



EQUALITY COMMISSION FOR NORTHERN IRELAND

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): submission to the Committee pre-session working group meeting, October 2012

September 2012

Introduction and overview

1. The Equality Commission for Northern Ireland is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, age, sexual orientation and disability. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act (Section 75) and the disability duties under the Disability Discrimination Act 1995. The Commission, along with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the Rights of People with Disabilities as the independent mechanism tasked with promoting, protecting and monitoring implementation of the UNCRPD in Northern Ireland.
2. The Commission welcomes the opportunity to make submissions to the Committee in relation to the UK's compliance with the Convention on the Elimination of All forms of Discrimination against Women and specifically this opportunity to submit recommendations relevant to Northern Ireland on the list of issues.

3. Since the submission of our shadow report in 2008¹ we have continued to work on CEDAW with a view to contributing to the process. That work has three dimensions:
 - gather data and develop policy positions on the areas of the Commission's particular remit and expertise;
 - publish information and data for the use of others;
 - provide focus, coherence and complementarity for shadow reporting in Northern Ireland.
4. In doing this, the Commission works with the Northern Ireland Human Rights Commission as well as the Equality and Human Rights Commission in Great Britain. We also work with relevant NGOs in Northern Ireland and across the UK.
5. The Commission welcomes publication of the UK's Seventh Periodic Report and notes the breadth of information it reports across the 2008 Concluding Observations.
6. We intend, in turn, to build on our 2008 approach. We will cover progress against the general articles including the obligations to eliminate discrimination and the legislative and other measures associated (Article 2). We will also consider special measures to accelerate equality (Article 4), taking account of the new General Recommendation 28 on the core obligations of States parties.
7. Further, we have distilled the issues arising from our remit into two themes:
 - women's economic security: covering education (Article 10), employment (Article 11), economic and social benefits (Article 13) and the new General Recommendation 27 on older women;
 - women's participation in decision making: covering political and public life (Article 7).

¹ CEDAW report, ECNI, March 2008 – <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ECNIUK41.pdf>

8. The Commission's 2008 Shadow Report drew attention to childcare as a critical factor in the achievement of gender equality in Northern Ireland and specific attention will be given to this area.
9. We also note the considerably changed context due to the global recession and the need for a deepening understanding of women's inequalities and the necessary response.

Recommendations to regarding areas for further examination

10. The following areas are recommended to the CEDAW Committee for inclusion in its list of issues for clarification or expansion by the UK Government:
 - ***Obligations to eliminate discrimination***: The 2008 CEDAW Concluding Observations referred to the introduction of single equality legislation in Northern Ireland and the opportunity so offered to '*ensure the incorporation of all provisions of the Convention*'. The UK Government's 2009 Year On Report records that '*The Northern Ireland administration is keeping all aspects of equality legislation under review*'. The Concluding Observations also make reference to Section 75 of the Northern Ireland Act 1998 as an important means of mainstreaming and positive action for women's equality. The Seventh Periodic Report makes no reference to further legislation and only the Department of Health, Social Services and Public Safety specifically mentions its work in respect of the requirements of Section 75. The Year On Report leans heavily on the work of the Women's National Commission (WNC) in delivering the Committee's recommendations on the implementation of the Convention across the UK. The Committee will no doubt be aware that the WNC was abolished in December 2010 by the Coalition Government.

Given the fundamental importance of the scope of undertakings under Article 2, clarified in General Recommendation 28 on the core obligations, it is vital that Government sets out clearly its

specific actions to implement domestically the substantive provisions of the Convention.

We **recommend** that the position on the implementation of the Convention through legislation be clarified. We **recommend** that more information is sought by the Committee on the effective implementation of Section 75 of the Northern Ireland Act in relation to women.

- ***Special measures to accelerate equality:*** The Seventh Periodic Report, though it covers the breadth of the 2008 Concluding Observations, gives limited indication of specific inequalities and any measures taken to eradicate them in Northern Ireland.

We **recommend** that further information is sought on persistent inequalities and the special measures used to eradicate them.

- ***Women in decision making:*** The equal participation of women and men in decision making processes is a key element in achieving equality in a democratic society. The persistent under representation of women in public and political life, including political representation at both national and local level, government public appointments and judicial appointments, is significant in Northern Ireland. Barely 20% of MLAs (Members of the Legislative Assembly) are women (21 of 108). At local government level less than one in four councillors are women (23%) and representation drops to less than 16% in the bodies established to oversee restructuring and reform of local government.

Given the Commission's intended Shadow Report theme of women in decision making and the UK's decision² not to include Northern Ireland in the second National Action Plan on UN SCR 1325 on women, peace and security, we **recommend** that further information is sought on measures to increase the

² UK's Seventh Periodic Report, GEO, June 2011, para 301
<http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

participation of women in Northern Ireland in political and public life.

- ***A whole life approach:*** Education plays a key role in determining a person's life chances and opportunities in terms of social and economic mobility; life patterns and responsibilities are major factors in determining social protection, earnings and pensions. Women's whole life experience will determine their economic security.

Given the Commission's intended Shadow Report theme of women's economic security and the new General Recommendation on older women which was not in place at the time of the UK examination in 2008, we **recommend** that further information is sought on how Government takes account of women's situation throughout the life cycle in policy development and service delivery.

- ***The impact of the recession:*** Little detail is given in the Seventh Periodic Report on women's inequality, whether existing or caused by the recession, or its causes and remedy. This is despite significant studies in Northern Ireland³ and elsewhere in the UK⁴ indicating that there has been significant adverse impact on women. Eradicating persistent inequalities requires understanding their nature and cause to ensure effective action.

We **recommend** that further information is sought on the various impacts of persistent inequalities, the recession and the UK Government's response to the recession, in the context of women's inequality, and also on Government's action to eradicate women's inequality whatever the cause.

³ Women on the Edge, WRDA, 2011 – <http://www.wrda.net/Documents/The%20NI%20Economy%20-%20Women%20on%20the%20Edge%20Report.pdf>

⁴ Unravelling Equality? A human rights and equality impact assessment of the public spending cuts on women in Coventry, Centre for Human Rights in Practice, University of warwick, Coventry Women's Voices – http://www2.warwick.ac.uk/fac/soc/law/chrp/projectss/humanrightsimpactassessments/cwv/report/127948_cwv-chrp_report.pdf

- **Childcare:** The Commission intends to highlight that significant policy consideration needs to be undertaken in relation to childcare – identified by the Women’s Centres Regional Partnership (WCRP) as the primary barrier to women’s equality and participation⁵.

We understand that the Office of the First Minister and deputy First Minister (OFMDFM) will publish a draft childcare strategy this year. At this time there is no detail available on the strategy and an economic appraisal on the options for a Northern Ireland childcare strategy published in 2010⁶ demonstrates the fragmented policy approach to childcare and its delivery. The UK’s Seventh Periodic Report⁷ refers only to the intention, in Northern Ireland to *‘take account of the issues arising from the evaluations of the recent economic appraisal on childcare provision and of the Rural Child Care Programme’*.

As appropriate childcare is a foundation in building women’s economic and social equality, we **recommend** that further information is sought on specific Government intentions. In the event that a draft childcare strategy for Northern Ireland is published prior to our submission of these recommendations, we may wish to submit more detailed and particular recommendations to the CEDAW Committee.

Equality Commission for Northern Ireland September 2012

⁵ Women Living in Disadvantaged Communities: Barriers to Participation, Dr Helen McLaughlin, WCRP http://www.wrda.net/Documents/Barriers_to_Participation_-_Final_March_2009_version_2.pdf

⁶ Policy and Economic Appraisal of the Options for the Northern Ireland Childcare Strategy, Final Report 2010, OFMDFM, 2010
http://www.ofmdfmi.gov.uk/policy_and_economic_appraisal_of_the_options_for_the_ni_childcare_strategy_-_appendices.pdf

⁷ UK’s Seventh Periodic Report, GEO, June 2011, para 170
<http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>