

Notes of the Second Meeting of Women's Working Group  
8<sup>th</sup> November 2007, Mount Charles

Present: Aileen McColgan (Legal Advisor), Margaret Ward (women's sector) convenor, Eleanor Jordan (women's sector), Kate Lagan (SDLP), Tim Cunningham (CAJ), Helena Macormac (Ethnic Minorities), Sara Duncan (Alliance), Paula Bradshaw (UUP), Jennifer McCann (SF), Elaine Campbell (Age Concern).

In attendance: Shauna Page (University of Ulster), note taker, Colin Foley, observer

Apologies: Deidre Nelson

#### Introductions

Introductions were made by each of the members present at the meeting and an agenda for the meeting was distributed by the Chair of the meeting, Margaret Ward.

Eleanor Jordan, Windsor Women's Centre

Eleanor gave a detailed and personalised account of the issues relating to women living in PUL areas.

Aileen McColgan

Aileen, as the group's legal advisor gave a detailed and informative talk on the international legal standards and rights relating to women, with particular reference to women in Northern Ireland.

§ Aileen in her opening address, made reference to the fact that, in her written submission, she looked particularly at the international provisions which were binding on the UK as they also have direct impact on Northern Ireland. She further noted that she did not look specifically at comparative issues (such as the legal developments which have been taking place in Canada and South Africa in relation to women's human rights) but she

noted their significance and stressed that the proposed Bill of Rights for Northern Ireland could learn valuable lessons from them.

- § Aileen stressed that we should look at the existing human rights instruments available and regard them as being “tools and not constraints”. She further stated that we should learn from these instruments and use them as building blocks when deciding what should be included within the proposed Bill of Rights.
- § In discussing the relevant international provisions applicable to women, Aileen stated that the three most important are: (1) International Covenant on Civil and Political Rights (ICCPR); (2) International Covenant on Economic and Social Rights and (ICESR); (3) Convention on the Elimination of Discrimination Against Women (CEDAW)
- § It was further stated that at the regional level, the European Convention on Human Rights (ECHR) and the European Social Charter, were particularly relevant when examining the rights of women in Northern Ireland. However it was pointed that the 1998 Human Rights Act and the ECHR are particularly weak in the areas of ‘Discrimination and Equality’. Aileen noted that this was largely due to the fact that there is currently no free-standing provision for non-discrimination within these particular instruments.
- § Another issue Aileen identified as being worth considering is the approach currently taken towards Discrimination and Equality issues by the European Courts, which she described as being ‘inconsistent’.
- § The issues of Direct and Indirect Discrimination were then discussed. It was further noted that the European Court of Human Rights, recognises indirect discrimination in theory but not in practice. The problem of indirect discrimination, Aileen noted, is that it is not always unlawful.
- § It was then discussed among the group, whether or not a Bill of Rights would help to bridge this gap in protection in relation to indirect discrimination. The consensus seems to be that a Bill of Rights would bridge this gap, and offer more protection to women in Northern Ireland.
- § The group further determined that, a Bill of Rights would be extremely effective if a free-standing provision on discrimination was included within it, and also perhaps in the preamble to the Bill.
- § Margaret asked how such a provision would be worded. Aileen stated that this issue would have to be discussed further as this would be a major development. She did state however that, if the proposed discrimination provision was worded in such a manner so as to impose a positive

obligation on the state, this could be a significant step forward. She also said that positive discrimination, understood as taking steps to eradicate existing disadvantage which resulted from past discrimination, was viewed much more comfortably elsewhere in the world though it has traditionally been regarded with suspicion in the UK. She suggested that properly tailored positive discrimination should be seen not as a form of discrimination but, rather, as an equality-promoting measure.

- § Aileen also informed the group that, that we need to look at hard substantive rights for women, namely the economic and social rights that women in Northern Ireland are entitled to.
- § Article 15 CEDAW was discussed, and Aileen informed the group that this specific provision imposes an obligation on states to enforce the rights of women. She further stated that, such a right should also be included within the proposed Bill of Rights. By imposing an obligation on states, they become much more accountable.
- § It was determined, following information provided by Eleanor, that women's mental health should also be addressed in the Bill of Rights. In particular it was noted that, the mental health issues being faced by women coming out of the Troubles has been a neglected area that needs particular attention. A right to health could be of assistance in challenging some of the difficulties discussed by Eleanor Jordan.
- § Violence against Women was discussed in depth by the group. In addressing the issue of violence against women, Aileen specifically mentioned the practices of domestic violence, trafficking, sexual harassment. Although all women are vulnerable to gender-related violence, particular groups (immigrant women) are more vulnerable than most, as they have fewer support mechanisms.
- § The group specifically wanted the issue of 'reproductive rights' to be included within any Bill of Rights. It was noted that the issue of 'reproductive rights' in Northern Ireland was a controversial issue and would have to be treated sensitively. As there was no agreement on the issue of abortion within the group, Alliance and UUP allowing for a free vote on the issue, SF, SDLP in different respects opposing abortion, it might be possible to achieve a significant amount of agreement on areas other than abortion itself, and we should pursue those. Agreement may not be possible in relation to abortion, as distinct from other areas relevant to reproduction.

Recap on last meeting- issues identified for other working groups; issues raised by CEDAW Shadow Report; gathering evidence from other groups.

- § It was noted that the various working groups are due to report by the end of November. It was agreed by the group that because the women's group began late it would be unable to report by the end of November but would do so at a later date.
- § NIWEP would be presenting their Shadow Report on CEDAW at the next meeting.
- § In terms of the other working groups, it was agreed that the legal advisors from each should meet up and get information from each other.
- § In relation to the working group on Economic and Social Rights, it was agreed that they too should look at the economic inactivity of both men and women in Northern Ireland. The women's group however, would also examine how male economic inactivity impacts on women lives.
- § The right to work was discussed among the group and it was decided that the rights of women to work was compromised by the lack of child-care facilities available. It was agreed that this issue would also be brought to the attention of the Working Group on Children, to see if the right to child care could become a children's issue.
- § In discussing how women are not equally or fairly represented in the judiciary of Northern Ireland, it was agreed that the Implementation, Preamble and Enforcement Working Group, would be consulted over the women's groups desire to have a general statement on discrimination and equality included within the preamble.
- § It was further agreed that the women's group should consult with the Working Group on Criminal Justice and Victims. Members of the group noted their concern that the working group on Criminal Justice and Victims has spent a great deal of time looking at the issue of justice and has not yet looked at the issue of gender-based violence against women. Women should also be included within the definition of 'victims'.
- § The possibility of sending a representative of the women's group to the Working Group on Criminal Justice and Victims was discussed.
- § It was further agreed that the issue of accessing justice should also be covered by the Working Group on Criminal Justice and Victims.
- § It was further discussed that the group is not sure if the working group on Culture, Identity and Language would focus on gender issues, eg by taking into account the problems affecting ethnic and minority groups, i.e. female

genital mutilation, forced marriages, prostitution and trafficking of women to name but a few.

- § The group agreed that because many of these issues, concerning ethnic and minority rights, are relatively new in Northern Ireland, that they should be looked at more closely and acknowledged in the Bill of Rights.
- § The possibility of bringing in experts to discuss some of the problems facing immigrant women was suggested, and the group agreed that this was a good idea.

#### Helena Macormac: Immigrant Women

- § Helena discussed the possibility of maybe asking a few immigrant women to come and talk to the group about the issues facing them in Northern Ireland. Helena noted however, that they are very sceptical about this, because they need to be convinced that the Bill of Rights will benefit them and protect their rights as well.
- § The possibility of representatives from the women's group going and meeting these women was then suggested.

#### Proposed Objectives for the Group to Examine

The following issues/areas were agreed upon as being necessary for inclusion within the Bill of Rights/ worthy of further discussion:

- § Gender Violence
- § Mental Health Needs of Women
- § Reproductive Rights
- § Representation in Public Life
- § Discrimination and Equality
- § N. Ireland as a Male Dominated Society
- § Education

#### Work for the Next Meeting

- § The group would all read the papers already circulated and would think more about the issues identified as being worthy of inclusion within the Bill of Rights.

- § The group would read the CEDAW Shadow Report for discussion with NIWEP at the next meeting.
- § The next meeting was scheduled for the 28<sup>th</sup> November 2007 11 am to 5 pm at the Inter-Point Building.
- § The minutes for this meeting would also be circulated before the next meeting.
- § Margaret would circulate a paper on abortion in Northern Ireland.
- § Aileen would collate human rights standards in the areas discussed, as a trigger for further discussion.
- § Aileen would contact advisors to other working groups to discuss women's issues for inclusion
- § Margaret would contact convenors/members of other working groups to discuss issues for inclusion

Note:

The representative from the Ulster Unionist Party was in agreement that the issues identified were important areas of concern for women in Northern Ireland, but disagreed that they should all be included in a Bill of Rights.