

Women's ad hoc Policy Group

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Bill of Rights Consultation

Introduction

This is a response on behalf of the Women's ad hoc Policy Group. The group meets monthly and is comprised of a diverse range of organisations, individuals and trade unions who are concerned with influencing relevant government policies with the aim of promoting gender equality. Members of the group have been closely connected with the issue of a Bill of Rights for Northern Ireland since it was first proposed in the Good Friday Agreement. More recently, members of the group were involved in the Bill of Rights Forum, both in representing the women's sector and in contributing to the Forum working groups. We have consistently organised briefing events and seminars to ensure that women are informed of developments in the progress towards a Bill of Rights.

On 9 February 2010 the Women's ad hoc Policy Group organised an event, held in the Equality Commission, to consider the NIO Consultation and to enable the women's sector to develop a response. Over thirty individuals, representing a wide spectrum of opinion, attended. Our response is an outcome of that event.

'Particular circumstances'

We do not propose to enter into an analysis of what has been suggested in the NIO Consultation paper as to do so would be to legitimise a series of propositions and suggestions that fail to reflect any gender imperatives in the realization of rights.

We are categorically of the belief that the "Next Steps" document proposed by the NIO fails in its entirety to address and redress the historic and current disadvantages and rights violations facing women within Northern Ireland.

The particular context of Northern Ireland has consistently informed the women's sector in its advocacy in pursuance of a better future and of better outcomes for all women and girls. We produced a 'Scoping Paper' which informed the Bill of Rights Forum of those issues we considered to constitute the 'particular

circumstances' of women in Northern Ireland. In our opinion the NIO have willfully refused to acknowledge this particular context and in doing so have rendered voiceless the countless women who have suffered and are continuing to suffer as a result of "the particular circumstances of NI".

Gender blindness/gender neutrality

The government, and the NIO by publishing this consultation document, have perpetuated the existing discrimination and disadvantage towards women - and in doing so they have replicated the recent gender-blind approach of the Consultative Group on the Past (CGoP) which ignored the specific experiences of women living in a society emerging from conflict. The logical conclusion of both the CGoP and the NIO Bill of Rights consultative document is that women, as a group within society, have in no way been impacted by the conflict. Living in NI throughout the entirety of the conflict, therefore, was no more significant for women than if they had lived in Cardiff, Liverpool or London. This is clearly an absurd proposition - as is the belief that sustainable peace and prosperity in NI is possible without the equal and effective participation of women at all levels in our society. For example, a report entitled *Women and the Conflict: Talking about the "Troubles" and Planning for the Future* (2008) issued by WRDA on behalf of the Women's Centres Regional Partnership illustrates the impact of the Northern Ireland conflict on women. A recent substantial research report by the Women's Centres Regional Partnership *Women living in Disadvantaged Area: Barriers to Participation* (Helen McLaughlin), which was endorsed by Margaret Ritchie in her capacity as Minister for the Department of Social Development, makes it very plain that there are deep rooted structural barriers to women's equality

The women's sector's involvement in and commitment to the BORs forum indicated the dedication and resources we were prepared to invest to ensure our active participation in the process. The total silence of the NIO document on issues pertaining to women represents yet another example of the importance of participation being not only active but inclusionary and effective in nature. Quite simply, the NIO have failed to listen to women. The NIO has also blatantly ignored the plethora of research repeatedly identifying the marginalisation of women within social, economic, political and geographical structures. To rectify the failure to listen to or understand the issues pertinent to women within NI, we call upon the NIO to review again the NIHRC's advice on a BOR as well as the lengthy and evidence based report from the Women's Working Group within the BOR Forum which sets down in detail ongoing rights violations that may be remedied within a BOR.

International obligations

We pride ourselves on our rights based approach and evidence based practice across all areas of the women's sector. As service providers we have first hand experience of the difficulties and challenges facing women because they are women. It is for this reason that we advocate for gender specific provisions in a Bill of Rights. A gender neutral approach may have its place in certain contexts,

but in the face of evidence relating to gender specific problems and the international obligations of the State under Conventions such as the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), it is not only permissible but a legal imperative that the State acts to redress the imbalance faced by women. We would also draw attention to the obligations contained in UNSCR 1325 'Women, Peace and Security', which mandates states to ensure the equal participation of women in all institutional arrangements devised to enable societies to make the transition from conflict and to secure the peace building process.

In support of our contention that the current approach by the NIO to the Bill of Rights is legally flawed in failing to take the opportunity to advance towards fulfilling international obligations under CEDAW, we would like to highlight some of the most pertinent areas which represent rights violations of which the State has been on notice for a considerable period of time. It should be noted that each violation is evidence based and represents an issue that is particular to both the context and circumstances of NI in either the civil and political or the economic and social arena. Some rights may be remedied by mainstreaming women's rights within a gender proofed document; however, it is irrefutable that many of the existing violations are gender specific to women and therefore must be addressed on that basis.

Examples of areas of existing rights violations

Physical integrity:

- failure to recognise the complexities faced by women suffering domestic abuse. For example: the inability to report incidents to the police because your community does not welcome police involvement; or the inability to report abuse because the perpetrator is a paramilitary or has paramilitary support; fear of reporting abuse due to the limited possibilities for re-housing within "community/sectarian lines".

Equality:

- absence of "gender proofing" of policies despite the existence of section 75.
- failure of equal pay provisions to eliminate disadvantage and discrimination.
- inadequate emphasis given to the fact that women are more likely to suffer from poverty due to child care commitments in the context of worse provision of child care in NI than in GB
- it should be noted that "gender equality" was specifically identified in both the 2001 and 2004 NIHRC documents to reflect the history of a denial of human rights to women.

- failure to see the link between equality and participation – one cannot be achieved without the other.

Health:

- denial of freely available and appropriate reproductive healthcare.
- limited and inadequate after care resources in the event of domestic and sexual violence.
- failure to properly assess and address mental health issues of women post-conflict. Such issues now are endemic within many communities and evidence indicates that mental health problems caused by the conflict are now trans-generational. This impacts not only on the individual women concerned but on the family and society as a whole.
- inadequate sex education and related advice.
- the failure to recognise the economic and geographic isolation of rural women when planning for and funding health service provision.
- failure to recognise the multiple identities of women in that a woman may live in a rural area, have a disability and/or language difficulties and have family commitments - only a gender specific strategy could lead to an appropriate and co-ordinated response to such a scenario.

Housing:

- lack of proper consultation with the women's sector when planning housing and community provisions.
- inadequate emergency provision for women escaping domestic violence.

Public Life:

- persistent under representation of women in decision-making across all levels of society.

Participation:

- failure to acknowledge that the Good Friday Agreement under the Rights, Safeguards and Equality of Opportunity section (p.16), specifically mentioned 'the right of women to full and equal participation'.
- complete failure to introduce "special measures" even on a temporary basis, to achieve a balance between men and women when holding domestic and international public positions and in the formulation of government policy.
- increased use of "tokenism" participation. This is apparent when the outcomes of a process do not reflect the input and views of all those who participated – even if just to explain why their views did not reflect the outcome.

- Very limited steps taken to facilitate women's equal and effective access to the economy, etc, to include, for example, provision of suitable and affordable healthcare and a focused transport policy for marginalized women.
- Failure to provide sustainable funding to women's organisations providing services and policy advice

Employment:

- lack of suitable and affordable childcare which acts as a deterrent for women seeking to enter/ re-enter the workplace.
- inequitable access to pension provisions.

Criminal Justice:

- inappropriate legal protection for victims of sexual assault and domestic violence.
- wholly inadequate and inappropriate provisions for girl witnesses in cases of alleged sexual assault – the current system serves to re-traumatise, stigmatise and sexualize young witnesses.
- increasing numbers of women in prison without analysis of reasons for offending.
- failure to address the very high numbers of documented women in prison for non-payment of fines and the impact of this on the lives of women and children.
- non-existence of appropriate gender specific prison conditions for women.
- failure to divert away from prison pregnant women, those with young children and those with mental health problems.
- failure to segregate girl prisoners from adult prisoners.

These examples are illustrative and not exhaustive. They serve to give a brief insight into the depth of existing rights violations as well as providing examples that could be favourably remedied within a Bill of Rights. To remedy such inequalities would not only improve life for women, but would benefit the whole of society in Northern Ireland.

However the stark reality is that any of the rights which would have a positive impact on people across the section 75 categories are unceremoniously dumped without explanation, screening or impact assessment in Chapter 3, and are thus not offered for consultation in the equality section. Likewise any remaining issues that touch upon the situation of people across the section 75 categories (e.g. women, children, people with a disability, ethnic minorities, older people) are discarded throughout and views are not sought on these conclusions. The government is very clearly therefore not promoting equality, or fulfilling its statutory equality duty with this approach.

We urge the Secretary of State to abandon this flawed attempt at consultation. What has been proposed comes nowhere near what should be expected of a genuine and meaningful consultation about the protection of fundamental rights and does not reflect the expressed wishes of the many thousands who have expressed their desire for a strong and inclusive Bill of Rights.