

Further information and advice

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CEDAW REPORT

United Nations Convention on the Elimination of all forms of Discrimination Against Women

March 2008





Submission by the Equality Commission for Northern Ireland to the United Nations Committee on the Elimination of all forms of Discrimination Against Women in respect of the 6th Periodic Report of the United Kingdom of Great Britain and Northern Ireland

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Executive Summary

1. This report has been prepared by the Equality Commission for Northern Ireland, a non departmental public body established under the Northern Ireland Act 1998. The report comments on a range of persistent inequalities that women in Northern Ireland face and provides a series of recommendations that we view as a priority for the Government of Northern Ireland to address.
2. Although there have been dramatic changes in the roles of women, particularly at work and in education, inequality between women and men persists in all areas of social, economic and political life in Northern Ireland. For example:
 - Σ • 67% of women over 16 years of age are economically active compared to 79% of men.
 - Σ • women workers are more concentrated in low paid, low status jobs and in part-time, casual and temporary work associated with poor terms and conditions.
 - Σ • women earn 85% of men's gross weekly earnings, including overtime.
 - Σ • women comprise only 17% of the NI Assembly, 21% of local councillors and 32% of the membership of public bodies.
3. Much sex inequality stems from society's failure to recognise and accommodate the fact that women continue to be the primary carers of children, older people and others who require support and assistance. Given the close links between the economic, social and political spheres, it is likely that women's disadvantage will continue until the inequalities in men and women's overall circumstances are addressed.
4. The Commission has identified five priority areas for this Shadow Report, as we believe a focus on these areas has the potential to impact on a number of government policy initiatives. These are:
 - Σ • education
 - Σ • employment
 - Σ • pensioner poverty
 - Σ • decision making
 - Σ • health.



5. This is not to say that other areas are not important, but we consider a focus on these areas can address the persistent and intractable inequalities that women in Northern Ireland face.
6. In keeping with the recommended format, the above priority areas have been placed in the context of the relevant Articles in the Convention. Therefore this Shadow Report will focus on:
 - Σ • **Article 2: Obligations to Eliminate Discrimination**
 - Σ • **Article 4: Special Measures to Accelerate Equality**
 - Σ • **Article 7: Political and Public Life**
 - Σ • **Article 10: Education**
 - Σ • **Article 11: Employment**
 - Σ • **Article 12: Health Care**
 - Σ • **Article 13: Social and Economic Benefits.**



Summary of Recommendations

Article 2: Obligations to Eliminate Discrimination

The Commission recommends that the Committee urges the Northern Ireland Government to:

- ∑ • ensure that the Action Plans of the Gender Equality Strategy for Northern Ireland are comprehensive, linked to the strategic aims of the Strategy and implemented effectively
- ∑ • ensure that public authorities effectively mainstream gender equality into all aspects of public policy making and service delivery through Section 75
- ∑ • give a commitment that the introduction of the Single Equality Act will not be delayed further.

Article 4: Special Measures to Accelerate Equality

The Commission recommends that the Committee urges the Northern Ireland Government to:

- ∑ • detail how the Gender Equality Strategy will implement the Women and Work Commission recommendations in Northern Ireland.

Article 7: Political and Public Life

The Commission recommends that the Committee urges the Northern Ireland Government to:

- ∑ • ensure that Government consults directly with women on this issue
- ∑ • adopt appropriate measures to increase the numbers of women at all levels on public bodies
- ∑ • promote, monitor and review the Sex Discrimination (Election of Parliamentary Candidates) Act 2001 and take action where necessary

- 
- ∑ • ensure that UN1325 is effectively implemented in Northern Ireland to ensure that government meets its obligations
 - ∑ • ensure that the Review of Public Administration takes account of and mitigates against adverse impacts on gender.

Article 10: Education

The Commission recommends that the Committee urges the Northern Ireland Government to:

- ∑ • identify opportunities, through the curriculum, to challenge traditional gender roles, prejudice, racism, stereotyping and discrimination
- ∑ • as a priority, explicitly use school improvement processes to underpin equality
- ∑ • take strategic action to address the situation for young Traveller girls and women in education
- ∑ • ensure that equality issues are increased and integrated into initial and continuing teacher training programmes.

Article 11: Employment

The Commission recommends that the Committee urges the Northern Ireland Government to:

- ∑ • increase the number of childcare places in Northern Ireland
- ∑ • ensure that childcare places are reflective of both the costs and availability and take account of the evening and weekend working patterns of many women
- ∑ • seek to ensure a sustainable positive trend in the earnings of part-time working women by ensuring that growth in part-time women's earnings keeps pace with those of full-time working women
- ∑ • undertake a sectorally-focused strategy to reduce the gender



pay gap to meet its proposed objective set out in the Northern Ireland Draft Programme for Government

- Σ • make changes to equal pay legislation to make pay audits mandatory
- Σ • ensure that initiatives to increase the numbers of women in science and technology or non-traditional careers are mainstreamed and promoted
- Σ • ensure that the revised Careers Strategy is gender proofed.

Article 12: Health Care

The Commission recommends that the Committee urges the Government to:

- Σ • ensure that health strategies and policies are analysed by gender
- Σ • recognise the needs of carers, the majority of whom are women.

The Commission recommends that the Committee urges the United Kingdom Government to:

- Σ • respond to CEDAW by calling for the same access to reproductive health care services and rights in Northern Ireland as are available in Great Britain.

Article 13: Social and Economic Benefits

The Commission recommends that the Committee urges the United Kingdom Government to:

- Σ • take steps to reduce the differential access to, and income from, benefits between women and men
- Σ • undertake a systematic analysis of pension provision by gender
- Σ • ensure that new policy directions in pensions do not disadvantage women as they currently do.



Submission by the Equality Commission for Northern Ireland to the United Nations Committee on the Elimination of all forms of Discrimination Against Women in respect of the 6th Periodic Report of the United Kingdom of Great Britain and Northern Ireland

1. Introduction

The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation, age and disability. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998, to promote positive attitudes towards disabled people, and to encourage participation by disabled people in public life under the Disability Discrimination Act 1995.

The Commission’s general duties include:

- Σ • working towards the elimination of discrimination;
- Σ • promoting equality of opportunity and encouraging good practice;
- Σ • promoting positive / affirmative action;
- Σ • promoting good relations between people of different racial groups;
- Σ • overseeing the implementation and effectiveness of the statutory equality duties on relevant public authorities; and
- Σ • keeping the legislation under review.

The Commission’s comments are based on its experience in dealing with issues of gender discrimination and inequality. This response includes:

- Σ • an executive summary
- Σ • summary of recommendations
- Σ • comments on specific priorities
- Σ • priority recommendations, set out by Article, for Government to reduce inequalities.



2. Comments on Specific Articles

Article 2: Obligations to Eliminate Discrimination

Gender Equality Strategy

The Commission welcomes the publication of the Government's Gender Equality Strategy¹ for Northern Ireland and sees this as a vehicle for promoting equality of opportunity for women by all Government Departments. We also welcome the commitment in the Programme for Government 2008 – 2011, through Public Service Agreements, to the Gender Equality Strategy and the specific target '*to introduce measures to work towards the total elimination of the gender pay gap*'. However, it is important that the associated action plans arising from the Strategy outline clearly the steps to be taken to address the strategic aims and that these are linked to clear targets and benchmarks. Without these, the strategy is unlikely to be effective in addressing the persistent inequalities that women in Northern Ireland face.

Public Sector Statutory Duty

The Report, at paragraph 112, gives detailed comments on the recent introduction of the Gender Equality Duty in GB in 2006. However, the Commission is disappointed that the 6th Periodic Report does not give detailed reference to Section 75 of the Northern Ireland Act 1998 which corresponds with this duty in some respects. In January 2000, Section 75 and Schedule 9 of the Northern Ireland Act 1998 came into effect.

Section 75 requires public authorities designated for the purposes of Section 75, in carrying out their functions in relation to Northern Ireland to have due regard to the need to promote equality of opportunity-

- (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- (b) between men and women generally
- (c) between persons with a disability and those without and
- (d) between persons with dependants and persons without.

¹ Gender Equality Strategy: A Strategic Framework for Action to Promote Gender Equality for Women and Men 2006 -2016, 2006. OFMDFM. Belfast



Without prejudice to these obligations, a public authority is also required, in carrying out its functions, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Each public authority is required to produce an equality scheme stating how it proposes to fulfil the duties. The Commission's role is to keep under review the effectiveness of the duties; offer advice to public authorities and in relation to the provisions in Schedule 9, including preparation of guidelines on equality schemes, approving equality schemes and investigating complaints of failure to comply with an approved scheme.

As a result of this duty all designated public authorities must screen all of their policies against set criteria in order to determine whether each policy has a significant impact on equality of opportunity or good relations. Policies, which have such an impact, must be subject to an equality impact assessment. The purpose of this assessment is to determine whether the policy concerned creates an adverse impact on any of the equality groups and/or whether by implementing an alternative policy it is possible to better promote equality of opportunity or good relations.

Section 75 requires that public authorities fully engage consultees in a comprehensive consultation process. Section 75 legislation provides legislative guidance on how public authorities must include a commitment to carrying out consultations in accordance with the guidance. For example, in consulting on any matter relating to Section 75, public authorities must engage in at least an eight week long consultation process and consider the use of specific consultation methodologies such as accessibility of language, the time of day and provision of childcare.

Section 75 complements existing anti-discrimination legislation in placing a positive duty on public authorities to promote equality of opportunity between men and women. Potentially Section 75 can impact on a range of public sector policies including employment policies, service delivery policies and on public procurement. Section 75 is designed to mainstream equality of opportunity and good relations into all aspects of public policy making and service delivery.

Section 75 is widely regarded as an innovative 'mainstreaming' provision which seeks to move beyond traditional approaches to anti-



discrimination law and to encourage a more proactive engagement with equality. 'Mainstreaming' has attracted attention and action at the national, regional and international levels. Positive duties on public authorities can be distinguished from other mainstreaming initiatives by the fact that they are legally binding and intended to be enforceable.

Review of the Effectiveness of Section 75

The Commission, in line with its statutory remit undertook in 2006 an analysis of the effectiveness of Section 75. Section 75 has been effective in a number of areas such as a substantial change in how policy is made and effective consultation leading to an inclusive policy making process. There is less evidence that the legislation has yet had the intended impacts and outcomes for individuals. For the Commission, equality schemes remain the most appropriate documents to embed an action oriented approach to equality of opportunity and good relations by public authorities. We have identified the production of new guidance on equality schemes as a priority for the coming period. The new guidance will contain detailed advice on how public authorities can identify action on equality of opportunity and good relations by considering their individual functions, analysing the extent of inequality in this context and setting out actions in their schemes to address these inequalities which impact on women.

The Commission's objective is to ensure that the actions of departments and other public authorities in meeting their commitments to mainstream equality of opportunity and good relations for women should be reflected in their equality schemes; enhancing rather than increasing the effort involved, and leading to better outcomes. This will be a priority for the Commission's forthcoming guidance and for our advice to departments and associated public authorities.

Single Equality Legislation

The Commission is concerned that the 6th Periodic Report fails to give greater significance to the development of proposals in Northern Ireland to develop single equality legislation, which will benefit women as well as other groups in society who are vulnerable to discrimination. It is vital that the government uses this unique opportunity, not simply to harmonise and simplify existing laws, but to develop innovative and



creative ways of creating effective equality legislation that is fit for the 21st century. Although it is essential that the Single Equality Act (SEA) effectively addresses individual and systemic discrimination, the Commission would wish to see a move beyond the anti-discrimination approach, which relies on litigation by individual victims of discrimination, to a more outcome - focused positive approach to the promotion of equality of opportunity and good relations on the part of employers, service providers and others. Such an approach would include stronger positive action provisions and a more effective public sector equality duty.

In the Commission's view, the SEA should outline and encapsulate the key principles on which it will be based, which should include the following:

- to prevent discrimination;
- to secure full equality of opportunity in practice and promote social inclusion;
- to ensure respect for and protection of the human dignity of every person;
- to provide effective remedies for victims of discrimination; and
- to promote good relations between individuals and groups.

There are a number of key principles, which should underpin the SEA. In particular, there should be 'non regression' from current standards of protection and due process, which currently exist in the Great Britain equality law system. The Commission envisages a 'rising floor' of principles below which the standards of the SEA cannot fall. It wishes to see satisfaction of European Union and international standards and harmonisation to the 'best template' across all the grounds in the SEA, setting out common principles, exceptions and means of redress.

The Commission is disappointed at the continued delays in publishing a white paper on the Single Equality Act. The Programme for Government², which sets out the strategic priorities, and key plans for 2008 to 2011 does not refer to the SEA, despite a commitment that *'equality is an important issue for the Executive and for society.'*

² Building a Better future: Programme for Government 2008-2011. January 2008, Northern Ireland Executive. Belfast



The Commission recommends that the Committee urges the Northern Ireland Government to:

- **ensure that the Action Plans of the Gender Equality Strategy for Northern Ireland are comprehensive, linked to the strategic aims of the Strategy and implemented effectively**
- **ensure that public authorities effectively mainstream gender equality into all aspects of public policy making and service delivery through Section 75**
- **give a commitment that the introduction of the Single Equality Act will not be delayed further.**



Article 4: Special Measures to Accelerate Equality

Women and Work Commission

The Commission welcomes the information given in the 6th Periodic Report on implementing the recommendations of the Women and Work Commission. However, as many of the recommendations relate to devolved issues, in that they are the responsibility of the Northern Ireland Assembly, no information is given on how these recommendations are being taken forward in Northern Ireland. The forty recommendations from 'Shaping a Fairer Future³' outline the changes needed to ensure that women no longer face an unfair disadvantage by focusing on culture changes, combining work and family life, lifelong opportunities and improving workplace practice. The Commission notes that the Gender Equality Strategy, referred to earlier, makes a commitment to taking forward the recommendations from the Women and Work Commission.

The Commission recommends that the Committee urges the Northern Ireland Government to:

- **detail how the Gender Equality Strategy will implement the Women and Work Commission recommendations in Northern Ireland.**

³ Women and Work Commission, (2006) Shaping a Fairer Future, DTI London



Article 7: Political and Public Life

The persistent under-representation of women in public and political life, including political representation at both national and local level, government public appointments and judicial appointments, is significant. The equal participation of women and men in decision making processes is a key element in achieving equality in a democratic society. And yet:

- women only make up 32% of government public appointments in Northern Ireland⁴
- only 17% of Northern Ireland's MLAs (18 out of 108) are women⁵
- only 21% of local councillors in Northern Ireland are women⁶
- of the complement of the judiciary in Northern Ireland (High Court, County Court, District Court, Resident Magistrates and Coroners) only 23% are women⁷.

Public Appointments

The Eleventh Report of the Commissioner for Public Appointments for Northern Ireland, 2005-06, focused on gender as this was where the significant imbalance lay. In 1996/97, 35% of public appointments were held by women and in 2005/06 this had fallen to 32%, despite women making up 51% of the population. Women's share of Chairs' posts dropped from 31% in 2004/05 to 25% in 2005/06. Women's share of the higher salaried Member and Chair posts also dropped and there was a dramatic drop from 42% to 25% of their share of Chairs attracting remuneration under £10,000⁸.

However, strategic promotional initiatives aimed at encouraging women to apply for public roles are limited.

⁴ OFMDFM (2007) Public Appointments Annual Report 2005/06

⁵ Centre for the Advancement of Women in Politics, Queens University Belfast (2007), Women in Politics

⁶ DETNI (2007) Women in Northern Ireland; Labour Market Statistics Bulletin, Belfast

⁷ NICtS Complement of the NI Judiciary – September 2007
Commissioner for Public Appointments for Northern Ireland, Eleventh Report, 2005-06



The Northern Ireland Assembly

The Agreement⁹, reached in 1998, following multi-party negotiation, gives a commitment to the right to full and equal political participation of women. It is disappointing that the elections in March 2007 only returned a small number of women as Members of the Legislative Assembly (MLAs). As previously stated only 17% of the NI Assembly's elected representatives are women. The Sex Discrimination (Election of Parliamentary Candidates) Act 2001 permits positive action for women, but its provisions are little used by the political parties.

Local Government in Northern Ireland

Northern Ireland currently has 26 local councils. Women comprise only 21% of local councillors and three councils have no women representatives^{9A}. Since many of those who were successful in gaining a seat in the NI Assembly (a full-time, paid political role) had a background in local government politics, women are at a serious disadvantage while they remain so grossly under-represented at the local level.

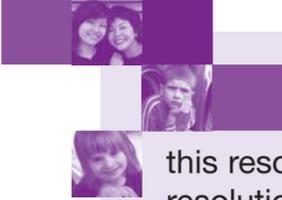
The Commission is a partner in a local government initiative, "Women in Local Councils – Making a Difference", which has been designed to attract women into local government at all levels in elected posts and to encourage those already employed to apply for higher graded posts. The under-representation of women in local politics will also be addressed. It is important that initiatives such as these are mainstreamed and funded by central government to increase the percentage of women in local government and in senior positions. This should have a knock-on impact on regional and national legislatures in that local government is the pool from which political parties select candidates for elections.

UN 1325

The 6th Periodic Report deals with UN Resolution 1325 under Article 3, Development and Advancement of Women, and makes no reference to Northern Ireland. This is somewhat surprising as the central focus of

⁹ The Agreement 1998, Agreement reached in the multi party negotiations

^{9a} B Hinds, AM Gray, (2005) Women and the Review of Public Administration. RPANI



this resolution is to increase the participation of women in conflict resolution and peace processes. Despite the virtual invisibility of women in the discourse of conflict in Northern Ireland¹⁰, women are affected by conflict and the consequences of peace building; therefore, it is imperative that they are centrally involved in establishing the conditions which emerge as a result of the peace process.

Furthermore, many of the institutions set up because of the peace process are seriously underrepresented in terms of women. For example, whilst there has been an increase in the number of women in the Police Service for Northern Ireland (PSNI), 13% in 2002 to 20% in 2006, representation at senior level is limited. Similarly, criminal justice structures were subject to review following the Belfast Friday Agreement. An analysis of women in judicial posts and senior barristers in 2006¹¹ concluded that:

- only 18% of women in Northern Ireland hold legal office compared with 24.9% in England and Wales;
- there are only 3 female full-time and 15 male Resident Magistrates; and
- only 5 of the deputy Resident Magistrates are female compared to 13 who are male.

Given that the United Kingdom government has committed itself to effective implementation of UN1325 and its direct relevance to Northern Ireland, we are concerned at the exclusion of this in the 6th Periodic Report.

Review of Public Administration

Northern Ireland is undergoing a review of public administration and this may have significant implications for women and where they will figure in any new arrangements in terms of political representations, employment and public appointments. It is important that the implementation of the Review of Public Administration (RPA) is assessed for its implications in terms of gender and positive action measures put in place, to either mitigate or enhance gender representation throughout the process. The Commission considers that

¹⁰ Rooney, E (2007) Intersectionality in Transition: Lessons from Northern Ireland 5 Web JCLI

¹¹ Hillyard, P. McWilliams, M. Ward. M (2006) Northern Ireland Gender Audit. ERSC



such action would enable government to deliver on its commitments in the:

- Belfast Agreement;
- Section 75 of the Northern Ireland Act; and
- commitments under 1325 and indeed CEDAW.

The Commission recommends that the Committee urges the Northern Ireland Government to:

- **ensure that Government consults directly with women on this issue**
- **adopt appropriate measures to increase the numbers of women at all levels on public bodies**
- **promote, monitor and review the Sex Discrimination (Election of Parliamentary Candidates) Act 2001 and take action where necessary**
- **ensure that UN1325 is effectively implemented in Northern Ireland to ensure that government meets its obligations**
- **ensure that the Review of Public Administration takes account of and mitigates against adverse impacts on gender.**



Article 10: Education

Education plays a key role in determining a person's life chances and opportunities in terms of social and economic mobility. Whilst figures show that girls are outperforming boys in terms of educational achievement and outnumbering boys in further and higher education, this is not being transferred onto the labour market. However differences in relation to subject choice remain. For example, women at Northern Ireland universities accounted for only 15% of first-degree graduates in engineering and technology, 30% in mathematics and computing science¹².

Subject Choice

In Northern Ireland, two government departments share responsibility for education – the Department of Education is responsible for the pre-school, primary and post-primary (11-16 years) sectors and the Department for Employment and Learning is responsible for vocational training and further and higher education. Like Great Britain, young people in Northern Ireland have been following a prescribed core curriculum since the early 1990s. This curriculum was intended to ensure that all pupils have a broad and balanced education and to address previously recognised gender bias.

At post-primary level, despite a common curriculum until age 13 or 14, pupils still have to choose subjects for public examination and both girls and boys tend to choose along gender lines. Although girls continue to out perform boys in post-primary and further education, they are making gender stereotyped subject and course choices, which lead to restricted career choices at a later date. Whilst the very stark differences in subject choices between girls and boys have lessened in some areas – in 1970, girls comprised only 20% of A level Chemistry entrants, now 54%; of Maths: 22% in 1970, now 45% - differences remain in others areas. For example, 97% of those studying 'Home Economics' are female compared to only 35% of those studying 'Economics'¹³.

¹² DETI, Women in Northern Ireland, September 2007, NISRA Belfast

¹³ CCEA (2007, Overall Examination Statistics (Provisional) – Summer, Available at www.rewardinglearning.com/statistics/



Equality Commission research into gender stereotyping in education¹⁴ highlighted the extent of this problem, noting that it was feeding into career choice and equal pay issues later in life. Teachers recognised the issue as significant but reported that they were unable to prioritise it in view of resource issues and changes within schools.

Equality Awareness in Education

Research carried out by the Equality Commission¹⁵ has confirmed that gender equality issues are not generally included in the training of teachers (including careers teachers) in colleges and schools in Northern Ireland. There has not been a strategic effort to provide equality training for non-school careers advisers and those who promote training opportunities and apprenticeship programmes. Without such efforts, it is unlikely that students (male or female) will make non-traditional career choices.

The Commission's research points to the absence of an equality perspective among children and teachers with no clear commitment for the promotion of equality of opportunity in teacher training. The current dominant agenda of improving standards in schooling obliges schools to prioritise teaching; therefore, learning and assessment practices may marginalise equality issues within this standards agenda.

Betty the Builder and Neil the Nurse¹⁶ and Racial Equality in Education, A Good Practice Guide¹⁷, both Commission publications, recommend that throughout the curriculum opportunities should be taken to challenge traditional gender roles, prejudice, racism, stereotyping and discrimination.

Betty the Builder and Neil the Nurse highlights how children at Key Stages 1 and 2 stereotype a significant number of occupations along gendered lines and that teachers and teacher trainers lack awareness of gender equity issues:

¹⁴ Equality Commission (2002) Betty the Builder, Neil the Nurse. Sex-typing of Occupations in Primary Schools.

¹⁵ Equality Awareness in Teacher Education, (2005) Belfast ECNI

¹⁶ Betty the builder, Neil the Nurse: Sex Typing of Occupations in Primary Schools, March 2002, Belfast, ECNI

¹⁷ Racial Equality in Education: A Good Practice Guide, Belfast ECNI



- children at Key Stages 1 and 2 stereotype a significant number of occupations along gendered lines. In addition, when it comes to their own choices of occupations, these are also strongly gender-biased
- research also demonstrated how teachers and teacher trainers lacked awareness of gender equality issues
- classroom experience has also been identified as having a significant impact on the development of children's perceptions of the gender appropriateness of tasks, with teachers having no clear direction on issues surrounding gender equality
- significantly, 40% of teachers felt that the Northern Ireland Curriculum has had no effect in challenging stereotyped views of occupations and that the curriculum has not clearly addressed gender equity.

These findings are very disappointing, as legislative and educational initiatives undertaken in the last twenty-five years could have produced a more positive outcome in terms of a breakdown in gender stereotyping.

Bullying in Schools

A large number of bodies in the education sector have been designated for the purposes of Section 75, i.e. the Department of Education, Department for Employment and Learning, all of the Education and Library Boards, the Council for the Curriculum, Examinations and Assessment (CCEA) and Council for Catholic Maintained Schools (CCMS) and all Colleges of Further and Higher Education. Schools are not designated for the purposes of Section 75. However all designated bodies must ensure that their policies pay regard to the need to promote equality of opportunity between men and women and those of different sexual orientation. This has implications for the curriculum and the way in which issues relating to sexuality are addressed.

Homophobic bullying in schools is widespread¹⁸ and a Department of Education study on bullying in schools¹⁹ found that while 82% of teachers were aware of homophobic bullying / intimidation, only 6% of

¹⁸ Feenan, D. et al. (2001) Enhancing the Rights of Gay, Lesbian and Bisexual people in Northern Ireland. NIHRC: Belfast.

¹⁹ Collins, K. et al. (2002) Bullying in Schools: a Northern Ireland Study. Bangor: DENI



120 schools surveyed made specific reference to homophobic bullying in their anti-bullying campaigns.

Research²⁰ into the needs of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT) found that 44% of young people were bullied at school because of their sexuality; 48% of lesbian and gay students have been violently attacked - nearly half of these attacks occurring in schools²¹. One could argue that it has significant implications for the teaching of subjects such as citizenship which are essentially designed to ensure that the child has an appreciation for all cultures and identities which exist within their and other societies.

For young Traveller girls and women the situation is further compounded as high levels of non-attendance and the high drop out rate for those aged 14 and over impact on attainment levels. Recent research²² found that fear of bullying, irrelevance of education and disillusionment were the main factors in contributing to their exclusion from the education system. A strategic framework to counter this is needed.

While there is a common anti-bullying policy issued by the Department of Education and the Education and Library Boards, there is no monitoring of it according to group or type of bullying, which limits the effective delivery of any such policy to be able to address specifics such as homophobic and racial bullying.

The Commission recommends that the Committee urges the Northern Ireland Government to:

- **identify opportunities through the curriculum, to challenge traditional gender roles, prejudice, racism, stereotyping and discrimination**
- **as a priority, explicitly use school improvement processes to underpin equality**

²⁰ Youth Net (2003) Summary Research Document. Available at www.glyni.org.uk

²¹ Youthnet (2003) Research into the Needs of Young People in Northern Ireland who Identify as Lesbian, Gay, Bisexual and/or Transgender (LGBT). Available at www.glyni.org.uk

²² Connolly, P and Keenan M, (2000) Opportunities for All: Minority Ethnic People's Experiences of Education. NISRA. Belfast



- **take action to address the situation for young Traveller girls and women in education**
- **ensure that equality issues are increased and integrated into initial and continuing teacher training programmes.**

Article 11: Employment

The Economic Situation of Women

While labour market outcomes by gender have shown improvement over time, scope still remains both in terms of improving the accessibility of employment and of ensuring progression within employment, into a wider range of occupations and of grades.

In Northern Ireland, thirty years after the introduction of the Sex Discrimination (NI) Order 1976 and the Equal Pay Act 1970:

- differences in occupational profiles remains an issue, with almost a third of males in the monitored NI workforce (32.1%) located in the higher 'managerial' SOC groups (1-3) compared with just over one quarter of females (27%)²³. In addition, some 20% of employed males are in skilled trades - the sample size of women in this occupation group was too small to provide a reliable estimate. In contrast, only 6% of males are in administrative/clerical occupations, compared with 24% of females²⁴;
- the Labour Force Survey March 2007²⁵ showed a narrowing of the NI gender pay gap, with female full-time median hourly earnings excluding overtime some 99.8% of males (87.4% in the UK). However, full-time males in NI earned 11% more than females on an annual basis;
- however, the part-time pay gap remains significantly higher. Research into the retail sector²⁶ in Northern Ireland concluded that there is a large gender pay gap in this sector in the order of 30 percentage points. This reflects complex factors such as occupational segregation, under-representation of women in management and the higher proportion of women working part-time (almost two in five (39%) female employees work part-time compared with 6% of male employees);

²³ Equality Commission (2006) Monitoring Report No. 16 A Profile of the Northern Ireland Workforce: Summary of Monitoring Returns.

²⁴ DETINI (2007), Women in Northern Ireland: Labour Market Statistics Bulletin., Belfast.

²⁵ The Labour Force Survey, DETI, March 2007

²⁶ Dignan, T. (2003) Gender and Pay in the Information Technology and Retail sectors in Northern Ireland. Equality Commission: Belfast.



- the unequal sharing of care responsibilities means that, of those females who are economically inactive, almost half (45%) are unavailable for work due to family/home commitments;
- there is emerging evidence²⁷ of high job exit rates among lone parents, the majority of whom are women, particularly in their first year of employment. Low pay, especially when linked to part-time work and ill health was found to be important contributing factors;
- women are more likely to be reliant on means tested benefits, and experience greater barriers to economic independence and employment, resulting in more women working part time, in less skilled work, with poorer access to training and progression and ultimately poorer access to pensions and contributions based benefits²⁸;
- difficulty in accessing affordable, quality childcare further exacerbates the difficulties experienced by those (predominately women) who wish to re-enter the labour market. Despite a 7% increase in the number of places available since 1996, Northern Ireland continues to have one of the lowest levels of childcare provision within the UK with only 92.5 day nursery places per 1,000 children aged 0-4 years (based on 2005 mid-year estimates), compared with 195.5 in England in 2006²⁹.

Gender related matters form the highest proportion of queries to the Commission's Legal helpline. During the period 1 April 2001 – 31 March 2007, the Commission recorded 13,917 legal enquiries³⁰ with the largest number relating to gender (35%). Of these, pregnancy and maternity (16%) formed the largest single category, followed by harassment and victimisation (14%), Work-life balance (8%) and equal pay (7%). Enquiries relating to recruitment, selection and promotion also featured prominently.

²⁷ Evans, M., Harkness, S.; Ortiz, R.; (2004). Lone Parents Cycling Between Work and Benefits. London: Department of Work and Pensions

²⁸ Evason, E.; Spence, L.; (2002). Women and Pensions. Belfast. Equality Commission for Northern Ireland.

²⁹ Gray, A., Bugel, I., (unpublished) The Demand for, and Supply of, Childcare in Northern Ireland, Belfast, ECNI, 2002

³⁰ Equality Commission for Northern Ireland – Internal data.



Protestant and Catholic Women

The period 1990 – 2006 witnessed a sharp improvement in the labour market participation rates of women in general, and Roman Catholic women in particular. Although a direct causal link cannot be established, as there were a myriad number of factors involved, it is noteworthy that the observed changes coincided with the implementation of fair employment legislation in Northern Ireland: namely, the Fair Employment (Northern Ireland) Act 1989, and its successor, the Fair Employment and Treatment (Northern Ireland) Order 1998. Key dimensions of these legislative provisions introduced compulsory monitoring of religion by all employers with 11 or more employees. A range of permitted affirmative action measures such as setting goals and targets for improving employment patterns of under-represented groups were introduced. Monitoring was also extended to part-time employees.

Since statutory monitoring of the Northern Ireland workforce began in 1990, women in general, and Roman Catholic women in particular, have made considerable progress towards the goal of fair participation in employment. However, although women have moved into employment in greater numbers than ever before, the data indicates that they are still disproportionately represented in the part-time sector, where low pay is a consistent theme:

- the monitored Northern Ireland workforce, which includes both full-time and part-time employees, stood at 520,839 in 2006. Females accounted for 51.7% of the total monitored workforce, compared with 50.4% in 2001;
- looking at Protestant and Roman Catholic women only, during the period 2001 – 2006³¹, the number of Protestant female employees rose from 132,106 to 136,989, an increase of 3.7%. During the same period, the Catholic female count increased from 98,719 to 115,829, a rise of 17.3%. In terms of community share, the Catholic proportion of the female workforce rose from [42.8%] in 2001 to [45.8%] in 2006³²;

³¹ 2001 has been adopted as the start point for trend purposes, as part-time employees were not monitored before then.

³² The Catholic female proportion of the monitored workforce [45.8%] is now broadly in line with the Catholic share of those available for work (economically active of working age).

- in terms of the relative community composition of individual SOC groups, in 2006 the Catholic female share was highest in professional occupations (SOC2, 51%) and associate professional and technical occupations (SOC3, 48.2%) while the corresponding Protestant female share was highest in administrative and secretarial occupations (SOC4, 57.2%). In the remaining SOC categories, the community composition was broadly in line with the respective community proportions of the overall female workforce as a whole; and
- finally, although some differences exist between Protestant and Catholic women in the monitored workforce, they are relatively minor compared with the differences between women and men.

Childcare

The reconciliation of work and family life is critical to the achievement of gender equality in Northern Ireland. The absence of good quality accessible childcare makes it more difficult for women to remain in paid work, to access training or to retrain to increase their employment opportunities, to have real choices regarding work options or to improve their labour market position with regard to pay and promotional opportunities.

Research commissioned by the Equality Commission, the Department for Employment and Learning and the four Childcare Partnerships, 'The Demand for, and Supply of, Childcare in Northern Ireland', suggests that affordability and availability constitute a problem for many working parents. The Report³³ highlighted a number of issues that need to be addressed if gender equality is to be achieved:

- the extent to which mothers' employment is supported by formal childcare increases with the mother's earnings. Within the formal childcare arena, childminders are much more likely to be used by lower earning mothers and day nurseries are more likely to be used by mothers in professional and managerial occupations
- relatives and friends play a considerable role in childcare

³³ Gray, A., Bugel, I., (unpublished) The Demand for, and Supply of, Childcare in Northern Ireland, Belfast, ECNI, 2002

provision, especially grandparents. Around one in five of working parents' children under 5, and over one third of children aged 5-11, are cared for entirely by a grandparent, older sibling, other relative or friend. It is useful to note that the Working Families Tax Credit and the new Childcare Tax Credit only help those who use formal childcare

- analysis of the costs of childcare suggests that this is a barrier for low paid women entering the labour market. Lone parents in Northern Ireland are specifically disadvantaged as their earnings are about one third lower than the all-UK level for lone parents
- around 15% of families with children under 12 have at least one disabled child or health problem. The employment rate of mothers in this situation is considerably lower than average
- working parents who needed childcare outside standard office hours have difficulty in finding it. Childminders were found to be more willing to take children outside unsocial hours than day nurseries.

The report concluded that the growth in part-time employment predicted in Northern Ireland for the next few years would be welcome for many mothers. However, it will be a challenge to ensure that these jobs offer not only working patterns which are suitable but that affordable childcare is available to help women move towards equality of opportunity in the labour market.

Equal Pay

The persistent gap between men and women's earnings, despite 30 years of equal pay legislation, has continually caused concern for the Equality Commission. It is important that gender pay audits are made mandatory and that the public sector should link pay audits with their responsibilities under Section 75 of the Northern Ireland Act 1998. Recent research by the Commission suggests that this is a complex area and legislation, whilst important, will not by itself address the issue. Dignan (2006)³⁴ argues that a focus on inter-related issues such as work-life balance; flexible working; subject choice; promotion and progression; pay systems and low pay will need to be addressed to effectively deal with this.

³⁴ Dignan, T. 2006, Gender and Pay in the Hotels and Restaurants and Manufacturing Sectors in Northern Ireland, ECNI Belfast



The recent Opinion on the Gender Pay Gap³⁵ by the European Commission's Advisory Committee on Equal Opportunities for Women and Men proposed a number of solutions for actions which are consistent with the interrelated factors identified by Dignan above.

The Labour Force Survey March 2007³⁶ showed a narrowing of the NI gender pay gap, with female full-time median hourly earnings excluding overtime some 99.8% of males (87.4% in the UK). However, full-time males in NI earned 11% more than females on an annual basis.

The Annual Survey of Hours and Earnings³⁷ noted that while at an overall level the gender pay gap is reducing in Northern Ireland, gender pay differences continue to exist for various occupational and industry groupings (such as managers and senior officials). The wider public sector gender pay gap was 97% in 2006, and this represented a reduction on 2005, when females median hourly earnings were approximately 94% of male earnings. At 83%, the private sector gender pay gap remained relatively unchanged during 2005 - 2006.

Dignan's³⁸ research into the Retail Sector in Northern Ireland concluded that there is a large gender pay gap in this sector, in the order of 30 percentage points. This, he stresses, reflects the combined influence of occupational segregation; under-representation of women in management and the higher proportion of women working part-time.

Occupational Segregation

The very worthwhile initiatives listed at paragraphs 245 to 276 of the 6th Periodic Report are mainly GB-only initiatives, which do not have an equivalent in Northern Ireland. Where the activity is UK-wide and includes Northern Ireland, the numbers who participate or benefit from the schemes are often very small. There is no government organised or mainstream funded initiative promoting science and technology or non-traditional careers in Northern Ireland. Activity in this area tends to be piecemeal and voluntary, although there have been some time-limited

³⁵ The Advisory Committee on Equal Opportunities for Women and Men, 'Opinion on Gender Pay Gap', Adopted on 22 March 2007, Brussels

³⁶ The Labour Force Survey, DETI, March 2007

³⁷ The Northern Ireland Annual Survey of Hours and Earnings, DETI April 2006

³⁸ Dignan, T. (2003) Gender and Pay in the Information Technology and Retail sectors in Northern Ireland, ECNI Belfast.



projects which received European funding and matching support from government departments in the past. The Women into Science and Engineering initiative is also a voluntary effort which relies on ad hoc sponsorship from supporting companies to carry out promotional activities and to maintain a website.

The Department for Employment and Learning in Northern Ireland has responsibility for all industry-related training and for further and higher education. The Department is currently reviewing its Careers Strategy and it is important that this must not reproduce or reinforce current employment patterns for women many of whom may be disabled people, from different ethnic minorities and religions. Positive action measures may be necessary to ensure that barriers are overcome and if necessary funding should be available to reduce identified barriers such as training, childcare and accessibility.

The Commission recommends that the Committee urges the Northern Ireland Government to:

- **increase the number of childcare places in Northern Ireland**
- **ensure that childcare places are reflective of both the costs and availability and takes account of the evening and weekend working patterns of many women**
- **seek to ensure a sustainable positive trend in the earnings of part-time working women by ensuring that growth in part-time women's earnings keeps pace with those full-time working women**
- **undertake a sectorally-focused strategy to reduce the gender pay gap to meet its proposed objective set out in the Northern Ireland Programme for Government**
- **make changes to equal pay legislation to make pay audits mandatory**
- **ensure that initiatives to increase the numbers of women in science and technology or non-traditional careers are mainstreamed and promoted**
- **ensure that the revised Careers Strategy is gender proofed.**



Article 12: Health Care

The World Health Organisation has defined health as a “state of complete physical, mental and social well being and not merely the absence of disease or infirmity”. The Commission commissioned research on gender and health in Northern Ireland³⁹ and found that most health and social care strategy and policy is written in gender-neutral language with targets set for the whole population. However, women and men differ in their specific health care needs throughout their lifetime which needs to be reflected and planned for accordingly.

The experience of a person facing multiple inequalities is different from those facing inequality on a single ground. For example, women are more likely to display signs of a possible mental health problem (21%) than men (16%)⁴⁰ and other research⁴¹ in Northern Ireland has shown that the experiences of disabled women differ from those of disabled men or women who are not disabled. This research highlighted that for some disabled women access to screening services may be limited due to their disability in that the bed needed for cervical screening was not accessible.

Carers

Carers are important in our society providing support, often on an unpaid basis, for thousands of older people and those with disabilities⁴² and they suffer higher levels of ill health. Almost one in five (19%) of those providing substantial care (50+ hours per week) feel they are in poor health. This compares with 14% of the non-carer population⁴³. One in five carers (21%) are aged 60 years or over. Women are more likely to be informal carers than men and over one third (34%) of female carers report that they spend at least 30 hours per week caring⁴⁴. Providing such caring throughout life can result in multiple disadvantages in later life - it can impact on income, pension

³⁹ Equality Commission (2002) Gender and Health in Northern Ireland: Implications for Statutory Duty. ECNI Belfast

⁴⁰ NISRA (2005) Health and Well-Being Survey.

⁴¹ Zappone, K.; (ed.) (2003) Re-Thinking Diversity, Dublin: Joint Equality and Human Rights Forum.

⁴² Evason, E.; (2004) Who Cares? Changes in Informal Caring 1994 to 2006.

⁴³ Carers UK (2004) In Poor Health: The Impact of Caring on Health.

⁴⁴ Evason, E.; (2007) Op cit fn38



accumulation and the development of social networks⁴⁵. These impacts of care giving on pensions, earnings, savings and career all multiply over time and impact substantially on middle aged women. 17% of women aged 60 to 74 provide care in their own household and 1 in 4 (25%) children provide informal care for a person not living with them⁴⁶. The complex circumstances associated with carers, who are more likely to be women, needs a strategic approach from Government to address the inequalities.

Access to Reproductive Health Care Services

In referring to ‘access to health care’, Article 12 specifically includes family planning. The Commission is aware that the Department of Health, Social Services and Public Safety (DHSS&PS) has recently published draft guidelines on the termination of pregnancy in Northern Ireland as a result of the judicial review taken by the Family Planning Association in Northern Ireland⁴⁷. The legal situation in Northern Ireland is situated in the 1861 Offences Against the Person Act, the 1929 Infant Life Preservation Act and the Criminal Justice Act 1945. The 1861 Act makes it an offence to procure an abortion and the 1929 Infant Life Preservation Act creates the offence of child destruction. The guidelines outline the law in relation to the termination of pregnancy in Northern Ireland and that the decision to terminate a pregnancy depends on the clinical judgement of the medical practitioner responsible for the care of the woman. The 1967 Abortion Act, which allows for abortion under the NHS with the consent of two doctors, does not apply to Northern Ireland.

The Commission notes General Recommendation 24: “Health”, in which the CEDAW Committee stated that coverage of reproductive health services is an essential aspect of women’s equality; *“it is discriminatory for a State party to refuse to legally provide for the performance of certain reproductive health services for women⁴⁸.”* The CEDAW Committee points to barriers such as criminalising medical procedures only needed by women who undergo those procedures as well as high

⁴⁵ DHSSPS (2006) Caring for Carers.

⁴⁶ ARK (2006) Northern Ireland Life and Times Survey. The definition of ‘informal care’ as used in the NILT survey included tasks such as going to the shop, giving medicine, etc.

⁴⁷ DHSS&PS, (2007) Draft Guidelines on the Termination of Pregnancy in Northern Ireland.

⁴⁸ General Recommendation 24, “Health” 1999



fees, requirement of spousal, parental or hospital authorisation and inaccessibility because of distance or travel.

The Commission recommends that the Committee urges the Northern Ireland Government to:

- **ensure that health strategies and policies are analysed by gender**
- **recognise the needs of carers, the majority of whom are women.**

The Commission recommends that the Committee urges the United Kingdom Government to:

- **respond to CEDAW by calling for the same access to reproductive health care services and rights in Northern Ireland as are available in Great Britain.**



Article 13: Social and Economic Benefits

Women and Benefits

Gender is a crucial factor in determining participation in economic life. In Northern Ireland, like most other societies, the traditional division of labour means that women have prime responsibility for domestic work such as childcare, eldercare, cooking and cleaning, while men have prime responsibility for meeting the household's financial need.

However, due to changes in family and employment structures, these gender roles are no longer as clear cut, as women increasingly take financial responsibility for their households. As a consequence of the gender differences in the labour market, women rely, to a larger extent than men, on social security benefits in order to support themselves and their families. Due to their lack of access to contributory-based benefits⁴⁹, women are over-represented among those who receive many of the means-tested benefits⁵⁰.

- 66% of recipients of Invalid Care Allowance are women⁵¹
- 59% of those receiving Income Support are women⁵²
- 59% of those who receive Housing Benefit are women
- 57% of the families who receive Working Families Tax Credit had women as the main earner. This figure reflects the relative disadvantage of households headed by women
- Only 24% of those receiving Job Seekers Allowance are women, again reaffirming that women's access to contributory-based benefits is limited as a result of their very different experiences in the labour market.

Women and Pensions

Pension policy in the UK has been characterised by ongoing uncertainty in the last three to four decades. At regular intervals there have been marked changes of direction and these have had particular

⁴⁹ To be eligible for payment of contributory benefits you need to have made contributions over a specific period of time, usually linked to work

⁵⁰ Payment of these depends on individual circumstances and levels of income

⁵¹ DSD, Disability Living Allowance, Attendance Allowance and Invalid Care Allowance, November 2006. Belfast

⁵² DSD, Social Security Summary Statistics Northern Ireland, February 2007, Belfast



implications for women and their prospects of securing adequate incomes in their own right on retirement. This is significant for women in Northern Ireland, as they are less likely to be in paid employment than in any other UK region. Linked to this lower economic activity is the higher birth-rate and consequently heavier responsibilities for childcare and homecare. Women in Northern Ireland are particularly affected by the problems of pension provision. The Commission is concerned that the interests of women and the challenges for pensions policies posed by their different life patterns and responsibilities have rarely been more than a minor theme in the ongoing debate. This is remarkable given that the majority of pensioners are, in fact, women. Women in Northern Ireland live on average more than five years longer than men. More than two-thirds of the 170,850 people receiving retirement pension in March 2007 were women⁵³.

Most of the existing pension schemes are based on a traditional model of work that is a continuous contribution whilst in full-time work in a lifetime job. This model fails to take into account the fact that women are more likely to take career breaks for child or family related reasons, to be economically inactive outside the household, or to be in part-time employment for periods⁵⁴. The gender differences in the labour market have an impact on women's economic situation in later life and as such their access to pensions, savings and benefits is restricted:

- the average weekly state retirement pension payment in March 2007 was £82.67 for women and £105.60 for men⁵⁵. This means that women receive 76% of the income that men do from this pension
- as women in employment are over-represented amongst those who earn below the lower earnings limit for National Insurance Contributions; they are less likely than men to have access to a full state pension⁵⁶ or to receive State Earnings Related Pension (SERPS)⁵⁷ while 52% of retired men in Northern Ireland receive occupational pensions, only 17% of retired women do.⁵⁸

⁵³ DSD, Retirement Pensions, Summary Statistics, March 2007.

⁵⁴ Evason, E., Spence, L., (2002) Women and Pensions in Northern Ireland, Belfast, ECNI

⁵⁵ Op cit No 53

⁵⁶ McCay, N., McLaughlin, E., Trewdale, J., (1999) Money Matters for women: Women Excluded from National Insurance, Belfast EOCNI

⁵⁷ Evason, E., Spence, L., (2002) Women and Pensions in Northern Ireland, Belfast, ECNI

⁵⁸ *ibid.*



Research commissioned by the Commission⁵⁹ on 'Women and Pensions' highlights how women are unaware of the consequences their labour market participation will have on their economic situation when they retire. The current link between the labour market, gender, age and disadvantage will continue unless a systematic analysis by gender is undertaken.

The Committee should also note that, although social security is devolved to the Northern Ireland Assembly, in practice, it is governed by the principle of parity and there is little room for manoeuvre. It is vital that the UK government is sensitive to the needs of women in Northern Ireland, as women in Northern Ireland have lower economic activity rates and issues such as lower pay rates in the private sector also impacts on income.

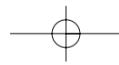
It maybe also worth noting that the UK has proceeded much further down the road of privatisation in terms of pension policies and provisions than other European Union countries, and this needs to be assessed with the needs of women in mind.

In conclusion, the Commission is concerned that the policy for pension provision currently being put in place will have a particularly adverse impact on women. Women on low earnings and those who have taken time out to raise children or look after elderly relatives are likely to lose due to the rules surrounding means tested benefits.

We are disappointed that current proposals for pensions policy have not taken into account the particular life patterns and circumstances of women. It is essential that this is monitored and evaluated to ensure that new policy directions do not disadvantage women, as the capacity to secure an independent income in ones own right is a crucial aspect of gender equality. This is a matter which needs to be addressed by both the Northern Ireland Executive as it seeks to grow the Northern Ireland economy and achieve a 'fair and just society'⁶⁰ and the government of the United Kingdom as pension's policy is governed centrally.

⁵⁹ *op cite* FN 54

⁶⁰ Programme for Government 2008 – 2011, Northern Ireland Executive



The Commission recommends that the Committee urges the United Kingdom Government to:

- **take steps to reduce the differential access to, and income from, benefits between women and men**
- **undertake a systematic analysis of pension provision by gender**
- **ensure that new policy directions in pensions do not disadvantage women as they currently do.**

