

**An Cathaoirleach:** Are you proposing an amendment to the Order of Business?

**Senator Rónán Mullen:** I believe it is a matter which must be of concern to the Minister, Deputy Shatter, as well. I repeat my request, with absolute respect for the Minister, Deputy Shatter's, bona fides in this regard, for him to come in and address this issue in the House.

I acknowledge and agree with what Senator Bacik had to say about the appointment of Claire Loftus. It is very good news and I wish her well in her job.

I am disappointed the Government has seen fit to table an amendment to the Private Members' motion on gendercide. While the amendment correctly condemns female infanticide in the strongest terms, it is a pity its authors cannot stomach the prospect of mentioning forced abortion and fatal neglect of baby girls after birth. The motion was drawn up with a view to attracting support from all Senators and people of good will.

**An Cathaoirleach:** Does the Senator have a question for the Leader? He can raise these points when the House discusses the motion.

**Senator Rónán Mullen:** It has been tabled in support of Senator Jillian van Turnhout and others. The Government has missed an opportunity in this regard. I look forward to the contributions of members of the Government parties, as I am more hopeful they will include more favourable comments about the motion than are reflected in the Government inspired amendment.

**Senator Paul Coghlan:** As there is not much difference between the motion and amendment, I expect Members will largely say the same thing.

**Senator Rónán Mullen:** The Senator is ever the peacemaker.

**Senator Paul Coghlan:** I again express my disappointment at the decision of the British Government not to hold an inquiry into the death of the eminent legal gentleman, Mr. Pat Finucane, despite the trenchant and strong viewpoint expressed by the Taoiseach and Government on the matter. We discussed this issue at the British-Irish Parliamentary Assembly which I was honoured to attend. While all murders are appalling and shocking, the murder of Mr. Finucane was different because the British Government has acknowledged it involved state collusion. It has made a decision to appoint an eminent Queen's Counsel, Mr. de Silva, to review all the papers on the case by the end of December 2012. Now that it has decided to go down this road, it has struck me that Mr. de Silva's report could provide, as it were, a book of evidence for a suitable parliamentary inquiry.

I note in that regard that Senator Darragh O'Brien and other colleagues opposite spoke with divergent voices on the Thirtieth Amendment of the Constitution Act.

**Senator Darragh O'Brien:** No, we did not.

**Senator Paul Coghlan:** One of this morning's newspapers features comments from one of the Senator's colleagues. Last night I heard one of the Fianna Fáil Members of the other House——

**An Cathaoirleach:** Does the Senator have a question for the Leader?

**Senator Paul Coghlan:** Yes, I always have a question for him. On the de Silva report possibly becoming a book of evidence, if necessary, given that people have died and others' minds are gone, such a parliamentary inquiry would only need to call a small number of individuals. If necessary, it could be more definitive. That is the point I wish to make.

To tie in the issue of a parliamentary inquiry in Britain with the proposed constitutional amendment, as parliamentarians, we want to find cheaper and more effective ways of conducting investigations. We all support the idea of parliamentary investigations and irrespective of the result of tomorrow's referendum, this issue will not go away. I suggest, therefore, that it is a suitable matter for a debate.

**Senator Terry Leyden:** The House should extend its sympathy on the tragic death of brave Garda Ciaran Jones who died during the recent floods.

**An Cathaoirleach:** The House extended its sympathy yesterday.

**Senator Terry Leyden:** As full confirmation had not been provided yesterday, I waited until today to extend my sympathy. It is in order to do so. I extend sympathy to the parents of Garda Jones, John and Brenda; his brother, Alan, and sister, Michelle. His actions on the night in question in seeking to save lives were above and beyond the call of duty. I extend sympathy to his family, the Garda Commissioner and the Minister for Justice and Equality, as well as to the family of Cecilia de Jesus, a Filipino care assistant, who also died tragically in the floods in Dublin.

I ask the Leader to arrange a debate on the closure of courthouses. I raise specifically the closure of Boyle courthouse which it is proposed to amalgamate with the District Court in Carrick-in-Shannon and Circuit Court in Roscommon. Fianna Fáil Party Councillors John Cummins and Rachel Doherty from Boyle have raised this issue with me and are deeply concerned about the effect the closure will have on the town which is the capital of north Roscommon. The courthouse has operated since the foundation of the State and Boyle was the first town to elect an independent Sinn Féin candidate in the 1918 elections. The closure of the courthouse will be a major blow. I call on Deputy Frank Feighan to do something about this proposal. He could resign, as his colleague, Deputy Denis Naughten, did in response to the closure of the accident and emergency department in Roscommon County Hospital.

**An Cathaoirleach:** The matter the Senator raises is not relevant to the Order of Business.

**Senator Terry Leyden:** The Deputy made a statement that he was not even aware of the matter. He will have to stand up for the people of north Roscommon.

**An Cathaoirleach:** Does the Senator have a question for the Leader?

**Senator Terry Leyden:** I ask the Leader to arrange a debate on the closure of courthouses. A courthouse is economically important to a town and the closure of Boyle courthouse will sound the death knell for the town. It will also have a major effect on the work of the Courts Service, solicitors, the presiding judge and the surrounding area. A courthouse has an economic benefit for a town and affords it prestige. Given the seriousness of the issue, I was surprised Deputy Frank Feighan was not even aware of the proposed closure. The announcement was

made by the Minister for Justice and Equality, Deputy Alan Shatter, a divine individual in the sense that he is both two in one and one in two, having been appointed Minister for Justice and Equality and Minister for Defence.

**An Cathaoirleach:** The Senator is out of order. Deputy Frank Feighan is a Member of the House.

**Senator Terry Leyden:** The Minister is two in one; he is the Minister for Justice and Equality and also Minister for Defence.

**An Cathaoirleach:** Does the Senator have a question for the Leader?

**Senator Terry Leyden:** I have asked a question. Incidentally, this issue also affects the Cathaoirleach's county which will not be exempt from the proposed closure of courthouses. He should be deeply concerned about the issue.

**Senator Susan O'Keefe:** I request the Leader to ask the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, to consider extending again the period during which slurry may be spread. It was originally extended from September to the end of October owing to the high rainfall that month. I need not point out that the rainfall has been even higher in October. Farmers are struggling to get slurry out and it is environmentally unfriendly to do so in the current conditions. I ask that the Minister to consider extending the slurry spreading season for a further two weeks.

**Senator Labhrás Ó Murchú:** The Leader does a good job in accommodating requests for debates, with which he is inundated. I make a special appeal to him to arrange a debate on the issue of homelessness. This may not be a headline making issue, but given that the homeless do not have a voice, the Seanad must strive to give them one whenever we have an opportunity to do so. We can only imagine the hopelessness people who do not having a permanent roof over their heads must feel.

In my school days I learned a poem about the old woman of the roads. Senators of a certain age will probably remember it and the desire the old woman expresses for a home of her own. The position of the homeless today is not different. They are helpless in so far as they cannot make a case. On the other hand, I am sure they would all wish to return to a normal way of life. The people who are homeless today are not like the subject of the poem to which I refer, as many have become homeless through no fault of their own. The number of homeless persons is increasing as a result of the recession. They depend on the Simon Community which does a fantastic and heroic job under the radar and without much acknowledgement. It serves as an example to us all through the work it does.

The purpose of the debate, particularly if it was held prior to the budget, would be to highlight that while voluntary bodies do excellent work, they can only do so much. It is important at budget time to identify what assistance, support and resources voluntary bodies working with the homeless require. I am sure Senators will have received a communication from the Simon Community in this regard. It expects Senators to raise the issue of homelessness in the House. I also believe the Government is compassionate. It must seek to prioritise homelessness because although it is not a big issue from the point of view of cost, it is a huge issue from the point of view of the individuals concerned. The homeless include professional people who were not able to meet ends meet.

May we have a debate as soon as possible? I am sure the Leader will give my request serious consideration. We have all walked the streets and seen the hopelessness of these people as they try to live in winter conditions. Is this not a great opportunity for the House to support

[Senator Labhrás Ó Murchú.]

them? They may never vote and thus we are not looking for votes or any such return but are indicating that we cherish all the citizens of this country equally.

**Senator Paul Bradford:** I concur with my colleagues, Senators Bacik and Mullen, in congratulating Ms Loftus on her appointment to the office of Director of Public Prosecutions. As Senator Bacik remarked, it is interesting that three of the highest judicial posts in the land are now held by women, and I congratulate all involved. It is also worth noting that these high positions were achieved without the imposition of gender quotas. We might reflect on that point.

I concur with Senator Coghlan in regard to the lack of progress in the Finucane inquiry. I raised this matter last week and requested that we pursue further the possibility of establishing a truth and reconciliation commission. I have raised this issue in the House on numerous occasions in recent years. A degree of progress is required. The Leader might advise whether further consideration is being given to the matter.

On the broader aspect of Anglo-Irish and Northern Ireland related matters, perhaps the Leader might inquire on my behalf concerning the Forum for Peace and Reconciliation. This might appear to be an unusual request. That forum met from approximately 1994 until 1996 or 1997 and a number of Members of this House would have served on what was a very effective body. It is my understanding that the forum never made a final report and did not officially conclude. I was at the final meeting of the forum when it adjourned on the basis that it might meet again should that be required. I do not believe there is any requirement for the forum to meet again, thank God, but the Leader might inquire as to its current status. Perhaps it could be a vehicle for putting in place a commission for truth and reconciliation, by way of a recommendation from the forum. My understanding is that the forum did not produce a final report. If I recall correctly, it was chaired by the former judge, Ms Catherine McGuinness. I also understand it was not deemed to have adjourned permanently so perhaps there is a possibility it could be used to bring about a truth and reconciliation commission. In recent weeks we have heard claim and counter-claim in regard to what happened and did not happen in Northern Ireland, and who did what. Many questions remain and answers must be given to bereaved relatives. We should try to put in place a vehicle to facilitate these people.

**Senator Jimmy Harte:** I concur with my colleague, Senator Ó Murchú, who called for a debate on homelessness. He mentioned the Simon Community, of which I am a director in the north west, so I appreciate his remark. He made a valid point that may need clarification in that the definition of homelessness has changed in recent years. We always used to regard homeless people as those who were actually sleeping on the street but there is an entirely new breed of homeless people — those who simply do not have an address to call their own. This may be because of family circumstances, perhaps a marriage break-up or an alcohol related problem. They have no address and it is important we recognise there is a group of people who are homeless, even if not obviously so.

Groups such as the Simon Community, Respond and other voluntary housing associations play a very important part. Having been on the local authority in County Donegal as well as with the Simon Community, I can see the benefits to local authorities when the Simon Community provides support staff for people. I know of cases where persons have been given a council house, perhaps a single man in his 40s or 50s, who literally cannot switch on a kettle and does not know how to live on his own. Such people need support. It is fine to give a person a set of keys and a two bedroom apartment or a three bedroom semi-detached house but it is necessary to run and maintain the home. There are simple pointers to learn such as how to

switch on and off heating. It is amazing what people do not know. The Simon Community and other associations provide a vital link for people in that bracket. I concur with Senator Ó Murchú in asking for a debate on homelessness. I reiterate homelessness has been redefined in Ireland and is no longer merely that person with a cardboard box on the street but also people who have no address to call their own.

**Senator Marc MacSharry:** I appreciate there will be a debate on health in the House tomorrow and we all look forward to having the opportunity to ask questions of the Minister under the new format. However, I ask for a special debate in coming weeks on cardiology. Professor Ciaran Daly of University Hospital Galway is currently implementing recommendations to ensure Ireland matches up to international best practice, whereby from the moment a heart attack occurs a person can have a stent inserted within international best practice timeframes, namely, within 90 minutes. Regrettably, however, as is the norm for the HSE, when these plans are implemented, a person will have that kind of service only if he or she lives in one of the five centres chosen, namely, Dublin, Galway and Cork, or in Limerick and Waterford where there will be step-down facilities. This represents the usual gaping void in the north west of the country, and indeed in the south west, where the policy of the HSE, as borne out by the national cancer control programme, would seem to be simply that people must move closer to a centre or die. We really need to have a debate about the health strategy for this country. It is simply not acceptable that some people are clearly more equal than others.

Senator Leyden raised the proposed closure of courthouses throughout the country, as confirmed yesterday by the Minister for Justice and Equality, Deputy Shatter. These include those in Boyle in County Roscommon and Ballymote in County Sligo. This is an illogical step. Some years ago this step was suggested by Department officials as a proposed saving, but at that time Members on this side of the House, whose party was then in Government, faced down the Minister of the day and convinced him that such an illogical step would not be supportive of communities, especially given the economic adversity that faces the country when Government should be seen to support activities.

Will the Leader bring forward in the coming weeks a cost-benefit analysis as to what can be saved by these closures and the resulting alienation in communities such as in Boyle, County Roscommon, and Ballymote in County Sligo? It does not seem to show the pro-community spirit one expects from a Government, especially at a time when we should be seeking to enhance and maintain Government administrative services in local communities, as the private sector is clearly suffering as a result of the economic downturn. I would be most grateful if the Leader raised those issues.

**Senator Michael Comiskey:** I support my colleague, Senator Susan O’Keeffe, in her call for an extension date for slurry. There has been a very serious problem in recent months. Farmers did not spread slurry because of constant rain, in especially in the west. It would be fitting to extend the date.

I refer to the great cost imposed, in particular on publicans in rural Ireland, especially those in small villages, who may have to pay up to €5,500 in rates for their premises. A number of these people have contacted me. This is at a time when their doors are closed most of the time and they are open only for a few hours at night. We should debate this issue in the House. Ideas were floating around some months ago to the effect that we should facilitate people to get out and about, especially those living in rural Ireland who may be semi-isolated, who used to travel to pubs but cannot now do so because of the drink driving ban and the downturn in the economy. Such a move to help them get out and about would help their mental well-being. We should debate the whole issue, in particular that of publicans’ rates, which is causing major concern.

**Senator David Cullinane:** My first question relates to the imminent EU summit. It is clear that there may be potential changes to EU treaties. The Taoiseach is on record as stating that 90% of what might lie in any future deal would not require treaty changes. However, it is clear there may be some. Will any treaty changes be put to the people in a referendum? The people should decide.

This is the last opportunity we have to ask the Government to end the madness of paying the €700 million bond, due next Wednesday. This is an unguaranteed bond relating to Anglo Irish Bank. At a time when the numbers of special needs assistants and home helps are being reduced, when people and families are struggling, when austerity is beginning to bite and when individuals have lost their jobs and are not receiving support, the Government is going to pay back the bond to which I refer. I am asking the Leader, Fine Gael and Labour to again give a commitment that they will not sign the cheque relating to this bond on Wednesday next.

**Senator Michael Mullins:** Will the Leader make time available for a debate, possibly with the Minister for Finance, on the levels of pay in the semi-State sector? People would have read with dismay reports in this morning's newspapers to the effect that a prominent broadcaster in RTE who earns more than three and a half times the amount earned by the Taoiseach is resisting any attempts to reduce his pay. At a time when most people are struggling to make ends meet, when individuals are losing their jobs and when there is massive stress and uncertainty on those in the workplace, the House should be concerned with regard to the enormous amounts of money being earned by an elite section of our society. It would, therefore, be appropriate for us to engage in a debate on the levels of pay that apply in many of semi-State bodies. On previous occasions, reference has been made to the enormous amount of money earned by the chief executive of the ESB. People are being asked to tighten their belts and accept cuts to their wages but it appears that a small section of the community is being treated in a much more favourable way. I would like the matter to which I refer to be discussed in the House.

**Senator Michael D'Arcy:** Last week I referred to the issue of those who are collecting assets on behalf of lending institutions. When I sought legal opinion in respect of the current position in this regard, I was informed that it seems lending institutions are doing whatever they want and are flouting the law. Under the law as it currently stands, the only people who can take possession of properties from other individuals are the county sheriffs. I am not referring to tax sheriffs but rather county sheriffs. Outside of Dublin and Cork, county registrars act as county sheriffs. County sheriffs can only take possession of properties on foot of court judgments being handed down and the making of court orders in respect of such judgments. When a suitable order is handed down, a county sheriff or someone acting on his or her behalf has the authority to enter someone's property and repossess either that property in its entirety or contents contained therein.

Members continually refer to the relevance of this Chamber. It will have no relevance unless we can put in place a structure or procedure that will allow us to bring to the notice of members of the public the current law governing this area. No one other than a person with the support of the law can enter someone else's property. The financial institutions are not adhering to the law and they are being allowed to act as they see fit. I call on the Leader to give Members the opportunity to debate this matter with the head of financial regulation at the Central Bank. Lending institutions are making it up as they go along and are dealing with this matter as they see fit. Perhaps there could be unanimous agreement among Members on both sides that the head of financial regulation at the Central Bank be brought before the House following next week's break. We could then put it to him that policy being pursued by the financial institutions flies blatantly in the face of the law. We must try to ensure that these institutions will not be

allowed to continue to deal with this matter as they see fit by asking the head of financial regulation at the Central Bank to deal directly with them in respect of it.

**Senator Diarmuid Wilson:** I support Senator Michael D'Arcy's request that the head of financial regulation at the Central Bank be brought before the House in order that we might discuss with him the matters to which the Senator refers. In the previous Seanad, I raised the issue of a lending institution — Friends First — which sent a group of what can only be described as thugs to deal with a young man who had purchased a truck for transporting quarry material. The individual in question signed the documentation relating to the loan he obtained — for €80,000 — in the car park of a public house. When the building trade collapsed, the man in question, through no fault of his own, lost his job. Even though he had already repaid 75% of his loan to Friends First, that company sent thugs to his parents' home. The individuals to whom I refer intimidated his parents and grabbed the keys of the truck and stole it. I am aware that behaviour of this nature is being engaged in by allegedly reputable financial institutions throughout the country. In the instance to which I refer, Friends First sold the man's truck for a pittance and is still pursuing him for the balance of the moneys due. I ask the Leader to facilitate Senator Michael D'Arcy's call that the head of financial regulation at the Central Bank be asked to come before the House.

**Senator Maurice Cummins:** The Leader of the Opposition, Senator Darragh O'Brien, referred to the very good debate on the Keane report in which the House engaged last evening. The Minister of State at the Department of Public Expenditure and Reform, Deputy Brian Hayes, performed very well and took on board all of the points raised by various Senators. In the context of the Housing Finance Agency, I agree with Senator Darragh O'Brien that there are problems with the shared ownership scheme and with people being unable to repay their mortgages. This matter can be raised with the Minister of State at the Department of the Environment, Community and Local Government, Deputy Penrose, when he comes before the House on 16 November. Senators Ó Murchú and Harte will have the opportunity to raise the issue of homelessness with the Minister of State on that date.

I assure Senator Darragh O'Brien that there is no question of privatising the health service. We are trying to move away from the current two-tier system. I am sure there will be an opportunity to debate this matter further when the Minister for Health comes before the House tomorrow.

Senator Bacik requested a debate on political reform. I will be able to facilitate such a debate. I join her and other Senators in congratulating Ms Claire Loftus as Director of Public Prosecutions.

I am not going to address the conspiracy theories put forward by Senator Mullen in respect of the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte. I am glad the Senator withdrew the allegations made in the House yesterday against the Minister for Justice and Equality, Deputy Shatter.

Senators Paul Coughlan, Bradford and others referred to the de Silva report into the death of Mr. Pat Finucane. The Government is continuing to press for an inquiry in respect of this matter. We understand that the de Silva report will be completed by December 2012. If the findings in that report are not acceptable to the Government or to Mr. Finucane's family, I do not believe it will be possible to rule out the holding of an inquiry thereafter.

Senator Bradford also referred to final report of the Forum for Peace and Reconciliation. I will seek to discover what is the position in respect of that matter and I will pass on any information I receive to the Senator. If a final report is forthcoming, the House could certainly discuss it.

[Senator Maurice Cummins.]

In the context of the issue to which Senator Leyden referred, yesterday the House extended its sympathies to the families of Garda Ciaran Jones and the woman from the Philippines who, unfortunately, drowned in Monday's floods. Senators O'Keeffe and Comiskey asked that the Minister for Agriculture, Food and the Marine extend the period of time allowed for spreading slurry. I will certainly take the matter up with the Minister for the Environment, Community and Local Government after the Order of Business.

Senator MacSharry called for a special debate on cardiology. I am sure the Senator MacSharry will ask the Minister for that debate when he comes to the House tomorrow to discuss health. Senator Comiskey also raised the issues of rural transport and rate supports for small businesses in rural areas. We had the Minister of State at the Department of Transport, Tourism and Sport, Deputy Alan Kelly, in the House previously to deal with the issue of rural transport, and we will try to arrange a debate on the other subject also.

Senator Cullinane mentioned possible treaty changes. The Government will certainly have a referendum, if necessary, on any treaty changes, but the Taoiseach has stated he does not believe a referendum will be necessary. I certainly do not wish to get involved with the responsibilities of the Minister for Finance with regard to bondholders.

Senator Mullen mentioned pay for personnel in semi-State bodies, especially RTE. Perhaps when we have a debate on ownership in the media, those matters could be raised. Senators Michael D'Arcy and Diarmuid Wilson spoke about lending institutions hiring people with previous criminal convictions to collect money. I raised this matter with the Minister after the Order of Business last week and received a comprehensive reply which I believe I sent on to Senator D'Arcy. In so far as it pertains to the Financial Regulator, the appropriate place to raise this would be at the Joint Committee on Finance, Public Expenditure and Reform, and I urge the Senators to do that.

**Senator Terry Leyden:** I asked the Leader about the courthouses in Boyle and Sligo.

**An Cathaoirleach:** I do not have control over what the Leader says on the Order of Business.

**Senator Terry Leyden:** I asked him for a debate on the issue.

Order of Business agreed to.

*Sitting suspended at 11.25 a.m. and resumed at 2 p.m.*

### **Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011: Order for Second Stage**

Bill entitled an Act to amend the National Treasury Management Agency (Amendment) Act 2000 to provide for access to central treasury funds by the Commission for Energy Regulation, and to provide for connected matters.

**Senator Tony Mulcahy:** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011: Second Stage**

Question proposed: "That the Bill be now read a Second Time."

**An Leas-Chathaoirleach:** I welcome the Minister for Communications, Energy and Natural Resources.

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I am glad to have the opportunity to introduce this short Bill to the Seanad. While it is short, it is nonetheless important in the interests of ensuring the cost of regulation to industry is kept to a minimum.

The Bill proposes to allow the Commission for Energy Regulation, CER, to apply to the National Treasury Management Agency, NTMA, for a loan to meet its start-up costs in connection with the new petroleum safety functions conferred on it pursuant to the Petroleum (Exploration and Extraction) Safety Act 2010. For clarity, the 2010 Act confers responsibility on the CER for the regulatory function for safety in the case of upstream petroleum activities and associated infrastructure.

The Bill also gives effect to a key recommendation made in the report produced by the independent consultancy Advantica in 2006 following its safety review of the Corrib gas pipeline. Advantica recommended that a new risk assessment-based safety framework with respect to gas pipelines be developed in line with best international practice and implemented in Ireland. The 2010 Act expanded on this concept to provide that petroleum activities generally would be governed by the new safety framework. The safety framework which is being designed will, in effect, be a manual setting out of the nature and scope of the petroleum activities and associated infrastructure that will be designated and subsequently regulated by the CER. It will include the systems and procedures to be operated by the commission in designating and regulating such activities and associated infrastructure, including an ongoing system for audit and inspection. It is envisaged that the framework will cover a wide range of activities, including the construction, operation, maintenance, modification and decommissioning of petroleum infrastructure.

The 2010 Act provides for the cost of establishing and implementing the new safety regime, to be funded by way of an annual levy on the petroleum industry and the imposition of administration charges with respect to the consideration by the CER of safety case applications and the issuance of safety permits. However, before the levy can be implemented, the safety framework must be designed and the associated regulatory structure and implementation regime devised. This is a technically challenging programme. It is estimated that full implementation of the framework will take approximately three years and cost in the order of €5 million.

I understand the budgetary and schedule estimates have been determined on the basis of discussions held by the CER with a number of specialists in the area of upstream petroleum safety. The CER has also drawn from its own previous experience of the implementation of the downstream natural gas safety framework pursuant to the Energy (Miscellaneous Provisions) Act 2006.

In order to provide the appropriate context for the Bill, I will set out briefly the background to the role of the CER and then describe the broad thrust of the petroleum safety framework implementation project being undertaken by the CER. I will also explain why the Bill is necessary in terms of funding the important safety function being undertaken by the CER.

As Senators know, the CER is an independent body which is responsible for the economic regulation of Ireland's electricity and gas sectors and the safety regulation of petroleum undertakings, natural gas undertakings, natural gas installers and electrical contractors. Its role as an economic regulator began with its initial establishment under the Electricity Regulation Act 1999 when it was conferred with regulatory powers with respect to the electricity sector. The enactment of the Gas (Interim) (Regulation) Bill 2002 expanded the CER's jurisdiction to include the economic regulation of the natural gas sector. More recently, the Electricity Regulation (Amendment) (Single Electricity Market) Act 2007 provided for the CER's role in relation to the single electricity market for the island of Ireland. This wholesale electricity

[Deputy Pat Rabbitte.]

market is regulated jointly by the CER and the Northern Ireland Authority for Utility Regulation. Through its economic regulatory powers and functions, the CER is working to ensure consumers benefit from regulation and the introduction of competition in the energy sector.

The CER's regulatory role was expanded to include safety regulation following the enactment of the Energy (Miscellaneous Provisions) Bill 2006 which assigned functions and powers to it with respect to the safety regulation of natural gas undertakings such as Bord Gáis Éireann, natural gas installers and electrical contractors. By virtue of the 2006 Act, the CER was required to establish and implement a natural gas safety regulatory framework which outlines how it discharges its downstream safety regulatory responsibilities. The natural gas safety framework was published in October 2007 and the CER has been regulating natural gas undertakings and natural gas installers through that framework since. In 2010 the commission's safety role was increased further with the enactment of the Petroleum (Exploration and Extraction) Safety Bill 2010. Under the legislation, the commission has been conferred with responsibility for the regulation of upstream petroleum activities with respect to safety, thereby consolidating its position as safety regulator for the whole of the petroleum and natural gas industry.

The 2010 Act amends the 1999 Act to require the commission to establish and implement a risk-based petroleum safety framework which, in line with best international practice, is based on a safety case regime. Under the Act, designated petroleum activities can only be carried out once a safety permit is granted, the issuance of which will be dependent on the approval of a safety case by the commission. For the avoidance of doubt, activities governed by the 2010 Act include any upstream petroleum activities subject to a petroleum authorisation such as the extraction and processing of hydrocarbons from a reservoir. With the enactment of the 2010 Bill and in assuming its new responsibilities, the commission formally established a project team within its safety division to manage the design and implementation of the petroleum safety framework. The team comprises three full-time staff supplemented by specialist consultants.

The petroleum safety framework implementation project is the process by which the commission will implement the requirements of the 2010 Act in full. This necessitates putting in place the people, processes and procedures to enable the effective operation and enforcement of the petroleum safety framework once designed. The process contains five phases which include: the initial scoping and planning phase, followed by the high level design of the petroleum safety framework; the detailed design of the petroleum safety framework; the internal readiness of the petroleum safety framework implementation project; and implementation of the safety framework programme.

The extent of the petroleum safety framework implementation project was determined by the commission in the scoping and planning phase. It involved an analysis of how petroleum activities were regulated internationally, as well as the regulation of such activities in Ireland. This phase was completed in March.

Following a public consultation process, as required under the Act, the next phase of the project includes the regulator establishing the high level design of the petroleum safety framework. As a first step in this process, in August the regulator published a consultation paper on the high level design of the framework. The purpose of the paper was to give the general public, industry and other interested parties an early opportunity to make a meaningful input into the framework's proposed design at an early stage. The high level design of the framework will frame the key policy aspects and will subsequently be developed into more detailed guidance and regulations, as appropriate. The commission expects to make its formal decision on the high level design of the framework in the second quarter of next year.

Following this, the detailed design phase will commence. This phase which is also expected to commence in the second quarter of next year will involve the development of the detailed elements of the framework, including, but not limited to, designated petroleum activities regulations, safety case guidelines, safety case assessment procedures, compliance assurance procedures and petroleum incident regulations. These elements will be subject to public consultation to allow for stakeholder and public participation in the detailed design of the framework.

The internal readiness phase will involve the commission putting in place the relevant people, processes and procedures to enable the effective and efficient implementation, operation and enforcement of the petroleum safety framework on an enduring basis. Following the issuance of the required detailed guidance outlined, the project will move to the implementation phase. This will involve the submission of safety cases by petroleum undertakings with respect to any designated activity they wish to commence and the approval and subsequent issuance of safety permits by the commission for each submitted petroleum safety case, as appropriate. The regulator expects to be ready to receive its first safety cases for assessment by the second quarter of 2013.

The anticipated implementation costs of the petroleum safety framework are approximately €5 million. Although the 2010 Act amends Schedule 1 to the 1999 Act to enable the cost of the commission's petroleum safety regulatory activities to be recovered through an annual levy on petroleum undertakings, such a levy cannot be imposed at this time. The commission must wait until the petroleum safety framework has been fully implemented and certain petroleum activities have been designated before specifying which petroleum undertakings are subject to the levy and enacting a levy order affecting these petroleum undertakings. Therefore, until such time as the framework is in place, the regulator cannot levy petroleum undertakings with respect to its properly incurred implementation costs.

To meet operational expenditure to date, the commission obtained, with my approval and that of my predecessor, as well as the Minister for Finance, commercial loans from financial institutions to cover the implementation costs of the project in 2010 and 2011. However, in the current economic climate, it would be more financially efficient for the commission to obtain such funding from the National Treasury Management Agency, given that a lower rate of interest would apply, thereby reducing the regulatory burden of the levy on the industry. To enable the NTMA to consider providing a loan for the commission, an amendment is required to the Schedule to the National Treasury Management Agency (Amendment) Act 2000 to establish the commission as a body to which such a facility can be extended. It is expected that, with the enactment of this Bill, the commission will apply to the NTMA to fund its safety framework implementation project. It will then repay this funding following the phased implementation of the petroleum safety framework, commencing in 2013, through the imposition of the prescribed annual levy on petroleum undertakings. Other bodies which can access funding through the NTMA include the Railway Procurement Agency and the Housing Finance Agency, as well as certain universities and institutes of technology.

The Bill only contains two sections. Section 1 amends section 18 of the National Treasury Management Agency (Amendment) Act 2000 to provide for the insertion of the Commission for Energy Regulation as a designated body under the provisions of the Act. Section 2 provides for the Title, that is, that it may be cited as the Access to Central Treasury Funds (Commission for Energy Regulation) Act 2011.

The Bill, while very short, is an important measure in facilitating the further strengthening of the overarching regulatory framework governing exploration for and production of oil and gas. By providing the commission with the opportunity to access borrowings at a lower interest rate, it will assist in the establishment of greater clarity and robustness of process at a reason-

[Deputy Pat Rabbitte.]

able cost to the industry. I look forward to listening to the views of the Members and their assistance in progressing the Bill into law. All we have to do now is find the oil and gas. I commend the Bill to the House.

Debate adjourned.

### **Business of Seanad**

**Senator Maurice Cummins:** I propose an amendment to the Order of Business, that Committee and Remaining Stages of the Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011 be taken immediately following the conclusion of Second Stage.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

### **Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011: Second Stage (Resumed)**

Question again proposed: “That the Bill be now read a Second Time.”

**Senator Mark Daly:** I welcome the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, and wish him luck in finding oil and gas.

While Fianna Fáil does not oppose the Bill in principle, I have several questions about the legislative measures proposed. The anticipated implementation costs of the programme are approximately €5 million. The levy on the industry will not be imposed until the regulatory structures are in place. After that one expects it to be paid back within a year or two through the imposition of the levy.

I see the dreaded word “consultant” written in the Minister’s speech in terms of staffing. I understand one cannot have all of the expertise on a staff but I am fearful about the cost of said consultants. Obviously, this has been budgeted into the loan being sought and I presume it will go through the normal e-tender process. Are we certain the figure of €5 million is accurate? It seems a very nice round figure. I presume we will try to not borrow as much as this from the NTMA if we can get away with it.

We initiated this when we were on the other side of the House and it is down to the Corrib gas pipeline. I assume this is why we are putting regulations in place with regard to overall safety. The Minister’s speech mentioned the need to have less regulation, but this is regulation. The fear is that ultimately the cost will be passed on to the consumer and the levy will end up being paid by people buying petrol at the pumps, perhaps specifically in Ireland. We spoke about whether similar structures are being put in place in the North of Ireland. I ask the Minister to answer these questions.

**Senator Tony Mulcahy:** I welcome the Minister back to the House. By passing this Bill we will enable the Commission for Energy Regulation to access funding through the National Treasury Management Agency at low rates of interest thus enabling the establishment of a safety framework for the petroleum sector.

As Members of the Oireachtas we have a duty to taxpayers to spend their hard-earned money in the most prudent way possible. In addition, we must legislate to use all necessary means to achieve this. As we are acutely aware, a euro saved is a euro less we must borrow from Europe. For too long, financial responsibility was not the priority of successive Governments and we are left to clean up this legacy.

Section 1 amends section 18 of the National Treasury Management Agency (Amendment) Act 2000 to allow the Commission for Energy Regulation to become a designated body under the provisions of the Act. At present, bodies such as the Railway Procurement Agency and the HSE can access funding through the NTMA. Section 2 provides for the title of the Bill.

The Bill is a necessary step for the most cost-effective financing of a safety framework for the petroleum sector. This sector includes any mineral, oil or hydrocarbon or natural gas extraction carried out in the land mass of the State and its territorial waters. The Bill is in addition to the Petroleum and Other Minerals Development Act 1960, the Continental Shelf Act 1968 and the Gas Act 1976.

The petroleum safety framework is a product of the Petroleum (Exploration and Extraction) Safety Act 2010. This Act conferred on the CER the ability to borrow moneys necessary to carry out certain functions, with the creation of a safety framework being the primary function. Because of this additional role for the CER it must prepare administratively and financially. The Bill gives the CER the ability to source this funding from the NTMA. These funds will be paid back on a phased basis by the CER to the NTMA following the implementation of the safety framework in 2013. The oil and gas industry will be required to pay an annual fee to cover the safety framework costs.

Members of the House are all too aware of the controversy regarding the Corrib gas field and issues regarding pipelines and facilities being built on the Erris peninsula. If the Petroleum (Exploration and Extraction) Safety Act 2010 had been in place when the oil and gas companies were designing their infrastructure years of controversy may have been avoided. We could have avoided a cost to the taxpayer of millions of euro in policing the demonstrations and this money could have been saved or used elsewhere. This is because the CER would have been to the forefront in the protection of safety concerns of those living in the locality and those working in the petroleum industry. This would have happened through the use of enforcement orders and the withdrawal of safety permits.

The Commission for Energy Regulation has the ability to force operators to comply with its direction. Ultimately the courts can impose penalties ranging from €5,000 to €3 million. Because of the new safety role the CER has been granted, Ireland should not see incidents such as that which happened in the Gulf of Mexico in 2010 with the loss of many lives and subsequent pollution of the region. This will not be a self-regulating industry but one which will be held responsible and accountable. The CER will take on this safety role with regard to the petroleum sector and will liaise with the National Standards Authority of Ireland, the Health and Safety Authority, the EPA, the Minister of the Transport, Tourism and Sport, the Irish Aviation Authority and other such persons that may be prescribed by order of the Minister for Communications, Energy and Natural Resources. This will ensure the highest standards are set for safety.

The primary function of the Petroleum (Exploration and Extraction) Safety Act 2010 was to give responsibility for certain safety aspects to the Commission for Energy Regulation, to oversee safety from the primary extraction transport and related ancillary activities through to refining. Prior to this, these activities had been variously regulated by Bord Gais, the HSA and ministerial order, while An Bord Pleanála and local authorities had related and ancillary functions. Allocating responsibility for safety to the CER for the sector will create a pool of knowledge under one umbrella and economies of scale will be achieved. I hope inspectors employed at present by the agencies which previously had responsibility for safety in the oil and gas industry will be reallocated to the CER where their expert knowledge and experience gained in recent years will be of use or be given new functions so they work to the optimal level for the taxpayer and the Minister.

[Senator Tony Mulcahy.]

Under its new powers, the CER will have the authority to investigate and report incidents to the Minister and to monitor and enforce compliance. It will also have the authority to issue safety permits and provide safety information to the public where appropriate. It will report annually to the Minister on the functioning of the safety framework. All of this costs money and it will be financed by the imposition of the levy to be paid each year by those involved in the extraction and exploration of oil and gas resources. Any excess of revenue should be applied to the CER to meet its expenses in the following year and the levy for that year should take into account such excess. Any expenses incurred which are not covered by the levy payable for that year should be recovered on foot of a levy order in the subsequent year. This is a fair method of collecting the levy.

Petroleum companies must be encouraged to consider Ireland as a location to explore and extract, but the work must be carried out in a method that is safe for those doing it and for those citizens living in proximity to the operations. If the companies decide to come here they must contribute to any health and safety costs their operations will generate. We can see the enforcement of safety measures will be self-financing and that the initial set-up costs of the implementation of the safety framework will be recovered, thus no cost associated with the Bill will be incurred by the Exchequer.

I welcome and support the Bill and I wish the Minister well in his exploration proceedings.

**Senator Sean D. Barrett:** I welcome the Minister and I praise the brevity of the Bill and the explanatory memorandum. It is to be encouraged. Regulation can be funded from the industry, and I am glad to see this is the Minister's intention, with reference to the funding being repaid following phased implementation of the petroleum safety framework commencing in 2013 through the imposition of the prescribed annual levy on petroleum undertakings. This is quite a short time span and the small amount of €5 million is envisaged. For every 1% we can save through borrowing through the NTMA rather than directly we will save €50,000. Does the Minister have an estimate of the savings? This would be of interest. Should the sum of €5 million be included in the Bill? Supplementary Estimates can be a discipline on spending Departments and fiscal discipline is something we will work on for many years ahead because it is the IMF-EU-ECB agreement. I am glad it is operating between now and 2013 because safety is a current expenditure, and apart from borrowing for the short interval to which the Minister referred, borrowing for safety does not make much sense. The distinction between capital and current expenditure is sometimes fudged in our budgets but I am not sure it leads to any great improvement in the way we do our business.

I welcome the Bill and the payback period for which it provides. If we could set a prototype for dealing with banking institutions in order to start getting the money back in 2013, the country might be in a better place. Perhaps the Minister should communicate our views on that. The payback period looks good. It is not really capital expenditure except within a short period.

Do we have an estimate for the savings and does he think it a good idea to put the €5 million into the Bill so that it does not escalate and become part of our financial problems? Would it be a protection for taxpayers if the Bill provided for permission to be sought to borrow the €5 million for two years? I wish the Minister success with this measure.

**Senator John Gilroy:** This is a short and technical Bill but is important nonetheless. It represents the outworking of the Petroleum (Exploration and Extraction) Safety Act 2010, which requires the Commission for Energy Regulation to assume responsibility for the safe regulation of petroleum exploration and extraction in Ireland. The Minister's thorough and comprehensive explanation has shown us that all bases are covered. To ensure the commission's functions

are in line with the 2010 Act, it is necessary to amend the National Treasury Management Agency (Amendment) Act 2000 by making two small changes.

Unless the Leader wants a debate on the Corrib gas pipeline and the exploration off the west coast——

**Senator Maurice Cummins:** Certainly not.

**Senator John Gilroy:** ——I do not have much to add to the debate. I conclude by asking the Minister whether the terms and conditions attached to the levy will apply retrospectively to existing licences. I support the Bill and urge the House to do likewise.

**Senator Tom Sheahan:** The Bill proposes to allow the Commission for Energy Regulation to source low interest funding through the NTMA to meet the start-up costs incurred in putting in place the statutory safety framework required by the Petroleum (Exploration and Extraction) Safety Act 2010 prior to the imposition of the prescribed levy on the industry. What are the implications of the levy for Shannon LNG? Local newspapers have reported that the company is about to pull out of the Kerry area and may sue the State.

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I thank Senators for their contributions. As Senator Daly noted, this is not a controversial Bill although it owes its origins to the Corrib controversy. My ministerial predecessors, Noel Dempsey and Eamon Ryan, were concerned about the issues that arose regarding safety and the framework that was put in place as a result is in keeping with best international practice. Irrespective of the other issues people may wish to raise with regard to Corrib, nobody can argue that the State has not gone out of its way to cover every possible base in terms of ensuring safety.

The Bill will, of course, apply to other projects, including Kinsale, where drilling is carried out whether onshore or offshore. In regard to value for money and Senator Barrett's question about the €5 million, this figure is not from the top of our heads. It is the regulator's estimate of what it will require to meet its obligations under the statutory regulations. I acknowledge Senator Barrett's remark about fudging the distinction between current and capital expenditure but the proposed measure will not impose a charge on the Exchequer. It is not unusual for a regulator to impose a levy on the industry. The measure is cost neutral for the Exchequer but the levy can only be worked out after the process of consultation has been completed. The document was published and the submissions and responses are being considered by the regulator. I can only answer questions about the duration of the pay back in the context of whatever regime is ultimately put in place.

I do not know the difference in cost between sourcing the funds through the NTMA and conventional financial institutions. It will definitely be cheaper, although the precise cost will depend on when the application is made and processed. It will also be quicker. It is the easiest way to facilitate a body like this given that it will recoup its costs.

Senator Sheahan asked about the impact of the levy on Shannon LNG. He referred to local media reports about the possibility that the company may pull out. Such a decision would have nothing to do with this Bill. I do not know whether the company is withdrawing and, in any event, it is not here. Along with my colleague, the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, I have devoted considerable efforts to encouraging the LNG project at Tarbert and we are anxious to see it proceed because it will provide an additional limb to our energy security policies. The company will be coming into a regulatory environment which may be different to that which its parent company is accustomed to in the United States but it is broadly in keeping with the regulatory systems applied in Europe. The regulator is seized of the issue. I had hoped we would have a decision by the end of this month, but I do not know

[Deputy Pat Rabbitte.]

whether that will now happen. However, I am assured that it will not take much longer than this. I cannot see this as a reason for alarm about the future of the project. When I met representatives of the parent company, they were looking for certainty and the earliest decision possible. They did not object to being subject to the regulatory environment like any other company which comes here. While accepting that the regulator operates at arm's length from us, we have encouraged giving the LNG plant the earliest possible attention because of the importance the Government attaches to it. We want it to be located at Tarbert, not just for the employment it would bring but also for the contribution it would make to the country's energy security. I assure Senator Sheahan in that respect. We are actively looking at the matter and I hope the regulator will make a decision soon. It is important for me to emphasise that when this House passed the legislation to establish the regulator's office, it ensured the office would be independent. If colleagues have views on how the regulatory system should function, I will be happy to discuss the matter at any time. As the law stands, however, the regulator is independent.

I would like to refer to a note given to me since I came to the House. It relates to remarks made this morning by a Member of the House, Senator Rónán Mullen. I am appalled by the remarks attributed to him. He took the opportunity——

**An Leas-Chathaoirleach:** Is this appropriate? Does it have anything to do with the Bill before the House?

**Deputy Pat Rabbitte:** Other than that there is a lot of gas in it, I do not think it has anything to do with it.

**An Leas-Chathaoirleach:** Right.

**Deputy Pat Rabbitte:** The Senator had alleged yesterday that the Minister for Justice and Equality had counselled or threatened the Bar Council not to come out against either of the referendums. When he was apologising this morning, he ascribed the allegation to me by suggesting I had intervened by warning the Bar Council that it would be punished in the context of the proposed legal services legislation if it were to oppose the referendums. The Senator made an outrageous allegation. I had no discussions with any member of the Bar Council, the chairman of which has been known to me for more than 30 years. I talk to him from time to time and he will testify that I did not discuss the issue with him. I had no contact with the Bar Council.

**An Leas-Chathaoirleach:** As Senator Rónán Mullen is not present, perhaps it might be inappropriate for the Minister to continue in this vein. The matter should be raised in another venue.

**Senator Maurice Cummins:** The allegations were made when the Minister was not present.

**Deputy Pat Rabbitte:** I do not want to drag it out. I just want to say——

**An Leas-Chathaoirleach:** I am not siding with Senator Rónán Mullen; I am just saying he should be present to hear these remarks. I am trying to be fair as Leas-Chathaoirleach. As the Senator raised the issue, rightly or wrongly, he should be present when the Minister is making such an emphatic reply which he, in turn, may be right to make. Perhaps the matter can be dealt with in another way.

**Deputy Pat Rabbitte:** I accept the ruling of the Leas-Chathaoirleach. I thought it was particularly ungraceful to apologise to the Minister for Justice and Equality and then go on to implicate me in something in which I had no involvement — good, bad or indifferent. It was an abuse of the privilege of the House and I regret that it happened.

**An Leas-Chathaoirleach:** The Minister has made his point.

**Senator Tom Sheahan:** I have a query.

**An Leas-Chathaoirleach:** We cannot deal with queries now.

**Senator Tom Sheahan:** I am seeking clarification on the Bill.

**An Leas-Chathaoirleach:** We are moving on.

**Senator Tom Sheahan:** I will leave it until Committee Stage.

**An Leas-Chathaoirleach:** That is no problem.

Question put and agreed to.

### **Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011: Committee and Remaining Stages**

Section 1 agreed to.

#### **SECTION 2**

Question proposed: “That section 2 stand part of the Bill.”

**Senator Tom Sheahan:** I thank the Minister for his commitment to the Shannon LNG project, for which County Kerry is waiting. It has been in the pipeline for a number of years. This is the language being used by the company in opposition to the levy. I wish the Minister well in seeking a speedy resolution of the problems caused by the imposition of the levy — the language used in the Bill — on future development. I refer specifically to the Shannon LNG development project in that regard. I wish the Minister all the best in his negotiations and hope we will see the beginning of the development sooner rather than later. I would like it to start in the very near future.

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I reassure the Senator that the measure being introduced in the Bill will have no implications for the Shannon LNG project. As it is an upstream development, it will not be encompassed by this legislation. I accept, however, that there is concern in County Kerry about the project. I share that concern and the Government is determined to provide whatever assistance it can.

**Senator Sean D. Barrett:** The last paragraph on page 3 refers to the natural gas safety regulatory framework. Will the framework include fracking? I have heard concerns expressed in this House about the evils of fracking. Is it hideous or beneficial? If there are concerns about this aspect of the gas industry, perhaps they might be allayed by including fracking in the natural gas safety regulatory framework. This would assist the House greatly in its deliberations on and consideration of whether fracking is good or bad for the country.

**Deputy Pat Rabbitte:** The Senator is right. There is much concern in both Houses of the Oireachtas about the issue of hydraulic fracturing. This concern is shared in some parts of the country more than others. I would like to clarify that no process of fracking or hydraulic

[Deputy Pat Rabbitte.]

fracturing is under way. Licences were awarded last February to permit some surveying work and desktop studying of the possibilities to be undertaken, but that is as far as it has got. A couple of companies have indicated their wish to apply for drilling licences if that is the outcome of the work being surveyed. In that event, a rigorous process will surround the hoops through which they will have to jump in order to receive such licences. In the interim, I have asked the Environmental Protection Agency to compile a report on the issues to which the Senator referred. It will be an independent assessment of this phenomenon which is not well known in this country. We do not know a great deal about it. Even where there is some knowledge of it, I am not sure it is based on fact. I am conscious of an American film being hawked around the place which is giving rise to concern. It has supposedly been shown to 500 or 600 people in town halls and other places. The reasons for concern have to be examined and I hope the EPA study will be helpful in allaying fears.

Question put and agreed to.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

*Sitting suspended at 2.50 p.m. and resumed at 4 p.m.*

### **Gender-Based Violence: Motion**

**An Cathaoirleach:** I welcome the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Perry, to the House.

**Senator Rónán Mullen:** I move:

That Seanad Éireann, noting that:

- gendercide involves selective abortion, infanticide or fatal neglect of baby girls after birth;
- gendercide is one of the most horrific human rights abuses present in the world today and perhaps the most widespread form of violent anti-female discrimination;
- the scale of the problem has been comprehensively documented at UN level and in US Congressional reports as well as by reputable journalists in cover story articles in *The Economist*, *Time* and *Newsweek*, among others; and that
- opposition to gendercide unites people with significantly different perspectives on the issue of abortion generally;

calls on the Government to:

- bring diplomatic pressure to bear on the governments of various states, and in particular China and India, which either promote gendercide or tolerate the problem within their borders;
- raise the issue of gendercide at UN and EU level, with a view to proactively challenging states such as China and India to abandon coercive population limitation policies, to repeal laws that reinforce bias against baby girls, and to take steps to counter the negative cultural attitudes towards women that underpin and motivate the bias against baby girls, leading to gendercide; and

— ensure that recipients of Irish foreign aid do not promote gendercide.

It is my pleasure to propose this motion this afternoon. Cuirim fáilte roimh an Aire Stáit. I will take this opportunity also to welcome Ms Serrin Foster of the Feminists for Life organisation, who has done much good work in raising awareness of issues relating to the topic under discussion. I heard Ms Foster and Jill Filipovic on “Today with Pat Kenny” yesterday and I thought it was wonderful to see such a coming together of minds, with people making common cause despite major philosophical disagreement on the issue of abortion generally. Abortion is part of this issue, although by no means the whole of it.

We are here to talk about one of the most horrific human rights abuses in the world and perhaps the most widespread form of violent anti-female discrimination. It is called “gendercide”, a term coined in the book of the same name by Mary Anne Warren in 1985. It involves selective abortion, infanticide or fatal neglect of baby girls after birth. The scale of the abuse has been comprehensively documented at UN level, in US Congressional reports and by reputable publications such as *The Economist*, *Time* and *Newsweek*. Only two weeks ago, the Council of Europe adopted a resolution condemning the most prevalent aspect of gendercide, that of sex-selective abortion.

In June this year a joint statement by the Office of the High Commission for Human Rights, the UNFPA, UNICEF, UN Women and the World Health Organisation condemned the practice of gender-based sex selection. They said, “Sex selection in favour of boys is a symptom of pervasive social, cultural, political and economic injustices against women, and a manifest violation of women’s human rights.” There is huge pressure on women to produce sons. The discovery of a female fetus can then lead to its abortion. Sex selection can also take place before a pregnancy is established or after the birth of a girl through childhood neglect or infanticide.

Some two decades ago the Harvard and Nobel prize winning economist Amartya Sen documented the scale of gendercide in an article entitled “More Than 100 million Women Are Missing.” In a recently published book, *Unnatural Selection*, journalist Mara Hvistendahl, who is pro-choice on the question of abortion, demonstrated that the overwhelming reason for the increasingly large demographic disparity in the male-female birth ratio is sex selective abortion. She estimated the number of girls missing or dead to be 160 million and counting. She pointed out the ability of modern medicine to ascertain the unborn child’s gender at an early stage has contributed hugely to the scale of gendercide.

Gendercide is motivated by economic and social factors leading to prejudice against baby girls. It is especially the case in countries which implement strict population control measures such as China. The lower social status of women and girls generally, combined with their perceived inability to contribute to the family’s economic development, means that baby girls are valued less than baby boys. Gendercide is especially prevalent in India and China, which is why I have mentioned them specifically in the motion, but is increasingly an issue in parts of eastern Europe.

Opposition to gendercide tends to unite people with significantly different perspectives on abortion. Polls have shown that about 95% of the American people oppose sex selective abortion. Even those who are pro-choice generally agree that abortion should not be allowed when the explicit reason for it is the female gender of the unborn child. They recognise that it makes no sense to proclaim gender equality while at the same time permitting the direct targeting of an unborn child solely on account of her gender.

The scale of the problem is horrifyingly vast in north-west India and China where the practice is prevalent. These areas account for a large proportion of the 160 million so-called missing

[Senator Rónán Mullen.]

women in Asia. These missing women would be alive today if it were not for selective abortion, infanticide and economic discrimination. Selective abortion has become a major issue since the availability of ultrasound scans increased during the 1980s in these regions. In one hospital in Punjab in northern India the only girls born after a round of ultrasound scans were those who had been mistakenly identified as boys or those who had a male twin.

The normal sex ratio is between 103 to 106 to every 100 girls born, which is said to be biologically fixed. In China the ratio today is 123 boys per 100 girls, which has increased steadily over the past 25 years. Such a rate is biologically impossible without human intervention. In India the latest census reveals that there are 7.1 million fewer girls than boys under the age of seven. This statistic leaves the sex ratio for this age group at 914 girls to every 1,000 boys, the lowest rate since records began in 1961. If one compares the number of girls born to the number that would have been born under a normal ratio it indicates that 600,000 Indian girls go missing each year.

The growing gender gap will have major consequences for the coming generations. The horrifying social effects will become clearer as the large number of boys being born reach maturity. There is the obvious effect of a surplus of men who have no women to marry. The Chinese Academy of Social Sciences estimated that within ten years 25% of men in the country will be unable to find a bride. The figure is slightly lower in India but still high at 15% to 20%.

To put it into context, China will have 30 to 40 million more men under 19 years of age than women. This will be almost twice as many as the number of men this age in Europe's three largest countries combined and these men will have little prospect of marriage. Men unable to find brides seek sex and companionship in brothels and pay traffickers for abducted brides. Thousands of women have been smuggled into China from Vietnam to work as prostitutes or be sold into marriage. As the Colombia University economics professor Lena Edlund observed, the greatest danger associated with prenatal sex determination is the propagation of a female underclass.

A link has already been established between crime and an increased sex ratio in China. In the past 20 or so years as the ratio has increased, the crime rate has doubled. In India the best predictor of violence and crime in the area is not income but sex ratio. Another effect is the rise in suicide rates among women. China has one of the highest female suicide rates in the world and it is thought this can, in one way, be attributed to women living with the knowledge that they have aborted or killed their baby daughters, the view of the Chinese writer Xinran Xue who documented the problem in *The Economist* in March 2010.

Only two weeks ago the Parliamentary Assembly of the Council of Europe adopted a resolution and recommendation condemning the practice of sex selective abortions. The text of the resolution was drafted by Ms Doris Stump, a pro-choice Swiss Socialist MP, something the Government should note. Sex selective abortion is defined as "A new global trend due to the combination of the widespread use of abortion as a means of family planning and the widespread availability of prenatal sex determination technology."

In its resolution and recommendations the Parliamentary Assembly expressly condemned the practice of prenatal sex selection which is contrary to the core values upheld by the Council of Europe, such as equality and the dignity of human beings. It recalls the pressure placed on women not to pursue their pregnancies because of the sex of unborn children, that it is a form of psychological violence and the practice of forced abortions should be criminalised. As Ms Stump said, "In a number of countries which have legalised abortion this right is being misused in conjunction with the availability of prenatal sex identification to affect women's chances of being born."

The Government's amendment partially acknowledges the human rights abuses which necessitate the motion I tabled. However, in explicitly mentioning female infanticide it fails to mention the problem of sex selective and forced abortions. This is despite agreement among experts that sex selective and forced abortions comprise an overwhelming majority of the 160 million deaths attributable to gendercide. The Council of Europe, the UNFPA, the World Health Organisation, UNICEF and UN Women have all, in the past year, condemned sex selective abortions but there is no mention of the word in the Government's amendment.

The 1997 Oviedo Convention on human rights and biomedicine expressly forbids sex selective abortions. Why does the Government equivocate on this issue? Who could possibly support such a human rights violation? Does it do so in the name of gender equality? It would be outrageous if that was so.

The Government's counter motion also fails to mention the need to put pressure on India and China in regard to this problem. All the leading experts and international agencies accept China and India are disproportionately responsible for promoting or tolerating the human rights abuses under discussion here. I wonder if the Government is thinking of trade links when it should be thinking of human rights.

It may be argued that laws have been passed in India in the 1990s but they are more honoured in the breach than the observance. We need to raise this issue and the fact that Ireland is small is no reason for us not to take a strong moral stance. People often speak about not exporting our problems but we should never hesitate to export good ethics and the message about human rights in a consistent way.

This motion was a wonderful chance for the Government to formally condemn for the first time gendercide in all its guises, including those involving unborn baby girls. That the Government has failed to do so is a terrible shame and sends a very worrying message to the international community. It would be no argument to suggest this is a term that is not accepted. It has been around since 1985 and *The Economist* used it as a simple strap head in a cover story article on the topic as recently as March 2010.

It is quite clear what the Government should have done. It should have joined with me, Senators Van Turnhout, Crown and Quinn and Fianna Fáil and Sinn Féin Senators in recognising that this was a motion that was drafted and succeeds in uniting people who may have different perspectives on abortion but do not have different perspectives on the importance of human dignity, in particular female human dignity. People should not have different perspectives about any cultural practice or state toleration of practices which involve ending the lives of young girls. Whether it happens before birth through pre-natal diagnosis or a sex-selective abortion or after birth through female infanticide or by allowing girls to die, the same revulsion should unite us. It is not enough to fall in behind an ideology of choice but ignore its consequences in certain cases, especially with 160 million women gone from our world. It is a real missed opportunity that the Government could not go beyond a condemnation of female infanticide or identify this as a problem, particularly in China and India. Infanticide is becoming more of a problem in Caucasus countries such as Azerbaijan, Armenia and Georgia since the fall of communism.

For those of us who believe in the sanctity of all life, from conception to its natural end, this is a justice and human rights issue. For those of us who describe ourselves as pro-choice, we should have been able to unite with this motion under the heading of women's dignity, rights and welfare. For those of us concerned about economic stability and social cohesion, it should have been possible to unite behind this motion as well.

This is an issue with profound and far-reaching consequences for economies. In China, thousands of men, known as bare branches, are already becoming a social problem. Where people do not have the roots of family life and children, they wander and are a threat to stability and social order. In other parts of China, families with more than one child go from place to place

[Senator Rónán Mullen.]

like migrants to escape the population control authorities. This is the horrifying reality of what is happening in parts of our world. We should be united in naming this issue, condemning it and raising awareness of it in all relevant international fora.

**Senator Feargal Quinn:** I welcome the Minister of State, Deputy Perry, to the Chamber. I enjoy doing *The Irish Times* crossword every day because I am interested in vocabulary. Many of the new words I have heard in the past year are not very pleasant. I did not hear the word “gendercide” until last year but as Senator Mullen pointed out, it was used in a book title as far back as 1985. It really is a nasty word.

According to the newly published World Bank development report, there are 4 million missing women in the world in the past year. By that I mean these are females who have been aborted simply because of their sex. Deaths in childbirth account for about a third of the overall number of missing women. An even larger share derives from the 1.43 million girls missing at birth, mainly in China and India. An article in *The Economist*, entitled *The War on Baby Girls*, said: “It is no exaggeration to call this phenomenon gendercide.”

Why does it happen? As has been well documented, male offspring are preferred in Chinese and Indian societies. Males who can work to bring in income are desirable and they bring higher social status. Smaller families are also preferred. The advent of technologies which allow parents to see the sex of their unborn child has resulted in unborn females being aborted in their millions like never before. This is illegal in places like India but still happens underground. Parents pay as little as €10 to get an ultrasound scan to determine the sex of their child. Doctors in India started advertising ultrasound scans with the slogan, “Pay 5,000 rupees [€110] today and save 50,000 rupees tomorrow”. The saving was calculated on the cost of a daughter’s dowry. Another aspect of this is the number of suicides of young women who discover they aborted an unborn male by accident.

To give some stark figures, around 120 boys are born for every 100 girls in China and India. In China, parents are willing to sacrifice unborn females in pursuit of a son. The result is that there are more than 1 million too few daughters relative to the natural level. This phenomenon is spreading rapidly. The World Bank says the number of missing girls has doubled in Europe and central Asia, mainly in the Balkans and the Caucasus, from a low base. The number has also risen in the Middle East and in east Asia outside China in places like South Korea, Singapore and Taiwan. It is a mystery as to why this is happening. There is also the related issue of girls being sold on to child traffickers, which we must not forget.

What are the implications? In January 2010, the Chinese Academy of Social Sciences showed what can happen to a country when girl babies do not count. Its study found that one in five young men would be unable to find a bride because of the lack of young women, a figure unprecedented in a country not at war. In Asia, there are now 100 million more men than women. This figure will rise. Some experts believe the oversupply of men could result in higher crime rates, more bride trafficking, sexual violence and even female suicides.

This will rise further as the generations get even more lopsided. To give an example, the crime rate has almost doubled in China during the past 20 years of rising sex ratios. Having a massive male population is not a good recipe. In Asian societies, where marriage and children are the recognised routes into society, single men are outcasts. According to one German scholar, European imperial expansion after 1500 and Japan’s imperial expansion after 1914 was the result of a male youth bulge.

What can Ireland do? We have to promote the value of girls internationally, pressure governments to encourage education, to abolish laws and customs that prevent daughters inheriting property and to support legislation that rewards having a daughter to correct the imbalance. We must also show how we corrected the male dominated public sector here and promoted

mandated ratios of women in all grades in the public sector. While there are many other ideas we can promote, we must highlight and embarrass countries with these non-credible sex ratios. If that means reducing our development aid to them, so be it.

Ireland will take up the chairmanship of the Organisation for Security and Co-operation in Europe, OSCE, on 1 January 2012. This important international organisation consists of 56 member states from Vancouver to Vladivostok. I believe this could be one of the multilateral forums in which Ireland could use its guiding role to influence countries on gendercide. The human dimension is one of the most important security dimensions with which the OSCE deals. The chairmanship would be one ideal way for Ireland to bring this issue to the fore. Will the Minister of State indicate whether this issue can be put high on the agenda for Ireland's chairmanship starting next year? Given that the problem of gendercide is rising in the Balkans and in the Caucasus states such as Armenia, Azerbaijan, Georgia, Serbia and Macedonia, and the OSCE's strong involvement in helping societies develop there, I believe we can make a difference.

Our Presidency of the EU, starting in 2013, should also be used to influence other countries and promote the concept at the United Nations. These are major international fora which we can use to make a tangible difference. Women are missing in their millions, either aborted, killed or neglected to death. We must do something. Will the Minister for Foreign Affairs and Trade use his office to make a difference? We cannot stand idly by with millions of girls missing. This is one of the great scandals of our times.

I do not believe the Government should have tabled an amendment to this motion as it does support the motion's principles. There must be some reason it avoided the term "gendercide" and used "infanticide" instead. Will the Government reconsider its amendment to this motion? Senator Mullen's motion stands as it is and should be accepted by the Government.

**Senator Ivana Bacik:** I move amendment No. 1:

To delete all words after "That" and substitute the following:

"Seanad Éireann, condemning in the strongest terms female infanticide and all other violations of the rights of women and girls,

- commends the Government's firm opposition to such practices and its efforts to combat all forms of gender-based violence;
- endorses the Government's strong support for gender equality and the empowerment of women and girls through its Official Development Assistance Programme."

I welcome the Minister of State, Deputy Perry, to the House and the opportunity to debate this important issue. The Government's amendment to the motion encapsulates the sentiments and motivation behind the motion by Senators Mullen and Quinn while addressing some of the reservations we had about aspects of the wording.

It is important to stress the Government amendment, like the motion tabled by the university Senators, condemns in the strongest terms female infanticide and all other violations of the rights of women and girls, while commending the Government's opposition to such practices and its efforts to combat all forms of gender-based violence and endorsing its strong support for gender equality and the empowerment of women and girls through its official development assistance programme. This support for gender equality and the empowerment of women and girls goes to the heart of the matter and the reason this issue is as important as it is.

I will deal with some of the reservations the Government has with the wording of the motion. The term "gendercide" has had some usage in the media and was first coined in 1985, but its definition is not yet fully accepted and it is not used in mainstream development terminology.

[Senator Ivana Bacik.]

There are questions as to what the word applies to and interesting work has been done on the idea that the term is gender neutral and, therefore, does not apply specifically to the infanticide of girls. The most common occurrence of gender-based mass killings involves young battle-aged men. Throughout history state-directed gender-selective mass killings have overwhelmingly involved men. There is, therefore, an interesting debate about the meaning of “gendercide”.

Leaving the definitional point aside, we agree with the sentiments expressed in the motion. However, we have other reservations about certain elements of the motion. It would be wrong to single out China and India and suggest problems covered by what could be meant by gendercide are to be found solely in these countries. It would also be wrong to suggest the governments of these countries somehow tolerate or promote, as the motion states, this practice. That is not the case. Senator Feargal Quinn fairly accepted that certain practices were illegal in India. The Government also points out that during the years Ireland has had a strong record of advocacy in EU and UN frameworks on issues relating to the rights of women and girls. Our official development co-operation programme has a strong emphasis on gender equality and the empowerment of women and girls. The Irish Aid bilateral programme is strongly concentrated, as Senator Rónán Mullen knows, in sub-Saharan Africa which is not an area in which problems associated with the term have arisen.

As I stated, the Government amendment is preferable, as while encapsulating the sentiments of the motion, it does not limit condemnation of female infanticide to a particular state and does not suggest a particular state promotes or tolerates it. However, a bigger issue arises which we should debate, that is, the status of women and girls in societies in which girls are singled out for inferior treatment, even extending to killing.

An article headlined “Gendercide” in *The Economist* of 4 March 2010, to which Senator Rónán Mullen referred, stated the status of women was critical to the issue and pointed out that baby girls had been victims of a malign combination of ancient prejudice and modern preferences for small families. It also expressed hope this could change. *The Economist* suggested significant change had taken place in South Korea:

In the 1990s South Korea had a sex ratio almost as skewed as China’s. Now, it is heading towards normality. It has achieved this not deliberately, but because the culture changed. Female education, anti-discrimination suits and equal-rights rulings made son preference [a preference for boys] seem old-fashioned and unnecessary. The forces of modernity first exacerbated prejudice — then overwhelmed it.

*The Economist* continued to state China should scrap its one child policy. I absolutely agree with this. I visited China with the British Council and one of the issues on which we worked was the empowerment of women and the ending of the coercive one child policy. *The Economist* points out that to tackle these issues all countries need to raise the value of girls and encourage female education, abolish laws and customs that prevent daughters from inheriting property and get women engaged in public life. This is critical.

The need to empower women and girls is recognised in Irish policy on overseas development aid. Earlier today, at the launch of the UNFPA state of the world population report for 2011, the Minister of State, Deputy Jan O’Sullivan, spoke about the challenge to break the vicious cycle of poverty in the developing world through empowering girls and women. She spoke about the need to invest in health, particularly sexual and reproductive health, and education services for women and girls. She also stated — this is absolutely uncontested — that in country after country women and girls who had completed at least primary school education choose to have fewer children. This can lead to a more prosperous society and a society in which women and men are more equal. The Minister of State pointed out that the 2011 UNFPA report

clearly stated that governments serious about eradicating poverty should also be serious about providing the services, supplies and information that women, men and young people needed to exercise their reproductive rights. The Minister of State's speech at the launch of the report expressed very clearly the Government's commitment to tackling the disempowerment and disadvantage of women and girls throughout the world.

In my work for many years I have always sought to ensure women and girls are empowered and that we see reproductive choices made available to women and girls. It is in this context that I very much oppose the coercive one child policy in China. I have worked with Plan Ireland which conducts a very effective "Because I am a Girl" campaign aimed at tackling, in particular, female poverty in developing countries and empowering women to break the vicious cycle of poverty for families and children. For me, the issues expressed in the motion and the Government amendment are about empowering women and girls. Many societies, including our own, have for far too long been repressive of women and sought to control women's bodily integrity. In Ireland we forced women who had children outside marriage into Magdalene institutions and children born outside marriage into institutions in which terrible abuses occurred. What changed this was a change in culture. As happened in South Korea, we changed the culture to value women and girls more and give them rights; to give women reproductive choices; to introduce the unmarried mother allowance as it was then known, which had a hugely empowering effect on women; and to legalise contraception and access to information on abortion. All of these have helped to empower women and children in our society.

We must continue our work. I entirely agree that we must condemn in the strongest possible terms any practices which violate the rights of women and girls. I see my legislation on female genital mutilation in this context. It seeks to express utter condemnation of practices of female genital mutilation carried out in Ireland or other countries. As we know, it is estimated that there are approximately 2,500 women and girls in Ireland who have been subject to female genital mutilation. It is a very important issue to do with women's reproductive rights and their right to health and bodily integrity. In this context, I am delighted to propose the Government amendment.

**Senator Terry Leyden:** I commend and support the motion proposed by Senator Rónán Mullen and seconded by Senator Fergal Quinn. I also welcome the Minister of State, Deputy John Perry.

I am rather surprised the Government has not agreed with the motion which is very broad and fair. It would not cause any diplomatic difficulties for the Government in supporting it. The procedure in the House is that Government parties tend to table amendments to motions, even if a motion is generally acceptable. The motion has been very well prepared and I commend Senator Rónán Mullen, in particular. It is timely and appropriate.

The situation in India is frightening, with 914 girls aged six years and under for every 1,000 boys. Without intervention, a few more boys than girls would be born. A comparison of the number of girls who would have been born in normal circumstances shows that 600,000 Indian girls go missing every year. This is a frightening statistic. Every year in China 1 million children are abandoned. The one child policy has led to the creation of a major black market in stolen children, involving at least 70,000 children a year.

I attended a recent session of the Council of Europe held in Strasbourg as deputy leader of the delegation. Senators Deirdre Clune and Kathryn Reilly also attended. I was very pleased to support the motion placed before the assembly. It is only fair to point to its effect.

Discrimination against women is so widespread in the world that, spontaneously or under pressure, millions of women decide not to give birth to daughters who are considered a burden for their families and unable to perpetuate the family lineage. Sex selection is a huge problem in some Asian countries, in which the selective abortion of females, together with the killing

[Senator Terry Leyden.]

of female newborns, has been practised for decades. Prenatal sex selection is indicated by a departure from the natural average sex ratio of 105 boys:100 girls and increases as the number of children goes up in a family or when there are legal or economic restrictions on the size of families. There is strong evidence that prenatal sex selection is not limited to Asia. In recent years a departure from the natural sex ratio at birth has been observed in a number of Council of Europe member states and the ratio has reached worrying proportions in Albania, Armenia and Azerbaijan, in which boys outnumber girls by 112 to 100 and in Georgia in which the sex ratio at birth is 111 boys:100 girls.

The European Parliamentary Assembly condemns the practice of prenatal sex selection as a phenomenon which finds its roots in a culture of gender inequality and reinforces a climate of violence against women, contrary to the values upheld by the Council of Europe. Recalling the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the assembly believes the social and family pressure placed on women not to pursue their pregnancy because of the sex of the embryo or foetus is to be considered as a form of psychological violence and that the practice of forced abortion is to be criminalised. The assembly wishes to warn Council of Europe member states against the social consequences of prenatal sex selection, namely, population imbalances which are likely to create difficulties for men in finding spouses, lead to serious human rights violations such as forced prostitution, trafficking for the purposes of marriage or sexual exploitation, and contribute to a rise in criminality and social unrest.

In line with the Council of Europe Convention on Human Rights and Biomedicine, the assembly believes that, in the context of assisted reproduction technologies such as pre-implantation genetic diagnosis, prenatal sex selection should be resorted to only to avoid serious hereditary diseases linked with one sex.. In view of these considerations, the assembly calls on member states to monitor the sex ratio at birth and take prompt action to tackle possible imbalances; collect data on sex ratios at birth among specific communities; collect data on sex selection in the context of the use of all techniques of medically assisted procreation; promote research on the causes of prenatal sex selection and its social consequences; encourage national ethics bodies to elaborate on and introduce guidelines for medical staff, discouraging prenatal sex selection by whatever method, unless justified for the prevention of serious sex-linked genetic diseases; consider recommending that public hospitals instruct doctors to withhold information on the sex of the foetus, or at least ensure this information is given in a positive way, irrespective of the sex of the foetus; and introduce legislation with a view to prohibiting sex selection in the context of assisted reproduction technologies and legal abortion, except when it is justified to avoid a serious hereditary disease. This is why we support the motion as a founder member of the European Assembly.

In addition, the assembly calls on the authorities of Albania, Armenia, Azerbaijan and Georgia to investigate the causes and reasons behind skewed sex ratios at birth; step up their efforts to raise the status of women in society and ensure effective implementation of laws and policies on gender equality and non-discrimination; ensure the collection of reliable data on sex ratios at birth, including in different geographical areas within the same country, and ensure monitoring of their evolution; and organise and support the organisation of public awareness raising initiatives and campaigns on prenatal sex selection and its consequences. The Council of Europe has a responsibility to these countries, which is why we have asked them to step up their efforts.

I was pleased to support the decision of the Council of Europe, the members of which are very conscious of this issue. Prenatal knowledge about the sex of a child is becoming a major difficulty, particularly in China and India in which scans can be carried out cheaply. It is important, therefore, that we highlight this human rights issue. Fianna Fáil will be supporting the motion which I commend to the House.

**Senator Michael Mullins:** I wish to share time with Senator Martin Conway.

**An Cathaoirleach:** Is that agreed? Agreed.

**Senator Michael Mullins:** I welcome the Minister of State, Deputy Jan O’Sullivan, and wish her well in her new post. I commend Senator Rónán Mullen for moving the motion to highlight an appalling abuse of dignity and human rights. I was not familiar with the term, *gendercide*, until I started to carry out research for this debate. Senators Rónán Mullen and Feargal Quinn have done the House a service by preparing the motion and giving the issue the publicity it deserves.

Gendercide involves the practice of selective abortion, infanticide and the fatal neglect of baby girls which is an unspeakable crime for any right thinking person. In the course of my research I came across statistics which demonstrate the appalling scale of the abuse. *Time* magazine, *The Economist* and other reputable publications are to be complimented on highlighting this awful practice.

In an article in *Time* magazine, Maura Elizabeth Cunningham wrote:

Largely as a result of sex-selective abortions, Asia today is short of 160 million women [or 30 times the population of Ireland]. They have disappeared silently over several decades, but their absence can be seen in classrooms filled with boys, in huddles of bachelors on city streets and in higher rates of bride trafficking and prostitution elicited by growing numbers of sexually frustrated men.

It is disturbing, as Ms Cunningham notes, that some countries:

Viewing smaller populations as a path to economic development, encourage (or enforce) lower birthrates — and couples having fewer children will, in many cases, do anything to ensure that those children are boys. “Anything” means sex-selective abortion on a massive scale.

The motion and the Government’s amendment can unite Members in promoting human dignity. The Government condemns in the strongest possible terms all violations of the rights of women and girls. It is proactive in supporting the efforts being made at international level to combat all forms of gender based violence and will keep raising these matters at UN and EU level. Long-term questions arise for those who think reproductive matters should be reduced to an issue of choice. The problem of *gendercide* shows where certain choices can lead if they are endorsed or tolerated by entire nations and cultures. The widespread killing of baby girls is a terrible injustice, but it also risks causing major economic and social problems in societies in which *gendercide* is apparent. I understand that in India high murder rates are to be found not in the poorest regions but in areas with the largest imbalances in sex ratios. This leads to problems of human trafficking, as thousands, perhaps millions, of men unable to find life partners become a risk to society. Thousands of women from Vietnam have been smuggled into China to work as prostitutes or be sold into marriages.

I hope this is the first of many debates on this issue. I will be supporting the Government’s amendment, but I thank Senators Rónán Mullen and Feargal Quinn for raising the issue. The support they have received from different quarters of the House demonstrates there is widespread agreement on the matter. In supporting the Government amendment, I look forward to having a more detailed and thorough debate on this matter in this House in the future.

**Senator Martin Conway:** I commend Senator Mullen on highlighting this matter. We seem to be specialising in human rights as our theme for this term. This practice is a complete and total violation of human rights. I will not repeat what my colleagues on all sides of the House

[Senator Martin Conway.]

have said. The facts speak for themselves. The Government amendment does not name specific countries, but we know which of them are the biggest violators in this regard.

I would like to add another dimension to this debate. Perhaps it can be considered in the future. Some of the countries that have been named in this House have a policy of aborting foetuses that have been shown to have disabilities. This type of termination can take place when a medical expert has identified that a foetus is disabled in one way or another. Such appalling violations of human rights are worthy of examination by this House in the future. The Government, through its partners in Europe and throughout the world, should examine how it can highlight this appalling abuse of human rights. There is much to be said for the facilitation of further research by the UN and other organisations. There is significant anecdotal research in this regard. Senator Mullen is probably better briefed on it than me. There is significant anecdotal evidence that this type of cleansing is taking place. We have responsibilities.

Although the motion before the House is well worded, the amendment proposed by the Government is a more practical way of bringing all sides together. I hope the amendment will be seen in the context in which it is meant. This country is proud of its human rights record. It has campaigned internationally. Many of our expatriates are involved in the missionaries. This country can be proud of the role they are playing in protecting children abroad. This issue has been highlighted in *The Economist* and other reputable magazines. I hope we will see a world-wide solution to this appalling crime.

**Senator Aideen Hayden:** The motion that has been put before us by Senators Mullen and Quinn has many merits. I do not want to repeat what other Senators have said. Any discrimination is undoubtedly wrong but the genocide, in effect, of female children and babies is an appalling abuse of human rights. There is no two ways about that. It is useful to point out that gendercide is not confined to poorer countries. It has already been mentioned that discrimination against female children is practised among the better-off sections of society in countries like China and India. It is important to study the list of countries where the population is proportionally skewed in favour of one gender. A significant number of them are not among the better-off countries of the world, although I was surprised to note that Cyprus is one of those with a skewed population ratio. I find it difficult to understand why it is on the list. It is important to accept that not all of the countries that practice gendercide are among the poorer countries of the world. It goes much deeper than financial assistance.

I disagree with the motion in one respect. We should recognise that some countries — South Korea, for example — have succeeded in turning the policy around and making strides against gendercide. It has been done by bringing about a change in culture and in the way women are valued in society. The basic changes that have been made include the introduction of legislation permitting women to own property, which may seem obvious in the western world but is important none the less. It was not until the late 1880s that legislation in Britain and Ireland allowed women to hold property independently of their husbands. Changes of this nature need to take place. Fundamentally, Ireland's role on the world stage has been to support the equality not just of women and men but of people generally. We have a proud record in that regard.

We need to hesitate in one respect. My research has shown that China and India are taking measures to counter gendercide. Statistics show that China has made some progress, although it is insufficient. The 2000 census pointed to a more stable sex ratio in that country. At the very least, the problem has stopped getting worse. The World Bank agrees that there has been a decline in the ratios in portions of China where this phenomenon had been particularly problematic. In India, a study has shown that the cultural preference for sons has also been falling. As in China, the sex ratio is rising, albeit very slowly. For this reason, I do not think it would be a positive step to specify China and India in the manner that is done in the motion

before the House, which asks that they be challenged “to abandon coercive population limitation policies”. Such an approach would be counterproductive, given that some measures have been taken in those countries.

Of course it is important that we bring diplomatic pressure to bear on the governments of various states. That is something we should be doing in the normal course of our foreign policy. Of course we should ensure the recipients of foreign aid do not promote gendercide. The Government amendment covers both of those factors. Ireland’s support for the millennium development goals is critical to bringing about the equal status of men and women internationally. It has been shown that by changing cultural attitudes, one will ultimately change attitudes to gendercide. I accept that this is an important international issue. In this instance, I have decided it is preferable to support the Government amendment.

**Senator Catherine Noone:** I welcome this timely debate and commend my colleague and friend, Senator Mullen, on raising this issue. I agree with various things other speakers have said during this discussion. Obviously, I deplore the concept of gendercide and believe we must take whatever measures possible to prevent it from taking place. During this debate, we must take time to consider all other violations of the rights of women and girls. The Government amendment, which condemns female infanticide and all other violations of the rights of women and girls in the strongest possible terms, goes in the direction in which Senator Mullen would like to go to a certain extent.

I was horrified to read in *The Guardian* last weekend about the death of a 37 year old Chinese mother of two during an abortion. The woman in question was six months pregnant with her third child when a number of family planning officials arrived at her house and ordered her to accompany them to hospital. The procedure went ahead despite her protestations and those of her relatives who were attacked when they tried to stop it. She died on the operating table from heart failure. Her death can be seen as a callous abuse of human rights. Two children have been left without a mother and another child has been denied the right to life. A family has been ripped apart. It is a disgrace that women’s rights and human rights could have been so cruelly disregarded in 2011. As a woman, I am proud of the advancements in gender equality that have taken place in recent decades. Incidents of this nature remind us that some women are still being treated as second class citizens in this world. They should not and cannot be ignored.

Speaking as a woman, it is clear that all of these actions are a reflection of the societies in which they occur. Even today, in certain parts of the world, women’s lives are viewed as of lesser value than those of men. That this is happening in 2011 is astonishing. As such, while I reluctantly oppose the motion put forward by Senator Mullen, I am interested to hear the Minister of State’s view. The main problem with the motion is that it is somewhat personalised in pointing out particular countries. It would set a dangerous precedent for us as a nation to go so far as to name the protagonists in a motion passed in the Oireachtas.

**Senator Paul Bradford:** I welcome the opportunity to contribute to the debate on this worthy proposal. We all understand the system of parliamentary democracy in the Oireachtas and how the Government generally proposes and the Opposition opposes. However, we must also recognise that we in this House have been at our best when we were able to act, not independently of Government as such, but with a certain independence of thought. We are at our most effective when we come together to make significant political pronouncements on matters of deep and fundamental significance. On this occasion, I would have preferred if we had come together to support the motion as it was written. We all appreciate that we are working within a party political system, and I am mindful of the political duty which will direct me as to how I must vote. However, it is very difficult to find anything incorrect or objectionable about the motion as proposed.

[Senator Paul Bradford.]

My colleague, Senator Catherine Noone, spoke about difficulties that may arise as a consequence of stating strongly our disquiet at policies being conducted in China and India. I beg to differ. We must be willing to speak against atrocities where we see them. There is no doubt that in these two countries and, unfortunately, I am sure it applies to other countries, the practice of gendercide takes place. I am gravely disappointed at what has happened in recent years and continues to happen in China. The Minister of State may have read that great book, *Wild Swans*, which clearly shows the huge value traditionally placed on both young and old in Chinese society, with three-generational families where grandparents looked after children while the middle generation worked. There was a great sense of family. The one-child policy has torn all of that apart and is beginning to have profoundly negative social effects. Moreover, it will also come to have grave economic effects.

I do not claim to be an expert on China and I am less so in regard to India. However, a recent article in *The Economist* indicates that what is happening in these countries is a cause for grave concern. We have a duty as Members of this House, as does the Government, to speak out strongly and loudly on matters of fundamental importance. Nothing is more fundamentally important than the right to life and the right to bear children. In the deeply disquieting article in *The Economist*, the Chinese author tells how he visited a peasant family where the wife was giving birth. She states:

We had scarcely sat down in the kitchen when we heard a moan of pain from the bedroom next door . . . The cries from the inner room grew louder — and abruptly stopped. There was a low sob, and then a man’s gruff voice said accusingly: “Useless thing!”.

The writer goes on to say that, to her absolute horror, she saw a tiny foot poking out of a slops pail. She concluded that the midwife must have dropped the tiny baby, alive, into the bucket. We must condemn such practices in the strongest possible terms.

I appreciate that the Government motion states its opposition strongly. Mention was made this morning on the Order of Business of the need for political reform and a review of how we do our business. We have often heard the phrase “same old, same old” in reference to politics in Ireland. On many occasions I have seen worthy motions put forward by Opposition Members in this and the other House — and we were all in opposition at some point — only for the Government to submit the mandatory amendment. We must move beyond that type of politics towards a new approach to parliamentary business.

I welcome the airing of this issue by way of the worthy motion put forward by my Independent colleagues. We must note what is being said. Will Senator Mullen consider saving some of us the embarrassment of having to vote against his motion by withdrawing it in order that we can, at some stage in the coming weeks or months, seek agreement on an all-party motion which speaks as strongly as possible on this fundamentally important issue?

**Senator Cáit Keane:** I am pleased to have an opportunity to speak on this motion. Every Member of this House would condemn the practice of infanticide or gendercide. Terminology is important when it comes to this issue. I would have felt more able to support the motion if it had used the term “gender-based selection”. The word “gendercide” is most often used but is open to selective interpretation. As Senator Ivana Bacik observed, it has been used in other contexts in reference to young battle-aged men. When we stand here as legislators, passing a Bill or supporting a motion, we must be sure we understand the terminology used. “Gender-based selection” is the term I would prefer. In that context, I join Senator Paul Bradford in calling on Senator Mullen to defer or withdraw the motion in order to seek consensus across the House.

The Government amendment is not selective in pointing to particular countries. The reality is that gender-based selection has been banned in India. It seems perverse to single out a country that has taken some action on the matter. The 2011 census in that country shows the practice is decreasing in some regions of the state, while it is increasing in others. There are social, educational and other aspects to this issue. The Department of Foreign Affairs must take every opportunity to bring it to the attention of the United Nations and other international bodies.

Although the situation is not perfect in India, as I said, the 2011 census shows a slight overall decrease in gender-based selection. The number of girls in the age group birth to six years has increased slightly and there are now 914 girls for every 1,000 boys. However, this remains a huge gender gap and we must do everything in our power to ensure there is a further decrease. Although sex-selective abortions are illegal in India, fatal neglect of girls after they are born is widely assumed to be the leading cause of this anomaly. The use of ultrasound to determine sex has become cheaper and more widely available. Even though this procedure is illegal in India, the prohibition is not properly policed. We should urge every country to make the practice illegal and ensure there is enforcement. While we know it is impossible for one country to enforce laws in another, we can educate the countries to which we refer.

The Registrar General and Census Commissioner of India, who led the census in India, stated that there is still reason for great concern. He regards the problem as a social problem rather than a democratic one, compounded by the failure of the authorities to enforce laws against sex selection by monitoring clinics that advertise ultrasound technology. He stated that technology is the main culprit.

The word “gendercide” is coming into common use. I will use it now but not in a legislative sense. The campaign to address the problem is a social campaign. We must all support a social campaign to improve the status of girls. Senator Bacik outlined many of the steps we need to take socially and educationally to ensure there is gender equality.

A 2011 inter-agency publication, “Preventing gender-biased sex selection: an interagency statement”, by the World Health Organization, UNICEF, the Office of the High Commissioner for Human Rights, the United Nations Population Fund, and the United Nations Entity for Gender Equality and the Empowerment of Women, refers to this noteworthy issue. I am grateful to Senator Mullen for putting it on the agenda but, as with some other Senators, I have no hesitation in saying I cannot support it. If the Senator had used the other words I have mentioned, I might have supported it. Perhaps he could reconsider tabling the motion again using the terminology I suggest.

Imbalanced sex ratios are unacceptable manifestations of gender discrimination against girls and women and a violation of their human rights. We must all support the effort to counteract this problem. Technologies such as amniocentesis and ultrasonography are making the problem more commonplace. Bearing in mind Senator Hayden’s point, we very often associate the issue with the poor but the richer in society must also be born in mind because they are not enticed in any way by grants — of a few hundred dollars, for example. That will not change it. We must educate and do all we can through the Department of Foreign Affairs and the United Nations and everywhere we get an opportunity.

**Senator Denis O’Donovan:** I support the motion tabled by Senator Mullen and congratulate him on raising this very important issue. Without being party-political, I must state that it is a very serious issue that is having a major impact in countries such as China and India. It is important that we, as a branch of the Oireachtas, express our deep concern over the issues at play.

From time to time, this House condemns China for its lack of transparency in the administration of justice. Members have visited China on several occasions to outline its appalling

[Senator Denis O'Donovan.]

record on human rights. There is a total vacuum, particularly in China and to a lesser extent in India, whereby female children are treated as less important than their male counterparts. In 2020, there will be 40 million to 50 million more males in China than females. This imbalance is creating a problem. The recent case in China, namely, the running over of a little girl, is an appalling indictment of how society thinks in other parts of the world.

With all due respect to the Government, its amendment is pussyfooting and tiptoeing around the real issue. The Parliament and nation should condemn the practice in question. Senator Mullen has appropriately named it “gendercide”, or at least outlined his reasons therefor. We should condemn such practices in China, India and elsewhere and we should not be afraid of stepping on toes politically. It is a major issue. We debate poverty in various parts of the world and support efforts to combat it but, if we are serious about our foreign policy, we should state bluntly that the practice of gendercide in its many forms is wrong. We cannot condone it.

Senator Mullen's motion is one on which the House should try not to divide, including by saying more time is required, as said by some Government speakers. The case made by Senator Mullen is so blatant and strong that we should accept his motion. The Government should support it absolutely. The facts are clear and it is most regrettable that in certain parts of the world an abortion or other procedure may be carried out where a woman is discovered to be pregnant with a female child. A child, when born, may be neglected and left to starve to death. This is a very serious issue. Senator Mullen must be lauded for his exposure of gendercide, which is widespread in China in particular.

I know the Minister of State's heart is in the right place. I urge her to grasp the nettle and condemn the practice outright. There is no harm in doing so. Let us see what we, as a small nation, can do to address it. There are probably 5,000 couples in Ireland who are dying to adopt a child from another country. I was once in Romania with a member of my family in respect of an adoption. There are ways and means of trying to address this issue. For us to stand idly by is most regressive. I listened to a radio debate today in which it was stated that, by the end of this or next month, the world's population will be 7 billion and rising. Not so long ago, I heard that the population in 1830 was approximately 1.5 billion. At the rate the population is growing, we will face serious problems. The most populated regions, such as China, India, eastern Asia and Indonesia, probably contain one third of the world's population in a relatively small proportion of the world.

It is about time that we grasped the nettle, tried to address the problem and made our voices heard. Senator Mullen must be complimented for raising this appropriate issue. I hope the Government will state that it is not a political issue and regard the motion as a statement by a small country setting out its views on gendercide. We speak very strongly about injustices in China and poverty in Africa but we are very slow to grasp the nettle in respect of gendercide. Senator Mullen deserves great credit for raising it. His doing so is appropriate and I hope the Government will address the matter head on instead of deferring it.

**Senator Fidelma Healy Eames:** Like many others, I compliment Senator Mullen on tabling this motion. It is very brave. We live in the world, not just Ireland. We must be concerned about human rights issues and how we can advance societies.

I will reiterate many of the facts which fellow Senators have highlighted already. I put it to Senator Rónán Mullen that I would be delighted if he would agree to consider withdrawing the motion, just for today, until we can reach cross-party consensus in the House. I have no wish to be forced into a situation where because of the party political system I must vote against the Senator's motion when I agree completely with almost every line of it and what it is calling on us to do, that is, to bring diplomatic pressure to bear on the governments of various states, in particular China and India, which either promote gendercide or tolerate the problems experienced within their borders. The Senator is right to ask us to raise the issue of gendercide

at United Nations and European Union level and perhaps with the Irish Human Rights Commission to determine how it could bring pressure to bear. We want to do business with countries which have human rights issues such as China and India. What better way to advance human rights than to do business with them, whereby we can share and learn about how we interact and live? The Senator is to be complimented on the motion and I do not say as much lightly.

Let us consider some of the facts. The first time I came across this issue was when I was dealing with the matter of adoption. The Senator who spoke last said the same. I have adopted abroad, as I have said in the House more than once. We adopted a little girl from Romania. I was there in 2000 and recall that they mainly had boys to adopt because they were keeping the girls. Foreign adoptions were common at the time and this remains the case, as it is our only means of adopting children. However, when we look towards China, those involved are allowing girls to die. I condemn in the strongest terms the practice of selective abortion based on the use of ultrasound and other technologies that identify the sex of the foetus. It is dreadful that little girls are lined up in orphanages, fatally neglected and allowed to die when many families throughout the world would give anything to have a child. Although the practice is not confined to the countries to which I have referred, what happens to families in these countries who have difficulty in conceiving but who eventually fall pregnant and find out it is a girl? How can we, as an upstanding nation, say this policy is fair, right or just? It is not. For this reason and many others, I totally support what Senator Rónán Mullen said. The practice happens more widely because, traditionally, girls earn less than boys and there is evidence that boys can engage in more physical labour which is considered to be especially needed in some of the countries mentioned. In the long term this is needed to stall population growth and, for cultural reasons, the ancient preference has been to have boys.

Let us consider what the position is today. According to the Chinese Academy of Social Sciences, in 2010 there were between 30 and 40 million more men under the age of 19 years than girls. Marriage and having children are considered to be the norm in the countries mentioned, but there is a lack of girls. Some of the programmes I have seen from China show men aged between 40 and 50 years living in isolated areas with no possibility of finding a partner. This has led to crime, isolation and violence among young men. Crime levels have doubled in China in the past 20 years. The social consequences include the trafficking of women and prostitution, as well as bride abductions which are rampant. As my colleague, Senator Cáit Keane, noted, people of all classes are buying into this mindset. If we are genuinely interested in promoting human rights and wish to ensure that at a human level there are no borders, we have an obligation to condemn the practice of gendercide, infanticide and fatal neglect. We must realise that in the long run it is not good not society that children are killed.

Interestingly, a law was enacted in 2004 in China prohibiting sex-selective abortions but because this has become such an embedded cultural issue, the law has been widely ignored by the Chinese public. I appeal again to Senator Rónán Mullen, to whom I take off my hat. He has brought forward a motion that has challenged me and most other Members. I call on him to consider withdrawing the motion in order that we can reach an all-party consensus. In this way we could achieve a good deal in the House. On most days we want it to be a house of solutions.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Jan O'Sullivan):** I thank Senators Rónán Mullen and Feargal Quinn for bringing this important matter before the House and affording it the opportunity to debate it. There is no doubt there is broad agreement across the House on the motion, the amendment and the central substantial issue under discussion.

I wish to respond to Senator Cait Keane's point on gendercide. The term has not been fully defined at international level and it is not in use in mainstream human rights and development discourse. Therefore, I am hesitant to use it. However, irrespective of the label we apply to the

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issues involved, these are serious problems that give rise to genuine concern and I commend Senator Rónán Mullen for raising them.

We are discussing the practice of female infanticide, what some refer to as sex-selective abortion and other forms of mistreatment directed at women and girls. I wish to make the Government's position clear. We condemn in the strongest terms all violations of the rights of women and girls, including female infanticide and other harmful practices, and firmly support the efforts being made at international level to combat these and all other forms of gender-based violence.

While agreeing with parts of the motion brought forward by Senator Rónán Mullen, the Government has reservations about certain elements. Therefore, an amendment has been tabled for consideration. The Senator has singled out two countries in the motion, suggesting the Governments of China and India either promote gendercide or tolerate it within their borders. While the harmful practices under discussion are followed in these countries, it is wrong to imply that the problem is confined to these countries. We should acknowledge that the Governments of China and India are taking various steps to deal in their societies with these practices which they recognise as harmful and unjust. We should acknowledge the progress made.

We do not believe it is helpful or effective to highlight individual countries. If the international community is to address the serious issues involved, it will only do so effectively by focusing on the need to combat all forms of discrimination and human rights violations against women and girls, wherever they occur. The motion tabled by Senator Rónán Mullen invites the Government to raise this issue at UN and EU level. I am proud to highlight that Ireland already has a strong record of advocacy and action in the EU and UN frameworks on issues relating to the rights of women and children. We will continue our consistent support for international resolutions focused on strengthening the rights of women and female children, as well as combating gender-based violence.

The European Union's commitment to protecting children is underlined in the EU guidelines on the rights of the child document. The rights of children are systematically raised during dialogues with non-EU countries and the European Union calls on partner countries to ratify relevant international conventions and lift reservations, to adopt or revise national legislation, to identify areas in which technical assistance could be helpful, and to promote good practices. The EU has agreed guidelines on violence against women and girls that address discrimination as well as violence against women. The guidelines prioritise women's rights within the EU human rights policy towards third countries. Ireland has been an active member of the EU task force on women, peace and security. Ireland has been a strong advocate of United Nations Security Council Resolution 1325 on women, peace and security and has taken a leadership role in the international arena in consistently calling on other states to commit to implementation of this resolution. The resolution calls for an increase in the participation of women in peace making and peace building processes, the protection to women and girls in armed conflict, and the incorporation of a gender perspective into peacekeeping and peace building processes. We have taken an innovative approach to drafting a national action plan on the implementation of Resolution 1325 by combining interdepartmental and civil society consultation with an international cross-learning initiative. The national action plan will be launched this year.

Senator Mullen also asked the Government to ensure that recipients of Ireland's foreign aid do not promote gendercide. Ireland's official development programme has a strong emphasis on gender equality and on the empowerment of women and girls and all recipients of Irish Aid funding are required to demonstrate their commitment to these goals. In addition to a focus on access to health care and education, combating all forms of violence against women and

girls is a strong theme of Irish Aid's work and of our dialogue with our development partners, both Governments and NGOs.

Gender equality and women's empowerment are priorities that cut across all of Irish Aid's work. Bilaterally in our engagement with partner countries, and at the UN and in other multi-lateral bodies, we consistently emphasise the importance of gender mainstreaming as a key aspect of ending poverty, hunger, discrimination and vulnerability across the globe. Gender equality is not only an important aim in and of itself but is an essential component of sustainable human development.

To respond to Senator Quinn's point about whether we can highlight gendercide during the OSCE presidency in 2012, Ireland will focus on that area and it will be a priority during a chairmanship in 2012. It is an important part of the human dimension of the work of the OSCE.

The implications of policies that do not take gender equality and the rights of women and girls seriously are far reaching. To take just one example, in sub-Saharan Africa, girls are still less likely to complete primary and secondary education than boys and face multiple barriers to accessing education. Girls who do not have access to education are significantly more likely to be subjected to child or forced marriage, which in turn leaves them far more vulnerable to dying in pregnancy or childbirth. They are much less likely to use family planning services which allow them to time and space their children at healthy intervals. Girls aged between ten and 14 are five times more likely to die in pregnancy or childbirth than women aged between 20 and 24. This morning, I had the opportunity to launch the United Nations population fund's 2011 State of World Population report, which focuses on the fact that the world population is due to reach the 7 billion mark in six days' time. That report underlines in stark detail the massive challenges adolescent girls and women still face in accessing family planning services and antenatal care. A massive 215 million women across the developing world still do not have access to safe, effective and affordable contraception and almost half a million die each year as a result of pregnancy and childbirth.

Uneducated girls are three times more likely to contract HIV. Their children are significantly more likely to suffer from malnutrition, to lack immunisation against preventable diseases, to be subjected to harmful practices such as female genital mutilation and to die before the age of five. The results of ignoring or under-investing in girls are devastating, not just for the girl herself, but for her own future children and for society as a whole.

Discrimination against girls and women is also evident in the prevalence of gender-based violence. Such violence takes many forms, from violence against women in the home to the horrifyingly high levels of sexual violence in conflict and post-conflict environments, child and forced marriage, female genital mutilation, sex-selective abortion and other harmful practices.

The root causes of all manifestations of gender-based violence are the same root causes underlying economic and political discrimination against women and the low status that women and girls still have in so many societies across the globe. It is this fundamental issue that Ireland consistently seeks to address, both through our engagement at the UN on gender issues and through policy dialogue with, and practical assistance to, Governments and civil society across the developing world. Senators Hayden and Noone referred to this.

To provide just some examples, for many years Irish Aid has supported the extension of basic primary education to all children in Zambia. In addition to our overall support to the education sector there, we have also provided funding to civil society groups who campaign for better access by the poorest and most vulnerable girls to primary education and work with poor communities to overcome the specific barriers that girls face in getting an education. The results have been remarkable. Just over ten years ago, only 60% of Zambian girls completed primary school education. Today, more than 90% of girls in rural Zambia are in school.

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In Uganda and in Sierra Leone, Irish Aid has supported programmes to combat gender-based violence, including through providing support to victims of domestic violence and sexual assault and through funding research into how to combat gender-based violence at a community level and identify strategies that work. Eliminating female genital mutilation, a practice that affects an estimated 100 million girls throughout the world, is another important element of our work. I commend Senator Bacik for her Private Members' motion on that topic. We have provided more than €1 million in funding to a joint UN programme that works in 12 countries where this practice is particularly prevalent. Since the programme started in 2007, 11 out of the 12 countries have passed national laws banning female genital mutilation, large numbers of community leaders across west and central Africa have made formal public declarations supporting the abandonment of the practice, and almost 42,000 girls have been treated for medical complications resulting from female genital mutilation.

Regarding Irish Aid's response to humanitarian crises, we ensure that all emergency programmes we support take into account the specific needs of women and girls, particularly in respect of gender-based violence. In the Daadab refugee camp for instance, which currently houses almost half a million refugees who have fled from the famine in Somalia, we are supporting programmes that provide survivors of gender-based violence with quality and comprehensive health, psycho-social and case management services. Reporting mechanisms and referral networks are also being strengthened, as well as ensuring that the protection concerns of women and girls are taken into account in the design of the water, sanitation, shelter and health programmes in the camp. In addition, the Irish Aid rapid response register provides experts in the areas of gender, gender-based violence and child protection to UN agencies and NGOs in order to strengthen their emergency response. In 2010-11, eight protection officers from the register were appointed to UN missions in Haiti, Kyrgyzstan, the Balkans, Sudan, Kenya, Ivory Coast and Somalia.

Complementing our work on gender empowerment through our bilateral aid programme, Ireland also co-operates closely with key UN partners such as UNICEF, UN Women and UNFPA in their work on combating all forms of violence against girls. We work closely with Governments across the developing world to combat the root causes of sex-selective abortion and female infanticide.

In 2010 alone, Irish Aid provided more than €12 million in core funding for these agencies. Key elements of the work of these agencies include supporting Governments to put in place legal and policy frameworks that address female inequality in areas such as inheritance laws, land ownership and social protection systems; providing incentives to families with girls to send them to school and ensure equal access within the family to nutrition and health care; and developing ethical guidelines for health professionals for the use of technologies such as ultrasound. This point was raised by a number of Senators. We condemn the use of ultrasound for this purpose but it also has positive uses.

On this last point, it is important to note that, although the relatively recent availability of technologies that can be used for sex selection has compounded the problem of sex selection in some societies, it has not caused it. The rise in sex-ratio imbalances and normalisation of the use of sex selection in certain societies is caused by deeply embedded discrimination against women within institutions such as marriage systems, family formation and property inheritance laws. It is this discrimination that Ireland, as well as our UN partners, is working so hard to combat.

The Government amendment to the motion proposed by Senator Mullen envisages that this House, condemning in the strongest terms female infanticide and all other violations of the rights of women and girls, would commend the Government's firm opposition to such practices and its efforts to combat all forms of gender-based violence. It would also endorse the Govern-

ment's strong support for gender equality and the empowerment of women and girls through its official development assistance programme. I thank the Senators for the very good debate. I commend the Government's amendment to the House.

**Senator Rónán Mullen:** I welcome the Minister of State, Deputy O'Sullivan and thank her for her speech. I agreed with much of it. I take the opportunity to thank Senator Quinn for seconding the motion and Senators Leyden, Mullins, Conway, Hayden, Noone, Bradford, Keane, O'Donovan and Healy Eames for their speeches. I pay particular tribute to Senator Healy Eames. I found her speech particularly moving and it shows yet again the wealth of experience of members of the Seanad. It is particularly generous when people chose to speak from personal experience and to reason from it, as is right and proper. I note also the support from Senators on the Government side on this issue. I take seriously their request that I withdraw this motion. I do not feel I can do so, as things stand but I have communicated indirectly to the deputy Leader that I will be very happy if the Government proposes an amendment to the Order of Business to allow us to return to the matter in two weeks and debate it for another 30 minutes and give us time to come up with an agreed motion. There is a real appetite for it on the Government side. Otherwise, the amendment and the motion will be put to the House this evening. I am in the hands of the deputy Leader.

I will not try to traverse all the points made but will address some of them. I would be very happy to incorporate Senator Cáit Keane's desire to include the issue of gender based sex selection. I do not think it captures all the issue, but it would be a welcome addition. It is important that we include the issue of selective abortion which goes on at a later stage. Selection would generally tend to refer to IVF related selection, where embryos are selected out on the basis of a disability or other criterion. In this case, we have the problem of embryos being selected out on the basis of gender. We should avoid euphemistic language in using the word selection when we are talking about the elimination of human life. Senator Bacik among others pointed to the emergence of a small bit of good news in some countries, such as South Korea but, it must be said that one does not gain progress on these issues unless one keeps the pressure on the culprit countries. I point out that it would misrepresent my motion if the Government suggested that there was only a reference to China and India. The motion refers to countries such as China and India. I remind the Government that it often and rightly points to countries where there are human rights abuses of another kind. I think of Senator Norris and others rightly condemning Uganda's proposed legislation last year which would apply the death penalty to homosexual persons. On that point, I think the Government went looking in the drawer of crazy and bizarre rebuttal arguments when it comes up with the notion that the term gendecide is somehow unclear. I wonder if Senator Bacik has a problem with the use of the term "homophobia". it seems to imply a fear of men but I do not think that is what it means. There is a commonly accepted meaning and when newspapers and magazines such as *The Economist* and others can use the term gendecide, I do not see why the Government cannot. It is not an argument that the term is not fully in use in mainstream human rights and development discourse. That line suggests that the Government is always looking over its shoulder to see if there is some great body internationally that will allow us to use a certain term. Everybody knows what gendecide means. It is the elimination of girl children, whether before or after birth. I have defined the problem in the motion, so that there could be no misunderstanding about it, were the Government to accept it.

Senator Bacik rightly raised the question of education and gender equality. In many ways she went off the point of the motion, but she did make good points, which are relevant to the issue. I would have been delighted and would have had no problem in accepting a Government amendment which sought to add some of those considerations. To try to weasel out of the use of references to sex selective abortion and to focus only on female infanticide which relates to the post-birth situation is to miss the point of the motion. The Senator points to the importance

[Senator Rónán Mullen.]

of education but I remind her that it is in societies where people are highly educated, among the middle classes in India and the like, that this continues to be a major problem. Education does not get to the core of the issue.

Sadly the Chinese government backed away from a law that would have prohibited abortion on gender grounds. Senator Bacik knows that and that is the reason she did not refer to China. The Senator also should have referred to the fact that the Indian law is largely under used. That is the reason the Government should keep up the pressure on China and India as culprits. I recognise the sincerity of the Senator's convictions — even if I think she is quite wrong-headed on this issue. I thank her for speaking from her convictions as she always does.

I will be very happy to withdraw the motion, if there is an amendment to the Order of Business, as I have proposed. If there is not, in justice to the 160 million women who have gone missing, I have no other option but to put the motion to a vote this evening unless the Government proposes to allow time to reach an amicable solution and agree an alternative wording.

**Senator Ivana Bacik:** There is no amendment proposed to the Order of Business. We have not used up all the time that was provided for the debate on this motion in Private Members' time. It is open to any Senator to put forward a motion for cross-party agreement and a number of us have done so on many issues in the past. That is always an option open to Senator Mullen or any other Senator to put forward a motion to the Leaders of all the groups at any time seeking consensus on a particular issue.

**Senator Rónán Mullen:** I welcome that on this occasion.

**Acting Chairman (Senator Marie Moloney):** Is the amendment being pressed?

**Senator Fidelma Healy Eames:** On a point of Order, I would like to put forward——

**Acting Chairman (Senator Marie Moloney):** Is it a point of order?

**Senator Fidelma Healy Eames:** It is highly regrettable that this is being put to a vote

**Acting Chairman (Senator Marie Moloney):** The Senator is out of order.

**Senator Fidelma Healy Eames:** I may be out of order but I want it said and noted that I am very disappointed that we have not achieved agreement in this House.

**Acting Chairman (Senator Marie Moloney):** The Senator is out of order. Is the amendment being pressed?

**Senator Ivana Bacik:** Yes.

Amendment put:

The Seanad divided: Tá, 28; Níl, 9.

Tá

Bacik, Ivana.  
Bradford, Paul.  
Brennan, Terry.  
Burke, Colm.  
Clune, Deirdre.  
Coghlan, Paul.  
Comiskey, Michael.  
Conway, Martin.

Cummins, Maurice.  
D'Arcy, Jim.  
D'Arcy, Michael.  
Gilroy, John.  
Harte, Jimmy.  
Hayden, Aideen.  
Healy Eames, Fidelma.  
Henry, Imelda.

Tá—*continued*

Higgins, Lorraine.  
Keane, Cáit.  
Kelly, John.  
Landy, Denis.  
Moloney, Marie.  
Moran, Mary.

Mulcahy, Tony.  
Mullins, Michael.  
O'Donnell, Marie-Louise.  
O'Keeffe, Susan.  
O'Neill, Pat.  
Sheahan, Tom.

Níl

Barrett, Sean D.  
Daly, Mark.  
Leyden, Terry.  
Mullen, Rónán.  
Ó Murchú, Labhrás.

O'Donovan, Denis.  
O'Sullivan, Ned.  
Quinn, Feargal.  
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators Rónán Mullen and Feargal Quinn.

Amendment declared carried.

Motion, as amended, agreed to.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Maurice Cummins:** Ar 10.30 maidin amárach.

### Adjournment Matter

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#### Literacy Levels

**Senator Fidelma Healy Eames:** I welcome the Minister of State and wish him well with his exciting portfolio. This matter relates to a literacy intervention or initiative — the Saturday literacy hour — for reluctant readers and writers for which I am responsible. The Saturday literacy hour takes the form of an eight-week course for children between the ages of six and eight who are in first and second class and who are considered to be reluctant readers and writers. Being a reluctant reader means one possesses some of the skills required and perhaps that one can read or write but that one does not want to do so. This is one of the indicators of difficulties with learning later in life because the key to learning is literacy. It would not be unreasonable to suggest that there are approximately 500,000 adults between the ages of 18 and 65 in this country whose literacy skills are at level 1. This means that they cannot read the directions on a medicine bottle.

I have discussed this matter with the chief inspector from the Department of Education and Skills, Dr. Harold Hislop, who will be coming to inspect the work being done on the Saturday literacy hour course during November. I am taking this opportunity to seek the support of the Minister of State in the context of opening discussions with the Department in the context of achieving accreditation for the newly-qualified teachers whose skills are critical to the delivery of the course. I would really like him to address that issue in his reply.

The Saturday literacy hour course began with 17 children on board. There are now 23, an increase which took place over the course of one week. The breakdown relating to the children on the course is 50-50 — that is, half are Irish and half are non-nationals. The course is on offer at Oranmore library, which is a superb location given that it is a public space that is open

[Senator Fidelma Healy Eames.]

to all. The library does not open until 11 a.m. on Saturdays but the course commences at 10 a.m. This means that the first hour — each session actually runs for 75 minutes — is dedicated entirely to the children. The final 15 minutes is open to the public in order that people might witness what we are doing. The librarian has informed me that each week the demand for places on the course increases. The course has only been running for three weeks but the response to it has been incredible. It is amazing how enthusiastic people are about this course.

The Saturday literacy hour is successful because it is community-based and is held in a public space, namely, the library, which parents and children feel free to visit. It is really important that it is not held in a school because children who are reluctant readers and writers may perhaps associate school with work. We do not give out homework as part of the Saturday literacy hour unless the children want us to do so. Many of the children we want to become readers and writers would not necessarily wish to visit the library under normal circumstances. So there is an added advantage in that regard.

I have received co-operation from five local primary schools in respect of identifying children who are reluctant readers and writers. There are four newly-qualified teachers involved with the course and all of them work free of charge. I work with them to plan each Saturday literacy hour in advance and then we evaluate each session afterward. Every week the newly-qualified teachers submit to me information relating to the activities in which they intend to involve the children. These activities are based on an agreed theme. Following each session we spend approximately 30 minutes evaluating its effectiveness and engage in forward planning in respect of the next week's session. This is a really good working arrangement.

The 75 minutes of each Saturday session are incredibly intensive in nature. As already stated, there are 23 children signed up for the course and working with me I have four teachers, the librarian and two enthusiastic helpers from sixth class. As the Minister of State will appreciate, those are incredible ratios. We are doing a day's work in the 75-minute session because we have such good ratios. The children on the course are all encouraged to join the library and to take home a book each week. This is a really positive step, particularly in light of how reluctant many of them would previously have been to borrow a book. The assistance of the two sixth class helpers to whom I refer is useful. In view of the short duration of each session, these two helpers assist us in maximising the time available for the children on the course. They are extremely keen to do real work with children and as the course develops, we are encouraging them to become reading buddies for their younger counterparts.

There is a 15-minute briefing for parents at the outset of each session. This is extremely effective because it allows us to build trust and to make parents aware of what we are trying to achieve with their children. Parents express a great deal of interest in linking from one session to the next and some are even seeking homework. As already stated, the latter is optional. Those of us who work on the course are very open with the parents and are willing to make ourselves available to everyone. This makes the work we do extremely powerful in the context of assisting the children. As I stated earlier, each session is open to the public for the final 15 minutes. Many people wander in at that stage and can see the children working on their literacy skills. This presents a very positive image. There is no cost to parents or children in respect of the Saturday literacy hour.

The Minister of State will be aware of the national literacy and numeracy strategy. The difficulty with this strategy is that it does not involve many community-based interventions. The Saturday literacy hour is an ideal community-based intervention and could be replicated nationwide at no cost. However, additional personnel would be required. There is an oversupply of newly-qualified teachers who cannot obtain classroom placements at present. If they could obtain accreditation for working on the Saturday literacy hour and if, perhaps, 20% of the final marks relating to their diplomas could be awarded in respect of this work, then I am

sure the course could be rolled out nationally because there would be sufficient teachers to assist in running it.

I am requesting that the Saturday literacy hour model be viewed as a pilot course for possible wider roll-out across other communities. This would support the goals of the literacy strategy relating to learning communities. I would appreciate it if the Minister of State will indicate what he proposes to do in respect of this matter. There is no reason we could not work with the Department of Education and Skills in the context of achieving the ultimate teaching diploma. I realise that what I am suggesting would represent a radical departure. However, with proper co-ordination, proper goals and proper measurement, it would be very possible to achieve something that would suit not only our needs but also those of the Department.

I am deeply conscious of the fact that the success of the Saturday literacy hour is dependent on the voluntary work of newly-qualified teachers. None of the latter has yet completed his or her diploma. It would be very desirable if teaching done on a course such as that to which I refer — under the supervision of an experienced and qualified teacher-coordinator — would count towards a certain percentage of the final marks relating to the higher diploma. It could also, in time, count towards a master's degree. This would be of assistance in achieving two important things, namely, encouraging newly-qualified teachers to become involved in voluntary work and, probably the greatest gain, ensuring the sustainability of the course into the future as a community-based literacy intervention that will help produce a nation of readers and writers. Literacy should never be taken for granted because it is one's passport for learning and life.

**Minister of State at the Department of Education and Skills (Deputy Sean Sherlock):** I thank Senator Healy Eames for bringing this project to my attention. Literacy and numeracy are among the most important life skills taught in our schools. We are determined that no child should leave school without having mastered these skills to the best of his or her abilities. That is why is the Minister, Deputy Ruairí Quinn, launched the national literacy strategy on 8 July last. Ensuring that all young people achieve high standards of literacy and numeracy is one of the key aims of the Department of Education and Skills and its Minister, Deputy Quinn.

The key to the success of the literacy and numeracy strategy will be the engagement of the whole community in ensuring that the strategy is fully implemented. Developing literacy and numeracy is not the business of schools alone, and families and communities also play a key role by setting high expectations, providing good role models for learners and providing every opportunity for children and young people to become more proficient in literacy and numeracy. The literacy and numeracy strategy acknowledges the important role that libraries can play in supporting communities, families and young learners to develop better literacy. Libraries and librarians are an important resource in supporting children's literacy and our public library services have been to fore in promoting reading over many years. Public libraries enable families to support their children's literacy development through the range of resources and information they make available in a free, open and informal setting. Whereas libraries are an excellent resource for all families, they can be of particular assistance to families who find it difficult to meet the cost of providing a rich range of books and educational resources in the home.

The project referred to by the Senator, based in the Oranmore branch of County Galway library service to support children in developing their reading skills, is a very fine example of what we have in mind in the literacy strategy. We compliment Senator Healy Eames for the leadership and commitment to voluntary effort that she has shown in initiating this project, in organising the participation of children in the workshop and in building fruitful cooperation with the library service. From what I know of the project, it is an example of a public library putting its resources at the disposal of young learners to give them an opportunity to learn to read and to love to read. I wholeheartedly compliment the library service on its involvement

[Deputy Sean Sherlock.]

in this initiative and also the young teachers who are voluntarily giving their time to support the project.

I fully support community-based intervention projects that support literacy and numeracy. The project gives children the opportunity to select books with expert guidance from professional librarians and the children are assisted in learning to read the books with professional guidance from teachers. I am delighted to hear from Senator Healy Eames that she believes it is successful and the Minister has asked the inspectorate of the Department to visit the project in order to provide a detailed report to me on how the project works, the profile of children who are involved, the activities organised and the impact that it is having on children's learning and reading habits.

In the brief time left I should clarify that any accreditation with regard to teaching practice for trainee teachers is a matter for the Teaching Council. I take on board Senator Healy Eames's comments regarding lateral thinking being applied to the project, which is to be welcomed. I contend that if there is a visit by the senior inspectorate, we would proceed from there as such engagement is positive. It is important to note that the conditions for registration as a teacher are a matter for the Teaching Council and not necessarily the Minister. The supervisory role relating to teachers in training would be deemed as a matter for a school principal.

That is not a negative reply but rather a suggestion that the Senator could have engagement arising from the impending visit by the inspector. More lateral thinking should also be applied. I wish the Senator well in the endeavour and we should support it in so far as we are able, although we should be mindful of some of the constraints the Department may be under because of its competence and that of the Teaching Council with initiatives such as this.

**Senator Fidelma Healy Eames:** I thank the Minister of State and he is correct that it is a community-based initiative centred on lateral thinking. The library is fundamental to it and the very enthusiastic librarian there has been wonderful. I take the Minister of State's point that it is a matter for the Teaching Council and that the inspector is coming to visit at some stage in November. What is the link between the inspector and the Teaching Council and how could we engage with the Teaching Council before the course ends on 10 December? That does not mean we will not have another course in the spring but we should make the most of this one and learn in order to replicate it. If we get a good, tight and well-structured model here, there is no reason we could not roll it out regionally or nationally. We have the required personnel.

**Deputy Sean Sherlock:** I take the Senator's point. The project, by dint of her involvement and active participation, will survive on its own merits. It will do so owing to the number of stakeholders and the commitment of the people involved. If there is to be engagement on accreditation, it will solely be a matter for the Teaching Council. If this could be referred to the inspector in the course of an impending visit, the relevant conversation should take place. If the Senator made a representation to the Teaching Council, which is an independent body, it could be a way of engaging on the subject.

The Seanad adjourned at 6.15 p.m. until 10.30 a.m. on Thursday, 27 October 2011.