

Response to “Progressing a Bill of Rights” from Women’s Resource and Development Agency (WRDA)

Introduction

The Women’s Resource and Development Agency (“WRDA”) was established in 1983 with the objective of advancing the participation, inclusion and equality of women, working for the benefit of their own communities and society in general.

The organisation continues to focus its efforts on working with and through women and community organisations located within disadvantaged and/or divided communities.

By strengthening the role and position of women in their own communities, it is anticipated that wider community change will be brought about, leading to the advancement of the broader vision for peace, reconciliation and social inclusion.

The WRDA recognise the importance of the following key areas in ensuring continuous progress: training, development, education, building community capacity and working towards social and policy change.

WRDA welcomes this opportunity to respond to the latest consultation proposals for a Bill of Rights produced by the Northern Ireland Human Rights Commission (“the Commission”).

WRDA is one of 300 organisations responding to the needs of women within Northern Ireland society. Our policy remit and practical experience of dealing directly with women provides us with a unique insight into the problems affecting women and the issues most pertinent to them. This experience will direct and inform our response to the latest proposals from the Commission.

WRDA does not intend to answer each and every concern we have, rather the following outlines clearly our concerns regarding the current proposals. We strongly recommend the Commission reconsider its current approach to the position of women within Northern Ireland. We believe that a renewed period of dialogue and consultation is required before this Commission or the incoming Commission attempts any further drafting of proposals.

Section 2 - Democratic Rights

There is an absence of structures and practices within public life in Northern Ireland, which makes it impossible for women to participate equally with men in this area. The issues of interest to women and the issues they care about are not represented adequately. In order to facilitate an era of enlightened consideration of the participation of women, WRDA considers it essential that a positive commitment is undertaken by the State to ensure the full and effective participation of women within the public and political life of Northern

Ireland. Therefore, while WRDA welcomes the particular mention of women in Section 2 (3), we would welcome the inclusion of the following italicised words:

(3) The State shall take all appropriate ***positive*** measures to ***ensure*** the right of under-represented sectors of society, in particular women, to fair, full and equal ***access to and*** participation in public life, including participation in decision-making processes.

There is recognition in international human rights discourse, both within the United Nations and Europe, and most notably in the European Union's Charter of Fundamental Rights, that there is a need for positive action to ensure effective equality for previous disadvantaged groups. Such action needs to be stated in an unambiguous way and relate specifically to the group being targeted rather than attempting to mainstream general positive action principles. WRDA considers the changes suggested above best reflect the most appropriate way to deal with current imbalances at decision-making level and believe that the added words will prevent any future misinterpretation or re-interpretation of the rights afforded to women within this section should this section be sought to be clarified by any future court.

Section 4 -The Right to Equality and Non-discrimination

Women are disadvantaged by virtue of their gender but may also be affected by issues pertinent to others within society. It is the possible multiple identities of women which renders gender protection so fundamental – it is useless placing positive obligations on States and affording rights to disadvantaged groups if women continue to face gender specific barriers. The Fourth World Conference on Women, the UN Convention on the Elimination of Discrimination Against Women, the EU Charter of Fundamental Rights and the Constitutions of South Africa and Canada all recognise that simply seeking to prohibit sex discrimination is not sufficient to address the complexities of disadvantage which women suffer.

As a signatory to the UN's Convention on the Elimination of Discrimination Against Women, the UK is committed to adopting "appropriate legislative and other measures" to ensure the equal exercise and enjoyment by women of all rights. The current proposals by the Commission are wholly inadequate in meeting international standards for women.

Below are just a few examples of the realities of life in Northern Ireland for women. These issues, which are by no means wholly reflective of all the problems women face, serve to highlight the social, economic, cultural and political forces which negatively impact upon women:

- Despite 30 years of equal pay legislation, there remain significant gaps between the earnings of men and women.
- Women's average weekly earnings in Northern Ireland are the lowest in the UK.

- 70% of women within Northern Ireland are outside the current policy arrangements for pensions.
- There is an ongoing issue of low-pay for part-time work carried out by women.
- Recent analysis has shown that there is a positive relationship between the supply of full-time childcare for under 5s and the probability that a mother will take paid work – while England has 95 day nursery places for children aged 0 –4, in Northern Ireland the corresponding figure is 62.4.
- There is a recognised lack of adequate childcare facilities in rural areas.
- Rural women bearing the primary responsibility for child rearing and caring for the health of older family members are particularly affected by the inadequate provision of public health services in rural areas, such as access to G.P's, dentists, pharmacies, out of hours medical services, local hospitals etc.
- The lack of adequate public transport in rural areas ensures that rural women are prevented from participating effectively in social, political and economic activities throughout Northern Ireland.
- Women make up less than one third of the members of public bodies in NI and the picture is similar in district councils and within political life as a whole-we have failed to take official initiatives similar to those in Scotland and Wales

Equality for women does not have to result in perceived favouritism for women over other groups. It is a hollow argument that the status of women within society is such as to negate any need for special protection – there is nothing in the most recent research to suggest that the inequalities between the genders no longer exists or even that the inequality has improved significantly.

WRDA would encourage the Commission to consider the adoption within Section 4 (1) – (5) of the following italicised words:

(2) ... The State shall take all necessary measures, including ***positive*** measures, to promote the equal enjoyment, benefit and protection of all human rights and fundamental freedoms for women and girls.

(5) All public bodies ***must implement*** laws, policies, programmes and activities aimed at achieving and sustaining full and effective equality... Such laws, policies, programmes and activities ***must*** include specific measures for ***disadvantaged*** individuals from such groups and shall not constitute discrimination.

Section 6 - The Right to be Protected against Violence

The issue of domestic violence remains almost exclusively a problem for women. This is not to deny the existence of physical violence from women towards men – it is simply a statement representing the statistical reality of this particular type of gender based violence. There is no evidence to suggest that violence towards men perpetrated by women originates as a result of the

same social and economic issues which women face. It is imperative that women are specifically singled out for protection from this gender-based violence within a Bill of Rights. Domestic violence occurs against women *because* of their gender not *despite* it.

In light of these comments, WRDA would welcome the following alteration to Section 6:

- (1) Everyone has the right to dignity and physical integrity, ***which must not be affected through either an act or omission of an individual, the State, public bodies or any other source.***
- (2) All public bodies ***must*** oppose ***and take positive steps to eradicate*** the use of any form of violence for political or private ends, and ***must take positive steps*** to promote non-violence, peaceful coexistence, tolerance and respect in society at large,

And suggest the addition of the following clauses:

The State must take all appropriate measures to prevent and eliminate all forms of violence against women and girls whether physical, mental or emotional.

To this end, the State shall take all necessary positive steps to eliminate the economic, social and political inequalities that exist in society and operate to render women vulnerable to physical and mental abuse.

Section 10 – The Rights of Victims

WRDA considers the limitation placed on the accessibility of restitution or compensation for victims to be unduly narrow and would welcome the removal of the following word:

- (1) (c) the right of every victim to obtain redress by way of restitution or compensation through formal or informal procedures that are expeditious, fair, **inexpensive** and accessible.

WRDA contends that it is inappropriate for a Bill of Rights to seek to limit rights and remedies available to anyone by creating a financial proviso.

Section 11 – The Rights to a Family and Private Life

WRDA would welcome the inclusion of the following words:

- (2) Everyone has the right to the protection of ***all*** data concerning him or her, ***whether personal or otherwise.***
- (3) Everyone has the right to the protection of ***all*** data.

- (4) Everyone has the right of access to **all** data which has been collected concerning him or her, and the right to have it rectified.

Section 15 - Social, Economic and Environmental Rights

WRDA would welcome a future opportunity to view a formulated Version 3 dealing with Social, Economic and Environmental Rights, which the Commission refers to on page 76 of the “Progressing a Bill of Rights for Northern Ireland” in order to allow us to be fully versed of the possibilities of this section. In the absence of this version, WRDA cautiously welcomes the provisions in Version 2 subject to the following proposed alterations:

- (3) (b) Everyone has the right to have equal and free access to sexual and reproductive health care and to information, education **and services** relating to sexual and reproductive matters at all levels, free of coercion, **harassment**, discrimination or violence.

Conclusion

WRDA considers the failure of the Commission to have a separate working group relating to women’s rights before the 2001 consultation document was released has resulted in the difficulties the Commission now appear to be in relation to women’s rights. This position can only be rectified through more detailed and in-depth discussion to reflect the scope and diversity of women’s rights.

It is imperative, therefore, that the Commission consults further with women’s organisations across Northern Ireland to try to ensure that the areas of particular concern to women are facilitated and rectification of these areas is sought within a Bill of Rights. It is clear that legislation alone is wholly inadequate when trying to protect and promote the participation and equality of women within Northern Ireland society. Problems exist within the context of the economy, society, politics and cultural attitudes to women – it is therefore in these areas that the solutions also lie. Unless the Bill of Rights reflects the myriad of interwoven issues that singularly and collectively deny women opportunities of equality and promotion of their rights, nothing will change.

We urge the Commission to enter into further dialogue with women and their representative organisations to ensure that any future Bill of Rights will attempt to redress the disadvantaged social, economical, financial and political position women within Northern Ireland now find themselves.

WRDA believe that it would be unwise and inappropriate for the Commission to forward the current proposals for a Bill of Rights to the Secretary of State. The Commission is required to consult on the matter before advising the Secretary of State and only if that advice has cross-community support will there be some movement towards legislative drafting of a Bill of Rights.

WRDA considers that, in the absence of round-party discussion and agreement and in light of the current political stalemate, the work towards a Bill of Rights has lost a great deal of its impetus and therefore the current proposals do not reflect a broad consensus.

WRDA welcomes the continued commitment of the Commission to establishing a Bill of Rights available and beneficial to all in Northern Ireland. WRDA remain willing and available to discuss and become involved in any further consultation process around women's rights within a future Bill of Rights and hope that the Commission will reflect on the suggestions made by us.

WRDA
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