

Women's Rights in a Bill of Rights for Northern Ireland

1.0 Background

1.1

Women's sector organisations within Northern Ireland welcome the interest of the Northern Ireland Affairs Committee regarding a Bill of Rights for Northern Ireland. Collectively, we have been engaged in the process of consultation around a Bill of Rights over many years. We were a recognised sectoral group within the Bill of Rights Forum which was established by the Westminster Government following the St Andrew's Agreement and chaired the Working Group on Women within the Forum. In broad terms we support the submission given by the Northern Ireland Human Rights Commission to the Northern Ireland Office, although on a few issues we would have wished it to have gone further.

1.2

We would like to take this opportunity to outline what we consider to be the main issues of concern to women in Northern Ireland that we believe must be included in a strong and inclusive Bill of Rights. Our evidence for this derives from many years of consultation within our member organisations and from the responses we have received from events organised to inform women's groups about the Bill of Rights process. We have also taken into consideration the provisions the Belfast (Good Friday) Agreement (the Agreement) and relevant International Standards, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UN Resolution 1325.

1.3

Women in Northern Ireland constitute a diverse group in terms of age, social class, life experience, racial and ethnic background, sexual orientation, disability and religious and political belief. We respect that diversity.

1.4

Our hope for the Bill of Rights is that it will become a living instrument whereby the most marginalised, the most overlooked and oppressed groups are protected and empowered to flourish in a new Northern Ireland.

1.5

There has been little acknowledgement of the particular circumstances of Northern Ireland in terms of the material reality of women's lives. The report by the Women's Centres Regional Partnership, *Women and the Conflict: talking about the troubles and planning for the future* (which was endorsed by Jeffrey Donaldson, MLA, MP) made visible the impact of the conflict on women's lives, affecting their under-representation in public and political life; violence against women; mental health issues in communities; the impact on women's life opportunities in education, employment and training

opportunities. Our hope is that a Bill of Rights will address these issues and will help strengthen the case for full and equal representation of women in all areas of Northern Irish society.

The following are the main areas of concern for women in Northern Ireland:

2.0 Democratic Rights

2.1

In the political and public sphere women are seriously under-represented. Only 18 of our Assembly of 108 members are women. By any measure women do not have full and equal participation in political and public life and access to power and decision making. This is undoubtedly a legacy of the conflict, when political life was a dangerous road to take, as the murder of several prominent women would attest. The 'particular circumstances' of Northern Ireland has created a sectarian and adversarial political culture that has been off-putting for many women, alienating them from a political process that did not address their concerns. We would draw attention to the pledge contained in the Good Friday/Belfast Agreement on 'the right of women to full and equal political participation' (p.16; to UN SCR 1325 on 'Women, Peace and Security' which calls for an increase in the number of women at decision-making levels in national, regional and international institutions involved in preventing, managing, and resolving conflicts and for the increased participation of women at decision-making levels in conflict resolution and peace processes. We would also draw the attention of the Committee to the Concluding Observations of the Committee on the Elimination of Discrimination against Women: United Kingdom of Great Britain and Northern Ireland (para 37) 'In view of its particular relevance to Northern Ireland, the Committee notes with regret the lack of information provided on the implementation of Security Council resolution 1325 on women, peace and security. It also notes the under representation of women in public office...and in key institutions established directly as a result of the peace process.'

2.2

Positive action measures in the devolved institutions of Scotland and Wales have helped to transform the political landscape in terms of the representation of women. In Northern Ireland, our situation of under representation of women can only be redressed through a commitment to positive action such as that recommended by Article 7 of CEDAW which requires states to take all appropriate measures to eliminate discrimination against women in political and public life. Legislation exists in the form of the Sex Discrimination (Election Candidates) Act 2002 permitting all-female short lists but none of the political parties in Northern Ireland have made use of this mechanism to improve the gender balance of political life.

2.3

The women's sector believes that this situation is so fundamentally undemocratic that the Bill of Rights must promote and protect women's rights in this sphere.

3.0 Violence Against Women: The right to dignity and physical integrity

3.1

Women have been particularly affected by the culture of violence that has been created as a result of decades of civil strife and a rise in violent crime. Incidents of violence against women have increased, trafficking of women is a new issue, but it is one that appears to be facilitated as a result of our particular culture. While women have been joining the Police Service of Northern Ireland, on-going threats by dissident republicans to nationalists joining PSNI are impacting upon the representation of Catholic women, with severe repercussions for the overall representation within the police service. In addition, the gender-specific nature of domestic violence and sexual violence has been obscured. There is no 'gender parity' in terms of who is most affected by gender-based violence. In her report to the Economic and Social Council of the United Nations, 2 February 1996, the Special Rapporteur on Violence Against Women stated very clearly that 'the language of law must be clear and unambiguous in protecting women victims from gender-specific violence within the family and intimate relationships.'

3.2

We need an acknowledgment of the problem and its impact on the lives of women and girls and an explicit commitment to eliminate gender-based violence.

3.3

This should reflect the standard laid down in the 1993 UN Declaration on the Elimination of Violence Against Women, asking states to pursue by all appropriate means and without delay, a policy of eliminating violence against women.

4.0 Health issues

4.1

Women do not have access to abortion services in Northern Ireland, except in the most limited of circumstances, and it is estimated that at least 1,300 women from Northern Ireland travel to Great Britain every year to access abortion. Apart from the financial costs involved (fees for the abortion, travel and accommodation), the lack of such facilities in Northern Ireland leads to later abortions, which can impact adversely on the health of the women concerned. We call for a Bill of Rights to guarantee to women the right to access the full range of reproductive services as enjoyed by women in the rest of the United Kingdom. We also draw the Committee's attention to the fact that United Nation's Committee on the Elimination of Discrimination against Women has directed the UK government to consult widely on this issue in Northern Ireland (para 42).

5.0 Social and economic rights

5.1

It is officially recognised that grievances among large sections of the population in Northern Ireland in relation to discrimination, exclusion and poverty, particularly in the areas of employment and housing, were prime factors in the conflict. There are continuing high levels of socio-economic disadvantage and deprivation in Northern Ireland. While this may also be the case in other parts of the UK, there is a crucial difference, namely the distinct manner in which socio-economic rights have been abused, neglected and restricted by state and non-state actors in Northern Ireland and their close relationship to both the causes and impact of 30 years of conflict. Given this, we believe that the inclusion of social and economic rights within a Bill of Rights for Northern Ireland is essential.

5.2

There has been an abject failure in this society to promote the equality of women in society in socio-economic terms eg. pensions, pay, social security etc. The establishment of a culture of socio-economic rights could fundamentally lift the position of women in society - and thereby also lift many of the families and groups in society who are suffering from the dual nightmare of poverty and inequality.

6.0 A section on women's rights

6.1

The women's sector in Northern Ireland is of the firm opinion that a separate section on women's rights within a Bill of Rights is vital in order to send out a strong and legally enforceable message that discrimination against women is wrong. As the South African Bill of Rights succeeded in addressing the particular issues facing that country, so must a Bill of Rights for Northern Ireland address the gender inequalities and discrimination that exists.

7.0 Enforcement of a Bill of Rights

7.1

We consider it essential that the gender inequality within the judiciary in Northern Ireland charged with enforcing any provisions within the Bill of Rights should be addressed. There are currently no women at High Court level or above in Northern Ireland. A court charged with enforcing a Bill of Rights must be reflective of the whole of the population in Northern Ireland. For this to be achieved, we consider that affirmative action measures will be necessary.

Additionally, we would urge that the system for appointing and training judges be reformed to ensure that those appointed in Northern Ireland are committed to the obligations imposed on them by a Bill of Rights. One point we would make is that commitment must be a criterion for appointment rather than a matter for training.

Signed

Women's Resource and Development Agency
Northern Ireland Women's European Platform
Women's Support Network
Northern Ireland Women's Rural Network
Northern Ireland Women's Aid Federation
Centre for the Advancement of Women in Politics, Queen's University of Belfast
WOMEN'STEC
Lesbian Line
Foyle Women's Information Network
Women's Forum
First Steps Women's Centre, Dungannon
The Women's Centre, Derry
Chrysalis Women's Centre