

Re-imagining women's security: A comparative study of South Africa, Northern Ireland and Lebanon¹

Northern Ireland Gender Audit

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² The cut-off point for this report was June 2006. Some of the data refer to earlier years because no further information was available at June 2006. As will be appreciated, keeping an Audit up-to-date is rather like painting the Forth Bridge: no sooner have you got to the end of the task, you must begin again. We would thank Suzanne Mooney and Georgina Owens and all members of the project team.

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SECTION 1: DEVELOPMENTS SINCE THE PEACE PROCESS

1. Constitutional Issues

- The Agreement between the Irish and British governments and the political parties in Northern Ireland (also known as the Good Friday Agreement or the Belfast Agreement) was reached on Friday April 10 1998. It set out a plan for devolved government in Northern Ireland and provided for the creation of Human Rights and Equality Commissions, the early release of prisoners, decommissioning of paramilitary weapons and reform of policing and the criminal justice system.
- The Assembly has responsibility for all aspects of policy except those non-devolved issues that remain the responsibility of the Northern Ireland Office. Non-devolved responsibilities have two separate categories: excepted and reserved. Reserved matters include policing, security, prisons, criminal justice, abortion law reform, income tax, national insurance and regulation of telecommunications. Excepted matters include elections, European policy, peace and reconciliation and foreign policy.
- Constitutional principles endorsed in referendums, North and South of Ireland, 22 May 1998.
- Principles given effect in British legislation in the Northern Ireland Act, 1998.
- British –Irish Agreement entered into force on December 2nd, 1999 causing amendments to Article 2 and 3 to take effect in the South.
- This resulted in the ending of the Irish Government’s territorial claim to Northern Ireland and affirmed that a united Ireland could only be brought about ‘by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island’.
- Also resulted in changes to British legislation that repealed the Government of Ireland Act 1920 and introduced clauses committing the British government to effect change if a majority of the people in Northern Ireland vote in a poll to become part of a united Ireland.
- Both governments affirmed that diverse cultures and traditions would be accorded equal rights and respect no matter which government has future jurisdiction.
- Referendum in 2004 in the South led to change in the Irish Constitution which amended the entitlement and birthright of every person born in the island of Ireland to be part of the Irish nation and to be citizens of Ireland.

2. Governance Issues

The Agreement proposed an inter-connected group of institutions from three ‘strands’ of relationships.

Strand One (Internal Relations)

- Constituency based election (no list system) with proportional representation with 18 constituencies of 6 members, providing for a legislative Assembly of 108 members. In the first elections, June 1998, fourteen women were returned,

two from Women's Coalition – a party formed in 1996 and which had participated in the multi-party peace talks which led to the GFA.

- The Assembly met in shadow form on 1 July 1998 and appointed designate first and deputy first ministers.
- On 29 November 1999, Ministers were allocated posts according to the d'Hondt system where parties select Ministerial positions in turn based on the number of seats held by each party. The four largest parties were to form a Coalition style government though one party, the DUP, refused to take their seats. Two women ministers were appointed in 1999 and a third woman was appointed in 2001.
- 12 member Executive body established on 2 December 1999 with the Devolution Order transferring powers to the Northern Ireland Assembly. Ten Departments were formed. A Department of Equality formed part of the discussions leading up to the formation of the Executive but this was not finally agreed. Equality issues subsequently became part of the responsibilities of Office of the First and Deputy First Minister (OFMDFM).
- On taking office Ministers had to take a Pledge of Office and agree to a Code of Conduct.
- Assembly suspended four times. New elections in November 2003 returned eighteen women. Assembly Members were unable to take their seats because the October 2002 suspension of the Assembly was still in place.
- Assembly addressed relations between nationalists and unionists using a cross community voting mechanism. The First Minister and Deputy First Minister are jointly elected by members of the Assembly and hold equal authority in these positions. The voting procedure did not involve the 'sufficiency of consensus' mechanism which had been used in the peace talks and issues arose about the inclusion of the non-designated parties (outside the nationalist/unionist groups) such as the Women's Coalition.
- Arrangements were approved in the Assembly for the establishment of a Civic Forum which was part of the GFA. This fifty eight member body included representatives from business, trade union, voluntary and community sectors. It has a consultative function with the Assembly on social, economic and cultural matters. This body was also suspended in October 2004. Five Executive Programme Funds were established within the Programme for Government. A Victims Unit was established. New Targeting Social Need (New TSN) was developed as a horizontal anti-poverty principle to guide policy. Children's Commissioner legislation was introduced. A Gender Unit was established within the OFMDFM.

Strand Two (North-South Relations)

- 18 December 1998 agreement between UUP and SDLP (no other parties were asked for their views) on six areas in which North-South Implementation Bodies were to be established and six areas for North-South cooperation.
- 8 March 1999 the British and Irish governments signed supplementary Agreements on the North-South Ministerial Council and Implementation Bodies. The Implementation Bodies had a budget of £64 million. The Council was to meet in plenary form twice a year to promote joint policies for the whole island. The meetings began on 13 December 1999 in Armagh but were later jeopardised when the First Minister refused to appoint his two Ministers

from the Ulster Unionist Party when the political process was in difficulty. The meetings were suspended in October 2004 following the suspension of the Northern Ireland Assembly. The Implementation Bodies and Agencies were to continue functioning on a 'care and maintenance' basis, in contrast to the decision taken to suspend the Civic Forum in Northern Ireland.

- The mechanism to establish a North-South Consultative Civic Forum, which formed part of the GFA, has never been put in place.
- The Joint Parliamentary forum between the Northern Ireland Assembly and the Irish parliament (the Oireachtas) was never established.

Strand Three (British-Irish Relations)

- British-Irish Council and British-Irish Intergovernmental Conference were established on 2 December 1999 to promote harmonious and mutually beneficial decisions on common policies or actions between the British and Irish Governments and the devolved institutions in Northern Ireland, Scotland, Wales, the Isle of Man and the Channel Islands. An initial list of issues included drugs, environment, social inclusion, transport and the knowledge economy. The meetings of the Council have been infrequent and were suspended following the suspension of the Northern Ireland Assembly.
- The Irish Government opened consulates in Cardiff, Wales and in Edinburgh, Scotland.
- Applicants can obtain Irish passport forms in post offices throughout Northern Ireland.

3. Rights, Safeguards and Equality of Opportunity

Human Rights

- European Convention on Human Rights was incorporated into British Law through the Human Rights Act in 2 October 2000 and into Irish Law in 2003.
- A Human Rights Commission was established in the Republic of Ireland on 31 May 2000.
- Legislative provision for a Northern Ireland Human Rights Commission was made in the Northern Ireland Act, 1998 and the Commission began its work on 1 March 1999. From Autumn 2002, it began a consultation process as part of its statutory function to provide advice to the British Government on a Bill of Rights for Northern Ireland. The Bill of Rights was to be supplementary to the ECHR and was to reflect the particular circumstances of Northern Ireland. The consultation has engaged civic society in its discussion but has had much less cooperation from the political parties.
- In July 2001, at the Weston Park talks, an Implementation Group representing the pro-Agreement political parties and the two governments was agreed to take forward the outstanding issues of the GFA. A subcommittee of the Implementation group was established to take forward proposals on the political parties' consultation on the Bill of Rights. The Ulster Unionist party refused to participate in the Implementation Group meetings. The Implementation Group agreed that the chairperson of the roundtable meetings on the Bill of Rights would make a report to the two governments on how best to take this work forward. The report proposed a round table Forum involving

representatives from political parties and civic society. It was agreed that the Forum would have an independent chairperson who would produce a report on the Bill of Rights which would be forwarded to the Human Rights Commission as part of its advice to the British Government. In April 2003 the two Governments agreed these proposals in their Joint Declaration at Hillsborough Castle. The Round Table Forum on the Bill of Rights was established in December, 2006.

- The Joint Declaration of the British and Irish Governments in April 2003 proposed that the British Government review the Commission's powers and resources and that new appointments to the Commission should be in line with the Paris Principles.
- New appointments to the NI Human Rights Commission were made in June 2005. The British government was agreed considering an extension of the powers of the Commission.
- A Joint Committee of representatives from the two Human Rights Commissions was established in 2003 as a forum for consideration of Human Rights issues on the island of Ireland. A Charter reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living on the island of Ireland is under consideration by the Joint Committee.
- The British government has introduced Anti-Hate legislation to deal with harassment on the grounds of religion, race, disability and sexual orientation. Rape Crisis centre raised the issue of not including gender in this legislation.
- There have been no proposals on the 'right of women to full and equal political participation'. The Review considered proposals for future elections to the Northern Ireland Assembly, but an electoral system more beneficial to women (such as the inclusion of a list system) did not form part of the discussions – particularly with the absence of the Women's Coalition to advocate such a measure.

Equality of Opportunity

- Legislative provision for an Equality Commission was made in the Northern Ireland Act 1998 and on 1 October 1999 the Commission was established.
- Statutory obligations on public authorities in Northern Ireland to carry out all functions with due regard to the need to promote equality of opportunity was enacted in Section 75 of the Northern Ireland Act, 1998.
- The Irish government ratified the Council of Europe Framework Convention on National Minorities on 7 May, 1999 and has enacted an enhanced Employment Equality Act and Equal Status Act.
- Enhanced employment equality legislation in Northern Ireland was introduced in 1998 Fair Employment and Equal Treatment Order. This makes it unlawful to discriminate on religious grounds in the provision of goods and services.
- In April 2003 the British government agreed to review the operation of the national security exemption in the Fair Employment and Equal Treatment Order with a view to considering whether it is still a requirement.
- Irish language – funding for film and television production. An Ulster Scots academy. Extension of the broadcasting regulations for the reception for RTE channel TG4. A statutory duty has been placed on the Department of

Education in Northern Ireland to encourage and facilitate Irish medium education.

- Emblems and symbols. No proposals.
- Parades Commission reviewed by the Quigley report. Recommended splitting its functions into determination and facilitation. British Government decided not to implement Quigley but in renewed appointments to the Commission in January 2006 acted upon his recommendation to provide for gender parity by the appointment of three women and four men.
- The Joint Declaration of April 2003 claims that the British government has pursued broad policies for ‘promoting social inclusion, including in particular community development and the advancement of women in public life.’ There have been no proposals on the advancement of women in public life. Public boards such as the Policing Board and the Parades Commission acted in contravention of this policy and there have been no enforcement mechanisms to ensure this policy is implemented, although there has been some recent progress, due to pressure from a variety of sources, particularly from women’s groups citing British government failure to implement UN Resolution 1325 on ‘Women, Peace and Security’ within Northern Ireland.
- An Economic Development Strategy, Strategy 2010, was introduced by the Northern Ireland Assembly in March 1999. A Regional Development Strategy was also introduced – the extent to which these policies have tackled the problems of a divided society and produced social cohesion in urban, rural and border areas were reviewed by the ‘Shared Future’ consultation document of January 2003 and subsequent policies emanating from a Shared Future.
- 24 March 1999 the EU Council agreed a Peace programme for NI and the border counties involving €500 million over a five year period from 2000. A further three years funding for the International Fund for Ireland was also agreed. A Peace II extension was obtained from the EU, but with much less resources dedicated to women’s needs. In the original round €18 million was dedicated to women and this dropped to €8.4 in Peace II.
- The Joint Declaration proposed that ‘the British government will work with the devolved Assembly, when restored, to bring forward a strategic and integrated approach aimed at the progressive regeneration of those areas of greatest disadvantage. This approach would be fully consistent with new TSN and would be targeted ‘mainly at areas of greatest social need and areas where there has been significant community division.’ A Community Action Group was established by the NIO to take forward these proposals and to allocate the funding of the Local Community Fund announced at Hillsborough on 12 February 2003. In September 2004 £3 million was allocated to Protestant areas of East Belfast. This was in addition to £6 million allocated to pilot programmes to ‘cover parts of Belfast, Portadown and other areas where there is community division, with a view to establishing which forms of intervention are likely to be most effective in achieving the necessary transformation of those communities.’ The Ministerial Community Action group has since been abolished. In March 2006 David Hanson, the Direct Rule Minister responsible for social development announced a package of £33 million for disadvantaged loyalist areas.
- A review of procurement policy including measures to promote the engagement of the long term unemployed in the award of public contracts was completed in May 2002. It made no explicit reference to the equality

obligations under Section 75 of the Northern Ireland Act, 1998. It claimed that its own principles were sufficiently clear. The recommendations of the Taskforce on Employability and Long term Unemployment are referred to in the Joint Declaration as a way of combating unemployment but there has been little evaluation of these proposals. The Joint Declaration of April 2003 proposed that any future administration should explore further measurement techniques for New Targeting Social Need to test the indicators and targets in order to assess progress on this policy. It is difficult to assess the extent of discussions on these proposals during the Review at Leeds Castle in September, 2004.

4. Reconciliation and Victims of Violence

- The Irish Government established a Reconciliation Fund which has provided £6 million to community groups in Northern Ireland.
- In May 1998 the Bloomfield Commission published its report on victims and the Victims Liaison Unit was established in June 1998 to take forward the recommendations. £18.25 million had been committed to support measures by July 2001.
- A Memorial fund has been created to which individuals may apply for help; two trauma centres have established and a strategy has been developed to deliver practical help.
- In June 1999 the Irish government appointed a Victims Commissioner. The Commission made its report, *A Place and A Name*, in August 1999. The Taoiseach asked Judge Barron to produce a report on the Dublin-Monaghan bombs, 30 years after the initial events.
- On 28 May 1999 in response to demands from the Families of the Disappeared, both governments established an independent Commission for the Location of Victims' Remains to assist in locating the burial places of nine missing persons killed by the IRA in the 1970's.
- In April 2003 the governments stated in their Joint Declaration that 'victims' needs have been neglected'. They proposed the establishment of a victims' and survivors forum. The Declaration also stated that 'Remembering and recognition are an essential part of the healing process'. To date there has been no agreement on how to take forward a 'Truth' process.
- A Review of policy on good community relations commenced in April 2003. In March 2005 the government published 'A Shared Future' setting out its vision for the future of Northern Ireland. In 2006 it published its action plan to translate the vision into reality.
- Mixed housing and integrated education. No proposals in any of the subsequent rounds of talks on these issues. Women's Coalition forwarded papers on these issues to be included as part of the 'normalisation' process. The two governments' proposals on normalisation continue to refer to the demilitarisation issues.
- Weston Park talks in July 2001 agreed that British Government should establish a Police Fund to assist families of officers killed during the conflict and a RUC Foundation 'to mark their sacrifices and to honour their achievements.'

- July 2001 talks also agreed that the two governments would appoint Judge Cory to undertake an investigation of allegations of collusion in six cases. Following Cory's recommendations, the British government agreed to establish three out of four of these enquiries under existing legislation. September 2003 British Government proposed legislation to establish terms of reference for the fourth enquiry – Pat Finucane – which involves the intelligence services in addition to army and police collusion.

5. Decommissioning and Demilitarisation

- IRA announce a ceasefire 31 August 1994.
- Combined Loyalist Military Command announce a ceasefire 13 October, 1994.
- IRA announce a second ceasefire 20 July, 1997.
- Independent International Commission on Decommissioning established 1997.
- Independent arms inspections carried out.
- LVF made a token gesture to disarm in 1998; IRA completed decommissioning of all its arms in September 2005.
- Independent Monitoring Commission was established 7 January 2004 to report to the Governments on activity by paramilitary groups and the normalisation of security measures.
- No proposals for the decommissioning of personal protection weapons.
- Emergency Provisions Act replaced with Terrorism Act 2000
- Irish Government established a Review of its Offences Against the State Act Hillsborough Castle Talks of April 2003 proposes the following:
 - Reduction of numbers and role of armed forces – a permanent garrison of 5000 to reflect peace time level.
 - Closure of sites and property to be made available to the Reinvestment Reform Initiative to generate a new public asset base for those communities most directly affected by the security arrangements to date.
 - Return of private property on vacated sites.
 - Removal of security installations.
 - Demolition of observation towers.
 - Holding centres closed.

6. Policing

- The Independent Commission on Policing produced the Patten report in September 1999, named because it was chaired by Chris Patten, former Conservative Member of Parliament and former Governor of Hong Kong.
- Patten made a number of recommendations, calling for the creation of a Northern Ireland Policing Board, to oversee the operations of the policing service; an Office of the Oversight Commissioner, to monitor implementation of the Patten recommendations; District Policing Partnership Boards to provide police accountability at local level and an Office of the Police Ombudsman to investigate complaints against the police. To ensure that the police service was more representative of the population of Northern Ireland,

Patten recommended that an equal number of Catholics and Protestants should be drawn from the pool of qualified candidates. He argued that this proposal, while requiring an amendment to domestic legislation, was not incompatible with European legislation. He made a number of recommendation to increase the proportion of women in the service but he did not set any targets.

- Two Police Acts - 2000 and April 2003, to resolve the issue of the accountability of the Chief Constable to the Policing Board and to allow the Board to determine the strategic objectives for policing in Northern Ireland.
- The Office of the Police Ombudsman for Northern Ireland was established on 6 November 2000 under Part VII of the Police (NI) Act 1998. It did not emerge from the Patten Report or the Good Friday Agreement. It was the product of a Report compiled by Dr Maurice Hayes on 'A Police Ombudsman for Northern Ireland.' The primary statutory duty of the Police Ombudsman is to establish an efficient, effective and independent complaints system, and secure the confidence of the public and of the police in that system.
- Oversight Commissioner appointed January 2001.
- An independent recruitment agency established to advertise and recruit police officers on a 50/50 Catholic and Non-Catholic basis. No quotas introduced for women. First recruits October 2001.
- Joint Declaration of April 2003 states that 'efforts should be made to encourage recruitment from women and ethnic minorities.'
- Phasing out of the full time police reserve. Part time reserve to stay.
- New Policing Board representative of both communities with majority of political representatives appointed under the d'Hondt procedure from the Assembly. Political Parties did not appoint any women members. Only two women from the lay members. Board continued to meet after the 2002 suspension of the Assembly. Secretary of State introduced amendments to allow it to do so but refused the same provisions for the Civic Forum. November 2003 Assembly elections resulted in two of the political representatives losing their seats but continue to hold positions on the Board.
- New District Policing Partnerships, which take account of gender representation, established in March 2003.
- New code of ethics for police enshrining the principles of human rights.
- New name, badge and flag.
- New human rights oriented training and development programme introduced. As of 9 June, 2006 full compliance with recommendation of human right orientated training has yet to be achieved.
- PSNI Gender Action Plan published September 2004, making a number of recommendations regarding work-life balance issues intended to improve the retention rate of female officers, particularly those with families. It recommended a campaign to encourage female officers to apply to specialist units in frontline service delivery and it recommended analysis of the factors contributing towards female under-representation at senior levels of the service. The overall intention is to create a culture that is more welcoming of female officers and which challenges any bias against women.
- Lateral entry and secondments from the Garda Siochana in the South.
- Future structure of Special Branch – PSNI criticised by the Oversight Commissioner for being too slow and not in keeping with Patten's proposals.
- Issue of use of new type of plastic bullet in 1994.

- Reduction in the numbers, type and style of police stations. Fortifications to be removed. Police to patrol in normal police cars without the army support. This will make a difference to police response to domestic violence incidents. Community police posts and reporting stations and other normalisation measures introduced. Since 2005 police stations have been built to have the appearance of normal buildings, but existing police stations have not yet been made to look less foreboding in appearance.
- Devolved powers to Northern Ireland Assembly proposed at Hillsborough April 2003 and at Leeds Castle September 2004.
- Objective of an unarmed police service to be progressed – proposed in April 2003 in Joint Declaration but no further mention of this.

7. Criminal Justice

- Criminal Justice Review reported in March 2000
- Two Justice Acts introduced in 2002 and 2004 to give legislative effect to the Criminal Justice Review's recommendations.
- Independent Oversight Commissioner appointed in May 2000 to provide independent scrutiny of government decisions on implementation of the Patten proposals. This is an appointment made by the Northern Ireland Office. There are a total of eight men on the team of the Commissioner.
- Department of Public Prosecutions replaced by a new Public Prosecution Service set up under the Justice (NI) Act 2002. There were criticisms as to whether the new prosecution system is sufficiently independent.
- Restorative Justice programmes have expanded in both Republican and Loyalist areas.
- Youth conferencing was introduced into the Greater Belfast Area in December 2003 and was subsequently extended more widely.
- Introduction of lay magistrates in April 2005, with women forming 54%.
- Judicial Appointments Commission established in 2005 to ensure that appointments are representative of the community. There are no women High Court judges in Northern Ireland and the recent appointments have been men.
- Proposals for further cooperation between the two jurisdictions on such issues as sharing information and research; arrangements for monitoring offenders; liaison on misuse of drugs and coordinating registers of dangerous offenders.
- Devolution of Criminal Justice to Northern Ireland Assembly proposed April 2003.

8. Political Prisoners

- Sentencing Review Commission established in July 1998 for the early release of political prisoners. Chaired by Judge Brian Curran from South Africa.
- 444 qualifying prisoners released in the North and 57 in the South.
- Weston Park talks of 14 July 2001 proposed including 'On the Runs' in the early release schemes. This would include supporters of organisations now on ceasefire against whom there are outstanding prosecutions or extradition proceedings for offences committed before 10 April 1998. A government proposal for dealing with OTRs failed to win support in Westminster in

November 2005 on the grounds that the procedure did not conform to principles of justice and the wishes of victims were ignored.

SECTION 2: INDICATORS

1. Political and Public Participation

Prior to the Agreement

Northern Ireland politics has traditionally focused on constitutional issues, with little attention given to issues such as social and economic reform. In terms of recruitment and selection of candidates, issues such as gender equality were not raised until the period when constitutional change and the possibility of devolution entered the political agenda, with the NI Women's Coalition challenge to the political parties.

In the 52 seat Stormont parliament there were never more than 4% female candidates in elections. There were never more than four women returned at any one of the dozen Stormont elections and only Dehra Parker, Minister for Health and Local Government 1949-57, achieved ministerial office. Apart from two Independents, all the women were Unionists. Elections to various institutions established after the introduction of Direct Rule in 1972 saw only four women elected each time.³

In the NI Assembly 1982-86 there were 5% women candidates and 4% women members elected - only three women out of 78 members. Two were UUP and one was SDLP. It was Sinn Fein's first election and they did not stand any women candidates.⁴

Northern Ireland Forum

In January 1996 the UK government proposed an election to a forum as a method of enabling the political parties to enter into talks. Ninety members were elected using the eighteen Westminster constituencies. The election method was through party lists of candidates, with voters choosing a party list, with a further twenty seats allocated equally to the ten parties receiving the most votes. Delegates to the talks were to be nominated from the Forum members.

The NI Women's Coalition was formed as a means of giving women a specific voice in the forthcoming talks. The Coalition came 9th on the list, thereby enabling two candidates to be elected to the Forum. A total of fifteen women were elected to the 110-seat body. In addition to the Coalition women there was one UUP, three DUP women, five Sinn Fein, three SDLP and one Alliance.

Mo Mowlam, NI Secretary of State during the negotiations, acknowledged the contribution of women to the peace process while answering questions in the House of Commons:

Mrs. Fyfe: ...Will she join me in congratulating the Northern Ireland Women's Coalition on its constructive role in the talks? Attitudes such as it brings forward

³ Yvonne Galligan and Rick Wilford, 'Women's Political Representation in Ireland' in (eds.) Yvonne Galligan, Eilis Ward and Rick Wilford, *Contesting Contesting Politics: Women in Ireland, north and south*, Colorado, Westview Press, 1999, p 134.

⁴ Maedhbh McNamara and Paschal Mooney, *Women in Parliament Ireland: 1918-2000*, Dublin, Wolfhound Press, 2000.

will help the talks move towards a successful conclusion by, we all hope, May next year.

Marjorie Mowlam: May is the date for which we are aiming to reach an accommodation that can be put to the people of Northern Ireland - the final guarantee in the basic principle that guides us is consent: that no decision that comes out of the talks will be acted on until the people of Northern Ireland, the majority of them, have stated their views.

I agree with my hon. Friend that the Northern Ireland Women's Coalition has been a positive force in the talks process. When I turn around and see so many women in the House, I look forward to seeing more women in the political process in Northern Ireland. However, only the actions of all the parties in the talks process, together, reaching an accommodation, will move the process forward. Our wishes must be that the parties must accommodate and work together, otherwise the progress that we would all like to see will not happen.⁵

A Women's Agenda

Prior to the establishment of the Assembly, the Equality Commission and the Northern Ireland Committee of the Irish Congress of Trade Unions developed 'The Women's Agenda for the NI Assembly' which addressed a number of key areas: economic independence, violence, decision making, work and family life and health. The Agenda challenged the Assembly to place these issues in the mainstream of policy-making.

Health

In order to provide a health service and health care which takes account of women's particular needs, the Assembly should:

- Promote an integrated, cross departmental approach to women's health which will aim at reducing poverty as well as improving health;
- Design, with women, health services which will meet the needs of women at all stages in their lives;
- Acknowledge and promote the need for gender sensitive health and safety policies in the workplace;
- Continue to support and adequately resource those voluntary organisations which give advice and information to women, particularly young women, on sexual health and contraception;

Women's economic independence

To improve women's economic independence the Assembly should:

- Ensure the mainstreaming of the gender dimension in economic development through consultation and through a gender balance in the membership of policy making bodies;
- Ensure that full weight is given to the European requirement that National Action Plans for employment include special attention and special measures to promote gender equality in employment;

⁵ House of Commons, 29 October 1997, col. 883.

- Ensure that women benefit equally from all training programmes and from the Structural Funds;
- Ensure that official statistics give a true picture of women's and men's different experiences of employment, non-employment and training.

Women in decision-making

To bring a proper representation of women into decision-making the Assembly should:

- Set targets for a balanced representation in the institutions for which it is responsible and introduce strategies to achieve this;
- Introduce a Code of Practice for institutions for which it is responsible to enable women to combine their private and public lives;
- Ensure the bodies which promote equality and support women to participate in decision making are adequately resourced to do so;
- Establish acceptable and accessible mechanisms to ensure proper consultation with women's groups and organisations at local level to ensure women's experience is brought into the political mainstream.

Tackling violence towards women

To help eliminate violence against women the Assembly should

- Ensure adequate levels of funding for both statutory and NGO support services;
- Undertake a campaign highlighting the absolute unacceptability of any form of violence against women;
- Ensure that transport policy takes on board the particular needs of women travelling alone;
- Support the Equality Commission's call for sexual harassment to be expressly stated as a form of sex discrimination in the legislation.

Women, work and family life

To promote the greater harmonisation of work and family responsibilities the Assembly should:

- Encourage the UK government to introduce paid parental leave and support initiatives to have the phasing in of parental leave removed from the legislation;
- Actively encourage employers to introduce a range of family friendly initiatives to enable women to enter, re-enter and remain in the labour market;
- Take action to facilitate a culture of shared responsibility between women and men for child and elder care;
- Introduce a range of family-friendly policies within the Assembly itself.

Northern Ireland Assembly

The initial standing orders for the Assembly were decided by Mo Mowlam during her tenure as Secretary of State. They were modelled on the 1973 Assembly. When these were debated in the Assembly in 1998 some of the women MLAs insisted on changes so that there would be family-friendly working hours following the working day rather than the Westminster model of evening sessions. The hours for Monday were set at 12 – 6pm with provision for continuing until 7pm, at which time any

uncompleted business would be suspended. On Tuesday hours were set at 10.30 am – 6pm, but could be extended into the evening or even into Wednesday if necessary, so the hours were only partially family friendly.⁶ The agreement on working hours was constantly challenged by some MLAs and Standing Orders were suspended on occasion, to allow debates on the budget to continue after the cut-off point of 6pm. While this was challenged by the Women’s Coalition they received little support.⁷

The specific acknowledgements of women’s equality contained within the Agreement have the potential to mean that other references to equality will also now be construed more broadly than in the past, for example in the Assembly Members’ Pledge of Office and the Ministers’ Code of Conduct.⁸

In the 1998 elections to the NI Assembly few women were selected as candidates. Of the main parties, the Ulster Unionists stood four (8.3%); SDLP stood six (15.8%); DUP stood four (11.8%); Sinn Fein stood eight (21.6%); Alliance stood six (27.3%). There were eight candidates for the NI Women’s Coalition and the smaller loyalist parties stood one woman. The details of the election were as follows:

- There were 49 women out of 296 candidates (16.5%).
- 14 women were elected (13%) and 94 men.
- The retirement of John Hume (SDLP) and his replacement with Annie Courtney raised the total to 15 and 13.8 %.

Women Ministers

Under the d’Hondt system of proportionality, ministerial office and membership of committees was in proportion to party strength. Women took up two of the ten ministerial positions: Bairbre de Brun, Sinn Fein Minister for DHSSPS and Brid Rogers, SDLP Minister of Agriculture. Brid Rogers stated that ‘When they were giving out the Ministerial portfolios at the Assembly, the two women were given the two that nobody else wanted.’⁹ Later, Carmel Hanna took over the Department for Employment and Learning, giving a total of 3 female ministers. There were no female ministers from unionist parties.

Assembly Committees and women

Women occupied 17 out of 110 committee places, making up 15% of the total. There were no women on the Finance and Personnel, Agriculture and Rural Development or Regional Development Committees. No women were elected as committee chair, but there were three female deputy chairs: Culture, Arts and Leisure; Environment; Social Development.

⁶ Rachel Ward, ‘Gender Issues and the Representation of Women in Northern Ireland’, Paper presented at the Political Studies Association Annual Conference, University of Lincoln, April 2004.

⁷ Hansard 13 November 2000, debate on Programme for Government, when House adjourned 7.19 pm.

⁸ Elizabeth Meehan, ‘Gender and Constitutional Change’, *Devolution and Britishness: A Conference of the ESRC Research Programme on Devolution and Constitutional Change*, Queen Elizabeth Conference Centre, London, 21 February, 2002 www.pol.ed.ac.uk/gcc/print/printmeehan.html.

⁹ Margaret Ward, *The Northern Ireland Assembly and Women – assessing the gender deficit*, Democratic Dialogue, December 2000, p.14.

In terms of gender issues, a committee for 'Equality, Human Rights and Community Relations' was set up by the Standing Orders of the Assembly in December 1999. This was revoked by an amendment tabled by the First and Deputy First Ministers and replaced by a Committee of the Centre, based within OFMDFM. Women's issues are the remit of this committee but there was little political will to pursue such concerns while the Assembly was in existence. Several MLAs opposed this arrangement, wanting the Assembly to have an equal opportunities committee that would be answerable to the ordinary MLA.

Achievements of the Assembly

Repeated suspensions of the Assembly, coupled with disagreements between pro and anti Agreement parties, made it difficult for MLAs to develop a coherent body of legislative reform. Rick Wilford provides a downbeat assessment of its achievements up to December 2000, when, after forty seven plenary sessions it had passed one Act while its ten statutory committees produced only three reports: agricultural debt; student finance; and residential/secure accommodation for children in care. There were also a few reports from ad hoc committees, including one of flying of the union flag on public buildings 'a decidedly modest return from the Assembly'.¹⁰

Gender-specific issues in the Assembly

- Assembly agreed to payment of weekly childcare allowance of £15, although no on-site child care was provided.
- Abortion - 20 June 2000, Assembly backed a motion opposing the extension of the 1967 Abortion Act to the province. It was passed by a majority of members in an oral vote. An amendment from the Women's Coalition, calling for the issue to be referred to the assembly's Health, Social Services and Public Safety Committee, was defeated by 43 votes to 15. 7 women voted for the amendment, no woman voted against it.
- Children Act 2004 established a Children's Commissioner.

Programme for Government

- Civil Service review - proposal for a review of appointments and promotions of top 230 positions in the civil service
- Commitment to the development of a Single Equality Bill
- Free personal care for the elderly
- Free bus passes for those over 65
- Childcare grant to assist mature students on low incomes

Donaghy and Meehan assess the first *Programme for Government* as having notable absences, particularly no mention of problems of domestic violence and no mention

¹⁰ Rick Wilford, 'Northern Ireland One Year On: A Discursive Narrative', Transitions to Devolution Conference, Cardiff, January 2001.

of developing childcare or family friendly policies.¹¹ However, Sean Farren, as Minister for Finance, in early 2001, did announce an initiative to promote a 'work-life balance' and a working group was established to further this.

The Assembly and Executive were suspended by Secretary of State for Northern Ireland on 14 October 2002.

2003 November Elections

In the November 2003 elections there were eighteen female candidates, making an overall total of 19%. Eighteen women (17%) were elected. The Women's Coalition candidates did not retain their seats in an election which saw a polarisation of votes and large gains for the anti-agreement DUP and for Sinn Fein. Sinn Fein saw seven women elected; SDLP had five women; Alliance had two women; DUP had two women and the Ulster Unionists had two women. The two women UUP members subsequently defected to the DUP and in July 2004 a female member of Sinn Fein resigned, to be replaced by a man, leaving a total of seventeen women MLAs.

NI Assembly: A Women's Manifesto

Prior to the November 2003 elections a 'Women's Manifesto' was issued by NIC-ICTU, the Equality Commission and the Women's Policy Group and sent to each candidate. This challenged the incoming Assembly to place the issues the Manifesto highlighted in the mainstream of policy making and asked all candidates to commit themselves to achieving this.

Economic independence

- How will you/your party promote better gender equality legislation to protect women from discrimination and to enable their full and active participation in all levels of our society?
- What are you/your party going to do to ensure that the social security and tax systems meet the particular needs of women?
- What are you/your party going to do to ensure that women in Northern Ireland have access to affordable childcare?

The community women's sector

- As government funding contributes only 8.3% of the resources needed by the sector, what actions are planned by you/your party to bring expenditure in line with the need to support this work?
- Will your party call for funding to support the participation of marginalised groups?

Women and decision-making

- How will your party ensure equal representation of women and men within party executives and as candidates for local, Assembly and Westminster elections?
- What is your party doing to help change the culture and attitudes that alienate women and young people from the political process and prevent women from being elected?

¹¹ Tahnya Donaghy and Elizabeth Meehan, 'New Opportunities for Women in the Process of Institution Building in Northern Ireland', Political Studies Association of Ireland, Annual Conference, 2-4 November 2001.

- What policy does your party have to ensure greater representation of women in public appointments?
- What will your party do to ensure that women in Northern Ireland can participate in UK, European and United Nations structures concerned with progressing women's issues?

Sexual and Reproductive Health

- How will your party support increased funding of family planning and GUM clinics so as to make these services more accessible to users?
- How will your party support a health care system that meets the particular needs of women at all stages of their lives and press for women to be involved in the design of such services?
- How will your party press for adequate resources for voluntary organisations that provide education, information and support to women, particularly young women, on sexual health and contraception?

Domestic Violence

- What is your party going to do to ensure that any woman or child who needs refuge space and/or support services will be able to access them?
- How will your party make sure that increased resources are committed to education and research to prevent the violence and abuse that scars Northern Ireland?
- How will your party advocate mandatory training in domestic violence for all relevant personnel?
- How will your party work to strengthen both civil and criminal law in order to bring more perpetrators of this insidious crime to justice?

Women's Lobby of the Assembly

In response to the funding crisis that hit the women's community and voluntary sector, a lobby of Stormont was organised in March 2002, facilitated by the Women's Coalition. The result was that OFMDFM commissioned a survey of women's organisations, the services they provide and their funding status.¹² Emergency funding from Executive Programme Funds was made available to women's groups.

Gender Matters: policy for gender equality 2005-2015.

The role of the Gender Equality Unit within OFMDFM is to promote gender equality throughout the work of the NI Executive. Its remit covers women and men, people with and without dependents, people of differing marital status, and people of differing sexual orientation. The Unit produced a draft policy 'Gender Matters: towards a cross-departmental framework to promote gender equality for women and men 2005-2015'.¹³ The first draft came in for much criticism for its omission of older women, ethnic minority women and disabled women and its failure to include concrete targets or to indicate the resources to be made available. In the final draft the overall strategy recognised the multi-identities of women. However, its continued

¹² Ruth Taillon and May McCann, *An Assessment of the Impact of Loss of Services provided by WSN and other Women's Organisations in NI*, Report for OFMDFM, Women's Support Network, Belfast, 2002.

¹³ OFMDFM, *Gender Matters, a consultation document: Towards a cross-departmental strategic framework to promote gender equality for women and men 2005-2015*, September 2004.

stress on the provision of equal treatment of women and men and reluctance to advocate positive action measures to remedy the multiple discriminations suffered by women meant that it was rejected by the Gender Advisory Panel set up to assist the Gender Unit. Lord Rooker, the minister responsible for the work of OFMDFM called for the strategy to be reconsidered. The Gender Equality strategy was finally made public in December 2006. Lack of personnel within the Gender Unit however has meant that the action plans to accompany the strategy have not yet been developed.

Local Government

There are 26 District Councils in NI. There is one has a female chief executive in Larne. Local authorities have limited powers, being responsible for the delivery of the following services: refuse collections, street cleansing, health and environmental services, community development, leisure facilities, parks, and support for the arts, tourism and economic development. Councillors are also involved in strategic partnerships that have been developed out of the Peace II programme.

Many of those who have won Assembly seats have a background in local government and in consequence, as the Equality Commission has pointed out in its report to the CEDAW Committee, 'women are at a serious disadvantage while they remain so grossly under-represented at the local level.'¹⁴

- In the June 2001 local elections 108 women were elected to a total of 682 seats, giving 19% female representation. There were no women representatives in three councils: Antrim, Dungannon and Ballymoney.
- In the May 2005 elections there was a slight increase in the number of women elected, as 125 women gained seats, making a total of 21.5%. Women now have seats in all councils.

Sinn Fein experienced the greatest increase in the number of seats won by female candidates, rising from 17 to 35 female councillors, representing 28% of the party's total of 126. The Democratic Unionist Party increased its female representation from 19 to 36, a total of 20% of the party's 182 councillors. The SDLP, while losing seats overall, has 28 female councillors, which is a small increase in women's representation. The drop in votes for the Ulster Unionists reduced their total to 100, with the number of their female councillors dropping from 27 to 15. The Alliance party increased its seats from 28 to 30, but the number of female councillors fell from 11 to 10, representing a drop from 39% to 33%. The Green Party won seats for the first time, but its three seats are all held by men. The Women's Coalition failed to secure re-election to its single council seat.

Research by the Centre for the Advancement of Women in Politics concludes:

...although the parties favour the selection of a majority of male candidates they are willing to encourage their voters to place the fewer female candidates as higher preferences on their ballot papers, the result being that 67% of all female

¹⁴ Judith Cross, Submission by the Equality Commission for Northern Ireland to the United Nations Committee on the Elimination of Discrimination Against Women, April 2003, p. 22.

candidates were elected as local councillors, compared to 65% of all male candidates.¹⁵

Attitudes towards women in political life

Research shows that public attitudes towards women in politics have become more positive since 1991, with voters looking to parties to present them with more women candidates. There is a perception that there are fewer barriers inhibiting women's political participation, compared with a decade ago, so that preferential treatment for women candidates is not popular, although half of those questioned in a survey in 2003 did believe that parties should be encouraged to put forward a proportion of women candidates. In addition, the qualities people believed women brought to political life – approachability, ability to compromise, honesty and level-headedness – were the qualities identified in 'ideal' candidates, while male politicians were described as aggressive, ruthless, ambitious and crafty. Given these results, the researchers concluded that while more women were elected in the 2003 Assembly elections, the defeat of the Women's Coalition 'may be construed more as a reassertion of sectarian voting patterns rather than as a vote against women.'¹⁶

2007 Elections

The 2007 Assembly elections have again seen a total of 18 women returned. The issue of party selection of candidates and party willingness to stand women in winnable seats remains crucial.

Civic Forum

A Civic Forum was proposed by the Women's Coalition during the talks on the Agreement as a means of preserving the policy expertise of those in civic society which had been built up during 25 years of direct rule, to reduce the 'democratic deficit' of that period. It was made up of sectoral representatives, from the trade unions, business, the churches, and the voluntary sector. Of the total seats of 58, women occupied 21, making a total of 36%, mostly from the voluntary/community sector. There was little support for the Civic Forum given by the major political parties, who regarded it as usurping their mandate. Political responsibility for the Civic Forum rested in the OFMDFM. It had little resources and as it was composed of both pro and anti Agreement factions, had internal divisions that also hindered its effectiveness. However it produced two good reports, on education and on social exclusion and was considering research on the environment when it suspended in October 2002, along with the Assembly.

Local Strategy Partnerships

The Local Strategy Partnership evolved from the District Partnerships that were established under Peace I. Their role is to take decisions regarding the expenditure of Peace II funds. There are 26 LSPs, one in each council area. They were designed to

¹⁵ 'Gender Analysis of Local Election Results'. Centre for the Advancement of Women in Politics, Queen's University of Belfast, www.qub.ac.uk/cawp.

¹⁶ Yvonne Galligan and Lizanne Dowds, 'Women's Hour?', *Research Update* 26, February 2004, Life and Times Survey, www.ark.ac.uk.

operate as a partnership between politicians in local government and the social partners of trade unions, community and voluntary sector and agriculture and rural development. The proportions of women in the LSPs vary, from 52% in Moyle, 39% in Carrickfergus, Derry and Castlereagh to 29% in Belfast, 18% in Limavady and Strabane. However, a high percentage of female representation does not necessarily signify that women are being treated equally or that women's issues will be considered.

Public Appointments under the Remit of the Commissioner for Public Appointments in N.I

Dame Rennie Fritchie was appointed Commissioner for Public Appointments on 1 March 1999, and appointed Commissioner for Public Appointments for NI in December 1999, just prior to devolution. This was envisaged as a temporary measure, pending an Assembly decision on the future of the post. No decisions were taken, so her term of office was extended for a third time. After it expired, Felicity Huston was appointed as NI Commissioner for Public Appointments in August 2005.

As of 31 March 2006 there were 2070 public appointments held in NI, in a total of 107 bodies. Of the 2070, 798 fell within the remit of the Commissioner (CPA). Statutory nominations account for 35% of appointments in NI, which is much higher rate than the rest of the UK. The majority of such nominations are from political representatives, and the lower percentage of women in political life has therefore also had an impact on their public representation.

In the period 2000-2005 the OCPA NI achieved the following:

- May 2002 Revised the Code of Practice for Ministerial Appointments
- Produced a Best Practice for Departments.
- Introduced the OCPA NI Kitemark for all public appointments in the Commissioner's remit.
- Introduced OCPA Monitored to ensure good practice for Departments outside the OCPA remit.
- Ensured opportunities for public appointments were widely publicised.
- Established a Short Term Working Group to identify barriers to public appointments and to consider means for their removal.
- Independent Assessors to monitor the selection process centralised into the Office of OCPA NI and new training developed.

Table 2.1 notes the number of women appointed to public office over the last ten years. As can be seen, the proportion of women appointed to positions in public life has declined by 2% since 1998/1999 from 32% to 34%. In terms of chairing public bodies, their position has always been weak but has declined still further since the signing of the Good Friday Agreement (See Table 2.2). Their proportion has declined from 32% in 1998/1999 to 25% in 2005/2006.

Table 2.1: All Public Appointments held by gender from 1996-2006 (Compared to NI Population)

Year	Public Appointments		Northern Ireland Population	
	Male	Female	Male	Female
1996/97	65%	35%	49%	51%
1997/98	65%	35%	49%	51%
1998/99	66%	34%	49%	51%
1999/00	68%	32%	49%	51%
2000/01	68%	32%	49%	51%
2001/02	68%	32%	49%	51%
2002/03	68%	32%	49%	51%
2003/04	69%	31%	49%	51%
2004/05	68%	32%	49%	51%
2005/06	68%	32%	49%	51%

Source: OFMDFM Central Appointments Unit Reports 96-97 to 05-06 and Mid year population Estimates, NISRA. Published in Commissioner for Public Appointments for Northern Ireland, Eleventh Report 2005-2006. <http://www.ocpani.gov.uk/11annualreportjan07-2.pdf>

Table 2.2: Chair Appointments held by gender from 1996- 2006

Year	Male	Female
1996/97	72%	28%
1997/98	70%	30%
1998/99	68%	32%
1999/00	74%	26%
2000/01	73%	27%
2001/02	74%	26%
2002/03	73%	27%
2003/04	73%	27%
2004/05	69%	31%
2005/06	75%	25%

Source: OFMDFM Central Appointments Unit Reports 96-97 to 05-06. Published in Commissioner for Public Appointments for Northern Ireland, Eleventh Report 2005-2006. <http://www.ocpani.gov.uk/11annualreportjan07-2.pdf>

North-South Ministerial Council and Cross-Border Bodies

The North/South Ministerial Council (NSMC) was established on 2 December 1999 under the terms of the Agreement. Its remit comes from Annex 1 Part 3. It brings together Ministers from the Assembly and the Irish government to develop consultation and co-operation on an all-Ireland basis on matters of mutual interest within the competencies of both administrations. The Irish government has a better record in promotion of women, a reflection of their commitment to achieve 40% female representation on State Boards. With the suspension of the Assembly these bodies are now on a 'care and maintenance' basis.

The work of the Council is supported by a Joint Secretariat, based in Armagh. Amongst its duties is the monitoring of the work of the six Implementation Bodies set up to implement the policies agreed by the Ministers in the NSMC. These are north/south bodies covering the following areas:

1. Waterways Ireland

Responsible for maintenance, development and restoration of inland navigable waterways.

Executive:

John Martin – CEO

No further information on personnel given on website.

2. The Food Safety Promotion Board

Tasked with promoting food safety and supporting north-south scientific cooperation and links between institutions working in food safety.

Executive:

Martin Higgins – CEO.

2 male directors for food science and corporate operations.

2 female directors for marketing and communications and human health and nutrition.

Advisory Board:

2 women out of 12

Male chair and vice-chair

Anne Speed – branch secretary for SIPTU, representing drink, tobacco and distribution industries

Catherine Murphy – Health Promotion Manager for Southern Health Board

Scientific Advisory Board:

18 members, 6 of them women.

Three of the women are from the south, three from the north.

3. Trade and Business Development Board – Operates under name InterTradeIreland
Works in close collaboration with DETI, Belfast and Dept Enterprise, Trade and Employment, Dublin, to promote north-south trade and business cooperation.

Executive:

6 men and 5 women.

Chair and Vice-Chair are men.

Senior Management:

3 Men and 1 woman.

Executive board members:

3 men and 3 women.

4. The Special EU Programmes Body

Cross border co-operation, building peace and reconciliation are at the core of the work of the Special EU Programmes Body. It has responsibility for monitoring and promoting the implementation of the Common Chapter in the National Development Plan for Ireland and the NI Structural Funds Plan. It has three offices throughout Northern Ireland and the Border Region. The headquarters are in Belfast. The office in Omagh is primarily concerned with the Peace Programme and the office in

Monaghan oversees the work of the INTERREG Programme and Other Community Initiatives.

Executive:

Pat Colgan – CEO; Shaun Henry – Director Programmes; Gina McIntyre – Director of Corporate services

1 women and 2 men

5. North/South Language Body

Foras na Gaeilge

Executive:

Ferdie Mac an Fhailigh – CEO.

Tomás Ó Ruairc- Assistant Chief-Executive.

The Boord o Ulster Scotch

Executive:

George Patton – CEO.

Chair – Mark Thompson.

Board members

1 woman (appointed by Irish government) 7 men.

6. Loughs Agency

Executive

Derick Anderson – CEO and 3 other staff – all men

Board:

Peter Savage – chair

2 women – Siobhan Logue and Jacqui McConville and 6 men

The Foyle, Carlingford and Irish Lights Commission

Works through Loughs Agency

Derick Anderson - CEO

Women's involvement in the voluntary and community sector

Overall, there is an estimated 4,500 to 5,000 groups in the voluntary and community sector.¹⁷ The voluntary and community women's sector throughout Northern Ireland has made an important contribution to sustaining civil society throughout years of conflict. The estimated income of the women's sector is £9.5 million, accounting for 2% of the total income of the voluntary sector.

Eight women's centres have been developed within the Greater Belfast area since the 1980s, with a combined workforce of 106 employees, 58 of whom are full-time, and an annual turnover of £1.3 million. The paid workforce is supplemented by the

¹⁷ NICVA, *State of the Sector*, 2002,p.16.

voluntary labour of 115 formal volunteers.¹⁸ It has been estimated that £400,000 annually, totalling £0.2 million is needed for each centre to provide a full range of services in terms of education and training, promoting health and wellbeing, information and advice, childcare and holiday schemes and cross community working.

Over forty community-based women's centres, women's projects and women's infrastructure groups are affiliated to the Women's Support Network (WSN), established in 1989 as an umbrella organisation to provide information, support and lobbying expertise in the promotion of the autonomous organisation of women. The Women's Information Group, formed in 1980, 'is credited with making the women's movement in Northern Ireland an inclusive one – not only through its work across the sectarian divide but also by reaching out to working class women.'¹⁹ Its monthly meetings, held alternatively in Protestant and Catholic communities, are often the first time women have entered the territory of those coming from the 'other' community. While the group has provided a mechanism for cross-community contact for women, its ethos has been strictly 'bread and butter' and non-political.

Thirty five per cent of women's groups are in the Belfast District Council area, the majority located within areas defined as deprived according to the Northern Ireland Multiple Deprivation Measure (Noble Index). Taillon's research has indicated the invaluable services provided by this women's sector, ranging from welfare advice, health and well-being services, policy development, education classes, childcare and their importance in sustaining communities fractured by conflict and social and economic deprivation.²⁰ Increasing women's political participation is a key challenge, partly addressed by the education work of Women into Politics.

The changes in the Women's Resource and Development Agency, a regional organisation, originally entitled the Women's Education Project on its formation in 1983, points to the longevity of the women's movement and also to its changing nature. One aspect of the WRDA work is the training of grass-roots women as community facilitators, to ensure that government policies on issues such as health are understood by those hardest to reach.

A Review Group on Women's Organisations providing Support and Services to Disadvantaged Communities was established in April 2005 following sustained lobbying by the women's sector to highlight the potential loss of service to local communities if government funding was not continued. As a result, the Department of Social Development was designated lead department for the sector, with a commitment to fund infrastructural support and to core fund 15 women's centres covering urban and rural areas. The Department of Agriculture and Rural Development has committed support to the development of a Rural Women's Regional Support Network. There has to date been no commitment from other

¹⁸ Ruth Taillon, *The Social and Economic Impact of Women's Centres in Greater Belfast*, Women's Support Network, Belfast, 2000. There are now 7 centres as one – Atlas in Lisburn - has re-designated as a 'family centre'.

¹⁹ Monica McWilliams, Introduction to Women in the North, in *Field Day Irish Women's Writing*, p.375.

²⁰ Taillon, op cit.

government departments in terms of funding for education, advice and childcare services. £14.6 million for childcare has been pledged to the voluntary sector for 2006-8 but the government has emphasised that this funding will not be sufficient to replace the loss of Peace and EU funds.

The status of the N.I. women's sector in 2001:

- 4 regional women's organisations
- 22 women's networks
- 14 women's centres
- 383 women's groups/projects
- A total membership calculated at 6,000.
- 70% of groups were formed since 1990 and 34% since 1995
- 68% exist in the most deprived areas of Northern Ireland.
- 26% work with ethnic minority women.
- 90% are reliant on grants, particularly from the European Union peace funds, and from public sector funding for service provision.²¹

Another key issue for the women's sector and for women in political life is ensuring the full implementation of UN Security Council Resolution 1325 on 'Women, Peace and Security' so that women are involved in key institutions related to conflict resolution and reconstruction. The Northern Ireland Women's European Platform continues to carry out an energetic campaign to publicise the importance of 1325 for women in Northern Ireland.

2. Security, Policing and Criminal Justice

Gender and policing prior to the Patten.

In the wake of the Belfast Agreement the Northern Ireland Affairs Committee of the House of Commons published its report into the composition, recruitment and training of the RUC.²² This was intended to evaluate 'the ways in which the RUC recruits and trains its members and how these processes can foster the widest possible community trust in the police force.' (para 5) While recognising that the 'overwhelming numerical predominance of Protestant officers over Roman Catholic officers is a major problem politically and socially' the inquiry also considered the necessity to ensure proper representation of women and members of ethnic minority communities.

Third Report of the N.I. Affairs Committee August 1997

Catholics

(para 17) 12,813 officers in service. 697 or 8% of regular officers are Roman Catholic. This declines to 7% of total RUC (968) when the reserve officers are included. Assuming a recruitment intake of 40% Catholic, in proportion to their strength overall in the population, it would take 30 years before they formed 40% of the RUC.

²¹ Research from Community Foundation for Northern Ireland, 2001.

²² THIRD REPORT Northern Ireland Affairs Committee, session 1997-8, House of Commons, 'Composition, Recruitment and Training of the RUC', Vol. 1, Report and Proceedings of the Committee, London: the Stationery Office.

Women

(para 21) Women form 914 or 11% of the regular officers of the RUC. They form 7% (206) of the full-time reserve officers and 35% (496) of the part-time reserve. Overall, 1616 (13%) of RUC officers are women. This is a smaller proportion 'by quite a significant margin' than in forces in England and Wales.

(para 22) There are a significantly lower number of women in higher ranks, in proportion to their overall number in the force:

13% constables; 6% sergeants; 4% inspectors; 6% chief inspectors; 1% superintendents (2); no chief superintendent and none in the most senior management ranks above these.

(para 23) Chief Constable acknowledged that this is unacceptable. Only two at Superintendent level, where their percentage in the force would suggest they might have been entitled to 15 or 16 places.

(para 24) Many women serve in the part-time Reserves 'which is not an easy route to promotion to higher ranks. A further reason for the imbalance in the number of women in the senior ranks is that 'over a lengthy period at the worst of the terrorist violence women were not recruited into the Royal Ulster Constabulary. At that time women were not armed and this prevented recruitment of female officers...The force still feels the effects of this policy in the lack of women officers of adequate seniority to be promoted.'

(para 26) RUC figures show that if 50% of recruits were women, it would take about 25 years (2024) for the proportion of women officers to reach 45%.

(para 32) Religious imbalance is most significant in political terms. 'The position of women in the RUC is less central to the political debate about the future governance of NI, but it is important nevertheless. We are less sanguine than the Chief Constable about the probability of the situation of women officers improving reasonably rapidly...it will take a generation of closely focused effort to recruit enough women into the force to reflect the gender composition of society adequately.'

(para 36) RUC established Working Party to examine 'under-representation of women, Roman Catholics and ethnic minority groups within the Royal Ulster Constabulary'. This published a public notice inviting evidence on 11 December 1997.

'Chill factors'

(para 38) Under NI's fair employment legislation the environment in which people work must be culturally neutral...The Chief Constable said that the RUC constantly reviews the working environment to ensure that it is neutral and that there is no display of symbols which would be offensive to one tradition or gender. Mr Flanagan claimed that RUC officers had improved greatly in being sensitive to different views. He referred to the change in attitudes to "girlie" magazines on display as an indication of how culture has changed in the police.'

'Bias or harassment'

(para 52) There is evidence of active bias or harassment of some RUC officers by colleagues which is referred to in the Working Party Report. The RUC takes the problem of harassment of Roman Catholic or women officers very seriously and commissioned internal surveys to quantify the problem. In May 1996 an internal survey on sexual harassment in the RUC noted that women Part Time Reservists

(who, as we note above, are about 35% of that branch) encountered significantly less harassment than other female officers.

(para 55) There is insufficient information on inequality and sexual and religious harassment within the RUC...It is likely that the problems of harassment and discrimination are known to prospective applicants, especially since the RUC's Survey Report on sectarian harassment (which was confidential) has found its way onto the Internet.

(para 56) It is vital that sectarian and sexual harassment within the RUC be regarded as grave matters. They undoubtedly have a strong additional disincentive effect on those in under-represented groups from joining the RUC...Senior officers' performance should be assessed to a considerable degree in the light of their success in achieving this.

Physical Competency

(para 66) There is evidence that the new physical competency assessment, which was introduced in 1996, has been a problem for female applicants. Almost all male candidates pass; comparatively few women do. The RUC claims that the tests are based on scientific assessments of the required capabilities of police officers. HM Inspector of Constabulary thought that the two elements failed by many women, the grip and grapple tests, represent a minute proportion of the vast range of skills and abilities needed by a constable. Whilst it is acceptable for there to be minimum standards of health care for police officers, artificial limits on age, height and physical capabilities are less relevant to the needs of a police officer today than a requirement for a good standard of health and enhanced intellectual capabilities. Too much emphasis on physical strength encourages old fashioned perceptions that what is required are recruits who can match physical strength with law breakers (or those involved in public order problems)...The RUC should consider whether too much weighting is given to the physical competency tests.

Patten Report and Women, September 1999²³

Patten made no recommendation in relation to achieving an equal number of men and women in the police service. The report concluded that European legislation ruled out such a proposal 'in respect of recruitment of women'. During the period the Patten Commission was collecting evidence, the Equal Opportunities Commission advocated a gender quota to be included, but this was disregarded.²⁴ Patten did, however, recommend that the staff composition of organisations and bodies responsible for policing should be representative of gender. Recommendation 112 stated:

Every effort should be made to ensure that the composition of the staff of the Policing Board, and the NIO Police Division (or any successor body) and the Office of the Police Ombudsman should be broadly reflective of the population of NI as a whole, particularly in terms of political /religious tradition and gender.

It is significant that Patten did not specifically recommend that the body responsible for policing in Northern Ireland – the Policing Board - should be representative in

²³ Patten Report (1999) The Report of the Independent Commission on Policing for Northern Ireland.

²⁴ This has been testified to by Evelyn Collins and Joan Smyth, former Chief Executive and Chair respectively of the former Equal Opportunities Commission.

terms of gender, only that it should be representative of the community as a whole. Recommendation 17 stated:

The nine independent members of the Board should be selected from a range of different fields – including business, trade unions, voluntary organisations, community groups and the legal profession – with the aim of finding a group of individuals *representative of the community as a whole ...*(Italics added)

The Patten Report also recommended that the civilian workforce should be representative of the community. Recommendation 111 stated:

The Northern Ireland Civil Service Management should facilitate transfer of civilian members of the police service to other Northern Ireland departments and should co-operate with the Policing Board and the Chief Constable in achieving *a balanced and representative civilian workforce* (Italics added).

Of the 175 recommendations made by Patten regarding revisions to policing strategies, including policing with the community, public order policing, human rights and accountability, there were two other recommendations which related to gender. Recommendation 122 stated that:

Priority should be given to creating opportunities for part time working and job sharing together with the introduction of career breaks.

The other concerned the provision of child care arrangements. Recommendation 123 stated:

Childcare facilities should be introduced where applicable or child care vouchers and flexible shift arrangements offered.

The Police Service of Northern Ireland

The new police service came into existence on 4 November 2001. At that time it had a total of around 13,600 staff, including both police and civilian support. The Police Act (NI), 2000, constituting the PSNI, contains two relevant clauses. Sect 46(1) of the Police (NI) Act 2000 allows for 50/50 Catholic/Protestant quotas in recruitment. Sect 48 makes provision for a gender action plan for increasing female representation in the police, in police support staff and in the staff of the Policing Board. Attention has largely remained focused on the Catholic/Protestant ratio. For example, a question to the Northern Ireland Office by the Women's Coalition extracted the information that 184 (33%) of applicants who made it to the merit pool were women. However, the Coalition were told that 'Under section 46 of the Police Act, appointments will be made on a 50% Catholic, 50% non-Catholic basis. The Chief Constable hopes to appoint the maximum number given the composition of the pool.' No mention was made of his intentions regarding women.²⁵

There is evidence that the first recruitment processes was biased against women. During Competition One 7518 applications were received, 40.9% were from women.

²⁵ Information from Chris McCartney, press officer NIWC, 13 November 2001.

However, of the 602 who succeeded in being selected for the merit pool only 34 per cent women, which strongly suggests that some part of the procedure strongly favoured men who formed some 59.1 per cent of the initial applications but formed 66 per cent of the merit pool.²⁶ No figures are publicly available on the outcome of more recent competitions.

The gender composition of the PSNI²⁷

In 2002, the first year after its formation in November 2001, there were 7227 regular officers in the PSNI. Notwithstanding the ceasefires and a significant improvement in the security situation, the numbers increased to 7492 in 2006 – a rise of 3.7% over the period (see Table 2.3)

Table 2.3: The composition of regular officers in the PSNI 2002 to 2006.

2002	13.0% women	8.9% Catholic
2003	14.8% women	11.7% Catholic.
2004	16.5% women	14.0% Catholic
2005	18.5% women	17.0% Catholic
2006	20.1% women	19.0% Catholic

There were a further 3244 full and part time officers in the Reserve in 2002. This number was reduced to 1870 in 2006. While the proportion of Catholics declined slightly from 6.4% to 5.8% the proportion of women in the Reserve increased from 17.4% to 22%. In addition, the PSNI is supported by a large civilian staff. This numbered 1974 in 2002 but declined to 1406 by 2006. Over two-thirds of the staff are women and this figures has remained constant notwithstanding the decline in the numbers of support staff.

In the period between 2002 and 2006 the proportion of women working in the PSNI, Police Reserve and the civilian support staff has risen from 23.5% to 27.2%. At this rate of increase it would take until 2038 for the total police establishment to reflect the gender composition of Northern Ireland society.

Seniority of women in PSNI June 2006

Head of Media – Sinead McSweeney (senior post).

Assistant Chief Constable, Criminal Justice – Judith Gillespie (+ 5 male ACC).

1 chief superintendent – Julie Lindsay, North Belfast (28 male).

3 superintendents are women – 75 male.

5 chief inspectors are women – 110 men.

An assessment in 2004 of PSNI performance by the HM Inspector of Constabulary has pointed to internal problems as the numbers of women within the service increase. While female recruits went up to 34% by May 2004, Williams concluded that ‘With higher levels of female recruitment taking place, evidence is now starting to emerge

²⁶ Oversight Commission Report Number 5, p. 92.

²⁷ Figures on composition were supplied by the Policing Board.

of isolated sexist attitudes and instances of discrimination. The service is beginning to respond to these.²⁸

PSNI Gender Action Plan²⁹

In November 2003 the police service established a Working Party to prepare and submit a Gender Action Plan. It was chaired by Chief Superintendent Maggie Hunter. The report concluded that if the trend in female recruitment of full time officers continued, women could form over 26% of the force by 2010. The published report was disappointing both in terms of analysis and action. The report was structured around recruitment, deployment, specialisms, promotion, retention, sick absence, restricted duties, and networking. It contained no systematic analysis of police culture or police values and the ways that they might be alienating to women. There was no detailed analysis of the macho, canteen culture. In one place it noted the anecdote that female officers were locked in police landrovers during public order situations for their own protection by male officers. It then added vaguely that ‘Attitudes and behaviour, irrespective of who articulates them must be challenged and changed’.³⁰ But it does not say how. Similarly, there was no analysis of the emphasis on physicality and strength and how these values may be privileged in a range of tests and courses apart from recording that since the removal of the physical competency test in recruitment the level of female recruits has risen significantly. There is also no analysis of the structures, working practices or facilities and how they might have a differential impact on women.³¹ However, it was recognised that there was a need for a more flexible and variable work patterns. The publish report made 34 recommendations but no target dates, clear lines of responsibility and resource implications were noted. However, according to the Oversight Commissioner these were noted.³² One can only assume that there was also an internal report.

Progress on implementing the Patten recommendations on creating a culture which would be more welcoming to women has been slow. The Oversight Commissioner in his thirteenth latest report noted that there had been ‘limited progress’ on creating opportunities for part-time working and job-sharing.³³ He stated bluntly that the PSNI had provided ‘no evidence indicating progress with the implementation of this recommendations’.³⁴ As regards child care, he noted that the Gender Action Plan did not specifically address the issue and that ‘As at April 2005, the police service finds no basis upon which to construct a business case to progress child care arrangement’.³⁵ The recommendation, however, had been subject to a number of pieces of research since 1999 – a classic method of delaying taking any action.

In his sixteenth report he noted that there had been a number of inquiries about the introduction of a child care programme and that it was now being reviewed as part of the Gender Action Plan. It was considering the possibility of introducing a complex

²⁸ Ken Williams, *Report of HM Inspectorate of Constabulary*, 2004.

²⁹ PSNI Gender Action Plan: ‘Dismantling Barriers to Reflect the Community We Serve’, September 2004.

³⁰ *Ibid.* p. 8.

³¹ See: M. O’Rawe and L. Moore (1997) *Human Rights on Duty*, Belfast: CAJ pp. 24-26.

³² Oversight Commission, Report No. 15, p. 82.

³³ Oversight Commissioner Report No. 13, p. 117.

³⁴ *Ibid.*, p. 117.

³⁵ *Ibid.* p. 118.

self-funding scheme. This would be based on a combination of non-taxable vouchers and insurance savings. The Oversight Commissioner concluded that “The strategic and increasingly practical issue of ‘family friendly’ human resources policies remains an issue’.³⁶

The Policing Board

One recommendation of the Patten Commission was the creation of the NI Policing Board to replace the Police Authority for NI. The Policing Board is intended to be independent of government and the police and consists of 19 members, 10 of whom are members of the NI Assembly, appointed according to the proportion of seats their parties hold in the Assembly. The remaining nine members are intended to be independent and are appointed by the Secretary of State for Northern Ireland.

Patten recommended that the ‘nine independent members be selected from a range of different fields – including business, trade unions, voluntary organisations, community groups and the legal profession – with the aim of finding a group of individuals representative of the community as a whole, with the expertise both to set policing priorities and to probe and scrutinise different areas of police performance, from management of resources to the safeguarding of human rights.’³⁷

The Police Act 2000 requires that the Secretary of State, who has responsibility for appointing the independent members of the Board, shall secure ‘that as far as practicable, the membership of the Board is representative of the community in Northern Ireland.’³⁸ The Police Act also requires the Policing Board to make a plan for monitoring and increasing the number of female police officers.³⁹ The Commission for the Administration of Justice, in a commentary on the Policing Board, concluded that the composition of the first Board did not meet these requirements for a number of reasons. With regards to female representation ‘only two out of the nineteen Board members are female, an under-representation that cannot be explained through lack of qualified female applicants.’ Their report concluded that the Board’s composition ‘sets an unhelpful example for the PSNI and the Policing Board members themselves, who are responsible for appointing the independent members of the District Policing Partnerships and assessing measures taken to secure a representative Police Service.’⁴⁰ Both women on the initial Policing Board were independent members appointed by the Secretary of State. The political parties did not nominate any women to the Board. An indication of the lack of awareness of gender issues can be seen in the gender-blind attitude of Jane Kennedy, then Security Minister within the Northern Ireland Office, who wrote a letter to the *Irish Times* to the effect that the appointment of the non-political members of the board after the political nominees were known has ‘produced a well-balanced board, which was not only a statutory requirement but is a vital element in fostering broad

³⁶ Oversight Commissioner, Report, No. 15, p.82.

³⁷ Patten Recommendation 17.

³⁸ Police Act (NI) 2000, 8(1) of Schedule 1.

³⁹ Ibid. 48(1).

⁴⁰ Commission for the Administration of Justice, *Commentary on the Northern Ireland Policing Board*, November 2003

community confidence in the new beginning for policing', ignoring the under-representation of women.⁴¹

The NIO responded to the criticism made of this gender composition. The Policing Board appointed by NI Secretary of State in April 2006 had a total of six women - four independents and two political nominees for the DUP and the SDLP – together with thirteen men.

District Policing Partnerships

The Patten Commission recommended that District Policing Partnership Boards, made up of political and independent members, be formed in each District Council area for the purpose of advising the police of local community concerns and priorities. Patten also stated that, taken as a whole, they should be broadly representative of the district in terms of religion, gender, age and cultural background. The name was changed to District Policing Partnerships (DPPS). The District Councils appoint the political members and the Chair and Deputy Chair and the Policing Board appoints the independent members from among the persons nominated by the District Councils. The NIO Code⁴² stated that 'the Independent Members appointed, together with the Elected Members, would constitute in each of Northern Ireland's 26 District Council areas a District Policing partnership composed of capable individuals who would reflect, as far as reasonably possible, the community they were chosen to serve.'

The gender and community background obtained in the DPPS have been one of the most successful recruitment processes in institutions arising out of the Agreement. That this occurred is due to the Policing Board, which developed a Code of Practice and appointments procedure for the appointment of more than 200 members to DPPS across NI. The selection panels used census data to ensure that the independent DPP member appointments were representative and that the selection panels themselves were representative and made up of political and independent members, with independent Selection Panel members and impartial assessors. The report of PricewaterhouseCoopers, who were engaged as recruiters, explained the process. 4,650 enquiries led to 1,511 accepted applications. At that stage no attempt was made to strike a balance in terms of community, gender etc backgrounds. Only the merit principle was used. 739 out of the 792 applicants interviewed were judged suitable on merit for appointment.

The report of the independent assessors concluded that the appointment process was 'fair, robust, open and transparent.'⁴³ 127 out of the 207 independent DPP members that the Board appointed were women. Thus 61% of independent members were women. The report made the point that DPP appointments process was carried out under GB Code for Public Appointments as policing is a reserved matter. An appointments panel, comprising of three members of the Policing Board, including elected and independent members and an Independent Panel Member who had not participated in the procedures so far, together with an Impartial Assessor in the role of

⁴¹ *Irish Times*, Tuesday 9 October 2001.

⁴² Northern Ireland Office, Code for DPPs, paragraphs 2 and 3.

⁴³ Judith Eve, John Keanie, Patricia Weir, Northern Ireland DPPS: appointment of independent members, *Report of Impartial Assessors*, 2003.

observer, then considered who to select. They were given s75 details of each application, but not names. They had information regarding the Elected Members already appointed in terms of community background, gender and age and analysis of the required mix of independent members needed to achieve a balance on DPP reflective of District Council profile in terms of community background, gender and age. The conclusion of the Assessors was that ‘the difficult task of ensuring “balanced membership” that would be truly representative of the District Council area they would serve was tackled with great commitment by the panels.’⁴⁴ There was a clear commitment to obtain as wide a pool as possible. The recruiters monitored the data to check the level of response from certain areas and target groups. Where a low level of response was identified before the closing date, action was agreed with the Policing Board, so that there were further leaflet drops in specific rural areas, the TV voiceover was changed from a male to female voice and there were further local radio advertisements. This example demonstrates what can be achieved if there is political will to create change that lives up to the spirit of the Agreement. However, as the political parties nominated few women as their representatives, an overall gender balance within DPPS was not achieved.

There has been considerable intimidation of DPP members, particularly from dissident republican groups. Despite this, the DPPS are generally judged to be successful in their work of monitoring police activity and providing a bridge between the police and the public.⁴⁵ However, while they have been effective as an oversight body, there is concern that the Patten vision of the DPPS developing a partnership body with the police, able to identify local priorities and to have a budget to act upon those issues, has not yet been realised. The evidence arising out of testimony from DPP members at the CAJ launch of their study on DPPS is that the NIO appears to favour Community Safety Partnerships, which are under their control, to the more community-oriented approach of the DPPS.

A new recruitment round of DPPS took place in 2005. While the proportion of women remains high, evidence from some serving independent women is that a proportion of outspoken independents were not reappointed. Instead, political parties nominated women from within their ranks to the independent panel, thereby maintaining political control within the DPPS. In the first DPPS, chairs and vice-chairs had to be selected from the political members. From 2005 vice-chairs could come from the independents.

District Policing Partnerships 2005-2009

The membership of DPPS was renewed in 2005. The gender breakdown was as follows:

Independent Members	Political Members
129 women 86 men	44 women 195 men

Again there was an over-representation of women among independent members with some 60% women appointed but a severe under-representation of women among political appointees (18%). Overall, a gender balance was again not achieved with

⁴⁴ Ibid. 2.11.

⁴⁵ CAJ, *Commentary on District Policing Partnerships*, May 2005.

only 38% of DPPS members being women. In addition, only 3 of the 16 chairs are held by women. However, they hold 21 of the 26 Vice Chairs.

Police Ombudsman

An academic lawyer, Nuala O'Loan was appointed on 6 November 2000 to a seven year term of office. Her remit covers the PSNI and four other minor policing services. On appointment she led a Project Team which secured premises, recruited and trained staff, developed transitional processes from the old to the new, consulted with the public and police and their needs of the system and agreed a financial structure. Two out of seven in her senior team are women – responsible for corporate services and legal services. In 2004 her office was listed as having 122 staff: 59% male and 41% female, but no information was provided regarding seniority levels.⁴⁶

The vision statement of the Police Ombudsman is 'To strive for excellence in providing an independent and impartial police complaints service in which the public and police have confidence.'⁴⁷ The web site for the Ombudsman's office provides detailed statistical information regarding complaints made against the police in each district, broken down into types of offence and providing gender and community background statistics of complainants. However, there is no gender breakdown regarding the perpetrator of offences.

Oversight Commissioner for Policing

Tom Constantine was appointed as Commissioner in 2000 and replaced by Al Hutchinson in 2004. The Commissioner and his staff visit police stations, hold meetings with political and public representatives and issue periodic reports. Up until June 2006 they had issued sixteen reports which have noted the progress made in implementing each of the 171 recommendations of the Patten Commission.⁴⁸ How far the all-male nature of the team has had an impact on the lack of implementation of some of the key Patten recommendations as regards to women can only be guessed at, but it is perhaps significant that of all the recommendations only four are listed as having made 'minimal progress' and child care is one of the four. In addition, despite recommendation 17 that the Policing Board should be representative of the 'community as a whole', the Oversight Commissioner reported that 'compliance has been achieved', despite the fact that on the first Policing Board women form only 2 out of 19 appointments.⁴⁹ It is also hard to imagine that if women had been members of his team they would not have spotted the differential under-selection of women in Competition One and made some comment.⁵⁰

Judicial Appointments Commissioner

The Good Friday Agreement provided for 'a wide-ranging review of criminal justice (other than policing and emergency legislation)'. As a result, a Review Group was set

⁴⁶ Police Ombudsman, *Annual Report*, April 2003-March 2004.

⁴⁷ Website of the Police Ombudsman, www.policeombudsman.org

⁴⁸ See www.oversightcommissioner.org

⁴⁹ Oversight Commissioner, Report 13, p. 26.

⁵⁰ Oversight Commissioner Report No. 4 p. 85-86.

up to examine the existing criminal justice system and to bring forward proposals for future criminal justice arrangements.

The Review Group's terms of reference included, amongst others, 'The arrangements for making appointments to the judiciary and magistracy and safeguards for protecting their independence.' John Simpson was appointed Commissioner for Judicial Appointments for Northern Ireland in December 2001, his role to oversee and monitor the fairness of the existing appointments system until the establishment of a Judicial Appointments Commission. He is independent of the judicial system and government. The appointment is part-time. Although there was no specific mention of women or gender in the terms of reference, the unequal representation of women within the appointment system has featured in his reports, which have recommended a number of reforms of the appointment process, such as interview processes not discriminating against women and criteria for judicial appointments to include knowledge of social, cultural and gender issues. While affirmative action was 'not, at present, justified', it could be considered after other changes have been implemented.⁵¹

Audits have been conducted with respect to resident magistrates, county court judges and high court judges:

7 out of 10 of those involved in the criminal justice system are male. 87% county court judges are male. There are no female high court judges.⁵²

The Report of the Review of the Criminal Justice System in Northern Ireland was published in March 2000. It made recommendations with regard to the independence of judicial appointments, 'length of time in active practice' being the current key consideration, with adverse consequences for women. While that has changed to the period of time a person has qualified rather than worked as a barrister or solicitor, no special measures have been contemplated. A gender neutral merit principle was reaffirmed, without examination of its inherently discriminatory presumptions. The Review concluded that while the objective was 'to secure the development of a judiciary that is reflective of Northern Ireland society, in particular by community background and gender, as can be achieved with the overriding requirement of merit.'⁵³

In June 2005 research from the University of Ulster was published analysing women in judicial posts and senior barristers. It concluded that the number of women in top posts is considerably smaller than England and Wales and even worse when compared with other countries:

- 18% of women hold legal office compared with 24.9% in England and Wales.
- 166 women holders of judicial office, ranging from county court judges to chairs of tribunals.
- 9 women and 30 men in county courts.

⁵¹ Judicial Appointments Commissioner, *Annual Report*, 2003, quoted in Barbara O'Shea, *Women and the Implementation of the Good Friday/Belfast Agreement*, Transitional Justice Institute Working Report, University of Ulster, May 2005, pp. 62-3.

⁵² NISRA, *Gender and the NI Criminal Justice System*, 2002.

⁵³ *Criminal Justice Review*, para. 6.84 and 6.85.

- 3 female full-time and 15 male Resident Magistrates.
- 5 female and 13 male deputy Resident Magistrates.⁵⁴

A new office of lay magistrate was recommended by the Northern Ireland Criminal Justice Review to foster stronger links between the courts and the community. In May 2004 a recruiting drive was launched for 300 magistrates. Unlike the situation in England and Wales, the lay magistrates are to be given ‘sitting allowances’ for their work. The Department for Constitutional Affairs responded to criticism over this discrepancy in practice by explaining ‘It is of paramount importance that recruitment and selection of lay magistrates is seen to be within the grasp of all sections of society and socio-economic groups, therefore inclusiveness and community “buy in” to the justice system in Northern Ireland are vital elements that need to be secured.’⁵⁵

Lay magistrates

There is a slight over-representation of women and a slight under-representation of Roman Catholics in the Lay Magistracy (See Table 2.4)

Table 2.4 Community and Gender of Lay Magistrates in Northern Ireland.

		%Northern Ireland	% Lay Magistracy
Community Background	Protestant	53	55
	Roman Catholic	44	38
Gender	Male	49	46
	Female	51	54

Judicial Appointments Commission

This was established on the 15 June 2005. It is chaired by the Lord Chief Justice, Sir Brian Kerr and is made up of 13 members, 8 of whom are men and 5 women. It is an independent body and is tasked with establishing a new system for the appointment of members of the judiciary, tribunals and other legal bodies.

Oversight Commissioner for Criminal Justice Review

The Rt Hon the Lord Clyde was appointed on 18 June 2003 with a remit to provide an independent scrutiny of changes in the criminal justice system as recommended in report by Criminal Justice Review Group. He is required to report to the Secretary of State, Lord Chancellor and the Attorney-General every six months. His first report was published in January 2004.

Criminal Justice Inspectorate

Chief Commissioner of the Inspectorate is Kit Chivers. This is a non-departmental public body with recruitment through open competition on the merit principle in

⁵⁴ Dermot Feenan, *Women lawyer’s role in the spotlight*, BBC News, 22 June, 2005.

⁵⁵ http://www.magistrates-association.org.uk/whats_new/2005_assoc_news/may_2005.htm#pro

August 2003. The Commissioner currently reports to the Secretary of State but under a devolved government this would transfer to the Minister with responsibility for criminal justice. The mission of the Inspectorate is to improve public confidence in the criminal justice system through assisting criminal justice agencies in NI to become more efficient and effective and by ensuring that in all their policies and operations they are even-handed in their treatment of the two main communities. Areas of responsibility include the PSNI, the DPPs, the Probation Board, Prison Service, Health and Social Services Boards and Trusts, Child Support Agency, Department of the Environment, Harbour Commissioners, International Airport etc. In 2004 and 2005 it had 10 staff of whom 30% were women.

The Prison Service of Northern Ireland

In 1998 the prison service was overwhelming male with only 9% of prison officers female. In 2005 the proportion of women officers had increased to 17%. Within the service grades, two-thirds are women.

Public Order and the Parades Commission

Marches and parades that enter the territory of nationalist or unionist communities are contested areas in Northern Ireland. In 1996, following disputes over the Orange Order parading through a nationalist area in Portadown in order to reach a church in Drumcree, the government set up a review under Sir Peter North, together with Fr Oliver Crilly and Rev John Dunlop, to examine the issue of disputed marches and parades. The Independent Review of Parades and Marches (the North Report) was published in January 1997. Its key recommendation was the setting up of a Parades Commission to facilitate mediation and to determine contested parades, basing its criteria on wider criteria than public order alone, including the 'wider impact of the parade on relationships within the community'. It recommended the setting up of a commission, consisting of 5 people: a chair and four other members, all of whom were to be appointed by the Secretary of State, for renewable terms of up to three years. The Parades Commission, an independent, quasi-judicial body, under the chairmanship of Alistair Graham, came into operation in March 1997, but its effectiveness was limited because of lack of statutory power. The other members of the Commission were Frank Guckian, David Hewitt, Rev. Roy Magee, Berna McIvor. Ms McIvor served from 1997-98. These appointments were made by Patrick Mayhew, the Secretary of State for Northern Ireland in a Conservative government.

In May 1997 the Labour Party became the party of government for the United Kingdom. In the autumn of 1997 the Government introduced the Public Processions (Northern Ireland) Bill. The Parades Commission, with many of the powers suggested by North, came into effect in February 1998. Ms McIvor 'did not wish to be reappointed to the new Commission', said the new Secretary of State, Mo Mowlam, in announcing the new membership, but she 'had made a very valuable contribution to its work in its difficult formative months.'

On 24 February 1998 Mowlam announced membership of the new Parades Commission. Alistair Graham was re-appointed as Chair. She re-appointed two of the original members of the Commission, Frank Guckian and David Hewitt and appointed

four new members, Glenn Barr, Tommy Cheevers, Rose-Anne McCormick and Aiden Canavan. There were now six men and one woman. Rose-Anne McCormick was a Catholic barrister who served on the Police Authority for NI from 1991-1997. She was not reappointed or given an extension to her term on the Commission after it expired in 2000.

In June 1998 Dr Barbara Erwin was appointed to the Commission when two male members of the unionist community resigned. She was a senior lecturer at Stranmillis College, involved in Education for Mutual Understanding, a school's programme designed to help pupils to appreciate the culture of the 'other' community. Irwin was also vice-chair of the Women's Forum and a former member of the Planning Service Ministerial Advisory Board. She did not have her term extended.

The lack of gender parity within the Commission was raised at a hearing of the Select Committee on Northern Ireland in a memorandum submitted by the Equality Commission for Northern Ireland:

One of our priorities is to use our influence to ensure that membership of public bodies is representative of the community in Northern Ireland. In this context, in March this year we made representations to the Secretary of State concerning appointments to the Parades Commission. We were very concerned that no women had been appointed to this body.

In our view, it is particularly important that high profile bodies such as the Parades Commission, which deals in matters of the utmost sensitivity and political importance, is truly representative of the community. Further, we believe that where no women are represented on a body such as this, there is a very real danger that a message is put out that perpetuates the stereotype of women not being suited to the "hard" issues.

The Northern Ireland Affairs Committee may wish to give this matter consideration during its Inquiry. If the Committee would like me to provide any further written evidence on this matter, I would be happy to do so.⁵⁶

An Appendix submitted by William Thompson MP to the Select Committee provided detailed evidence on the changes in the composition of the Commission, and included details of a judicial review undertaken in 2000 regarding the gender imbalance within the commission:

44. The leadership of the 1997 and 2000 Commissions (as they may be described) may be contrasted as a shift from an industrial relations to a more legal approach. As for the other six members, David Hewitt (a solicitor) and Frank Guckian were appointed in 1997. Rose Anne McCormick (a barrister) and Aidan Canavan (a solicitor) joined them in 1998, as did Barbara Erwin and Bill Martin. The six

⁵⁶ Select Committee on Northern Ireland, Appendices to Minutes of Evidence, session 2000-1, Appendix 12. (20 December 2000).

members appointed in February 2000 (apparently two places remain to be filled) are: John Cousins; Rev Roy Magee (who had been a member in 1997, but resigned along with Glen Barr—leaving loyalists without a voice); Bill Martin (reappointed); Peter Osborne, Sir John Pringle (a retired high court judge, and former deputy chairman of the Boundary Commission); and Peter Quinn, belatedly appointed (see below). The number of practising lawyers—not including Sir John Pringle—is less. Rev Roy Magee and Peter Quinn were facilitators in Drumcree talks in 1998 and 1999.

45. The appointment of the 2000 Commission by the NIO was the subject of a judicial review by a Garvaghy Road resident, Evelyn White (represented by Barry Macdonald). The positions had been advertised in early October 1999, less the chairman's. The applicant in this judicial review application objected to the absence of women on the new Parades Commission (though the question of Catholics and nationalists was also aired). The Secretary of State (represented by Ronald Wetherup QC) argued that, while he had intended to appoint a woman, it had not been practical. The application was heard by Carswell LCJ and dismissed, a written judgment being handed down on 18 May 2000. He construed the requirement, that membership "as far as is practicable...[should be] representative of the community", as referring to sectarian balance. The case was noted for the Court's refusal to allow the NIHR to intervene in support of the applicant, Carswell LCJ, in rejecting also its written submissions, expressing the hope that any such future contributions would be relevant.

62. A Catholic woman had been offered a position, which was due to be announced on 7 February 2000. On 4 February 2000, she pulled out. The commission would have comprised four Protestant men, one Catholic man and one Catholic woman. The Secretary of State filled her position with Peter Quinn, who was directly approached. The commissioner for public appointments approved the proposed commission.⁵⁷

It is significant to note that the phrase 'representative of the community' was judged to refer to religion alone. The lack of any women in the High Court ensures that such gender blindness is unlikely to be challenged.

In terms of those working for the Commission, there were 7 women and 20 men registered as monitors for parades, recruited through open recruitment procedures. The Parades Commission also funds a team of Authorised Officers who work on the ground throughout Northern Ireland, normally in teams of two. In 2003 there were two female and twelve male Authorised Officers, who are self-employed and on contract to provide services to the Commission covering a variety of tasks in their designated geographic areas. They are paid £10,000 per annum for 100 days work. The Authorised Officers act as important resource enabling the Commission to promote and facilitate mediation. Their job is to understand the issues and concerns raised by the various interest groups in relation to any parade and to seek to find ways towards a local consensus or mediated accommodation about parades at a local level. While it has been stated in training that the ideal pairing of monitors and Authorised

⁵⁷ Select Committee on Northern Ireland, Appendices to Minutes of Evidence, session 2000-1, Appendix 14.

Officers would be male/female, protestant/catholic, this has often not been possible given the numerical balance of recruits.⁵⁸

In November 2001 Sir George Quigley was appointed by government to consider the future of the Parades Commission. Quigley recommended in his review that future appointments be 'reflective of gender, geography and community background'. Other recommendations made by Quigley gave the police a stronger role in adjudicating over parades. The report was not implemented.

In January 2006, Secretary of State Peter Hain appointed three women and four men to a new Parades Commission. Anne Monaghan, a former election candidate for the Women's Coalition and member of Belfast DPP; Vilma Patterson, a member of the Independent Monitoring Board for HMP Maghaberry and Alison Scott-McKinley, Independent DPP member 2002-2005 and appointed Lay Magistrate in 2005.

Criminal Justice post Agreement

As has been noted, the Belfast Agreement led to the creation to a number of new criminal justice agencies as well as profound changes in a number of existing organisations. The gender breakdown has been provided where available for each institution discussed above.

Graph 2.1: Gender breakdown of personnel in criminal justice agencies in Northern Ireland 1998 to 2005



Graph 2.1 below provides a gender breakdown for most of the criminal justice agencies. The following agencies have been included: NIO Core staff, Parades Commission and the Community Safety Unit, District Policing Partnerships, the Policing Board, the Independent Monitoring Commission, the Criminal Justice Inspectorate, the Youth Justice Agency, Criminal Justice Directorate, the Sentence Review and Life Sentence Review and Remission Commissions, Forensic Science NI,

⁵⁸ Information kindly supplied by Michael Hamilton, School of Law, University of Ulster.

Public Prosecution Service and the Criminal Injuries Compensation Appeals Panel, The Judicial Appointments Commission and the Police Ombudsmen Office. The PSNI and the NI Prison service have not been included because of their size.

The graph shows the considerable expansion in the criminal justice system following the Agreement. The number of personnel has more than doubled in the period and both men and women have benefited equally in terms of the numbers employed. Overall, more women (55%) are employed in these agencies than men (45%).

3. Economic and Social Background

Employment

There were 815,000 jobs (employees and self-employed) in Northern Ireland in 2006 - an 18% increase from 1997. Part-time jobs increased at a faster rate than full-time jobs and some 40% of the increase occurred in part-time work, with female part-time jobs accounting for a quarter of the total increase. In 1997 women formed 46% of all employees and self-employed and this remained the proportion in 2006. Whereas fewer than 20% of male jobs are part-time, nearly 50% of all female jobs are part-time.⁵⁹ If only employees are considered, in autumn 2005 35% of female employees worked part-time compared with 7% of male employees. In other words, women were approximately five times more likely to be in part-time employment than men and this figure has not changed since 1998.

Women are still less likely to be employed than men. This situation has not changed since the Agreement was signed. In 1999 the employment rate of women of working age was 61.4%. In the autumn of 2005 the rate was 63.7%. The employment rate for men was 72.2% in 1999 and 74.3 in the autumn of 2005. At the same time, it was estimated that 13,000 women were unemployed – an unemployment rate of 3.7%. The male unemployment rate was 5.7% - some 2% above the female unemployment rate.⁶⁰

There are differences in the types of work carried out by men and women. Women predominate in personal service, administrative, secretarial and sales jobs, whilst men predominate in skilled trades and as process, plant and machine operatives. Professional jobs and associate professional and technical jobs are divided equally between men and women.⁶¹ As the traditional manufacturing base of Northern Ireland continues to decline, women workers in areas such as the textile industry are suffering a disproportionate decline within manufacturing. The new employment opportunities are largely within the service sector. Of all the women employed in 1999, 88.5% were in the service industries. This figure rose to 91% (96% for part-time and 88% for full-time) in the autumn of 2005. This compares with 63% of male employees. The majority of employees (55%) in the public administration, education and health services sectors are female compared with 27% of men. Only 10% of female full-employers work in the manufacturing sector compared with 27% of males.

⁵⁹ Peter Kenway et al (2006) Monitoring Poverty and Social Exclusion in Northern Ireland 2006, JRF, Table 11B.

⁶⁰ DETI (2006) Women in Northern Ireland, February 2006, p. 1.

⁶¹ Ibid. Table 11B.

There are also significant differences in the employment patterns in administrative and secretarial occupations. Some 23% of women in employment are in these positions compared with 65% of men. Moreover, women continue to be under-represented in senior management. While women occupied over 54% of all non-industrial staff in the Northern Ireland Civil Service in 2002, they formed only 16% of posts in the Senior Civil Service.⁶² Overall, 7% of working women are managers and/or senior officials compared with 9% of men.⁶³

Northern Ireland has the highest proportion of full-time employees earning less than £6.50 an hour than any other region of the UK. In contrast it has the lowest proportion of low-paid part-time employees. Of all those who are on low pay, women constitute 59% and men 41% of the total. Women in Northern Ireland are more likely to experience poverty than men. 57% of adults in poor households are women and 29% of women as compared with 25% of men live in poor households.⁶⁴

In relation to pay rates overall, throughout the income distribution men earn more than women. The median gross weekly wage for full-time females in April 2005 was £355.8 while for full-time males the figure was £409.50 – some £53 more. However, pay inequalities between men and women has been steadily declining since 1998. At the top end of the income scale, female pay has gone from 85% of male pay in 1998 to 93% in 2005.⁶⁵ However, the amount of the pay gap varies considerably between occupations. For example, the gender differential in education, health and social work in 2000 stood at £333.80 per week for women compared with £453.80. In 2003 this differential had reduced to £60. The greatest differentials exist at the highest level of occupation, that of managers and senior officials, where women continue to earn over £200 less per week than men.⁶⁶ Average earnings for male graduates are 15% more than for female graduates.⁶⁷ Gender differentials for those in part-time employment have almost disappeared, largely due to the introduction of the National Minimum Wage in 1999. The introduction of the Working Families Tax Credit and Childcare Tax Credit helps those in low-paid work, but it only helps those who use formal childcare.

The gender pay gap in Northern Ireland is lower than that for the rest of the UK. In 2005 female earnings in Northern Ireland were 96% of male earnings compared with 87% for the UK. But as the GMB General Union has stated ‘this is not a reflection of high women’s pay. Instead it highlights the exceptionally low pay of men in these areas.’⁶⁸ In March 2003 the Equality Commission for NI established, in partnership with Business in the Community’s Opportunity Now Campaign, an Equal Pay Forum for Northern Ireland, aiming at bringing together local employers, trade unions and employer bodies to tackle the issue of equal pay and work towards the elimination of the gender pay gap. The ECNI has made a number of recommendations in its submission to the CEDAW review, including an extension of the right to request

⁶² OFMDFM, *Gender Matters: towards a cross-departmental strategic framework to promote gender equality for women and men 2005-2015*, 2004, p.73.

⁶³ DETI (2006) *Women in Northern Ireland*, February 2006, p. 9.

⁶⁴ Paddy Hillyard, et. al., *Bare Necessities*, Democratic Dialogue, 2003.

⁶⁵ *Ibid.* Table 13A and 13B.

⁶⁶ DETI (2006) *Women in Northern Ireland*, February 2006, p. 12

⁶⁷ NI Labour Market Bulletin, November 2002.

⁶⁸ Press release, GMB, 19 January 2004, www.gmb.org.uk/press_office/index.asp

flexible working to all parents of children of compulsory school age; an immediate increase in the number of childcare places; the elimination of the full time equal pay gap through development of legislation and that the Single Equality Act includes changes to the Equal Pay legislation.⁶⁹

Childcare

While there has been some improvement in childcare provision, 90% of public sector employers and 96% of private sector employers did not provide assistance in 2002.⁷⁰ There has been a Pre-School Education Expansion Programme and the Executive's Draft Programme for Government stated that by 2000/03 there would be provision of one year of pre-school education for every child. However, the Equality Commission has found that Northern Ireland has one of the lowest provisions of childcare across Europe.

In 2005 there were 41,032 day-care places for children under twelve in Northern Ireland, a rise of 15% since 1995. There were a further 9,197 day nursery places. The number of day nursery places per 1,000 children aged 0-4 in June 2004 was estimated at 84.3 compared with 181.3 in England. There were also some 18,065 places with registered childminders – an increase of 9% since 1995.⁷¹ The Deputy Children's Commissioner for Northern Ireland has calculated the disproportion in support for children in Northern Ireland compared to Great Britain to be £121 spent per head on childcare in Britain and £22 in Northern Ireland.⁷² Research undertaken by Breitenbach and Galligan on childcare in Northern Ireland also concluded that 'it is evident that attitudes towards mothers of young children working are less supportive than elsewhere in GB, and at the same time childcare provision is poorer and participation in the labour market lower, but it is not clear in which ways these factors influence each other.'⁷³ Formal childcare is used by 47% of all families with children under twelve, but within the formal childcare categories, childminders are much more likely to be used by lower earning mothers and day nurseries are more likely to be used by mothers in professional and managerial occupations. Lone parents are more dependent on formal provision to enable them to take up employment, but less likely to be able to afford this. Formal childcare is used by 42% of working lone parents, but 43% of lone parent households are not in paid employment.⁷⁴ The paucity and expense of childcare provision contributes to the high levels of female part-time employees. 84% of part-time employees in Northern Ireland are women, compared with 81% in GB and the number of female part-time employees has risen by 64% since 1984. Government moves to encourage family-friendly work practices have yet to make a significant difference.

Childcare provision varies considerably across Northern Ireland. There are 380 places per 1,000 children under five in South and East Belfast to fewer than 70 places in

⁶⁹ ECNI, Submission to UN CEDAW, op.cit. pp.31-2.

⁷⁰ *Gender Inequality in Northern Ireland*, Research Paper 28/02, Northern Ireland Assembly, April 2002, p.5.

⁷¹ DETI (2006) Women in Northern Ireland, February 2006, p. 18.

⁷² Barney McNeany, Deputy Children's Commissioner for Northern Ireland, key note speaker at conference, *Children First in the 21st Century*, 20 June 2005, Belfast.

⁷³ Esther Breitenbach and Yvonne Galligan, *Gender Equality Indicators for Northern Ireland: a Discussion Document*, OFMDFM, 2004, p.45.

⁷⁴ *Ibid.* pp. 41-2.

Newry and Mourne. Low rates are also found in the West and the South. In two of the most deprived areas of Northern Ireland, North and West Belfast, the number of childminding places have dropped from 3,500 in 2003 to 1,000 in 2005.⁷⁵ The lack of childcare services and access to public transport is a particular problem for women in rural areas, where farm-based incomes dropped by nearly 75% in the mid 1990s and continue to decrease.⁷⁶

A large proportion of child care is funded through EU Peace money, despite the government's childcare strategy 'Children First', which was published in February 1999, aimed at enhancing childcare provision. It is a requirement of 'Children First' that a Childcare Partnership be established in each Health and Social Services Board in Northern Ireland, and they devise and implement a three year Childcare Plan 2000/01 – 2002/03 for their area. The role of the Childhood Fund is to support Peace and Reconciliation in Northern Ireland through developing Childcare and Family Support. However, with the ending of Peace money, there is no guarantee of the sustainability of the limited provision of childcare currently in existence. In June 2005 approximately 200 out-of-school clubs (out of a total of 237 voluntary out-of-school clubs) were under threat of closure because of a lack of funding, as European and lottery funding was almost at an end and no specific replacement funding has been allocated by government. While the Education Minister Ruth Kelly, has announced the expansion of such provision in England, this has not been extended to Northern Ireland.⁷⁷ The ECNI estimated that provision across the range of childcare sectors would need to expand at a rate of 12-15% to meet anticipated demand between 2003-05.⁷⁸

In March 2006 NI Secretary of State Peter Hain announced a Children and Young People's Package of £61 million over two years. This is intended to fund pre-school provision, special needs education and to extend school services. It will be targeted at marginalised communities and those in disadvantaged areas.

Education

The education system in Northern Ireland is complex and highly segregated according to religion and academic ability. The majority of Protestant children in Northern Ireland attend state controlled schools, whilst the majority of Catholic children attend Catholic maintained schools. These are essentially Protestant and Catholic schools. Five per cent of children attend integrated schools, which bring together pupils and teachers from both Catholic and Protestant traditions. Secondary education is largely selective with pupils going to grammar schools or secondary schools according to academic ability as demonstrated by results in the 11+ exam. The integrated schools are comprehensive in ethos and do not select according to exam results. Nor does the small Irish-language sector. Full running costs for schools in all sectors are met by the Department of Education, but only 85% of capital costs are met for schools in the 'maintained' sector.

⁷⁵ Kenway et al. p. 79.

⁷⁶ NI Anti-Poverty Network, 'Focus on Rural Poverty', *Anti-Poverty News*, vol. 2, 1999.

⁷⁷ *Belfast Telegraph*, 14 June, 2005.

⁷⁸ ECNI, Submission on Cedaw, op.cit. p.29.

The standard of education in Northern Ireland is considered to be relatively high. In 2000/01 29% of pupils obtained 3 or more A-levels. This figure then increased by 10% to 39.4% in 2004/05. Northern Ireland students have consistently obtained better results than students in England and Wales. However, this performance relates to the top end of the ability range. An examination of the statistics relating to the educational achievements of the remainder of the relevant age group indicates that they are, on average, lower than the rest of the U.K. In 2004/05 some 8.5% of pupils obtained no formal qualifications or any GCSEs.⁷⁹ Among children entitled to free school meals, the proportion getting no GCSEs or only a few has remained at around 30% for the last ten year – double the rate for all 16-year-olds on average.⁸⁰ There has been increasing disquiet at the continued effect of the educational apartheid created by the selection examination and the Assembly Education Committee in 2000 examined alternative post-primary education systems. Martin McGuinness, as Minister of Education, commissioned the Burns Report to consider the future of secondary education and signed an order to abolish the 11+ exam, which was his last act before suspension of the Assembly came into effect. A further report, the Costello Report, was commissioned by Jane Kennedy, the NIO minister who succeeded McGuinness when Direct Rule was reintroduced. The British government has stated that 2008 will be the last date for the selection test.

Girls leaving school are better qualified than boys and are also more likely to go onto higher education. This is a pattern that has merged in a number of European countries over the past two decades. In 2003/04 52% of girls left school with at least one A level compared with 36% of boys and some 68% of girls left with at least 5 GCSEs grades A*-C compared with just over half of boys. In Great Britain, researchers have made the point that although girls have increased their levels of attainment at a faster rate than boys, 'where educational performance is poor, differences between pupils are greater for socio-economic status than for gender.'⁸¹ The ECNI emphasises that girls continue to make gender stereotyped subject and course choices, which leads to restricted career choices at a later date and exacerbates the gender pay gap.⁸²

After leaving school, 72% of girls went on to further or higher education, compared to 54% of boys in 2003/04. Although girls outnumber boys, when it comes to part-time enrolment, almost twice as many females than males were part-time students in further education colleges, making up 64.3% of the total in 1997/8, falling slightly to 63.4% in 2001/2.⁸³ In 2003/04 60% of all students enrolled at NI universities were women and 58% of all those enrolled in NI Further Education Colleges. In contrast, staff in further and higher education was predominantly male making up some 66% of full-time academic staff in universities and 55% of full-time staff in Further Education Colleges.⁸⁴

Women have also moved into some subject areas that were previously dominated by men: although 37% of female students on the first year of science courses in NI

⁷⁹ DENI (n.d.) Qualifications of Northern Ireland school leavers, http://www.deni.gov.uk/highest_qualification_of_school_leavers_2001-05.doc

⁸⁰ Peter Kenway et al. p.131.

⁸¹ Breitenbach and Galligan, op.cit. p.18.

⁸² ECNI, Submission to CEDAW, op.cit. p.25.

⁸³ Quoted in ECNI, Submission to CEDAW. op.cit. p.33.

⁸⁴ DETI (2006) Women in Northern Ireland, February 2006, p. 20.

universities in 2003/04 were female, this figure rose to 84% of first year students of medicine and dentistry. However, computer sciences and engineering and technology remain heavily male areas of study.⁸⁵

Caring in the community

Women are more likely to be carers than men (20% compared to 14%). In November 2005, 66% of recipients of Care Allowance were women.⁸⁶ Women are more likely than men to provide care across all age groups, except the over 65 group. Almost a third of the men who are carers are caring for a partner/spouse, compared with 17% of women. These caring responsibilities impact on employment patterns, as 48% of carers are economically inactive. Caring responsibilities also have a negative impact on the health of carers, as 49% of carers who look after someone living with them had a long-standing illness, compared to 36% looking after someone who lived elsewhere.⁸⁷ The majority of carers (85%) are looking after someone with a physical disability, including disabled adult children and older people with a disability.

The Assembly agreed to provide free nursing care for the elderly to a total of £85 weekly, affecting an estimated 2,000 people. The Health and Personal Social Services Bill stated that from October 2002, nursing home residents would be treated in the same way as those who are cared for in their own homes. Any nursing care that they required would be provided according to need and free at the point of delivery, not on the basis of ability to pay.⁸⁸ In a later debate on extending this to the provision of free personal care, Bairbre de Brun, Minister for Health, informed the Assembly that an inter-departmental group had been established to consider the costs of introducing free personal care for residents and nursing home residents, estimated at £25 million.⁸⁹ Suspension meant that no further initiatives on this issue were taken.

Health and mortality

While women in Northern Ireland on average live longer than men (80 years for female, 75 years for males)⁹⁰, they suffer more ill health. This is partly explained by their greater longevity, which means more women are likely to experience illness and disability in old age.

Women also experience more mental ill health than men. 17% of men and 24% of women had signs of mental health problems.⁹¹ Women are more likely than men to use sedatives, tranquillisers or anti-depressants (16% compared to 9%), but men were more likely to resort to illegal drug use.⁹² There has been a substantial rise in the rates of suicide. Between 1998 and 2006 the total number of suicides in Northern Ireland increased by 101% for men and 94% for women. Using rolling averages because of the small numbers, the average for 1998/2000 for women was 36 and this increased to

⁸⁵ Ibid. p 21.

⁸⁶ DSD, Carer's Allowance November 2005. <http://www.dsdni.gov.uk/dla>

⁸⁷ Figures from 'Informal Carers Report, DHSSPS, p. 201, quoted in Breitenbach and Galligan, p.46.

⁸⁸ NI Assembly, Official Report, 12 March 2002.

⁸⁹ Ibid., 24 June, 202.

⁹⁰ DHSSPS (2004) Equality and Inequalities in Health and Social Care in Northern Ireland: A Statistical Overview, Belfast: NISRA, para 5.1.

⁹¹ Ibid. para 4.10.

⁹² DHSSPS, *Drug Prevalence Bulletin*, No.1. 2003.

50 in 2004/2006 – an increase of 39%.⁹³ For both men and women the majority of women victims, were in the 25-34 and 45-54 age groups.⁹⁴

The community-based group, the Public Initiative for the Prevention of Suicide and Self Harm, explained that the suicides occurred in ‘areas of high deprivation and we also have issues surrounding the breaking down of relationships as well as problems with drugs and alcohol misuse.’ Researchers at the University of Stirling ‘linked feelings of desertion and unwillingness to accept emotional pain to the problem in Northern Ireland.’⁹⁵

Northern Ireland’s abortion law is unclear and inconsistent. The laws are regulated by the 1861 Offences Against the Person Act, which was amended by the Infant Life Preservation Act 1929 and by the Criminal Justice (Northern Ireland) Act 1945. The 1861 Act imposes the penalty of life imprisonment on the woman and the doctor terminating a pregnancy. In *R v. Bourne* (1939) the House of Lords made a judgment that medical professionals acted lawfully if they performed an abortion that preserved the mother’s life if the pregnant woman became a ‘physical or mental wreck’. This case law was developed as a defence for the medical profession and this interpretation has been elaborated on by the judiciary in Northern Ireland in allowing for abortion in four separate cases since 1993. While there are situations where abortion in Northern Ireland is legal, these cases concerned vulnerable women, young girls in state care and women with mental disability. In practice, women in Northern Ireland seeking termination of their pregnancy have little option but to travel to Britain, where the 1967 Abortion Act permits abortion on the ruling of two doctors. It is estimated that approximately 2,000 women each year make that journey but the figure is difficult to assess as many of them do not give their home address to the clinic they attend. Challenges to abortion law in Northern Ireland have not been successful. The defunct Assembly in 1984 voted against the extension of the 1967 Abortion Act and although abortion is a ‘reserved’ matter and therefore outside the competence of the devolved assembly, the NI Assembly in June 2000 backed a DUP motion to oppose the extension of the Act.

In 2001 the Family Planning Association (fpa) won the right to the first judicial review of medical practices relating to abortion and the provision of abortion services in Northern Ireland. The fpa asked the courts to issue advice regarding the Department of Health’s failure to issue clear guidelines as to when an abortion is legal under Northern Irish law. In 1991 71 abortions were carried out, mainly because of fetal abnormality, a justification which is not covered by the Bourne ruling. In his judgment Justice Kerr held that abortion was legal and therefore misperceptions surrounding its legality were unsupported. He also held that the Department of Health had no duty to issue guidelines to the medical profession.⁹⁶ The fpaNI won the right to appeal against that ruling.

On 26 November 2004 three Appeal Court judges ruled in favour of the fpa, stating that the DHSSPS had failed to perform its duties under Article four of the Health and Personal Social Services (Northern Ireland) Order 1972. It had failed to:

⁹³ Tomlinson, M (2007) *The Trouble with Suicide*, Report to the DHSSP, p. 71-72

⁹⁴ *Ibid.*

⁹⁵ *Belfast Telegraph*, 23 June 2005.

⁹⁶ *Northern Ireland Legal Quarterly*, 48, July 7, 2003.

- inquire into the adequacy of termination of pregnancy services provided in Northern Ireland;
- to investigate and issue guidance to members of the medical profession and ancillary staff involved in the provision of termination of pregnancy services and to women in Northern Ireland seeking a termination of pregnancy.

The judges also instructed DHSSPS to consider what steps it should take to fulfil its duties by:

- Inquiring into the adequacy of termination of pregnancy services provided in Northern Ireland (including aftercare);
- Following such inquiry, and after appropriate consultation with concerned organisations, issuing appropriate guidance.⁹⁷

A consultation paper on guidance to the medical profession has been issued by the DHSSPS. Its effect will be to restrict abortion availability in Northern Ireland to cases where the Borne judgement prevails. Fetal abnormality is excluded.

Internationally, the UK government's failure to initiate reform in keeping with its obligations to CEDAW, has met with strong criticism. When the UK government reported to the CEDAW Committee in 1999, the Committee stated that it noted 'with concern that the Abortion Act 1967 does not extend to Northern Ireland where, in limited exceptions, abortion continues to be illegal...(The Committee) also recommends that the Government initiate a process of public consultation in Northern Ireland on reform of the abortion law.'⁹⁸ Public consultation has not occurred and the submission to the CEDAW Committee by the Equality Commission for NI for the UK government's next periodic examination (due to take place in 2007) omits any mention of reproductive rights. However, research on sexual attitudes and opinion polls have indicated more liberal views amongst 30-40% of the population.

Legislative changes: Equality

Legislation in Northern Ireland that prohibits discrimination against women is partly a product of the need to comply with European Union equality legislation. In particular, the Equal Pay (Northern Ireland) Act (1970) (as amended) prohibits discrimination between men and women in pay while the Sex Discrimination (NI) Order (1976) (as amended) outlaws discrimination on the grounds of sex in employment, in the provision of goods and services and in education.

Legislation from Westminster includes the Sex Discrimination (Election of Candidates) (NI) Order 2003, allowing for all-women shortlists in candidate selection. As yet, no political party in Northern Ireland has made use of its provisions and from research carried out by the Centre for the Advancement of Women in Politics at Queen's University, parties appear unlikely to use it in the future. Since the Agreement, an important addition to the framework for promoting gender equality in Northern Ireland has been Section 75 of the Northern Ireland Act (1998).

⁹⁷ Fpa, *Challenge Update*, April 2005.

⁹⁸ United Nations Committee on Elimination of Discrimination Against Women Concludes Consideration of United Kingdom reports, 10 June 1999.

The statutory equality duty is aimed at mainstreaming gender in decision-making by public authorities. Designated public bodies are required to consult with a wide range of groups on policy formation and to assess the equality impact of their policies across nine grounds, including gender. The statutory equality duty has the potential to increase the visibility of gender in policy-making. The problem lies in the fact that few women's groups are resourced sufficiently to engage in policy work. There are other policy initiatives aimed at addressing social exclusion, such as New Targeting Social Need (NTSN).

Other relevant equality legislation in Northern Ireland, which impacts upon the multiple identities of women include the following: the Disability Discrimination Act (1995), the Race Relations (NI) Order 1997, the Fair Employment and Treatment (NI) Order 1998 and the Employment Equality (Sexual Orientation) Regulations (NI) 2003. The Employment (NI) Order (2002) introduced new maternity and paternity leave rights.

A proposed Single Equality Bill awaits the attention of the Assembly. It is aimed at harmonising upwards equality legislation, ensuring that age is also represented and that the provision of goods and services are more widely included within equality legislation.

4. Victims in Northern Ireland

Over a thirty-year period, over 3,600 people have died due to the conflict in and about Northern Ireland, and there have been injuries at least ten fold of this in a population of about 1.5 million people. There has been an overall death rate of 2.25 per 1000 population.⁹⁹ This death rate is higher than Argentina (0.32 per 1000), about the same as South Africa, but substantially lower than El Salvador (20.25 per 1000) or Cambodia (237.02 per 1000).¹⁰⁰ Ninety-one percent of those killed in the conflict were male.¹⁰¹ An analysis that specifically focuses on women and the impact of the conflict on them is yet to be done. Significant developments have taken place in terms of policy (outlined below), but on the whole a gendered approach to victims is largely absent.

State responses to dealing with the impact of the conflict have been criticised in the past for being slow and limited. There was until recently a 'policy silence' in the areas of health, social services, education and other provisions for victims of the conflict.¹⁰² This has resulted in a legacy of distrust (especially of the statutory service) within many community groups working with victims.

⁹⁹ Mike Morrissey and Marie Smyth. *Northern Ireland After the Good Friday Agreement: Victims, Grievance and Blame* (London: Pluto Press, 2002).

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Hamilton, J., Thomson, K. & Smyth, M. (2002). An evaluation of provision and support for people affected by the Northern Ireland Troubles. A research report commissioned by the Northern Ireland Voluntary Trust into current policy, practice and provision for victims/survivors of the Northern Ireland conflict. This was also acknowledged by government, as Minister Des Browne, noted recently "in all that time [*thirty years of conflict*] there were no policies in relation to victims." See Irish Echo Online, February 19-25, 2003, Volume 76, Number 7. Ibid.

Many mark the beginning of concerted government involvement in making policy for victims/survivors as beginning—for better or worse—with the Bloomfield Report in May 1998, as well as the Wilson Report in the Republic of Ireland. These were state sponsored initiatives aimed at making recommendations that could assist victims and recognise their suffering.

The Bloomfield report recommends further consideration of a central Northern Ireland memorial, i.e. a building that is peacefully located within memorial gardens, and dedicated to the purposes of rest, reflection and care, as well as housing appropriate works of community art that embodies the memories of those who have suffered. The report recommends that the memorial incorporate inscriptions, but not the names of individuals.

The Bloomfield Report, however, was met with mixed reactions. One criticism raised was that the report prioritised victims of paramilitary violence and did not pay sufficient attention to the victims of state violence.¹⁰³ This point was reiterated recently in the Healing Through Remembering Project Report.¹⁰⁴ Nonetheless, since then, the process has gained momentum.

Other notable government initiatives have been the development of a Victims' Liaison Unit in the Northern Ireland Office in June 1998 (which was closed in 2004), and the establishment of a Victims Unit in the Office of the First and Deputy First Minister in July 2000. To date, the NIO and the Victims' Unit of OFMDFM claim to have spent (or allocated) over £20 million on victim-related projects. From the EU, £5.8 million has been made available for so-called victims' work for the period 2002-2004, although spending can continue to 2006.¹⁰⁵ Most of this has been orientated towards community groups. A further tranche was made when the Peace programme was extended for a further two years.

The launch of the Victim Strategy Document by the Victims' Unit on 6 August 2001, from a policy perspective, is the most notable government development to date. This document sets out to develop a “strategy to deliver practical help and services to the surviving physically and psychologically injured of violent, conflict related incidents and those close relatives or partners who care for them, along with those close relatives or partners who mourn their dead”.¹⁰⁶ The Victim Strategy also defines victims inclusively as, “the surviving physically and psychologically injured of violent conflict related incidents and those close relatives or partners who care for them, along with those close relatives or partners who mourn their dead”.¹⁰⁷ The document does not provide a gendered analysis of victimhood.

¹⁰³ The Pat Finucane Centre for Human Rights and Social Change, 'Submission to the Independent Commission into Policing', <http://www.serve.com/pfc/submiss1.html>. Also see the Press Statement from Relatives for Justice, 1 April 1998.

¹⁰⁴ The Report of the Healing Through Remembering Project (HTR: Belfast, 2002), see <http://www.healingthroughremembering.org>

¹⁰⁵ 75% of the funds have come from the European Union and 25% Northern Ireland Executive. The measure is known as PEACE II.

¹⁰⁶ Victims Unit, OFMDFM, A summary of responses to a Consultation Paper on a Victims' Strategy. (Office of the First and Deputy First Minister: Northern Ireland Executive: Belfast, 2002). Available at <http://www.victimsnri.gov.uk/publications.htm>

¹⁰⁷ Ibid.

There is also a range of other policy-orientated initiatives underway. For example, reviews of the compensation scheme and of counselling were completed. Victim representatives were nominated to the Civic Forum, the work of the Northern Ireland Memorial Fund¹⁰⁸ has continued and developed, the Human Rights Commission explored the possibility of including a specific focus on victims in the Bill of Rights, and victim issues were mentioned in the Northern Ireland Assembly's Programme for Government.

At the same time, over sixty victim groups, drawing from all of the major political perspectives, have continued to actively operate. Their range of work is extensive and far-reaching, including service-delivery work, as well as lobbying and advocacy. Although there is no specific analysis, it is thought the majority of members of victims groups are women. An initial £3 million Core Funding Scheme was set up, and a further £3 million was allocated for the work in 2003-2005 for these groups.

That said, a debate as to who the "real" victims of the conflict are has raged. Individuals from different sides of the conflict have alleged that there is a hierarchy of victimhood, i.e. their specific type of victimisation is treated with a lower level of official prioritisation.

The Secretary of State, Peter Hain MP, announced on 24 October 2005 the appointment of Mrs Bertha McDougall as the Interim Commissioner for Victims and Survivors. The appointment of the Interim Victims Commissioner has been controversial because of a lack of consultation around her appointment. Some victim groups have sought a judicial review. Other groups have questioned her impartiality since her husband, a part-time RUC reservist, was killed in 1981. Mrs McDougall finished her term of office in early 2006.

The Government has launched a public consultation on its proposals to enact legislation to establish the post of Commissioner for Victims and Survivors in Northern Ireland. The Victims Minister David Hanson MP announced the launch of a public consultation on the proposal on 21 July 2006. A new Victims Commissioner, following public recruitment, will be announced in May/June 2007.

Broader transitional justice debates are also now underway. Questions concerning how Northern Ireland should deal with past have gained momentum since the launch of the Healing Through Remembering Report in 2002.¹⁰⁹ The Bloody Sunday Inquiry and a host of other inquiries have also shaped this debate.¹¹⁰ One of the key questions is whether Northern Ireland should have a truth commission or not. There

¹⁰⁸ The Northern Ireland Memorial Fund was established for charitable purposes (by the British State with initial grants supported by it) and aims to identify the needs of those who have suffered and continue to suffer as a result of the conflict in Northern Ireland. It sets out to assist and support them, and those involved in the provision of support for them, in a practical and what it terms an innovative way. It offers among other things small grants, respite schemes for carers and victims, and chronic pain management schemes.

¹⁰⁹ The Report of the Healing Through Remembering Project (HTR: Belfast, 2002), see <http://www.healingthroughremembering.org>

¹¹⁰ See Hegarty, Angela. "Truth, Law and Official Denial: The Case of Bloody Sunday." *Criminal Law Forum* 15 (2004): 1990246.

are mixed views on this.¹¹¹ Healing Through Remembering launched a substantial document entitled *Making Peace with the Past: Options for truth-recovery in and about Northern Ireland* in November 2006. This document outlines 5 options for truth-recovery and it is anticipated will shape this debate significantly.

5. Violence

Women and the Conflict

Of the 3,600 people killed during the thirty-year period, the majority of those killed were male (91%) But as Morrissey and Smyth argue, from the results of extensive research carried out by their study of the Troubles, women ‘also experienced serious and intense aspects of the Troubles’ that was much greater than that implied by the size of the female share of deaths. While this differed from that of males, male and female differences were less pronounced in the areas of high intensity of conflict, where 29.6% of men and 22.8% of women claimed ‘a lot’ of experience of the Troubles, compared to 8.2% and 3.6% in the least intensity group. 26.7% of men reported witnessing a shooting compared to 18.8% of women, while similar percentages reported that a member of the immediate family had been injured or killed. In terms of individual experiences, such as being in a bomb scare or being stopped and searched by security forces, men reported roughly 50% more instances than did women. More than a third of all males had been stopped and searched by the security forces.¹¹² Overall, the segregation of gender roles in experiences of Troubles-related violence meant that ‘males tend to have more direct experience of violence, such as being directly involved in physical attacks or sectarian verbal abuse, whereas females are more likely to be witnesses to such events.’¹¹³ Despite this difference, Morgan argues that ‘the long-term impact and consequences of violence for individuals and families has probably weighed most heavily on women, especially in terms of bereavement and separation.’¹¹⁴

Women’s involvement in paramilitary organisations

Empirical evidence concerning the role of women in paramilitary organisations is difficult to obtain. Morgan concludes that although women have been involved in loyalist activities, there is an ‘almost total lack of evidence about loyalist women paramilitaries’.¹¹⁵ On the republican side, women’s activities were at first confined to involvement in Cumann na mBan, a support group to the IRA, but by 1980, due to

¹¹¹ See for example, Bell, Christine. "Dealing with the Past in Northern Ireland." *Fordham International Law Journal* 26, no. 4 (2003): 1095-147; Eolas Project. "Consultation Paper on Truth and Ustice: A Discussion Document." Belfast: Eolas Project c/o Relatives for Justice, 2003; Hamber, Brandon, ed. *Past Imperfect: Dealing with the Past in Northern Ireland and Societies in Transition*. Derry/Londonderry: University of Ulster & INCORE, 1998. Hamber, Brandon. "Rights and Reasons: Challenges for Truth Recovery in South Africa and Northern Ireland." *Fordham International Law Journal* 26, no. 4 (2003): 1074-94; Hamber, Brandon, and Robin Wilson. "Recognition and Reckoning: The Way Ahead on Victims Issues." Belfast, Northern Ireland: Democratic Dialogue, 2003.

¹¹² *Ibid.*, p.114-115.

¹¹³ *Ibid.*, p.68.

¹¹⁴ Valerie Morgan, *Peacemakers? Peacekeepers? Women in Northern Ireland 1969-1995*, INCORE, Derry, 1996, <http://cain.ulst.ac.uk/issues/women/paper3.htm>

¹¹⁵ Valerie Morgan, ‘Women and the Northern Ireland Conflict’, in (ed.) Seamus Dunn, *Facets of the Conflict in Northern Ireland*, , Basingstoke ,Macmillan Press, 1995, p.89.

persistent pressure by female activists, women were admitted to membership of the IRA alongside men. The first woman was interned in December 1972 and the last female political prisoner was released on licence under the terms of the Agreement in February 1999. In the 1972-76 period there were more than 100 women in Armagh Women’s Jail. In 1977 there were 75 women, by 1996 this had reduced to 33, making up 2% of the prison population.¹¹⁶ Altogether, one in twenty prisoners either interned or imprisoned for politically related offences during the Troubles were women.¹¹⁷

Gender-based violence

It is difficult to analyse the extent of violence against women in Northern Ireland because of the limitations of the available statistics. There are two main sources of information: statistics collected by the police according to counting rules developed by the Home Office and published annually within broad categories of offences; and statistics produced from the Northern Ireland Crime Surveys, which were carried out in 1994/95, 1998, 2001, 2002/03 and then on a continuous basis from January 2005. The majority of *published* police recorded crime statistics continue to be gender-blind and provide no information on the gender of the victim although, since the introduction of the PSNI integrated Crime Information System, gender of the victim is routinely collected. Thus for the most serious crime of all – murder - the published statistics continue to be use the generic word ‘homicide’ despite calls from feminists that the word femicide should be used to draw public attention to the extent of the killing of women by men.¹¹⁸

The criminal statistics are classified into two broad groups of offences against the person: violent offences and sexual offences. Table 5.1 below shows a selected range of violence against the person offences for each year since 1998. They need to be treated with some caution as the counting rules were changed in April 1998 and further changes were introduced in April 2003. The latter change led to a substantial increase in number of assaults occasioning actual bodily harm (AOABH) and a similar decrease in common assaults.

Table 5.1 Police recorded crimes against the person 1998 to 2005/06.

	Murder	Attempted Murder	AOABH	Common Assault
1998	71	85	3923	10170
1999	29	61	4323	12322
2000	44	124	4312	11863
2001/02	49	164	5338	14912
2002/03	42	235	4953	16105
2003/04	26	121	15187	7345
2004/05	34	129	14820	7463
2005/06	25	172	15261	7904
% change	-65	102	289	-22

Source: PSNI

¹¹⁶ NIHRC, Submission to UN Committee on CEDAW, June 1999.

¹¹⁷ Mary Corcoran “‘We had to be stronger’: the political imprisonment of women in Northern Ireland, 1972-1999”, in (eds.) Louise Ryan and Margaret Ward, *Irish Women and nationalism: soldiers, new women and wicked hags*, Dublin, Irish Academic Press, 2004, p.114.

¹¹⁸ Caputi, Jane, & Russell, Diana E H (1992) *Femicide: The Politics of Women-Killing*. New York: Twayne Publishers.

As can be seen, murder has declined by nearly a third but attempted murder has increased by 102%. AOABH has increased by 289% and common assault declined by 22%. The gender of the victim is not made public for any of these violent offences. In January 2007 the government issued a consultation document on addressing sexual violence in Northern Ireland.¹¹⁹ It made available for the first time much more detail about the characteristics of police recorded sexual offences including the gender of the victim.

Table 5.2 Police recorded sexual offences 1998/89 to 2005-06

Year	Total	Rape	Attempted rape	Indecent assault	Other sexual offences
1998/99	1605	284	40	878	403
1999/00	1333	279	32	714	308
2000/01	1176	209	23	663	281
2001/02	1431	252	40	677	462
2002/03	1469	317	40	633	479
2003/04	1780	354	41	834	551
2004/05	1686	347	33	746	560
2005/06	1711	356	35	808	512
% change	6.6	25.4	-12.5	-8.0	27.0

As can be seen the total number of police recorded sexual offences has increased by 6% since the Belfast Agreement. Rape has increased by a quarter with attempted rape declining by 12.5%. Indecent assault has also declined but other sexual offences have increased by 27%. The increases, particularly in rape, may not reflect a real increase but a greater willingness of women to report rape.

The consultation paper provided a partial breakdown of recent victims. Reporting only on the 1711 sexual offences for 2005/2006, it noted that 84% of victims of sexual offences were female. Over half of all victims were under 17 and of these 42% were female. Sexual offences are therefore overwhelmingly committed against women and girls. It is not a gender neutral offence.

For a number of years the police have been collecting statistics manually on the number of 'domestic incidents' and 'domestic crimes'. Since 2004/2005 these statistics have been collected through the PSNI integrated Crime Information System, which makes the data far more reliable. A domestic incident is defined as:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) by one family member against another or adults who are or have been intimate partners, regardless of gender, and whether a crime has occurred or not, will be treated as domestic.

Domestic crimes arising from the incidents are classified according to the Home Office counting rules used for recording all crimes reported to the police.

¹¹⁹ NIO and DHSSPS (2007) "'Hidden Crimes and Secret Pain": A Consultation Paper on a Proposed Regional Strategy for addressing Sexual Violence in Northern Ireland', Belfast: NIO/DHSSPS, p. 55.

Table 5.3 Domestic Incidents and Crimes 1998 to 2005/06

	Domestic Incidents	Domestic Crimes	% Victims females
1998	14,429		89
1999	15,304		88
2000	14,520		88
2001/02	14,937	7,814	
2002/03	15,512	7,961	
2003/04	16,926	8,565	
2004/05	20,959	8,508	
2005/06	23,059	10,768	

Table 5.3 notes the number of domestic incidents and crimes in Northern Ireland since 1998. The number of incidents have increased by 60 per cent. Part of this increase may be a product of improved recording. In 2001/02, the first year the number of crimes arising from a domestic incident were recorded, 14,937 incidents led to some 7,814 crimes being recorded. In other words, crimes were considered to have occurred in just over half of all cases. In 2005/2006 there were 23,059 domestic incidents in which crimes were considered to have occurred in 47% of cases.

In 2005/2006 the 10,768 domestic crimes included 6 murders, 15 attempted murders, 468 threats or conspiracy to murder, 132 woundings amounting to grievous bodily harm, 6051 assaults leading to actual bodily harm and 39 rapes. When the figures for 2004/2005 and 2005/2006 are considered together, there have now been 13 domestic murders, 2 manslaughters, 37 cases of attempted murder and just under 1,000 threats or conspiracy to murder and 61 domestic rapes in the last two years.

The figures are likely to grossly under-estimate the extent of domestic violence. To begin with, many people do not report domestic violence to the police and many people do not do so until they have sustained a certain level of violence. It has been estimated that on average victims are assaulted 35 times before they go to the police.¹²⁰ Secondly, there is likely to be some under-recording of crimes arising from domestic violence incidents because of the greater attention that is now being focused on the problem and the requirement to produce figures on the clear-up rate, which in 2005/2006 was reported at over 70%.

Table 5.4 notes details of the victims of domestic crimes. It shows that the majority of domestic crimes are committed against women. In over two-thirds of all crimes recorded the victim is a female aged 17 or over. In only one fifth of all recorded domestic crimes is the victim a man. Just under 6 per cent of domestic violence victims are children but no information is provided on whether they are girls or boys. It is therefore very clear that domestic violence is principally a crime against women and children. It is not gender neutral.

Table 5.4 notes the details of the victims of the domestic violence offences, 2004/05.

¹²⁰ Freel, R. and Robinson, E. (2005) 'Experience of Domestic Violence in Northern Ireland: Findings from the 2003/04 Northern Ireland Crime Survey' *Research and Statistical Bulletin 5/2005*, Belfast: NISRA.

Table 5.4 Gender of victims of domestic violence

	2004/2005		2005/2006	
	Number	%	Number	%
Female 17 and over	6005	70.6	6463	69.1
Males 17 and over	1851	21.8	2122	22.7
Children under 17	488	5.7	539	5.8
Gender unknown	164	1.9	229	2.4
Totals	8505	100	9353	100

The Northern Ireland Crime Survey (NICS) in 2003/2004 produced further information on the nature and extent of domestic violence.¹²¹ The NICS questionnaire was designed to include any violence between current or former partners in an intimate relationship and covered physical, emotional, financial or social abuse. It found that the prevalence of domestic violence had increased by one percentage point from 14 per cent to 15 per cent between 2001 and 2003/04. The most commonly reported type of domestic violence was being ‘pushed, held or pinned down, or slapped’. In comparison with Britain, Northern Ireland has a consistently lower prevalence rate. For example, the prevalence rates for ‘Domestic abuse, threats, or force’ is 18% for women in Northern Ireland compared with 26% for women in Britain. The rates for men are 11% and 17% respectively.

The 2003/04 NICS shows that a greater proportion of women (18%) than males (11%) have been victims of domestic violence at some point in their lives. The survey found that 65% of identified victims were women – a slightly lower proportion than shown on police recorded crime data. The higher rate of victimisation is shown across all categories of domestic violence from abuse, threat, force and severe force.

Domestic violence is seldom a one-off event. On the contrary, there is now a growing body of evidence to suggest that the same individual is subject to multiple abuse.¹²² As Kershaw *et al* have shown, domestic violence has the highest repeat victimisation rate of any crime.¹²³ The NICS 2003/04 found that 49 per cent of victims experienced domestic violence from the same perpetrator more than once and that over a quarter (26%) were victimised ‘many times’, i.e. on four or more occasions. Unfortunately, the report provides no gender breakdown on the repeat victims. The 2001 British Crime Survey, however, found a considerable gender difference in repeat victimisation with women experiencing a mean of 20 incidents, compared with men who experienced a mean of 7.¹²⁴

These figures show clearly there is a long-standing form of violence at the heart of Northern Ireland society which is taking place in the home. In the period 2004 to 2006

¹²¹ Freil, R, & Robinson, E (2005) Experience of Domestic Violence in Northern Ireland: Findings from the 2003/04 Northern Ireland Crime Survey, *Research and Statistical Bulletin 5/2005*. Belfast: NISRA

¹²² Walby, Sylvia, & Allen, Jonathan (2004) ‘Domestic violence, sexual assault and stalking: Findings from the British Crime Survey’, Home Office Research Study 276, London: Home Office.

¹²³ Kershaw, C, Budd, T, Kinshott, G, Mattinson, J, Mayhew, P, & Myhill, A (2000) ‘The 2000 British Crime Survey’, Home Office Statistical Bulletin 18/00, London: Home Office.

¹²⁴ Walby and Allen, op. cit. p 37.

more people died as a result of domestic violence than died due to what the police define as the 'security situation' – 13 deaths compared with 10. There are also considerable differences in the way in which the problems are analysed and treated by the police and subsequently the media. The statistics produced annually by the police include a table entitled 'Deaths due to the security situation'. Yet despite the figures being higher, there is no equivalent table entitled 'Deaths due to domestic violence'. The media give extensive coverage to security related deaths yet give very little media coverage to deaths arising from domestic violence. 'Security' continues to be defined in terms of the conflict between nationalist and loyalist and the conflict between men and women continues to be ignored notwithstanding the greater harm that it now causes.

The terror which mainly women experience in the home is also felt on the streets. Women are much more likely to worry about crime and personal safety than men when they venture out. Figures from the 2005 NICS show that a quarter of women worry about being raped compared with 6% of men. Similarly, women (30%) are much more likely than men (12%) to worry about violence. In answer to a question about how safe they feel walking alone after dark, again women are more likely to feel unsafe (17%) compared with men (5%). Elderly women are particularly fearful of walking alone at night.¹²⁵

The consultation document on addressing sexual violence in Northern Ireland laid out a clear strategy to deal with sexual violence and put forward 12 key proposals on which it sought comments.¹²⁶ It wishes to adopt a 'public health approach to preventing sexual violence' by promoting a change of behaviour and social attitude similar to that which made drinking and driving socially and morally unacceptable. It proposes that the Criminal Justice System should play a key role in altering current behaviour together with education by sending clear messages for both adults and children through schools and the media. But there is no mention of the role of patriarchy in the consultation paper, nor the exclusion of women from so many areas of political and public life. Unless radical moves are taken to confront both patriarchy and the under-representation of women, the success in outlawing sexual and physical violence against women will be limited.

¹²⁵ Freel, R. and Robinson, E. (2005) 'Experience of Domestic Violence in Northern Ireland: Findings from the 2003/04 Northern Ireland Crime Survey' *Research and Statistical Bulletin 5/2005*, Belfast: NISRA. p. 7.

¹²⁶ NIO and DHSSPS (2007) "'Hidden Crimes and Secret Pain": A Consultation Paper on a Proposed Regional Strategy for addressing Sexual Violence in Northern Ireland', Belfast: NIO/DHSSPS.