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Submission to the United Nations Committee on the Elimination of Discrimination against Women

**Parallel Report to the Eighth Periodic Report
Submitted by the United Kingdom of Great
Britain and Northern Ireland**

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Introduction¹

1. This submission considers the protection of human rights in NI.² The purple boxes provide recommendations that the Committee may wish to make to the UK.³

Equality Legislation and Policies (Articles 1-4; para 19)⁴

Single Equality Act

2. NI does not have a single legislative instrument to consolidate equality protection.⁵ A piecemeal approach has been adopted to updating the current framework.⁶

Recommendation:

- **NI's equality framework is strengthened, simplified and harmonised with a Single Equality Act.**

Intersectional discrimination

3. NI's equality legislation does not recognise intersectional discrimination, which particularly affects minority women.⁷

¹ Northern Ireland Human Rights Commission's (NIHRC) mandate extends to all matters relating to the protection and promotion of human rights in Northern Ireland (NI), including within the competence of the NI Assembly and the Westminster Parliament.

² NI refers to Northern Ireland.

³ UK refers to United Kingdom.

⁴ Each section heading refers to the relevant Article(s) of the CEDAW Convention and the relevant paragraph(s) of the 2013 concluding observations to the UK.

⁵ In NI, a number of laws and regulations within a complex framework prohibit discrimination. This is unlike the rest of the UK that has the single Equality Act 2010. The Equality Act 2010 does not extend to NI. See Employment Equality (Age) Regulations (NI) 2006; Disability Discrimination Act 1995; Special Educational Needs & Disability (NI) Order 2005; Equal Pay Act (NI) 1970; Sex Discrimination (NI) Order 1976; Race Relations (NI) Order 1997; Fair Employment & Treatment (NI) Order 1998; Employment Equality (Sexual Orientation) Regulations (NI) 2003; Equality Act (Sexual Orientation) Regulations (NI) 2006; Northern Ireland Act 1998.

⁶ CEDAW/C/GBR/Q/7/Add.1, 'Comments to the UN Committee on the Elimination of Discrimination against Women, Replies of UK of Great Britain and NI to the List of Issues to be taken up in connection with the consideration of its seventh periodic report', February 2013, para 17; OFMDFM, 'A Sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024' (OFMDFM, 2014), at 38 and 40.

⁷ In particular, disabled women, migrant women, black, minority and ethnic women, older women, transgender and intersex women and lesbian and bisexual women.

Recommendation:

- **NI's equality legislation recognises and effectively addresses intersectional discrimination.**

Gender-related strategies

4. Up-to-date specific strategies on gender equality,⁸ sexual orientation,⁹ childcare¹⁰ and carers¹¹ remain long outstanding. The NI Executive plans to subsume many of these issues into a gender-neutral social strategy, ignoring the intricacies and gender-sensitive elements of these issues.¹² Publication of new or updated strategies requires a functioning devolved government.

Recommendations:

- **all relevant strategies effectively address gender equality, sexual orientation, childcare, carers and do not ignore the gender-specific elements;**
- **gender-related strategies contain impact-based action plans that are effectively monitored.**

⁸ The existing 'Gender Equality Strategy 2006-2016' expired in 2016 and has not been updated. This strategy does not contain an action plan. Updating this strategy requires a functioning devolved government.

⁹ NI has not had a sexual orientation strategy to date. The Department for Communities consulted on what a sexual orientation strategy and action plan should include between March and June 2014. The drafting and implementation of this strategy and action plan remains outstanding. Introducing this strategy requires a functioning devolved government.

¹⁰ NI has not had a childcare strategy to date. The Department of Education consulted on a draft Childcare Strategy between July and November 2015. The implementation of this strategy remains outstanding. Introducing this strategy requires a functioning devolved government.

¹¹ NI is lagging behind the rest of the UK in terms of a strategy for carers and recent law development. The 'Caring for Carers 2006' is the most recent NI strategy, whereas strategies have been published in Scotland in 2010, in Wales in 2013, and in England in 2014. Updating this strategy requires a functioning devolved government. See Jennifer Betts and Janice Thompson, 'Research and Information Services Briefing Paper 24/17 - Carers: Legislation, Policy and Practice' (NI Assembly, 2016).

¹² The gender-sensitive elements also include the requirement to consider the specific needs of young, older, disabled, migrant, rural, transgender, intersex, lesbian and bisexual women.

Violence against Women (Article 5; paras 25, 35, 37, 59(a))

Istanbul Convention

5. New legislation is required to enable ratification of the Istanbul Convention, which is impossible without a functioning devolved government.¹³

Recommendations:

- **effectively address the specific extra-territorial issues preventing the Istanbul Convention's ratification;**
- **ensure prompt ratification and effective implementation of the Istanbul Convention.**

Domestic violence

6. 31,008 domestic abuse incidents and 15,404 domestic crimes were recorded between October 2017 and September 2018 in NI.¹⁴

¹³ New legislation is required to extend extra-territorial jurisdiction so that certain offences committed by British citizens can be prosecuted in UK courts, regardless of where they take place in the world. There are still a number of offences, including rape of an over 18 and sexual assault where extra-territorial jurisdiction does not yet apply. This is to be addressed in England and Wales via the proposed Domestic Abuse Bill. As these are devolved matters, additional legislation is required in NI and Scotland. This has been addressed in Scotland under the Domestic Abuse (Scotland) Act 2018. The Department of Justice is working on developing a Domestic Abuse Bill that will cover similar issues, but this Bill cannot progress without a devolved government. Under Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017, Section 1, the UK Government must set a timeframe for ratifying the Istanbul Convention. See CEDAW/C/GBR/8, 'Eighth Periodic Report Submitted by the UK of Great Britain and NI under Article 18 of the Convention, due in 2017', 17 November 2017, at para 190; Gov.UK, 'Press Release: New measures to allow ratification of Istanbul Convention', 29 June 2017.

¹⁴ The number of recorded domestic abuse incidents have increased by 1,582 (5.4%) on the previous 12 months. The number of domestic abuse crimes have increased by 1,244 (8.8%) on the previous 12 months. There were 17 domestic abuse incidents per 1,000 population and 8 domestic abuse crimes between October 2017 and September 2018. The Department of Justice has highlighted that this equates to over 80 domestic violence and abuse incidents every day in NI and that approximately five people are killed each year in NI by a partner, ex-partner or close family member. These domestic abuse incidents and crimes figures represent the highest 12-month period recorded since such statistics were first collated in 2004/2005. The rise in statistics may reflect improvement in a willingness to report domestic abuse. The Department of Justice has stressed that domestic violence and abuse in NI remains significantly under-reported. See Police Service of NI, 'Domestic Abuse Incidents and Crimes Recorded by the Police in NI: Quarterly Update to 30 September 2018' (PSNI, 2018); Department of Justice, 'Press

Figures are not disaggregated, however “about 90% of reported cases are perpetrated by men against women. It is estimated that one in four women will suffer domestic violence at some point”.¹⁵

7. Gender-neutral ‘Stopping Domestic and Sexual Violence and Abuse in NI Strategy’ was published in March 2016.¹⁶
8. A Domestic Abuse (NI) Bill is being developed.¹⁷ It cannot progress without a functioning devolved government.

Release: Over 80 domestic violence and abuse incidents every day in NI - working together we can help stop it’, 4 July 2018.

¹⁵ Women’s Aid NI, ‘Domestic Violence – Frequently Asked Questions’. Available at: <https://www.womensaidni.org/domestic-violence/frequently-asked-questions/#2>

¹⁶ Under this Strategy, a NI Domestic Violence and Abuse Disclosure Scheme was introduced in March 2018. It allows a victim or a third party known to a potential victim who may have concerns, to apply to the police for information on a partner. The scheme aims to help ensure the safety of victims, allowing them to make an informed choice about whether they would wish to continue in their relationship. Between April and September 2018, there were 180 applications to the scheme. A nine-month pilot Domestic Violence Perpetrator Programme was launched in Derry/Londonderry in March 2018 for a maximum of 30 perpetrators. It adopts a problem solving justice approach, aimed at changing behaviours of convicted offenders. It involves perpetrators engaging with the Probation Board to undertake weekly group sessions for nine months. The Judge will not pass sentence on the offender whilst they are in this programme. Successful completion will factor into the Judge’s decision regarding sentencing. The pilot is to be subject to monthly judicial monitoring. The Strategy’s action plan for 2018/2019 was jointly published by the Departments of Health and Justice in August 2018. It sets out a number of measures, which are to be introduced in 2018/2019. Local Domestic Homicide Review Model, a streamlined Advocacy Support Service across NI, and a Sanctuary Scheme are planned for introduction to NI in 2019. The Domestic Homicide Review Model is for when a person has died as a result of domestic violence. The Model will seek out and share opportunities for learning, identify what worked well and inform the development of practice to improve services. This is with a view to preventing domestic violence and abuse and domestic homicide happening in the future. In 2018, a consultation of the proposed model was conducted. A streamlined Advocacy Support Service aims to standardise the level of support to be made available, and respond to the needs of both male and female victims of sexual violence and abuse and domestic violence and abuse. A Sanctuary Scheme is a multi-agency victim centred scheme aimed at enabling victims to remain safe in their own homes where possible. See Department of Health and Department of Justice, ‘Stopping Domestic and Sexual Violence and Abuse Strategy: Draft Year 3 Action Plan’ (DoH and DoJ, 2018); Department of Justice, ‘Domestic Violence and Abuse Disclosure Scheme NI Guidance’ (DoJ, 2018); ‘NI pilot scheme launched to change behaviour of domestic violence offenders and help victims’, *Belfast Telegraph*, 22 March 2018; Correspondence from the Department of Justice to the NI Human Rights Commission, 27 November 2018.

¹⁷ This Bill is being developed by the Department of Justice. It aims to introduce a coercive behaviour offence, which captures patterns of psychological abuse, violence, and/or coercion of a partner, ex-partner or close family member. It also includes a statutory aggravation of domestic abuse, which may attract enhanced sentencing for other offences. In the interim, the Attorney General for NI issued guidance in April 2018 that provides a definition of coercive behaviour with the aim of criminal justice organisations in NI exercising “their respective functions diligently in order to prevent, investigate and prosecute acts of stalking and domestic abuse”. See Attorney General for NI, ‘No 13 Human Rights Guidance for the Police Service of NI, the Public Prosecution

9. Plans to introduce Domestic Violence Protection Notices and Orders,¹⁸ require legislative change, which is impossible without a functioning devolved government.
10. Women with no recourse to public funds cannot access refuge support.¹⁹ The Destitute Domestic Violence concession aims to mitigate this.²⁰ There are delays in accessing this²¹ and strict eligibility criteria, which excludes EEA women.
11. Civil society representatives reported lack of training for front of house staff (receptionists, call handlers, security) on how to support domestic violence victims.²²

Service, the Probation Board for NI and the NI Courts and Tribunals Service: Domestic Abuse and Stalking' (AGNI, 2018).

¹⁸ A Protection Notice is an emergency non-molestation and eviction notice, which can be issued to a perpetrator by the police when attending a domestic abuse incident. It is effective from the point of issue, and can be issued without the victim's consent. Within 48 hours of a Protection Notice being served, the police can apply to the Magistrates' Court for a Protection Order. This can prevent the perpetrator from returning to a residence and from having contact with the victim for up to 28 days. See COR-1076-2017, 'Permanent Secretary of Department of Justice: Letter from Department of Justice to NIHRC', 22 September 2017; COR-0021-2018, 'Permanent Secretary of Department of Justice: Letter from Department of Justice to NIHRC', 15 March 2018.

¹⁹ 13 refuges throughout NI are funded by £4.6 million per year. This is funded by Department for Communities through its 'Supporting People Programme'. The Department of Health and Police Service NI also jointly fund the Rowan Sexual Assault Referral Centre, which provides professional 24 hour support and services to children, young people, women and men who have been sexually abused, assaulted or raped, whether in the past or more recently. This is the only such Centre in NI. It is not a drop-in centre and an appointment is required to access its services. See The Rowan, 'Welcome'. Available at: <http://therowan.net/>

²⁰ The concession, introduced in 2012, aims to help non-nationals who are victims of domestic violence and a spousal visa to leave their partner safely and secure their immigration status in the UK. The concession offers those who meet the eligibility criteria temporary leave for three months, enabling them to apply for access to public funds. During this three-month period, the person should make a separate application for indefinite leave to remain under the Domestic Violence rule. See No Recourse to Public Funds Network, 'The Destitution Domestic Violence (DDV) Concession' (NRP Network, 2013).

²¹ Nisan Zerai Kesete, 'Destitution Domestic Violence Concession – Monitoring Research Report' (Unbound Philanthropy, 2013), at 37.

²² Meeting with civil society representatives, 30 November 2018; Roundtable discussion with civil society representatives, November 2018.

12. Belfast Area Domestic and Sexual Violence and Abuse Partnership²³ has a limited remit and faces funding cuts.²⁴

Recommendations:

- **improve disaggregation of domestic violence data;**
- **implement the Stopping Domestic and Sexual Violence and Abuse in NI Strategy, adopting a gender-sensitive approach;**
- **promptly implement the proposed above initiatives and ensure these are human rights-compliant;**
- **ensure all staff and officials that victims of domestic violence come into contact with are effectively trained and qualified to work with victims of abuse and implement the initiatives;**

²³ This aims to improve services and support for all victims of domestic and sexual violence and abuse. It brings together specialised agencies, organisations, groups and individuals. The Public Prosecution Service NI (PPS) reports it received 1,587 files involving a sexual offence during 2017/2018. This represented an increase of 21%, from 1,312 files in 2016/2017. Files received involving an offence of rape rose by 34.2% over the same period, from 395 to 530. There was also an increase in the number of files involving other sexual offences, which rose from 917 to 1,057 (15.3%). In 2017/2018, 1,652 decisions were issued by the PPS in respect of suspects in case involving a sexual offence, this increased from 1,151 (43.5%) in 2016/2017. The Test for Prosecution was met in relation to a sexual offence for 23.2% of decisions. This included 398 decisions for prosecution and 42 for diversion from the courts. The percentage meeting the test was less than 34.7% in 2016/2017. Of the 1,212 no prosecution decisions issued during 2017/2018, 97% did not pass the evidential test. The remaining 3% did not pass the public interest test. 63.8% defendants were convicted of any offence in the Crown Court, which was 10% less than in 2016/2017. The conviction rate including a sexual offence was 63.8%, which is a decrease of 3.6% than in 2016/2017. In 2017/2018, 60 defendants were dealt with in the Crown Court for an offence of rape. Of these defendants, 45% were convicted of at least one offence. Approximately one in six defendants (15%) of defendants were convicted of an offence of rape. A total of 141 defendants were dealt with in the Magistrates' and Youth Courts for a sexual offence during 2017/2018, a 4.7% decrease from 148 in 2016/2017. 65.2% of defendants were convicted in the Magistrates' and Youth Courts of at least one offence. The conviction rate including a sexual offence was 55.3%. A judge-led independent review was conducted by Sir John Gillen into how the NI criminal justice system handles cases of serious sexual assault. The report is due to be published in January 2019. See Public Prosecution Service for NI, 'Statistical Bulletin: Cases Involving Sexual Offences 2017/18 – 1 April 2017 to 31 March 2018' (PPS, 2018); Department of Justice, 'Review of Arrangements to Deliver Justice in Serious Sexual Offences: Terms of Reference' (DoJ, 2018).

²⁴ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

- **ensure specialised, gender-sensitive, accessible support for victims of domestic violence is sufficiently and promptly available and adequately funded, particularly refuge places;**
- **ensure domestic violence concessions for non-EU women are accessed promptly;**
- **adequately support Belfast Area Domestic and Sexual Violence and Abuse Partnership and extend this initiative throughout NI.**

Female genital mutilation²⁵

13. NI lacks statistics and an action plan on FGM. Anecdotally there are a number of cases.²⁶ Victims may travel outside NI for the procedure.²⁷
14. NI Executive published the Multi-Agency Practice Guidelines on FGM.²⁸ State-sponsored training resources and sessions are available for health and social care professionals and communities.²⁹
15. A Senior Officials Group coordinates NI's response to FGM.³⁰

Recommendations:

- **ensure existing measures in place to tackle FGM are effective;**

²⁵ FGM is illegal in the UK (including NI) under the FGM Act 2003. The Serious Crimes Act 2015 provides for FGM Protection Orders.

²⁶ Email from Department of Health to NI Human Rights Commission, 6 October 2017; NI Human Rights Commission, 'Female Genital Mutilation in the United Kingdom' (NIHRC, 2016); African & Caribbean Support Organisation NI, 'Female Genital Mutilation Scoping Study' (ACSONI, 2017).

²⁷ NI Human Rights Commission, 'Female Genital Mutilation in the United Kingdom' (NIHRC, 2016); African & Caribbean Support Organisation NI, 'Female Genital Mutilation Scoping Study' (ACSONI, 2017).

²⁸ These guidelines were published in July 2014. They are aimed at health and social care professionals. See NI Executive, 'Multi-Agency Practice Guidelines: Female Genital Mutilation' (NI Executive, 2014).

²⁹ These are provided by the Department of Health, Health and Social Care Board and Safeguarding Board NI. See Email from Department of Health to NI Human Rights Commission, 6 October 2017.

³⁰ This cross-departmental group was established in August 2015. It reviews the 2014 Multi-Agency Practice Guidelines on FGM, explores data collection and analysis, develops care pathways and produces regional training and resources for health and social care professionals. This group also works with the Safeguarding Board NI's 'FGM Sub-group'.

- **adopt and effectively implement a FGM Action Plan for NI, including the collection of thorough data and ensures specialised, accessible support for victims or potential victims of FGM is sufficiently and promptly available and adequately funded.**

Stalking

16. Unlike the rest of UK, stalking is not a specific crime in NI.³¹ Protection orders are unavailable.³² Data on the prevalence of

³¹ The Department of Justice is consulting on measures to address stalking in NI, including introducing legislation and Stalking Protection Orders. Regardless of the outcome of the consultation, any progress is subject to a functioning devolved government. Criminal Justice and Licensing (Scotland) Act 2010, section 39, creates two stalking-related offences. It creates an offence of stalking, which requires a course of conduct (over at least two occasions and incidents) and carries up to five years imprisonment and/or fine. It also creates an offence of threatening and abusive behaviour, which does not require a course of conduct. Civil society representatives have raised the Scottish law as an example of good practice. The Protection from Harassment Act 1997, sections 2A and 4A (as amended by Protection of Freedoms Act 2012) provides for two stalking-related offences. The first offence of stalking allows for up to 6 months' imprisonment and/or an unlimited fine. The second offence of stalking involving fear of violence or serious alarm or distress carries up to 10 years' imprisonment and/or an unlimited fine. See Meeting with civil society representatives, 30 November 2018; Department of Justice, 'Consultation: Stalking – A Serious Concern' (DoJ, 2018).

³² Stalking Protection Orders are being introduced to England and Wales, which aim to improve the safety of all stalking victims by giving police the authority to address the danger that perpetrators pose while they gather more evidence. Civil society representatives in NI have expressed support for the introduction of Stalking Protection Orders to NI. See Meeting with civil society representatives, 30 November 2018; Department of Justice, 'Consultation: Stalking – A Serious Concern' (DoJ, 2018).

stalking³³ and support for NI victims is lacking.³⁴ Addressing stalking in NI is impossible without a functioning devolved government.

Recommendations:

- **promptly introduce NI legislation to prohibit all forms of stalking;**
- **effectively protect and support victims of all forms of stalking, eg extend the Hampshire Stalking Clinic model to NI;**
- **gather, disaggregate and effectively monitor data on all forms of stalking in NI.**

³³ This is affected by the lack of a statutory definition of 'stalking' in NI. The Protection from Harassment (NI) Order 1997 deals with the criminal offence of harassment. Stalking in NI is generally dealt with under this legislation. In November 2016, the Committee for Justice reviewed and consulted on introducing specific stalking legislation in NI. The aim of the review was "to assess whether the current legislation in place in NI to deal with stalking is appropriate and effective, identify any gaps and consider the need for and potential benefits of introducing specific stalking legislation". The Committee was unable to report to the NI Assembly before its dissolution in January 2017 and any development is impossible without functioning NI devolved institutions. In the interim, the Attorney General for NI issued guidance in April 2018 providing a definition of stalking with the aim of criminal justice organisations in NI exercising "their respective functions diligently in order to prevent, investigate and prosecute acts of stalking and domestic abuse". See RaISE, 'Paper 19/17, NIAR 462-16 - Briefing Paper: Incidence and Prevalence of Stalking in Northern Ireland' (RaISE, 2017), at 15; NI Assembly, 'Review of the Need for Stalking Legislation in NI'. Available at: <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/justice/inquiries--reviews/review-of-the-need-for-stalking-legislation-in-northern-ireland/>; Attorney General NI, 'No 13 Human Rights Guidance for the Police Service of NI, the Public Prosecution Service, the Probation Board for NI and the NI Courts and Tribunals Service: Domestic Abuse and Stalking' (AGNI, 2018).

³⁴ The Hampshire Stalking Clinic has been highlighted as an example of good practice. This clinic aims to improve responses to stalking across the criminal justice system and the health sector through rehabilitative treatment for stalkers, in a bid to make victims of stalking safer. The clinic is a forum for identification, referral, consultation, case formation and risk assessment of stalking cases. It has a multi-agency panel that reviews high risk stalking cases within the Hampshire area using the stalking risk profile assessment process. See Meeting with civil society representatives, 30 November 2018; Police and Crime Commissioner, 'Press Release: Stalking Clinic highlighted as best practice by HMIC', 5 July 2017.

Upskirting

17. Upskirting is not a specific crime in NI.³⁵ Addressing upskirting in NI is impossible without a functioning devolved government.

Recommendations:

- **promptly introduce NI legislation to prohibit upskirting;**
- **effectively protect and support NI victims of upskirting;**
- **gather, disaggregate and effectively monitor data on upskirting in NI.**

Historical abuse

18. The Executive Office is consulting on its proposals for implementation of the NI Historical Institutional Abuse Inquiry's³⁶ recommendations.³⁷ Implementation of the consultation's outcomes

³⁵ Voyeurism under the Sexual Offences (NI) Order 2008, Article 71, focuses on a person observing another person doing a private act without consent. It does not include voyeurism that takes place when a victim is in a public place, such as upskirting. In June 2018, the Voyeurism (Offences) (No 2) Bill 2017-19 was introduced to the House of Commons. The Bill, which applies to England and Wales only, seeks to amend the Sexual Offences Act 2003 to include certain acts of voyeurism, including upskirting. At the time of writing, the Bill was awaiting royal assent. When this Bill receives royal assent, it will not apply to NI. The Department of Justice NI plans to commence a consultation that will consider potential amendments to sexual offences legislation in NI, including the crime of upskirting. This is a devolved matter and the outcome of the consultation will require legislative change, which requires a functioning devolved government. See Parliament Business, 'Voyeurism (Offences) (No 2) Bill 2017-19'. Available at: <https://services.parliament.uk/bills/2017-19/voyeurismoffencesno2.html>; Meeting between Department of Justice officials and NI Human Rights Commission, 23 October 2018.

³⁶ The Inquiry into Historical Institutional Abuse in NI investigated abuse of children under 18 who were living in children's homes, borstals, training schools, juvenile justice centres, hospitals and orphanages in NI between 1922 and 1995. It investigated 22 institutions, as well as the circumstances surrounding the sending of child migrants from NI to Australia, and the activities of Fr Brendan Smyth, and issues of finance and governance between 1922 and 1995. See Sir Anthony Hart, 'Historical Institutional Abuse Inquiry' (NI Executive, 2017).

³⁷ The Executive Office, 'Historical Institutional Abuse – A Consultation Paper' (TEO, 2018).

requires a functioning devolved government.³⁸ Victims reported lack of support during and after the Inquiry³⁹ and untrained staff.⁴⁰

19. Adult residents of Magdalene laundry-type institutions,⁴¹ or those abused in schools or private settings were not included in the Inquiry's remit. NI Inter-Departmental Working Group on mother and baby homes/Magdalene laundries and historical clerical child abuse has been established.⁴² Academics are considering the operation of former mother and baby homes and Magdalene laundries. This research omits historical clerical child abuse.⁴³

³⁸ Historical Institutional Abuse Inquiry, 'Inquiry Closed on 30 June 2017 – Next Steps at 30 November 2017'. Available at: <https://www.hiainquiry.org/>

³⁹ Victims reported lack of adequate legal advice and access to documents during the Inquiry. Victims spoke of the alleged abusers' legal teams having access to documents two weeks in advance and victims' legal teams only receiving access on the relevant day of evidence. See Roundtable discussion with civil society representatives, November 2018.

⁴⁰ Victims reported that the staff for the Inquiry were civil servants with no expertise in dealing with victims of abuse. The staff was seconded from across the civil service, including unrelated departments such as the Department of Agriculture, Environment and Rural Affairs. Victims reported that there was a need for an effective care package, in addition to compensation. Victims felt the only support they were provided with were room facilities to host meetings. Victims felt there was a lack of expert support in facilitating meetings and that victims were left to support each other. Victims reported that when requesting more specialised support they were referred to the generalised service, Advice NI. See Roundtable discussion with civil society representatives, November 2018.

⁴¹ These were church-run institutions, primarily laundries, where women and girls were referred by the criminal justice system, schools, health and social services, mother and baby homes, family members, or members of the clergy to live and work, allegedly often in conditions where they and any children that were born during their time there were subject to mental and physical abuse. An inquiry was conducted into such select institutions in Ireland, but not in NI. See Department of Justice and Equality, 'Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries' (DJE, 2013).

⁴² This was established in February 2017 and is independently chaired. In March 2018, Norah Gibbons (the Independent Chair) resigned due to health issues. There are no known plans for her replacement or the impact of this on the Working Group. See Claire Simpson, 'Clerical abuse victims call for public inquiry', *The Irish News*, 14 March 2018.

⁴³ This research was commissioned in January 2018 and commenced in June 2018. It is due to take 12 months. The researchers will examine archive records held by the state, churches and relevant voluntary organisations with the primary task of preparing a detailed report on the day-to-day operation and practices within Northern Ireland's mother and baby homes and Magdalene laundries. The report's finding will inform future deliberations about a possible public inquiry on this subject. See Queen's University Belfast, 'Press Release: Queen's and UU to Examine the History of Mother and Baby Homes in NI', 4 June 2018; Meeting with a representative of Birth Mothers and their Children for Justice NI, 13 February 2018.

Consultation with victims in setting up and implementing the Working Group and research is lacking.⁴⁴

Recommendations:

- **effectively implement the recommendations of the Historical Institutional Abuse Inquiry;**
- **ensure all staff employed by future historical abuse inquiries (including panels, legal teams, receptionists, security) are effectively trained and qualified to work with victims of abuse;**
- **ensure victims of such human rights violations in NI, outside the remit of the Inquiry, have an effective remedy, including access to thorough and effective independent investigations that offer effective redress (including compensation) and are subject to public scrutiny and effective victim participation;**
- **ensure victims of such human rights violations in NI have sufficient access to specialised support and are provided with prompt, expert guidance when requested.**

Corporal punishment

20. NI legislation allows reasonable chastisement of a child in the home.⁴⁵

⁴⁴ Meeting with a representative of Birth Mothers and their Children for Justice NI, 13 February 2018.

⁴⁵ The relevant legislation is the Law Reform (Miscellaneous Provisions) (NI) Order 2006. This allows reasonable chastisement as a defence to a charge of common assault tried summarily. The UK Government has made it clear that it does not intend to require a change of the law, stating in the Universal Periodic Review 2017 that “parents should not be criminalised for giving a child a mild smack in order to control their behaviour”. In October 2018, an ecological study of 88 countries reported that “in countries where full bans on corporal punishment were in force, the prevalence of physical fighting was 69% lower among young men and 42% lower among young women than it was in countries without any ban. In countries operating a partial ban, which include the UK, the USA and Canada, the prevalence of physical violence was lower only among young women (56%)”. The researchers believed that “these results support the hypothesis that societies that prohibit the use of corporal punishment are less violent for youth to grow up in than societies that have not”. See HM Government, ‘Universal Periodic Review, UK,

Recommendations:

- **repeal the defence of reasonable chastisement of a child;**
- **effectively implement a strategy to promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to eliminating the use of physical punishment in child-rearing.**

Stereotyping (Article 5; para 33)

21. Robust research on and effective measures to address stereotyping and objectification of women, particularly in advertising and the media, are lacking in NI.⁴⁶

Recommendation:

- **effectively address stereotyping and objectification of NI women.**

British Overseas Territories and Crown Dependencies National Report' (HM Government, 2017), at para 78; British Medical Journal, 'Press Release: National bans on slapping children linked to less youth violence', 15 October 2018.

⁴⁶ This is a particular issue for transgender women and girls. For example, in the Sunday Times on 25 November 2018, there were 14 articles focused on transgender issues, in which transgender women and girls were depicted as sexual predators or the overall message was that transitioning gender destroys society. See Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018; Roundtable discussion with civil society representatives, November 2018.

Trafficking and Exploitation (Article 6; paras 39, 41)⁴⁷

Human trafficking

22. In 2017/2018, 19 female potential victims of human trafficking were referred from NI.⁴⁸
23. An up-to-date Human Trafficking and Exploitation Strategy requires Ministerial approval.⁴⁹

⁴⁷ The National Crime Agency operates a National Referral Mechanism for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (NI) 2016. These Regulations provide for the appointment of independent guardians to assist, represent and support children believed to be victims of trafficking and exploitation. This legislation came into effect in December 2016.

⁴⁸ The total number of referrals between April 2017 and March 2018 was 36. In 2015/2016, the number of female referrals was 25 (out of 45). This decreased to 17 (out of 33) in 2016/2017. Between April 2017 and March 2018, the Police Service NI Modern Slavery and Human Trafficking Unit made eight arrests, conducted 22 searches under warrant and carried out 59 safeguarding visits/non-warrant operations for labour and sexual exploitation. Over the same period, six persons were charged with modern slavery and human trafficking offences and/or related offences, and two persons were reported to the Public Prosecutions Service NI for human trafficking related offences. In 2018, five persons were prosecuted and two convicted for trafficking in persons to NI for sexual exploitation. The Police Service NI saw an upsurge in cases of modern slavery, with 33 victims identified in the first six months of 2018, compared to 36 in the whole of 2017. During this same period, the Department of Justice's contracted support providers, Migrant Help and Women's Aid, supported 18 potential adult victims (including 15 women). The Police Service NI highlighted that the actual number of people in NI affected by modern slavery is unknown, as it often goes unreported and undetected within the community. See Police Service NI, 'Annual Report and Accounts for the Year Ended 31 March 2018' (PSNI, 2018), at 30; HM Government, '2018 UK Annual Report on Modern Slavery' (HM Government, 2018), at paras 2.34 and 2.125, Tables 28 and 29; 'Potential upsurge in modern slavery in NI', *ITV News*, 18 October 2018; National Crime Agency, 'National Referral Mechanism Statistics - End of Year Summary 2017' (NCA, 2018), at Annex B; National Crime Agency, 'National Referral Mechanism Statistics - End of Year Summary 2016' (NCA, 2017), at Annex B; National Crime Agency, 'National Referral Mechanism Statistics - End of Year Summary 2015' (NCA, 2016), at Annex B.

⁴⁹ The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015 requires the Department of Justice to produce an annual strategy to address offences related to slavery, servitude and forced or compulsory labour and human trafficking. The Human Trafficking and Exploitation Strategy 2016/2017 expired in March 2017. See Department of Justice, 'Human Trafficking and Modern Slavery Strategy 2016/17' (DoJ, 2016).

24. Unlike non-European victims of trafficking,⁵⁰ EEA victims are not granted a residence permit,⁵¹ making it difficult for EEA victims to access social security benefits.⁵²

Recommendations:

- **publish and effectively implement an up-to-date Human Trafficking and Exploitation Strategy;**
- **effectively address the root causes of human trafficking and exploitation;**
- **ensure all staff in contact with victims of human trafficking and exploitation are effectively trained and qualified to work with victims;**
- **ensure specialised, accessible support for victims of human trafficking and exploitation in NI is sufficiently and promptly available when required, and adequately funded, including effective access to social security benefits.**

Burden of proof

25. The burden is on the prosecution to prove that a purchaser did not reasonably believe a child paid for sexual services was an adult.⁵³

⁵⁰ Non-European victims of trafficking are typically granted 'Discretionary Leave To Remain', which provides a one year residence permit. This permit is renewable and can lead to settlement. This permit also has no restriction on public funds and the victim is able to access social security benefits.

⁵¹ EEA refers to citizens from the European Economic Area. A residence permit is not required for EEA citizens under immigration law.

⁵² Due to the nature of their arrival in the UK, the lack of legal documentation during their exploitation, and the psychological impact of their exploitation, an EEA victim of trafficking may not be able to satisfy the 'Right to Reside' test, the 'Habitual Residence' test and the 'Genuine Prospects of Work' test. See Law Centre (NI), 'Access to Benefits for Victims of Modern Slavery' (Law Centre (NI), 2017), at paras 6-8.

⁵³ Under the Sexual Offences (NI) Order 2008, Article 37, it is an offence in NI to pay for the sexual services of a child under 18 years of age. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015, Section 6(1)(d) requires that an offence of human trafficking or exploitation committed against a child must be treated as an aggravating factor. However, despite the UN CEDAW Committee's recommendation for change, the Sexual Offences (NI) Order 2008, Article 37(1) continues to be enforceable and remains unamended. Under this provision, "a person (A) commits an offence if he intentionally obtains for himself the sexual services of another person (B), before obtaining those services, he has made or promised payment for those services to B or a third person, or knows that another person has made or promised such a payment, and either B is under 18, and A does not reasonably believe that B is 18 or over, or B is under 13". The Department of Justice is "aware of the concern" raised

Recommendation:

- **shift the burden of proof from the prosecution to the purchaser of sexual services.**

Participation in Political and Public Life (Article 7; para 43)

27. NI women remain under-represented in political life, accounting for only 22% of MPs, 30% of MLAs and 25% of Councillors.⁵⁴
28. Sex Discrimination (NI) Order 1976, Section 43A has not been utilised.⁵⁵
29. NI women remain under-represented in public life.⁵⁶ Women account for 28% of chair appointments,⁵⁷ 31% of substantive court

“in relation to the burden of proof in cases involving sexual offences against minors”. The Department is “currently undertaking a review of the law to child sexual offences. Proposals emerging from this review will be subject to public consultation”. The consultation document is due to be published in early 2019. See COR-0021-2018, ‘Permanent Secretary of Department of Justice: Letter from Department of Justice to NI Human Rights Commission’, 15 March 2018; Meeting between Department of Justice officials and NI Human Rights Commission, 29 November 2018.

⁵⁴ Four NI MPs (22%) elected in June 2017 and 41% of the last NI Executive were women. The NI Executive fell in January 2016. 27 MLAs (30%) elected in March 2017 were women. MLAs are Members of the NI Assembly. In January 2016, the first woman was appointed as NI’s First Minister. In January 2017, three of the five main political parties had women leaders. In 2014, 25% of councillors elected were women. See ‘Poll returns most female MLAs in assembly’s history’, *Irish News*, 6 March 2017; ‘Arlene Foster becomes Northern Ireland’s First Minister’, *The Guardian*, 11 January 2016; North South Inter-parliamentary Association, ‘Briefing Paper for the Seventh Meeting of the North-south Inter-Parliamentary Association: Women in Public Life, North South Inter-parliamentary Association’ (NSIA, 2015); NI Statistical and Research Agency, ‘Statistics Bulletin – Census 2011: Key Statistics for NI’ (NISRA, 2012), at 11.

⁵⁵ This provision allows political parties to take positive steps to reduce inequality between men and women elected to UK Parliament, the NI Assembly, District Councils and the European Parliament.

⁵⁶ The last census in 2011 recorded that of a population of 1.811 million in NI, 51% were women and 49% were male. See NI Statistical and Research Agency, ‘Statistics Bulletin – Census 2011: Key Statistics for NI’ (NISRA, 2012), at 11.

⁵⁷ Statistics for March 2017. This represents an increase of 4% for chair appointments from the previous year. In the year 2016/2017, 28% of applications for chair appointments were from women, a decrease of 9% from the previous year. See The Executive Office, ‘Public Appointments Annual Report for NI 2015/16, NI Statistics and Research Agency’ (TEO, 2017); NI Statistics and Research Agency, ‘Public Appointments Annual Report for NI 2016/17’ (TEO, 2018).

roles,⁵⁸ 33% of permanent secretaries,⁵⁹ 42% of public appointments,⁶⁰ and 46% of fee-paid judiciary. The target of 50/50 public appointments by 2020/2021⁶¹ is “impossible” without a functioning devolved government.⁶²

30. Minority women are under-represented in public bodies.⁶³ Accessible information to empower disabled and migrant women is lacking.⁶⁴

⁵⁸ This included legal, lay and medical appointments. During that same period, 51% of applicants for judicial appointments (including legal, lay and medical appointments) were female. Currently, 26 (46%) of those holding judicial office and 31% of those holding substantive court roles were female. In 2015, the first two women were appointed as NI High Court judges. See Email from NI Judicial Appointments Commission to NI Human Rights Commission, 28 September 2017.

⁵⁹ In December 2018, three of the nine permanent secretaries were women. These are the first women appointments to such roles. In October 2014, it was reported that there was “a significant degree of inequality in the gender composition at executive level of the NI public sector: males and females holding 70.8% and 29.2% of all executive positions respectively”. See Joan Ballantine et al, 'An Investigation of Gender Equality Issues at the Executive Level in NI Public Sector Organisations' (TEO, 2014).

⁶⁰ Statistics for March 2017. This represents an increase of 1% for public appointments from the previous year. Between April 2016 and March 2017, 40% of applications received for public appointments were from women, an increase of 3% from the previous year. Gender is known for 82 of the 131 appointments in 2016/17, of which 37% were women. See The Executive Office, 'Public Appointments Annual Report for NI 2015/16, NI Statistics and Research Agency' (TEO, 2017); NI Statistics and Research Agency, 'Public Appointments Annual Report for NI 2016/17' (TEO, 2018).

⁶¹ In March 2016, the NI Executive agreed to set targets for greater gender diversity in public appointments. The targets are to achieve gender equality for appointments made in year by 2017/2018 and to achieve gender equality for all other appointments by 2020/2021. See The Executive Office, 'Public Bodies Annual Report for NI, 2015/16' (TEO, 2017), at 39.

⁶² Commissioner for Public Appointments, 'Guardian of the Public Appointment Process: Annual Report 2017/18' (CPANI, 2018), at 5.

⁶³ Engagement with civil society organisations raised that this includes young, disabled, migrant, rural, transgender, intersex, lesbian and bisexual women. No data is available in relation to young, rural, transgender, intersex, lesbian and bisexual women. Limited data is available in relation to disabled and migrant women. Of the public organisations that provided data, in 2016-2017, 40% of public appointees were women. Furthermore, 15% of male and female public appointees in NI during 2016/2017 were aged under 40 (33% of the general population are aged 15-39), of those that provided data, five or less appointees had a disability or came from a minority ethnic group. In 2016, the Commissioner for Public Appointments NI acknowledged “improving diversity means attracting people with a greater range of experience and background, more women, younger people, people with disabilities and people within the LGBT communities”. See The Executive Office, 'Public Appointments: Annual Report for NI, 2016/17' (TEO, 2018); Commissioner for Public Appointments NI, 'Guardian of the Public Appointment Process: Annual Report 2016/17' (CPANI, 2016), at 5.

⁶⁴ The information that is published is not adequately available in different formats and languages, which means that it can be inaccessible. This particularly affects disabled and migrant women. See Roundtable discussions with NI women’s policy groups and NI women’s community groups, October 2017, November 2017, February 2018 and March 2018.

31. Funding for women's community groups face constant cuts. Such groups are vital for empowerment.⁶⁵

Recommendations:

- **encourage political parties to utilise Sex Discrimination (NI) Order 1976, Section 43A;**
- **ensure women's participation in public and political life is proportionate to NI's population;**
- **ensure existing and future gender equality strategies identify and effectively address the barriers hindering women's participation, particularly minority women;**
- **ensure sufficient funding for women's community groups.**

UNSCR 1325

32. Academics have developed Gender Principles for Dealing with the Legacy of the Past in NI.⁶⁶ Yet, the draft NI (Stormont House Agreement) Bill does not make specific provision for women's involvement.⁶⁷

⁶⁵ Women that attend such groups have expressed distress at the funding cuts that are placing the continuation of such groups and their activities under threat. One woman spoke of how she believed her local women's group had "saved my life". Other women spoke of how such groups had assisted with depression, provided a sense of belonging and support, and improved confidence. See 'Féile an Phobail and Equality Commission NI: What Every Women Wants – Equality!', An Chultúrlann, 8 August 2018.

⁶⁶ These principles have been developed from research conducted by the Legacy Gender Integration Group. These principles provide guidance on how to embed a gendered lens and sustained inclusion of women on dealing with the past in NI. See Legacy Gender Integration Group, 'Gender Principles for Dealing with the Legacy of the Past' (LGIG, 2015).

⁶⁷ A draft NI (Stormont House Agreement) Bill was consulted on in 2018. The draft Bill included provision for a Historical Investigations Unit, Independent Commission of Information Retrieval, Oral History Archive, Implementation and Reconciliation Group and clarifications on prisoner releases. The draft Bill did not mention UNSCR 1325. The Commission broadly welcomed the draft legislation, but raised that the provisions contained within the draft Bill were not fully human rights compliant in law and practice. In particular, the Commission raised concerns about the remit, resourcing, independence and use of closed material proceedings regarding the Historical Investigations Unit. The Commission recommended further consideration of the remits and operations of the Independent Commission of Information Retrieval, Oral History Archive and Implementation and Reconciliation Group. The Commission welcomed the proposals in the draft Bill to extend the accelerated release scheme to those serving sentences for

33. Women's groups reported paramilitary intimidation continues to prevent women's effective participation in peace building and political processes, and hinders access to funding.⁶⁸

related offences committed on or after 1 January 1968 and before 8 August 1973 and confirmation that the accelerated release scheme extends to the security forces. The Commission highlighted a number of omissions from the draft Bill including a mechanism to expediently investigate other serious conflict-related human rights abuses and violations in instances where the victims have not been killed, introduction of a pension for severely physically injured victims in NI, and introduction of advocate-counsellor assistance. The Commission also highlighted the lack of funding available for the Lord Chief Justice's plans for addressing outstanding legacy inquests. See NI Human Rights Commission, 'Submission to NIO's Consultation on Addressing the Legacy of NI's Past' (NIHRC, 2018).

⁶⁸ Research from the Institute for Conflict Research found that there is a "distinct lack of legitimate leadership within many NI communities which is filled by paramilitary groups". Research from the Women's Support Network found that there is "endemic paramilitary 'bullying' and intimidation at the level of the community". This is reflected in the significant increase in paramilitary-style punishment shootings and beatings in NI since 2013. In 2013, there were 64 such attacks from republican dissidents and ongoing loyalist paramilitary violence directed at their own communities. This rose to 101 such attacks in 2017. The NIHRC's engagement with civil society organisations indicated that for women, paramilitary intimidation means women's community groups feel unable to access funding and to engage with particular peacebuilding initiatives. It was highlighted that there is a historical and ongoing fear of paramilitaries (including paramilitaries from within their own communities) that is causing women to feel threatened, which is preventing the empowerment of women in NI. It was raised that women feel displaced by paramilitaries taking leadership roles. It was reported that this is closely linked to drug feuds and domestic violence. The NI Executive and UK Government each committed £25 million between 2016 and 2021 to tackle paramilitarism. A Tackling Paramilitarism Programme Board was setup in 2016 to set the strategic direction, make decisions on implementation, delivery and funding, and to monitor and report on progress. The Board is chaired by the Department of Justice, includes senior officials from the Executive Office and NI Office, and the Police Service NI attends in an advisory capacity. The Paramilitary Crime Taskforce was setup in September 2017 to protect communities by tackling all forms of criminality linked to paramilitarism. It is made up of officers from the Police Service NI, the National Crime Agency and HM Revenue and Customs. In October 2018, the Department of Justice commissioned TV, radio and cinema adverts, which aim to end paramilitary-style attacks in NI. See Caroline Walsh, 'Consortium for the Regional Support for Women in Disadvantaged and Rural Areas: Policy Prioritisation for Disadvantaged Women – Women's Perspectives' (Women's Support Network, 2017), at 34; Claire Pierson and Katy Radford, 'Peacebuilding and the Women's Sector in NI: An Overview of Reports and Programmes (Institute for Conflict Research, 2016), at 31; Margaret Ward, 'Excluded and silenced: Women in Northern Ireland after the peace process', *Open Democracy*, 12 June 2013; Henry McDonald, 'Northern Ireland "punishment" attacks rise 60% in four years', *The Guardian*, 12 March 2018; Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018; National Crime Agency, 'Press Release: Paramilitary Crime Taskforce launched in NI', 27 September 2017; Emma Vardy, 'Adverts bid to end paramilitary-style attacks in NI', *BBC News*, 18 October 2018; Department of Justice, 'Executive Programme for Tackling Paramilitary Activity and Organised Crime'. Available at: <https://www.justice-ni.gov.uk/articles/executive-programme-tackling-paramilitary-activity-and-organised-crime>

Recommendations:

- **ensure and comprehensively monitor the effective participation of NI women in peace building and political processes, including effectively implementing UNSCR 1325, LGIG’s gender principles and the Stormont House Agreement;**
- **effectively address paramilitary intimidation, as a barrier to women’s participation.**

Education (Article 10; paras 45, 61(a))

Access

34. Funding cuts restrict the availability of community-based educational courses;⁶⁹ exacerbating gender-sensitive barriers to education, including affordability, access to carers’ support and accessible location.⁷⁰

Recommendation:

- **ensure all levels of education are accessible and affordable to NI women.**

⁶⁹ A policy change by the Department of Education means that further education has become centralised. An additional mandatory requirement has been added that all tutors must have a particular qualification that costs £3,000. Making this qualification mandatory has meant very experienced tutors that have facilitated further education courses in community centres for years are now no longer qualified. Community education is now limited to Level One, a low level qualification that is insufficient for employment purposes. Additionally, the education provider has to provide match funding and if a person who has undertaken a course is not employed within six months, the education provider faces a financial penalty. This creates a further barrier to community-based education. See Roundtable discussions with NI women’s policy groups and NI women’s community groups, October 2017, November 2017, February 2018 and March 2018.

⁷⁰ Roundtable discussions with NI women’s policy groups and NI women’s community groups, October 2017, November 2017, February 2018 and March 2018.

Sexuality and gender identity education

35. Relationships and sexuality education is a statutory component of key stages three and four,⁷¹ however a school can provide such education in line with its ethos.⁷² A school's ethos can cause its sex education to be "under-developed or non-existent".⁷³
36. Women's Aid delivers 'Helping Hands' to some NI primary schools. This programme is not mandatory.⁷⁴
37. Gender identity education and dealing with related bullying needs improving in NI schools.⁷⁵

⁷¹ Education (NI) Order 2006.

⁷² NI Curriculum, 'Relationships and Sexuality Education Guidance: An Update for Post-primary Schools' (NI Curriculum, 2015), at 19.

⁷³ The UN CEDAW Committee's Inquiry found that "church representatives play active roles in school management boards with the result that 'Relationship and Sexuality Education', although a recommended part of the primary and post-primary statutory curriculum of the Department of Education, is under-developed or non-existent owing to the school's discretion to implement curriculum contents according to its values and ethos". The Ofsted report found, which civil society representatives agree with, that this approach increases vulnerability to teenage pregnancies, sexually transmitted infections, sexual exploitation, domestic violence and mental health issues. See CEDAW/C/OP.8/GBR/1, 'Report of the Inquiry Concerning the UK of Great Britain and NI under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women', 19 July 2017, at para 43; Ofsted, 'Not Yet Good Enough: Person, Social, Health and Economic Education in Schools' (Ofsted, 2012); Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

⁷⁴ This is a preventative education programme funded by the Department of Education. See Women's Aid, 'Primary Schools'. Available at: <https://www.womensaidni.org/about-us/our-work/preventative-education/working-with-children-in-primary-schools/>

⁷⁵ In 2016, research was published by the Department of Education on post-primary school experiences of 16-21 year olds who are lesbian, gay, bisexual and/or transgender. This research found that 257 respondents (48%) had experienced bullying as a result of their sexual orientation or gender identity. The main forms of bullying experienced included name calling, lies or false rumours, being isolated by other pupils or hit/kicked/pushed/shoved around. Of those that provided feedback, 99 respondents (38%) reported bullying to a member of staff and out of the 99 respondents who had reported bullying, 53 (54.1%) felt 'very unsupported' or 'unsupported' by the member of staff's response. 289 respondents (54.5%) stated that issues about sexual orientation or gender identity had not come up in any of their classes. The classes where these issues were mentioned, if at all, were Religious Education, Learning for Life and Work, Sexual Health Education and English Literature. 86 respondents (35.7%) indicated that lesbian, gay and bisexual issues were presented and managed 'well' or 'very well' by teachers; a similar proportion stated that teachers had handled such issues 'badly' or 'very badly'. 147 of lesbian, gay, bisexual and/or transgender respondents (63.1%) believed that transgender issues were handled 'badly' or 'very badly'. 203 respondents (38%) stated that they had been made feel uncomfortable by teachers through the use of inconsiderate or derogatory language, taking a heteronormative approach, poor coverage of lesbian, gay, bisexual and/or transgender issues. 351 respondents (66.6%) said that the sexual health education delivered in their post-primary school was very

38. Education Authority NI is developing non-statutory guidance for supporting transgender pupils.⁷⁶

Recommendation:

- **ensure mandatory age-appropriate, comprehensive and scientifically accurate sexuality and gender identity education that promotes healthy relationships is provided in all NI schools;**
- **ensure statutory guidance for supporting transgender and intersex pupils in all NI schools is issued and effectively implemented.**

Employment (Article 11; paras 47, 59(b), 61(a))

Access

39. NI women are underrepresented at management level in the public and private sectors.⁷⁷ Administrative and secretarial posts are more common for NI women.

unhelpful or unhelpful. 333 respondents (62.8%) reported a negative impact on emotional well-being. 350 respondents (66.5%) indicated that they did not feel welcome or valued within school as a young lesbian, gay, bisexual and/or transgender person. 31 respondents (6%) had to move school because of how their school had managed issues relating to their sexual orientation or gender identity. 488 respondents (92.1%) indicated that there was insufficient information available in relation to lesbian, gay, bisexual and/or transgender issues within their post-primary school. See Public and Corporate Economic Consultants, 'Post-Primary School Experiences of 16-21 Year Old People who are Lesbian, Gay, Bisexual and/or Transgender: Final Report' (DoE, 2016).

⁷⁶ This non-statutory guidance will cover a range of issues, such as name changes, change of uniform and the use of toilets and changing facilities. A steering group involving NI's main education stakeholders, clinical leads and voluntary sector organisations working in this area has been setup to inform development of the guidance. The guidance is expected to be published and available to all schools in NI in Spring 2019. See Robbie Meredith, 'Transgender: NI schools to receive detailed guidelines', *BBC News*, 21 November 2018.

⁷⁷ 8% of men worked in managerial positions in contrast to 5% of women. In respect of admin and secretarial positions, women occupied 17% of these roles, in contrast to 7% of men. See NI Statistics and Research Agency, 'Women in Northern Ireland 2017' (NISRA, 2017), at 10.

40. The barriers identified to female career progression in NI's civil service are caring responsibilities,⁷⁸ a lack of recognition of work life balance, long hours' culture, and exclusion from informal networks of communication.⁷⁹
41. Unlike elsewhere in the UK,⁸⁰ there is no statutory duty on NI public authorities to provide childcare. Childcare in NI costs almost 40% of the average household income.⁸¹ More women than men continue to reduce their working hours or leave employment.⁸²

Recommendation:

- **identify and effectively address the barriers hindering women's employment in NI, particularly managerial positions.**

⁷⁸ This includes childcare and informal family carers. There are nearly 214,000 informal carers in NI, this equates to 12% of the population. In 2016, 1 in 5 (22%) of carers reported that they received "little or no helpful information or advice and felt they did not know where to go for support with caring". See Des Kelly and John Kennedy, 'Power to People: Proposals to Reboot Adult Care and Support in NI' (DoH, 2017), at 34-39; NI Human Rights Commission, 'The Human Rights of Carers in NI' (NIHRC, 2014).

⁷⁹ Professor Joan Ballantine *et al*, 'An Investigation of Gender Equality Issues at the Executive Level in Northern Ireland Public Sector Organisations' (TEO, 2014).

⁸⁰ In England, 30 hours free childcare for eligible children is available; similar support is not available in NI. See Employers for Childcare, 'Northern Ireland Childcare Cost Survey' (EfC, 2018).

⁸¹ The average cost of full-time childcare place in NI is £168 per week, which is equivalent to almost 40% of average household income. In 30% of households, the childcare bill is more than the mortgage or rent, and 46% of parents report that they have had to go without or cut back in order to meet childcare costs. For some this means cutting back on heating their homes, going without quality fresh food and skipping meals to meet their monthly childcare bill. 33% of parents (an increase of 25% from 2016) have used means such as savings, credit cards, loans or gifts from family and friends, and payday loans to cover the cost. See Employers for Childcare, 'Northern Ireland Childcare Cost Survey' (EfC, 2018).

⁸² This is impacted by the continuing rise in the cost of NI childcare. Factors other than cost that working parents struggle with include: lack of out of school and wraparound services, lack of provisions in rural areas, restricted and inflexible opening hours, and limited provision for children with specific needs. See Employers for Childcare, 'Northern Ireland Childcare Cost Survey' (EfC, 2018).

Gender pay gap

42. NI's gender pay gap is 6%.⁸³ NI does not have a gender pay gap strategy. Reporting requirements are not operationalised and have limited scope.⁸⁴
43. NI Women are less economically active than men in NI⁸⁵ and more likely to have insecure, low paid employment. This contributes to the gender pay gap.⁸⁶

Recommendations:

- **effectively address and monitor the gender pay gap and insecure, low paid employment of women in NI.**

⁸³ Women in NI on average earn 6% less than their male counterparts. The average gender pay gap in the rest of the UK is 17%. The overall better result in NI is due to the larger share of women working in public administration, which as a sector has a "relatively low pay gap". See PricewaterhouseCooper, 'Women in Work Index' (PwC, 2017), at 6 and 20.

⁸⁴ The Employment Act (NI) 2016, which would make such reporting mandatory, has not been brought into force due to the current suspension of the Executive. This would require employers to publish their pay figures, disaggregated by gender. Within Great Britain, a company must have 250 employees before mandatory reporting is required. There are plans to introduce regulations for the 2016 Act that would place similar requirements on employers of a certain size. NI has a larger number of small employers compared to the rest of the UK. Many of the employers within NI are not large enough to fall within the scope of mandatory reporting. It is unclear if this will be taken into account when drafting the pending regulations. The regulations cannot be progressed without a functioning devolved government.

⁸⁵ The Labour Force Survey for July – September 2018 showed that 410,000 women were economically active, in contrast to 458,000 men. This equals 66.7% of women and 76.6% of men. See NI Statistics and Research Agency, 'Women in Northern Ireland 2018' (NISRA, 2018), at 6.

⁸⁶ This is most commonly due to family and caring commitments. In the last ten years, the proportion of women working full-time hours has decreased to 61.2% (from 63.0%). 39% of women work part-time hours in comparison to 9% of male employees and 82% of part-time employees are women. Research from the Nevin Economic Research Institute reports "evidence of the decline of the 'traditional' standard employment arrangement and the rise of poor quality 'bad' jobs has been escalating internationally and nationally". Considering available data between 1996 and 2016, this research found "that in many ways gendered patterns in the nature of employment and job quality is a story of continuity. Women remain more likely to be in insecure employment, work varying hours, work short hours, and dominated in particular sector and occupations, which are more likely to have low pay. Furthermore, the results of this study also show that higher levels of education narrow the gap between males and females in terms of likelihood of being in insecure employment, whilst having children further amplifies the differentiation". See Lisa Wilson, 'The Gendered Nature of Employment and Insecure Employment in NI: A Story of Continuity and Change' (NERI, 2017); NI Statistics and Research Agency, 'Women in Northern Ireland 2017' (NISRA, 2017), at 1.

Health (Article 12; paras 51, 53, 57(b), 61(a))

Termination of pregnancy

44. CEDAW Committee's Inquiry report recommended decriminalisation of termination of pregnancy in NI and for access to termination to be permitted in certain circumstances.⁸⁷ UK Government was found responsible for grave and systemic violations of CEDAW.⁸⁸
45. In June 2018, the UK Supreme Court found that the current termination law in NI breaches human rights.⁸⁹

⁸⁷ Where there is a threat to the women's physical or mental health, in cases of rape or incest or in cases of serious fatal abnormality of the foetus. See CEDAW/C/OP.8/GBR/1, 'Report of the Inquiry Concerning the UK of Great Britain and NI under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women', 19 July 2017.

⁸⁸ The Committee found the UK government responsible for grave violations of CEDAW as a result of the criminal law in NI, which forces victims of rape or incest and those carrying a foetus with a severe foetal impairment to carry to full term. The CEDAW Committee found systemic violations in respect of the criminal law in NI preventing women from accessing abortions and forcing them to travel or self-administer abortifacients in order to do so. See CEDAW/C/OP.8/GBR/1, 'Report of the Inquiry Concerning the UK of Great Britain and NI under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women', 19 July 2017, at para 83.

⁸⁹ The Commission initiated legal proceedings against the Department of Justice in 2015 in NI for breaching the European Convention on Human Rights, Articles 3, 8 and 14 by failing to provide termination of pregnancy services to women and girls pregnant as a result of rape or incest or in cases of serious fatal abnormality of the foetus. The case progressed through the NI High Court, to NI Court of Appeal, to UK Supreme Court. Although the UK Supreme Court was unable to issue a declaration of incompatibility, as it found that the NIHRC did not have standing to take the case, it went on to give its views. Five out of the seven Supreme Court judges stated that they would have found a violation of the right to private and family life under Article 8 ECHR in cases of fatal foetal abnormality. Four of the seven Judges would also have found a violation of Article 8 ECHR in cases of rape or incest. See *In the matter of an application by the NI Human Rights Commission for Judicial Review (NI)* [2018] UKSC 27.

46. NI women can receive NHS termination services for free in England, Scotland and Wales,⁹⁰ yet NI guidance to healthcare providers remains unchanged.⁹¹ Women also continue to face other barriers.⁹²
47. House of Common's Women and Equalities Select Committee is conducting an inquiry into NI's termination laws.⁹³
48. A departmental report recommends that NI's law on fatal foetal abnormality be changed.⁹⁴

⁹⁰ This is since September 2017 in England, November 2017 in Scotland and November 2018 in Wales. Prior to this NI had to pay for termination of pregnancy procedures, that other women in the UK receive for free under the National Health Service (NHS). NI women travelling to England to access these services may be eligible to claim travel expenses if they have an income of less than £15,276 or in receipt of certain social security benefits. See Jessica Elgot, 'Northern Irish women offered free abortion services in England', *The Guardian*, 23 October 2017; 'Scotland offers free abortions to women from NI', *BBC News*, 6 November 2017; 'Wales and Scotland offer free abortions to women from Northern Ireland', *The Guardian*, 4 July 2017; 'Wales offers free abortions to women from NI', *BBC News*, 9 November 2018; British Pregnancy Advisory Services, 'Funded Abortion Treatment for Women from NI'. Available at: <https://www.bpasorg.uk/abortion-care/considering-abortion/northern-ireland-funded-abortion-treatment/>;

⁹¹ NI guidance to healthcare professionals does not reflect the availability of free termination services in the rest of the UK. The guidance also does not clarify when NI health professionals can provide information to women about accessing services elsewhere. It has fallen to the British Pregnancy Advisory Services to provide updated information to NI General Practitioners because of the lack of up-to-date guidance from the Department of Health on the availability of free termination services in the rest of the UK. See DHSSPS, 'Guidance for Health and Social Care Professionals on Termination of Pregnancy in Northern Ireland' (DHSSPS, March 2016).

⁹² Research published by the University of Texas found women experience multiple barriers to travelling for termination services, even when such services are provided free of charge. These include the physical toll and emotional stress of travelling, not having the required travel documents, or having to keep the termination secret from their families or communities. Trade unions have also raised that women attempting to access termination services outside of NI may have difficulty disclosing the circumstances to their employers. See Abigail Aiken *et al*, 'The Impact of NI's Abortion Laws on Women's Abortion Decision-making and Experiences', *British Medical Journal Sexual and Reproductive Health*, 19 October 2018; Fiona Bloomer *et al*, 'Abortion as a Workplace Issue: A Trade Union Survey North and South of Ireland' (UU, 2017).

⁹³ This Inquiry was launched in September 2018. See Parliamentary Business, 'Abortion Law NI Launch 2017-19'. Available at: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/abortion-law-northern-ireland-launch-17-19/>

⁹⁴ The report of the Working Group had been prepared in October 2016, but was not released until April 2018. The report concluded that "health professionals considered the current situation to be professionally untenable". Health professionals stated that "in their professional opinion, retaining the existing legal constraints would continue to place an unacceptable burden on women's health and wellbeing". See Department of Justice & Department of Health, 'Report of the Working Group on Fatal Fetal Abnormality, Healthcare and the Law on Termination Of Pregnancy for Fatal Fetal Abnormality, Proposals to the Minister of Health and the Minister of Justice' (DoH and DoJ, 2016).

49. Women attempting to access services are being intimidated outside the NI Family Planning Clinic.⁹⁵

Recommendations:

- **reform the legal framework in line with the UK Supreme Court’s judgment and UN CEDAW Inquiry report;**
- **ensure NI guidance in relation to termination of pregnancy is updated and accessible, including how to access terminations elsewhere;**
- **ensure that NI women can access family planning services without intimidation, including imposing a buffer zone outside relevant clinics.**

Migrants

50. Despite legislative changes,⁹⁶ migrant women still face procedural barriers in accessing healthcare.⁹⁷

Recommendations:

- **identify and minimise procedural barriers to migrant women accessing healthcare;**
- **introduce and effectively implement guidance on regulations for healthcare professionals.**

⁹⁵ Roundtable discussions with NI women’s policy groups and NI women’s community groups, October 2017, November 2017, February 2018 and March 2018.

⁹⁶ In 2015, new Regulations granted asylum seekers, including refused asylum seekers, access to free primary healthcare. Any visitor exempt from healthcare charges is also able to register with a GP. The Regulations remove charges for EU Workers and family planning services are free, regardless of a patient’s immigration status. The Department of Health is considering producing guidance on these changes See Regulations 4(1)(c), 7 and 9(b), Provision of Health Services to Persons Not Ordinarily Resident Regulations (NI) 2015; Roundtable discussions with NI women’s policy groups and NI women’s community groups, October 2017, November 2017, February 2018 and March 2018.

⁹⁷ This includes having to produce unavailable identification, having to fill in forms multiple times and having to do all of this without access to the required translation and interpretation services. See Roundtable discussions with NI women’s policy groups and NI women’s community groups, October 2017, November 2017, February 2018 and March 2018.

Women with disabilities

51. Women with disabilities experience greater difficulties than non-disabled women in accessing healthcare in NI.⁹⁸

Recommendation:

- ensure healthcare is fully and promptly accessible for women with disabilities, including implementing reasonable accommodation measures when required.

Transgender

52. Eligibility criteria⁹⁹ for a Gender Recognition Certificate¹⁰⁰ requires an applicant is diagnosed with gender dysphoria. Transgender representatives consider the informed consent model to be more appropriate.¹⁰¹

⁹⁸ This can be caused by the lack of accessible information. This includes ensuring information is available in an accessible format, such as braille or sign language. The lack of interpreters for appointments at all levels of the healthcare services is also an issue. This includes during GP appointments, family planning appointments, visits to an accident and emergency department and while resident in a care home. See Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

⁹⁹ Other criteria includes requiring that the applicant is over 18, has lived in the acquired gender for more than two years and intend to do so permanently.

¹⁰⁰ The relevant law is the Gender Recognition Act 2004. A panel considers each application. If the application is successful, the panel will issue a full or interim Gender Recognition Certificate. If the successful applicants birth was originally registered in NI, the panel will inform the Registrar General for NI when it issues the Gender Recognition Certificate and the Registrar will contact the successful applicant to arrange re-registration of their birth. Once agreed, a new registration showing the successful applicant's new name and gender will be created and a replacement birth certificate (both long and short) will be available showing the new name and acquired gender. A short birth certificate will be issued free of charge. If a successful applicant is adopted, a new extract from the Adopted Children Register will be issued. If an applicant is unsuccessful, the panel will inform them in writing with their reasons. An unsuccessful applicant has a right of appeal. See NI Direct, 'Gender Recognition'. Available at: <https://www.nidirect.gov.uk/articles/gender-recognition>

¹⁰¹ Transgender civil society representatives highlighted that the informed consent model is a more appropriate approach, than the mental health model that is currently used in the UK. The informed consent model places the decision regarding treatment choice with the patient alone, following appropriate education and advisement about the treatment in question. See Roundtable discussion with civil society representatives, November 2018.

53. Transgender representatives reported that reasonable adjustments are not made for applicants with mental disabilities¹⁰² and that the clothing of applicants contribute to a panel's decision.¹⁰³
54. Applicants in NI must be unmarried and not in a civil partnership.¹⁰⁴
55. Application fees are high and the process is "bureaucratic, stressful, intrusive and demeaning".¹⁰⁵

¹⁰² Transgender civil society representatives reported that the Gender Identity Service does not provide reasonable adjustments for transgender women and girls with mental health issues or learning disabilities. See Roundtable discussion with civil society representatives, November 2018.

¹⁰³ The eligibility criteria requires that an applicant has lived in the acquired gender for more than two years and intends to do so permanently. Transgender civil society representatives reported that judgments will be made on the basis of what a transgender woman or girl is wearing. For example, if they wear male clothing this is used as evidence to show that they have not lived in the acquired gender for more than two years. See Roundtable discussion with civil society representatives, November 2018.

¹⁰⁴ Same-sex marriage is not recognised in NI and heterosexual civil partnerships are not available in the UK. All applicants who are married or in a civil partnership and who wish to end their relationship can still choose to apply for an interim Gender Recognition Certificate, which they can use to annul or dissolve their existing legal relationship. See NI Direct, 'Gender Recognition'. Available at:

<https://www.nidirect.gov.uk/articles/gender-recognition>

¹⁰⁵ In December 2018, the application fee for a Gender Recognition Certificate was £140. Assistance may be available to individuals on certain benefits or a low income. Within NI, the waiting list to transition is three years and the assessment for eligibility can take between six and 18 months. It was reported that doctors in NI refuse to provide the required medical report to prove gender dysphoria due to their own personal beliefs. There was one doctor in NI that would provide the required medical report for free on the National Health Service, but since 2018 have no longer been able to due to time constraints. As a result individuals must pay privately to receive the required report, which costs £4,000. Transgender civil society representatives highlighted that barriers in the process can affect mental health, and cause poverty, homelessness and trauma. It was also raised that if transgender children are not provided with hormone blockers early that it can lead to them being forced into major surgery in adulthood. It was reported that hormone blockers are provided for children in NI that are deemed not ready for puberty, but are not provided for transgender children. The Gender Equalities Office recently consulted on how to reform the Gender Recognition Act to address these issues. The proposed reform is limited to England and Wales. There are no plans to consider this issue in the context of NI. See NI Direct, 'Gender Recognition'. Available at: <https://www.nidirect.gov.uk/articles/gender-recognition>; Focus: The Identity Trust, 'Response to the Government's Consultation on the Reform of the Gender Recognition Act 2004' (Focus, 2018), at para 3.1; Roundtable discussion with civil society representatives, November 2018; Gov.UK, 'Reform of the Gender Recognition Act 2004'. Available at: <https://www.gov.uk/government/consultations/reform-of-the-gender-recognition-act-2004>

Recommendations:

- amend the gender recognition process to reflect the informed consent model;
- ensure the gender recognition process is affordable, respectful and accessible, including effectively training staff.

Economic and Social Benefits (Article 13; paras 21, 57(a), 61(b))

Access to social security

56. Despite the initiative 'Make the Call' in NI,¹⁰⁶ accessibility issues persist for obtaining social security benefits.¹⁰⁷
57. Social security reforms were introduced from 2010 onwards.¹⁰⁸ These disproportionately, adversely affect women due to their lower

¹⁰⁶ This is a helpline that has been setup by the Department for Communities to ensure people are getting the social security benefits they are entitled to. Using the helpline, people in NI can check if they are missing out on unclaimed benefits and receive guidance on how to claim the benefits they are entitled to. See NI Direct, 'I Made the Call'. Available at: <https://www.nidirect.gov.uk/articles/i-made-the-call>

¹⁰⁷ This includes the requirement for online claiming for certain benefits, lack of support for filling out forms, documentation requirements and bureaucratic delays. This is a particular issue for asylum seekers and refugees whose first language is not English and may not have the required identification documents (eg passport or birth certificate). Delays may also result from having to wait for new identification documents to be issued or original identification documents to be translated. See Dr Fiona Murphy and Dr Ulrike M Vieten, 'Asylum Seekers and Refugees' Experiences of Life in Northern Ireland' (QUB, 2017), at 66.

¹⁰⁸ These include changes to the rules governing assistance with the cost of housing for low-income households in the private rented sector including new rules for rent levels, excess payments, property size, age limits for sole occupancy and indexation for inflation (Housing Benefit – Local Housing Allowance). Changes to the rules governing the size of properties for which payments are made to working age claimants in the social rented sector (Housing Benefit – Under-occupation). Increases in the deductions from Housing Benefit, Rate Rebate and other income-based benefits to reflect the contribution that non-dependent household members are expected to make towards the household's housing costs (non-dependent deductions). New ceiling on total payments per household, applying to the sum of a wide range of benefits for working age claimants (household benefit cap). Replacement of Disability Living Allowance by Personal Independence Payment (PIP), including more stringent and frequent medical tests, as the basis for financial support to help offset the additional costs faced by individuals with disabilities. Replacement of Incapacity Benefit and Employment and Support Allowance (ESA), with more stringent medical tests, greater conditionality and time-limiting of non-means tested entitlement for all but the most severely ill or disabled. Three-year freeze, and withdrawal of benefit from households including a higher earner (Child Benefit). Reductions in payment rates and eligibility for Child Tax Credit and Working Tax Credit

income, likelihood to be lone parents and greater caring responsibilities.¹⁰⁹ NI women are turning to paramilitary-operated illegal lending.¹¹⁰

58. The NI mitigation package is due to end in 2020.¹¹¹ A functioning devolved government is required to extend the package.
59. The two-child tax credit limit¹¹² will result in an increase in family and child poverty and may result in women travelling to other parts of the UK for terminations under economic duress.¹¹³ The rape

paid to lower and middle income households. Reduction in annual up-rating of value of most working-age benefits (One percent Up-rating). See Christina Beatty and Steve Fothergill, 'The Impact of Welfare Reform on Northern Ireland: A Research Paper' (NICVA, 2013).

¹⁰⁹ Women's Budget Group, 'Austerity is Reducing Social Security for Women' (Women's Budget Group, 2017); Equality and Human Rights Commission, 'Distributional Results for the Impact of Tax and Welfare Reforms Between 2010-17, Modelled in the 2021/22 Tax Year: Interim Findings' (EHRC, 2017); Equality and Human Rights Commission, 'The Cumulative Impact of Tax and Welfare Reforms' (EHRC, 2018); CRPD/C/GBR/CO/1, 'Concluding Observations on the Initial Report of the UK of Great Britain and NI', 29 August 2017, at paras 58-59.

¹¹⁰ Illegal lending is "lending without a consumer credit licence, as required by the Office of Fair Trading under the terms of the Consumer Credit Act". As found by the Centre for Economic Empowerment, "anecdotal evidence suggests [illegal lending] is prevalent in pockets of deprivation, where it is the option of last resort. Whilst in theory there may be recourse to the law, the fear of violence means that debt advisers often try to extricate clients from their commitments to the illegal money lender". This is particularly the case for single women with children. Furthermore, "illegal lending in NI is linked with perceived paramilitary activity". The Consumer Council has received funding from the UK government to run a new education project in NI aimed at raising awareness of the dangers of illegal lenders and to support vulnerable communities. A specialised Police Service NI officer is also being funded by the UK government to lead on illegal lending within the Paramilitary Crime Task Force. See Centre for Economic Empowerment, 'Expensive Lending in Northern Ireland: A Discussion Paper' (NICVA, 2013), at 8; 'Specialist PSNI officer to target loan sharks', *BBC News*, 25 April 2018.

¹¹¹ A £500 million mitigation package was introduced by the NI Executive to ease the worst effects of social security reform. The UN Special Rapporteur on extreme poverty has stated that "its expiration could have dire consequences for people living in poverty. According to the [UK] government, rates of long term unemployment [in NI] are more than twice those of the UK as a whole". NI has the lowest employment rate in the UK. Between July 2017 and June 2018, NI had an employment rate of 69.3%, the UK average was 74.9%. See Philip Alston, 'Press Release: Statement on Visit to the UK, by Professor Philip Alston, UN Special Rapporteur on Extreme Poverty and Human Rights', 16 November 2018; Andrew Powell, 'Labour Market Statistics: UK Regions and Countries' (House of Commons Library, 2018).

¹¹² The two-child limit on Child Tax Credit was introduced by the Welfare Reform Work (NI) Order 2016. This cap will stop the payment of child tax credit (and its successor Universal Credit) for a third or subsequent child born on or after 6 April 2017 to any new claimants. This is due to be fully implemented in November 2018.

¹¹³ The two-child tax credit limit could subject families to poverty if more than two children are born. This creates a reality of having a termination or face a severe drop in income. Consequently, women in this situation may feel under economic duress to have a termination. Due to the current restrictions on termination in NI, the affected women have to travel to other parts of the UK for the procedure. NI women can have a free NHS

exception clause¹¹⁴ may force disclosure before the victim is ready and stigmatise affected children. The existing criminal law risks criminalising rape victims.¹¹⁵

60. Household payments are the default for Universal Credit.¹¹⁶ Split Universal Credit payments are permitted in exceptional circumstances. Domestic violence is a recognised exception, but the

termination of pregnancy in England, Scotland and Wales. The transport and accommodation costs involved in travelling to another part of the UK for a termination can increase child and family poverty. Support with travel and accommodation costs are offered for terminations conducted in England, but these are subject to a means test.

¹¹⁴ Claimants with two or more children can claim for an additional child born on or after 6 April 2017 if that child is likely to have been conceived as a result of a sexual act which the claimant did not or could not consent to, or if that child is likely to have been conceived at a time when the mother was in an abusive relationship, under ongoing control or coercion by the other biological parent of the child. Those that continue to live with the other biological parent of the child cannot claim this exception. The exception may apply if there has been a conviction for rape under NI law, there has been a conviction for an offence under the law of a country outside NI which is comparable to a conviction for rape, or the claimant has been awarded a Criminal Injuries Compensation Award for a relevant injury, at or around the time of conception. However, there does not need to have been a court case, conviction or compensation award for this special circumstance to apply. See NI Direct, 'Universal Credit Two Child Limit'. Available at: <https://www.nidirect.gov.uk/articles/universal-credit-two-child-limit>.

¹¹⁵ Criminal Law Act (NI) 1967, Section 5 obligates anyone that is aware of a crime to report it to the police. To utilise the exemption clause, the claimant is required to complete a non-consensual conception form with the help of an approved third-party professional. These include healthcare professionals, registered social workers or Women's Aid. The declaration on the form from an approved third party will be accepted as evidence that this special circumstance applies. The claimant does not have to speak to, or give details about the circumstances of the conception to the HM Revenue and Customs staff. However, Section 5 obligates anyone that becomes aware of the alleged rape in that process to report it to the police or face prosecution, this includes the third party professional, those assessing eligibility and the alleged victim. The Attorney General issued guidance in April 2018 stating that in this context, prosecutions will not be sought where there is a reasonable excuse for previous non-disclosure or it is not in the public interest to prosecute. The guidance stated that in this context "it is very likely" that one of these justifications for non-prosecution would apply, yet there are still no guarantees. See NI Direct, 'Universal Credit Two Child Limit'. Available at: <https://www.nidirect.gov.uk/articles/universal-credit-two-child-limit>; Attorney General NI, 'No 14 Human Rights Guidance for the Public Prosecution Service: The Application of Section 5 of the Criminal Law Act (NI) 1967 to Rape Victims and Those to Whom They Make Disclosures in Connection with a Claim for Social Security, Child Tax Credit or Anonymous Registration on the Electoral Roll' (AGNI, 2018).

¹¹⁶ The default option for couples applying for Universal Credit is to make a joint application. If successful, Universal Credit will be paid in single payments into one bank account. This can be an individual or joint bank account.

burden is on the claimant to declare their circumstances.¹¹⁷ Split payments are not available for online applicants.¹¹⁸

Recommendations:

- **effectively monitor and address the cumulative impact of social security reforms on NI women;**
- **ensure social security is accessible, promptly available and, as a minimum, guarantee an adequate standard of living for women, including access to healthcare, adequate housing and food;**
- **effectively support women to safely extract themselves from illegal lending and to prosecute the illegal lenders;**
- **abolish the two-child tax credit/Universal Credit limit;**

¹¹⁷ To ensure the financial responsibilities in the home are adequately reflected and to protect victims of domestic violence, split Universal Credit payments should be the default option. The nature of domestic violence means a joint claimant that is a victim of domestic violence may not be in a position or may not want to declare their circumstances. Split payments have received support among MPs. See Department for Work and Pensions, 'Universal Credit: Further Information for Families'. Available at: <https://www.gov.uk/government/publications/universal-credit-and-your-family-quick-guide/universal-credit-further-information-for-families>; Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018; Hansard, 'Universal Credit Split Payments: Volume 647, Column 141WH', 10 October 2018.

¹¹⁸ Claimants can apply for Universal Credit online or in person. The majority of new Universal Credit claimants are using the online process. Within the online process, an applicant is only able to provide one bank account per application. The Department for Communities NI has responsibility for managing social security in NI, but it must use the computer system provided by the UK Department for Work and Pensions. This computer system is under review, which is to be completed by 2023. On completion of the review, new Universal Credit claimants will be able to choose whether their benefit is paid in a single payment to an individual's bank account or a joint bank account, or if the payments are split across two bank accounts. However, in the interim claimants must apply for split payments in person. It was reported that there is a lack of awareness within staff and the wider community that split payments are an option and even when applying in person that new claimants may be directed to the online application process. It was reported that of the new Universal Credit claimants in NI, 10% (3,500) are couples and the vast majority of payments are made into the woman's bank account. It was raised that this may change as Universal Credit is rolled and the demographics of new claimants changes. See Women's Policy Group Meeting, Dungannon, 12 December 2018. This is in contrast to the tax credits system, being replaced by Universal Credit, where a joint claim for Child Tax Credit and childcare element of Working Tax Credit is paid into the account of the main carer. In practice, this is usually the woman.

- **make split Universal Credit payments the primary option and ensure there is awareness of this option and it is practically available.**

Homelessness¹¹⁹

61. The average life expectancy for homeless women is 43 years,¹²⁰ barely half the average life expectancy for NI women.¹²¹

Recommendation:

- **effectively tackle homelessness and improve the life expectancy of NI homeless women.**

¹¹⁹ Homeless statistics for NI are not disaggregated. In 2017/18, 18,180 households presented as homeless to the NI Housing Executive, with 11,877 being accepted as full duty applicants. The number presenting as homeless fell by 2.1% and the number of accepted full duty applicants decreased by 0.1% from 2016/17. Of the full duty applicants, 50 per cent are single, which remains the highest category of applicant. A report by the NI Audit Office found that between 2012 and 2017 the number of households designated as 'statutory homeless' increased by 32% and that the NI Housing Executive's strategic approach had limited success in reducing statutory homeless acceptances. The cost to the public purse for this same period was approximately £226 million. Civil society organisations have also raised concerns about the 'hidden homeless' – those whose applications were rejected (6,303 in 2017/18) and the unknown number of homeless who do not apply in the first place. Research has shown that the rates for statutory homeless acceptances are higher in NI than elsewhere in the UK. In 2015/16, statutory acceptances per 1,000 households in NI ran at 14.8% compared to 11.7% in Scotland, 3.6% in Wales and 2.3% in England. The primary reasons for homelessness in NI are sharing breakdown/family dispute, accommodation not reasonable and loss of rented accommodation. Overall, 59% of presenters are in these categories. Economic pressures, mental health and addiction can also have an impact. The homelessness strategy acknowledges the link between homelessness and health and promotes an inter-agency approach to homelessness prevention. See NI Human Rights Commission, 'Submission to the UN Committee on Economic, Social and Cultural Rights 58th Session on the Sixth Periodic Report of the UK's Compliance with ICESCR' (NIHRC, 2016), at 49-50; NI Housing Executive, 'Homelessness Information'. Available at: http://www.nihe.gov.uk/homelessness_information; NI Audit Office, 'Homelessness in NI: Report by the Comptroller and Auditor General' (NIAO, 2017), at 13-14 and 26-30; Suzanne Fitzpatrick et al, 'The Homelessness Monitor: NI 2016' (Crisis, 2016), at 52; Patient and Client Council, 'Issues Faced by People who are Homeless in Accessing Health and Social Care Services – Report of an Initial Scoping Exercise' (HSCNI, 2015), at 5; Suzanne Fitzpatrick et al, 'The Homelessness Monitor: NI 2013' (Crisis, 2013), at ix; NI Housing Executive, 'Ending Homelessness Together: Homelessness Strategy for Northern Ireland 2017-22' (NIHE, 2016), at para 4.1.

¹²⁰ This is women sleeping rough or in residing shelters and homeless hostels. The average life expectancy for homeless men is 48 years. See Patient and Client Council, 'Issues faced by People who are Homeless in Accessing Health and Social Care Services – Report of an Initial Scoping Exercise' (HSCNI, 2015), at 5.

¹²¹ The most recent figures show, the average life expectancy of women living in NI is 82.3 years. See Information Analysis Directorate, 'Health Inequalities: Life Expectancy Decomposition 2017' (DoH, 2017), at 5.

Travellers' accommodation

62. Accommodation issues affecting NI Traveller women include inadequacies regarding habitability, cultural adequacy, sufficient provision, non-discrimination, data collection, accessible information and effective participation.¹²²

Recommendations:

- **ensure there is sufficient habitable and culturally adequate accommodation for NI Traveller women;**
- **tackle discriminatory behaviours and attitudes from public authorities and settled community towards NI Traveller women;**
- **abolish the Unauthorised Encampments (NI) Order 2005;**
- **ensure thorough and disaggregated data and sufficient information on NI Travellers' accommodation is publically available and accessible to Traveller women;**
- **ensure NI Traveller women can effectively participate in decision-making processes regarding their accommodation.**

¹²² Findings of a recent human rights investigation include existing legislation for the promotion of sufficient, habitable and culturally adequate Travellers' accommodation is not translating into practice. Some Travellers' sites in NI are inadequate for their actual use (eg transient sites being used as permanent sites in practice). Discriminatory behaviours and attitudes from public authorities and the settled community exist towards Travellers; this is negatively affecting the development of Traveller-specific accommodation in NI and the ability for Travellers to enjoy their accommodation. The existence of the Unauthorised Encampments (NI) Order 2005 has a disproportionate impact on Traveller communities in NI and threatens their nomadic culture. There is a general lack of data and disaggregation of data on Travellers' accommodation in NI. Resources available for developing and maintaining Traveller-specific accommodation (sites and grouped housing schemes) is insufficient to the need. There is a lack of information on Travellers' accommodation and the information that does exist is inaccessible. Efforts to ensure the participation of Travellers in decision-making processes regarding accommodation are ineffective and inadequate. See NI Human Rights Commission, 'Out of Sight, Out of Mind: Travellers' Accommodation in NI' (NIHRC, 2018).

Housing data

63. There is a lack of robust housing data on equality outcomes.¹²³

Recommendation:

- ensure robust data collection to effectively monitor, evaluate and address housing inequalities in NI.

Migrants

64. Support is available for refused asylum seekers that are prevented from leaving NI, are at risk of destitution and have a child under 18;¹²⁴ or refused asylum seekers that are prevented from leaving NI and are destitute.¹²⁵ However, persons in NI subject to immigration control¹²⁶ generally must have no recourse to public funds.¹²⁷

65. Support is available for non-EEA victims of domestic violence.¹²⁸ Bureaucracy and length of the process can mean affected women

¹²³ This includes disability, gender, gender identity and sexual orientation. See Equality Commission NI, 'Investigation Report under Schedule 9 of the NI Act 1998: Department for Social Development - Housing Policy Proposals' (ECNI, 2015).

¹²⁴ Section 95A, Asylum and Immigration Act 1999, as amended by Schedule 11, Immigration Act 2016.

¹²⁵ Section 98A, Asylum and Immigration Act 1999, as amended by Schedule 11, Immigration Act 2016.

¹²⁶ A person will be subject to immigration control if they have leave to enter or remain in the UK with the condition 'no recourse to public funds' (e.g. spouse visa, student visa); leave to enter or remain in the UK that is subject to a maintenance undertaking (e.g. there is a five year prohibition on claiming public funds for those with indefinite leave to remain as the adult dependent relative of a person with settled status); or no leave to enter or remain when the person is required to have this (e.g. visa overstayers, illegal entrants). It also includes EEA migrant women who are not qualified persons exercising an EU Treaty right. Free Movement of Persons Directive 2004/38 EC sets out the right of EEA nationals and their family members to move and reside freely within the territory of the EEA Member States. The Immigration (European Economic Area) Regulations 2006 (as amended) transpose the Free Movement Directive into UK law. This enables EEA nationals to enter the UK, subject to a passport or identity card check, and to reside in the UK for an initial period of three months without needing to exercise a Treaty right. An EEA national who will be in the UK for more than three months will have a right of residence for as long as they remain a qualified person. A qualified person is an EEA national who is in the UK and exercising a Treaty right as a jobseeker, worker or student. An EEA national claiming social security benefits in the UK would continue to be considered a qualified person, if they were a worker in receipt of top-up funds or tax credits for low income or an EEA national working in the UK who has become temporarily unemployed (due to incapacity or involuntary unemployment) and is claiming public funds.

¹²⁷ This includes no access to social security benefits, social housing or women's refuges. See Section 115, Immigration and Asylum Act 1999.

¹²⁸ A Destitute Domestic Violence Concession is available for single adults and adults with children who are victims of domestic violence and satisfy strict eligibility criteria. This

have to choose between destitution or remaining exposed to domestic violence.¹²⁹

Recommendation:

- **ensure women in NI with no recourse to public funds are, as a minimum, guaranteed prompt, long-term adequate standards of living, including access to healthcare, adequate housing and food, within a safe environment.**

Equality before the Law (Article 15; paras 23, 54)

Access to justice

66. Recommendations on improving access to justice in court proceedings were published in 2017.¹³⁰ Current barriers to women seeking access to justice include requiring women to wait in the same areas as the other party¹³¹ and failing to prevent violent ex-partners re-victimising women via the courts system.¹³²
67. Avoidable delays in the criminal justice process for sexual violence and abuse cases remains an issue.¹³³ A judge-led independent

includes the individual must have entered the UK or been given leave to remain as a spouse, civil partner, unmarried or same sex partner of a British citizen or someone present and settled in the UK; and have had that relationship break down due to domestic violence; and be destitute and in need of financial help; and intend to make a claim to stay permanently in the UK under the Domestic Violence Rule. See No Recourse to Public Funds Network, 'The Destitution Domestic Violence (DDV) Concession' (NRPF Network, 2013).

¹²⁹ Civil society representatives reported that applying for the Destitute Domestic Violence Concession requires a lot of paperwork and evidence. An application can also take an extended period to process. See Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

¹³⁰ The review was commissioned by the Lord Chief Justice Declan Morgan and began in September 2015. The Review Group was led by Lord Justice Gillen. The full reports are available at: <https://www.judiciary-ni.gov.uk/civil-and-family-justice-review>

¹³¹ Review of Civil and Family Justice, 'Review Group's Report on Family Justice' (RCFJ, 2017), at para 3.6. This report focuses on family disputes and domestic violence.

¹³² Women's Aid reported frequently observing ex-partners harassing victims of domestic violence by way of contact sessions with child. This issue may be exacerbated by the growing numbers of litigants in person before the family courts. Women's Aid NI, 'A Response to Review of Civil & Family Justice: The Review Group's Draft Report on Family Justice' (Women's Aid NI, 2016), at 4 and 10.

¹³³ Criminal Justice Inspectorate, 'Without Witness Public Protection Inspection I: A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in NI' (CJINI, 2018).

review was conducted into how the NI criminal justice system handles cases of serious sexual assault.¹³⁴

68. A Domestic Violence Listing Arrangement¹³⁵ operates in Derry/Londonderry and Belfast.¹³⁶
69. Specialised support services enhancing NI women's access to justice are closing due to lack of funding.¹³⁷

Recommendations:

- **fully and expediently implement access to justice recommendations concerning civil and family justice and serious sexual assault cases;**
- **promptly introduce an accessible specialised domestic violence court in NI;**
- **ensure all NI women are safe and free from harassment when accessing justice;**
- **ensure all legal and court staff are effectively trained and qualified to work with victims;**
- **ensure effective, specialised advice services are available and adequately funded.**

¹³⁴ The review is being conducted by Sir John Gillen and examined support for victims and witnesses, anonymity for defendants and measures to ensure the anonymity of victims amongst others. It was commissioned after public concerns were raised about the treatment of the victim and defendants in a high profile rape trial of Ulster rugby players. The preliminary report was published for consultation in November 2018. The final report is due to be published January 2019. See Department of Justice, 'Review of Arrangements to Deliver Justice in Serious Sexual Offences: Terms of Reference' (DoJ, 2018); John Gillen, 'Preliminary Report into the Law and Procedure in Serious Sexual Offences in NI' (DoJ, 2018).

¹³⁵ Under this arrangement, court staff provide victims with separate entrances and waiting areas, the Public Prosecution Service provides a specially trained prosecutor and Women's Aid or Victim Support NI liaise to mentor and support women.

¹³⁶ The pilot was introduced to Derry/Londonderry in 2011 and Belfast in 2018. There are no plans to extend to the rest of NI. See Review of Civil and Family Justice, 'Review Group's Report on Family Justice' (RCFJ, 2017), at para 12.8.

¹³⁷ For example, the Law Centre (NI)'s Immigration Advice Clinic was temporarily suspended due to funding restrictions from March 2015 until October 2018. During this period there was no dedicated immigration advice clinic in NI. A much-reduced service was reintroduced in October 2018. See Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

Legal aid

70. Free legal representation is not available for industrial tribunals,¹³⁸ which discourages women from pursuing complex claims for discrimination in the workplace, including equal pay. This may disproportionately affect migrant women in NI.¹³⁹

Recommendation:

- ensure all NI women have access to advice/representation in areas not covered by legal aid, e.g. industrial tribunals.

Women in detention¹⁴⁰

71. NI women imprisoned for fine default has increased.¹⁴¹
Rehabilitation of women prisoners in NI remains an issue.¹⁴²

¹³⁸ Legal Aid is currently only available to assist claimants to receive limited initial legal advice and to prepare for hearing. See Employment Tribunals NI, 'If You are Claimant'. Available at: <https://www.employmenttribunalsni.co.uk/if-you-are-claimant>

¹³⁹ The lack of legal aid before the Tribunal places a requirement on women to represent themselves. Women who do not have English as a first language may be discouraged from seeking restitution from the Tribunal, if they are required to represent themselves. Industrial tribunals entail formal 'court type' arrangements including cross-examination of applicants and witnesses.

¹⁴⁰ In September 2018, there were 41 sentenced adult female, 20 unsentenced adult female, two young offender women sentenced and two young offender female unsentenced prisoners in NI. The average sentence length for adult females was 4.89 years and 0.65 years for young females. The average time on remand was 86.25 days for adult females and 22.5 days for young females. These figures are better than for males. By comparison, there were 911 sentenced adult males, 356 unsentenced adult males, 33 young offender males sentenced and 58 young male unsentenced offenders in NI. Depending on the facility, the average sentence length for adult males ranged from 3.5 to 6.29 years and 3.63 years for young males. The average time on remand was 120.52 days for adult males and 128.34 days for young males. See NI Prison Service, 'Analysis of NIPS Prison Population from 01/07/2017 to 30/09/2018' (DoJ, 2018).

¹⁴¹ In 2014/2015, 21 women were received by NI prisons for fine defaulting. This rose to 55 in 2015/2016, 68 in 2016/2017 and 58 in 2017/2018. These figures are reflective of a general increase in the use of imprisonment for fine defaulting since 2014/2015. In 2014/2015, 203 males were received by NI prisons for fine defaulting. This rose to 440 in 2015/2016, 585 in 2016/2017 and 552 in 2017/2018. Part 1 of the Justice Act (NI) 2016 offers alternative forms of enforcement for fine defaulters other than prison, including supervised activity orders. The data is currently unavailable for assessing whether this provision is beneficial in reducing the number of women imprisoned for fine defaulting. See Department of Justice, 'Analytical Services Group: The Northern Ireland Prison Population 2017/18' (DoJ, 2018), at Appendix I, Table 7.

¹⁴² Under the Prison Reform Programme launched by the Department of Justice NI in 2011, there have been "substantial steps in enhancing resettlement, rehabilitation and desistance provision". This has included increased cooperation and engagement between the NI Prison Service and outside agencies, which has led to a number of initiatives focused on mentoring, wellbeing, employment, rehabilitation and desistance. However, there are a number of ongoing hindering factors. These include insufficient resources

72. A house block within Hydebank Wood College (prison for males aged 18-21) accommodates NI women prisoners.¹⁴³ There has been no progress on the commitment to build a separate women's facility.¹⁴⁴
73. Women immigration detainees are held with men in Larne House.¹⁴⁵

Recommendations:

- **end imprisonment for fine default;**
- **effectively address the persistent barriers to women prisoners' rehabilitation and resettlement;**
- **resource the development of a separate female custodial facility in NI;**

available to invest in new strategies and fund rehabilitative and desistance work and inadequate management of those with severe and enduring mental health problems, personality disorders and those held in separated conditions. See Michelle Butler, 'The Northern Ireland Prison Reform Programme: Progress Made and Challenges Remaining' (Knowledge Exchange Seminar Series, 2017).

¹⁴³ The women's facility is called Ash House.

¹⁴⁴ Despite being consistently raised by the NIHRC and in the CEDAW Committee's concluding observations, the Department of Justice has not secured capital funding for this project, which it has publically committed itself to. During a meeting with officials from the Department of Justice it was stated that plans were being processed to physically split the Hydebank facility. It is unclear if this is an interim or permanent plan. See Permanent Secretary of Department of Justice, 'COR-1076-2017: Letter from Department of Justice to NIHRC', 22 September 2017; Meeting between Department of Justice officials and NI Human Rights Commission, 29 November 2018.

¹⁴⁵ Larne House is NI's immigration removal centre. It holds up to 19 men and women. The Home Office can hold detainees here for up to five days, seven days if removal directions have been set. Detainees arrive from Drumkeen House (short-term holding facility) in Belfast, police stations, prisons or directly from enforcement operations in the community. On departure, detainees are often transferred to immigration removal centres in Great Britain, removed from the UK or released into the community. Three rooms, on a single corridor, are designated for women detainees. This corridor is not separate from the rest of the facility and men can walk through to go to the dining room. Women can lock the doors to their rooms, which can be overridden by staff in the event of an emergency. Concerns were raised that women were not able to lock their doors if they were under close observation (e.g. if it was believed they were a threat to themselves). Communal areas are shared by men and women and there is no option for a gender-specific communal area. See HM Chief Inspector of Prisons, 'Report on an Unannounced Inspection of the Short-Term Holding Facility at Larne House' (NIPS, 2016), at Overview and para 1.12; Meeting between Larne House Visitors Group and NI Human Rights Commission, 11 April 2018.

- **ensure women immigration detainees are safe and have the option of gender-specific communal areas.**

Implementation of CEDAW (paras 13, 29)

74. UK has not incorporated CEDAW into domestic law.¹⁴⁶ Civil society lack awareness of CEDAW and are not effectively consulted with by the UK Government when drafting the UK State report.¹⁴⁷ There is a lack of accessible information on CEDAW.¹⁴⁸
75. There is a lack of disaggregated CEDAW-related data.¹⁴⁹
76. Gender-specific protections provided by EU law may be removed from domestic law post-Brexit.¹⁵⁰

Recommendations:

- **effectively consult with civil society and ensure that NI is fully represented in the UK's UN reporting;**
- **embed CEDAW obligations into domestic laws and policies, and ensure these are effectively implemented, particularly post-Brexit.**

¹⁴⁶ The UK is a dualist State. It ratified the CEDAW Convention in 1986, but has not incorporated this international treaty into domestic law and has not indicated any plans to do so. However, there is precedent for this – the Human Rights Act 1998 incorporated the European Convention on Human Rights 1950 into domestic law.

¹⁴⁷ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ This includes the rights to equal pay, non-discrimination in the work place, parental leave, freedom from gendered violence, and cross-border childcare. Article 4 of the Protocol on Ireland/NI enshrined the UK's commitment to no diminution of rights but confined it to the Rights, Safeguards and Equality of Opportunity section of the Belfast (Good Friday) Agreement. It also makes reference to an Annex of EU law to be retained in NI and to the implementation of the Article via 'dedicated mechanisms'. The identified EU laws include equal treatment directives concerning employment, self-employment, social security and access to goods and services. The Article further set out the UK commitment to 'facilitate the related work' of bodies including the Commission, the Joint Committee of the Commission and Irish Human Rights and Equality Commission, and the Equality Commission NI. In November 2018, the Commission agreed in principle to form part of the dedicated mechanism, provided by Article 4 of the Protocol, which provides for monitoring, supervision, advice, reporting and enforcement of the non-diminution commitment. See Colin Murray, Aoife O'Donoghue and Ben Warwick, 'Discussion Paper on Brexit' (IHREC and NIHRC, 2018); Human Rights Consortium, 'Rights at Risk: Brexit, Human Rights and NI' (Human Rights Consortium, 2018); Caroline Walsh, 'Consortium for the Regional Support for Women in Disadvantaged and Rural Areas: Brexit – Women's Perspectives' (Women's Support Network, 2017).

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