

Northern Ireland shadow interim report to CEDAW

September 2021

Introduction

This submission is coordinated by Northern Ireland Women's European Platform (NIWEP), with members and civil society partners. It builds on the 2019 shadow report and is designed to assist the Committee to assess the UK government interim report.

Progress on Concluding Observations: Recommendation 13

There has been no meaningful action to secure gender equality since 2019^{1 2 3}. Abortion remains unavailable^{4 5 6} despite Westminster intervention^{7,8, 9} and a strategy on violence against women and girls remains outstanding^{10 11,12} despite increasing incidence of violence^{13 14 15} and lack of judicial remedy^{16 17 18 19}.

Gender pay gap reporting regulations²⁰ have not been introduced^{21 22}, while the benefit system^{23 24,25} penalises migrants²⁶; people with disabilities²⁷ and low income families²⁸. There are no specialist services for migrant women²⁹ and there has been no progress on a childcare strategy^{30 31 32,33}.

Marriage equality was achieved in October 2020^{34 35,36}, but assisted conception remains an issue for lesbian and bisexual (LB) women^{37 38}. Children of same sex couples born outside the island of Ireland have difficulty accessing Irish passports, and citizenship³⁹, as the Irish system currently only recognises the birth mother for this purpose.⁴⁰

Many people experiencing homophobic or transphobic incidents and crime also feel unsupported by the judicial system⁴¹. Trans healthcare is in crisis. The adult Gender Identity Service is not accepting new patients since 2018, and a review of services has been severely delayed⁴².

Rural women experience additional, intersectional inequalities compared to women in urban areas. Key priorities for rural women include digital inclusion, access to employment and access to services.⁴³

The COVID-19 pandemic has deepened gender inequalities. The women's sector produced a COVID-19 Feminist Recovery Plan⁴⁴, updated in July 2021⁴⁵, to address this. To date there has been no action^{46 47}; for example investment in apprenticeships have focused on the construction and IT sector⁴⁸, with no recovery plan to invest in care^{49 50}.

Recommendation: Action to remedy the lack of progress on gender equality is urgent, including through COVID-19 recovery plans

Impact of Brexit: Recommendations 21(a) and 21(b)

No impact assessment of the withdrawal of the UK from the EU has been undertaken^{51,52 53}
⁵⁴ and there is no reference to gender in the Withdrawal Agreement⁵⁵. However, the Northern Ireland Protocol to the Agreement commits to non diminution of existing rights^{56 57}
⁵⁸.

The Northern Ireland Human Rights Commission and Equality Commission for Northern Ireland⁵⁹ will supervise non diminution via a dedicated mechanism. Gender equality forms part of this remit, which can address issues of individuals and inform policy making.

Recommendation: Clarification is needed from the State Party on how gender equality will be protected in the future.

Participation in decision making: Recommendation 25

There has been no progress on an oversight mechanism.^{60 61} or gender mainstreaming^{62 63}.

Recommendation: Strengthened mechanisms, implemented in an equitable manner across the four devolved nations, are urgently needed.

¹ Gender is absent from the New Decade, New Approach agreement that underpinned the return of devolved institutions in January 2020; [New Decade, New Approach agreement](#) 8 January 2020

² Work on an updated Gender Equality Strategy only begun in September 2020, as part of a suite of strategies including an LGBT Strategy; [Minister announces work is to commence on development of Social Inclusion Strategies](#), Northern Ireland Executive press release 24 September 2020

³ Differences with Great Britain in equality law remain. These include the absence of protection against discrimination and harassment by public bodies on grounds of sex when carrying out their public functions. Other legislative gaps potentially impact on women; for example, there is no protection on the ground of age beyond the workplace

⁴ Abortion was decriminalised in October 2019; this was achieved in part through the Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW via an amendment to the [Northern Ireland \(Executive Formation etc\) Act 2019](#) passed by the Westminster Parliament in July 2021

⁵ The [Abortion \(Northern Ireland\) Regulations 2020](#) have not been implemented. No services have been commissioned by the Department of Health, and there has been no training, funding or staff resources, resulting in a postcode lottery for abortion access. Surgical abortions are not being performed, and the Health and Social Care Trusts authorised to perform these are interpreting available guidance in a manner where each case is adjudicated on individually by the Trust Board. The Department of Health has confirmed no communication campaign is planned, and no central information source is available. There is anecdotal evidence from Doctors and from Alliance for Choice⁵ of women being delayed past ten weeks, following contact with healthcare providers opposed to abortion, funded by American fundamentalist organisations, which feature prominently in online searches for emergency pregnancy services.

⁶ For further information see eg. Alliance for Choice (21 October 2020) [Open Letter to Robin Swann, Health Minister for Northern Ireland](#); abortion has been added to the existing sexual and reproductive health service with no additional funding resulting in abortions not being performed.

⁷ [The Abortion \(Northern Ireland\) Regulations 2021](#); these were laid at Westminster and required implementation by July 2021

⁸ House of Commons (22 July 2021) [Statement by the Secretary of State for Northern Ireland made on 22 July 2021: The Abortion Services Directions 2021](#); this included a direction for the Executive to act, but to date no action has followed

⁹ Early medical abortions are only provided for up to 9 weeks' 6 days' gestation. Telemedicine is not permitted, further widening the gap to England and Wales, Scotland as well as Ireland .

¹⁰ Women's Aid Federation Northern Ireland [press release](#) 9 March 2021; the Executive was also called to act by the Assembly, which passed a motion on a strategy addressing violence against women and girls on 23 March, following public outcry over highly publicised murders of women in both England and Northern Ireland ([Item 5: Order Paper 86/17-22 – Tuesday 23 March 2021](#)).

¹¹ BBC News 18 March 2021 '[Naomi Long: Executive 'must act on violence against women'](#)' .

¹² Northern Ireland Assembly [motion](#) Tuesday 23 March 2021

¹³ This was more than twice as many as in the preceding 12 months and all except one were murdered by a male partner or family member. *Belfast Telegraph* 13 July 2021 '[10 women murdered in Northern Ireland during pandemic after Limavady stabbing](#)'

¹⁴ The Police Service of Northern Ireland (PSNI) recorded consistent increases in domestic abuse. In total 19,000 domestic abuse crimes - almost 20% of total recorded crime - were recorded in the year to December 2020, the highest total since recording began; Police Service of Northern Ireland (February 2021) [Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland](#); An increase in harassment, including malicious communications, has emerged as a specific issue. Data collection remains limited with no breakdown of relationship of perpetrator to victim by gender, and there is no official systematic recording of violence against women and girls, including femicide.

¹⁵The [Domestic Abuse and Family Proceedings \(Northern Ireland\) Act](#) (2021) updates some protections, but falls short of fully criminalising coercive control, unlike Great Britain: In Scotland new legislation that criminalises psychological abuse and controlling behaviour came into force in 2019 and in England and Wales, a new Domestic Abuse Act was passed in spring 2021 strengthening protections, although falling short of protecting migrant and minority ethnic women. Gaps that have in part prevented the UK from ratifying the Istanbul Convention are being filled through a [Protection from Stalking Bill 2021](#). A consultation on non fatal strangulation legislation launched in July proposes a stand alone offence for this. Department of Justice (July 2021). [Consultation on non fatal strangulation](#); this also fills a gap with regard to ratifying the Istanbul Convention.

¹⁶ In 2019-20, only 28.7% of all sexual violence cases sent to the Public Prosecution Service led to prosecution. Only 60 cases of rape, out of over 700 reported to PPS (8%), proceeded to prosecution and out of these, 20 cases led to conviction (3% of all cases reported).

¹⁷ Northern Ireland Statistics and Research Agency (November 2020) [Public Prosecution Service for Northern Ireland: Statistical Bulletin: Cases Involving Sexual Offences 2019/20](#); the statistics also show the time required for a prosecution decision for sexual violence cases has increased from 447 to 666 days

¹⁸ A review of the handling of serious sexual violence cases, the Gillen Review, was initiated following a high profile trial in 2018¹⁸. The review made 16 main recommendations¹⁸ - none have been implemented as yet. The Justice Bill (Sexual Offences and Trafficking) Bill 2021 is introducing some limited implementation, in particular regarding anonymity of complainants in sexual offence cases and exclusion of the public from court.a

¹⁹ A hate crime review recommended gender as a new protected characteristic. But rejected a stand alone misogyny offence; Department of Justice (December 2020) [Final Report into Hate Crime legislation in Northern Ireland Independent Review](#). As an example of gender blind policy making, in their consultation responses, the Equality Commission for Northern Ireland and Human Rights Commission advocated for hate crimes against men and women equally

²⁰ [Employment Act \(Northern Ireland\) 2016](#) includes a provision for this, as well as a gender pay gap strategy, but Regulations were not passed before the institutions collapsed in 2017 so new legislative process is required.

²¹ A frequently highlighted figure indicates a gender pay gap in full time pay in favour of females. This is largely explained by a very small number of high earning women in senior positions, particularly in the public sector. The response to the Feminist Recovery Plan further illustrates the limitations and poor use of equality data, by referencing this figure, alongside slower increase in the employment rate for women and women's enduring high 'economic inactivity rate' without any further analysis. The pay gap is explained by women 'choosing' to work part time, highlighting the impact of gender stereotypes on policy. The gap is larger for women who work part time, women with children, and older women. Women, particularly young women, are overrepresented in the lowest paid occupation sectors (Wilson, L. (2020) [How Unequal? The unadjusted gender pay gap in earnings in Northern Ireland and the Republic of Ireland](#); NISRA (November 2020) [Northern Ireland Annual Survey of Hours and Earnings publication](#))

²²There is currently no legislative timetable for introducing these; [Written Assembly Question 12666/17-22](#)

²³ Department for Communities (February 2021) [Northern Ireland Benefits Statistics Summary](#); Universal Credit is paid by household and no gender breakdown is available. The majority of claimants are in low paid work. 30 per cent are lone parents and ten per cent two parent families; in addition, over 8,000 lone parent families continue to claim the legacy Income Support benefit.

²⁴ *The Guardian* 7 July 2021 '[Universal credit £20 top-up will end this autumn. MPs are told](#)'

²⁵ The two child cap and benefit cap have not been removed and a [Supreme Court ruling](#) in July 2021 states that the two child cap is not discriminatory (R (on the application of SC, CB and 8 children) (Appellants) v Secretary of State for Work and Pensions and others (Respondents), and split payments remain the exception. For impacts see: [Women's Regional Consortium Response to Work & Pensions Committee Inquiry into Universal Credit Five Week Wait for First Payment](#)); [Impact of ongoing austerity: Women's perspectives; Making ends meet: Women's perspectives on access to lending](#)).

²⁶ Claims and appeals can be delayed and advisors may suggest applicants are lying about UK work history

²⁷ BBC News 5 July 2021 '[Benefits and disability: 'I'll never cohabit again, to protect myself'](#)'

²⁸ Universal Credit claims almost doubled February 2020 - February 2021. The only change, a £20 per week increase, is cut from October 2021.

²⁹ This is significant as migrant and ethnic minority victims of domestic abuse may be subject to coercive control based on immigration status, and are more likely to have language barriers and lack of knowledge of the system. Specific issues for migrant and ethnic minority women include threats related to immigration status and deportation, and spiritual abuse. No Recourse to Public Funds is a major barrier to accessing support and safety.

³⁰ This is despite commitment in the New Decade, New Approach agreement. A Strategic Insight Lab, to inform a new Childcare Strategy, is due to take place in Autumn 2021 (Hansard of Education Committee meeting 23 June 2021) though there is no certainty that policy change will be the outcome. A support package introduced in summer 2020 has been insufficient to address challenges for providers.

³¹ This is despite co-ordinated civil society campaigning, which led to the establishment of a [Northern Ireland Assembly All Party Group on Early Education and Childcare](#)

³² The average cost for a full time childcare place is £169 per week; Employers For Childcare (November 2020) [Northern Ireland Childcare Survey 2020](#)

³³ Employers For Childcare (November 2020) [Northern Ireland Childcare Survey 2020](#); Almost three quarters of parents reported being unable to access childcare for some or all of the time between April and August 2020; four in five families reported that at least one parent had to manage childcare responsibilities while working, with significant mental and physical health impacts. Women and lone parents were particularly affected

³⁴ [Northern Ireland \(Executive Formation etc\) Act 2019 secured marriage for previously unmarried people of the same sex](#)

³⁵ Amnesty International press release 22 October 2020 '[Northern Ireland: marriage equality fully achieved as civil partnership conversion legalised](#)'; a provision to convert existing civil partnerships into marriages was secured in October 2020

³⁶ Only civil partnerships formed in Northern Ireland can be converted to marriage in Northern Ireland; in other cases, conversion must take place in the relevant jurisdiction, in person. Conversions must take place within three years; capacity for the process is limited ,with fees introduced after the first year. See NI Direct website - [Convert civil partnership to marriage and marriage to civil partnership](#)[Guidance on civil partnerships in Northern Ireland](#)

³⁷ [Fertility Network | NHS Funding in Northern Ireland | Fertility Network \(fertilitynetworkuk.org\)](#),.. Regulations for Donor Intrauterine Insemination (IUI) have been introduced, but without adequate resources. LB women must also have completed a number of self funded/ self sourced IUI which have huge cost and legal risks respectively. The Regional Fertility Clinic is not enforcing this requirement, but this is on the basis of good will rather than policy

³⁸ A commitment to three cycles of IVF has not yet been implemented.This was a commitment within the New Decade, New Approach agreement.

³⁹ People born in Northern Ireland have the right to be either British or Irish, or both, but this requires proving eligibility for citizenship through parental lines; citizenship is not available eg. to children of two EU/EEA nationals even if they are born in Northern Ireland (children of heterosexual couples with one parent from Northern Ireland are eligible for citizenships)

⁴⁰ [Citizenship - Department of Foreign Affairs \(dfa.ie\)](#) - the Irish system currently only recognises a birth mother as capable of transferring citizenship, and therefore an Irish non birth mother cannot pass on citizenship, even where she is a legal parent.

⁴¹ See eg Victim Support NI (April 2020) [Hate crime review consultation response](#)

⁴² Health and Social Care Board -[Review of the Gender Service Identity pathway](#), The review has failed to adequately consult with the groups primarily affected. There have been no interim measures to support trans communities.

⁴³ Priorities include in particular childcare, adult social care and adequate public transport Northern Ireland Rural Women's Network (2018) [Rural Voices](#).

⁴⁴ Women's Policy Group (July 2020) [COVID-19 Feminist Recovery Plan](#)

⁴⁵ Women's Policy Group (July 2021) [NI COVID-19 Feminist Recovery Plan: Relaunch - One Year On](#)

⁴⁶ The [response](#) received from the Northern Ireland Civil Service demonstrates the very poor policy framework and practice in respect of gender equality

⁴⁷ This is echoed in a finding by the Equality Commission that the Department of Finance failed to comply with its approved Equality Scheme in budget preparation 2019-20Equality Commission for Northern Ireland (September 2020). Investigation under Paragraph 11 of Schedule 9 of the Northern Ireland Act 1998 Department of Finance - in its preparation of the Budget for Northern Ireland 2019-20. [Investigation Report](#)

⁴⁸ Northern Ireland Statistics and Research Agency (March 2021) '[Statistical Bulletin: Higher Level Apprenticeships \(Level4/5\) in Northern Ireland: Academic years: 2017/18 - 2019/20](#)'

⁴⁹ Department for the Economy (February 2021) [Economic Recovery Action Plan](#)

⁵⁰ A draft Skills Strategy proposes a focus on STEM only; Department for the Economy (July 2021) [A Skills Strategy for Northern Ireland – Skills for a 10x economy](#)

⁵¹ In relation to a separate question by the House of Commons Women and Equalities Committee regarding an equality impact assessment on the early COVID-19 response, the UK Minister for Women and Equalities Liz Truss responded that such an assessment could not be published even if it was undertaken

⁵² [Women and Equalities Committee evidence session with Rt Hon Liz Truss MP](#) (22 April 2020)

⁵³ Written Parliamentary Question UIN 129151

⁵⁴ UK government (2017) [Equality Analysis European Union \(Withdrawal\) Bill](#); this assessment conducted before withdrawal in 2017 makes only technical reference to equality and rights and neither recognises the concerns about reduction in equality and human rights nor anticipates the need to establish a dedicated mechanism to monitor and protect equality and rights.

⁵⁵ [Withdrawal Agreement and Political Declaration](#) (October 2019); non diminution refers to rights set out in the Belfast/Good Friday Agreement

⁵⁶ The European Charter of Fundamental Rights was not incorporated in UK domestic law, creating the basis for diversion with regard to human rights and equality legislation (Sturgeon, K [Rights after Brexit: What will change?](#) London: Brexit Civil Society Alliance).

⁵⁷ There remains concern over undocumented EU/EEA nationals, who will become subject to NRPF. Over 80,000 applicants were granted regularised immigration status (Home Office (June 2021) [EU Settlement Scheme quarterly statistics](#)) under the EU Settlement scheme, which required all EU/EEA citizens planning to continue living in the UK to apply for regularised immigration status by 30 June 2021 and provides successful applicants with 'settled status', comparable to indefinite leave to remain, securing rights such as access to healthcare and education (EU Settlement Scheme [application portal](#)). It is not known how many people have missed the deadline or how they will be treated; late applications were recently enabled but must demonstrate 'reasonable grounds'. It is not yet known how settled status will operate in practice (see eg. *The Guardian* 26 September 2020 '[Brexit: EU citizens in UK could be shut out of vital services](#)'). In addition, Universal Credit applications from those with pending EU Settlement Scheme applications are not accepted

Anecdotally, there is evidence of poor information and digital exclusion leading to delay, and difficulties for people with limited English skills. Lack of information is also creating difficulties for those requiring a Frontier Worker Permit. Frontier workers are individuals living outside the UK but working in the UK, including EU citizens living in Ireland and working in Northern Ireland (for further detail see eg. HM Government, [Frontier worker permit for EU citizens guidance](#))

⁵⁸ The Northern Ireland Protocol is designed to ensure an open border with Ireland in line with the Good Friday Agreement. However, the Protocol has proven controversial and its impact is unclear at the time of writing.

⁵⁹ [Northern Ireland Protocol](#) to the [Withdrawal Agreement and Political Declaration](#) (October 2019)

⁶⁰ The [Northern Ireland Assembly All Party Group on UNSCR 1325, Women, Peace and Security](#) has created engagement space for women's organisations to engage with policy and decision makers, but lacks formal powers

⁶¹ See Northern Ireland Assembly [information page on All Party Groups](#) for an overview of the role of APGs

⁶² Policy makers frequently emphasise that considering impacts of women specifically would breach Section 75 of the [Northern Ireland Act 1998](#)

⁶³ See eg. response by Justice Minister of Northern Ireland to written Assembly Question [AQW 13950/17-22](#) on timescale for a strategy on addressing violence against women and girls.