



## **SHADOW REPORT SUBMITTED BY THE NORTHERN IRELAND WOMEN'S EUROPEAN PLATFORM FOR THE EXAMINATION OF THE GOVERNMENT OF GB AND NI AT THE 55<sup>TH</sup> SESSION OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, JULY 2013**

The Northern Ireland Women's European Platform (NIWEP) is an umbrella body with a broad membership of national and local organisations and generalist and specific bodies. NIWEP aims to facilitate and increase women's contribution to the social, economic and political agendas both domestically and internationally. NIWEP represents Northern Ireland on the UK Joint Committee on Women, which has representation on the board of the European Women's Lobby. Through action at a strategic level NIWEP ensures that women in Northern Ireland participate in and contribute to debates locally, nationally and internationally.

NIWEP is a member of the UK NGO CEDAW Working Group and a contributor to the Shadow Report submitted by that group and we support the recommendations made by the group. This report focuses on women in Northern Ireland. It has been prepared in consultation with members and with expert groups in NI.

Section 1 of the report provides a summary update of progress made in relation to a number of the recommendations specifically relating to Northern Ireland made by the CEDAW Committee following its last examination of the UK. Section 2 outlines issues relating to the Articles of the Convention and makes recommendations to the committee. The key issues and recommendations are on pages 2-14.

### **Section 1: Progress on 2008 Concluding Observations**

In its Concluding Observations following the 2008 examination of the UK government the CEDAW Committee made a number of recommendations of specific relevance to Northern Ireland. These included:

- that the UK government should develop and enact a '*unified, comprehensive and overarching national strategy and policy for the implementation of the CEDAW Convention throughout the United Kingdom ...*' (para 16) – (this stemmed from concerns about the even application of the Convention across the UK and in relation to the UK overseas territories and Crown Dependencies which had been also raised by the Committee in 1999)
- the provision of adequate health facilities and services for women in prison and separate women's facilities in Northern Ireland (para 20)
- the introduction of measures to increase the number of women in public and political life and the full implementation of Security Council resolution 1325 in Northern Ireland (para 38);
- that the government '*initiate a process of public consultation in Northern Ireland on the abortion law. In line with its general recommendation 24 on women and health and the Beijing Platform for Action, the Committee also*

*urges the State party to give consideration to the amendment of the abortion law so as to remove punitive provisions imposed on women who undergo abortion'* (para 42) – which was also a recommendation in 1999.

Progress in relation to these conclusions has been extremely limited. There is still no national overarching strategy for the implementation of CEDAW. Concerns remain about inequalities and discrimination experienced by women in different parts of the UK and despite consistent lobbying by NGOs the UK government has resisted calls to implement UNRES 1325 in NI - in fact NI is not included in the UK's National Action Plan on RES 1325. Women in NI continue to experience systematic discrimination in relation to their reproductive rights. Further information on these issues is included under relevant articles below.

In its report to the Committee and in the response to the issues paper the UK government emphasises the role of devolved administrations. However, this does not detract from the obligations and responsibilities of the state party (the UK government) in ensuring the application of the Convention across the whole of the UK. Another UN Committee, the Economic and Social Rights Committee has also reminded the UK government that it is the '*State party which is responsible for the implementation of the Covenant in all its territories*'<sup>1</sup>.

We welcome the meetings held by the Gender Equalities Office in each of the countries of the UK, meetings which were in fact run by the now abolished Women's National Commission (WNC). However, these meetings have not been effective in ensuring that the devolved regions are included in the GEO's work on gender equality and the implementation of the Convention. **Since the abolition of the WNC, the UK government has in fact taken progressively less responsibility for the implementation of the Convention and less of a role in bringing about gender equality in Northern Ireland.**

## **Section 2 – Summary of Issues and Recommendations**

### **Article 2: Obligations to eliminate discrimination**

The Gender Equality Strategy for NI<sup>2</sup> is currently being reviewed but it is evident that there has been little progress in addressing women's inequality. The development and implementation of action plans has been woefully slow, a fact compounded by the lack of detail and clear and measurable outcomes in many of the departmental action plans. In 2008 we welcomed the emphasis within the Gender Equality Strategy on the integration of the CEDAW obligations into the objectives of the strategy and this remains the case. However in spite of commitments to integrate the Convention into the Gender Equality Strategy on paper, this has not happened in reality.

There is clear international evidence of the value of gendered budget analysis as a tool for addressing women's inequality. However, there is no legislation in the UK to require gender responsive budgeting; equality legislation requires governments in Britain and NI to have due regard to the impact of policies on specific groups including men and women but the inadequacies of this are very clear. The lack of gendered analysis of budgets and resource allocations has resulted in women being disadvantaged – see for example the Fawcett Society's analysis of the 2010 spending review<sup>3</sup> and the failure of the Department of Social Development in NI to provide a substantive analysis of the impact of the welfare reform proposals with regard to potential adverse impact<sup>4</sup>, thereby not identifying the negative impact on women.

We strongly support the calls made by the Equality Commission for NI<sup>5</sup> in its report to the Committee for a review of legislation with respect to Sex Discrimination. Currently the Sex Discrimination (NI) Order 1976 does not prohibit unlawful discrimination by public authorities on the grounds of sex in the exercise of their public functions. As the ECNI identifies (para 3.6/3.6 of its report) this means that women (or men) cannot bring a complaint if they are discriminated against or harassed on account of their sex by public bodies while exercising their public functions, that is, those acts that a private person cannot do.

### **Recommendations**

- The committee should urge the government to ensure that the revised Gender Equality Strategy is based on a comprehensive assessment of existing inequalities (taking into account women's multiple identities) and existing policy deficiencies. There must also be clear and measurable action plans with time bound specific targets to ensure that women in NI have access to substantive equality.
- The Committee should ask the government to ensure that budgets and resource allocation are subject to gender analysis and to take all steps to ensure that this is done accurately and comprehensively – including the availability of sex disaggregated data. We would ask the Committee to ask for amendment of the Sex Discrimination Order NI 1976 to prohibit the unlawful discrimination by public authorities on the grounds of sex in the exercise of their functions.
- The Committee should ask the government to adopt a gender-targeted policy on equality, in place of the gender-neutral policy which currently exists.
- The Committee should ask the government what it is doing to fully and meaningfully integrate CEDAW, CSW and other relevant international treaties into its Gender Equality Strategy.

### **Article 3 – Development and advancement of women**

The UK government has not responded to the CEDAW Committee's call for the development of an overarching strategy for the implementation of the Convention. The absence of such a strategy contributes to the continued uneven application of the CEDAW obligations within the UK and we are concerned that, across the UK, there may not be sufficiently developed commitment and leadership, coordination of strategies, and systematic monitoring of outcomes. We welcome the Gender Directors Network referred to in the UK's seventh periodic report (para 6) but there is a lack of clarity regarding the process and the outcomes of these meetings.

As a result of the abolition of the Women's National Commission (WNC) there is reduced capacity for *systematic critical* assessment of the application of the Convention *across the UK*. The 'alternative' arrangements have not taken into consideration the complexities of working across regions with devolved administrations or fundamental inequalities such as the digital divide and the need to adequately resource participation. The 'special measures' to increase equality outlined by the UK Government in the seventh report have not been extended to Northern Ireland. Thus the actions outlined at paras 6 and 7 of the government's 7<sup>th</sup> periodic report have not in fact resulted in equal outcomes in the devolved regions of the UK.

### **Recommendations**

- The Committee could ask the government about evidence of the outcomes of the actions outlined in paras 6 and 7 of the seventh report which it suggests

have been introduced to ensure that the convention is applied evenly across the UK.

- That the Committee asks the government how it monitors and measures the success of the strategies it describes as being in place to increase public knowledge and use of the CEDAW Convention and OP. Given that this requires long term commitment and engagement what will the government do over the next 4 years with regard to promoting understanding and use of CEDAW and what financial resource will be committed to this?
- That the Committee requests the Government should establish and resource, a new women's national machinery to ensure an independent, collective voice from women for the whole of the UK.

#### **Article 4: Special measures to accelerate equality**

In its seventh report the UK government refers to special measures introduced to improve equality between men and women. However, despite the continued under-representation of women in politics and decision making in NI no special temporary measures have been introduced, and there is currently no plan or prospect of changing this in sight. The UK government has expressed its opposition to the use of quotas despite evidence of success internationally. There is now an opportunity in NI with the review of the Gender Equality Strategy to ensure that special measures are a key part of the mechanisms employed to ensure greater progress.

#### **Recommendations**

- That the Committee asks the government to commit to introducing and monitoring the use of special measures to address the under-representation of women in decision making and public life in NI.

#### **Article 5: Sex Role Stereotyping and Prejudice**

The persistence of stereotyping in policy discussions and documents is concerning. This is evident with regard to assumptions about women and unpaid caring responsibilities, the continued dominance of women in occupations traditionally seen as female and the strong gender stereotyping in vocational courses and statutory employment programmes, in lack of understanding of domestic violence and VAWG, and in recent welfare reform proposals (as discussed under Articles 10, 11 and 12).

#### **Recommendations**

- The Committee should ask the government what measures it will take to address gender stereotyping and prejudice in its policies but also in the media and wider society.

#### **Article 6: Trafficking and Sexual Exploitation of Women**

In its 2008 Concluding Observations the Committee urged that state party to take all appropriate measures to combat all forms of trafficking in women and children. It was asked to address not only criminal justice issues but also the protection and rehabilitation of victims. In 2013 Amnesty International published a briefing on human trafficking in NI. The work was produced in partnership with NIWEP with the aim of collecting information for this shadow report. A large number of voluntary and statutory organisations participated in the evidence gathering<sup>6</sup>. The PSNI acknowledged that the scale of trafficking for sexual exploitation is much greater than the official figure. Information also suggests that around 70% of the people recovered in Northern Ireland are the victims of sexual exploitation, which differs from the rest of the UK where around 60% of victims of trafficking are recovered from forced labour situations. While records of the number of recovered victims are kept by the Police

Service this falls short of formal, systematic evidence gathering. The research published by Amnesty produces evidence of a system struggling to cope in the absence of any coordinated framework. Issues raised include: difficulties encountered by women re access to healthcare and support services; problems experienced by women regarding accessing legal expertise; women denied their right to compensation.

## **Recommendations**

The CEDAW Committee could ask the government the following questions:

- how they understand their obligations with regard to prevention, particularly the obligation to address the issue of trafficking as a gross violation of an individual's most basic human rights, rather than framing it in the context of immigration policy and offences. How does the UK Government plan to ensure that such responses are consistent across the devolved nations of the UK?
- how they propose to deal with the lengthy delays in access to the court and judicial processes experienced by victims of trafficking in Northern Ireland.
- how they propose to address the fact that, although there have to date been (according to official statistics) 94 victims of trafficking recovered in Northern Ireland, the sum total of compensation which has been paid is zero. What specific measures, such as obliging all agents who first recover a victim of trafficking to inform her of her right to compensation, does the government plan to put in place to remedy this breach of the Convention?
- how they plan to ensure that women are not repatriated in a "fast track process" during which no screening takes place and they are offered no access to specialists in gender based violence and gender based trauma for support, as has happened to women being returned to Eastern Europe from Northern Ireland

## **Articles 7 and 8: Political and Public Life**

Women continue to be very under-represented in politics and public life in NI. This is the case with regard to electoral politics, public appointments, private sector boards and key institutions including the judiciary and bodies associated with peace building.

In the 2011 elections to the NI Assembly less than 20% of the 108 Members elected were women. While this was an increase on the previous figure of 13% it is still dismally low and compares unfavourably with parliaments in the rest of the UK with female representation of 35% in the Scottish Parliament and 41% in the Welsh Assembly. In the 2011 Northern Ireland Assembly elections the candidate list was 83% male. Twenty two percent of Westminster MPs, elected from NI are women and two of its three MEPs are women. At local government level only 23% of councillors are women. The Sex Discrimination (Election Candidates) Act 2002 which allows positive action in relation to women's political participation has not been used in NI.

There has been no improvement in the representation of women on public bodies in Northern Ireland since the UK Government last reported to the Committee in 2008. Figures for 2011-2012 show that 33% of members of public bodies are women – down 1% on the previous year; 18% of chairs of public bodies are women (down 4% on the previous year) and 27% of all applications received were from women. The



Committee should note that the representation on women in public bodies is a highly significant issue in NI as these bodies are responsible for key areas of social policy provision – including housing, health and social services, education and training, police and equality and human rights issues.

The government report (para 98) refers to the ‘aspiration’ that, by 2015, 50% of all new appointments being made to public boards will be women but no detail of how this will be achieved. There is no reference to any specific initiatives to increase the number of women in public life in Northern Ireland.

Northern Ireland is a society still emerging from over 30 years of violent conflict. A considerable body of international work has emphasised the importance of women’s participation in politics and decision making to the creation of peaceful and stable societies. The CEDAW Committee in its 2008 Concluding Observations (para 284) called for the ‘*full implementation of Security Council resolution 1325 in Northern Ireland*’. Since then despite intensive lobbying from GB and NI women’s groups, there has been no progress on this issue.

In the seventh report (para 300-301) the government outlines its commitment to the implementation of UN Res 1325 **internationally**. However, it also notes (para 301) that ‘...*there are no plans to integrate provisions relating to the implementation of UNSCR 1325 in Northern Ireland into the UKs National Action Plan. Nevertheless, ... the UK Government will continue to work towards increasing the representation of women in Northern Ireland in public and political life*’. This has not been evident in recent changes to administrative structures in NI. A major review of public administration is due to be completed by April 2015. It includes a reduction in the number of local councils from 26 to 11. This has implications in terms of reducing the number of women elected to local councils and for women working in local government. A number of Statutory Transition Committees which will have the authority to make decisions on behalf of the Shadow councils to be elected in 2014 are being set up<sup>7</sup>. Responsibilities of the Shadow Committees include the development of corporate plans and policies and the selection of senior staff. These committees have been established in temporary form and have a very low representation of women (15%) effectively resulting in women being excluded from key decision making with regard to new policy and services.

**Recommendations:**

- The Government needs to take urgent and appropriate action to ensure that UN1325 is fully implemented in Northern Ireland.
- The Committee should ask the government to commit to introducing temporary special measures (including time bound targets of 50% for public appointments) to address the continued under-representation of women in political and public life.
- The Committee should ask the Government to introduce specific measures to ensure the inclusion of women in the implementation of the reform of local government and in the new structures established. These could include the cooption of women onto Transition Committees.

**Article 10 Education:**

The overall positive picture of educational attainment for girls masks a number of concerns regarding the equality of outcome for girls in relation to education and training, including the intersectionality between class and gender<sup>8</sup> (resulting in very

poor prospects for girls who leave school with no qualifications) and the deeply embedded gender stereotyping with regard to subjects and vocational courses taken by girls and young women. There continues to be problems regarding the provision of non gendered careers advice and the active encouragement of young women into non traditional areas. In NI as in other parts of the UK there is a strong emphasis on the STEM subjects and growth in the number of students taking these subjects has been strongly linked to strategies to develop the NI economy. Only 9% of participants in apprenticeships in science, technology, engineering, mathematics and related areas are female. In 2013, 2% of participants on programme led apprenticeships in what has been defined by government as 'economically important' areas are female<sup>9</sup>. At higher education level 74% of students taking courses in Computer Science are male, in Engineering and Technology it is 80% and 70% in Architecture, Building and Planning.<sup>10</sup> Little has changed in terms of gender segregation in subject areas over the last fifteen years. It has been acknowledged by government that given the dominance of men in the above areas that most of the growth sectors identified for the NI economy *'will be heavily populated by male employees'*<sup>11</sup>.

Northern Ireland has a very high proportion of young people not in education, employment or training (NEET). Many young women who have left school early or with no qualifications do so as a result of broader factors such as poverty, young motherhood, abuse and domestic violence, and caring responsibilities. A government study showed that young women who are not in education, employment or training are much more likely to have an identified barrier to participation (42%) than young men (9%)<sup>12</sup>. However, the subsequent strategy to address the issue of NEET makes no specific reference to these gender issues and contains no proposals to address them<sup>13</sup>.

The strategy and implementation plan for careers and guidance in NI<sup>14</sup> does not include any specific reference to gender or the need to challenge gender stereotypes. We welcome the recent statement by the Minister for Employment and Learning that gender issues will be a major aspect of the forthcoming review of the careers strategy and that it is an aspect of the review of apprenticeships and youth training. It is important that this includes addressing gender stereotyping in teaching training and careers training.

### **Recommendations**

- That the Committee asks government to take urgent action to address the severe under-representation of women in STEM areas. This needs to include addressing gender stereotyping in teacher training and in training for careers advisers. The committee should ask government to be specific about responsibility for addressing deficits in these areas, about targets to be set and the measures to be adopted to reach these.
- That the government recognises the reasons for young women becoming NEET and commits to take measures to address these causes and to provide appropriate support.

### **Article 11: Employment**

There continue to be issues regarding employment rates for women, quality and security of employment, the gender pay gap and occupational segregation. The NI employment rate for women aged 16-64 at 63% is 3% lower than the rate in GB. Women's employment rates are almost 10% lower than the male figure. Forty per cent of female employees work part-time compared to 10% of male employees and 80% of part-time employees are women<sup>15</sup>. While the number of men in part-time employment is still low the two thirds increase in the number of men working in part-time jobs between 2002 and 2012 suggests that in a restricted jobs market this could

have consequences for female employment. Rates of self-employment for women in NI are low with little change over a 10 year period up to 2012. In 2012 fewer than 7 per cent of women in employment were self-employed compared to 19.3% of men.

Women in NI are still more likely to be paid less than men and to work in low paid jobs. There has been a widening of the gender pay gap in NI. In 2012 female median hourly earnings were 90.3% of male earnings (compared to 91.2% a year earlier).

Measures introduced as a result of the Welfare Reform Act (2010) and the forthcoming Welfare Reform Bill in NI imposes greater conditionality on lone parents to seek and enter paid work. Lone mothers in NI have to do so in a region which has the lowest employment rate of the 12 UK regions. The rate of long-term unemployed in NI, at 45.5%, is markedly higher than the UK rate of 34.9%. They also face challenges of very poor infrastructure such as public transport and childcare (see below). The employment rate for lone parents is just over 53%<sup>16</sup>. Despite a very strong policy focus over the past fifteen years on getting lone parents into employment, the number in paid work has been very static at 53-55% for over a decade indicating significant structural barriers. The greatest increase in lone parent employment has been in relation to part-time work where the number has increased from 20% in 2001 to 31% in 2011.

Research across the UK has shown that women have been disproportionately impacted by the economic downturn and the public expenditure cuts<sup>17</sup>. They have been and will continue to be particularly affected for two reasons; the significant loss of jobs in NI's public sector (based on job losses to date and planned future reductions<sup>18</sup>) where women account for over 75% of part-time workers, and the aim of the NI Executive to 'rebalance the economy' from the public to the private sector<sup>19</sup> – ie: to reduce public sector employment and build the private sector in NI. It is important to note wages in the public sector are over a third higher than private sector wages and public sector workers have also had better access to other occupational benefits such as pensions and access to flexible working and therefore rebalancing the economy will result in a financial penalty for many women.

Statistics evidence the persistence of occupational gender segregation, a key cause of the gender pay gap<sup>20</sup> Ninety two per cent of female employees work in the service sector. There are over twice as many women as men working in public administration, education and health industries. Women continue to be under-represented in higher status managerial and professional occupations.

### *Childcare*

Northern Ireland is the only region of the UK **not** to have a childcare strategy and is the only part of the UK where there is no legislative remit to ensure that parents have access to childcare services. Families in Northern Ireland are paying 45% of their income for childcare for one child, which is the highest amount in Europe; there are also problems of accessibility and flexibility<sup>21</sup>. There is a large volume of evidence about the need for a childcare strategy in NI, and identifying that the lack of affordable and accessible childcare is a significant barrier to women entering and returning to employment. The Office of the First and Deputy First Minister in NI published a policy paper on a childcare strategy in 2012<sup>22</sup> but this is simply a discussion document. Responses to this document indicated serious concern about delays in developing a strategy, the need for adequate investment in childcare and the need for a government department to take lead responsibility. There is also a need for an early years workforce strategy.



## Recommendations

- The government should be asked about what steps it will take to address persistent occupational segregation in NI.
- What action will be taken to address the clear disadvantage for many women in part-time employment (including gender pay gap)? We are concerned about the assumption that part-time work is a matter of choice for women, particularly given the serious problems arising from the lack of childcare and transport.
- The Committee should ask the government to commit to mandatory pay audits, including for part-time work.
- The committee should ask the government when it will publish a childcare strategy for NI and for a commitment that this will result in affordable and accessible childcare in NI and that adequate resourcing will be allocated to this. It is important that the implementation of a childcare strategy is underpinned by the development of a qualified early years workforce.

## Article 12 : Health care and Family Planning

### *Women's reproductive rights*

The 1967 Abortion Act which applies in Britain does not apply to NI. Abortion law in Northern Ireland is still bound by the 1861 Offences Against the Person Act, which includes life imprisonment for any woman found to have terminated a pregnancy. There is no provision in Northern Ireland for abortions to be legally carried out on grounds of rape, incest and fetal abnormality. Because of restrictive law and provision most women in NI are forced to travel outside the jurisdiction for abortions causing severe hardship. The recommendations made by the CEDAW Committee on this issue in 2008 and in previous examinations have not been implemented – despite exhaustive attempts by NGOs to engage government with this issue. An application for an inquiry under the OP has been made by the Planning Association, NIWEP and Alliance for Choice and this is currently being considered by the Committee.

In its 7<sup>th</sup> report the UK Government report makes only brief mention of reproductive rights in Northern Ireland. We were also very disappointed in the UK government's cursory response to the questions on reproductive rights raised by the Committee in its Pre Session Paper. Concerns about women's reproductive rights in NI have been validated by other UN bodies. The Committee on Economic, Social and Cultural Rights has called upon the State party to amend the abortion law of Northern Ireland to bring it in line with the 1967 Abortion Act in Britain<sup>23</sup>. The UK Government's review under the 13<sup>th</sup> session of the Universal Periodic Review led to Working Group report, (para 110.77, p.19) recommendation that the state Party '*Ensure by legislative and other measures that women in Northern Ireland are entitled to safe and legal abortion on equal basis with women living in other parts of the United Kingdom*'.

### *Impact of Structural Changes in Health and Social Care*

Health and Social Care Services in NI are undergoing major structural and policy change<sup>24</sup> & <sup>25</sup>. This includes rationalisation of acute services which will potentially impact significantly on women, including access to services for women living in rural areas. A component of this is a shift in focus to care in the community which has included policy to reduce the number of older people receiving care in residential and nursing homes and to significantly reduce provision of residential care for older people by the statutory sector. While we welcome the broad proposals re care in the community we have concerns that inadequate consideration has been given to older people affected by proposals (most of whom are women) and to the implications for, mostly female, unpaid carers. A recent example was the distress caused to older

people by the proposed closure of statutory residential homes with little or no consultation with the very elderly residents who lived there<sup>26</sup>. Carer's organisations have expressed concern that the recent policy proposals make assumptions about carers and understate their role<sup>27</sup>. The health and social care policy changes also fail to take account of the wider policy environment, including the impact of welfare reform measures (discussed under Article 13). In Britain carers' entitlements have been strengthened as a result of the Law Commission's review of social care law<sup>28</sup> but this does not apply to NI.

### **Recommendations**

We recommend that the committee asks the government the following questions:

- What steps will the government take to ensure that women in Northern Ireland have the same access to reproductive health services as women in the rest of the UK?
- When does the government plan to enact a full public consultation on abortion law in Northern Ireland?
- Will the government conduct a comprehensive gender impact assessment on the impact of changes planned for health and social care in NI?
- The Committee could ask the government if it intends to ensure that the legal rights for carers resulting from the review of social care law in Britain will be legislated for in NI.

### **Article 13: Economic and Social Benefits**

The Coalition Government at Westminster has legislated for a programme of radical welfare reform. Research has shown that these reforms – and specifically the introduction of Universal Credit, changes to childcare tax credits and Housing Benefit changes – will negatively impact on women<sup>29</sup> and work against the government's duty to promote gender equality<sup>30</sup>.

While, in theory, social security is a devolved responsibility in practice adherence to the principle of parity means that there is likely to be little deviation in NI from measures introduced in the rest of the UK. Horgan explains how the reforms will have more adverse effects in NI than other parts of the UK, how women, including lone mothers and carers will be detrimentally affected<sup>31</sup> and how the lack of childcare exacerbates the negative effects<sup>32</sup>. The Institute for Fiscal Studies estimates that families at the bottom of the income distribution in NI (many of whom will be lone mother families) will lose most – almost 10 percent of their household income<sup>33</sup>.

There are significant concerns regarding the impact of the welfare reform on victims of domestic and sexual violence. Appropriate and adequate welfare and emergency support is crucial in helping victims of domestic and sexual violence leave their abusive home situation. Women's Aid has shown how, in most cases, women who leave their abusers are faced with poverty and how reduced financial circumstances can prevent a woman from leaving an abusive situation. Women's Aid refers to the changes to Housing Benefit as 'potentially devastating' because of the impact on emergency temporary accommodation (refuge) for women and children<sup>34</sup>.

### **Recommendations**

- The Committee should ask the Government to conduct a full gender impact assessment of welfare reform measures
- The Government should be asked what action it will take to ensure that the introduction of the welfare reforms does not increase gender inequality and trap women in poverty and violence by reducing their economic independence

- The Committee should ask the Government how it will ensure that upcoming welfare reforms do not undermine the Government's strategy on domestic and sexual violence, by creating additional financial obstacles to victims being able to escape domestic violence situations.

#### **Article 14 Rural Women**

Rural Women in NI face specific challenges to achieving equality as a result of a multiplicity of factors including very poor transport infrastructure, lack of access to employment and training opportunities, lack of access to childcare facilities. Rural land in NI is predominantly owned and managed by men. Women are affected by stereotyping in relation to work and caring roles and the lack of gender awareness and the absence of gender-disaggregated information has been identified as a key problem in recognising farming women's contribution to the agricultural sector<sup>35</sup>. Female poverty in rural areas can be hidden<sup>36</sup> and women in rural areas have been shown to be at greater risk of social exclusion. Health and social care data has identified inequalities facing rural women in NI including difficulty accessing services<sup>37</sup>,

#### **Recommendations**

- The Committee could ask the government what action it will take to ensure that cuts to public services and restructuring of services do not adversely impact on women living in rural areas
- What action will the government take to address the additional and specific barriers faced by women, including young women in rural areas in relation to employment and training?

#### **Article 15 Equality before the Law**

There is a range of ways in which women's equality before the law is undermined and threatened. These include the imprisonment of women for the non payment of fines and conditions for women in prison. These issues have been a concern of the CEDAW committee since 1999 and we support the recommendations put forward by the Northern Ireland Human Rights Commission in its Shadow Report to the Committee

#### **Article 16 Family Life**

Various measures threaten the equality of women with regard to family life as discussed under articles 6, 10, 11, 12, 13,14 and Special Recommendation 19. These include: the impact of universal credit and other welfare reform measures, lack of accessible and affordable childcare, issues of violence and abuse within families and the inadequacies in response and support.

#### **Special Recommendation 19 -Violence against Women and Girls**

Violence against women and girls continues to be a significant problem in NI with statistical evidence of increasing prevalence and also evidence of continued deficiencies with regard to policy and services. Data show an increasing trend in the number of domestic violence abuse incidences. In 2011/12 25,196 incidents were recorded by the Police Service Northern Ireland (PSNI), 11% higher than in 2010/11 and the highest number to date. For domestic abuse crimes, 9% more were recorded than in 2010/11. In 2011/12 the number of recorded sexual offences was 5% fewer than the previous year at 1,836, but the trend has been generally increasing (the figure for 2000/01 was 1,169). In 2011/12 there were 553 reported rape offences, the highest number since the current system of data collection began in 2004/05. Official sources estimate that up to 80% of sex crimes are not reported.

Recent policy development in NI has included the imminent merger of the Tackling Domestic Violence Strategy and Sexual Violence Strategy. The recognition that domestic and sexual violence are intrinsically linked is to be welcomed. The full merger of the strategies is due to take place later in 2013 and it remains to be seen how well this will work in practice and how effectively it will be delivered. A major concern remains over the lack of dedicated resources required to deliver on the combined strategy with no ring-fenced budget attached to it by government. The combined strategy is gender-neutral, with no acknowledgement of the underpinning equality issues that cause VAW. In some instances this can create a gender-blindness with the focus on increasing male numbers of victims and an insistence on treating women victims and male victims alike.

There continues to be issues re support and services for victims of sexual violence. While there is currently sufficient refuge spaces for women who are victims of domestic violence, many of the refuges are in need of complete refurbishment and government funding to undertake this work is proving difficult to access; there are some gaps in service provision with regard to outreach services to allow women to remain in their own home, with waiting lists for women to access Women's Aid services in some areas - some of these women will be at high risk cases of domestic and sexual violence. Multi Agency Risk assessment conferences (MARACs) for high risk victims of domestic violence have been in place across Northern Ireland for nearly 3 years. MARAC statistics show the vast majority of high risk victims are women<sup>38</sup>. The MARAC conferences are chaired by police and attended by all key agencies, including Women's Aid, to provide safety planning for high-risk victims. Although Independent Domestic Violence Advisors (IDVAs) are deemed an integral part of MARACs and essential support for victims they have not yet been introduced. Northern Ireland does not have specialist domestic violence courts, although there is currently one domestic violence listing pilot in the Derry / Londonderry area. Under the current system, cases are heard by the criminal courts and family courts separately. As a consequence, there are considerable delays and victims of domestic violence may be forced to enter into mediation, or allow perpetrators to have contact with their children, by a court that is not sufficiently aware of the domestic violence situation within the family.

Prosecution rates for sexual violence remain disgracefully low and issues remain about inconsistency and leniency of sentences passed in respect of domestic violence offences in different courts, under different judges. We welcome the opening of the new Sexual Abuse Referral Centre (SARC) in 2013 and see it as an important step in helping victims of sexual violence and improving prosecution rates. This is though only one centre for the whole of NI and there are concerns about access to services for women who live some distance away.

There is no active and funded Rape Crisis Centre operating in NI which reduces the independent support available for women and girls who are victims of sexual violence and abuse.

In addition to previous recommendations made by the CEDAW Committee in 2008 and 1999 on this issue, the UPR examination in 2012 urged government to take more effective action to combat violence against women and girls.

No recourse to public funds continues to be a serious problem for women who are victims of domestic violence in Northern Ireland. Women's Aid refuges in Northern Ireland are funded by Supporting People, which is public money. Therefore if a woman has no recourse to public funds, she is unable to avail of a refuge space. A

limited emergency fund to provide support to women with no recourse with support went some way to ease this problem – however this fund ended in January 2013, and to date there has been no sign of the fund being extended or re-established. In addition, the Destitution Domestic Violence concession administered by the UK Border Agency (UKBA) only supports a very small number of women with no recourse, as the criteria are extremely narrow. Despite every effort from organisations like Women’s Aid to support these women using other charitable sources and emergency fundraising, this is not always possible given the increased demand for support and the impact that it has on the sustainability of the refuge services overall. Therefore women with no recourse to public funds remain at risk if they are victims of domestic violence, and many continue to be trapped in abusive relationships due to the Government’s prohibitive no recourse policies.

### **Recommendations**

- The Committee could ask what steps the Government will take to put in place funding structures that can ensure sufficient, sustainable and accessible services for victims of sexual violence. This needs to include services for specific groups of women including ethnic minority, disabled women and women with an insecure immigration status
- The Committee could ask if the Government plans to introduce specialist Domestic Violence courts in Northern Ireland, to ensure that all cases concerning individuals and families where domestic violence is present are conducted with understanding of the domestic violence and its relevance to rulings on mediation, contact arrangements or other issues, and with a view to protecting victims of domestic violence and their children.
- The Committee should ask how the Government plans to improve sentencing guidelines and outcomes for domestic and sexual violence crimes, to ensure that sentences reflect both the severity of the crimes committed and the government’s commitment to eradicate domestic and sexual violence.
- The Committee should ask the Government how it plans to ensure that every woman with no recourse to public funds will be supported and protected if they find themselves in a domestic violence situation.



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- <sup>11</sup> <http://www.delni.gov.uk/employment-gender-issues-oral-statement.pdf>
- <sup>12</sup> [http://www.delni.gov.uk/scoping-study-young-people-not-in-education\\_-employment-or-training-neet.pdf](http://www.delni.gov.uk/scoping-study-young-people-not-in-education_-employment-or-training-neet.pdf)
- <sup>13</sup> <http://www.delni.gov.uk/del-pathways-to-success-v6.pdf>
- <sup>14</sup> <http://www.deni.gov.uk/careers.pdf>
- <sup>15</sup> Department for Employment, Trade and Industry, 2012, Women in NI, [http://www.detini.gov.uk/women\\_in\\_northern\\_ireland\\_september\\_2012\\_final\\_version.pdf](http://www.detini.gov.uk/women_in_northern_ireland_september_2012_final_version.pdf).
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- <sup>27</sup> <http://www.carersuk.org/policy-pages-ni/consultation-responses-ni/item/3048-who-cares?-consultation-response>

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