



Northern Ireland
Women's European Platform

Shadow report for the examination of the UK by the Committee on the Convention to Eliminate Discrimination against Women

January 2019

Introduction

The Northern Ireland Women's European Platform (NIWEP) is a membership organisation of women's NGOs in NI. NIWEP has prepared this shadow report to assist the Committee in its examination of the UK under CEDAW. In addition, NIWEP contributed to a UK wide NGO compilation of issues, submitted in June, in order to reflect the situation of women across the State Party.

The shadow report is supported by an engagement programme with a range of local women and women's groups undertaken to obtain qualitative evidence relevant to the themes raised. This programme was facilitated by NIWEP member organisations and involved over 60 participants representing a wide range of interests including women with disabilities, rural women, women living along the border between the UK and the Republic of Ireland and women from disadvantaged communities as well as communities dealing with the legacy of NI's past.

Context

Progress

Underpinning this report is the concern that the State Party has consistently used devolution to justify the uneven application of the convention obligations across the UK – a point noted by the Committee in previous reports.

Progress on the implementation of the Convention has been poor. The optimism shared with the Committee in the 2008 examination was weakened by 2013 and now is replaced with concern. There is no visible commitment to gender equality in public policy. The NI Government's Review¹ of the Gender Equality Strategy 2006-2016², conducted in 2013 determined that the Strategy '*was a positive step but that progress against it had been limited and implementation and monitoring could be improved*³'. Recommendations in the review were not acted on and the Government's Gender Advisory Panel has not met since February 2016.

¹ The most recent [published review](#) dates from 2013.

² Department for Communities [Gender Equality Strategy 2006-2016](#)

³ The most recent [published review](#) 2013, p5..

A draft Programme for Government⁴ setting out strategic priorities for the following five years was published by the NI Executive in 2016⁵. It is not formulated around Government's international human rights obligations, there is a lack of a gendered perspective and the opportunity was not taken to strengthen mechanisms for achieving equality.

Devolution

Northern Ireland is a devolved nation within the UK, but the devolved Assembly collapsed in January 2017⁶. As outlined earlier, the lack of a devolved Government cannot be used to explain or justify the lack of progress on substantive issues. As this shadow report shows, there was little progress on the implementation of the Convention in the first three years since the last examination and before the collapse of the NI institutions⁷.

Opportunity

There is some indication that changes will be made in Government policy and practice in the immediate future.

The collapse of the institutions was due to a complex set of circumstances, brought to a head by the discovery of significant policy shortcomings in a green energy scheme. This led to an official inquiry⁸ into alleged misconduct by stakeholders, including high level political actors. The inquiry is due to report in 2019 and is likely to recommend significant improvements in public policy making. Changes to be made on foot of the review need to be seen as an opportunity to move forward, with new principles and structures for equality and fairness

A review of arrangements to deliver justice in serious sexual offence cases⁹ is currently under consultation. It has considered law, procedure and practice, and it is imperative that Government ensures a comprehensive action plan is put in place to deliver on its recommendations.

The full implementation of the recommendations of the Committee's Report of its Inquiry under the Optional Protocol¹⁰ presents an opportunity for transformative change. This must address not only human rights and the criminalisation of women but also misogyny, the nature of political discourse and the need for comprehensive, mandatory relationships and sex education.

⁴ Northern Ireland Executive (2016) [PFG consultation document](#)

⁵ The Executive Office published an [Outcomes delivery plan 2018-19](#) on 4 June 2018 to set out actions for departments in 2018-2019. It is based on a well-being model and reflects closely the draft Programme for Government

⁶ The UK [Common Core Document](#) does not reflect recent changes (para 15). The Northern Ireland Assembly now has 90 members and an Executive would be made up of a First Minister, Deputy First Minister, two Junior Ministers and eight departmental ministers. In the restructuring that reduced the number of departments for equality, including gender equality moved from the responsibility of the First Minister and deputy First Minister to the Department for Communities, a move considered negative by many.

⁷ July 2013 – January 2017

⁸ <https://www.rhiinquiry.org/>

⁹ [The Gillen report](#) (2018)

¹⁰ [Report](#) of the inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, p. 12.

We welcome the support of the Committee to ensure that these opportunities are acted upon and that a gender perspective is established at the heart of public policy making. This will require political will, and visible policy and resource commitment as well as steps to support and raise gender competence in policy and decision making.

Articles 1-4: Legislative measures and machinery for equality between women and men

Status of the Convention

Concern has been expressed over the State Party report's contention, repeated in the Replies to the List of Issues, that incorporation of the provisions of the Convention would be disproportionate in terms of gender¹¹.

Following the last examination, the State Party wrote¹² to the Committee to set out, *inter alia*, that Government Equalities Office (GEO) had a mandate in NI for CEDAW and CSW and engagement in those areas. It is unclear how that mandate is exercised with regard to NI.

Northern Ireland does not have a single equality act to harmonise legislation and a Bill of Rights, originally part of the Good Friday Agreement, has not progressed despite repeated calls for action from the NI Human Rights Commission¹³ and civil society human rights organisations^{14,15}.

Legislative protections

Government has not acted on the Concluding Observations (2013), with regard to ensuring that women in NI enjoy the same protections as women in the rest of the UK. While there is provision in the Employment Act (Northern Ireland) 2016¹⁶ for reporting on the gender pay gap and a Domestic Abuse Bill incorporating coercive control has been introduced, in the absence of an Assembly, the legislative process is stalled.

Institutional mechanisms

There is evidence of regression with regard to institutional mechanisms. While the Gender Equality Strategy 2006-2016 (GES) theoretically remains in place, no further review or consultation has been published¹⁷ and there is no visible commitment to gender equality in public policy. There is also no evidence that the GES had impact on policy (even up to 2016). Progress on the CEDAW obligations requires understanding of the concept of substantive equality and of gender mainstreaming principles and mechanisms, yet there has been no

¹¹ [Replies](#) by the UK Government to the List of Issues and questions on the Eighth periodic report, November 2018

¹² [Letter November 2013](#)

¹³ See contributions by NIHRC at <http://www.nihrc.org/publication/category/Bill-of-Rights>;

¹⁴ See eg. [Amnesty International policy position](#) (2014).

¹⁵ Committee on the Administration of Justice (2017) [Submission to the Queen's University and Ulster University Bill of Rights project](#).

¹⁶ [Employment \(Northern Ireland\) Act 2016](#)

¹⁷ The most recent [published review](#) dates from 2013.

investment in the capacity of officials in NI to ensure they can make effective use of mainstreaming and positive action measures.

In the State Party report and the Reply to the List of Issues there is no demonstrated understanding of the Convention and the requirements of the reporting system¹⁸. The reports do not show that gender disaggregated data is available¹⁹ and routinely published data in NI has very limited gender disaggregated data on victims of crime, including domestic and sexual violence incidents; employment and economic activity rates; or data in relation to education and training (at local levels below the headline NI total). Gender disaggregated data is available primarily in relation to social welfare claimants and health conditions²⁰. However, it is unclear how this data is used to inform policy making.

The State Party report²¹ and the Government Reply to the List of Issues²² fail to acknowledge the lack of progress in NI, nor do they make any visible commitment to gender equality in NI and to a gendered approach to policy development based on gendered analysis, gender mainstreaming and gender budgeting, despite commitments in the last gender equality strategy to such mechanisms²³ and extensive work by NGOs to attempt to advance these issues.

Violence against women and girls

Like England, Scotland and Wales, structural inequalities within NI's traditionally patriarchal society are reflected in high levels of violence and abuse perpetrated by men against women. But Northern Irish women also experience gender-based violence uniquely. They still bear the scars of 30 years of conflict, during which they were either discouraged from reporting gender-based violence in the interest of the 'greater good', or felt they could not report it because of their community's hostility to the police service. Many women are only now dealing with the decades of gender-based violence endured during this time. While recent research²⁴ indicates that two decades of peace has improved victims' experience of accessing protection, some communities remain hostile to police, leaving women without recourse to justice or support²⁵.

¹⁸ Some reporting is out of date (para 46 – the strategy *Success through Stem* finished in 2012) and, indeed, a positive step of introducing targets in appointments of women to boards is omitted.

¹⁹ In 2016 TEO consulted on the withdrawal of annual compendia of statistics *Gender Equality Statistics* and *A profile of older people in Northern Ireland*. WRDA (2016) [Response to withdrawal of official statistics publications](#)

²⁰ Data routinely published through the [Northern Ireland Neighbourhood Information Service](#) portal.

²¹ [Eighth periodic report submitted by the UK](#) November 2017

²² [Replies](#) by the UK Government to the List of Issues and questions on the Eighth periodic report, November 2018

²³ A 'mainstreaming approach is an essential process for the removal of the structural inequalities which give rise to gender inequalities'. Department for Communities [Gender Equality Strategy 2006-2016](#) Mainstreaming is a requirement of the duty to have due regard to the promotion of equality of opportunity placed on public bodies in Northern Ireland by Section 75 of the [Northern Ireland Act 1998](#). The Women's Regional Consortium's [Response to the Draft Programme for Government Framework 2016](#) sets out necessary elements of the PfG: strong indicators and measures; gender disaggregated data; gender (equality) responsive budgeting; attention to the most vulnerable, social protection and childcare; and a framework that is rights compliant.

²⁴ Doyle, J & McWilliams, M (2018). *Intimate partner violence in conflict and post conflict societies*. Transitional Justice Institute, Ulster University as part of the Political Settlements Programme Consortium.

²⁵ [The Westminster Associate Party Parliamentary Group on UNSCR 1325 – Women, Peace and Security and The Northern Ireland Assembly All Party Group Women, Peace and Security \(2014\). An Inquiry into the position of women in Northern Ireland since the Peace Agreement: Summary Report](#). Belfast: Northern Ireland Women's European Platform.

The aforementioned research also found a strong link between domestic violence and poor mental health, with one in four women in the reporting that they had attempted to take their own life and one in two reporting suicidal thoughts.

Engagement with women's groups has also revealed that women in many areas have limited control within their families, particularly in more disadvantaged areas and areas still dealing with the impact of the conflict.

In NI there are significant differences in respect of VAW from GB²⁶:

- gender neutral approach to gender-based violence / no VAWG strategy²⁷
- no coercive control law²⁸;
- no abortion access for victims of rape²⁹;
- low rates of conviction for sexual violence crimes, especially marital rape
- pervasive rape myths and a victim blaming culture obstruct justice for victims^{30,31};
- no government-funded rape crisis service, inadequate service provision for victims of domestic and sexual violence³²;
- Section 5 of Criminal Law Act means that victims of rape and anyone a rape is disclosed to must report to police or risk criminalisation themselves³³;

²⁶ This includes areas such as RSE, SRHR and stereotypes and prejudicial attitudes which were referred to by the CEDAW Committee in its report under the optional protocol.

²⁷ Northern Ireland continues to lag behind the rest of the UK in its response to violence against women. The devolved Government's response to gender-based violence remains gender neutral through the Stopping Domestic and Sexual Violence and Abuse Strategy, and Northern Ireland lacks a dedicated VAWG strategy or action plan.

²⁸ Unlike the rest of the UK, Northern Ireland does not have any dedicated legislation tackling emotional abuse or coercive control, and other structures set up to tackle domestic violence such as the Multi-Agency Risk Assessment Conference (MARAC) have been established in Northern Ireland without an independent advocate or IDVA to represent the voice of the victim in the process.

²⁹ The continued lack of access to abortion in Northern Ireland means that victims of rape, incest, domestic violence and sexual exploitation who cannot afford to make the journey to England are unable to access abortion.

³⁰ Low rates of conviction for domestic and sexual violence crimes, and pervasive use of harmful myths in the courtroom setting, mean that victims of gender-based violence are not adequately protected by the criminal justice system. This dire situation is compounded by lack of training for the judiciary and other criminal justice agents on gender-based violence. A recent high-profile rape case in Northern Ireland has also led to damaging media reportage throughout the case.

³¹ [The Gillen report](#) (2018)

³² Northern Ireland is the only nation in the UK not to have a dedicated, Government-funded rape crisis service. While voluntary organisations are endeavouring to establish such a service, its sustainability without Government support is in question. This service is a crucial missing piece of the support network for victims of sexual violence in Northern Ireland. Currently, the only sexual violence counselling charity NEXUS has a waiting list of over 800 people, and Women's Aid were forced to turn away 245 women from their refuges last year due to lack of bed spaces.

³³ [The Gillen report](#) (2018) has recommended repeal of Section 5 of the Criminal Law Act, which continues to act as a barrier to women getting support for sexual violence. Under Section 5, all citizens must report serious crimes to the police. Failure to report a rape offence carries a sentence of up to 5 years. This puts pressure on victims to report to the police, as they and any support workers they disclose to may be liable under the offence. Section 5 has been particularly problematic with the roll-out of the 2 child tax credit limit and 'rape clause' in Northern Ireland, as this unique law means that victims of rape may be forced to report to the police in order to access social security payments.

- no comprehensive mandatory RSE education based on consent, respect etc³⁴.

Will the Committee ask the State Party to:

- **introduce Single Equality Legislation in NI that protects women including those exposed to multiple and coexisting discrimination**
- **reform legislation to afford women in NI protection from discrimination in the exercise of public functions and further protection in employment**
- **introduce machinery for gender equality at the highest level and ensure political will and commitment to a gender perspective throughout public policy including through developing strategy and action based on:**
 - **gender impact assessment**
 - **adoption and use of clear indicators**
 - **monitoring mechanisms and reporting**
 - **evaluation and review**
 - **adoption of gender mainstreaming methodologies including gender budgeting, gender based analysis and development of disaggregated data recognising multiple characteristics**
- **demonstrate commitment to the protection and development of the rights of women and girls in NI throughout and following Brexit**
- **develop for NI a comprehensive strategy on violence against women and girls, including an action plan and budget; and to ratify the Istanbul Convention.**

Special measures

Northern Ireland has no operational mechanism for identifying the historical discrimination experienced by women and addressing it through special measures in order to secure substantive equality. The austerity agenda of recent UK governments has also reduced funding for the women's sector, leading to reduced capacity for NGO advocacy and policy workstreams^{35,36}.

Section 75 of the NI Act 1998³⁷ sets out public authorities' equality and good relations duties. S75 is a mainstreaming measure and guidance makes clear that mainstreaming and positive action are complementary³⁸. The Equality Commission has recently published a report which draws attention to the barriers to the effective implementation of the duties and provides

³⁴ Northern Ireland currently does not have any mandatory Sex and Relationships Education focusing on consent, equality and respect in post-primary schools. See Council for the Curriculum, Examinations and Assessment (2015). [Relationships and Sexuality Education Guidance: An Update for Primary Schools and Relationship and Sexuality Education Guidance: An Update for Post Primary Schools.](#)

³⁵ Women's Resource and Development Agency (2016). [Women on the Cutting Edge.](#)

³⁶ The *Women on the Cutting Edge* report (2016) indicates that 30% of organisations surveyed had had to reduce topolicy and campaigning, while 40% had to make redundancies or cut staff hours and 30% had to close services. All organisations had lost funding, and over two thirds of organisations surveyed had lost 25% or more in the previous 12 months.

³⁷ [Northern Ireland Act 1998.](#)

³⁸ ECNI [S75 Guide for Public Authorities](#) (2010), p.6 '*Mainstreaming may also require the taking of positive action and is complementary to making more effective the measures adopted specifically to tackle discrimination, such as anti-discrimination law*'.

recommendations and related guidance³⁹ relating to issues fundamental to the effective implementation of these duties including matters relating to leadership, impact assessment, data development and accountability and risk.

Will the Committee ask the State Party to:

- ***develop a Gender Equality Strategy and associated action plans***
- ***implement gender mainstreaming and gender budgeting as well as special measures***
- ***support and strengthen institutional mechanisms by investing in the skills and capacity of officials for effective gender mainstreaming and work to secure substantive equality***

Politics

No use has been made in NI of quota systems or other temporary special measures, as suggested by the Committee in Concluding Observations in 2008 and 2013. A report by the NI Assembly and Executive Review Committee (2015) on women in politics states that no agreement could be reached on this and suggests that quotas should be a matter for political parties⁴⁰. No other positive measures such as gender budgeting have been introduced despite evidence that gender blind budgetary processes are impacting negatively on girls and women⁴¹.

Article 5: Stereotyping and cultural prejudice

Pervasive sex role stereotypes affect women in NI throughout their lives. There is a wide spectrum of impact of these stereotypes from violation of rights⁴² and violence against women through the economic and social impact of the marked imbalance in caring roles. They also result in discrimination in the workplace⁴³. Many of these stem from a very traditional perspective of motherhood and family as a woman's priority.

The mainstream media in NI contributes to perpetuating gender stereotypes. References to the appearance of women involved in politics, rather than their message, remain commonplace, while reporting on women's rights and issues is strongly coloured by traditional gender stereotypes and family roles. In early 2018, this was highlighted in a very highly publicised rape

³⁹ ECNI (2018) [Acting on the Evidence](#).

⁴⁰ Northern Ireland Assembly and Executive Review Committee (2015). [Report on women in politics and the Northern Ireland Assembly](#).

⁴¹ Recent engagement with senior officials by the women's sector also indicates a lack of knowledge about this commitment, alongside a lack of understanding of the requirement to promote equality of opportunity between women and men under Section 75 of the Northern Ireland Act 1998. Work on gender budgeting in civil society is being progressed by the Northern Ireland Women's Budget Group, a partnership of organisations, which in May 2018 hosted a conference on gender budgeting. The initial priority for the group is establishing a shared understanding of gender budgeting as a concept, as a basis for seeking strengthened commitment to delivery.

⁴² CEDAW (2018) [Report of the Inquiry under the OP into abortion in Northern Ireland](#)

⁴³ An Equality Commission for Northern Ireland [investigation into pregnancy and maternity](#) (2016) found that 'A significant percentage (36%) of women participating in this investigation believe that they have been treated unfairly or disadvantaged at work as a result of their pregnancy or having taken maternity leave'.

trial, where the attire and behaviour of the complainant became the public focus^{44,45} leading to public demonstrations^{46,47}. The case ultimately led to the review of the handling of serious sexual offence cases mentioned earlier⁴⁸.

Stereotypes were a major issue highlighted by the majority of women's groups in engagement sessions. Women gave examples of how stereotypes affect the lives of women and girls in all spheres of life, from media imagery and expectations set through social media to policy making in relation to employment and child care. A particular concern was the impact of (social) media stereotyping on girls and their mental wellbeing in the face of unrealistic images, as well as the impact on girls' life and career choices.

Article 6: Trafficking and prostitution

There is concern that Brexit will weaken cross border collaboration to police and prevent human trafficking, and to identify and support victims. Research demonstrates that the nature of prostitution and trafficking in NI involves women moving or being moved frequently across the border⁴⁹.

Articles 7 and 8: Political and public life

Women in public life and legacy of the conflict

In 2008 and 2013 the Committee called for the implementation of UNSCR 1325 in NI, as has the UN Special Rapporteur on Violence against Women.⁵⁰ A consultation on legacy issues⁵¹ (2018) acknowledges that a *'disproportionate number of survivors and family members are women'*.

Despite this there has been little progress on increasing women's participation in securing peace or in post conflict reconstruction. Extensive consultation with women^{52,53} found that many feel disempowered, have difficulty circumnavigating community gate-keepers (including paramilitary groups) and fear harm if they were to speak out. This was confirmed in a Westminster Inquiry (2014) reviewing the implementation of UNSCR 1325 in NI, which

⁴⁴ An overview of the entire case was published by *The Irish Times* in an article entitled ['Inside Court 12: the complete story of the Belfast rape trial'](#).

⁴⁵ An example of the style of reporting is for example *Belfast Live*, ['Woman allegedly raped by Ulster rugby stars denies lying to protect reputation'](#), 7 February 2018.

⁴⁶ See for example *Belfast Telegraph*, ['Hundreds protest at home of Ulster Rugby over the handling of Jackson and Olding'](#), 13 April 2018.

⁴⁷ See eg. *The Independent*, ['Thousands march 'in support of complainant' after Irish rugby players are cleared of rape'](#), 1 April 2018.

⁴⁸ The [Gillen review](#) was open for consultation in December 2018 – January 2019 and the preliminary report proposed, among other recommendations, banning the public from attending such cases..

⁴⁹ [Northern Ireland Assembly Research Paper: Human Trafficking in Northern Ireland \(2012\)](#)

⁵⁰ [Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo \(2014\) Addendum: Mission to the United Kingdom of Great Britain and Northern Ireland](#)

⁵¹ [Addressing the legacy of Northern Ireland's past](#) (May 2018)

⁵² Women and Peacebuilding: Sharing the Learning

⁵³ Hinds, B and Donnelly D (2014) [Women, Peace and Security: Women's Rights and Gender Equality - Strategic Guide and Toolkit](#) CFNI

concluded that regression was inevitable without robust intervention⁵⁴. Subsequently, a UNSCR Toolkit⁵⁵ (2014) was developed by civil society to assist public authorities but to date appears to have had little impact. One example is the fact that in 2016, only one woman was appointed to a government established, 15-member Commission on Flags, Identity, Culture and Tradition⁵⁶.

A Report⁵⁷ (2016) following the Fresh Start Agreement in NI (agreement between NI political parties and Westminster and Irish governments to identify ways to deal with the impact of paramilitary activity) noted concerns that women's role in community development and public decision making is undermined by paramilitary influence^{58,59}. The response to this was a 'support programme' for women involved in community transformation engaging 500 women, but this has yet to be evaluated⁶⁰.

Women in public and political life

In 2017, the number of women elected to the NI Assembly increased from 28% to 30%; three of the main parties are also led by women^{61,62}. However, this level of representation remains the lowest of the 4 UK parliaments. Female representation in local government is 25%^{63,64}.

No political party has used the provision at Section 43A of the Sex Discrimination (NI) Order 1976⁶⁵, which allows for lawful positive action in the selection of candidates. The Commissioner for Public Appointments reports⁶⁶ some progress with regard to public appointments, with women's representation on public bodies reaching 41% (a 7% increase since 2010). However, there has been a decrease in the number of women chairing boards which now stands at only 23% of boards⁶⁷. There has been no introduction of Temporary Special Measures, as recommended by the Committee in 2008 and 2013.

Will the Committee ask the State Party to:

- ***fully implement UNSCR 1325 principles domestically, taking specific account of the unique circumstances in NI***

⁵⁴ Law, E and Gray, AM (2014) [The politics of defining armed conflict in Northern Ireland](#) Open Democracy

⁵⁵ Hinds, B and Donnelly D (2014) [Women, Peace and Security: Women's Rights and Gender Equality - Strategic Guide and Toolkit](#) CFNI

⁵⁶ www.fictcommission.org

⁵⁷ [The Fresh Start Panel report on the disbandment of paramilitary groups](#) (2016)

⁵⁸ Ibid, para 3.20

⁵⁹ While Government has established a Women in Community Transformation Programme, this has not completed nor yet been evaluated.

⁶⁰ Independent Reporting Commission (2018). [First Report](#).

⁶¹ An analysis of the issues, along with an overview of women party leaders, is given in a blog by Danielle Roberts, ' [Mum-of-two, 40: but women rise to the top in Northern Irish politics](#)', published on 11 April 2017

⁶² 'Clare Bailey is new Green Party in NI leader'. [Green Party NI press release](#) 21 November 2018.

⁶³ House of Commons Library (July 2018). Women in Parliament and Government briefing. Published online at <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01250>.

⁶⁴ Equality Commission for Northern Ireland (2018). [Key inequalities: Participation in public life statement](#).

⁶⁵ [Sex Discrimination \(Northern Ireland\) Order 1976](#)

⁶⁶ OCPANI (2018) [CPANI Annual Report 2016-17](#)

⁶⁷ The target is equal representation by 2020/2021 but Commissioner observes that reaching the targets will be made all the more difficult following the fall of the institutions in January 2017 as, without Ministers, no new appointments can be made.

- **implement Section 43A of the Sex Discrimination (NI) Order 1976 enabling the use of gender quotas.**
- **adopt Temporary Special Measures to ensure the equal representation of women on public bodies, including ad-hoc commissions and bodies.**

Article 9: Nationality

Brexit

As the only land border between the UK and the EU, NI faces particular issues linked to the withdrawal of the UK from the EU, which are causing significant concern among women⁶⁸. These include health, social and employment protection, social care and education provision issues, as well as matters related to securing peace⁶⁹. Family law and EU wide arrangements to protect women from domestic violence, such as the European Protection Order⁷⁰, also take on particular significance in NI. The Fawcett Society review of sex discrimination law in the UK⁷¹ (2018) outlines weaker protections for women in NI.

Much of NI equality legislation derives from the EU and there are concerns that protections may not keep pace with future rights or that there may even be retrogression⁷². A roundtable on Brexit, organised by NIWEP in October 2018, heard from expert witnesses and community representatives about the risks of Brexit to gender equality and highlighted the need for safeguarding and improvement of human rights for women to be paramount in the post Brexit arrangements⁷³. Other NGOs have also set out concerns about the potential negative impact on the economy, services and funding and the disproportionate impact on women⁷⁴.

Will the Committee ask the State Party to ensure non-diminution of rights for all women in NI following Brexit.

Article 10: Education

As this report shows, and the Committee's OP Inquiry found, the failure to eradicate negative stereotypes promotes discrimination and diminishes society.

There is widespread occupational segregation resulting from subject choice and careers guidance⁷⁵. Despite evidence about the value of STEM subjects to the economy and the need

⁶⁸ Northern Ireland Rural Women's Network (2018). [Rural Voices Research Report](#)

⁶⁹ BrexitLawNI [Women's rights and Brexit](#)

⁷⁰ Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0099>.

⁷¹ Fawcett Society (2018) [Review of Sex Discrimination Law](#)

⁷² For Equality Commission for NI recommendations see <https://www.equalityni.org/Delivering-Equality/The-UK-s-exit-from-the-EU>

⁷³ NIWEP (2018). *Report on a roundtable on Women, gender equality and Brexit*, 19 October 2018. Unpublished.

⁷⁴ NIRWN (2018) [Rural Voices](#).

⁷⁵ ECNI (2018) [Statement of Key Inequalities in Employment](#)

to ensure women's participation in STEM areas, there has been persistent decline in numbers of girls progressing in STEM study in NI⁷⁶.

Cuts to funding and gender blind delivery policies have had a significant negative impact^{77,78} on women's centres and women's continuing education, reducing opportunities for participation in public and economic life and negatively affecting the influence that women have on post conflict reconstruction – as outlined earlier.

In its OP Inquiry report, the Committee called for substantive changes to relationships education⁷⁹ highlighting the deficiencies in this area. The Equality Commission has also called for action on gender based bullying⁸⁰. These issues go unaddressed.

Will the Committee ask the State Party to:

- **implement the recommendations of its OP Inquiry Report, including those on RSE and combating gender based stereotypes**
- **ensure all teacher training programmes are gender sensitive**
- **ensure gender equality outcomes in education through the curriculum and career guidance**
- **provide sustained funding for the women's sector and for women's continuing education**

Article 11: Employment

Women continue to be over represented in part time, low paid and precarious work⁸¹. One third of women are economically inactive⁸², with the most common reason being family and home commitments.

A key factor contributing to women's economic inactivity is the cost and availability of childcare⁸³. NI remains the only UK country without a childcare strategy, with severe negative

⁷⁶ MATRIX (2018) [Women in STEM Report](#) In 1999, 11,943 boys and 11,104 girls were born in Northern Ireland. In 2014/15, 87.6%* of the girls (9,647) took STEM GCSEs, compared to 91%* (10,873) of the boys. But when it came to Core STEM A levels or FE vocational exams in 2016/17, only 30.7%* (3,376) of girls took one. That compares starkly to the 85%* (10,221) of boys who did so. So the decline in girls participating in Core STEM between GCSE & A Level/FE is anticipated to be 65%, compared to a 6% drop off for boys. The gender imbalance in Core STEM participants can never recover from this catastrophic decline, so to understand the imbalance we must understand what puts girls off Core STEM at GCSE/A level/FE. The report recommends: leadership and co-ordination; visibility of STEM; improvements in STEM teaching; programmes and promotion in the workplace.

⁷⁷ Reclaim the Agenda (2017) [Women at the cutting edge: conference report and action plan](#)

⁷⁸ Northern Ireland Rural Women's Network (2018) [Rural Voices Research Report March 2018](#)

⁷⁹ CEDAW (2018) [Report of the Inquiry under the OP into abortion in Northern Ireland](#)

⁸⁰ [Equality Commission for Northern Ireland submission for CEDAW List of Issues \(2018\)](#)

⁸¹ Wilson, L (2017) [The Gendered Nature of Employment and Insecure Employment in Northern Ireland: A Story of Continuity and Change](#) Nevin Economic Research Institute.

⁸² NISRA (2018) [Women in Northern Ireland 2018](#).

A third of working age (16-64) women (33.3%) and less than a quarter of working age men (23.4%) are economically inactive. 35% of economically inactive women gave family and home commitments as the reason. The figure for men is too small to establish a reliable estimate.

⁸³ Employers for Childcare (2017) [Northern Ireland childcare cost survey 2017](#) 'Childcare is a barrier to work: the average cost of a full time childcare place in NI is £168 per week or almost 40% of average household income.'

consequences for women with regard to educational opportunities and ability to enter and progress in paid work. This is even more important given the increased conditionality imposed by welfare reform measures. In addition, the social care system in NI has been seriously neglected in terms of policy and resourcing resulting in higher levels of unmet need and pressures on unpaid carers and paid workers. A recent expert review described the exploitation of care workers, most of whom are women, in terms of pay and conditions⁸⁴.

Will the Committee ask the State Party to take steps to transform women's lives in NI through eradicating harmful sex stereotypes and rebalancing and revaluing care, including by recognising childcare and adult social care as an investment in women, children, society and the economy.

Article 12: Health

Women in NI continue to experience denial of reproductive rights. The UK Government has failed to establish a legal framework to protect and guarantee NI women's right to abortion, thus exposing them to the health risks of unsafe abortion and to risks of criminal conviction. The government has also failed to address, in any meaningful way, the social, practical and financial obstacles to accessing abortion

The CEDAW Committee published the findings of its inquiry under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/OP.8/GR/1) reporting that 'thousands of women and girls in Northern Ireland are subjected to grave and systematic violations of rights'⁸⁵.

Since the publication of the report, no action has been taken to implement the recommendations, with the exception of permitting women from NI to access abortions free via the NHS in England⁸⁶. In June 2018, the UK Supreme Court delivered a judgment⁸⁷ on abortion law in NI following a challenge brought by the NI Human Rights Commission (NIHRC). The Court *'concluded that the law on termination of pregnancy with respect to women in circumstances of rape, incest and fatal foetal abnormality was in breach of Article 8 ECHR*. However, it also concluded that the [NIHRC] *'does not have competence to bring proceedings*

⁸⁴ Department of Health (2017) <https://www.health-ni.gov.uk/sites/default/files/publications/health/power-to-people-full-report.PDF>

⁸⁵ The Committee found that 'de facto limitations rendered access to abortion virtually impossible'. The Committee also found that the 'State Party has failed to prioritise the prevention of unplanned pregnancy through the provision of quality sexuality education'. The Committee found that 'the State Party has violated Convention articles: 12 read alone; 12 read with 2 (c), (d), (f), (g), 5 and 10(h); 10(h) read with 16(1)(e); 14(2)(b) read alone; and 16(1)(e) read alone. These articles should be read together with the Committee's GR Nos: 19 (1992); and 35 (2017) on violence against women and gender-based violence against women; 21 (1994) on equality in marriage and family relations; 24 on women and health; 26 (2008) on women migrant workers; 28 (2010) on core obligations of States parties; 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women; 33 (2015) on access to justice; and, 34 (2016) on the rights of rural women' (para 77).

⁸⁶ Those on incomes of less than £15,276 can apply to get their travel and accommodation paid. While welcome, this measure is grossly inadequate and does not address the fundamental injustices and violations identified by the CEDAW Committee.

⁸⁷ supremecourt.uk/cases/uksc-2017-0067
supremecourt.uk/cases/uksc-2017-0131

*in its own name without a victim*⁸⁸. In October 2018, a woman won the right to take a case in her own name⁸⁹.

Despite efforts by some Westminster MPs to make the State Party act on reform of abortion law in NI⁹⁰, the UK government has repeatedly argued that it is an issue for the NI Assembly. This is a highly problematic position, which sees the UK government failing to commit to its reserved responsibilities with regard to human rights. In addition, the NI Act (1998) establishing devolution in NI asserts the right of the Westminster Government to legislate on any issue. Even if the NI Assembly was to be restored there is no prospect of it passing abortion reform legislation – as noted by the CEDAW Committee in its OP Inquiry Report. The consociational approach to governance has been a barrier to effective social policy making and extensive use of veto mechanisms mean that abortion legislation can be blocked even if it had the support of the majority of MLAs in the NI Assembly.

There is clear and robust evidence that the public favour reform of abortion law in NI and that there is very little public support for the criminalisation of women⁹¹. Current research is also highlighting the impact on women in NI who source and take abortion pills illegally⁹².

Will the Committee ask the State Party to take steps to address the injustices and violations identified in its report under the Optional Protocol into abortion in NI.

Article 13: Economic and social benefits

The State Party's austerity and welfare reform agenda continues to have a disproportionate impact on women⁹³ in the UK, with specific additional impacts on women in NI⁹⁴. They were implemented without regard to the contextual factors which increase women's vulnerability to poverty in NI including: high rates of female economic inactivity⁹⁵, no childcare strategy, high number of women with adult care responsibilities; a weak labour market, high numbers of women working part time and in precarious jobs and wages lower than the UK average⁹⁶.

Women experience the impact as mothers and carers, as disproportionately reliant on benefit and as greater users of public services, as well as the majority of the public sector work force.

⁸⁸ nihrc.org/northern-ireland-termination-law-breaches-women-and-girls-human-rights

⁸⁹ <https://www.bbc.co.uk/news/uk-northern-ireland-45966635>

⁹⁰ hansard.parliament.uk/Commons/2018-06-05/OffencesAgainstThePersonAct1861

⁹¹ <http://www.ark.ac.uk/publications/updates/update115.pdf>

⁹² <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/abortion-law-in-northern-ireland/written/93701.html>

⁹³ Between 2010 and 2020, cuts to the social security budget will amount to £82 billion and up to 86% of this will be borne by women. Women's Budget Group (2015) [Response to the Autumn Statement and Spending Review 2015](#) and [Response to the 2016 Budget](#); also Women's Budget Group (2018) [Universal Credit and financial abuse](#).

⁹⁴ Oxfam Ireland 2014

⁹⁵ Female economic inactivity is 33.8% to 24% male and increased by 3.6 percentage points between 2016 and 2017 (NI Labour Force Survey)

⁹⁶ Gray et al (2018) NI Peace Monitoring Report <https://www.community-relations.org.uk/sites/crc/files/media-files/NIPMR%205.pdf>

This is highlighted in the recent report of the UN Special Rapporteur on Extreme Poverty⁹⁷. In 2019, the NI Audit Office warned that NI is likely to experience additional hardship as welfare reforms continue and when the current mitigation measures put in place by the NI Executive end in 2020⁹⁸.

The 'two child limit' within Universal Credit is an example of how the State Party continues to violate Article 13. The existence of a 'rape clause' reveals the inherent flaws in the 'two child' policy generally and is further evidence of why the cap should be repealed in its entirety.

Will the Committee ask the State Party to

- ***repeal the 'family cap' in Universal Credit***
- ***address the differential impact on women of welfare reform***
- ***take steps to that specific NI circumstances are taken into account with regard to welfare reform and that action is taken to ensure the full implementation of the the flexibilities committed to by the NI Government***

Article 14: Rural women and disadvantaged groups

The lack of gender parity that exists in NI is amplified for rural women due to access poverty⁹⁹. The lack of education, training, work and childcare provision, combined with a lack of public transport significantly reduce women's ability to work, seek education and services for themselves and their families, and participate in public life¹⁰⁰. Conservative attitudes to gender equality are also prominent in many rural communities, further affecting women's opportunities to control their own lives^{101,102}.

Women with disabilities¹⁰³, BAMER women and women from low income households experience intersectional gender disparity, which also is compounded by access poverty¹⁰⁴.

In NI there is also an historical funding deficit for rural women and rural women's NGOs¹⁰⁵, a heightened impact of Brexit and significant distinctive features in regard to the legacy of the conflict and peacebuilding in rural areas¹⁰⁶.

Will the Committee ask the State Party to:

- ***take positive action to address intersectional gender disparities***
- ***take specific measures to address rural resourcing in NI.***

⁹⁷ [Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights](#)

⁹⁸ Northern Ireland Audit Office (2019) [Welfare Reforms in NI](#)

⁹⁹ Northern Ireland Rural Women's Network (2015) [Rural Women's Manifesto](#)

¹⁰⁰ Northern Ireland Rural Women's Network (2018) [Rural Voices Research Report March 2018](#)

¹⁰¹ Northern Ireland Rural Women's Network (2018) [Rural Voices Research Report March 2018](#)

¹⁰² Views expressed by women engaged in evidence gathering workshops organised by NIWEP, autumn 2018

¹⁰³ Views expressed by women engaged in evidence gathering workshops organised by NIWEP, autumn 2018

¹⁰⁴ McQuaid R, Graham H, Shapira, M. (2013) *Childcare: Maximising the Economic Participation of Women*, Equality Commission for Northern Ireland

¹⁰⁵ 1.3% rural to 98.7% urban. OFMDFM (2012) [Review of Government funding for women's groups and organisations](#)

¹⁰⁶ Northern Ireland Rural Women's Network (2018) [Rural Voices Research Report March 2018](#)