

Notes of the Third Meeting of Women's Working Group 28th November 2007, York Street, Interpoint Building

Present: Aileen McColgan (Legal Advisor), Margaret Ward (chair) Kate Lagan (SDLP), Helena Macormac (Ethnic Minorities), Paula Bradshaw (Ulster Unionist Party), Elaine Campbell (Age Concern), Irene Miskimmon (NIWEP), Maggie Beirne (CAJ) substitute for Tim Cunningham.

Apologies: Tim Cunningham (CAJ), Sara Duncan (Alliance), Jennifer McCann (Sinn Fein).

In Attendance: Ann Marie Gray (NIWEP), Shauna Page (University of Ulster), notetaker, Colin Foley, observer

Follow up to last meeting :

- § It was noted that the Ulster Unionist party rep was the only member of the group to express any dissatisfaction with the notes. She raised the concern that they did not reflect her party's position on specific matters. Amendments to the notes of the meeting have not been submitted but there is a note attached to indicate UUP dissension.
- § Helena queried whether or not there was going to be a new male member to the working group (as was originally proposed). Margaret informed the group that at this stage it was very unlikely that anyone else would be appointed, and she noted that there appears to be a reluctance among some organisations/groups to join this particular working group.
- § Elaine noted that another member should have been appointed, and that it didn't necessarily have to be a man.
- § Margaret promised to raise this issue at the next forum meeting.

Aileen's Report

- § Aileen, as the group's legal advisor prepared a report on the issues which the group at the meeting on the 8th November had identified as '*possible*' issues for inclusion within the proposed Bill of Rights.

§ The aims of the report, Aileen stated, were to encourage the group as a collective to discuss each of these issues, refine them, and determine how they would fit within the proposed Bill of Rights.

§ Aileen further noted that while a number of rights had been identified by the group as possible rights to be included within the proposed Bill of Rights, the group still had to determine whether or not these rights would actually be included.

§ Aileen also stated that any Bill of Rights would require an anti-discrimination provision.

§ Margaret suggested that the group should therefore look at what the other groups are doing in relation to equality and discrimination issues. Aileen noted that some of the other working groups which she had consulted with will also possibly look at the possibility of including an anti-discrimination and equality clause.

§ In relation to the issues of political participation and mental health, Aileen noted that she has received no real feedback on these issues from the other working groups. Margaret reported she has had some consultation with other groups regarding social and economic rights, the Preamble and criminal justice and violence.

§ Aileen noted that in relation to the preamble of the proposed Bill of Rights that something on women's rights would have to be included within it.

§ Aileen further stated that the issue of women in the workplace, would also be discussed within the Working Group on Economic and Social Rights.

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Ann Marie Gray, NI Women's European Platform: CEDAW Shadow Submission

§ Following a brief introduction to the Convention on the Elimination of Discrimination on Women (CEDAW) and the NIWEP Shadow NGO Report, Ann Marie noted their particular significance for women in Northern Ireland.

§ Ann Marie noted that the UK Government had been criticised at the last Investigation by Committee on Progress in the UK. It had been criticised for:

1. Teenage Pregnancies being the highest in Europe

2. Number of older women living in poverty
3. Treatment of immigrant women
4. Increasing number of women in prison without looking at the reasons for offending.
5. Policy and progress on violence against women
6. Under-representation of women in decision-making
7. Job segregation and unequal pay
8. Lack of gender-proofing in policies
9. The committee noted the issue of devolution and expressed concern that the protection of women's human rights would be uneven throughout the UK.

§ Ann Marie noted that there has been no real progress on any of these issues in recent years.

§ In addressing the various articles of the CEDAW Convention, Ann Marie began by looking at article 2 & 3. Article provides "*State parties condemn discrimination against women in all its form, agree to pursue all appropriate means and without delay a policy of eliminating discrimination against women*". Article 3 further provides that, "*States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women...*"

§ In relation to these particular articles, Ann Marie noted that the issues raised by NIWEP included:

1. The impact of devolution on women in Northern Ireland.
2. Implementation of a Gender Equality Strategy.
3. Ethnic, minority women. In particular concerns were raised about these women suffering domestic violence by employers and family members.
4. Section 75 (equality provision). In particular Ann Marie noted that section 75 was disadvantaging women because the government is only being encouraged to provide 'a minimum service'. Thus they are not following the true spirit of this provision.

5. Lack of progress concerning the representation of women in public life. In particular concerns were noted about the lack of women being elected to public positions (i.e. judiciary) and the insufficient attention being paid by the government in encouraging women to get involved in public life. Kate Lagan noted that the under representation of women in politics stems from the fact that politics in Northern Ireland has traditionally been male-dominated. Margaret Ward, also noted that a report on 'Women in Political Parties' is due to be published soon, and that it may be useful to consult.

Ann Marie, in the course of this discussion, further noted that the government tends to blame women for not getting involved in politics. She said that in reality, it is the government that does not encourage women to get involved, and when women do get involved they receive little help (i.e. Child Care). Kate Lagan further noted, that while there are enough women to get involved in politics, some do want to get involved but they don't want to be associated with any of the main political parties. However, when they run as independents, they don't usually get elected.

6. Failure to implement UN Res 1325.

§ Article 6 CEDAW *"To modify the social and cultural patterns of conduct of man and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and womenStates Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women"*.

§ It was agreed that the issue of violence against women would come within article 6. Ann Marie noted that while trafficking and prostitution were major areas of concern in Northern Ireland, there has been no solid research in this area and as a result statistics and information is very piecemeal. Thus, it was agreed that we would need to look at the law to see how it could be used to protect women from trafficking.

- § Ann Marie, further stated that one of the objectives of NIWEP in light of the Shadow Report, is to prevent immigrant women from being deported if there is any possibility that they will suffer harm in their home countries.
- § It was agreed that more information and research is needed in this particular area.
- § Article 7 CEDAW looks specifically at the elimination of discrimination against women in political and public life.
- § Ann Marie informed the group that Article 8 CEDAW, again looks at the issue of representation of women in political and public life, but goes a little further in that it looks at the capacity of women to engage in public life at the international level.
- § The limited capacity of women in Northern Ireland to engage with international work was noted. It was further noted by Ann Marie that there is a need to ensure that women from Northern Ireland are represented at senior levels in relation to peace-building and conflict resolution initiatives.
- § Education was then discussed in relation to article 10 of the CEDAW Convention. Ann Marie noted that most of the information collected in response to education came from the following sources:

1. Women's Organisations: they noted the lack of funding now available for community education
2. Research: Ann Marie noted in particular the research that she has been undertaking in relation to lone parents and older women. She noted that most educational opportunities are inherently discriminatory. For example she said that the Governments New Deal Initiatives force men and women into traditionally gendered areas of employment (i.e. childcare and beauty therapy for girls and plumbing and tiling for men), which are typically very low paying jobs.

Ann Marie further noted that NIWEP has received a large amount of submissions concerning the issue of sexual education in Northern Ireland. Many of the submissions have requested educational help for young mothers (i.e. more funding for the new teenage-pregnancy strategy), and a more systematic delivery of sex education in schools. She added that a great deal of youth organisations have openly talked about their difficulty in trying to teach

sex education. This derives largely from the fact that many youth organisations have strong links with the local churches.

§ Article 11 CEDAW deals with the issue of employment. Maggie Beirne noted that while this issue should also be discussed within the Economic and Social Working Group, some aspects should be reserved for the women's group. Ann Marie also noted that there are huge employment differences between Northern Ireland and the rest of the UK, partly because the rest of the UK tends to have better childcare facilities which allow women to access employment much more easily. Ann Marie and Elaine Campbell noted that the government approach in N. Ireland in relation to employment and childcare is insufficient. She noted for example that the 'Early Years Childcare scheme' is only for a certain number of hours each day and that this can cause problems for parents who may not finish work on time and as a result have to pay extra to have their children looked after. Elaine further noted that rural women suffer a lot because of the lack of adequate childcare available. Moreover Kate Lagan noted that if family members are then left to offer childcare, parents are then still discriminated against because they will not receive 'Tax Credits'.

§ The group further discussed the hardship that parents, particularly women will face when the new government provisions on Social Security come into force. For example these proposals state that by 2010, when children reach the age of 9 or 10 lone parents will have to enter the labour market. Again, they will be forced into traditional, low-paying jobs and childcare will undoubtedly be both problematic and expensive.

§ The issues of Discrimination and Reproductive health issues were then discussed among the group, in relation to Article 12 CEDAW. Ann Marie stated that submissions have been received by the NIWEP on the following:

1. Reproductive health issues
2. Access to adequate services i.e. Bamford Review on Mental Health; lack of abortion facilities.

3. Older Women and access to services. In particular Elaine noted that elderly women suffer a great deal of discrimination in Northern Ireland (restrictions on screening services for breast cancer). She stated that the Age Concern Report reflects this and she has promised to distribute this report to all members of the group in due course. Aileen further noted that the high figures for mental health issues among women in Northern Ireland can be attributed to the Troubles.

§ In relation to Economic and Social Rights, Ann Marie noted that NIWEP has received a large number of submissions on the issue of pensions. She further stated that because of the low-paying jobs that women in Northern Ireland traditionally occupy, women usually do not qualify for pensions or are only eligible for small ones.

§ In concluding her presentation, Ann Marie said that reform is needed and that a Bill of Rights would be a step in the right direction.

§ Aileen stated that she found the talk to be very informative and it was useful in identifying issues specifically relevant to Northern Ireland.

§ Margaret asked if levels of violence against women in Northern Ireland have increased in recent years. Ann Marie, stated that yes they had and Helena said that this was particularly true in relation to immigrant women.

§ Maggie identified the following issues for further discussion:

1. Whether or not non-nationals (both male and female) would be mentioned in the preamble.
2. She suggested the issue of representation in public life include 'representation in public, political and international life'.
3. She said that more work is needed by this group and the other working groups on the issues of pensions, childcare, caring etc.
4. She also said that the working group on Criminal Justice should also be made aware of the issues surrounding trafficking and prostitution in Northern Ireland as these are also criminal issues.

§ The group also discussed the issue of deporting women who could potentially face violence in their home countries. Helena then made the group aware of a

conference on ‘*Non-Nationals Protection: International Standards and The Bill of Rights for Northern Ireland*’ to be held on Thursday 6th Dec, at the Wellington Park Hotel, Malone Road, Belfast.

Review of key Issues from last meeting and input from Aileen on process of refining these into human rights standards

- § The issue before the group Aileen stated was how to fit the key issues identified at the last meeting within the proposed Bill of Rights. If these rights were to be included, then the group would have to decide what kind of provisions would relate to each of these issues.
- § Aileen further noted that she had not drafted any provisions yet, because the group would have to decide what issues they actually want included within the Bill of Rights.
- § What was decided by the group was that the Bill of Rights would have to impose positive obligations on the state to ensure that rights are enforced and that women will be protected. It was further agreed that the Bill of Rights should contain an anti-discrimination provision.
- § Aileen then asked the groups what provisions they would like to see included within the proposed Bill Of Rights, in light of the issues identified at the last meeting. The issue of gender violence was discussed first. It was agreed that there should be a right to be free from violence and gender exploitation (i.e. sexual violence, violence in the private sphere, protection from harmful traditional practices). It was further agreed that this should take the form of a general provision, which may give a few examples of gender violence to reinforce the reasoning behind this particular provision. The group are conscious of the fact that they don’t want to exclude men from this provision, because men, particularly gay men, can also be the victims of gender violence.
- § Aileen then asked the group whether or not they wanted to look at the issue of pornography and its relationship to gender violence. The group agree that it was an issue worth of consideration.
- § Aileen then proposed bringing gender violence and the right to be free from violence under the umbrella term ‘*right to physical autonomy*’ as this would also cover the issue of sexual exploitation and reproductive issues. Aileen also

though that this particular provision could avoid the group having to decide on the controversial issue of abortion.

- § In discussing the issue of positive state obligations, Aileen said that perhaps there should be an obligation on the state to collect information and carry out research on the issue of violence against women (both nationals and non-nationals). Such evidence she argued, would give credibility and substance to existing domestic, regional and international laws and the proposed provisions of the Bill of Rights.
- § In the discussions concerning gender specific legislation and an anti-discrimination clause, Aileen said that perhaps we should look to the Canadian Charter as an example of how such legislation/provisions could be phrased and she promised to look into this.
- § The group then discussed whether or not we needed a specific chapter on women in the proposed Bill of Right. Aileen suggested that perhaps we don't, and that we should just make the rights concerning women more general. A specific gender provision she said however would be a good idea. Some felt that a separate chapter could be controversial, as arguments as to why men, children, the elderly etc should not also have their own specific chapters.
- § Maggie said that maybe a separate chapter on women's rights should be included. There was no real consensus agreed on this issue and the group agreed to address it more fully at the next meeting. It was suggested that this could be a negotiating tool when the group finalised its recommendations for the Forum.
- § In addressing the issue of Representation in Public Life, Aileen proposed the following provision, which places a positive obligation on the state '*to facilitate the participation of women in public life, including where appropriate the introduction of temporary measures to achieve a balance in men and women holding publicly elected positions*'. This proposed provision she said would also place a positive obligation on the state to ensure equality in the formation of public policies.
- § Maggie wanted to know if this proposed provision would also include appointments to the judiciary etc. It was stated that the provision would apply.
- § Paul wanted her party's opposition to the proposed positive obligations on the state to be noted. She stated that she doesn't feel that such a provision should

be contained in a Bill of Rights, as it would better be dealt with as a public policy issue (i.e. in particular she noted the ‘women into politics’ initiative).

§ Kate argued that the Women into Politics initiative only focused on women in councils and not politics as a whole, or appointments to the judiciary.

§ Maggie suggested looking at the language used in European Law as a option for framing this particular provision on ‘representation in public life’.

§ Margaret argued that women are severely underrepresented in public life and that a provision on ‘representation on public life’ would give all women the opportunity to participate in public life. Margaret then drew attention to the CEDAW Convention and how the Bill of Rights could learn from its provisions on this particular issue.

§ Paula expressed her opinion that she failed to see how the state discriminates against women in this particular context. She also expressed her reservation concerning why women should receive more help in getting into public positions, than men. Aileen pointed out that the state discriminates against women and she pointed towards the under-representation of women in the judiciary and how the judiciary, just like most public offices are inherently male-dominated.

§ Paula wanted it recorded in the minutes of the meeting that her party did not agree to the rights decided at the last meeting. She said that they had not been agreed upon by her or her party. Aileen stated that the issues under discussion in this meeting were not necessarily rights which would be included within the Bill of Rights and that they were merely issues that had been identified by the group as worthy of consideration at the last meeting. Aileen further stated that the report which she had written for the group was merely a draft paper which was open for discussion. It was non-binding.

§ Paula also expressed some concern over the terminology used in Aileen’s initial report. In particular she referred to paragraph 5, and stated that the DUP representatives would support her views on this point.

§ In addressing the issue of the mental health needs of women, Aileen asked Margaret if she knew how the working group on Economic and Social Rights was addressing this issue. Margaret informed the group, that the working group on Economic and Social Rights was looking into this issue also.

- § Aileen stated that any provisions in relation to health should specifically mention the issue of mental health, in relation to both men and women. It was acknowledged that this is an issue which affects both sexes. Helena stated that this provision should apply also to non-nationals.
- § Paula stated that she feels that Aileen is prioritizing mental health issues over other illnesses such as cancer. Aileen acknowledged that, yes, we should consider all health issues, but she argued that we can look specifically at the issue of mental health, as it is a crucial issue in Northern Ireland.
- § Paula also wanted it noted that she agrees with the provisions of the Working Group on Economic and Social Rights, except clause 3 on 'progressive realisation'.
- § In addressing the issue of 'reproductive rights', Aileen said that this could come within the provision of 'physical autonomy'. This would be ideal she said, as it would mean that the women's group would not have to decide on the issue of abortion. It would also give the group more room for discussion on the issues of reproductive rights (i.e. it would also give the group the opportunity to look at the issue of access to information).
- § Aileen noted also that a non-discrimination/equality clause should be read into any provision on reproductive rights. Elaine also noted that we should ask the economic and social rights group to draft a provision on reproductive rights within its health care provision.
- § In relation to the issue of reproductive health, the issue of traditional practices, particularly the issue of female genital mutilation emerged. It was agreed that perhaps it would be best not to highlight specific practices in the Bill of Rights provisions as this would undoubtedly cause controversy. A general provision was agreed by the majority of the group as being the best place for these forms of violence affecting the reproductive health of women.
- § Aileen promised to look at the issue of harmful cultural practices in relation to the suffering of harm and whether or not criminal law could be invoked in such cases. Paula expressed her concern, that the state can only investigate criminal law matters, and that in her opinion harmful cultural practices should not be mentioned within the Bill of Rights as the state has no role in these practices.

§ The issue of **due-dilliance** (?) was then discussed. Paula noted her belief that the group was going beyond the remit set out by the Secretary of State. She argued that we just have to identify the rights which we feel are missing from the 1998 Human Rights Act. Margaret stated that we are not going beyond our remit, and that we are looking at valid and important issues.

§ In examining the issue of Discrimination and Equality, the group decided that the issue had been discussed throughout the meeting at length. It was noted, however, that the working group on Economic and Social Rights was also looking at these issues and that it would be appropriate for the two groups to collaborate.

Other Issues and the Forum Outreach Strategy and Suggestions for outreach with women

§ Paula expressed her opinion that community education is too topical and should not be mentioned explicitly in the proposed Bill of Rights. She said that it could become a very controversial issue.

§ Aileen noted that because most of the discussions on education centred around the issues of lone parents, inadequate education, childcare etc that the following provision may be worth considering for inclusion within the proposed Bill of Rights, “Facilitation of women’s access to economic life on an equal basis to that of men”. Helena said that such a provision would greatly benefit women from the travelling community. Aileen made reference to the Roma case which was recently decided by the European Court of Human Rights.

§ Paula wanted to know also if the issue of carers was a problem which was unique to Northern Ireland. Elaine said that yes it was an issue specifically relevant to Northern Ireland.

§ The group agreed that there should be support and opportunities there for people who care. Kate in particular noted that there are not a lot of resources available for carers and this is why the burden of childcare etc is being left to the extended family in Northern Ireland.

- § Paula again expressed her concerns that the group is overstepping its boundaries in relation to the issue of carers. She said that it was not the responsibility of the group to look at the allocation of financial resources to carers or any other groups. That was the job of politicians.
- § Elaine noted that carers need extra help and that they are not actually aware of their rights. Maggie also noted that we need to look at the rights of those who are actually being cared for as well, and that the state should have an obligation imposed upon them to protect these individuals. Such rights it was suggested by Aileen could be phrased as being 'right to dignity' (i.e. right not to be put into a rest home. Such a provision Aileen noted would go beyond the provisions of the 1998 Human Rights Act and would be a progressive development forward.
- § Elaine promised to distribute the 'Right to Care Charter' which has been published by Age Concern, and looks at the issue of carers and those in need of being cared, particularly the elderly.
- § Paula discussed the Outreach Strategy briefly. She noted that she had been unable to attend the last Outreach meeting. She also noted that those who have been appointed are currently in training and that they are trying to identify groups to consult with.
- § Paula further noted that that a framework for the £45,000 budget has been established.
- § Because the various working groups have not reported yet, it makes it more difficult for the outreach workers to adequately question groups. As contentious issues have not yet been agreed by groups, this will also make the work of outreach more difficult.
- § Margaret noted her concerns about how the outreach groups are going to get through all the issues identified by the various working groups.

Date of Next Meeting scheduled for 9th Jan 2008, Interpoint Building, 12-5.