

**SUBMISSION TO THE UNITED NATIONS' COMMITTEE ON THE  
ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

**on the LIST OF ISSUES for the**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

**to be determined by the CEDAW Committee Pre-Session Working Group  
on 22nd October 2012**



NORTHERN  
I R E L A N D  
HUMAN  
RIGHTS  
COMMISSION

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## Introduction

1. The Northern Ireland Human Rights Commission ('the Commission') is a statutory body created by the Northern Ireland Act 1998, and one of three Paris Principle compliant 'A' status national human rights institutions in the United Kingdom.<sup>1</sup>
2. The Commission welcomes the opportunity to report to the Pre-Session Working Group of the Committee on the Elimination of Discrimination Against Women ('the Committee') on the list of issues to be addressed during the examination of the United Kingdom of Great Britain and Northern Ireland (UK), which will take place at the 55th session of the Committee in July 2013.
3. The implementation of the international human rights treaties is the responsibility of the UK Government as the State Party. However, under the internal devolution arrangements, the Northern Ireland (NI) Executive has responsibility for delegated areas of competence.<sup>2</sup> As a consequence, both the UK Government and the NI Executive should take responsibility for the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW).
4. In this report, the Commission highlights concluding observations made by the Committee in July 2008<sup>3</sup> that have not yet been met by the UK Government and NI Executive, and which specifically relate to the implementation of CEDAW in NI. Furthermore, the Commission reiterates areas of continued concern previously raised before the Committee in its parallel report of May 2008.<sup>4</sup> Finally, the Commission draws to the Committee's attention the current welfare reforms taking place across the UK and the concern that these will have a negative impact on women's independent access to economic resources.
5. The Commission will submit a comprehensive parallel report to the Committee on the seventh periodic report of the UK prior to the 55th session, in which it may raise additional areas of concern.

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<sup>1</sup> The other NHRIs for the United Kingdom are the Equality and Human Rights Commission and the Scottish Human Rights Commission.

<sup>2</sup> For example, on 12 April 2010, responsibility for policing and justice functions in Northern Ireland was transferred from the Northern Ireland Office, an organ of the UK Government, to the newly created Department of Justice for Northern Ireland, a department of the NI Executive. See generally the Northern Ireland Act 1998.

<sup>3</sup> 'Concluding Observations of the Committee on the Elimination of Discrimination Against Women', UN Doc. CEDAW/C/UK/CO/6 (10 July 2008). The Committee's previous examination of the United Kingdom occurred in June 1999.

<sup>4</sup> 'Submission to the United Nations' Committee on the Elimination of Discrimination Against Women: Shadow Report on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland' (May 2008), available at [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NIHRC\\_UK41.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NIHRC_UK41.pdf).

## List of Issues

Women in the Criminal Justice System (CEDAW Articles 2, 3 and 12; Committee General Recommendation No. 28)

6. The Commission welcomes that 17 year old girls are no longer detained alongside adult prisoners, but notes that the wording of the legislation does not eradicate this possibility.<sup>5</sup>
7. In July 2008, the Committee called upon the UK Government to take further steps towards the establishment of separate women's facilities, in particular in NI.<sup>6</sup> The Department of Justice for Northern Ireland (DOJNI) has recognised the need for a separate women's facility but in light of capital funding has instituted interim measures to adapt the current facilities.<sup>7</sup> However, an October 2011 report by Criminal Justice Inspection Northern Ireland (CJINI) states that despite efforts to improve gender-specific standards,

The restrictive and cramped accommodation on a site shared with young men still meant the needs of women prisoners could not be met appropriately.<sup>8</sup>

### **The Committee may wish to reiterate the need for separate women's facilities.**

8. In July 2008, the Committee expressed concern about the large number of women imprisoned for minor offences such as non-payment of TV licences, and recalling its previous recommendation made in June 1999, again urged the Government to 'intensify efforts to develop alternative sentencing and custodial strategies, including community interventions and services, for women convicted of minor offences'.<sup>9</sup>
9. Despite the concern expressed by the NI Minister of Justice and the introduction of Supervised Activity Orders in a pilot project in the Newry & Mourne district of NI in January 2012, the practice of imprisonment for minor offences, including the non-payment of fines continues.<sup>10</sup> The CJINI

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<sup>5</sup> Section 96 of the Criminal Justice (NI) Act 2008 states, 'In the case of a child who has attained the age of 17, the court shall make an order committing the child to a juvenile justice centre (and not to a young offenders centre) if the court has been notified by the Secretary of State that no suitable accommodation for that child is available in a young offenders centre'.

<sup>6</sup> Concluding Observations on the UK (10 July 2008) at para 267.

<sup>7</sup> 'Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland' to the CEDAW Committee, UN Doc. CEDAW/C/GBR/7 (15 June 2011) at para 27. See also DOJNI, 'Strategy to Manage Women Offenders and Those Vulnerable of Offending Behaviour, 2010-2013' (October 2010) at para 7.4-7.7.

<sup>8</sup> CJINI, 'Follow-up inspection of Hydebank Wood Women's Prison 21-25 March 2011' (October 2011) at para 2.1. This report expressed specific concern about shared health services and transportation.

<sup>9</sup> Concluding Observations on the UK (10 July 2008) at para 267.

<sup>10</sup> Information provided to the Commission noted that on the 1st August 2012, 8 women were imprisoned in Ash House for the non-payment of fines: seven for failure to pay a TV license and one for failure to pay a dog license.

follow-up review on 'the enforcement of fines' published in July 2012, noted that imprisonment places undue pressures upon women prisoners and that half the women in Ash House last year were sent there for fine default.<sup>11</sup>

**In advance of the UK's examination, the Committee may wish to request to view the outcome analysis of the pilot Supervised Activity Order scheme in NI. The Committee may also wish to recommend for the third time that the UK Government and NI Executive intensify efforts to eradicate the imprisonment of women for minor offences.**

A Single Equality Bill (CEDAW Articles 2 and 3; Committee General Recommendation No. 28)

10. In July 2008, the Committee anticipated the introduction of a single equality law for Northern Ireland and urged that it incorporate CEDAW comprehensively.<sup>12</sup> However, this has not been achieved.

**The Committee may wish to ask the UK Government and the NI Executive how they are furthering the introduction of a single equality bill in NI.**

Women in political and public life (CEDAW Articles 2, 3, 4 and 7; Committee General Recommendation Nos. 5, 23, 25 and 28)

11. In July 2008, the Committee expressed concern at the low representation of women in the judiciary in NI and recommended generally that temporary special measures be introduced to strengthen efforts to promote women to positions of leadership.<sup>13</sup> It further called for the full implementation of Security Council resolution 1325 (2000) on women, peace and security, in NI.<sup>14</sup>
12. There are no women judges in the NI High court and low representation at the county court and magistrates district levels.<sup>15</sup> In a speech marking the opening of the 2012-13 legal year, the Lord Chief Justice for NI remarked that hopes that the imbalance in the low levels of women in the

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<sup>11</sup> CJINI, 'The enforcement of fines: a follow-up review of inspection recommendations' (July 2012) at forward and para 1.13.

<sup>12</sup> Concluding Observations on the UK (10 July 2008) at para 261.

<sup>13</sup> Ibid at para 284-285.

<sup>14</sup> Ibid at para 285.

<sup>15</sup> As of April 2011, women represented 22.4% judges at the county court level, 24.4% at the Magistrates district court level. See NI Statistics & Research Agency, 'The Judiciary in NI: 2011 Equity Monitoring Report' (figures as of 1 April 2011).

senior judiciary would shift naturally by recruitment on merit 'did not seem to be bearing fruit'.<sup>16</sup>

13. Representation of women in the NI Assembly stands at 19.4%, significantly lower than the other devolved legislatures. Section 104 of the Equality Act 2010, which provides for women only short-lists in elections does not extend to NI. The UK Government has noted in the State Report that women's participation in peace building and political processes are relevant to all States but has decided not to include Resolution 1325 in the UK's National Action Plan.

**The Committee may wish to ask the UK Government and the NI Executive what measures it is taking to improve the representation of women in public and political life in NI. It may further wish to reiterate its recommendation that Resolution 1325 be implemented in NI.**

Termination of Pregnancy (CEDAW Articles 2, 3 and 12; Committee General Recommendation Nos. 24 and 28)

14. In July 2008, the Committee reiterated its recommendation of June 1999 and called upon the UK 'to initiate a process of public consultation in NI on the abortion law'.<sup>17</sup> This has not been achieved. The Commission notes the request from a number of women's groups in NI for a Committee inquiry into this issue.<sup>18</sup>

**The Committee may wish to ask the UK Government and the NI Executive how it is responding to the recommendation to consult on termination of pregnancy.**

Violence Against Women (CEDAW Articles 2, 3, 5 and 6; Committee General Recommendation Nos. 12, 19, 21 and 28)

15. The number of domestic abuse crimes in NI remains high and disproportionately affects women.<sup>19</sup>
16. NI still lacks sexual assault referral centres (SARC) and domestic violence specialist courts which exist in other areas of the UK. However, the

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<sup>16</sup> See BBC News, 'Lord Chief Justice Says Not Enough Women Judges' (5 September 2012), available at <http://www.bbc.co.uk/news/uk-northern-ireland-19488789>.

<sup>17</sup> Concluding Observations on the UK (10 July 2008) at para 289.

<sup>18</sup> 'Submission of Evidence to the CEDAW Committee, Optional Protocol -Inquiry Procedure' (2010) by Family Planning Association (FPA), Northern Ireland Women's European Platform (NIWEP) and Alliance for Choice.

<sup>19</sup> PSNI statistics report 9,903 domestic abuse crimes in 2009/10, 9,546 in 2010/11 and 10,387 in 2011/12. In 2011/12, there were 9 female victims of domestic abuse crimes aged 18+ per 1,000 of the female population aged 18+ compared with 3 male victims of domestic abuse crimes aged 18+ per 1,000 of the male population aged 18+. See Police Service of Northern Ireland, 'Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2011/12: Annual bulletin published 05 July 2012'

Commission welcomes that steps have been taken regarding both via the construction of the first SARC in Antrim and the piloting of domestic violence specialist courts in Derry/ Londonderry.

**The Committee may wish to ask the UK Government and the NI Executive whether or not the SARC in Antrim and the Domestic Violence specialist courts in Derry/Londonderry will provide an equivalent service to victims of domestic violence in NI as exist in other parts of the UK. It may also wish to request information as to how both structures are being progressed without delay.**

17. The Commission welcomes progress since the time of the last examination on the issue of access to public funds for women with insecure immigration status.<sup>20</sup> However, it remains concerned that a victim of domestic violence, who is not a national nor the partner or spouse of someone 'settled' in the UK, has no recourse to public funds.<sup>21</sup>

**The Committee may wish to ask the UK Government and the NI Executive what provisions exist to protect victims of domestic violence who are non-nationals and not the partner or spouse of an individual 'settled' in the UK.**

18. In July 2008, the Committee urged the UK Government to ensure the provision of adequate support services to victims of trafficking in human beings.<sup>22</sup> While progress has been made,<sup>23</sup> gaps in protections for victims remain. For example, no victim of trafficking in NI has received compensation<sup>24</sup> and domestic legislation does not require the assignment of a legal representative to unaccompanied child victims of trafficking.<sup>25</sup> Furthermore, NI is the only jurisdiction in the UK which shares an open land border with another State, increasing susceptibility to cross-border trafficking.

**The Committee may wish to ask the UK Government and NI Executive what steps it is taking to ensure greater provision of services to victims of trafficking in human beings in NI.**

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<sup>20</sup> Seventh Periodic Report of the UK (15 June 2011) at paras 122 and 123.

<sup>21</sup> See Commission's submission to Committee (May 2008) at paras 18 - 21.

<sup>22</sup> Concluding Observations on the UK (10 July 2008) at para 283.

<sup>23</sup> For example, the Criminal Justice Bill currently passing through the NI Assembly extends the remit of the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants etc) Act 2004 to include internal trafficking and trafficking offences committed by nationals abroad.

<sup>24</sup> See Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Report concerning the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings in the United Kingdom: first evaluation round' (12 September 2012) at para 293.

<sup>25</sup> See EU Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims, Article 16(4) and Council of Europe Convention on Action Against Trafficking in Human Beings, Article 10(4). See also GRETA report on UK (12 September 2012) at para 247.

Women and welfare reform (CEDAW Articles 2, 3 and 13; Committee General Recommendation No. 28)

19. In GB, under the Welfare Reform Act 2012, a new single payment known as "the universal credit" replaces most means tested benefits and tax credits and will generally be paid monthly to one member of the household.<sup>26</sup> As a consequence, where the universal credit payment is paid in a heterosexual couple context, to the man, concerns have arisen that the women's independent access to resources will be negatively impacted.<sup>27</sup>
20. In NI, it is anticipated that the Welfare Reform (Northern Ireland) Bill will be introduced into the NI Assembly before the end of 2012 and will largely mirror the GB legislation. However, it is important to note that social security has been devolved to the NI Assembly and while certain constraints exist,<sup>28</sup> the NI Assembly is not bound to apply the universal credit system in an identical manner.

**The Committee may wish to ask the UK Government and the NI Executive how it is protecting the access of women in NI to independent economic resources in relation to welfare reform.**

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<sup>26</sup> In GB, the draft Universal Credit, Personal Independence Payment and Working-age Benefit (Claims and Payments) Regulations 2012 states in clause 41 that, '(4) The Secretary of State may, in any particular case where the Secretary of State considers it is in the interests of the claimant, their family or any adult dependant in respect of whom universal credit is payable, arrange that universal credit payable in respect of joint claimants be paid wholly to only one member of the couple.

(5) The Secretary of State may, in any particular case where the Secretary of State considers it is in the interests of the claimant, their family or any adult dependant in respect of whom universal credit is payable, arrange that universal credit payable in respect of joint claimants be split between the couple in such proportion as the Secretary of State sees fit.'

However, the explanatory memorandum makes clear that splitting payments is envisaged only in exceptional circumstances:

'For a minority of claimants however, an alternative payment arrangement may be required in addition to the above support. This includes...splitting payment between both joint claimants.... These exceptional payment arrangements would be time-limited and implemented in conjunction with the appropriate support to ensure claimants successfully transition to monthly budgeting.' Available at, <http://www.dwp.gov.uk/policy/welfare-reform/legislation-and-key-documents/welfare-reform-act-2012/welfare-reform-draft-regulations/> .

<sup>27</sup> 'The Northern Ireland Economy: Women on the Edge?: A Comprehensive Analysis of the Impacts of the Financial Crisis' Women's Resource and Development Agency, Belfast (July 2011).

<sup>28</sup> See Section 87 of the Northern Ireland Act 1998, which states, "The Secretary of State and the Northern Ireland Minister having responsibility for social security ("the Northern Ireland Minister") shall from time to time consult with one another with a view to securing that, to the extent agreed between them, the legislation to which this section applies provides single systems of social security, child support and pensions for the United Kingdom".