

Notes of the Meeting of Women's Working Group
9 January 2008, Interpoint

Present: Paula Bradshaw (UU), Elaine Campbell (Age Sector), Helena Macormac (Race), Margaret Ward (convenor), Jennifer McCann (SF), Aileen McColgan (advisor).

Apologies: Kate Lagan (SDLP), Tim Cunningham (CAJ),

1. Recap from previous meeting

Notes were agreed. Paula wished to add that UUP does not support progressive realisation.

2. Discussion of proposed provisions

1 and 2: Physical integrity and physical autonomy

There was discussion on the distinctions to be made between physical integrity and physical autonomy. Aileen explained that physical integrity implied freedom from assault on the person, whereas physical autonomy implied the right to freedom from exploitation and control over one's body. It was agreed that these two sections would be amalgamated.

Discussion on the situation of non-nationals experiencing domestic violence and the fact that statutory agencies had no obligation to offer help. The provision of 2a implies a positive obligation on the state to help in these situations. Paula felt that this could result in NI having a preferential policy compared to the rest of the UK and that this matter should be led by central government.

- 2b – it was agreed that this was a general provision regarding reproduction, the understanding of which would change over time. A more specific clause was contained in the health section.
- It was agreed that an addition to this section would be women in prison, specifically their right to freedom from harassment and right to appropriate conditions of imprisonment. Issues of concern included culturally appropriate provisions for asylum seekers, such as food and language rights.

Paula suggested that it was important to ensure the emphasis on each issue be secured so that there should be a separation of each issue: domestic violence, sexual violence etc.

Agreement

There was agreement for 1 and 2 with the exception of SDLP. Kate Lagan had emailed to indicate that the SDLP would not support 2b or 2c.

3. Equality

There was a lengthy discussion regarding fair and unfair discrimination. Discrimination can be justified in some cases if it is in order to achieve equality. Unfair discrimination is prohibited. The civil and political rights group in clause 8 use an exception clause, where no discrimination is allowed except for...but this is not used outside employment situations.

3c provides for state control of immigration for example, because of the 'may not unfairly discriminate' provision. There would be a difficulty in enabling the state to have an immigration policy if there was a general equality clause that included nationality and removed 'unfairly'.

- It was agreed that Aileen would develop two anti-discrimination clauses, and we would discuss this further.
- It was agreed that the equality categories in 3c needed to be wider than simply grounds of sex because women suffer from more than just sex discrimination.
- It was agreed that the categories of Irish Traveller and economic status be added to the list of grounds.

4. Sex equality

This section is important because it enables women to assert a wide range of rights, and will include for example the rights of women in prison and in the criminal justice system.

- It was agreed that the last sentence would be changed to allow for a positive action measure rather than the existing provision not precluding activity etc.

5. Dignity

The wording is the same as that contained in the civil and political rights working group. Its importance is that it is a fluid concept and can be litigated upon and made very specific to women, eg the rights of women in jail, asylum seekers. It can be used if the more specific clauses pertaining to rights cannot be used.

- It was agreed that we would add an explanatory clause on the importance of retaining this clause to reinforce it being retained in the report of the political and civil rights working group.

6. Health

- It was agreed that 6 a) would be amended to include 'ensure to all people appropriate medical service..'

There was a discussion on the importance of healthcare in relation to rape and the lack of accessibility of services in NI. There is also an issue of ethnic minority women and accessibility and women with language difficulties.

- 6b) would be amended to a more expansive version 'the fullest range of reproductive health care' without specifying any particular kind of care, other than advice and sex education. 'language difficulties and disabilities' would be reversed to place greater emphasis on women with disabilities.
- 6 c) an additional clause will be inserted to include services to rape victims and availability to non nationals.

7. Housing

There was some discussion on housing rights and whether this was appropriate in a section relating to women's rights. The expansive version of 'right to housing' contained in the report of the social and economic rights working group was noted.

- It was agreed that we would concentrate on women's housing needs, particularly the needs of women fleeing domestic violence. Aileen will draft a clause and the more

general clause would be kept within the social and economic rights report.

8. Equality in Public Life

It was agreed that 'public positions' would be used instead of 'elected positions', so that this would include those nominated to positions. It would also be extended to include women in political and international life.

Note: UUP reserved their position on this matter Agreement still to be reached.

9. Economic participation

UUP felt that these measures, eg childcare provision, were policy decisions to be taken by politicians who had to decide priorities rather than a blanket statement of state obligations. Sinn Fein felt that we should not be influenced by what was feasible economically but should make it clear that lack of provisions such as childcare discriminated against women. Further discussion of this section is required.

The following issues were discussed in the absence of the UUP representative and have still to be considered by the group as a whole.

10. Women and employment

It was agreed, reinforced by the discussion in the Forum plenary, that we had to include provisions relating to women and employment. Relevant issues were the role of women in the home, the role of carers, the need for recognition of the unpaid work of women and the disadvantages women experience as a consequence of this role. The state needed to make pension provision accessible to all, to provide flexible working that was available to all and not on the discretionary basis as it is currently. Evidence for the need for this was suggested by the DETI report on women using long term sickness leave in greater numbers than men. Sexual harassment, bullying and maternity leave were other important issues.

11. Criminal Justice

Aileen agreed to develop clauses to deal with the treatment of women subjected to sexual assault and domestic violence, to include the need for rape victims to have a fair trial, and how women are treated when reporting rape.

Margaret agreed to inform the Criminal Justice and Victims group that this would be done.

3. Outreach

There was some discussion on whether we had included all dimensions of women's lives in the above provision. It was agreed that the CFNI discussions posted on the Forum website would be looked at to see if there were other issues. The outstanding group to be consulted were women with disabilities and Traveller women. When the new version is ready, Margaret will send it to Colin Harper and Bronagh Byrne at Disability Action. Helena (who had left the meeting) would be asked to consider if the provisions met the needs of Traveller women.

4. Date of next meeting

Aileen will consult her diary and dates will be circulated by e mail to the group.