

# Gender Equality Strategy Expert Advisory Panel Report

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Research Thematic Areas, Key Findings and Recommendations

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# 1. Overview

## 1.1 Context

The evidence set out in this report shows how gender inequalities are deeply embedded in our social, economic and cultural systems. Tackling these inequalities requires actions across and at every level of Government. There is overwhelming evidence that women disproportionately experience disadvantage and discrimination, a reflection of historical unaddressed inequality, but also that inequalities have been exacerbated by austerity, welfare reform and by the impact of the COVID 19 pandemic. In the twenty years since the Belfast/Good Friday Agreement's commitment to the 'full and equal participation of women in public life', statistics affirm the persistence of gendered inequalities, which continue to inhibit women's life opportunities in Northern Ireland. Men will benefit from gender equality as they too face gender-specific issues such as lower life expectancy, bad health, lower education levels and are impacted by rigid gender norms.

The persistence of gender inequalities also has to be placed in the context of a lack of progress with regard to a number of substantive areas of Social Policy<sup>1</sup>. This has permeated every aspect of life but has disproportionately affected the most vulnerable in society. This is illustrated by the continuing, and in some cases growing, stark differences for women and men in health outcomes between the least and most deprived areas and by inequalities in educational outcomes. Despite a long standing commitment, the publication and resourcing of a comprehensive Childcare Strategy is still awaited.

It is therefore all the more important that this strategy for gender equality is being developed alongside other social inclusion strategies to address inequalities relating to disability, LGBTIQI+ and anti-poverty. There are common areas of concern and interest between the strategies and we have drawn attention to some of these throughout the report. It is hoped that the work of the co-design groups will include the identification of common actions and principles across these strategies which are interlinked. It is also critically important that existing strategies – The Active Ageing strategy (2016-2022); The Race Equality Strategy (2015-2025); the NI Climate Change Adaptation Programme (2019-2024) and the new Childcare Strategy, and the action plans associated with these, develop a gender focus. These strategies cannot operate in isolation and linkages need to be taken account of in the development, implementation and monitoring of policy.

While responsibility for some of the issues raised in this report rests with the Westminster Parliament, the majority fall within the devolved powers of the NI assembly. It is the responsibility of NI's MPs and the NI Executive to lobby Westminster to implement the necessary legislative amendments. It is the responsibility of the NI Executive and Assembly to progress on the remainder.

There is overwhelming international evidence that political commitment to gender equality is central to the success of any policy approaches and strategies. The current Draft Programme for Government does not reference gender equality and the general outcome with regard to equality is insufficient. The new, and subsequent Programmes for Government should contain a specific commitment to gender equality and to the successful implementation of the Gender Equality Strategy.

## **1.2 The CEDAW Convention and other International Obligations**

In developing a Gender Equality Strategy consideration must be given to the key conventions, laws and regulations that should be utilised. The UK has signed up to deliver the Sustainable Development Goals (SDGs). Of these, Goal 5 focuses specifically on gender equality: "To achieve gender equality and empower all women and girls." As can be seen throughout the report, other United Nations conventions including The UN Declaration on Human Rights, The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are also relevant to gender inequality, including with regard to intersectionality – see Chapter 2.

It is also vital that the equality rights accorded to women under EU treaties and legislation can be maintained post leaving the European Union. There must be a clear commitment from the NI Government to maintain these rights.

The Convention on Elimination of All forms of Discrimination Against Women (CEDAW) is the most important human rights treaty for women and it is important that a Gender Equality Strategy takes account of the binding obligation on Governments which ratify the Convention. The overall aim of the CEDAW Convention (the elimination of all forms of discrimination against women) can be subdivided into three broad objectives: to ensure full equality of women before the law and protection against discrimination in the public as well as the private sphere; to improve the de facto position of women; and to address prevailing gender relations and the persistence of gender-based stereotypes. Importantly the Convention affirms the concept of substantive equality between women and men and requires state parties to take all appropriate measures to achieve this. The monitoring of Governments periodically by the CEDAW Committee on their progress to achieving gender equality is an important indicator of achievement. Women's organisations in NI (particularly through the work of the Northern Ireland Women's European Platform (NIWEP)) have an impressive track record of engagement with CEDAW. It is important that this work is resourced. Indeed the CEDAW Convention places an obligation on state parties to ensure participation by civil society organisations.

The importance of the CEDAW Convention has been evidenced in the way that it has been used effectively by civil society organisations in NI to achieve critical change in the area of reproductive rights.

### 1.3 The Limitations of a Gender-Neutral Approach

A gender-neutral approach defaults to treating men and women the same, which does not result in equality of outcome for women and men. This approach is often described as “gender-blind” - an inability to perceive that there are different gender roles, needs, responsibilities of men, women, boys and girls, and as a result fails to realize that policies, programmes and projects can have different impacts on men, women, boys and girls<sup>2</sup>.

While the development of the 2006-2016 Gender Equality Strategy was welcome, the outcomes and impact were limited. A review of the strategy in 2013<sup>3</sup> identified a range of problems with the implementation and monitoring of the strategy, including that the actions linked to it were insufficiently focused and targeted, that actions were not time bound and there was no formalised monitoring framework. It is also the case that the development of separate action plans for women and men encouraged a gender neutral approach. The issue of gender neutrality has been identified in this report as a significant barrier to women’s equality. The CEDAW Committee has cautioned on the dangers of gender neutrality in policy making and resource allocation. Ruth Halperin-Kaddari, Vice President of CEDAW, in discussing the new challenges to gender equality from the CEDAW perspective, identified gender neutrality as a key concern. She spoke of the challenge posed by gender equality from the Left (gender being mainstreamed away) and from the Right (censoring gender in the ‘war on gender’)<sup>4</sup>. This is not the first time that the Committee has expressed concern that gender-neutral legislation, policies and programmes lead to the inadequate protection of women against direct and indirect discrimination and hinder the achievement of substantive equality between women and men.<sup>5</sup>

### 1.4 Mainstreaming

Rees<sup>6</sup> described mainstreaming as: “the systematic integration of equality into all systems and structures, all policies, processes and procedures, and into an organisation’s culture”. Governments of the UK and the Republic of Ireland have developed mainstreaming strategies which include multiple equity grounds. Northern Ireland’s model for its mainstreaming strategy comes via Statutory Duty Section 75 of the NI Act 1998, and covers not just gender but simultaneously age, race, disability, religion, political opinion, marital status, dependant status, and sexual orientation. This broader use of mainstreaming is generically described as

<sup>2</sup> [http://www.un.org/esa/sustdev/csd/csd15/lc/gender\\_terms.pdf](http://www.un.org/esa/sustdev/csd/csd15/lc/gender_terms.pdf)

<sup>3</sup> Office of the First and Deputy First Minister (2013) Review of the Gender Equality Strategy - [https://www.communities-ni.gov.uk/sites/default/files/publications/ofmndfm\\_dev/gender-equality-strategy-2006-2016-review.pdf](https://www.communities-ni.gov.uk/sites/default/files/publications/ofmndfm_dev/gender-equality-strategy-2006-2016-review.pdf)

<sup>4</sup> Halperin-Kaddari, R (2018) New Challenges to Gender Equality from the CEDAW Perspective [https://unece.org/fileadmin/DAM/pau/age/lcpd/ICPD-25/Presentations/Session-3/1\\_-\\_3rd-thematic-session-presentation-Ruth-Halperin-Kaddari-CEDAW.pdf](https://unece.org/fileadmin/DAM/pau/age/lcpd/ICPD-25/Presentations/Session-3/1_-_3rd-thematic-session-presentation-Ruth-Halperin-Kaddari-CEDAW.pdf)

<sup>5</sup> hCEDAW (2017) Concluding Observations on Government of Norway, CEDAW/C/NOR/CO/9 2017

<sup>6</sup> Rees, T. (1998) Mainstreaming Equality in the European Union. London: Routledge

“equality mainstreaming.”<sup>7</sup> There is considerable debate about the impact of this equality mainstreaming for women and the experience of NI does provide us with some cause for concern. Misinterpretation of the statutory duty has too often resulted in a view that equality can be achieved by treating men and women the same or by inadequate/inappropriate use of the equality impact assessment mechanism to identify inequalities.

Political will, resources received and enforcement have been established as the some of the most influential factors in a mainstreaming strategy’s success<sup>8</sup>. Without these key elements, strategies fail to have any significant impact. In NI the implementation of mainstreaming has been approached with varying degrees of enthusiasm and rigour. While Section 75 aimed to change the practices of Government and public authorities, so that equality of opportunity was central to the process of policy formation in NI, neither the budget, nor the investment strategy for NI have been subject to equality impact assessment. In fact, it has been common to screen out policy or use high level impact assessments (EQIA), with little evidence that significant budget decisions have been made or adjusted as a result of identified gender impacts (Rouse, 2016). Recent evidence also points to the problematic implementation of Section 75 in terms of equality considerations. In October 2020, the Equality Commission for NI, in an investigation under paragraph 11 of schedule 9 of the Northern Ireland Act 1998, found the NI Department for Finance and Personnel had breached their own equality scheme in respect of the EQIA process in formulation of the NI Budget for 2019/2020. In particular, the Commission highlighted the Department’s failure to consult on spending proposals. Addressing these problems is an important basis for effective gender equality policies.

## **1.5 Intersectionality**

Intersectionality recognises that individuals can experience discrimination on the basis of multiple and intersecting identities. Disadvantage and discrimination based on gender is inextricably linked to other identities, factors and experiences such as age, race, disability, sexual identity and poverty. Utilising the concept of intersectionality provides the opportunity to recognise, and address through policy, multiple, intersecting disadvantages<sup>9</sup>. The importance of intersectionality is addressed in a number of international treaties and conventions. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have both addressed intersectional discrimination. The ICESCR has noted that the cumulative disadvantage accrued by individuals or groups of individuals who face discrimination on more than one of the prohibited grounds means that they experience a unique and specific impact which needs addressing.

The CEDAW Committee has pursued an intersectional approach in its General Recommendations (GR) and Concluding Observations<sup>10</sup>. For example, GR 35 explicitly recognises that gender based violence may affect some women to different degrees or in different ways. GR 36 has a section on disadvantaged groups of girls and women, ethnic minorities, refugees and asylum seekers, women with disabilities and LGBTI+ women (paras 40-46). An intersectional approach to disaster reduction can be seen in GR37 which notes that situations of crisis exacerbate pre-existing gender inequalities and compound intersecting forms of discrimination.

The Committee recommends that State parties take all appropriate measures to ensure the right of all categories of disadvantaged and marginalised groups to education by eliminating stereotyping and discrimination and by removing barriers to access. THE CEDAW Committee makes frequent reference to intersectionality in its Concluding Observations. In its most recent set of Concluding Observations on the UK (2019)<sup>11</sup>, it expresses concern about the limitations of equality legislation to effectively protect women from discrimination, including intersecting forms of discrimination. It also asks for action to be taken with regard to the lack of systematic data, disaggregated by gender, ethnicity, disability and age, in particular with regard to intersecting forms of discrimination. This, it noted, impedes analysis of areas where women lack substantive equality with men and impacts on policy making and analysis of the impact of any measures taken.

## 1.6 Gender Budgeting

The importance of resource allocation to the success of gender mainstreaming has focused attention on gender budgeting. Gender budgeting seeks to redistribute resources in a way that redresses imbalances in women and men's use of, access to and benefit from public services and finances<sup>12</sup>. Gender budgeting practice is now evident in the public policy of many countries. Research by Ulster University<sup>13</sup> shows that The International Monetary Fund has identified that more than 40 countries have some form of gender budgeting, mostly at a national level. Additional evidence of its adoption is presented by the Organisation for Economic Co-operation and Development (OECD)<sup>14</sup> who report that almost half of their members had planned to, or were actively considering, the introduction of gender budgeting tools. The most commonly used tools for gender budgeting among (OECD) members were the ex-ante and ex-post gender impact assessment of policies.

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<sup>12</sup> Jubeto, Y., Gualda, M.J., Aguilera, B., Del Olmo, A., Cirujano, P. and de Villota, P. (2018). Lessons from Gender Budgeting Experiences in Spain. In O'Hagan, A. and Klatzer, E. (Eds.) (2018). *Gender Budgeting in Europe: Developments and Challenges*. Springer: pp 221-246.

<sup>13</sup> Ballantine, J and Rouse, M (2020) *Gender Budgeting and Equality*, Submission to the Expert group from Ulster University Gender Budgeting Research Team

<sup>14</sup> Downes, R., von Trapp, L. and Nicol, S. (2017) *Gender budgeting in OECD countries*. *Journal on Budgeting*, Vol 2016/3.

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The Ulster University research also explains how gender budgeting policies are being pursued in Britain and in the Republic of Ireland.

### **1.6.2 Gender Budgeting: Republic of Ireland and Great Britain**

The Republic of Ireland expressed its commitment to gender equal budgeting in its Programme for a Partnership Government (2016). This commits to the development of the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights. It specially commits to building capacity within Government for gender budgeting in the independent fiscal and budget office and within key Government departments. This commitment toward developing the capacity and competence for gender budgeting is reiterated in the National Strategy for Women and Girls, which set the goal to undertake measures to build capacity within the civil and public service with regard to gender mainstreaming and gender budgeting<sup>15</sup>.

In Scotland, studies of the budget process and equalities analysis in draft budgets resulted in the introduction in 2009 of the Equality Budget Statement (EBS) alongside the draft budget. The first of its kind in the UK, the EBS represents a tangible integration of equality analysis in the budget. An additional development relates to the Joint Scottish Government and Scottish Parliamentary Budget Process Review Group (2017) which made a series of recommendations to strengthen equality analysis in the budget formation process.

In Wales the rapid review of gender equality found a significant disconnect between existing policy and budgetary processes<sup>16</sup>. As part of the review, Ministers have tasked the Wales Centre for Public Policy to provide independent evidence and expertise to inform the gender equality review, including an examination of tackling inequality through gender budgeting<sup>17</sup>.

### **1.6.3 Gender Budgeting: Northern Ireland**

The Ulster University research shows that in the absence of adopting tools and processes for gender budgeting, NI significantly lags behind the other devolved administrations, the Republic of Ireland and other OECD countries. In other UK devolved administrations, Ireland and internationally, gender budgeting has made a substantive contribution to addressing gender inequalities, the elimination of unequal outcomes and to increasing women's participation in civic and political life.

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<sup>15</sup> Ballantine, J and Rouse, M (2020) Gender Budgeting and Equality, Submission to the Expert group from Ulster University Gender Budgeting Research Team

<sup>16</sup> Davies, N., Furlong, C. and Wharf, H (2018) Rapid Review of Gender Equality - <https://chwaratereg.com/wp-content/uploads/2019/06/Rapid-Review-of-Gender-Equality-Phase-One-full-report.pdf>

<sup>17</sup> O' Hagan et al. (2019) Tackling Inequality through Gender Budgeting - <https://www.wcpp.org.uk/wp-content/uploads/2019/09/Tackling-Inequality-Through-Gender-Budgeting.pdf>

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Analysis of key policy documents, including the draft Programme for Government, together with interview data obtained for Phase 1 of the Ulster University Joseph Rowntree Charitable Trust (JRCT) funded research project, substantiate the critique that gender equality has not been a policy priority in NI. The research finds evidence of a default to gender neutrality in policy formation and resource allocation in NI. Further evidence of this was found by Rouse (2020)<sup>18</sup> who reports a strong correlation between NI civil servants' understanding of impartiality, as outlined in the NI Civil Service Code of Ethics, and a gender-neutral approach to policy development. Diane Elson, an internationally renowned expert on gender budgeting, challenges the view that the budget is a neutral exercise and points to a body of considerable evidence which shows that ostensibly neutral policy decisions have had gendered consequences. Underlining this is the explicit recognition that in the context of extant inequalities, no state action can be considered to be gender neutral as all state action - from laws and policies to budgets can either facilitate or hinder progress in gender equality.

The findings from Phase 1 of the Ulster University JRCT project, in assessing the potential for gender budgeting in NI, points to the existence of Section 75 as policy infrastructure which could enable gender budgeting in NI but implicated issues of competence and capacity within the civil and public service as a significant inhibitor of Section 75 processes to deliver gender equal policy and resource allocation in Northern Ireland.

The Gender Equality Strategy for Northern Ireland should contain a specific recommendation in respect of developing requisite competence and capacity within the civil and public service in respect of gender analysis within existing Section 75 processes which would facilitate gender budgeting.

## **1.7 Data**

The lack of robust, disaggregated data is a major challenge. Throughout this report we refer to these data gaps. International evidence shows that countries that have more gender equality produce regular, accessible data which allows them to evidence and map inequalities. There is a near absence of data for many of the Section 75 protected groups. This is an issue of critical concern and one which requires urgent action.

We recommend that an expert group should be established to conduct a rapid review into data on inequalities. This group should determine the steps to be taken to improve the availability of disaggregated data.

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<sup>18</sup> Rouse, M. (2020) Gender, Discrimination and the NI Civil Service, PhD Thesis, Ulster University

## **1.8 Resourcing of the Women's Sector to support participation in decision making and co-design**

The women's sector has suffered from the lack of core and sustained financial support and the drastic cuts imposed on the sector since 2015 has had a hugely negative impact. A reliance on short-term funding leads to insecurity and loss of valuable experience from the sector. The contribution made by the sector both to policy development and to the provision of essential frontline services is immense – the work of the sector in terms of its response to the COVID 19 pandemic is just one illustration of this. This needs to be recognised by Government. The women's sector plays a critical role in policy development and policy and legislative scrutiny and Government departments benefit from the expertise and the structures for participation which organisations have.

New Decade, New Approach included a commitment to put civic engagement and public consultation at the heart of policy-making but this needs to be done in a way which is meaningful. The Women's Resource and Development Agency report 'Women At The Heart of Public Consultation'<sup>19</sup>, shows that how the public are invited to get involved in shaping public policy is critical. It provides practical recommendations for effectively engaging with women.

Co design is increasingly being utilised by Executive departments when new initiatives are being scoped and developed. While this is a laudable approach, the evidence shows that unless there is a genuine and high level of participation, including from the most marginalised, this will only entrench existing power imbalances and encourage cynicism.

The duty on public bodies in NI to consult is positive and women's sector organisations make a substantive contribution by way of consultation responses. However, to do so, often within very tight time constraints imposed by Departments, places considerable pressure on them. Genuine co-design requires sufficient time to talk to people properly, issue consultations that are online only and provide support to help people understand what they mean.

Government should commit to support organisations to contribute to policy locally, within the UK and internationally, as required by CEDAW. Participation in the policy process should be supported by the adoption of a meaningful approach to co-design, including realistic time periods for consulting and the resourcing of organisations.

Government should also provide longer-term funding for grassroots women's organisations to enable them to continue and develop the vital work they do in addressing women's poverty and inequality, often filling the gaps left by the withdrawal or lack of provision of statutory services.

There has been an impact on the provision of specialised services resulting from the procurement process, one example has been the end of the contract for Women's AID to provide the domestic abuse 24 hour helpline service. Procurement processes for specialised services should take account of historic knowledge, established relationships and expertise.

### **1.9 Duration of the Gender Equality Strategy, Implementation and Monitoring**

We recommend that the duration of the strategy is five years. There should be no gap between the end of this Gender Equality Strategy and the subsequent strategy. While the lead Department for the strategy is the Department for Communities, responsibilities for implementation and resourcing are cross departmental.

There should be an annual review of progress with a substantive external evaluation at the mid-way point. In order to facilitate scrutiny, progress on the development of the strategy needs to be transparent. It is recommended that the Gender Equality Strategy and the Indicators are placed on the Department for Communities' website. Progress on each indicator should be monitored using a 'scorecard'.

The resourcing of the Gender Equality Strategy should reflect the breadth of the themes and the work required to address the substantive inequalities. The adoption of gender based budgeting will help ensure that all resource allocation is gender proofed.

### **1.10 Drawing lessons from Elsewhere**

In developing an implementation plan for the Gender Equality Strategy it will be useful to look at models of good practice. References to Iceland and to Wales below are just examples of where there has been significant identifiable progress.

Iceland has headed the World Economic Forum's Gender Gap index for more than a decade and its approach is being explored by a number of European countries. A key factor in the success seen in Iceland is an acknowledgement that gender equality cannot come from the bottom up and the need for strong legislative measures. An example is the measures implemented to address the gender pay gap which placed strong mandatory obligations on employers. These had the outcome of not just reducing the pay gap but also the composition of the workforce. In Iceland there has also been a recognition that legislation, properly implemented, can impact attitudes and behaviour (in Northern Ireland we do not have robust data on attitudes to data and this is a significant gap in charting attitudinal change).

A visible political commitment to gender equality is a requirement. Combatting deeply entrenched social, economic and cultural inequalities requires long term sustained commitment. The commitment made by the Welsh Government in 2018 to gender equality emphasises the equal sharing of power, resources and influence. The willingness of the Government to advance proposals for gender budgeting is an indication of the seriousness of that commitment.

There are a number of overarching principles upon which we feel an effective Gender Equality Strategy rests:

- A high level political commitment in the Programme for Government to equality of outcome for all women, men and non-binary people;
- A commitment to practically advance equality through putting a gender perspective at the heart of decision making and budgetary allocation;
- The adoption of an intersectional approach to policy making and to diversity of participation and representation;
- A commitment to openness, transparency and accountability including with regard to evidence informed policy making and to the collection, collation and publication of data; and
- A commitment to enhance the capacity of the NI Government with regard to gender equality. This should include a review of training opportunities for NI Government officials with regard to understanding and implementing mainstreaming measures, equality impact assessments and conducting consultations

In completing this report we maintained a strong focus on evidence in terms of identifying and explaining gender inequalities and in terms of recommendations. In this chapter and in subsequent chapters we include a list of summary recommendations. These are not exhaustive but are issues which we see as pivotal to driving change - the radical change needed.

The remainder of the report is structured as follows:

Chapter 2 critically examines equality and human rights legislation and frameworks and the protection offered by these. It also examines the 'new' threats to gender equality from the COVID 19 pandemic and exiting the European Union.

Chapter 3 focuses on employment, pay and work life balance. It assesses the limited improvement over the past 25 years and looks closely at the actions required to achieve equality in these areas.

Chapter 4 examines poverty and economic justice and shows the harm caused to individuals, families and communities. It highlights the particular vulnerability of some groups of women to poverty and shows how gender norms perpetuate this. There is analysis of the actions required to effectively address poverty and which includes upholding the dignity of the individual.

Chapter 5 looks at the paid and unpaid care work predominantly delivered by women. It shows how this work has been chronically undervalued and which suffers from sustained under-investment. It sets out a number of recommendations to address the inequalities experienced by these carers and which would benefit care users.

Chapter 6 examines gender inequalities with regard to health. It shows how the health system reflects and reinforces gender inequalities and how an important aspect of this is the intersectionality between gender and income, race, age and sexual identity.

Chapter 7 focuses on representation, participation in public life and peacebuilding and community cohesion. It shows how despite the commitments made in the Belfast/GFA women have not been afforded the opportunity to participate equally in politics and public life. Addressing these entrenched inequalities requires the introduction of ‘special measures’.

Chapter 8 addresses gender-based violence and misogyny and demonstrates how gender neutral decision making approaches have prevented progress in addressing these issues. It concludes that major legislative reforms are needed.

Chapter 9 focuses on education, training and changing culture. Eradicating inequalities in these areas is at the core of achieving gender equality and addressing disadvantage and poverty but there is much to be done. Gender stereotyping is pervasive in education and training policies and structures.

Chapter 10 looks at the potential for action on the environment and climate change to impact on gender equality. It highlights the need to acknowledge existing gender inequalities and to value care work to ensure that everyone can benefit equally from the opportunities provided by green economies.

Chapter 11 sets out the conclusions.

## 2. Equality and Human Rights Legislation Frameworks

### Summary

Equality and Human Rights legislation and the agreements, strategies and international obligations which are based on these rights embody the key values in society of fairness, dignity, equality and respect. They provide important protections for citizens especially for those who are more likely to face inequalities and give the opportunity to challenge and highlight poor and unequal treatment.

The impact of a decade of welfare reform and austerity changes, the predicted worsening of existing inequalities as a result of the Coronavirus pandemic and the likely adverse impacts of Brexit particularly in Northern Ireland gives rise for concern about the erosion of equality and human rights for both men and women. Women's voices have been largely absent from Brexit negotiations and from recovery planning as a result of the pandemic. This will only serve to ensure that women, their rights, needs and aspirations are not effectively represented in future policies and decision-making and will have undoubted negative impacts for gender equality into the future.

Gender mainstreaming has been embraced internationally as a strategy towards realising gender equality. This approach involves the integration of a gender perspective into the design, implementation, monitoring and evaluation of policies and budgeting with a view to promoting equality between women and men and combating discrimination. It is a critical step in building a more equal society and a way to prevent the creation and reinforcement of inequalities which can have negative impacts for everyone in society.

The Section 75 duties use a mainstreaming approach however evidence suggests that it has not reduced gendered inequality and has been largely ineffective in producing any real improvements in this area. A gender-neutral approach to policy and decision making has been the standard across Government and this has not served women well as it fails to take account of the different experiences of men and women as a result of existing gender inequalities. A failure to account for these gender dynamics means that the design of policies and budgets may aggravate existing gender inequality and may not benefit women and men equally. There is a need for greater enforcement of the Section 75 procedures to ensure that inequalities are effectively reduced.

Many of the existing threats to equality and human rights could be avoided if a Bill of Rights was in place for Northern Ireland. This would bring together and safeguard all the existing human rights, incorporate international standards as well as allowing for the particular circumstances of Northern Ireland. The argument for a Bill of Rights has become increasingly essential and a framework which provides rights and guarantees within a culture of respect for human rights will provide protection for all the citizens of Northern Ireland.

## **2.1 The Good Friday Agreement, Section 75 Duties and Anti-Discrimination Law**

The Good Friday Agreement contained two commitments with regards to gender.<sup>20</sup> One specific reference to the “full and equal participation of women in public life” and a more general commitment to “the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity”. This was enacted in legislation by Section 75 of The Northern Ireland Act 1998. Section 75 requires public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between the nine equality categories of persons including between men and women.

Section 75 equality duties are intended to complement anti-discrimination law, for example, by identifying the potential for gender neutral policies to indirectly discriminate against women. The ability to identify this differential impact makes it easier to see where change is required and in some cases where there may be a need to propose special measures to address this inequality.

Section 75 was intended to be transformative; to change the practices of Government and public authorities so that equality of opportunity and good relations are central to policy making and implementation.<sup>21</sup> A report in 2000<sup>22</sup> suggested that Section 75 was “unable to address the substance of inequality.....it is an administrative-bureaucratic instrument, rather than being policy-driven, and considerations of effectiveness and efficiency have hardly figured in its elaboration.” A decade later an examination of the process<sup>23</sup> found that “Section 75 is still primarily procedural in nature with little evidence showing that it produces much in the way of substantive results.”

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<sup>20</sup> The Belfast Agreement, NIO, April 1998, Page 20 <https://www.gov.uk/government/publications/the-belfast-agreement>

<sup>21</sup> Section 75 Keeping it Effective, Equality Commission for Northern Ireland, November 2008 <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Keeping-it-effectiveS75ReviewFinalRpt1108.pdf>

<sup>22</sup> Equality and Institutional Change in Northern Ireland, Report to the ESRC, R Osborne, S Livingstone, R Wilford and R Wilson, 2000

<sup>23</sup> Delivering equality: equality mainstreaming and constitutionalisation of socio-economic rights, Dr Anne Smith and Eithne McLaughlin, 2009. Delivering Equality: Equality Mainstreaming and Constitutionalisation of Socio-Economic Rights by Anne Smith, Eithne McLaughlin (deceased) : SSRN

A review of the process on behalf of the Equality Commission for Northern Ireland (ECNI)<sup>24</sup> suggests that, while there is some good Section 75 screening practice, there is also evidence that in some cases screening exercises are not meaningful and have become a ‘tick box’ process. It states that evidence also suggests that the number of Equality Impact Assessments (EQIAs) conducted by public authorities is low. A research report by the Equality Coalition<sup>25</sup> concluded that “notwithstanding pockets of good practice there is currently widespread flouting of equality schemes’ compliance in relation to policy decisions and functions that have significant equalities impacts.” The Equality Coalition have recommended that the only way to make the duties effective is to make greater use of the enforcement procedures in relation to Section 75.

In terms of gender equality “available evidence .... overwhelmingly indicates that the statutory equality duty has not reduced gendered inequality.”<sup>26</sup> There are a number of reasons why this might be the case including evidence of a systematic failure to subject policy to full impact assessment and a failure to be responsive to the intersectionality of discrimination in the lives of women. Gender neutral policy making is still the standard in all budgetary, policy and legislative decision making across Northern Ireland and this gender neutral approach to the interpretation of equality legislation continues to create problems for women’s equality.

Marginalised groups including BAME (Black, Asian and Minority Ethnic), LGBTQI+, disabled people, older people and women, face intersecting barriers to equality. Gaps in the existing equality legislation must be addressed to tackle these intersecting inequalities.

There is a need for training around existing equality legislation both in terms of anti-discrimination law and Section 75. There is currently no requirement for employers or service providers to take up training in these areas and the ECNI is limited in what it can provide. Lack of knowledge of the law and good practice on the part of policy makers, employers and service providers means that discrimination can continue until a practice or policy is challenged. Akin to this is a lack of awareness of the positive action measures that are permitted under the law to address disadvantage. It must also be acknowledged that Section 75 only applies to public bodies and change is also required in other sectors.

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<sup>24</sup> Section 75 Screening and Equality Impact Assessment: A Review of Recent Practice, Policy Arc Limited and Kramer Consultancy Services Ltd, June 2016 [https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75-EIA\\_ReviewofPractice-FullReport\(PolicyArcKramer\).pdf](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75-EIA_ReviewofPractice-FullReport(PolicyArcKramer).pdf)

<sup>25</sup> Equal to the Task? Investigative powers and effective enforcement of the ‘Section 75’ equality duty, Equality Coalition, January 2018 <https://caj.org.uk/2018/01/31/equal-task-investigative-powers-effective-enforcement-section-75-equality-duty-jan-2018/>

<sup>26</sup> Gender Equality in Northern Ireland – In Urgent Need of a ‘Fresh Start’, Michelle Rouse, June 2016 <https://womenareboring.wordpress.com/2016/06/02/gender-equality-in-northern-ireland-in-urgent-need-of-a-fresh-start/>

In terms of learning from other jurisdictions, Wales experienced similar problems with the EQIA process. In their Deeds not Words report<sup>27</sup>, Chwarae Teg detailed concerns that EQIAs were not being approached in a meaningful way, were happening at the end of the policy development process rather than the start and generally lacked critical analysis through an equalities lens. As a result, the approach was often ‘gender-blind’ in that it failed to understand that there are different gender roles, needs and responsibilities and therefore failed to realise that policies, programmes and projects can have different impacts on people of different genders.

The Welsh Government now uses the Integrated Impact Assessment (IIA) tool as the main vehicle through which the equality impact of policies, legislation and programmes are assessed. The Deeds not Words report recognises that while IIA may be a step in the right direction it can tend towards looking at each equality strand in turn, which does not provide a full picture of the experiences of many groups. It gives the example of Gender Based Analysis Plus (GBA+) in Canada which appears to be a more comprehensive approach to impact assessment, with a stronger focus on evidence and analysis and looking through an intersectional lens.<sup>28</sup>

## 2.2 Single Equality Legislation

In Northern Ireland there is a lower level of protection against sex discrimination and harassment than in other parts of the UK. The introduction of the Equality Act 2010 in Great Britain created single equality legislation and strengthened protection against sex discrimination in a range of areas. The ECNI consider that there is a robust case for strengthening the sex equality legislation to strengthen protections against sex discrimination and harassment and ensure that sex equality legislation keeps pace with legislative developments that have improved protection in other parts of the UK.<sup>29</sup>

The introduction of strengthened equality legislation would also strengthen protection against discrimination for transgender people in Northern Ireland. The ECNI have recommended the extension of protection against indirect discrimination on the grounds of gender reassignment beyond the existing areas of employment and vocational training to include the provision of good, facilities, services and premises, in education, in the exercise of public functions and by private clubs.<sup>30</sup>

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<sup>27</sup> Deeds not Words, Chwarae Teg, June 2019  
<https://chwaraeteg.com/wp-content/uploads/2019/09/Deeds-Not-Word-full-report.pdf>

<sup>28</sup> Deeds not Words, Chwarae Teg, June 2019  
<https://chwaraeteg.com/wp-content/uploads/2019/09/Deeds-Not-Word-full-report.pdf>

<sup>29</sup> Gender Law Reform, Summary Report: Policy Priorities and Recommendations, ECNI, November 2016  
<https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/GenderLawReform-SummaryReport.pdf>

<sup>30</sup> Ibid

In 2013 the CEDAW Committee also expressed their concern that women in Northern Ireland do not have the same equality protections as their counterparts in other parts of the UK stating “the Committee is particularly concerned that the legislative framework in Northern Ireland does not provide for protection from multiple discrimination and that there is no prohibition against pay secrecy clauses.”<sup>31</sup> The CEDAW Committee reiterated these concerns in their 2019 Concluding Observations to the UK Government again recommending that women in Northern Ireland are afforded the same protections provided through the Equality Act 2010.<sup>32</sup>

## 2.3 New Decade New Approach Agreement and Social Inclusion Strategies

The New Decade, New Approach agreement which restored the Northern Ireland Executive in January 2020 has no specific mention of gender other than a reference to the Gender Strategy named as one of a number of Social Inclusion Strategies which could be used to underpin the Programme for Government.<sup>33</sup>

By the time a new Gender Equality Strategy is finalised there will have been a five-year gap during which there has been no Gender Equality Strategy in place for Northern Ireland. A properly funded Gender Equality Strategy provides an important policy framework for Government’s work to tackle gender inequalities and mainstream gender equality and this gap has undoubtedly stalled progress in these areas.

Despite the importance of a Gender Equality Strategy to the position of gender equality in Northern Ireland it is only as effective as its outcomes. A review of the Gender Equality Strategy 2006 – 2016<sup>34</sup> showed that while stakeholders felt the Strategy was a positive step “that progress against it had been limited and implementation and monitoring could be improved.” The Review judged that only 29% of the outcomes of the Strategy had been achieved and stated problems with the assessment of action plans given existing format and wording and a lack of clear measurement meaning that achievement against the action plans required a judgement to be made in some instances.

It is vitally important in any new Gender Equality Strategy that robust monitoring mechanisms are introduced to ensure progress. Outcomes must be clearly measurable and progress to achieve them must be both substantive and have long lasting positive impacts.

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<sup>31</sup> Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, July 2013, Paragraph 18 CEDAW/C/GBR/CO/7

<sup>32</sup> Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, March 2019, Paragraph 16 (a) <https://undocs.org/CEDAW/C/GBR/CO/8>

<sup>33</sup> New Decade, New Approach, January 2020, Page 27, Paragraph 4.6.2.7. [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf)

<sup>34</sup> Gender Equality Strategy 2006 – 2016 Review, OFMDFM, April 2013 [https://www.communities-ni.gov.uk/sites/default/files/publications/ofmdfm\\_dev/gender-equality-strategy-2006-2016-review.pdf](https://www.communities-ni.gov.uk/sites/default/files/publications/ofmdfm_dev/gender-equality-strategy-2006-2016-review.pdf)

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## 2.4 Human Rights and International Obligations

The Human Rights Act 1998 incorporated into UK law the rights enshrined in the European Convention on Human Rights (ECHR).<sup>35</sup> Article 14 of the Convention states that the enjoyment of the rights and freedoms of the Convention shall be secured without discrimination including discrimination on the grounds of sex. Other aspects of the Convention may be particularly applicable in the area of gender-based violence including Article 2 (the right to life), Article 3 (prohibition of torture), Article 4 (prohibition of slavery and forced labour) and Article 8 (the right to respect for private and family life) which includes a person's physical and psychological integrity. A supplementary Protocol to the Convention<sup>36</sup> introduced the right to education which may also be applicable in terms of access to education for both women and girls and men and boys.

### 2.4.1. The Convention on the Elimination of Discrimination against Women (CEDAW)

The UK ratified CEDAW in 1986 and by doing so committed to the articles, rights and procedures within it<sup>37</sup>. CEDAW is an international human rights treaty which requires State Parties to undertake legal obligations to respect, protect and fulfil women's human rights.

CEDAW calls for substantive equality<sup>38</sup> to go beyond paying lip service to gender mainstreaming and demonstrate the meaningful integration of an equalities perspective into all systems and policies. It states that a purely formal approach is not sufficient to achieve women's equality with men and requires that women are given an equal start and empowered by an enabling environment to achieve equality of results. "It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account."<sup>39</sup>

As a State Party to CEDAW the UK is required to take action on gender equality. In its Shadow report for the most recent examination of the UK by CEDAW, the Northern Ireland Women's European Platform (NIWEP) highlighted how progress on the implementation of the Convention has been poor with the UK Government consistently using devolution to justify the uneven application of the Convention obligations across the UK.<sup>40</sup>

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<sup>35</sup> European Convention on Human Rights

[https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>36</sup> Protocol No 1, Article 2, European Convention on Human Rights

<sup>37</sup> Convention on the Elimination of All Forms of Discrimination against Women <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro>

<sup>38</sup> General Recommendations Adopted by the Committee on the Elimination of Discrimination against Women, Thirtieth session (2004), General Recommendation No 25 [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3733\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3733_E.pdf)

<sup>39</sup> Ibid, paragraph 8

<sup>40</sup> Shadow report for the examination of the UK by the Committee on the Convention to Eliminate Discrimination against Women, NIWEP, January 2019 <https://blog.niwep.org/un-convention-elimination-discrimination-against-women-cedaw>

The most recent Concluding Observations (2019)<sup>41</sup> have listed concerns and recommendations for the UK Government to address until the next monitoring round in March 2023 and many of these reference concerns about Northern Ireland. These include recommendations on incorporating the provisions of the Convention into legislation including:

- assessing the impact of the UK's withdrawal from the EU on the rights of women including women in Northern Ireland;
- taking measures to address the low representation of women in political and public life in Northern Ireland;
- adopting legislative and policy measures to protect women from all forms of gender-based violence including Northern Ireland;
- measures to ensure the effective participation of women in post conflict reconstruction and peacebuilding processes in Northern Ireland;
- ensuring the provisions of gender pay gap reporting are brought into effect in Northern Ireland; and
- ensuring the availability of affordable/accessible childcare particularly in Northern Ireland

#### **2.4.2. Other Human Rights Treaties**

There are nine core international human rights treaties and the UK is a signatory to seven of them. This forms an international legal framework that the UK is bound by and many of these treaties interlink. In addition to CEDAW these include ICESCR (see Section 4.4), CRC, ICERD, ICCPR, CRPD and CAT<sup>42</sup>. These treaties provide important protections including the right to an adequate standard of living, the right to health and education, the right to social security, the right to participate in cultural life and protections from torture, violence and abuse. They also provide specific protections for people with disabilities (recognising the particular issues for women and girls with disabilities), protections against racial discrimination and protections for children including the right not be discriminated against including on the basis of sex.

It is notable that in relation to the principle of non-discrimination in the International Covenant on Economic, Social and Cultural Rights (ICESCR) it states that discrimination must be eliminated both formally and substantively: “paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations.”<sup>43</sup> This follows the CEDAW approach to substantive equality referenced in section 2.4.1.

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<sup>41</sup> Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, March 2019 <https://undocs.org/CEDAW/C/GBR/CO/8>

<sup>42</sup> International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, Convention on the Rights of Persons with Disabilities and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

<sup>43</sup> Committee on Economic, Social and Cultural Rights, General comment No. 20, July 2009 [docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdlmn sJZZVQdqeXgncKnylFC%2blzJlZGhsosnD23NsgR1Q1NNNgs2QltnHpLzG%2fBmxPjJUVNxAedgozixcb EW9WMvnSFEiU%2fV](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdlmn sJZZVQdqeXgncKnylFC%2blzJlZGhsosnD23NsgR1Q1NNNgs2QltnHpLzG%2fBmxPjJUVNxAedgozixcb EW9WMvnSFEiU%2fV)

The European Social Charter<sup>44</sup> is a Council of Europe treaty that guarantees a range of fundamental social and economic rights. It is a counterpart to the ECHR which refers to civil and political rights. It guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare. The UK has ratified the European Social Charter 1961 but only signed the revised Charter of 1996. However, by signing it the UK is obliged in good faith from carrying out acts that would defeat the object and purpose of the Charter.

There are concerns that these rights will not be automatically enforceable once the UK leaves the EU as a result of Brexit – see section 2.6. Scotland and Wales have both used powers within their own devolved competencies to give further effect to the rights in these treaties and this is something that the Northern Ireland Assembly could do within its own devolved competencies. The complete incorporation of these UN treaties would also be possible through a Bill of Rights for Northern Ireland.

### **2.4.3. UN Security Council Resolution 1325 on Women, Peace and Security**

To date, the UK Government has not followed the recommendations of the CEDAW Committee in 2008, 2013 and most recently in 2019 to fully implement UN Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security in Northern Ireland. Its full implementation in Northern Ireland was also recommended by the UN Special Rapporteur on violence against women in 2014.<sup>45</sup>

UNSCR 1325 recognises the important role played by women in the “prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution” the world over<sup>46</sup>. This year (2020) marks the 20th anniversary of UNSCR 1325 yet there has been little progress on increasing women’s participation in securing peace or in post-conflict reconstruction. The failure of the UK Government to recognise the conflict in Northern Ireland has led to a neglect of its impact on women and the role of women in peace-building has largely been ignored. It is vital that any processes dealing with the legacy of the past should be inclusive of women - see also sections 7.1 and 7.2.

Consultation with women found that many feel disempowered, have difficulty circumnavigating community gate-keepers (including paramilitary groups) and fear harm if they were to speak out<sup>47</sup>. Researchers have observed that “it is hard to see Government resistance to implementing

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<sup>44</sup> European Social Charter Texts 1961 and 1996 Charter texts (coe.int)

<sup>45</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, May 2015 <https://www.ohchr.org/Documents/Issues/Women/SR/A.HRC.29.27.Add.2.pdf>

<sup>46</sup> Resolution 1325 (2000) [https://undocs.org/en/S/RES/1325\(2000\)](https://undocs.org/en/S/RES/1325(2000))

<sup>47</sup> Shadow report for the examination of the UK by the Committee on the Convention to Eliminate Discrimination against Women, NIWEP, January 2019 <https://blog.niwep.org/un-convention-elimination-discrimination-against-women-cedaw>

UNSCR 1325 in Northern Ireland as anything other than denying women and girls their rightful attention and participation, and it is failing to respond to compelling evidence of the impact of the conflict on women.”<sup>48</sup>

Ireland’s third National Action Plan (NAP) on Women, Peace and Security<sup>49</sup> recognises its responsibilities to women affected by the conflict in Northern Ireland including domestic commitments to support women and girls who have been affected. This is particularly important given the UK Government has failed to accept the application of UNSCR 1325 in Northern Ireland in its NAP.

#### **2.4.4. The Istanbul Convention**

The Council of Europe Convention on preventing and combating violence against women and domestic violence, better known as the Istanbul Convention, is a human rights treaty of the Council of Europe<sup>50</sup>. The Convention aims to prevent all forms of violence against women, protect those who experience it and prosecute perpetrators. To date the UK Government has signed, but not ratified, the Istanbul Convention. Ratifying it would commit the UK Government to following a strong set of minimum standards in combatting violence against women and girls.

The UK Government has said that it is committed to ratification but that amendments to domestic law were necessary before this could be done including the introduction of the Domestic Abuse Bill. The Government states that the Bill, together with the Domestic Abuse and Family Proceedings Bill currently before the Northern Ireland Assembly, includes the necessary legislative measures to ensure all parts of the UK are compliant with the convention.<sup>51</sup>

The Westminster Domestic Abuse Bill does not cover Northern Ireland and the Northern Ireland Domestic Abuse and Family Proceedings Bill in its current form falls short of the Convention’s requirements as it makes no reference to women and girls taking into account that women are disproportionately affected by violence.

#### **2.4.5. Sustainable Development Goals (SDGs)**

In September 2015, the UN ratified 17 Sustainable Development Goals (SDGs) that were intended to provide a blueprint for the next 15 years of the world’s development. The SDGs include goals and targets on tackling poverty and reducing inequalities with a specific goal on achieving

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<sup>48</sup> The politics of defining ‘armed conflict’ in Northern Ireland, Elizabeth Law and Ann Marie Gray, openDemocracy, June 2014 <https://www.opendemocracy.net/en/5050/politics-of-defining-armed-conflict-in-northern-ireland/>

<sup>49</sup> Women, Peace and Security, Ireland’s third National Action Plan for the implementation of UNSCR 1325 and related resolutions, Government of Ireland <https://dfa.ie/media/dfa/ourrolepolicies/womenpeaceandsecurity/Third-National-Action-Plan.pdf>

<sup>50</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

<sup>51</sup> <https://hansard.parliament.uk/commons/2020-10-22/debates/20102247000009/IstanbulConventionRatification2020ReportOnProgress>

gender equality and empowering all women and girls (Goal 5)<sup>52</sup>. While there is a specific goal on gender equality it cuts across all 17 SDGs and is reflected in 45 targets and 54 gender-specific indicators<sup>53</sup>. The fundamental role of gender equality within the SDGs means that investments in gender equality can be crucially important to achieving the goals.

## 2.5 Bill of Rights

The provision for a Bill of Rights for Northern Ireland was provided for in the Good Friday Agreement and has been mentioned in subsequent agreements since but despite a number of consultations on the subject 20 years later there is still no Bill of Rights in place. The Bill of Rights was to build upon the rights contained within the European Convention of Human Rights given effect in domestic law by the Human Rights Act 1998 and include supplementary rights influenced by International Standards and local circumstances.

The NIHRC which was created and tasked by the Good Friday Agreement to provide advice on the content of a Bill of Rights for Northern Ireland fulfilled that duty in 2008<sup>54</sup>. The NIHRC advice presented a series of additional economic, social and cultural rights many of which would help to increase women's equality. These include the right of women and girls to access gender-sensitive appropriate healthcare services and information, the right to enjoyment of just and favourable conditions of work, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work, rights to social security, to an adequate standard of living, etc.

It also added to and strengthened many of the civil and political rights contained within the ECHR, for example, by suggesting a freestanding right to equality, the prohibition of discrimination, to facilitate the full and equal participation of women in political and public life and the right of everyone to be free from all forms of violence and harassment (including domestic violence or harassment, sexual violence or harassment and gender-related violence and harassment).

A Bill of Rights based on the advice from the NIHRC would have provided a mechanism for the realisation of many of the rights contained within international treaties of which the UK is a signatory. In December 2009, the UK Government rejected the majority of the advice from the NIHRC stating "it is the Government's view that the introduction of such rights in Northern Ireland alone would either be unworkable in practice, or could give rise to unjustified inequalities across the UK"<sup>55</sup>.

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<sup>52</sup> <https://sdgs.un.org/goals/goal5>

<sup>53</sup> <https://www.undp.org/content/undp/en/home/blog/2019/what-does-equality-have-to-do-with-the-sdgs-.html>

<sup>54</sup> A Bill of Rights for Northern Ireland, Advice to the Secretary of State for Northern Ireland, NIHRC, December 2008 <https://www.nihrc.org/uploads/publications/bill-of-rights-for-northern-ireland-advice-to-secretary-state-2008.pdf#:~:text=The%20need%20for%20a%20Bill%20of%20Rights%20in,Ireland%20Human%20Rights%20Commission%E2%80%99s%20predecessor%2C%20the%20Standing%20Advisory>

<sup>55</sup> A Bill of Rights for Northern Ireland: Next Steps, NIO, November 2009 <https://cain.ulster.ac.uk/issues/law/bor/nio301109bor.pdf>

‘New Decade, New Approach’ committed to establish an Ad-Hoc Assembly Committee to consider the creation of a Bill of Rights which would be faithful to the Good Friday Agreement and containing “rights supplementary to those contained in the European Convention on Human Rights (which are currently applicable)” and “that reflect the particular circumstances of Northern Ireland”<sup>56</sup>. The Committee is now operational and on 5 November 2020 launched a public consultation on whether there should be a Bill of Rights for Northern Ireland and what rights such a Bill would include<sup>57</sup>.

There is no doubt that a Bill of Rights is more important than ever to ensure the rights and protections for all citizens particularly given the ongoing impacts of austerity and welfare reform measures, the likely impacts of Brexit and the deepening of existing inequalities as a result of the Coronavirus pandemic. This is particularly the case for women who have and will continue to be so adversely impacted by these issues.

## 2.6 Brexit

Following the result of the referendum in June 2016 which was in favour of the UK leaving the EU there has been increasing attention paid to the impact of Brexit on Northern Ireland and on human rights. As the only part of the UK with a land border with an EU member state, Northern Ireland is uniquely affected by Brexit. After prolonged negotiations the UK and the EU signed the Withdrawal Agreement in January 2020. The UK Government has committed through the Protocol on Ireland and Northern Ireland to non-regression of EU equality rights in Northern Ireland as the UK leaves the EU<sup>58</sup>.

The EU Charter of Fundamental Rights (the Charter) brings together in a single document the fundamental rights protected in the EU and includes a whole chapter devoted to equality<sup>59</sup>. There has been much debate about whether the UK has an opt-out from the Charter. While the UK Government would still be required to abide by the European Convention of Human Rights, the removal of the EU Charter is deeply worrying as it has a much broader level of protection for human rights<sup>60</sup>. This is a concern for all the citizens of Northern Ireland.

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<sup>56</sup> New Decade, New Approach, January 2020, Page 16, Paragraph 28 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf)

<sup>57</sup> <http://www.niassembly.gov.uk/news-and-media/press-releases/session-2020-2021/committee-launches-bill-of-rights-consultation/>

<sup>58</sup> Withdrawal Agreement, Protocol on Ireland/Northern Ireland, Article 2 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12020W/TXT#d1e32-102-1>

<sup>59</sup> Charter of Fundamental Rights of the European Union [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>60</sup> Rights at Risk, Human Rights Consortium, January 2018, Pages 26-29 <http://www.humanrightsonsortium.org/wp-content/uploads/2018/01/RIGHTS-AT-RISK-Final.pdf>

The Joint Committee of the NIHRC and the Irish Human Rights Commission was tasked under the Good Friday Agreement to consider the possibility of ‘A Charter of Rights for the island of Ireland.’ The Joint Committee presented their advice to the UK and Irish Governments in June 2011<sup>61</sup>. It presented a minimum protection structure taken from the rights already signed up to by both jurisdictions which “could be used to either create the basis of a substantive framework or to derive a set of general principles from which a ‘Charter of Rights for the island of Ireland’ might be developed should the political parties and Governments wish to do so.” Such a Charter could set out minimum protections for citizens particularly in the context of Brexit.

EU law has had a significant impact on the rights of women, especially in the areas of economic activity and employment law. From the outset, the EU recognised the value of equal pay for equal work in the EU treaties as a core value of the European project<sup>62</sup>. The EU has been particularly important in extending the scope of equality protections for women in the workplace. Some of the most significant developments relate to the protection against discrimination on grounds of pregnancy and maternity.

Similarly, the EU has proactively sought to extend parental rights to leave and it has encouraged better child care support for families. This leadership from an EU level has helped to promote a more gender balanced approach to parenting with the broader aims of reducing the gender pay gap and the advancement of women’s rights within the workplace and in public life.

Another area of priority for the EU has been in relation to gender-based violence. Mechanisms for mutual recognition of civil and criminal measures have ensured that women are protected by law and have means of redress when moving between EU states. This is particularly important in a Northern Ireland context for victims moving across the Irish border.

More recently the EU Gender Equality Strategy 2020 – 2025 presents policy objectives and actions to make significant progress by 2025 towards a gender-equal Europe. The key objectives are ending gender-based violence, challenging gender stereotypes, closing gender gaps in the labour market, achieving equal participation across different sectors of the economy, addressing the gender pay and pension gaps, closing the gender care gap and achieving gender balance in decision-making and in politics. The Strategy pursues a dual approach of gender mainstreaming combined with targeted actions, and intersectionality is a horizontal principle for its implementation<sup>63</sup>.

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<sup>61</sup> The Advice of the Joint Committee on a Charter of Rights for the island of Ireland, NIHRC & Irish Human Rights Commission, June 2011  
THE ADVICE OF THE JOINT COMMITTEE ON A CHARTER OF RIGHTS FOR THE ISLAND OF IRELAND NI Human Rights Commission (NIHRC)

<sup>62</sup> Rights at Risk, Human Rights Consortium, January 2018  
<http://www.humanrightsconsortium.org/wp-content/uploads/2018/01/RIGHTS-AT-RISK-Final.pdf>

<sup>63</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en)

The Women's Budget Group believes that there is strong evidence that the overall impact of Brexit on UK GDP will be negative and that this would have serious implications for women as workers, consumers and (if the Government response was to cut public spending) as users of public services<sup>64</sup>. It further states that "the process of Brexit is diverting political attention and increasing levels of public resources away from urgent social issues such as the crisis in social care, housing and economic inequality all of which disproportionately affect women."

The CEDAW Committee has also highlighted its concerns about Brexit "the Committee is concerned that Brexit could, in the absence of comprehensive measures to empower women and national legislation incorporating the provisions of the Convention, lead to a retrogression in the protection of women's rights"<sup>65</sup>. The Committee also highlighted its concerns that women may be disproportionately affected by the negative economic impact of Brexit, the loss of EU funding for programmes for women and girls and that women in Northern Ireland will be particularly affected including by changes to cross-border trade.

The Committee has recommended that the UK Government undertakes a thorough impact assessment of Brexit on the rights of women, including women in Northern Ireland, and adopt measures to mitigate the negative effects. The Committee also recommended that the UK Government ensures there is no retrogression in the protection of women's rights, that it keeps pace with progress made with regard to women's rights in the EU and that any loss of funding from the EU does not lead to gaps in support and services provided to women and girls<sup>66</sup>.

Research suggests that Brexit could potentially pose a number of threats to Northern Ireland at economic level and beyond, as well as significant risk to gender equality and women's rights<sup>67</sup>. The situation for women in Northern Ireland is likely to be worse given the barriers faced by political instability, significant gaps in women's rights legislation, the lack of implementation of UNSCR 1325, an outdated Gender Strategy, the impact of austerity and welfare reform policies in Northern Ireland particularly for women and women's limited representation in Brexit negotiations. The consequences are likely to have even more detrimental impacts for rural women, disabled women, BAME women and those living in the border areas.

Civic society has been largely ignored as the Brexit negotiations have taken place following the Brexit referendum vote. From day one preparation has been made for economic and trading bodies, with both funding and resources being awarded to these bodies to ensure they are

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<sup>64</sup> Exploring the Economic Impact of Brexit on Women, Women's Budget Group, March 2018  
<https://wbg.org.uk/analysis/new-report-exploring-the-economic-impact-of-brexit-on-women/>

<sup>65</sup> Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, March 2019, Paragraph 21 <https://undocs.org/CEDAW/C/GBR/CO/8>

<sup>66</sup> Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, March 2019, Paragraph 22 <https://undocs.org/CEDAW/C/GBR/CO/8>

<sup>67</sup> Brexit: Women's Perspectives, Women's Regional Consortium, October 2017  
[http://www.womensregionalconsortiumni.org.uk/sites/default/files/Brexit%2Bwomen%20final%20ii\\_0.pdf](http://www.womensregionalconsortiumni.org.uk/sites/default/files/Brexit%2Bwomen%20final%20ii_0.pdf)

ready for the changes ahead. The same investment has not happened in relation to third sector organisations supporting citizens of Northern Ireland, particularly those who may be impacted most by the impending changes, i.e. rural and border dwellers.

There has been little or no space for dialogue in Northern Ireland to help people to prepare for the significant changes ahead. People are unclear of future arrangements (as of December 2020) and have no dedicated space within which they can voice or plan to address their concerns.

Recent reports have highlighted the likely negative impact of Brexit for gender equality in the UK highlighting that women will be hit hardest by the economic impact of Brexit. Women's rights in the workplace will also be put at risk by Brexit once protections guaranteed by European legislation are removed. Brexit follows a period of austerity policies and the fallout from the Covid19 pandemic all of which have impacted most negatively on women as has been outlined throughout this document. Whatever the outcome of the Brexit process, women's exclusion from the debate about our future in Europe (just 15% of individuals who appeared in campaign press coverage were women) demonstrates that women have limited opportunities to participate as active citizens.

Statistics on gender representation in decision-making positions in Northern Ireland show that women are less likely than men to hold positions of power in both political life and public appointments<sup>68</sup>. This has certainly been reflected in the underrepresentation of women's voices on the Brexit debate at local, national and EU levels. Despite more recent gains in the numbers of women politicians, this has not translated into a more inclusive discussion on Brexit. It is vital that women have a platform to have their voices heard so they can influence both local decision-making which will impact on women's rights in Northern Ireland and also the UK-wide decisions of the Westminster Government. Going forward, we need to build a more open and inclusive public debate about the big issues facing our rural and border communities.

The Brexit referendum campaign at a UK level was built on a narrative of Britishness and 'taking back control' of our laws, borders and sovereignty fuelled further by divisions in ethno political identity in Northern Ireland. The impact of these narratives has been one which has increased inter-community tension and has created a new identity marker locally. Moreover, the impact of UK-identifying people losing access to EU citizenship and Irish-identifying people retaining the rights attached to EU citizenship creates a potentially polarising difference in the enjoyment of rights between the two main communities in Northern Ireland.

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<sup>68</sup> Who Runs Northern Ireland? A Summary of Statistics Relating to Gender and Power in 2020, Northern Ireland Assembly, January 2020  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/assembly\\_exec\\_review/0120.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/assembly_exec_review/0120.pdf)

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Under the terms of the Belfast/Good Friday Agreement Article 1(vi)<sup>69</sup> there is recognition of the “birthright of all people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.” This creates a category of people born and living within the UK who will have access to EU citizenship in perpetuity. This means that people from Northern Ireland who choose to be Irish citizens will have access to EU citizenship rights, whereas people who choose to be British potentially will not (as of December 2020). By its very nature this distinction risks creating new tensions between the two main communities in Northern Ireland.

Rural areas are home to approximately 40% of the NI population<sup>70</sup>. There has been no substantial, dedicated mainstream rural development fund in Northern Ireland and its Border Areas. Northern Ireland has relied on European funding since the early 1990s. Similarly, the Community/Voluntary infrastructure and support in rural Northern Ireland has been heavily funded through European Peace money and European Social Fund finance. Post-Brexit this finance will not be available and together with no European Rural Development Programme, no Common Agricultural Policy and no Single Farm payments, monies that are currently sustaining rural communities and families in Northern Ireland will be gone, and it is still very unclear how this will be replaced (as of December 2020). What we do know is that the Shared Prosperity Fund seems to have a heavy economic focus and no cross-border element (as of December 2020). NIRWN members<sup>71</sup> know this: “Europe has been positive for rural communities and farm businesses. It remains to be seen what the future holds and how much support will be available from the UK Government post-Brexit.”

Those women and families who live along the border areas have indicated<sup>72</sup> that not only are they worried about the peace impacts on their communities, but their lives are such that they live and work traversing the border several times a day and they cannot envisage how their economic and social lives could be sustained if this were to be inhibited or changed post EU Exit.

### **2.6.1. EU Funding**

The EU has had a significant impact on the lives of people in Northern Ireland through its different funding streams and one of the biggest concerns about Brexit has been the possible loss of EU Structural Funding such as the European Social Fund (ESF). ESF funding has been used to tackle a range of social problems including employability initiatives for various disadvantaged

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<sup>69</sup> The Belfast Agreement, Northern Ireland Office, April 1998 <https://www.gov.uk/government/publications/the-belfast-agreement>

<sup>70</sup> Mid-Year Population Estimates – Urban/Rural Change, NISRA <https://www.daera-ni.gov.uk/publications/mid-year-estimates-population-change>

<sup>71</sup> Rural Voices Report, NIRWN, March 2018 NIRWN-Rural-Voices-Research-Report-March-2018.pdf

<sup>72</sup> Ibid

sections of society including the long-term unemployed, prison leavers, people with disabilities and young people not in education, employment or training (NEETs)<sup>73</sup>. The loss of this funding for such initiatives could have more negative impacts for men who are more likely to be long-term unemployed and significantly more likely to have been in prison.

The Equality Commission for Northern Ireland has also highlighted that the loss of EU funding including under the PEACE, INTERREG and ESF programmes has the potential to negatively impact on work to promote women's equality including by the voluntary and community sector<sup>74</sup>. In addition, the EU funded Rural Development Programme for Northern Ireland has been particularly important to rural women.

The Conservative Government has announced a UK Shared Prosperity Fund to ensure that people do not lose out from the withdrawal of EU funding and which will replace any lost EU funds. However, a consultation on the Shared Prosperity Fund was promised in November 2018 but has still not taken place. The NI Council for Voluntary Action (NICVA) has called for the Fund to be a devolved spending pot and that the main aim of the Fund should be to address and reduce disparities in social and economic wellbeing within and between places and people<sup>75</sup>.

## 2.7 Rural Needs

Northern Ireland has a significant rural population with 36% of the population living in rural areas<sup>76</sup>. In June 2017 the Rural Needs Act (Northern Ireland) 2016 was introduced and placed a statutory duty on public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. The Act was introduced to ensure that consideration of the needs of people in rural areas becomes more firmly embedded within public authorities in Northern Ireland.

The Northern Ireland Rural Women's Network (NIRWN) provides the regional rural element of support to women through the Regional Support for Women in Disadvantaged and Rural Areas Programme. This programme is funded by the Department of Agriculture, Environment and Rural Affairs (DAERA). The vision for the programme is "that women living in disadvantage in both Urban and Rural will be provided with the specialist support they require to enable them to tackle disadvantage and fulfil their potential in overcoming the barriers that give rise to their marginalisation, experience of poverty and exclusion."

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<sup>73</sup> <https://scopeni.nicva.org/article/how-ni-relies-on-europe-for-employability-schemes>

<sup>74</sup> Women in Northern Ireland, UN Convention on the Elimination of All Forms of Discrimination against Women Shadow Report, Equality Commission for Northern Ireland, 2019 <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/CEDAW-ShadowReport2019.pdf>

<sup>75</sup> <https://scopeni.nicva.org/article/westminster-needs-to-prioritise-replacing-eu-funding>

<sup>76</sup> Mid-Year Population Estimates – Urban/Rural Change, NISRA <https://www.daera-ni.gov.uk/publications/mid-year-estimates-population-change>

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An independent evaluation<sup>77</sup> concluded that rural women needed additional financial support in this programme: “the rural investment in proportional terms is not sufficient to animate and build critical mass versus urban interests (circa 20% of staff resources in the Consortium are linked to rural delivery, i.e. two 25 hour posts in NIRWN) which is out of step with the proportion of rural dwellers in NI.” This funding issue has never been redressed and essentially means that Government funding for the work of the only dedicated regional service to support rural women in their communities (NIRWN) is now 13% of what it was in 2007. In addition to this there are also stark inequities in Government funding for service delivery to women’s groups between rural and urban (1.3% versus 98.7%)<sup>78</sup>.

Brexit brings added difficulties as once the UK leaves the EU, Northern Ireland will no longer have access to EU Rural Development funding and policy development. Northern Ireland has no indigenous rural development policy and work on developing this has been halted due to prioritising dealing with the Covid19 pandemic. Northern Ireland’s Rural Development Programme (NIRDP) has supported rural economies over a number of years and is a significant source of funding delivering projects totalling £17.82 million to date<sup>79</sup>. This type of investment will need to be supported by a similar fund if rural communities are to continue to thrive and grow.

## 2.8 Hate Crime

The law treats hate crimes relating to protected characteristics differently and at present crimes motivated by gender are not regarded as hate crimes in Northern Ireland - see also section 8.3. Hate crimes based on gender are overwhelmingly targeted at women and girls including transgender women and girls. A public consultation<sup>80</sup> on the review of hate crime legislation in Northern Ireland closed in April 2020 and the women’s sector strongly advocated for including misogyny and transphobia rather than gender as new categories of hate crimes to acknowledge the fact that these types of crimes are mostly targeted at women<sup>81 82</sup>. However, the Hate Crime Review has recommended that the definition of a hate crime in Northern Ireland should be expanded to include sex/gender (rather than misogyny)<sup>83</sup>.

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<sup>77</sup> Evaluation of the Regional Infrastructure Support Programme (Final Report, June 2015)

<sup>78</sup> Ibid

<sup>79</sup> EU Successor Funding in Northern Ireland: Position Paper for SOLACE NI, ekosgen, November 2020 Appendix - Executive Summary.pdf (belfastcity.gov.uk)

<sup>80</sup> Hate Crime Legislation in Northern Ireland, An Independent Review, January 2020 <https://www.hatecrimereviewni.org.uk/sites/hcr/files/media-files/Consultation%20Paper%20Feb%202020.pdf>

<sup>81</sup> Women’s Regional Consortium Response to Hate Crime Review, April 2020 <http://www.womensregionalconsortiumni.org.uk/sites/default/files/Women%27s%20Regional%20Consortium%20Submission%20to%20Independent%20Review%20into%20Hate%20Crime%20Legislation%20in%20NI.pdf>

<sup>82</sup> Women’s Policy Group Response to Hate Crime Review, April 2020 <https://wrda.net/wp-content/uploads/2020/04/WPG-Hate-Crime-Consultation-Review-Response-30.04.20.pdf>

<sup>83</sup> Final Report into Hate Crime legislation in Northern Ireland Independent Review, Hate Crime Review Team, December 2020 [Hate crime legislation independent review | Department of Justice \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/hate-crime-legislation-independent-review)

## 2.9 Deliberative Democracy

A new Citizens Assembly on Gender Equality<sup>84</sup> has been established by the Oireachtas to consider a number of areas in relation to gender equality including care, pay, leadership and public life. Membership of the Assembly consists of 100 people randomly selected from across Ireland and who are broadly representative of Irish society.

During 2020 the Assembly held meetings to hear from people about their personal experiences and from experts to help with discussions. The public and interested bodies were also able to make submissions to the Assembly. The Citizens Assembly will consider this information and put forward recommendations into a final report for the Oireachtas by June 2021. This example of deliberative democracy allows for greater engagement of civil society in the equality policy process helping to foster collective ownership of these issues.

In Northern Ireland a model of participative governance was envisaged by the Good Friday Agreement in the form of the Civic Forum but it was suspended in 2002 with the devolved institutions and was never re-activated. A Citizens Assembly for Northern Ireland was established and held in 2018 to consider the topic of adult social care but has not been held since. In July 2020 the Assembly Commission announced plans to establish a Youth Assembly. There is potential in this type of deliberative democracy to put citizens at the heart of decision-making and help to make progress on contested policy issues.

## 2.10 Recommendations

- Strengthen the protection against sex discrimination and harassment in Northern Ireland at the very least to match existing rights which apply in GB but ideally to bring it into line with CEDAW international obligations and best practice elsewhere;
- Ensure effective application of the Section 75 equality duty so that gender equality impact assessments are systematically undertaken;
- Greater focus on the importance of training on anti-discrimination law, Section 75 and positive action measures to ensure maximum knowledge and awareness of the law and good practice among policy makers, employers and service providers;
- Consider other methods of equality impact assessment like those used in Wales or Canada;
- Apply a gender lens to all policy, legislative and budgetary decision-making so as to truly understand different gender roles, needs and responsibilities and realise the different impacts on different genders;
- Implement the CEDAW recommendations with regard to policy within the competence of the Northern Ireland Executive and Assembly;
- Greater representation of women's voices in the Brexit debate at local, national and EU levels so they can influence decision-making that is likely to significantly impact on their lives;
- There must be no regression in the protection of human rights particularly women's rights as a result of Brexit;

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<sup>84</sup> <https://www.citizensassembly.ie/en/>

- Post-Brexit Northern Ireland should continue to learn from EU policy development and innovation so as to replicate what is advantageous to Northern Ireland;
- Any loss of funding from the EU should not lead to gaps in services provided to women and girls, men and boys as well as gender minorities;
- A consultation on the Shared Prosperity Fund should take place without delay. Spending from the Fund should be devolved with the aim of reducing inequalities in social and economic wellbeing;
- Implement a Bill of Rights for Northern Ireland;
- Work to ensure a future Rural Development Policy that supports vibrant, gender equal, rural communities and that the Programme for Government, proposed budgets and policies across all Government departments take account of rural needs;
- Redress the historic underinvestment in rural women by ensuring that rural women have dedicated rural development resourcing which takes into account gender differentials;
- Ensure that rural women are engaged in future rural development policy planning and development;
- Establish a Citizens Assembly to consider gender equality issues and how these might be meaningfully improved in Northern Ireland;
- The NI Executive should lobby Westminster to incorporate all the provisions of CEDAW into domestic law;
- The NI Executive should lobby Westminster to implement UN Security Council Resolution 1325 and CEDAW Recommendation No. 30 to ensure women's effective participation and leadership in conflict prevention, post-conflict reconstruction and peacebuilding processes in Northern Ireland; and
- The NI Executive should lobby Westminster to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)

## 3. Employment, Pay and Work-Life Balance

### Summary:

To measure gender inequality in Northern Ireland and create a strategy to address this, analysing women's employment, pay and work-life balance provides an excellent example of how prevalent the issue is. In creating a strategy that aims to achieve gender equality in Northern Ireland, a wide range of action is needed to tackle the gendered issues that drastically impact women's employment and ability to access high quality work in the labour market. Barriers to employment, gender stereotypes, unaffordable childcare, the unequal distribution of caring responsibilities, deeply segregated labour markets, sex discrimination, the denial of gender pay gaps and low pay all uphold gender inequality in Northern Ireland and must be addressed urgently.

The trends in women's employment show only minor improvement in the past 25 years, and highlight the need for broad, inter-departmental action from the NI Executive alongside the introduction of legislation to address issues beyond the public sector. Women's employment rates are comparatively low, and the number of women who are unable to enter the paid labour market is dangerously high, largely due to family and home commitments. This is the least common reason for men, which shows the nuanced and gendered nature of women's engagement with the labour market. For women that are participating in the paid labour market, the picture is still bleak in relation to gender equality.

Key indicators of how prevalent gender inequality is, beyond low levels of women's employment and high levels of "economic inactivity" due to family and home commitments, include the vast over-representation of women in part-time, low-paid and insecure work alongside the vast under-representation of women who are self-employed or in senior positions. In addition to this, the detrimental impact of having children on women's pay, work patterns and ability to stay in the labour market alongside the lack of a Government funded childcare provision have led to huge employment barriers for women that have persisted for decades. Deeply gender segregated labour markets and many of aforementioned factors have led to a gender pay gap for women in Northern Ireland that is often dismissed by officials and departments. In addition, the lack of effective gender disaggregated data on areas such as the Government furlough scheme, redundancies and the claimant count in Northern Ireland make it extremely difficult to fully assess and address objective need. Across all indicators on employment, women have less access to equal economic opportunities.

Based on the evidence and indicators in relation to women's employment, a number of actions to address these issues become evident. This could include, but is not limited to, creating a comprehensive women's employment strategy; recognising care work as a part of essential

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economic infrastructure and providing structural investment; introducing a universal, free childcare provision; providing a legislative basis for better workplace policies on issues such as maternity discrimination, parental leave and sex discrimination; making a requirement for recording gender disaggregated data to accurately assess the impact of economic crises on women and introducing mandatory gender pay gap reporting and monitoring that recognises that 99.9% of all businesses in Northern Ireland are small-medium sized. To assess the impact of mechanisms introduced to address gender inequality in employment, robust monitoring mechanisms need to be introduced to ensure compliance and accountability.

Definitions of the key indicators referenced in this section and a series of graphs and tables relating to the statistics referenced can be found in Appendix 1.

### 3.1 Women's Employment

There has been an increase in employment rates for men and women in Northern Ireland over the past decade. However, the employment rate for women in Northern Ireland has remained consistently lower than for men over the past 10 years<sup>85</sup> (Appendix 1, Figure 1). Out of all women in the working population (aged 16-64), just 68% are employed; compared to a 75.8% employment rate for men<sup>86</sup>. Considering the fact that women's employment rate was 56% in 1995, this does not seem to be a significant improvement in 25 years. The employment rates for women and men varies significantly according to types of employment (employee or self-employed) and working patterns (full-time or part-time work). Further, family and home commitments have a significant impact on employment types and working patterns for men and women.

There are an estimated 414,000 women in employment in Northern Ireland; 62% of which are employed full time and 38% are employed part-time. Women account for 52% of all employees and 26% of all self-employed people in Northern Ireland. Of all women in employment, 91% are employees (376,000) and 8% are self-employed (33,000) and the remaining 1% consists of a small number on Government training and employment schemes (Appendix 1, Figure 2).

Men are more likely to work in full-time employment than women; 89% of men are in full-time employment compared to 62% of women in full time employment. As a result, 79% of all part-time employees are women. Men are also much more likely to be self-employed than women, as they make up 74% of all self-employed people in Northern Ireland.

When looking at types of employment for those with dependents, it becomes clear that this has a bigger impact on women than on men, as 76% of women with dependent children are considered "economically active", compared to 92% of men with dependent children<sup>87</sup>.

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<sup>85</sup> NISRA Labour Market Survey 2020: Women in Northern Ireland: [https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Women%20in%20NI%202020\\_0.pdf](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Women%20in%20NI%202020_0.pdf) p.1

<sup>86</sup> Ibid, (n1), p.6.

<sup>87</sup> Definition of economically active

Furthermore, only 60% of women with dependent children work full-time, compared to 95% of employed men with dependent children<sup>88</sup> (Appendix 1, Figure 3).

### 3.1.1 Recommendations

- Women’s low employment rates compared to men, particularly in full-time employment, need to be addressed urgently.
- The impact of having dependent children on women’s ability to access employment, particularly full-time employment, needs to be addressed through measures such as targeted recruitment and an adequate childcare provision.
- The low levels of self-employed women need to be targeted – particularly as self-employment with appropriate levels of support can be a more suitable option for rural women. Assessments of funding allocated to self-employed women, support available for women entrepreneurs, increasing levels of women apprentices, addressing and resourcing infrastructure issues and the chronic underfunding of rural women etc. are all areas worth exploring.
- The levels of women in full-time employment cannot be used as the sole indicator of measuring gender equality in employment and it should be addressed alongside various other targets including addressing insecure, temporary, low-paid work; tackling levels of working poverty; encouraging men into flexible and part-time work; creating meaningful policy change to support the redistribution of caring responsibilities and upholding work-life balance.
- Given the breadth of issues relating to women’s employment, a separate Women’s Employment Strategy would be useful to comprehensively outline and address the nuanced systematic barriers that women face in work and broader society in Northern Ireland

## 3.2 Women’s Underemployment, “Economic Inactivity” and the “motherhood gap”

### 3.2.1 Unemployment and Underemployment:

NISRA statistics<sup>89</sup> suggest that the unemployment rate for men in NI has been consistently higher than for women over the past ten years, however, the gap is narrowing between the two and by 2019 there was just 0.3% difference<sup>90</sup> (Appendix 1, figure 4). It is important to note that the unemployment rate does not include those who are considered economically inactive, nor does it consider that despite making up half the working age population (16-64), nearly a third of working age women are not in the labour force or considered economically active, compared to

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<sup>88</sup> NISRA Labour Market Survey 2020, Women in Northern Ireland: [https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Women%20in%20NI%202020\\_0.pdf](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Women%20in%20NI%202020_0.pdf) p.1

<sup>89</sup> Ibid (n1) p.1.

<sup>90</sup> In 2019, 44% of the unemployed were men and 56% were men

just over a fifth of working age men. Northern Ireland has an unemployment rate of 3.6% (32,000 people), which is lower than the UK estimated unemployment rate of 4.8%<sup>91</sup>. However, Northern Ireland has the lowest employment rate (70.5%) of all twelve UK regions and highest economic inactivity rates of all of the UK regions<sup>92</sup>.

Northern Ireland also has a steadily growing underemployment rate, which suggests increasing numbers of people are looking for additional work and hours but cannot find them (Appendix 1, figure 5). In October 2020, 6.5% of the NI workforce were recorded on the claimant count (60,200 people), which is an increase of 30,500 people since March 2020<sup>93</sup> (Appendix 1, figure 6). This suggests that a significantly increased number of people are either claiming due to unemployment, or because earnings in their existing employment are low. More information on working poverty and the impact of universal credit can be found in section 4. The number of underemployed in Northern Ireland was estimated at 48,000 in 2019, equivalent to 6.8% of all employees aged 16-64. Over the last 15 years underemployment has ranged from a low of 3.4% in 2005 to a high of 8.7% in 2013. Significantly, underemployment rates for women are higher than underemployment rates for men (7.1% and 6.5% respectively). In addition, underemployment rates for 16-24-year olds in Northern Ireland is significantly higher than any other age group (Appendix 1, figure 7). There are prevalent issues of women working in jobs and grades below their capability due to the lack of flexible working in the roles they are qualified to do, and this may be contributing to growing underemployment rates. Further, due to poor data collection in relation to trans communities, issues of trans discrimination in the workplace and underachievement due to truancy in education and how this impacts underemployment of gender minorities is not recognised or addressed.

### 3.2.2 Economic Inactivity:

Roughly 30% of all women aged 16-64 are considered economically inactive compared to 22% of men (Appendix 1, figure 8); 34% (61,000 people) of these women are considered inactive due to family and home commitments. Conversely, looking after family and the home is the least common reason for male economic inactivity (8,000 people or 6%). The difference in inactivity rates between men and women can be entirely attributed to the difference in the number looking after the family/home (Appendix 1, figure 9). In fact, excluding the numbers looking after the family/home from the inactivity totals would bring the women's inactivity rate below that of males (19.9% for women and 20.7% for men)<sup>94</sup>.

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<sup>91</sup> NISRA Labour Market Report – November 2020: <https://www.nisra.gov.uk/system/files/statistics/labour-market-report-november-2020.pdf>

<sup>92</sup> NISRA Labour Market Report – November 2020: <https://www.nisra.gov.uk/system/files/statistics/labour-market-report-november-2020.pdf>

<sup>93</sup> Ibid, (n12), p.12

<sup>94</sup> Ibid, (n1)

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Economic inactivity rates for women in the 25-34 age range with dependent children are much higher (20pps) than for those without dependent children, the age group most likely to have infants, toddlers, and pre-school aged children. Further, women with dependent children are most likely to be employed between the ages of 35-49 years, within which age band approximately four-fifths of women are in the labour market (working or looking for work), and are much more likely to work part-time hours than their male counterparts<sup>95</sup>.

The economic activity rate for women with pre-school age children (74%) was substantially lower than for men with pre-school age children (93%). Over the past decade, women have consistently had lower economic activity than men regardless of age of youngest dependent child. The group with the lowest economic activity is women with a youngest child that is of pre-school age (73.3%). The difference in economic activity rate for men and women with a youngest child of pre-school age is 19.3%.

Women's experiences of labour market engagement are incredibly nuanced, as experiences vary widely based on levels of employment, working patterns and the impact of young dependents on this. What is clear, is that engagement and experiences with the labour market are largely gendered in Northern Ireland. Women have vastly different levels of uptake in employment and in types of employment undertaken, due to their age and whether they have young children. The inherently gendered nature of ability to engage with the labour market is not reflected as clearly on men as it is on women.

The perception of "economic inactivity" must be challenged, as many women are disproportionately left out of the labour market due to home and family commitments. This is a large proportion of women that could access the labour market if adequate childcare provisions and social support were in place. The economic inactivity of young women with dependents particularly, should be seen as a priority as this is the least likely reason for men to become economically inactive and is a strong indicator of the levels of gender inequality that exist in Northern Ireland.

Further, the contributions of those in managing home and family commitments should not be considered to have no economic value; the COVID-19 pandemic exposed the essential nature of care work, and this should be valued. It is crucial to recognise the economic value of unpaid work and challenge terms such as "economic inactivity" as they perpetuate the undervaluing of women's domestic work. This has been estimated of being equivalent to 56% of GDP for the UK, with unpaid childcare alone being equivalent to 18% of GDP and long-term care being equivalent to 3% of GDP<sup>96</sup>.

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<sup>95</sup> Ibid, (n1)

<sup>96</sup> ONS (2016). Changes in the value and division of unpaid care work in the UK: 2000 to 2015. <https://bit.ly/3iWAXv0>,

Finally, when looking at the causes of “economic inactivity”, it is crucial that an intersectional lens is applied to understand the reasons for this. For instance, there are also many issues with the treatment of and discrimination towards gender minorities in the workplace and in public-facing roles, coupled with broader issues in access to mental health support, housing and education, that needs to be examined to ensure that gender minorities are not forced into being what is considered “economically inactive”. In addition, inaccessibility and discrimination are huge barriers for disabled people accessing employment, and many become involuntarily “economically inactive” due to these societal barriers. Recommendations from other social inclusion strategies in relation to the barriers to formal employment for minority groups should be applied alongside recommendations to address the gendered nature of the factors contributing to “economic inactivity”.

### **3.2.3 Motherhood Pay Penalties**

The responsibility of caring for children has always fallen disproportionately to women. This has not only constrained women’s participation in the labour market, but it has also stunted the progress of women who do participate<sup>97</sup>. This has created a clear “motherhood gap” in the paid labour market. The one third of women without dependent children working part-time may therefore, in part, be women who began a part-time schedule with young children and did not resume full-time work once those children were grown. Women with young children are being locked out of the labour market, and clearly some struggle to re-join the market when children are grown. This is further evidenced in how the age of youngest child relates to work patterns. 53.2% of women whose youngest child was of pre-school age worked full-time. This increased to 60.5% of women whose youngest child was of secondary school age. The lack of a childcare provision in Northern Ireland can clearly be connected to this.

The above data is supported by a NIC ICTU report on ‘Childcare in Northern Ireland: Care, Cost and Gender Equality’<sup>98</sup>, which found that alongside women with dependent children being over-represented in part-time employment compared to men with or without dependents, they are also more likely to be in temporary employment and much less likely to be self-employed than men with dependent children. Further, having one or more children reduces a woman’s likelihood of being in a permanent, full-time job by almost a third, with only 40% of women with one or more children working in a permanent, full-time job<sup>99</sup>. Whilst having dependent children reduces the average weekly working hours of both men and women, there is a much greater average reduction in hours for women.

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<sup>97</sup> ICTU (2019), ‘Childcare in Northern Ireland: Cost, Care and Gender Equality’: [https://www.ictuni.org/download/pdf/ictu\\_childcare\\_report.pdf](https://www.ictuni.org/download/pdf/ictu_childcare_report.pdf)

<sup>98</sup> ICTU (2019), ‘Childcare in Northern Ireland: Cost, Care and Gender Equality’: [https://www.ictuni.org/download/pdf/ictu\\_childcare\\_report.pdf](https://www.ictuni.org/download/pdf/ictu_childcare_report.pdf)

<sup>99</sup> Ibid, (n16)

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Women with dependents work five hours less than women without dependent children, whereas men with dependents only work one hour less than men without dependent children. Women with dependent children work an average of 11 hours less per week than men with dependent children.

This is an issue across the UK, and in the absence of data relating to Northern Ireland, it is useful to look at similar trends in England and Wales. Research here found that 56.2% of mothers had to change their employment due to childcare, compared to 22.4% of fathers<sup>100</sup>. This data clearly suggests that women with dependent children face a motherhood penalty in their ability to access permanent, full-time work and the total numbers of hours they are able to work.

### 3.2.4 Recommendations

- Rising unemployment and underemployment rates in Northern Ireland need to be addressed urgently; particularly as this is likely to have worsened significantly due to COVID-19;
- The term “economically inactive” needs to be challenged in its dismissal of the high volume of women who are involuntarily unemployed due to family and home commitments, alongside other minorities that are considered inactive due to systemic barriers and discrimination;
- The contributions of those not formally employed due to family and home commitments needs to be assessed and recognised in terms of the economic value of this unpaid labour;
- High levels of women considered “economically inactive” compared to men, due to unequal distribution of care and family and home commitments, needs to be treated as a priority. Particularly in assessing how patriarchal gender stereotypes lead to a much higher proportion of women undertaking this work; and
- Becoming a mother carries a huge penalty in terms of employment rates, types of employment and working patterns of mothers, particularly mothers of young children. Discrimination against women with children, and the barriers to returning to employment, should be addressed immediately through robust monitoring of workplace discrimination and pay and the creation of an adequate childcare provision. This could also be overseen through a Women’s Employment Strategy

## 3.3 Furlough Scheme and Redundancy

### 3.3.1 Furlough Scheme:

The COVID-19 pandemic has caused significant disruption to the labour markets across the world and the full impact of this is still unknown<sup>101</sup>. In response to the lockdown and widespread shut down of our economy throughout 2020, the UK Government introduced the furlough scheme.

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<sup>100</sup> ‘Unpaid carers provide social care worth £57 billion’, (available online): <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/articles/unpaidcarersprovidesocialcareworth57billion/2017-07-10>

<sup>101</sup> For more information of the economic impact globally, see the Women’s Policy Group COVID-19 Feminist Recovery Plan Overview and Economic Justice Pillar: <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>

Statistics show that as of 31st August 2020<sup>102</sup> :

- The sector with the highest proportion of its workforce eligible for furlough that were actually furloughed was arts, entertainment and recreation at 33% followed by accommodation and food services sector at 27%. In all, 50% of employers in the arts, entertainment and recreation sector were using the furlough scheme at the end of July as were 45% of employers in accommodation and food services.
- Overall, where it was possible to link the data, across the UK, 1.6 million women were furloughed at the end of August compared with 1.5 million men. This is a decrease of 808,600 women and 820,200 men when compared to the end of July. In most countries and regions more women than men were furloughed as of 31 August (Appendix 1, figure 10).
- At 38%, the accommodation and food services sector had the highest proportion of employments furloughed flexibly.
- Overall, where it was possible to link the data across the UK as a whole, 2.44 million women were furloughed at the end of July compared with 2.32 million men. However, for 344,800 employments it had not been possible to link the furloughed employments to other HMRC data to determine the region of residence and gender of the furloughed employees.
- On 1 July, the number of furloughed employments in Northern Ireland was 130,800. Preliminary figures for Northern Ireland show there were 111,800 employments furloughed by 31 July and 70,500 employments furloughed by 31 August
- For Northern Ireland, Belfast, Antrim and Newtownabbey and Newry, Mourne and Down had the highest take-up rates of 10%. Belfast had 14,700 employments furloughed. The Belfast South constituency had the highest number of employments furloughed in Northern Ireland with 4,800, this represented a take up rate of 9%

What the above data suggests is that the industries with a disproportionate number of women employees, such as hospitality, food, and retail, had higher numbers of employees furloughed. In addition, given the higher levels of women in these low-paid, precarious sectors, a higher number of women than men have been furloughed across the UK. Issues remain with certain industries and employers not recording the gender of staff furloughed. To assess the full impact of COVID-19 on labour markets, employers should be mandated to record gender of all furloughed staff.

### 3.3.2 Redundancies:

Under the Employment Rights (Northern Ireland) Order 1996 (Amended 8 October 2006)<sup>103</sup> companies are only legally required to notify the Department for Economy of impending redundancies of 20 or more employees. Companies who propose less than 20 redundancies are not required to notify the Department. Therefore the figures provided are likely to be an underestimate of total job losses. However, it is not possible to quantify the extent of the shortfall. Therefore, the numbers of redundancies reported are likely to be less than the actual numbers of redundancies in Northern Ireland.

<sup>102</sup> UK Government Coronavirus Job Retention Scheme Statistics October 2020: <https://www.gov.uk/Government/publications/coronavirus-job-retention-scheme-statistics-october-2020/coronavirus-job-retention-scheme-statistics-october-2020#main-points>

<sup>103</sup> Employment Rights (Northern Ireland) Order 1996 (Amended 8 October 2006): <https://www.legislation.gov.uk/nisi/1996/1919/part/I>

What is clear from available statistics, is that as economic pressures continue alongside lockdown measures to tackle the COVID-19 pandemic, redundancies have been steadily increasing across Northern Ireland. From 1st November 2019 to 31st October 2020, 9,600 redundancies were proposed, the highest annual totals on record<sup>104</sup>. Nearly 80% of redundancies confirmed for 2020 took place in the months July-October. From November 2019 to November 2020, there were 4,060 confirmed redundancies, which was 31% higher than the previous year (3,100). However, there is a lag between proposed redundancies and confirmed redundancies, and smaller businesses that have been hardest hit by the pandemic are not likely to be included in these figures as many will have had less than 20 employees to make redundant.

To get a clearer picture, it is useful to look at the rise of claimant counts in NI for those who have lost their jobs and been made redundant. The number of people on the claimant count has increased by 30,500 since March 2020 to 60,200 in October 2020<sup>105</sup>. These figures have more than doubled in 2020, providing an indication of the vast levels of people being made redundant. Changes in the employment rate in 2020 also provide a fuller picture. Men's (16-64) employment rate (73.9%) decreased by 2.3pps over the year and women's (16-64) employment rate (67.2%) decreased by 1.2pps over the year. As stated in section 3.2, the Northern Ireland employment rate (70.5%) is significantly lower than the UK average (75.3%).

Issues with the lack of reliable gender disaggregated data on furloughed employees, redundancies (especially in small businesses) and claimant counts in Northern Ireland makes it extremely difficult to accurately assess the impact on gender equality. However, given women's disproportionate levels of employment in hospitality, retail, part-time work and low paid work, alongside trends in the rest of the UK suggesting more women were furloughed, it could be suggested that women have been disproportionately impacted by labour market disruption caused by the COVID-19 pandemic.

To address this, stronger regulations are needed to ensure economic shocks, such as the unprecedented shock from the pandemic, can be accurately monitored for a gendered impact.

### 3.3.3 Recommendations

- Gender disaggregated data is urgently needed in measuring numbers of women furloughed, women made redundant and women included the claimant count in order to accurately assess how economic conditions are impacting women in Northern Ireland. Without this gender disaggregated data, it is difficult to address the disproportionate impact of economic shocks on women's employment;

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<sup>104</sup> NISRA Labour Market Report 2020, <https://www.nisra.gov.uk/system/files/statistics/labour-market-report-november-2020.pdf> p.14

<sup>105</sup> Ibid, (n13), p.13; see section 3.2.

- Requirements for reporting the numbers of women furloughed and made redundant should be introduced for all businesses, particularly those with less than 20 employees, in light of the current economic crisis. Northern Ireland has a high number of small to medium sized businesses and current requirements under employment legislation and the lack of Government recording of gender in claimant counts leaves significant gaps in accurately reporting the levels of women impacted by the COVID-19 pandemic;
- Due to the lack of gender disaggregated data, and data on the impact on smaller businesses, the full extent of the economic consequences of the furlough scheme and increased redundancies are missing. The impact of those in low-paid employment surviving on 80% of their wages, delays in financial support for those who are self-employed, those in businesses forced to shut down, and those requiring significant financial support (such as childminders and the broader childcare sector), needs to be analysed and addressed; and
- An analysis of the impact of subsequent lockdowns needs to be assessed, as many employers could not access financial support and many staff were no longer on the UK Government's Furlough Job Retention Scheme after this initially ended in October. Significant economic planning is needed as businesses and employees were unable to avail of the financial support that was needed

### 3.4 Gender Segregated Labour Markets

The World Economic Forum suggests that gender segregated labour markets and a lack of gender parity has a negative fundamental bearing on whether or not economies and societies thrive<sup>106</sup>. In a NI Assembly Review of Gender Issues in Northern Ireland in 2019, results found significant gender segregation in the workforce horizontally (occupational segregation), vertically (women's underrepresentation as managers, directors and other senior officials) and by work pattern (the huge levels of women in part-time work and low levels of women in self-employment)<sup>107</sup>. This is an issue that is present across the whole of the UK (Appendix 1, figure 11) and Ireland<sup>108</sup>.

As highlighted in the Women's Policy Group (WPG) NI COVID-19 Feminist Recovery Plan<sup>109</sup>, occupational segregation is still pervasive in Northern Ireland with men continuing to dominate in constructions and manufacturing and women in public administration, education and health. According to NISRA, nearly half (48%) of employed women were employed within the "public administration, education and health" sector and a further fifth (19%) were employed within

<sup>106</sup> World Economic Forum (2020), 'Mind the 100 Year Gap', Global Gender Gap Report 2020, [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

<sup>107</sup> Northern Ireland Assembly Research and Information Service Research Paper (2019), 'Review of Gender Issues in Northern Ireland': <https://education.niassembly.gov.uk/sites/userfiles/Review%20of%20Gender%20Issues%202019%20final%20.pdf>

<sup>108</sup> Econstor (2017), 'Female participation increases and gender segregation', ESRI Working Paper, No. 564, <https://www.econstor.eu/bitstream/10419/174297/1/WP564.pdf> p.4.

<sup>109</sup> Women's Policy Group NI COVID-19 Feminist Recovery Plan (2020): <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>

the “distribution, hotels and restaurants” sector. Employment across sectors was more evenly distributed for men, with “public administration, education and health” and “distribution, hotels and restaurants” being the two highest categories with 16% of employed men in each.

The WPG attribute this gendered segregation across occupational labour markets to policy failures around family leave frameworks that fail all workers, but disproportionately impact women<sup>110</sup>. Further, as evidence suggested in sections 3.1 and 3.2 suggest, caring for dependents and the lack of affordable childcare is a significant issue that contributes to this occupational segregation. Gender stereotypes on roles of care and areas that are considered “women’s work” (childcare and administration for example) or “men’s work” (technology, construction and manufacturing for example) are also prevalent in society in Northern Ireland and should be considered a factor in upholding gender segregated labour markets. Recommendations from the Women and Work Commission 2006 on tackling gender stereotypes are expanded upon in section 9.2.

The strong levels of gender segregation in labour markets that exist in both the UK and Ireland, not only harm women, but society as a whole. According to the World Economic Forum, gender segregated labour markets now only lowers innovation levels in professions which lack gender diversity, but also that this professional gender divergence has a compounding effect on gender pay gaps<sup>111</sup>. Northern Ireland has become an increasingly attractive place for investment in technology thanks to a combination of factors including skills availability, excellent infrastructure, cost-effectiveness and a supportive business environment<sup>112</sup>. As Northern Ireland strives towards greater investment in technology ahead of any “fourth industrial revolution”, the ramifications of not urgently tackling occupational gender segregation are likely to stifle growth.

Further, in times of economic crises such as the COVID-19 pandemic, gender segregated labour markets contribute to economic suffering disproportionately impacting women. For instance, in Northern Ireland, 79% of all Health and Social Care staff are women, 79% of all part-time workers are women, the majority of low-paid and precarious workers in retail and hospitality workers are women and 70% of workers ineligible for Statutory Sick Pay are women<sup>113</sup>. Failing to address the long-term issues with the levels of women in low-paid, insecure and part-time work, leads to women being bearing the economic brunt of crises such as the COVID-19 pandemic. Policy intervention is needed to address gender stereotypes and gender segregated labour markets in Northern Ireland, in a way that also recognises the diverse experiences of gender minorities.

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<sup>110</sup> Women’s Policy Group COVID-19 Feminist Recovery Plan (2020), p.21.

<sup>111</sup> World Economic Forum (2020), ‘Mind the 100 Year Gap’, Global Gender Gap Report 2020, [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

<sup>112</sup> See Invest NI: <https://www.investni.com/invest-in-northern-ireland/technology>

<sup>113</sup> See WPG Feminist Recovery Plan (n25) for more information of the disproportionate economic impact of COVID-19 on women

### 3.4.1 Recommendations

- The detrimental impact gender segregated labour markets has in stifling meaningful, sustainable economic growth and achieving gender equality needs to be urgently addressed. Recommendations from the Women and Work Commission 2006 should be implemented;
- The additional detrimental impact gender segregation has on worsening the impacts of economic shocks on women also needs to be considered an urgent priority for the NI Executive. Gender segregation in low-paid, precarious and undervalued sectors such as care needs to be addressed to avoid economic shocks further exacerbating pre-existing inequalities and disproportionately impacting women;
- A range of approaches to tackling gender segregated labour markets need to be adopted, implemented and monitored. This should include effective monitoring of sectors with vast gender segregation; increasing investment in undervalued sectors such as care; improving the working conditions in precarious sectors; tackling gender stereotypes that embed segregation; removing barriers to sectors including inflexible working, a lack of childcare and monitoring differences in pay, promotional opportunities and development of staff;
- In work to address gender stereotypes, it is important that the experiences of trans people and gender minorities are included, particularly in addressing barriers to accessing employment in certain sectors due to a lack of cultural competency and gender stereotyping. Any work to tackle gender stereotyping, through training for example, should also take the diverse experiences of gender minorities into account; and
- Long-term strategies are needed to address occupational, vertical and differences in work patterns. This should include tackling pervasive gender stereotypes, poor working conditions, equal allocation of apprenticeship funding for skills development of women, encouraging trade union membership and collective bargaining, monitoring and addressing gender pay gaps, encouraging development of family-friendly workplace policies, creating quotas for women in leadership positions and more.

## 3.5 Sex Discrimination, Sexual Harassment, Maternity and Pregnancy Discrimination

### Sex Discrimination and Workplace Sexual Harassment:

While sex discrimination and sexual harassment can happen to anyone, women continue to experience significant levels of both. Sex discrimination is a workplace issue that is unfortunately a common occurrence in Northern Ireland. The Equality Commission for Northern Ireland estimate that about 25% of all queries they get to their legal helpline are in relation to potential sex discrimination in the workplace<sup>114</sup>. Of these queries, 21.5% are connected to pregnancy and maternity. This is an issue that exists across all of the UK and research from England and Wales shows that 54,000 women per year are forced out of work due to pregnancy and

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<sup>114</sup> Equality Commission Northern Ireland (2019), 'Pregnancy and maternity discrimination remains an issue for working mothers', <https://www.equalityni.org/Blog/Articles/August-2019/Pregnancy-and-maternity-discrimination-remains-an>

maternity discrimination<sup>115</sup>. In addition, this research found that five years after a child's birth, only 13% of mothers have increased wages compared to 26% of fathers. The legislation that preserves women's employment relationship for the duration of the leave period is a key factor in maintaining women's occupational security, pay and conditions in both the short and longer term. Further, despite the legislative protections in place, the prevalence of pregnancy and maternity discrimination needs to be urgently addressed. The discrepancies in how Statutory Maternity Allowance and Statutory Maternity Pay are treated in relation to earned income, and the impact this has on universal credit and poverty, is analysed further in section 4.

In measuring experiences of people's experiences with sexual harassment in the workplace, unfortunately it is an issue that is extremely prevalent in Northern Ireland. In 2017, the Equality Commission NI found that reported cases of sexual harassment at work had increased by 31% over five years<sup>116</sup>. According to ECNI, gender is the second most reported form of discrimination overall to their legal advice team, and within that, sexual harassment at work is the second most common complaint. Further surveys by ACCA published in October 2017 show that 17% of workers in Northern Ireland have witnessed someone using a position of power to sexually harass another in the workplace. This compares to 11% of Irish workers and 7% of British workers<sup>117</sup>. In addition, a survey conducted by the Irish Congress of Trade Unions in 2019 found that women are most likely to be victims of sexual harassment and men are most likely to be perpetrators<sup>118</sup>.

Worryingly, this survey found that 75% of workers experiencing sexual harassment do not report this to their employer. Of the few employees that did report sexual harassment to their employer, 62% felt it was not dealt with satisfactorily and in some cases, they reported that they had been treated less favourably as a result of reporting sexual harassment. In terms of types of sexual harassment, this ranges from respondents being subject to unwelcome jokes of a sexual nature (54%), unwanted verbal sexual advances (44%), unwanted touching (38%), unwelcome questions about their sex life (42%), unwanted sexual touching or attempts to kiss them (20%), unwelcome comments about sexual orientation (16%) and 2% of all respondents reported to being seriously sexually assaulted or raped at work within the last 12 months.

In terms of perpetrators and location, 84% of perpetrators of the most recent incident was a man and 55% of harassers were colleagues, while 28% of harassers were a manager. Of all incidents reported in the survey, 56% took place in the workplace, 29% happened at a work-related social event and 13% of incidents of unwanted sexual behaviour had taken place on the

<sup>115</sup> ONS (2019) Families and the Labour Market found in 'Unpaid carers provide social care worth £57 billion', (available online): <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/articles/unpaidcarersprovidesocialcareworth57billion/2017-07-10>

<sup>116</sup> ECNI (2017), 'Sexual Harassment at work: reported cases up 31% over 5 years', <https://www.equalityni.org/Blog/Articles/November-2017/Sexual-harassment-at-work-reported-cases-up-31-ove>

<sup>117</sup> Ibid

<sup>118</sup> ICTU (2019), 'NIC-ICTU survey reveals shockingly high levels of under-reporting of sexual harassment at work', <https://www.ictuni.org/news/2019/11/27/nicictu-survey-reveals-shockingly-high-levels-of-u/>

phone, by email or on social media. Clearly, issues of workplace sex discrimination and sexual harassment are a prevalent issue in Northern Ireland, and there need to be real consequences for perpetrators and support for victims.

### 3.5.1 Recommendations

- Issues with sex discrimination, pregnancy and maternity discrimination and workplace sexual harassment all need to be urgently addressed in Northern Ireland. The prevalence of all issues, and the failures of legislation to adequately need to be further understood within Northern Ireland;
- Discrepancies in how SMP and SMA are treated in terms of being earned, or unearned income, need to be addressed, particularly in relation to how these impact universal credit and perpetuate women's poverty;
- Maternity and parental leave entitlements in the UK and Ireland are significantly lower than in other EU countries and should be increased. This is expanded on in section 3.6.2;
- The prevalence of workplace sexual harassment, low levels of reporting and consequences for perpetrators needs to be addressed; and
- Models of good practice elsewhere, alongside recommendations for workplace policies to protect against these issues should be considered. This could be implemented and overseen through a Women's Employment Strategy.

## 3.6 Caring Responsibilities, Childcare and Flexi Working

### 3.6.1 Unpaid Caring Responsibilities <sup>119</sup>

The impact caring responsibilities has on women's ability to participate fully in the labour market has been outlined in detail in sections 3.1 and 3.2 above. In addition, the flaws with the term "economically inactive" and the general undervaluing of the economic contributions of unpaid carers and stay at home mothers were outlined. It is necessary to examine the impact of disproportionate levels of caring responsibilities, both paid and unpaid, on women, and how this can be alleviated. Strong correlations can be found between high levels of unpaid work per day and the inability to access paid economic participation and opportunity. In the UK, women undertake a significant proportion of unpaid work each day when compared to men<sup>120</sup> (appendix 1, figure 12). When looking at Northern Ireland specifically, research shows that women are more likely to be pushed out of the labour market due to unpaid domestic work or caring responsibilities and 69% of carers are women<sup>121</sup>. Women also have a 70% chance of providing care in their adult life, compared to 60% chance for men. By the age of 46, half of all women have been a carer, which is 11 years earlier than men.

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<sup>119</sup> Caring responsibilities includes childcare, elder care and care for others such as disabled dependants.

<sup>120</sup> See: Ceri Parker, (2017), 'It's official: women work nearly an hour longer than men every day', World Economic Forum, (available online): <https://www.weforum.org/agenda/2017/06/its-official-women-work-nearly-an-hour-longer-than-men-every-day/>

<sup>121</sup> Carers NI (2017) 'State of Caring 2017', (available online): <http://www.hscbusiness.hscni.net/pdf/state-of-caring-ni-version-2.pdf>

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Further research from Carers NI shows that Northern Ireland's unpaid carers save the economy £4.6 billion per year in social worth, and £57 billion across the entire UK<sup>122</sup>. During the COVID-19 pandemic, there was an increase in 4.5 million providing unpaid care, which is an increase of almost 50% since the crisis began<sup>123</sup>. Research from Carers Week 2020 indicated that many new unpaid carers are drawn from the working population, as 26% of all workers are now juggling work and unpaid care; an increase from one in six to one in four<sup>124</sup>. Significantly, this provides an indication of how many new carers come from the workforce, and that without sufficient investment into carer support and the redistribution of care work between men and women, the negative impact will be felt by carers, their families, employers and the broader Northern Ireland economy. Research from Carers Week 2020 also shows that in Northern Ireland, there are as many as 312,000 unpaid carers in our society. Further, of all respondents from Northern Ireland, 59% stated that unpaid caring responsibilities was having a detrimental impact on their ability to do paid work; 54% identified the financial impact of additional care costs as a key concern; 72% believe that unpaid carers had not been adequately supported by the NI Executive during the pandemic and 74% believed that the Government should increase support for carers<sup>125</sup>. There are also high levels of informal, unpaid care in Northern Ireland that are hard to assess due to insufficient data.

The gendered nature of care, and the impact it has on women's employment and subsequent poverty levels, is highlighted further in section 4.

### 3.6.2 Childcare:

Many of the measurements of women's employment, types of work patterns and exclusion from paid work have been outlined above. Home and family commitments have such a disproportionate impact on women, it is clear that a Government funded childcare provision is fundamental to facilitating women's participation and ability to access paid work, education and training. It is also crucial to the success to achieving progress towards gender equality in Northern Ireland. In the context of the current pandemic, the lack of an adequate, Government-funded childcare provision exacerbated pre-existing barriers to gender inequality. In the absence of any Government funded childcare provision, families in Northern Ireland struggled with stark choices between risking losing employment, leaving young children home alone or risking grandparents and other family members when needing childcare. These stark choices were particularly faced by low-income families, lone parents (91% of whom are women) and workers

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<sup>122</sup> Office for National Statistics (2017), 'Unpaid carers provide social care worth £57 billion', (available online): <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/articles/unpaidcarersprovidesocialcareworth57billion/2017-07-10>

<sup>123</sup> Carers Week (2020), 'Carers Week 2020 Research Report: The rise in the number of unpaid carers during the coronavirus (COVID-19) outbreak', Making Caring Visible, (available online): [https://www.carersuk.org/images/CarersWeek2020/CW\\_2020\\_Research\\_Report\\_WEB.pdf](https://www.carersuk.org/images/CarersWeek2020/CW_2020_Research_Report_WEB.pdf)

<sup>124</sup> WPG Feminist Recovery Plan p.32.

<sup>125</sup> Increased support included increased financial support for carers, investment in care and social support services to enable unpaid carers to take a break.

in low-income but essential work such as care, cleaning and retail. Northern Ireland is the only UK jurisdiction without a childcare strategy, which is particularly frustrating to sections of society that have been calling for a childcare strategy and funding childcare provision for decades.

Childcare, and the care sector more generally, needs to be treated as a part of Northern Ireland's key economic infrastructure. As the economic aftermath of the global pandemic becomes clearer, it is crucial to make the investment into childcare a key priority in Northern Ireland. Research suggests that as many as 10,000 childcare settings across the UK may be unable to reopen, with 75% blaming financial difficulties and 25% referencing fears of parents being unable to afford the childcare they had previously used<sup>126</sup>. The lack of priority given to childcare as sections of the economy reopened after the first 2020 lockdown, coupled with huge issues in allocating financial support packages to childcare settings and childminders (where the majority of staff are women), has made the need for a childcare strategy and funded childcare provision more important than ever before.

Research from the Nevin Economic Research Institute (NERI) found that 40% of families in Northern Ireland (around 350,000 workers) have dependent children (Appendix 1, Figure 13)<sup>127</sup>. NERI also found that families use a variety of types of childcare; 47% family, 26% nurseries, 18% out of school childcare, 4% childminder, 4% school and 1% other. For any childcare strategy or provision to be functional, an understanding of the diverse needs of families, intergenerational relationships and types of childcare is needed to ensure barriers to work, education and training are removed. In particular, it is important to not pursue policy that treats childcare from grandparents as a solution, as this can also disproportionately impact older women who already face high levels of poverty.

Recent research from the Fawcett Society, UK Women's Budget Group and Academics also found that half of parents with young children are significantly struggling to make ends meet and women workers in particular face more anxiety and pressure to work<sup>128</sup>. This research found that out of parents of under 11s, 51% struggle to make ends meet (this rises to 56% for single parents); 43% of households nearly run out of money (compared to 18% of other households); 48% are worried about how to pay their rent/mortgage and 57% believe they will come out of the pandemic in more debt. Research shows the 81% of working mothers in the UK need childcare to be able to work, but 51% do not have access to necessary childcare to enable them to do their job<sup>129</sup>.

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<sup>126</sup> See WPG Feminist Recovery Plan, p.47.

<sup>127</sup> Dr Lisa Wilson, (May 2020), 'Employment and access to childcare during the Covid-19 crisis', Nevin Economic Research Institute, (available online): <https://www.nerinstitute.net/research/employment-and-access-childcare-during-covid-19-crisis>

<sup>128</sup> UKWBG et. al., (May 2020), 'Half of parents with young children struggling to make ends meet', UK Women's Budget Group, Fawcett Society, QMUS and LSE, (available online): <https://wbg.org.uk/media/half-of-parents-with-young-children-struggling-to-make-ends-meet/>

<sup>129</sup> Pregnant then Screwed (2020). Childcare, Covid and career: the true scale of the crisis facing working mums. <https://pregnantthenscrewed.com/the-covid-crisis-effect-on-working-mums/>

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Research from the Employers for Childcare Annual Northern Ireland Survey 2019 found that<sup>130</sup>:

- 50% of families report spending more than 20% of their overall household income on childcare; this rises to 63% for lone parents;
- More than one in ten lone parent households reported spending more than 50% of their overall income on childcare;
- 41% of families resorted to means other than their income to pay for their childcare needs, including savings, an overdraft, loans and credit cards; this rises to 51% for lone parents [Appendix 1, figure 14];
- Nearly half of respondents have had to cut back or go without another expense to pay their childcare bill; this rises to 63% for lone parents;
- More than 50% think there is a lack of sufficient childcare in their area and out of those 45% say there is a lack of holiday scheme provision;
- Almost 50% of parents experienced a change in their working hours; one in five mothers decreased their hours of work or left work altogether compared to 6% of fathers, 45% of mothers attributed this to the cost of childcare;
- 73% of childcare providers reported an increase in their overall expenditure, compared to 29% who reported an increase in overall income;
- Pre-COVID, 32% of providers anticipated their economic positioning worsening over the next 12 months compared to only 17% who felt their position may improve; and
- The majority of parents (87%) think the quality of childcare in Northern Ireland is good or very good.

Additional research from Employers for Childcare combines the 11th Annual Childcare Survey with additional data on the specific impact of COVID-19 on parents which highlights how the pre-existing issues above have been exacerbated due to insufficient Government investment into childcare<sup>131</sup>. Childcare is the biggest monthly bill faced by 35% of families in Northern Ireland, where it costs more than mortgages or rent. The World Economic Forum found that UK parents pay the highest childcare costs in Europe, and the second highest in the world<sup>132</sup>. The rapidly increasing costs of childcare in Northern Ireland shows the need for the NI Executive to take lessons from other UK regions' childcare provisions and apply a better model here.

As highlighted by the WPG Feminist Recovery Plan, there are major concerns relating to the attitudes towards the childcare sector, where a persistent undervaluing of the care sector through under-investment and persistent gender stereotypes has led to vast occupational segregation through the vast majority of workers in the sector being women<sup>133</sup>. Almost half of all childcare workers earn below the real living wage (48%), which is significantly higher than

<sup>130</sup> Employers for Childcare (2019), 'Northern Ireland Childcare Survey 2019', (available online): <https://www.employersforchildcare.org/report/northern-ireland-childcare-survey-2019/>

<sup>131</sup> Employers for Childcare Northern Ireland Childcare Survey 2020.

<sup>132</sup> World Economic Forum (2019). These countries have the most expensive childcare. 23 April. <https://bit.ly/3mOCzcH>

<sup>133</sup> WPG Feminist Recovery Plan pp.52-53.

the proportional of all workers who earn below the real living wage (25.1%). Further, the median annual gross pay for childcare workers in Northern Ireland is almost half of that compared to the average for all workers (£11,028 compared to £21,254). The vast levels of experience, skill, and additional qualifications of workers in the sector do not translate into improvements in working conditions or rewards. The childcare sector is one facing a sustainability crisis with deep gender segregation. Any childcare strategy and provision created needs to urgently work to support the needs of racialised, low-income, rural and LGBTQI+ families and those with disabled children, who currently face limited access to childcare provisions to match their needs. In addition, a childcare strategy and provision must make access affordable and available, but this cannot come at the expense of pay and conditions of workers in the sector.

Given the extent of the childcare crisis and the huge impact this has on gender equality, it should be recommended that a free, universal childcare provision should be introduced in Northern Ireland. This should include early education and activities before and after school, offered year-round and on a full-time basis with increased pay for childcare staff<sup>134</sup>. Recent research from the UK Women's Budget Group Commission on a Gender Equal Economy provides an insight into best practice from other countries such as Denmark, Estonia, Finland, Germany, Iceland, Norway, Slovenia and Sweden, where they share similar characteristics of:

- A highly affordable provision with highly subsidised costs (often capped fees) and reduced fees for children in low-income families and/or subsequent children;
- High qualification levels of a significant proportion of staff;
- An integrated approach to childcare and education with a unitary system that doesn't vary with the age of the child;
- Centralised funding and supervision but implementation and organisation tailored to local needs; and
- Importance of content of developmental activities with civic teaching, fighting gender stereotypes, etc. (explicitly so in Sweden).

Based on the evidence above and examples of best practice elsewhere, the UK Women's Budget Group make the following recommendations for the UK Government and devolved administrations:

1. Introduce free, universal childcare provision year-round and on a full-time basis, from the age of six months onwards, including for older children, through comprehensive extended school activities before and after school, and throughout school holidays,
2. Increase staff qualification levels and increase staff pay in line with primary education levels to improve retention, job satisfaction and therefore quality of care to children for whom stability of the carer-child relationship is paramount,

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<sup>134</sup> UK Women's Budget Group Commission on a Gender Equal Economy, 'Creating a Caring Economy' report 2020: <https://wbg.org.uk/wp-content/uploads/2020/10/WBG-Report-v10.pdf>

3. Allow for a diversity of childcare providers (voluntary, state or commercial), all subject to the same standards and in receipt of public funding, although aiming to expand provision that is part of the state education system,
4. In the construction of new facilities, prioritise co-location of childcare services to prevent unnecessary travel between sites.

### **3.6.3 Flexi Working and Family Leave Frameworks:**

Many of the issues outlined above can be connected to a failure to implement adequate support for parents and carers in Northern Ireland, which is clearly evidenced in the disproportionate impact this has on women's employment rates and patterns and the barriers in enabling men to participate in part-time employment or take parental leave. This could be supported through a legislative framework to address barriers created through inadequate paid family leave entitlements in relation to maternity and paternity leave, gaps in eligibility to flexible working and eligibility issues and financial barriers surrounding parental leave. There are many gender and class implications in these barriers to flexi working and inadequate family leave frameworks that must be addressed in any attempt to achieve gender equality in Northern Ireland.

#### **Maternity and Paternity Leave:**

When comparing maternity leave practices in the UK and Ireland compared to other regions across Europe, the entitlements of women are considerably lower than many other EU countries<sup>135</sup>. For Statutory Maternity Pay (SMP) in Northern Ireland, for those who qualify, this is paid for a maximum period of 39 weeks. It is paid for the first six weeks at 90% of average gross weekly earnings with no upper limit, and for the remaining 33 weeks at the lower of either the standard rate of £151.20 or 90% of average gross weekly earnings. In 14 out of 27 EU countries including Austria, Denmark, France, Germany, the Netherlands, Spain and Portugal, 100% of an employee's wages is paid. Statutory Maternity Allowance (SMA) in Northern Ireland is for those who are ineligible for SMP. However, there are significant issues as SMA will impact the amount they receive in other benefits such as Universal Credit and Carer's Allowance (this is explored further in section 4.6.1).

There are also significant issues with paternity leave entitlement in Northern Ireland, as entitlement varies based on employment status (those who are self-employers, agency workers or contractors do not qualify) and it is only paid for up to two consecutive weeks. Figures from OECD show that the average length of paid leave reserved for fathers is 8.1 weeks which is significantly higher than the two weeks entitlement in Northern Ireland<sup>136</sup>. When comparing to other OECD countries, Japan offers 52 weeks total (30 weeks full pay, 50% pay afterwards); South Korea offers 53 weeks total (with 15 weeks Full Time Equivalent); Spain offers 12 weeks full pay

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<sup>135</sup> Banks and Russell, (2011), 'Pregnancy and Discrimination in the Workplace: Legal Framework and Review of Legal Decisions 1999 to 2008', <https://www.esri.ie/system/files?file=media/file-uploads/2015-07/BKMNEXT190.pdf>

<sup>136</sup> OECD (2019) Family Database, Parental Leave Systems: [https://www.oecd.org/els/soc/PF2\\_1\\_Parental\\_leave\\_systems.pdf](https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf)

currently (this is increasing to 16 weeks in 2021) and Iceland offers 13 weeks (9 weeks Full Time Equivalent). In Iceland, mothers and fathers have their own non-transferrable three months of paid leave with an additional three months that they can choose how to use between them. All parents in Iceland have a right to leave, regardless of employment status, however it is important to note that due to gender pay gaps, men are on average paid considerably more to take leave. Lessons can be learned from these other countries in finding a better model for paternity leave in Northern Ireland.

### **Shared Parental Leave:**

The WPG also highlight an eligibility issue with parental leave which disadvantages vulnerable workers, where parental leave is often unpaid which means many parents cannot take it due to financial constraints<sup>137</sup>. As shared parental leave was introduced to encourage more fathers to take leave to care for their children, in reality, the absence of other measures to support families and the complicated nature of the scheme has created low uptake levels. Many couples are ineligible for shared parental leave and for those who are, availing of shared parental leave leads to a significant income cut, making it unachievable for most families. Periods of reserved paid paternal leave could help address some of the issues with low uptakes in shared parental leave. Further, in addressing gaps in maternity and paternity leave entitlement, it is important that trans parents are considered within this, as often the man gives birth and may need more time off than his partner. Ensuring flexibility and applying a gendered lens to addressing these provisions is crucial to preventing further barriers for trans parents in accessing their right to parental leave, especially in cases where they may not be “out” to their employer.

### **Flexible Working:**

The current legislation on flexible working is inadequate, as only some workers have the right to request flexible working and there is no requirement for the employer to agree to this request. Research from TUC suggests that flexi-working is unavailable to 58% of the UK workforce, and that this rises to nearly 64% for working-class occupations<sup>138</sup>. Existing criteria for flexible working are stringent, and disproportionately excludes some women who often work in vulnerable, low-paid occupations with zero-hour/precarious contracts, despite being the group most in need of flexibility in working patterns<sup>139</sup>. For those eligible for flexible working, it is estimated that 1 in 3 requests are rejected by employers<sup>140</sup>.

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<sup>137</sup> WPG Feminist Recovery Plan, p.19.

<sup>138</sup> For further information, see Section 1.2 of the Feminist Recovery Plan (n28).

<sup>139</sup> Currently, employers have the right to request flexible working arrangements as long as they have been with the employers for at least 26 weeks. This is often not advertised in job applications, nor is it available across all occupational sectors in Northern Ireland. More information on low-pay and working poverty in Northern Ireland can be found in section 4.

<sup>140</sup> TUC (June 2020), ‘Forced out: The cost of getting childcare wrong’, TUC, (available online): <https://www.tuc.org.uk/research-analysis/reports/forced-out-cost-getting-childcare-wrong>

Research from Zurich Insurance and the Government-backed Behavioural Insights Team suggests that flexible working could be fundamental to helping close the gender pay gap and address other issues relating to the unequal distribution of care leading to gender segregated labour markets<sup>141</sup>. In 2019, Zurich made the move to advertise all jobs with part-time, job share or flexible working options and in doing so it has seen a 16% rise in women applying for jobs at the company; a near 20% rise in the number of women seeking higher-paid management roles and a 33% increase in successful women hires for senior level positions. This is of significance due to the potential to address occupational segregation as more women could be able to apply to roles in different sectors if this approach is taken, as well vertical segregation in women's progression to more senior roles. Further, women's underemployment, career progression and battle for pay parity could be addressed, as women have more options to apply to roles beyond lower-paid part-time roles that tend to offer more flexibility.

As the COVID-19 pandemic led to huge increases in working from home for a lot of organisations, it is important to consider the potential benefits for gender equality in adopting a legislative basis for flexible working beyond the pandemic. Research from Forever Flex on 1420 employers shows that 58% of organisations are working from home more than before the pandemic and that 40% of employers say they are doing more compressed hours than before<sup>142</sup>. In addition, 36% of employers surveyed have seen an increase in flexi time; 27% reported more part-time work and 13% had increased job shares as a result of COVID-19. Within this research, it found that 72% of all employers want to continue provisions for working from home; 70% want to keep working flexi time; 64% want to keep part-time hours and 58% want to keep compressed hours.

It is important that proposals to improve the legislative basis for flexi working must consider that the ability to work remotely may not suit everyone, particularly as many women struggled with balancing work, caring responsibilities and managing the home simultaneously during the pandemic and that provisions for improving flexi working must consider the intersectional barriers many face in accessing flexi working<sup>143</sup>. Research shows that working class women in particular had to do more unpaid work throughout the pandemic, with 19% of working-class women doing more than 21 hours per week of unpaid work at home and 68% of women in couples being always, or usually, responsible for household chores<sup>144</sup>.

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<sup>141</sup> HR (2020), 'Job Flexibility helps narrow gender pay gap as women apply for more senior roles', [https://www.hrmagazine.co.uk/article-details/job-flexibility-helps-narrow-gender-pay-gap-as-women-apply-for-more-senior-roles-1/387379/?utm\\_content=Job%20flexibility%20helps%20narrow%20gender%20pay%20gap%20as%20women%20apply%20for%20more%20senior%20roles&utm\\_campaign=HR17Nov20&utm\\_source=HR%20Magazine&utm\\_medium=adestra\\_email&utm\\_term=http%3A%2F%2Fwww.hrmagazine.co.uk%2Farticle-details%2Fjob-flexibility-helps-narrow-gender-pay-gap-as-women-apply-for-more-senior-roles-1%2F%24AMF\\_FIELD\\_mab\\_userid%24%2F](https://www.hrmagazine.co.uk/article-details/job-flexibility-helps-narrow-gender-pay-gap-as-women-apply-for-more-senior-roles-1/387379/?utm_content=Job%20flexibility%20helps%20narrow%20gender%20pay%20gap%20as%20women%20apply%20for%20more%20senior%20roles&utm_campaign=HR17Nov20&utm_source=HR%20Magazine&utm_medium=adestra_email&utm_term=http%3A%2F%2Fwww.hrmagazine.co.uk%2Farticle-details%2Fjob-flexibility-helps-narrow-gender-pay-gap-as-women-apply-for-more-senior-roles-1%2F%24AMF_FIELD_mab_userid%24%2F)

<sup>142</sup> Forever Flex Report (2020), 'Making Flexible Working Work Beyond a Crisis', [https://www.motherpukka.co.uk/wp-content/uploads/2020/11/Forever\\_Flex\\_report\\_FINAL-03.11.20.pdf](https://www.motherpukka.co.uk/wp-content/uploads/2020/11/Forever_Flex_report_FINAL-03.11.20.pdf)

<sup>143</sup> Al Jazeera (2020), 'Mom burnout: Pandemic driving millions of women from US Workforce', <https://www.aljazeera.com/economy/2020/10/6/mom-burnout-pandemic-driving-millions-of-women-from-us-workforce>

<sup>144</sup> Women's Budget Group (2020), 'Carrying the work burden of the COVID-19 pandemic: working class women in the UK', <https://www.nottingham.ac.uk/business/documents/research/carrying-the-work-burden-of-covid-19/briefing-note-2.pdf>

Working class women are also least likely to be able to access flexi working, and if access to flexi working improves, there must also be measures taken to balance levels of unpaid work between men and women. It is crucial to avoid creating the unintended consequence of women simply having to combine paid work with unpaid caring responsibilities and unpaid work with no right to disconnect from work.

#### **3.6.4 Recommendations**

- Increased financial and social support for carers is needed urgently in Northern Ireland, particularly given the increased pressures due to COVID-19 and the unequal distribution of care between men and women increasing levels of gender inequality;
- In line with commitments made in 'New Decade, New Approach', a Childcare Strategy Timeline and Childcare Provision should be released by the Education Minister as a matter of priority. Rapidly increasing costs of childcare, the lack of a Government funded provision, and limited availability for rural families, families with disabled children and ethnic minority family's needs to be addressed urgently;
- Any childcare provision introduced in Northern Ireland must also address issues with low pay and gender segregation in the childcare sector and be accompanied with cultural competency training to support the accessibility of childcare for rural, ethnic minority, LGBTQI+ families and for disabled children. Further, it is imperative that our childcare settings are equipped to educate, improve social cohesion and tackle the root causes of discrimination against marginalised groups;
- All forms of care should be seen as a part of the essential economic infrastructure in Northern Ireland. Underinvestment and the undervaluing of all forms of care work, both paid and unpaid, has created large barriers to women's economic opportunities and the dismissal of the economic value of unpaid domestic work;
- Northern Ireland compares badly to other regions in relation to paid family leave and the provisions for maternity and paternity leave are inadequate and should be increased;
- Ensure that all LGBTQIA people are considered when improving access to maternity/paternity leave, and that there are no additional barriers for LGBTQIA parents attempting to access leave. There needs to be adequate protections in relation to maternity and paternity leave for those adopting, and for trans men and non-binary people requiring leave after giving birth. Specific guidance for employers should be given on supporting trans parents in accessing maternity and paternity leave;
- Shared parental leave in the current form is not effective and should be considered a policy failure in need of reform. Parental leave should be available as a day one right and should be remunerated to at least SMP levels. This should be a period of reserved paid leave for fathers and second parents as a more effective way of enabling and encouraging uptake in men taking leave to care for children. Without policy reform, shared parental leave does little to address the unequal distribution of care;

- Governments should introduce a legislative basis to require employers to publish flexible working options in all job advertisements. Reforms to eligibility to flexible working should be implemented to make it an option to all workers, regardless of employment contract, and available from the beginning the role. Employers who cannot accommodate any form of flexibility should be required to transparently set out exceptional circumstances to justify this; and
- Increased measures to allow for flexi work should be introduced beyond the COVID-19 pandemic and workers should be provided with the right to disconnect when doing remote work, particularly as pressures have increased for workers during the pandemic and job insecurity increases. Measures to improve accessibility to flexi work must also account for unattended consequences of women facing additional pressures of combining work and caring responsibilities as seen through the pandemic through additional measures to encourage and enable men's uptake in flexible working.

### **3.7 Promoting Workplace Equality**

There are clearly a wide range of barriers that exist that uphold gender inequality within and outside of the workplace. In order to address a number of these barriers, there should be a range of measures introduced to support employers in promoting workplace equality. This includes recommendations for employers in relation to the introduction of relevant policies alongside appropriate legislation where necessary. Employment rights are devolved to the Northern Ireland Assembly, and this offers the opportunity to implement progressive legislation to address the deeply embedded inequalities that women face in relation to the labour market, alongside systemic issues of low pay that negatively impacts men and women in Northern Ireland. 'New Decade, New Approach' made a commitment creating an enhanced focus within the Programme for Government on:

*“creating good jobs and protecting workers rights. The parties agree that access to good jobs, where workers have a voice that provides a level of autonomy, a decent income, security of tenure, satisfying work in the right quantities and decent working conditions, should be integral to public policy given how this contributes to better health and wellbeing by tackling inequalities, building self-efficacy and combating poverty<sup>145</sup>.”*

Given the evidence outlined so far, it is crucial that gender equality is at the core of any actions to realise the commitment outlined above. Below are a range of employment rights that could be expanded upon in Northern Ireland.

#### **3.7.1 Menopause**

The menopause remains a taboo subject within society and as a result, many women find it difficult to discuss the issue within workplaces and with managers. In Northern Ireland, research suggests that half of women found that menopause was “treated as a joke” in the workplace; only 40% would feel comfortable discussing menopause in the workplace and 55% said that the

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<sup>145</sup> New Decade, New Approach, p.44.

gender of their line manager would influence their decision to raise the issue<sup>146</sup>. As 81% of women in menopause experience symptoms, and 45% will experience moderate to severe symptoms, this is an issue that will have a significant impact on the health and wellbeing of many women. In the UK, the Employment Tribunal held that employers' failure to deal with menopausal symptoms was discriminatory under the Equality Act.

### **3.7.2 Breastfeeding**

Employers have a duty to support breastfeeding mothers in work through their legislative duties under health and safety law and employment law. In addition to this, NIPSA have highlighted the benefits to employers of having robust breastfeeding policies and supporting breastfeeding mothers<sup>147</sup>. This includes reduced absenteeism, increased productivity as well as lower staff turnover. The employer savings through these benefits have been shown to far outweigh the cost of providing breaks and facilities for breastfeeding.

### **3.7.3 Sexual Harassment**

Sexual harassment in the workplace was highlighted in section 3.5 in detail. However, robust policies promoting workplace equality must also include policies that reference employer responsibilities in relation to sexual harassment. Given the vast issues of under-reporting and low satisfaction rates of those who do report sexual harassment in the workplace, employers must meet their legal obligations and have clear policies and procedures in place to deal with sexual harassment in the workplace. This should include commitments to urgent action and communicating a zero tolerance for harassing behaviours in the workplace in order to ensure victims know that reports will be taken seriously, and appropriate actions will be taken against perpetrators. Employers who fail to meet their obligations in relation to sexual harassment should face significant sanctions.

### **3.7.4 Domestic Abuse and Violence as a Workplace Issue**

Domestic abuse and violence will be covered in more detail in section 8. However, there is a need to see domestic abuse as a workplace issue and for consideration to be given to statutory support and workplace policies to deal with the impact of domestic abuse on victims. According to research by the Irish Congress of Trade Unions, the impact of domestic violence not only impacts people in their homes, but also in their workplaces<sup>148</sup>. Out of 1800 respondents, nearly a third had experienced domestic abuse and 40% of those reported that it impacted their ability to get into work for reasons including financial controls, threats, physical injury and restraint. Respondents also reported that abuse continued at their workplace in being harassed through phone calls, emails and partners physically turning up at the workplace. Worryingly, less than one in three of those experiencing domestic violence discussed it with anyone at work due to shame and privacy.

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<sup>146</sup> ICTU Survey on Menopause Research Report (2018): <https://www.ictuni.org/news/2018/09/12/launch-of-the-ictu-menopause-survey-report/>

<sup>147</sup> NIPSA Guidance on Breastfeeding and the Workplace (2018): <https://nipisa.org.uk/publications/Breastfeeding-1.pdf>

<sup>148</sup> ICTU (2014), 'Domestic Violence and the Workplace' [https://www.ictuni.org/download/pdf/final\\_ictu\\_domestic\\_violencesurveyresults.pdf](https://www.ictuni.org/download/pdf/final_ictu_domestic_violencesurveyresults.pdf)

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For many victims of domestic abuse, workplaces can often provide sanctuary for victims and as the COVID-19 pandemic hit, and with it came job losses, being furloughed, remote working, self-isolation and other measures in response to the pandemic, many victims suffered from increased levels of domestic abuse. The public sector in Wales has been encouraged to develop acts that recognise domestic abuse as a workplace issue and to implement 15-20 days of paid leave in the public sector<sup>149</sup>. Similarly, in the Republic of Ireland, Sinn Féin T.D. Louise O'Reilly recently introduced a Bill, which the Irish Government secured agreement on, to establish a statutory entitlement to paid domestic violence leave<sup>150</sup>. Paid leave for victims of domestic abuse has also been implemented in other areas such as New Zealand and the Philippines. The ability to take time off work without facing disciplinary action or losing pay is crucial for victims of domestic abuse, particularly for those making arrangements to try and flee an abusive home.

Further additional measures should be considered for Northern Ireland where there is a duty on public sector bodies to prepare and implement local strategies; develop a national training framework and issue statutory guidance to promote the wellbeing and safety of employees impacted by domestic abuse. This work could also be overseen by an Independent Domestic Abuse Commissioner. Article 18 of the International Labour Organisation Recommendation 20621 on violence and harassment in the world of work provides a range of appropriate measures to mitigate the impacts of domestic violence in the workplace (see Appendix 1) which should be considered for Northern Ireland. It is crucial that workplaces adopt guidelines to help identify victims of domestic abuse so that employers, managers, trade union representatives and work colleagues can provide a safe and supportive environment.

### **3.7.5 Collective Bargaining**

It is important to recognise the inherent power imbalance in the employment relationship, and how the process of collective bargaining gives added weight to the expression of worker interest and as such the worker voice is recognised and respected. In promoting workplace equality, there must be recognition of the essential nature of collective bargaining in our social economy and the potential for collective bargaining to be used as a tool for wealth redistribution and tackling wider discrimination and inequality in our society. Research by Nevin Economic Research Institute demonstrates the benefits of workers of a trade union negotiating pay in the workplace in Northern Ireland<sup>151</sup>. A key finding shows that when one accounts for age, qualifications and job description, workers who are covered by a trade union in negotiated pay arrangements are on average 13% better off compared to those who negotiate individually. Areas with high levels of collective bargaining such as Nordic countries, Germany, Austria and the Netherlands provide concrete examples of high levels of employment and high levels of productivity. There should be workplace promotion of sectoral collective bargaining in Northern Ireland particularly in sectors with low union density, low pay and occupational gender segregation.

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<sup>149</sup> Welsh Government (2020), 'Public sector in Wales encouraged to offer paid leave for victims of domestic abuse', <https://media.service.gov.wales/news/public-sector-in-wales-encouraged-to-offer-paid-leave-for-victims-of-domestic-abuse>

<sup>150</sup> ICTU (2020), 'Congress welcomes Government agreement to introduce paid domestic violence leave', <https://www.ictu.ie/press/2020/12/10/congress-welcomes-Government-agreement-to-introduc/>

<sup>151</sup> NERI (2020), 'A Route to Higher Wages in Northern Ireland', <https://www.neriinstitute.net/blog/route-higher-wages-northern-ireland>

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### 3.7.6 Recommendations

- Employment rights are devolved and there needs to be the full realisation of commitments outlined in New Decade, New Approach in relation to worker's rights and this needs to be done with a gendered focus;
- Employers should be fully supporting in efforts to promote workplace equality through clear workplace guidelines, enforcement and legislative backing;
- Workplace equality guidelines and legislation should be introduced in relation to a range of issues such as menopause, breastfeeding, tackling workplace sexual harassment and supporting victims of domestic abuse in the workplace;
- There should be the full introduction of statutory paid leave for victims of domestic abuse of at least 10 days across all sectors in Northern Ireland;
- There needs to be broader support and promotion of collective bargaining in Northern Ireland to ensure an autonomous voice for all workers, particularly in areas of low pay, low union representation and high occupational gender segregation; and
- There should be a Women's Employment Strategy implemented to support the Gender Equality Strategy and the implementation of the above measures to promote workplace equality. This should also be used to address the broad pay differences between male-dominated and female-dominated occupational sectors.

### 3.8 Gender Pay Gap Reporting, Low Pay Levels and Pay Transparency

It is often stated that Northern Ireland is the only area of the UK where women earn more and that a gender pay gap does not exist. This is based on narrow interpretations of data and chosen statistical measurements, and further examination of the types of employment and working patterns need to be considered for a more accurate picture. Key findings from the NI ASHE Report 2020<sup>152</sup> on the gender pay gap highlight that based on median hourly pay, 2020 was the 11th year where full-time women in NI earned at least as much as full-time males on average, and that full-time working women earned 46p more per hour than full-time males (£13.28 compared to £12.82). However, when all employees are considered (full-time and part-time) excluding overtime, women earn an average hourly wage of £11.29 compared to £12.30 for men. In addition, considering all employees, regardless of working pattern, women's hourly pay is below men's pay on average due to the higher proportion of female part-time employees. Clearly, using one measurement of analysing gender pay gaps is misleading given the large levels of occupational and employment type segregation in women explored in sections 3.1 and 3.2.

There are a wide variety of methods that can be used to measure the earnings of women relative to men that better reflect the reality in Northern Ireland whereby types of employment and working patterns vary drastically based on gender. It is generally accepted by research and statistical agencies that although median hourly pay excluding overtime provides useful comparisons of men and women's earnings, it does not reveal differences in rates of pay based

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<sup>152</sup> NI ASHE Bulletin 2020 – Gender Pay Gap: <https://www.nisra.gov.uk/system/files/statistics/NI-ASHE-Bulletin-2020-3-Gender-pay-gap.pdf>

on comparable jobs, working pattern and total hours worked<sup>153</sup>. For example, a higher proportion of women work in professional occupations, which tend to offer higher salaries. Conversely, median hourly wages do not allow for the different employment characteristics of men and women, such as the length of time in jobs, proportions in different occupations and the disproportionate levels of women working less hours through part-time work.

Due to the above complications in measuring pay gaps through median hourly wages, it is important for any Gender Pay Gap Regulations and mandatory reporting of employers to take account of these nuances, in order to accurately compare pay differentials across men and women. Gender pay gaps vary significantly across different sectors in Northern Ireland, and this needs to be understood in order to accurately measure and tackle gender pay gaps. According to NISRA, overall, public sector employees earned more on average than private sector employees. Within this, women earned more in the public sector on average than men, whilst they earned less in the private sector on average than men. This has been the broad trend since 2010. Half of full-time women worked in the public sector compared to approximately a quarter of full-time men.

Therefore, due to the composition effect of a higher relative proportion of women than men (50% compared with 26% respectively) working in the public sector, where earnings were higher on average, median earnings for full-time women were higher than men. Consideration of the reasons for high occupational gender segregated divides across sectors, in particular to low levels of women's employment in the private sector and reasons for more women working in administrative roles outlined in section 3.4, is needed in any gender pay gap regulations and monitoring processes. Further, effective monitoring of gender pay gaps in the private sector should also be included.

Whilst the median gross hourly earnings of women excluding overtime are higher than men's (£13.28 vs £12.82), when all employees are compared, the median gross hourly earnings of men is £12.30 compared to £11.29 for women; a median gap of £1.01 per hour (see Appendix 1, figure 15). Clearly, the higher proportion of men in full-time work (84% compared to 57% of women) has a significant impact on the median earnings of all employees, as women are overrepresented in part-time and lower paid jobs. Overall earnings vary among men and women as men work 5.3 hours more per week than women, which can be connected to the unequal distribution of caring responsibilities. More information on low pay can be found in section 4.

Further examination on the pay difference between full-time and part-time work shows that not only are part-time jobs more likely in lower paid occupation groups but, even within occupation groups<sup>154</sup>, part-time workers' hourly pay rates are, on average, lower than full-time hourly pay rates (see appendix 1, figure 16). Almost a third of all part-time jobs are in the two lowest paid

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<sup>153</sup> Ibid, (n12).

<sup>154</sup> The Occupation Groups refers to managers, directors and senior officials; professional occupations; associate professional and technical occupations; administrative and secretarial occupations; skilled trades occupations; caring, leisure and other service occupations; sales and customer service occupations; process, plant and machine operatives and Elementary occupations.

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occupation groups ('Elementary Occupations' and 'Sales and customer service occupations'), while only 12% of full-time jobs are in these groups. Conversely, approximately a third of full-time jobs were in the top two paying occupation groups ('Managers, directors and senior officials' and 'Professional occupations'), compared to under a fifth of part time jobs. Comparing part-time and full-time hourly rates within occupations shows that part-time workers earned less, on average, in every occupation group, with the difference ranging from £8.15 per hour in 'Managers, directors and senior officials' to 19p per hour in 'Caring, leisure and other service occupations'.

This is significant given the large amounts of vertical segregation in Northern Ireland (see section 3.4), as many women are unable to access higher paying, senior roles thus broadening the gender pay gap for all employees (see Appendix 1, figure 17), and increasing the amounts of women in working poverty. Pay gaps by occupation are prevalent and when disaggregating the data, women earn less than men in seven out of nine occupational groups (appendix 1, figure 18). Whilst women earn 54p more than men in the occupational group 'Managers, directors and senior officials', only 5% of all women work in this group. In addition, the other group where women earn more is 'Sales and customer service occupations', the difference is 1p and women are overly represented in this low-paid occupational group. The largest pay gap by occupational group is 'Professional occupations', where on average men earn 92p more per hour than women; despite women making up 60% of workers in this group.

With the additional levels of analysis across sectors and work patterns, it becomes clear that a more comprehensive analysis shows that the gender pay gap is very much prevalent in Northern Ireland and this is exacerbated by other issues such as occupational segregation and the impact of caring responsibilities on work patterns. Women do suffer from a gender pay gap in Northern Ireland as median full-time gross annual earnings in NI in 2020 was £28,324 for all employees, £26,149 for women employees, and £29,862 for men. This was an increase of 1.9% for women over the year, and a 3.3% increase for men – this shows a trend of the gap widening, particularly in the private sector. Men also earned over £2 per hour more in the 40 to 49 and 60+ age groups, and £1.40 per hour more in the 50 to 59 age group (appendix 1, figure 19). The additional consequences of this on women's pensions and high levels of pension poverty should also be considered. The factor leading to men's peak higher and later than women's earnings need to be explored, as median hourly earnings for men peaked within the 40-49 age group at £14.37, whilst women's median hourly earnings peaked at £12.47, almost £2.00 lower and in the earlier age category of 30-39 years.

In general, low pay is an issue for everyone in Northern Ireland. This is an issue that is worsened in certain sectors and depending on work patterns. Recent research from the Nevin Economic Research Institute found that in 2020, 1 in 4 jobs in Northern Ireland were paid below the real living wage. This equates to about 240,000 jobs in the Northern Ireland economy being below the real living wage. Some sectors have particularly high rates of workers earning below the real living wage include accommodation and food service (80%); agriculture, forestry and fishing

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(53%); childcare (48%) and wholesale and retail (45%). In terms of demographics of those earning below the real living wage, this includes 27% women and 22% of men; 38% of part-time workers and 17% of full-time workers and 70% of workers aged 18-21. More information in relation to low pay and working poverty is covered in section 4.2, but it is worth noting that expanding women's ability to participate in employment through work in low paid sectors is not a solution to issues relating to women's employment, growing underemployment, "economic inactivity" or the gender pay gap.

Overall, men earn more than women in Northern Ireland and this can be largely attributed to women being over-represented in low-paid and part-time work, alongside the unequal distribution of care enabling men to work longer hours. As men also receive higher annual bonuses and financial reward for working overtime than women in Northern Ireland, there should also be a provision for monitoring this in any Gender Pay Gap Regulations. A wide range of factors that uphold gender inequality in Northern Ireland (gender stereotypes, sex discrimination, caring responsibilities, inflexible work patterns etc.) also drastically impact women's overall earnings. Narratives claiming a gender pay gap in Northern Ireland doesn't exist should be dismissed, and legislation needs to ensure reporting on gender pay gaps accurately reflects the working population and patterns in the workforce.

In addition, greater monitoring and reporting should allow for additional measures to tackle larger gender pay gaps for different intersectional groups. For instance, the gender pay gap for disabled women is much larger, as disabled women earn 11.8% less than disabled men, and 22.1% less on average per hour than non-disabled men<sup>155</sup>. Regulations to monitor gender pay gaps must ensure that pay gaps are recorded for gender, and it must take account of other forms intersectional discrimination based on identities such as disability, race, ethnicity, and sexual orientation. This is of particular importance given the evidence of larger pay gaps for racialised, migrant and/or trans women in other jurisdictions and the lack of current data in Northern Ireland to assess how intersecting identities manifest into lower pay.

Having strong gender pay gap reporting legislation is an important tool that must be implemented in Northern Ireland; however, this alone will fully reduce gender pay differences. Whilst pay discrimination is illegal, it unfortunately still persists, and opaque and secretive wage setting processes tends to be more advantageous to men. The EU has committed to producing a new Directive on Gender Pay Transparency based on the recognition that without specific measures to end pay secrecy, women will continue to suffer pay discrimination.

Finally, given the evidence throughout all of section 3 in relation to unpaid work, career breaks, gender segregation in low-paid sectors and caring responsibilities, it is not surprising that this has economic consequences on women's pension savings. Northern Ireland has the largest gender

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<sup>155</sup> Women's Budget Group (2018), 'Disabled Women and Austerity', <https://wbg.org.uk/wp-content/uploads/2018/10/Disabled-women-October-2018-w-cover-2.pdf>

pension gap in the UK at 54%, with average retirement savings for men totaling more than £20,000 compared to just under £10,000 for women<sup>156</sup>. More information on pension poverty is provided in section 4, however, it is important that the gender pension gap is considered when creating measures to address the gender pay gap.

### 3.8.1 Recommendations

- Claims that Northern Ireland does not have a gender pay gap are false, as this is often claimed based on a comparison that only represents a small number of women employees and based on one of many types of statistical measurements that can be applied;
- When all employees are considered excluding overtime, rather than just full-time employees, men earn £1.01 more per hour than women;
- Internationally, different measurements are used as Eurostat tends to use the mean, OECD used the median and the International Labour Organisation recommends using a range of measures. A range of measures should also be used in Northern Ireland to enable comparisons with the UK and Republic of Ireland alongside other international comparisons;
- Across the nine occupational groups in NI, men earn more than women in seven of them. In the two where women earn more, one has a difference of 1p and the other only includes 5% of the total women workforce;
- Analyses of the total annual income averages rather than average median wage provide a more accurate picture of the gender pay gap that exists, as men earn more overall, are able to work more hours and get larger bonuses than women;
- Women are over-represented in part-time and low-paid sectors and are under-represented in the private sector where the gender pay gap is widening. Occupational segregation, caring responsibilities, inflexible work policies and gender stereotypes all have an impact on women's earnings;
- It is important to create a monitoring and reporting framework that accurately incorporates all of the above variations, and also recognises the additional levels of discrimination groups face that increase the gender pay gap further. Any gender pay gap regulations must include mandatory reporting for gender and all other section 75 characteristics to effectively tackle discrimination and intersectional gender inequality. This is of particular importance considering substantial evidence in other jurisdictions of wider gender pay gaps for migrant, trans and/or disabled women.;
- 99.9% of businesses in Northern Ireland are small-medium sized businesses<sup>157</sup>. In order to tackle the gender pay gap, monitoring and mandatory reporting must be a requirement for all businesses with 10-20+ employees, in line with the threshold for Fair Employment monitoring. Only requiring reporting of gender pay gaps for organisations with 250+ staff will not address the problem in Northern Ireland, as the vast majority of organisations do not meet this criterion;

<sup>156</sup> PensionBee, The UK Pension Landscape: <https://www.pensionbee.com/pension-landscape>

<sup>157</sup> <https://www.swinton.co.uk/business/business-trends/northern-ireland/#:~:text=Northern%20Ireland%20has%20the%20highest,private%20sector%20income%20and%20employment>

- Gender Pay Gap regulations must be robust and include meaningful sanctions for employers who do not report, and for those who fail to take action to address their Gender Pay Gap. In addition, the regulations should stipulate that employers must also share data on their gender pay gaps, explanations and actions to address these with trade unions in a timely manner;
- Measures should be implemented to address pay transparency, including but not limited to, banning pay secrecy clauses in contracts; requiring information for job evaluation for the purpose of establishing equal pay for equal work; making all employers produce pay information (audits) and annual action plans on pay equality; supporting unions to negotiate with employers to tackle the pay gap; requiring job advertisements to include the pay range; preventing employers hiding behind privacy, data protection or administrative burden to avoid pay transparency; ensuring transparency for the whole pay package including benefits, bonuses, pensions, allowances etc. and imposing sanctions on employers who do not take action;
- The gender pension gap is prevalent in Northern Ireland, and in addition to broader recommendations to address gender inequality in the workplace, policy makers must implement measures to reduce the differences in occupational and private pensions between men and women;
- The unadjusted gender pay gap is analysed in detail in a recent report by Dr Lisa Wilson of the Nevin Economic Research Institute (NERI)<sup>158</sup>. The findings of this report support those outlined above and further highlight the need to dismiss any claims that a gender pay gap in Northern Ireland does not exist, as this is not the case; and
- Low pay is an issue across Northern Ireland, with 1 in 4 people earning below the real living wage. Legislation should be reduced to ensure all workers should earn at least the living wage. More detail on working poverty and recommendations to address this are in the next section.

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<sup>158</sup> Wilson, L. (2020) How Unequal? The unadjusted gender pay gap in earnings in Northern Ireland and the Republic of Ireland, NERI Working Paper Series, NERI WP 2020/No. 69, Belfast: NERI. [http://neriinstitute.net/sites/default/files/research/2020/Unadjusted%20gender%20pay%20gap%20in%20Northern%20Ireland%20and%20the%20Republic%20of%20Ireland%202020%20\\_1.pdf](http://neriinstitute.net/sites/default/files/research/2020/Unadjusted%20gender%20pay%20gap%20in%20Northern%20Ireland%20and%20the%20Republic%20of%20Ireland%202020%20_1.pdf)

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## 4. Poverty and Economic Justice

### Summary

Poverty is harmful to people, families and local communities. Living in poverty has negative physical and mental health impacts and these are often long-term affecting educational attainment, happiness and wellbeing, life chances and even life expectancy. Women's poverty is especially harmful because of the strong links between female poverty and child poverty.

Eradicating poverty in all its forms is one of the greatest challenges faced by people and Governments the world over. This has been recognised by the United Nations in the development of the Sustainable Development Goals (SDGs). The first SDG calls for no poverty - to end poverty in all its forms, everywhere<sup>159</sup>. It commits to reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions by 2030. This is an ambitious but nonetheless important commitment which would transform the lives of many men, women and children across the world.

Women are generally more likely than men to live in poverty across their lifetimes. Lone parents (the majority of whom are women) are even more vulnerable to poverty. Welfare reform and austerity measures introduced over the last decade have hit women harder than men and Universal Credit has tended to have more negative impacts for women than men. Women have lower financial wellbeing, are less likely to save and are more likely to be poorer pensioners than men. Lone parents are particularly vulnerable to debt and are over-represented as clients of debt advice agencies compared to the general population.

Existing gender norms including the expectation that women will carry out the bulk of caring responsibilities for children and other family members, the unequal burden of unpaid domestic responsibilities, women's concentration in low-paid, part-time and insecure work and the fact that women are more likely to be in receipt of social security benefits means that women's incomes are generally lower putting them at greater risk of poverty.

Progress on women's poverty cannot be achieved without attention to these existing gender inequalities which contribute not only to women's poverty but to the poverty of their children. This will require action on the structural issues which impact on women's ability to work including accessible, affordable childcare and transport, the availability of flexible working and family friendly employment practices, valuing unpaid care and investing in education and training programmes for women particularly for those on the lowest incomes.

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<sup>159</sup> <https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-1-no-poverty.html>

Current Government action on poverty tends to try and address the symptoms of poverty often with a focus on the different types of poverty such as food poverty, fuel poverty, etc. This fragmentation of approaches to poverty often results in piecemeal responses to address it. There is an urgent need for Government policy and action to tackle the root causes of poverty across all departments rather than through addressing the symptoms of poverty once it has taken hold. An effective social security system which provides an adequate standard of living and treats claimants with dignity and respect has a vital role to play in the reduction and prevention of poverty for both women and men.

#### 4.1 Poverty Figures

There is no agreed Government measure of poverty but the Northern Ireland Households Below Average Income (HBAI) report presents information on living standards, as determined by disposable income and is the primary source for measuring poverty, household income and inequality in Northern Ireland.<sup>160</sup> These figures assume all individuals in the household benefit equally from the combined income of the household which may not always be the case – see section 4.3.

The NI Executive uses two main indicators of low-income poverty which are relative<sup>161</sup> and absolute<sup>162</sup> poverty. In this report poverty is used to mean relative poverty after housing costs unless otherwise stated. Calculating poverty after housing costs gives a more accurate measure of how much families have to live on.

Latest figures for Northern Ireland show that around 369,000 (20%) people lived in relative income poverty including approximately 122,000 (27%) children in 2018/19<sup>163</sup>. The impact of the Covid-19 pandemic is likely to see more people falling into poverty due to rising unemployment levels.

Official figures highlight a number of key issues in terms of poverty broken down by gender:

- In Northern Ireland, of all those living in poverty 36% are female and 31% are male. In terms of the working age population, women formed a slightly higher proportion of those in poverty (54%) than working age males (46%)<sup>164</sup>;

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<sup>160</sup> Households Below Average Income Northern Ireland (HBAI), Quality and Methodology Information Report, September 2020 [hbai-2018-19-quality-methodology-report.pdf](https://www.communities-ni.gov.uk/system/files/publications/communities/hbai-2018-19-quality-methodology-report.pdf) (communities-ni.gov.uk)

<sup>161</sup> An individual is considered to be in relative poverty if they are living in a household with an equivalised income below 60% of UK median income in the year in question. This is a measure of whether those in the lowest income households are keeping pace with the growth of incomes in the population as a whole.

<sup>162</sup> An individual is considered to be in absolute poverty if they are living in a household with an equivalised income below 60% of the (inflation adjusted) UK median income in 2010/11. This is a measure of whether those in the lowest income households are seeing their incomes rise in real terms.

<sup>163</sup> Households Below Average Income: Northern Ireland 2018/19, DfC & NISRA <https://www.communities-ni.gov.uk/system/files/publications/communities/hbai-2018-19.pdf>

<sup>164</sup> Households Below Average Income: Northern Ireland 2018/19, DfC & NISRA <https://www.communities-ni.gov.uk/system/files/publications/communities/hbai-2018-19.pdf>

- In Northern Ireland, of all those living in poverty there are twice as many single female pensioners than single male pensioners. Of all pensioners in poverty (single and couples) 48% were male and 52% were female<sup>165</sup>;
- In Northern Ireland, 37% of single parents are living in poverty.<sup>166</sup> In Northern Ireland 91% of single parents are women<sup>167</sup>; and
- Women are more likely to experience persistent low income<sup>168</sup>. Across the UK the highest rates of persistent low income were among single parents (34% after housing costs) notably higher than other family types – see Appendix 2, Figure 1<sup>169</sup>. There are no figures available for persistent low income for Northern Ireland.

## 4.2 Destitution and Severe Poverty

Research by the Joseph Rowntree Foundation<sup>170</sup> estimates that more than a million UK households experienced destitution at some point in 2019. This means that these households could not afford to buy the bare essentials needed to eat, stay warm and dry and keep clean. These households contained 2.4 million people, including 550,000 children. The number of households experiencing destitution in the UK had increased by 35% since 2017, and the number of people and children experiencing destitution had increased by 54% and 52% respectively. It is important to note that these figures reflect the scale of destitution in the UK before the Covid19 pandemic.

Destitute households were slightly more likely to be headed by a man than the average UK household (46% versus 43%). Households in severe poverty were predominantly (68%) headed by a woman (many of whom would be lone parents) – see Appendix 2, Figure 2. This is especially concerning as by definition these households will all contain children.

## 4.3 Measurement of Poverty

Without effective measurement of poverty there is less chance of reducing the number of people who experience it or improving the lives of those living in poverty. Household measurements of poverty can hide inequalities as they assume fairness in the distribution of resources. While income is shared within families it is sometimes not shared equally among all family members perhaps due to differences in financial power within couples or because of financial abuse. The Women’s Budget Group has called for the collection and publication of data on income at the individual level as well as at household level for a more accurate picture of poverty<sup>171</sup>.

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<sup>165</sup> Ibid

<sup>166</sup> Ibid

<sup>167</sup> Census 2011 – Key Statistics for Gender, Research and Information Service Research Paper, Ronan Savage and Dr Raymond Russell, Northern Ireland Assembly, 5 September 2014 <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/general/3415.pdf>

<sup>168</sup> Individuals are in persistent low income if they are in relative low income for at least three out of four consecutive annual interviews.

<sup>169</sup> Income Dynamics: Income Movements and the Persistence of Low Incomes, DWP, March 2020 <https://www.gov.uk/Government/statistics/income-dynamics-2010-to-2018>

<sup>170</sup> Destitution in the UK 2020, Joseph Rowntree Foundation, December 2020 Destitution in the UK 2020 | JRF

<sup>171</sup> <https://wbg.org.uk/blog/dwp-data-reveals-women-continue-to-be-worst-affected-by-poverty/>

Analysing the full impact of poverty on women and men is made more difficult due to a lack of data broken down by gender. Data broken down by all the equality groups is essential to an understanding of those who are experiencing poverty and how multiple identities can combine to make the situation even worse. It is also vital in determining where actions should be directed to effectively reduce poverty.

#### 4.4 Poverty and Human Rights

Poverty engages a number of human rights obligations and these protections are crucial to tackling the injustices that create, perpetuate and exacerbate poverty. The Human Rights Act 1998 incorporated into UK law the rights enshrined in the European Convention on Human Rights (ECHR) which are mainly civil and political rights. These may seem less relevant to the issue of poverty however provide for a universal right to life<sup>172</sup> (regardless of income), the right to freedom from inhuman or degrading treatment<sup>173</sup>, the right to respect for private and family life<sup>174</sup> and offer protection from discrimination<sup>175</sup> (often a factor/cause of poverty).

Human Rights law also includes a wide range of socio-economic rights and these should provide a guarantee of dignity and justice for everyone, particularly those most at risk of poverty and material deprivation.<sup>176</sup> They are provided for in such treaties as the International Covenant on Economic, Social and Cultural Rights (ICESCR). This includes a right to fair and just conditions of work,<sup>177</sup> the right to social security,<sup>178</sup> the right to an adequate standard of living (including adequate food, clothing and housing),<sup>179</sup> the right to the highest attainable standard of health,<sup>180</sup> the right to education<sup>181</sup> and the right to participate in cultural life<sup>182</sup>. The UK Government has an obligation to make these socio-economic rights a reality yet many of these rights have not been incorporated into domestic law restricting access to legal remedies. In its examination of the UK's implementation of ICESCR the UN Committee on Economic, Social and Cultural Rights found numerous areas of significant concern and made recommendations where the UK is required to make improvements<sup>183</sup>.

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<sup>172</sup> Article 2, European Convention on Human Rights European Convention on Human Rights (coe.int)

<sup>173</sup> Ibid, Article 3

<sup>174</sup> Ibid, Article 8

<sup>175</sup> Ibid, Article 14

<sup>176</sup> Progress on Equality and Human Rights Commission Update report on Great Britain's implementation of the International Covenant on Economic, Social and Cultural Rights, Equality and Human Rights Commission, March 2018 progress-on-socio-economic-rights-in-great-britain.pdf (equalityhumanrights.com)

<sup>177</sup> Article 7, International Covenant on Economic, Social and Cultural Rights OHCHR | International Covenant on Economic, Social and Cultural Rights

<sup>178</sup> Ibid, Article 9

<sup>179</sup> Ibid, Article 11

<sup>180</sup> Ibid, Article 12

<sup>181</sup> Ibid, Article 13

<sup>182</sup> Ibid, Article 15

<sup>183</sup> Concluding Observations on the sixth periodic report of the United Kingdom, July 2016 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GBR/CO/6&](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GBR/CO/6&)

The negative impacts of poverty for women have been recognised internationally in CEDAW and in the Beijing Platform for Action<sup>184</sup> as a critical area of concern. This global policy framework, signed by 189 Governments including the UK in 1995, resulted in a range of actions for Governments and others to reduce the inequalities that exist in society that make women more likely to live in poverty.

#### 4.5 Poverty and Gender

Women are more likely to be in receipt of social security benefits, more likely to be in low-paid, part-time and insecure work and also more likely to be providing care either for children or other family members which limits their ability to carry out paid work. This contributes to keeping women's incomes generally lower over their lifetimes and therefore puts them at greater risk of poverty.

Women often bear the brunt of poverty in the home managing household budgets to shield their children from its worst effects. This means that women end up acting as the 'shock absorbers' of poverty going without food, clothes or warmth in order to meet the needs of other family members when money is tight<sup>185</sup>. Living in poverty can also mean that women who are living with an abusive partner are unable to afford to leave meaning they stay longer and are therefore at increased risk of abuse<sup>186</sup>.

Unemployment and the associated loss of income is linked to an increased risk of poverty. Men are significantly overrepresented as Jobseeker's Allowance claimants (65% versus 35% for women). As outlined in section 3.2 statistics show that the unemployment rate for men has been consistently higher than women over the past ten years but has been narrowing. Research has identified that strong causal links exist between unemployment, recession and deteriorating economic circumstances and the health and wellbeing of men<sup>187</sup>.

Covid19 is likely to have a significant impact on poverty levels for both men and women as many people lose their jobs or face reduced working hours. Women are more likely to be impacted by the lockdown measures as they are more concentrated in sectors which are affected such as retail, hospitality and travel as outlined in section 3.3.

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<sup>184</sup> Beijing Declaration and Platform for Action, Critical Areas of Concern, Women and Poverty, Page 33 [https://beijing20.unwomen.org/~media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf#page=39](https://beijing20.unwomen.org/~media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf#page=39)

Convention on the Elimination of All Forms of Discrimination against Women, Articles 11, 13 and 14 <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>185</sup> A Female Face, Fabian Society Blog by Mary-Ann Stephenson, Women's Budget Group, February 2019 <https://fabians.org.uk/a-female-face/>

<sup>186</sup> Benefits or Barriers?, Women's Budget Group, June 2019 <https://wbg.org.uk/wp-content/uploads/2019/06/Benefits-or-barriers-4-nations-report.pdf>

<sup>187</sup> Facing the Challenge, The Impact of Recession and Unemployment on Men's Health in Ireland, The Institute of Public Health in Ireland, 2011 <https://www.mhfi.org/IPHreport2011.pdf>

## 4.6 Social Security Benefits

Those who are in receipt of social security benefits face a higher risk of poverty. Across the full range of benefits, with the exception of Jobseeker's Allowance and DLA, women are more likely to be social security claimants than men (Appendix 2, Figure 3)<sup>188</sup>. Men are considerably more likely to claim Jobseeker's Allowance (64%) which is one of the main unemployment benefits. Unfortunately, the figures for Universal Credit claimants are not broken down by gender however latest figures available show 28% of Universal Credit claimants were lone parents (the majority of lone parents are women)<sup>189</sup>.

It is important to note the impact of the Covid-19 pandemic on social security claimant numbers particularly for Universal Credit. New claims to Universal Credit experienced a massive increase as a result of the lockdown rising to 35,420 new claims in March 2020 from 6,630 new claims in February 2020. There are now 114,530 households on Universal Credit in Northern Ireland.<sup>190</sup> Increasing numbers of people claiming social security is concerning and could mean many more people are at greater risk of poverty.

As the Covid-19 pandemic has shown, people need to be able to rely on the social security system when times get tough and they are hit by unexpected costs or lost earnings. However, the already inadequate safety net provided by the social security system has been reduced even further in recent years by a decade of austerity which has left many people poorer. There is a real need to move away from a social security system that sees claimants as 'benefit scroungers' to one that is based on equality, dignity and respect. The social security system must provide a safety net and cushion for life events/crises to ensure that people do not fall into poverty.

Social security powers are devolved in Northern Ireland but in practice the social security system has maintained close parity with GB. More recently there have been some moves to break from the principle of parity most notably in relation to welfare reform – see section 4.6.4. However, Northern Ireland's struggles with the welfare reform process demonstrate, ambition to do better in social security can run afoul of financial considerations<sup>191</sup>. Nevertheless, there is the potential for Northern Ireland to do things differently and consider radical changes to social security which could lift people out of poverty. The Anti-Poverty Strategy suggests the scrapping of Universal Credit or the introduction of a Universal Basic Income as examples of radical change and states: "if the commitment to ending poverty is the goal, the discussion and debate is inevitable."

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<sup>188</sup> Northern Ireland Benefits Statistics Summary, DfC & NISRA, August 2020 NI Benefits Statistics Summary - August 2020 (communities-ni.gov.uk)

<sup>189</sup> Ibid

<sup>190</sup> Northern Ireland Benefits Statistics Summary, DfC & NISRA, August 2020 NI Benefits Statistics Summary - August 2020 (communities-ni.gov.uk)

<sup>191</sup> Social security systems based on dignity and respect, Equality and Human Rights Commission Research Report, Mark Simpson, Gráinne McKeever and Ann Marie Gray, August 2011 social\_security\_systems\_based\_on\_dignity\_and\_respect.pdf (equalityhumanrights.com)

Social security is recognised in international human rights law as being crucial to the protection of human dignity and there is important learning from Scotland in terms of developing a more compassionate social security system. The Scottish Government is creating a new social security system based on eight key principles including that the social security system is to contribute to reducing poverty in Scotland and that respect for the dignity of individuals is to be at the heart of the system<sup>192</sup>. In 2019 Scotland also established a Poverty and Inequality Commission to provide independent advice and scrutiny to Scottish Ministers on poverty and inequality<sup>193</sup>.

As part of their Tackling Child Poverty Delivery Plan 2018-2022<sup>194</sup> the Scottish Government have committed to introducing a Scottish Child Payment. This means that low-income families with a child under six will be able to apply for £10 per child per week (£520 per year). It is estimated that this will cost £180 million in 2023-2024 but will lift 30,000 children out of poverty and reduce the relative child poverty rate by an estimated 3%<sup>195</sup>. These developments show how other devolved nations are implementing targeted actions within their social security systems to actively reduce poverty levels.

#### 4.7 Austerity and Welfare Reform

The Government's response to the 2008 financial crash was to introduce a series of austerity and welfare reform measures. These reforms included the introduction of Universal Credit, the replacement of DLA with PIP, the introduction of the Benefit Cap and the 'Bedroom Tax', a freeze on benefits for four years and the introduction of the 'two-child' limit.

The social security system has a vital role to play in easing the impact of poverty on people and families. However, the welfare reform and austerity measures introduced have tended to limit the ability of the system to protect against poverty<sup>196</sup>. Many of these changes have had more negative impacts on women than men. The House of Commons Library reported that 86% of the savings to the Treasury from the tax and benefit changes since 2010 will have come from women<sup>197</sup>.

Locally an analysis of the impact of the reforms by the Northern Ireland Human Rights Commission (NIHRC) showed that across most income levels the overall cash impact of thereforms is more negative for women than for men. The research showed that women lose more on average from these reforms than men mainly because they are more likely to be receiving benefits and tax credits than men (Appendix 2, Figure 4)<sup>198</sup>.

<sup>192</sup> Social Security Scotland: our charter, Scottish Government, January 2019 <https://www.gov.scot/publications/charter/>

<sup>193</sup> What we do - Poverty & Inequality Commission

<sup>194</sup> <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/>

<sup>195</sup> <https://www.gov.scot/publications/scottish-child-payment-factsheet/>

<sup>196</sup> Protecting dignity, fighting poverty and promoting social inclusion in devolved social security, Dr Mark Simpson, Ulster University, June 2018 [http://www.niassembly.gov.uk/globalassets/documents/raise/knowledge\\_exchange/briefing\\_papers/series\\_7/simpson060618.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/knowledge_exchange/briefing_papers/series_7/simpson060618.pdf)

<sup>197</sup> Estimating the gender impact of tax and benefit changes, Richard Cracknell, Richard Keen, Commons Briefing Papers SN06758, December 2017 <http://researchbriefings.files.parliament.uk/documents/SN06758/SN06758.pdf>

<sup>198</sup> Cumulative impact assessment of tax and social security reforms in Northern Ireland, NIHRC, November 2019 [https://www.nihrc.org/uploads/publications/Final\\_CIA\\_report\\_Oct\\_2019.pdf](https://www.nihrc.org/uploads/publications/Final_CIA_report_Oct_2019.pdf)

Their most striking finding was that households with children experience much larger losses as a result of the reforms than those without children. This is particularly the case for lone parents (who are mostly women) who lose £2,250 on average, equivalent to almost 10% of their net income<sup>199</sup>.

The NIHRC analysis looked at how these reforms would impact on poverty levels and showed that overall they are forecast to increase relative child poverty (before housing costs) by 8%, household poverty by just over 2% and adult poverty by just over 1%. It highlighted significant increases in the relative child poverty rates for children in lone parent households after taking account of the reforms with the rate estimated to increase by over 22% (before housing costs) and 18% (after housing costs).

#### 4.7.1. Universal Credit

Universal Credit is the flagship policy in the Government's welfare reform programme. Problems with Universal Credit have been widely reported and there is substantial evidence that it is causing widespread financial hardship, debt and increased reliance on food banks. The five-week wait before claimants receive their first Universal Credit payment has been particularly problematic. Participants in Joseph Rowntree research in Northern Ireland unanimously associated the early stages of a Universal Credit claim with financial hardship and usually debt<sup>200</sup>.

A detailed analysis on the impact of the introduction of Universal Credit is made more difficult due to a lack of official data broken down by gender. However, it has been described as 'discriminatory by design' against women<sup>201</sup> which can leave women more vulnerable to poverty. For couples it is paid as a joint payment which prioritises the primary (usually male) earner at the expense of the second (usually female) earner. This assumes fairness and equity between women and men in the distribution and control of household income. Research indicates that in many households this may not necessarily be the case<sup>202</sup>. There are also concerns about the single payment putting women in domestic violence situations at risk of financial abuse<sup>203</sup>.

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<sup>199</sup> Cumulative impact assessment of tax and social security reforms in Northern Ireland, NIHRC, November 2019 [https://www.nihrc.org/uploads/publications/Final\\_CIA\\_report\\_Oct\\_2019.pdf](https://www.nihrc.org/uploads/publications/Final_CIA_report_Oct_2019.pdf)

<sup>200</sup> Universal Credit could be a lifeline in Northern Ireland, but it must be designed with people who use it, Ruth Patrick and Mark Simpson, with UC:Us, Joseph Rowntree Foundation, June 2020 <https://www.jrf.org.uk/report/universal-credit-could-be-lifeline-northern-ireland-it-must-be-designed-people-who-use-it>

<sup>201</sup> Something needs saying about universal credit and women – it is discrimination by design, Alison Garnham, CPAG, August 2018 <https://cpag.org.uk/news-blogs/news-listings/something-needs-saying-about-universal-credit-and-women-%E2%80%93-it-discrimination>

<sup>202</sup> Universal Credit, Women and Gender Equality: A Retrograde Step? IPR Blog, September 2018 <http://blogs.bath.ac.uk/iprblog/2018/09/19/universal-credit-women-and-genderequality-a-retrograde-step/>

<sup>203</sup> Universal Credit and Financial Abuse, Women's Budget Group, June 2018 <https://wbg.org.uk/wp-content/uploads/2018/09/FINAL-full-report-financial-abuse-and-uc.pdf>

In Universal Credit a work allowance is an amount of money a claimant is allowed to earn before their Universal Credit payment is affected. However, a work allowance is only available to the ‘main wage-earner’ and there is no work allowance for second earners, who are mainly women. This gives little or no incentive for second earners to enter or progress in paid work. Other features of Universal Credit such as increased conditionality for lone parents (mostly women), problems with the way childcare is paid and the impact of the Benefit Cap (see section 4.6.2) and two-child limit (see section 4.6.3) also have greater negative impacts for women.

The House of Lords Economic Affairs Committee published a report<sup>204</sup> calling for the Government to make substantial changes to Universal Credit to protect the most vulnerable blaming its design for soaring rent arrears and food bank use. The Chair of the Committee stated that “rigid, inflexible features of the system are harming a range of vulnerable groups, including women, disabled people and the vulnerable”<sup>205</sup>.

Local research by the Women’s Regional Consortium on the impact of Universal Credit on women also paints an overwhelmingly negative picture of life for women on Universal Credit fraught with financial insecurity, worry, debt and in some cases cold and hunger. It showed that the design of Universal Credit does little to protect women and their children from living on low incomes and poverty and highlighted that the personal impacts of the five-week wait were severe with 89% of women suffering stress/anxiety as a result<sup>206</sup>.

Job losses and the need to provide increasing levels of unpaid care as a result of the Covid19 pandemic is likely to increase dependence on social security benefits particularly Universal Credit as the main benefit claimed by those who are experiencing reduced incomes. This will mean that more people will be subject to the problems with Universal Credit including the five-week wait, the benefit cap and the two-child limit. As previously stated Universal Credit statistics are not broken down by gender to allow for an analysis of claimants but women are more likely to work in the sectors affected by the pandemic and may therefore be more likely to be Universal Credit claimants.

### **Universal Credit and Maternity Allowance**

Concerns have been raised about the different treatment of Maternity Allowance and Statutory Maternity Pay (SMP) in the calculation of Universal Credit awards. This affects women who do not qualify for SMP and were claiming Maternity Allowance perhaps because they were self-employed or had not worked for their employer for long enough. SMP is treated as earned income and largely disregarded under Universal Credit but Maternity Allowance is treated as unearned income and deducted from any Universal Credit award pound for pound. This can leave women in

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<sup>204</sup> Universal Credit isn’t working: proposals for reform, House of Lords Economic Affairs Committee, July 2020 <https://publications.parliament.uk/pa/ld5801/ldselect/ldeconaf/105/105.pdf>

<sup>205</sup> <https://www.bbc.co.uk/news/uk-politics-53599763>

<sup>206</sup> The Impact of Universal Credit on Women, Women’s Regional Consortium, September 2020 <http://www.womensregionalconsortiumni.org.uk/sites/default/files/The%20Impact%20of%20Universal%20Credit%20on%20WomenRevised.pdf>

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receipt of Maternity Allowance up to £5,000 worse off over 39 weeks of maternity leave relative to women on SMP<sup>207</sup>. It also further excludes them from entitlement to the Sure Start Maternity Grant which is worth £500 and payable to low income parents to help them buy things for their first baby.

#### 4.7.2. The Benefit Cap

The Benefit Cap puts an upper limit on the amount of benefits a household can receive. Most households are currently protected from the Benefit Cap through the mitigations package however a loophole means that only those in receipt of the relevant benefits when the mitigation package was introduced in 2016 can access this mitigation. Figures show a total of 1,870 households had their benefits capped in August 2020 with an average cap of £50 per week. Of the capped households 23% were couples with children while 77% (1,440) were single parent households (mostly women)<sup>208</sup>.

#### 4.7.3. The Two-Child Limit

This policy limits the child element in Child Tax Credits and Universal Credit to two children. This means that most families will be unable to claim Universal Credit or Tax Credits for a third, or additional child, losing out on £2,780 per child per year. The two-child limit was not included in the mitigations package for Northern Ireland therefore there is no protection available from this aspect of welfare reform.

As at May 2020 a total of 2,620 Universal Credit households were impacted by the two-child policy<sup>209</sup>. It is likely that families in Northern Ireland will feel a greater impact and a larger increase in poverty as a result of this policy given the larger average family size compared to the rest of the UK<sup>210</sup>. It is also likely to disproportionately impact BAME families. The two-child policy will affect women more than men given that the vast majority of Child Tax Credit payments are paid to the female parent (be that a female lone parent or a woman within a couple)<sup>211</sup>.

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<sup>207</sup> <https://edm.parliament.uk/early-day-motion/56927/universal-credit-maternity-allowance-smp>

<sup>208</sup> Benefit Cap: Northern Ireland, Data to August 2020, NISRA & DfC, August 2020 <https://www.communities-ni.gov.uk/system/files/publications/communities/benefit-cap-statistics-aug-2020.pdf>

<sup>209</sup> Written Answer to Assembly Question by Mr Mark Durkan MLA, September 2020 <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=307986>

<sup>210</sup> Living standards, poverty and inequality in the UK: 2017–18 to 2021–22, Institute for Fiscal Studies, November 2017 <https://www.ifs.org.uk/uploads/publications/comms/R136.pdf>

<sup>211</sup> Child and Working Tax Credit Statistics: Provisional Awards, HMRC, April 2018 [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/720161/CWTC\\_provisional\\_Commentary\\_-\\_main\\_publication.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/720161/CWTC_provisional_Commentary_-_main_publication.pdf)

#### 4.7.4. Welfare Reform Mitigations

In Northern Ireland a package of mitigation measures was proposed by the Welfare Reform Mitigations Working Group to protect some claimants from the harshest impacts of welfare reform<sup>212</sup>. These mitigation payments were due to run out in March 2020 but the New Decade, New Approach agreement<sup>213</sup> committed to both extending the existing mitigations beyond March 2020 and to carrying out a review of the mitigation measures. The Cliff Edge Coalition<sup>214</sup> have been campaigning not only for the extension of the existing mitigations (and the closing of loopholes in the Benefit Cap and Bedroom Tax mitigations which mean that some claimants are not protected) but for their strengthening to include new challenges such as Universal Credit and the two-child limit<sup>215</sup>.

While the mitigations are to be welcomed and do provide some protection against the harshest impacts of welfare reform the Northern Ireland Audit Office highlighted a significant underspend in the first two years of the package. The Cost of Work Allowance, a key part of the mitigations package to help low-income families, was never implemented at all and it was to be worth a total of £105 million over three years<sup>216</sup>. This payment was to have a special weighting for lone parents taking account of the cost of childcare<sup>217</sup>. It is clear that these payments had the potential to help many people on low incomes, particularly women.

Equality statistics on the mitigation payments show that these were paid to more women than men<sup>218</sup>. Statistics are not currently available for the Universal Credit Contingency Fund (a non-repayable emergency payment where hardship occurs as a result of difficulties which are not due to any fault on the part of the claimant) which again leaves gaps in analysis for Universal Credit. Research by the Women's Regional Consortium<sup>219</sup> showed that 86% of the women surveyed had not heard of the Universal Credit Contingency Fund. The NI Audit Office<sup>220</sup> has also reported a considerable underspend in the Fund suggesting issues with awareness and accessibility.

<sup>212</sup> Welfare Reform Mitigations Working Group Report, January 2016 <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/ofmdfm/welfare-reform-mitigations-working-group-report.pdf>

<sup>213</sup> New Decade, New Approach, January 2020 [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf)

<sup>214</sup> The Cliff Edge NI Coalition is a group of over 100 organisations from across Northern Ireland who came together to express concerns about the end of welfare reform mitigations in March 2020. The Women's Support Network is a member of the Coalition's Working Group and the Women's Regional Consortium is a Coalition member.

<sup>215</sup> Cliff Edge Briefing Paper, September 2020 <https://lawcentreni.s3.amazonaws.com/Cliff-Edge-Coalition-Briefing-Dec-2019v2.pdf>

<sup>216</sup> Welfare Reforms in Northern Ireland, Northern Ireland Audit Office, January 2019 <https://www.niauditoffice.gov.uk/sites/niao/files/media-files/Welfare%20Reform%20Report%202019.pdf>

<sup>217</sup> Review of Welfare Mitigation Schemes, Department for Communities, March 2019, Para 4.14 <https://www.communities-ni.gov.uk/system/files/publications/communities/dfc-review-of-welfare-mitigation-schemes-2019.pdf>

<sup>218</sup> Northern Ireland Welfare Supplementary Payment Schemes, Section 75 statistics November 2017 to April 2019, DfC <https://www.communities-ni.gov.uk/publications/welfare-supplementary-payments-discretionary-support-standards-advice-assistance-and-sanctions>

<sup>219</sup> The Impact of Universal Credit on Women, Women's Regional Consortium, September 2020 <http://www.womensregionalconsortiumni.org.uk/sites/default/files/The%20Impact%20of%20Universal%20Credit%20on%20WomenRevised.pdf>

<sup>220</sup> Welfare Reforms in Northern Ireland, Northern Ireland Audit Office, 17 January 2019 <https://www.niauditoffice.gov.uk/sites/niao/files/media-files/Welfare%20Reform%20Report%202019.pdf>

This is regrettable considering this Fund was set aside to help people facing hardship as a result of the introduction of Universal Credit.

In its research paper NIHRC<sup>221</sup> proposed a design of a new package of mitigation measures which could be adopted following the end of the existing package. This proposal included extensions to some of the existing mitigations such as the Bedroom Tax and Benefit Cap but also some new mitigations. These new mitigations include the implementation of the Cost of Work Allowance, offsetting the two-child limit, expanded payments for low income families with young children, an increase in Carer's Allowance and payments for households with disabled people. If implemented lone parents would see the largest gains and it would have a bigger positive impact on women than men on the lowest incomes. It would also have a bigger average impact in cash terms for women aged between 18 and 44 than for men. This shows how targeted mitigations can create greater positive impacts for groups which have been more affected by the reforms.

#### 4.8 Working Poverty

Figures show that 14% (135,000) working age adults and 21% of children (81,000) were in poverty where at least one adult was in full-time work<sup>222</sup>. The Government often states that paid work is the route out of poverty however these figures show that this is not guaranteed. Women may be particularly vulnerable to working poverty for a number of reasons.

As stated throughout sections 3.1 and 3.2, women are significantly more likely to work part-time than men with 79% of part-time employees being women. This has a significant impact on women's income as women often struggle to increase their hours of work due to caring responsibilities. Caring for young children limits both the number of hours a person can work and the distance they travel for work. As highlighted in section 3.6, this can leave many women locked in poverty especially when jobs are low paid.

The region with the highest proportion of jobs paid below the Living Wage in April 2020 was Northern Ireland (25.3%). Women are significantly more affected by low pay than men with more women earning less than the Living Wage in the UK (23.8% compared to 16.6%). As shown in section 3.7, part-time jobs (35.9% or 2.8 million jobs) were much more likely to be paid below the Living Wage in April 2020 than full-time jobs (14%)<sup>223</sup>. In its analysis of the latest data on low pay in Northern Ireland the Nevin Economic Research Institute described it as "starkly pervasive across our labour market" and highlighted that younger workers and part-time workers are particularly likely to be low paid. It also highlighted that whilst females are more likely to be low paid than males this increased prevalence is not as high in Northern Ireland as it is in other UK regions<sup>224</sup>.

<sup>221</sup> Cumulative impact assessment of tax and social security reforms in Northern Ireland, NIHRC, November 2019 [https://www.nihrc.org/uploads/publications/Final\\_CIA\\_report\\_Oct\\_2019.pdf](https://www.nihrc.org/uploads/publications/Final_CIA_report_Oct_2019.pdf)

<sup>222</sup> UK v NI Poverty Rate Comparison Table 2018-19 <https://www.communities-ni.gov.uk/publications/households-below-average-income-northern-ireland-201819>

<sup>223</sup> Employee jobs paid below the Living Wage: 2020, Living Wage Foundation, November 2020 <https://www.livingwage.org.uk/employee-jobs-paid-below-living-wage-2020>

<sup>224</sup> <https://www.nerininstitute.net/blog/low-pay-northern-ireland-update>

Women are more likely to be in insecure work than men. Women are more likely to work in temporary employment with approximately 27,700 women in temporary employment compared to approximately 18,000 men. This is particularly noticeable in part-time roles with the majority of part-time temporary employees being women (68%) compared to men (32%)<sup>225</sup>. Women are also more likely to be employed on a zero-hours contract than men with 3.6% of women employed on these contracts compared to 2.8% of men across the UK<sup>226</sup>. Single parents are twice as likely to have a zero-hours contract as other family types<sup>227</sup>. This puts them at greater risk of job insecurity particularly as a result of the Covid19 pandemic.

Women make up half of the working age population however a third of working age women are not in the labour force described as 'economically inactive'. As highlighted in section 3.2, family and home commitments are the main reason for economic inactivity for women, and the least likely reason for men, this shows the very real impact of providing unpaid care on women's lives.

There is no doubt that the Covid19 pandemic will impact on the working lives of both men and women over the coming months and years with many facing job losses and reductions in working hours. A failure to address the long-term issues with gender inequality in the labour market which sees women more likely to be in low-paid, part-time and insecure work, see sections 3.1 and 3.2, means that women are more likely to bear the brunt of the economic crisis as a result of the pandemic.

#### 4.9 Unpaid Work and Care

On average, women carry out 60% more unpaid work than men meaning women put in more than double the amount of unpaid work when it comes to cooking, childcare and housework<sup>228</sup>. As explored in detail in sections 3.2 and 3.6, time is limited so if women have to spend more time on care work they will be less able to work full-time hours and will therefore earn less. These gender roles and the household division of paid and unpaid work affects employment patterns, the ability to earn and future pension income. Combined these factors make women more likely to be income poor.

The availability of high quality, affordable childcare makes it easier for women to access paid employment and helps to raise women's earnings. As statistics show in section 3.6, the lack of affordable childcare becomes a real barrier to women's employment and an independent income leaving them more vulnerable to poverty. For lone parents childcare costs are likely to be a major

<sup>225</sup> 'Insecure and Uncertain': Precarious Work in the Republic of Ireland & Northern Ireland, Irish Congress of Trade Unions Briefing, Winter 2017 [https://www.ictu.ie/download/pdf/precarius\\_work\\_final\\_dec\\_2017.pdf](https://www.ictu.ie/download/pdf/precarius_work_final_dec_2017.pdf)

<sup>226</sup> People in employment on zero hours contracts, Office for National Statistics, August 2020 <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/emp17peopleinemploymentonzerohourscontracts>

<sup>227</sup> Caring without sharing, Gingerbread, November 2020 <https://www.gingerbread.org.uk/wp-content/uploads/2020/11/Gingerbread-Caringwithoutsharing-v3.pdf>

<sup>228</sup> Women shoulder the responsibility of 'unpaid work', Office for National Statistics, November 2016 <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/womenshouldtheresponsibilityofunpaidwork/2016-11-10>

barrier. Conditionality for benefits means that many lone parents are required to seek paid work when their children are younger. High childcare costs make it extremely difficult for them to earn enough to cover their expenses, with lone parents spending a significant amount of monthly income on childcare costs (see section 3.6).

There are 220,000 carers in Northern Ireland, 64% of these are women and 36% are men<sup>229</sup>. Taking on a caring role often means a reduction in the time available for paid work. It can mean a significant reduction in income especially if the carer has to reduce their hours or leave work altogether in order to provide care for someone.<sup>230</sup>

Carer's Allowance, the main benefit for people caring unpaid for family or friends, remains the lowest benefit of its kind at just £67.25 per week (2020/21 rates). Part of the eligibility for Carer's Allowance is an earnings limit of just £128 a week. These low values in terms of payment and earnings means that many carers struggle to make ends meet. Locally, the Women's Policy Group (WPG) in Northern Ireland have called for financial support for carers to be urgently improved as this would particularly benefit women who are more likely to be caring and providing higher levels of care .

#### 4.10 Housing

Given that housing costs make up a large share, and in many cases the single biggest expenditure, of a household budget the cost of housing has the potential to have the most direct impact on poverty and deprivation levels. Research has shown that burdensome housing costs have led many households to reduce their expenditure on other necessities such as food, clothing and healthcare<sup>231</sup>. Overall, in Northern Ireland, 19,000 more people are living in relative poverty in 2018/19 when the impact of housing costs is taken into account<sup>232</sup>.

Those with the lowest incomes in both the private and social rented sectors face a much larger cost burden in terms of the proportion of net household income spent on housing costs which is likely to have far-reaching consequences for the income available for other expenditure<sup>233</sup>. Housing statistics show that 39% of social rented households and 28% of private rented

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<sup>229</sup> <https://www.carersuk.org/northernireland/news-ni/facts-and-figures>

<sup>230</sup> COVID-19 Feminist Recovery Plan, Women's Policy Group Northern Ireland, July 2020 <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020.pdf>

<sup>231</sup> Housing Provision in Northern Ireland and its Implications for Living Standards and Poverty, Nevin Economic Research Institute, April 2018. [neri\\_working\\_paper\\_housing\\_final.pdf](neri_working_paper_housing_final.pdf) ([nerinstitute.net](http://nerinstitute.net))

<sup>232</sup> Northern Ireland Poverty Bulletin 2018-19, NISRA <https://www.communities-ni.gov.uk/publications/northern-ireland-poverty-bulletin-2018-19>

<sup>233</sup> Housing Provision in Northern Ireland and its Implications for Living Standards and Poverty, Nevin Economic Research Institute, April 2018. [neri\\_working\\_paper\\_housing\\_final.pdf](neri_working_paper_housing_final.pdf) ([nerinstitute.net](http://nerinstitute.net))

households are in low income after housing costs<sup>234</sup>. In terms of gender more women are social housing tenants (23%) than men (12%) and more women are private sector tenants (23%) than men (16%)<sup>235</sup>.

Cuts to housing benefits in the private rented sector have made it increasingly difficult for low income private renters to find and keep their homes. There are more households at risk of poverty after housing costs in the private rented sector in Northern Ireland than in the social rented sector and there are less protections for tenants in this sector. Of those in low incomes after housing costs 31% live in the private rented sector compared to 24% in the social rented sector<sup>236</sup>. Statistics show that 23% of women were private rented sector tenants compared to 16% of men<sup>237</sup>. While the restoration of the Local Housing Allowance rate to cover the cheapest 30% of rents was welcome, there remains a significant shortfall for many private renters between their rent and the amount of housing benefit they receive<sup>238</sup>.

The number of households in priority need of social housing in Northern Ireland is at the highest level on record. In March 2019 there were 38,745 applicants on the social housing waiting list and of these 27,745 were in 'housing stress'<sup>239</sup>. This can have particularly negative impacts for women, LGBTQI+, BAME and disabled people leaving them unable to access suitable housing. Insufficient social housing stock can have serious implications in domestic violence situations leaving victims trapped in coercive and abusive situations as they have nowhere to go. The situation is even worse in rural areas where there is even less social housing available in the locality and victims are reluctant to move their children from local social networks and schools.

#### 4.10.1. Fuel Poverty

There are strong links between low income, unemployment and fuel poverty. 22% of households in Northern Ireland are living in fuel poverty<sup>240</sup>. 31% of households with a female household reference person are in fuel poverty compared to 16% of households with a male household reference person<sup>241</sup>.

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<sup>234</sup> Northern Ireland Housing Statistics 2018-19, NISRA & DfC, December 2019 Northern Ireland Housing Statistics 2018-19 | Department for Communities (communities-ni.gov.uk)

<sup>235</sup> NIHE House Condition Survey 2016 <https://www.nihe.gov.uk/Working-With-Us/Research/House-Condition-Survey>

<sup>236</sup> Households Below Average Income: Northern Ireland 2018/19, DfC & NISRA <https://www.communities-ni.gov.uk/system/files/publications/communities/hbai-2018-19.pdf>

<sup>237</sup> NIHE House Condition Survey 2016 <https://www.nihe.gov.uk/Working-With-Us/Research/House-Condition-Survey>

<sup>238</sup> Cliff Edge Briefing Paper, September 2020 <https://lawcentreni.s3.amazonaws.com/Cliff-Edge-Coalition-Briefing-Dec-2019v2.pdf>

<sup>239</sup> Northern Ireland Housing Statistics 2019-20, NISRA & DfC, December 2020 <https://www.communities-ni.gov.uk/system/files/publications/communities/ni-housing-stats-19-20-full-copy.pdf>

<sup>240</sup> Northern Ireland House Condition Survey, Main Report 2016, NIHE <http://fuelpoverty.org/wp-content/uploads/Northern-Ireland-House-Condition-Survey-2016.pdf>

<sup>241</sup> Northern Ireland House Condition Survey, Main Report 2016, NIHE <http://fuelpoverty.org/wp-content/uploads/Northern-Ireland-House-Condition-Survey-2016.pdf>

#### 4.10.2. Homelessness

There has consistently been a higher number of males presenting as homeless compared to females. From January to June 2020 of the 4,605 households who were accepted as statutorily homeless 26% were single males and 19% were single females<sup>242</sup>.

#### 4.11 Food Poverty

Food banks and food bank use has become normalised in today's society as a result of insufficient income to meet the basic essentials of life. An analysis of the extent of food poverty is difficult as statistics on food insecurity are not currently available. Food insecurity questions have been added to the Family Resources Survey which covers the UK and will be reported on from April 2021. Mid-year statistics from the largest food bank, the Trussell Trust, show that they gave out 32,299 emergency food parcels to people in crisis from April to September 2020 in Northern Ireland. The top reason for referral to food banks was low income<sup>243</sup>. The most common sources of income for people referred to food banks are state benefits (86%) with 14% having someone in employment typically part-time<sup>244</sup>.

Across the UK the majority of households referred to Trussell Trust food banks were single people without children (58%) and they were more likely to be male (73%) than female (27%). Lone parents were significantly overrepresented at food banks (the vast majority of lone parents were female) compared with the general population (22% compared to 5%). Food bank users living with a partner and children were also more likely to be female than male (71% female, 29% male) meaning that women in those households were more likely than men to be the person who came to the food bank. This echoes findings that food insecurity was higher among women living in a couple with children than among men because they were more likely to skip or reduce meals so children have enough to eat<sup>245</sup>

#### 4.12 Period Poverty

There is a lack of data on period poverty in the UK but one study by Plan International UK<sup>246</sup> has found that:

- one in ten girls (10%) said they had been unable to afford sanitary wear;
- one in seven girls (15%) said they had struggled to afford it;
- one in five girls (19%) have changed to a less suitable sanitary product due to cost
- more than one in ten girls (12%) has had to improvise sanitary wear due to affordability issues

<sup>242</sup> Northern Ireland Homelessness Bulletin, January – June 2020, Department for Communities <https://www.communities-ni.gov.uk/topics/housing-statistics>

<sup>243</sup> <https://www.trusselltrust.org/news-and-blog/latest-stats/mid-year-stats/>

<sup>244</sup> State of Hunger, The Trussell Trust, November 2019 <https://www.stateofhunger.org/wp-content/uploads/2019/11/State-of-Hunger-Report-November2019-Digital.pdf>

<sup>245</sup> Ibid

<sup>246</sup> Plan International UK's research on period poverty and stigma | Plan International UK ([plan-uk.org](http://plan-uk.org))

In November 2020, Scotland became the first country in the world to make period products free for all. There is now a legal duty<sup>247</sup> on local authorities in Scotland to ensure that free period products such as tampons and sanitary pads are available to anyone who needs them. The Bill also enshrines in law the free provision of period products in schools, colleges and universities which is already in place in Scotland. England and Wales have also introduced funding to provide free period products in schools and colleges. Northern Ireland is the only place in the UK where girls do not have access to free sanitary products in schools.

### 4.13 Financial Wellbeing and Debt

Women have lower financial wellbeing, have fewer retirement plans and smaller pension pots than men as well as being less likely to save regularly (56%) compared to men (63%)<sup>248</sup>. More women (52%) have never put their money into an investment product compared to 37% of men<sup>249</sup>. Women are more vulnerable to short-term financial problems or income shocks as their incomes tend to be lower than men and this makes them more likely to have to rely on borrowing and debt to make ends meet.

#### 4.13.1. Pensions

Pensioners have been at a much lower risk of being in poverty (after housing costs) than the population as a whole for over a decade. The number of pensioners in relative poverty was 10% (approximately 31,000) in 2018/19, a fall from 12% in the previous year<sup>250</sup>. In Northern Ireland, 22% of pensioners who were not in receipt of an occupational/personal pension were classed as being in relative poverty compared to only 3% of those who were in receipt of some occupational/personal pension<sup>251</sup>. These figures are not broken down by gender.

Benefit statistics show that of those claiming the state pension 54% are women and 46% are men and for Pension Credit (which provides a top up to the state pension for those on low incomes) 60% of claimants are women compared to 40% of men<sup>252</sup>.

Women make up the majority of older people yet they are more likely than men to retire with no other pension income. Nearly one in eight people retiring in 2018 had made no provision for their retirement and while the gap is narrowing women were more likely to have no retirement savings (18%) compared with 7% of men<sup>253</sup>.

<sup>247</sup> Period Products (Free Provision) (Scotland) Bill - Parliamentary Business : Scottish Parliament

<sup>248</sup> Gender and Financial Wellbeing Challenge Pack, Money & Pensions Service <https://singlefinancialguidancebody.org.uk/wp-content/uploads/2020/03/Gender-and-Financial-Wellbeing-Challenge-Pack-UK-Strategy-for-Financial-Wellbeing.pdf>

<sup>249</sup> Ibid

<sup>250</sup> Households Below Average Income: Northern Ireland 2018/19, DfC & NISRA <https://www.communities-ni.gov.uk/system/files/publications/communities/hbai-2018-19.pdf>

<sup>251</sup> Households Below Average Income: Northern Ireland 2018/19, DfC & NISRA <https://www.communities-ni.gov.uk/system/files/publications/communities/hbai-2018-19.pdf>

<sup>252</sup> Northern Ireland Benefits Statistics Summary, NISRA & DfC, August 2020 NI Benefits Statistics Summary - August 2020 (communities-ni.gov.uk)

<sup>253</sup> Class of 2018, Prudential CO2018 No pension FINAL (pru.co.uk)

Low pay and part-time work mean that women's pension contributions are considerably smaller than those of men and large numbers of women do not qualify to be auto-enrolled or are ineligible. Statistics for Northern Ireland show that workplace pension participation is higher among full-time than part-time employees. In 2019, 82% of all full-time employees were members of a workplace pension scheme compared to 54% of all part-time employees. This is significant given that the majority of part-time workers (79%) are female<sup>254</sup>.

There is a significant gap between male and female pension pots across the UK at 36%. The figures for Northern Ireland however are the highest of all the UK regions at 54% with the average male pension pot at £20,091 compared to the female pension pot at £9,183<sup>255</sup>. Research by the Women's Budget Group shows that among all 65–75 year olds, median pension wealth for men (£164,700) is almost ten times the median pension wealth for women (£17,300)<sup>256</sup>.

#### 4.13.2. Making Ends Meet and Debt

There is no survey in Northern Ireland that gathers information on wealth. Office of National Statistics data for Great Britain shows that women are consistently more vulnerable to poverty. 35% of women and 29% of men reported it was a struggle to keep up with bills some or most of the time, 26% of women and 23% of men said they ran out of money by the end of the month and 29% of women and 25% of men said they would not be able to make ends meet for a month or less if they lost their main source of income<sup>257</sup>. Gingerbread research shows that few single parents have a financial buffer with almost six in ten (59%) rarely or never saving money while approximately half view keeping up with their bills and credit commitments as at least a 'constant struggle'<sup>258</sup>. Unfortunately Northern Ireland is not included in the Wealth and Assets Survey so there is no specific Northern Ireland data covering these issues.

In terms of over-indebtedness levels 18% of adults in Northern Ireland are 'over-indebted' and females are more likely to be over-indebted than males (20% compared to 17%) (Appendix 2, Figure 5). These are people who find keeping up with bills and/or credit commitments a heavy burden or have fallen behind/missed any payments for bills and/or credit commitments in any three or more months in the last six months.

<sup>254</sup> Northern Ireland Annual Survey of Hours and Earnings, Pensions Results 2019, NISRA, March 2020 <https://www.nisra.gov.uk/publications/ni-ashe-pension-results>

<sup>255</sup> <https://www.pensionbee.com/pension-landscape>

<sup>256</sup> Pensions and Gender Inequality, Women's Budget Group, March 2020 final-pensions-2020.pdf (wbg.org.uk)

<sup>257</sup> Early indicator estimates from the Wealth and Assets Survey: Bills and Credit Commitments, April 2018 to March 2020, Office for National Statistics <https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth/datasets/earlyindicatorsestimatesfromthewealthandassetssurveybillsandcreditcommitments>

<sup>258</sup> Scraping and Saving, Gingerbread, May 2019 <https://www.gingerbread.org.uk/policycampaigns/publications-index/scraping-and-saving/>

Debt advice agencies report that single parents are particularly vulnerable to debt. StepChange reports that single parents are overrepresented amongst their debt clients compared to the UK population. Single parents made up 23% of their clients in 2018 yet represent only 6% of the UK population. 85% of their single parent clients are female<sup>259</sup>. In Northern Ireland, Christians Against Poverty report that in 2018, 29% of their clients were single women and 25% were single mothers compared to 24% of single men and 2% of single fathers<sup>260</sup>.

Research by the Joseph Rowntree Foundation<sup>261</sup> found that problem debt and arrears on bills were an extremely common affecting destitute households. These were largely ‘public sector’ debts owed to the DWP, local authorities and utility companies and they mainly pre-dated the Covid19 pandemic rather than being triggered by it. The research stated that the temporary halting of most debt-related deductions from social security benefits during the lockdown was vital in easing the pressure on many destitute households.

The Covid-19 pandemic is also likely to have a significant impact on borrowing and debt levels. The consequent loss of employment and earnings will force many people already struggling to survive on low incomes even further into debt. It is difficult to get an accurate picture of the scale of the debt arising out of the pandemic as it will not become truly apparent for some time. However, even before the pandemic women were more likely to be in debt with those on lower incomes bearing the brunt of the impact. StepChange research shows that 30% of women report being negatively affected financially by the pandemic compared with 26% of men<sup>262</sup>. The NISRA Coronavirus Opinion Survey<sup>263</sup> showed that slightly more women (13.6%) than men (11.7%) reported having had to borrow more money/use more credit than usual since the Covid19 outbreak.

#### 4.14 Rural Issues

Statistics from 2018/19 show that more people in rural areas are living in absolute poverty across all household types – working age people, children and pensioners<sup>264</sup>. The biggest difference between the rural and urban poverty figures is for pensioners (17% rural versus 8% urban). These figures are not broken down by gender. Those who live in rural areas face additional barriers in relation to low-income and poverty including less availability of good quality, well paid jobs and structural issues such as access to transport and centralisation of services.

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<sup>259</sup> Life Happens, Understanding financial resilience in a world of uncertainty, StepChange, July 2019 <https://www.stepchange.org/Portals/0/assets/pdf/life-happens-safety-nets-stepchange-debt-charity.pdf>

<sup>260</sup> Client report, Changing perceptions, Northern Ireland edition, Christians Against Poverty, April 2019 <https://capuk.org/fileserver/downloads/general/Client-Report-2019-NI-WebDP.pdf>

<sup>261</sup> Destitution in the UK 2020, Joseph Rowntree Foundation, December 2020 Destitution in the UK 2020 | JRF

<sup>262</sup> Coronavirus and personal debt: a financial recovery strategy for households, StepChange, June 2020 StepChange General Branded

<sup>263</sup> NISRA Coronavirus (Covid-19) Opinion Survey <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/NISRA%20COVID-19%20Survey%20Key%20Findings.pdf>

<sup>264</sup> Northern Ireland Urban-Rural Statistics, DAERA Key Rural Issues 2020 Infographic\_0.pdf (daera-ni.gov.uk)

Research by NIRWN shows that rural women are under increasing pressure from the economic climate leaving them experiencing more poverty and social isolation than ever before<sup>265</sup>. Rural women are particularly vulnerable to access poverty meaning that they are unable to address their financial poverty if they lack access to affordable childcare and transport to allow them to access better paid, better quality jobs.

#### 4.15 Marginalised Groups

Disabled people are at a higher risk of poverty as they are more likely to face higher barriers to employment, lower pay if they are in work and higher living costs. In Northern Ireland 22% of those living in families where someone is disabled are living in poverty compared to 19% of families where no-one is disabled. Disabled people have been disproportionately impacted by austerity cuts since 2010 with disabled women set to lose 13% of their annual income by 2021 as a result. Disabled single mothers will have lost 21% of their income by 2021 and 32% if their child is also disabled<sup>266</sup>.

Black and Minority Ethnic (BAME) households in the UK are over twice as likely to live in poverty as their white counterparts. Research by the Social Metrics Commission showed that nearly half (46%) of all people living in families where the household head is Black/African/Caribbean/Black British were in poverty compared to just under one in five (19%) of those living in families where the head of the household is white. People in BAME families are also between two and three times more likely to be in persistent poverty than people in white families<sup>267</sup>. The Northern Ireland poverty statistics are not broken down by BAME households.

People who are subject to immigration control will have 'No Recourse to Public Funds' (NRPF) and will not be able to access social security benefits including Child Benefit, Housing Benefit and Universal Credit. Research has shown that women, pregnant women, disabled people and children are more likely to be impacted by the negative effects of NRPF with single mothers appearing to fare the worst<sup>268</sup>. This leaves many women without the safety net of social welfare and often pushes these families into destitution.

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<sup>265</sup> Rural Women's Manifesto, NIRWN, September 2015 <https://www.nirwn.org/wp-content/uploads/2016/12/NIRWN-Rural-Womens-Manifesto.pdf>

<sup>266</sup> Women's Budget Group (2018), 'Disabled Women and Austerity', (available online): <https://wbg.org.uk/wp-content/uploads/2018/10/Disabled-women-October-2018-w-cover-2.pdf>

<sup>267</sup> Measuring Poverty 2020, Social Metrics Commission, July 2020 <https://socialmetricscommission.org.uk/wp-content/uploads/2020/06/Measuring-Poverty-2020-Web.pdf>

<sup>268</sup> Access Denied: The cost of the 'no recourse to public funds' policy, The Unity Project, June 2019 <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d021ada54e8ee00013fe5b9/1560419116745/Access+Denied+-+V12+%281%29.pdf>

## 4.16 Recommendations

There is much overlap between these recommendations and the recommendations for an anti-poverty strategy and it is important that they are not looked at in isolation from each other. Many of these recommendations could fall under the umbrella of an Anti-Poverty Act which is a recommendation for the Anti-Poverty Strategy: “to commit the Northern Ireland Executive to the UN Sustainable Development Goal of ending poverty in all its forms everywhere and to other human rights standards on work and social security.” There is scope for the co-design group to consider the wider poverty recommendations for the Anti-Poverty Strategy as well as those based on evidence relating to gender in the development of additional and innovative recommendations to address poverty in Northern Ireland.

- End the five-week wait in Universal Credit or convert Advance Payments to non-repayable grants instead of loans to help avoid hardship and debt;
  - Make the £20 uplift to Universal Credit introduced to help with the Covid19 pandemic permanent and extend it to legacy benefits;
  - Consider a further £20 per week increase to the child element of Universal Credit to specifically support families with children;
  - Make Universal Credit eligibility conditions more flexible for lone parents given the lack of accessible, affordable childcare in Northern Ireland;
  - Scrap the Benefit Cap and the two-child limit which disproportionately impacts on women and BAME families;
  - Make split payments of Universal Credit the default option.
  - Amend the Universal Credit Regulations so that Maternity Allowance is treated in the same way as Statutory Maternity Pay;
  - Until changes are made to the wider social security system to protect people from poverty the Northern Ireland mitigations package is vitally important. Government should legislate to extend the existing welfare mitigations package for Northern Ireland and close the loopholes around the Benefit Cap and Bedroom Tax urgently;
  - Government should strengthen the mitigations package for Northern Ireland to include new mitigations for the Universal Credit 5-week wait, to mitigate for the two-child limit and to support low-income households living in the private rented sector;
  - Government should work to develop targeted mitigations to specifically help those most impacted by welfare reform including women, lone parents and disabled people as suggested by NIHRC. This could include implementing the Cost of Work Allowance, payments for low income families with young children and payments for households with disabled people;
  - Ensure any underspend in the mitigations package is ring-fenced for anti-poverty work;
  - Increase the funding available to the Universal Credit Contingency Fund, use it to make automatic payments to new claimants impacted by the 5-week wait and make it easier to apply to the Fund;
  - Introduce a new non-taxable weekly Child Payment for all 0-4 year olds and for 5-15 year olds in receipt of free school meals which is a recommendation for the Anti-Poverty Strategy;
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- Make provision for an Anti-Poverty Commission with responsibility to monitor progress on reducing poverty and income inequality, promote the reduction of poverty and income inequality and advise the Executive on matters relating to poverty including the impact of UK and Northern Ireland policies and resource use on poverty rates and levels of income inequality which is a recommendation for the Anti-Poverty Strategy;
  - Remove barriers to applying for social security for transgender people including removing requirements for multiple forms of ID, improving cultural competency in Universal Credit staff ensuring that transphobic discrimination and mental health issues are accounted for in their ability to get a job;
  - Improve financial support for carers by increasing the level of Carer's Allowance and including a Covid19 supplement of £20 a week to match the rise in Universal Credit;
  - Increase the level of Child Benefit per child per week to help poorer families stay out of poverty and reflect the additional costs facing parents;
  - Government should be more proactive in informing claimants about the help that is available through mitigations/other sources of financial help so that people do not miss out on help that is available and which they are rightfully entitled to;
  - There is a need for long-term investment in social housing ensuring quick access to alternative accommodation in cases of domestic/sexual violence and homo/trans phobia especially in rural areas;
  - Increase the Local Housing Allowance rate to help address the shortfall that many private renters experience between their rent and the amount of Housing Benefit they receive;
  - Bring Northern Ireland into line with the rest of the UK by providing free period products in all schools as a priority. Government should then work to extend the free provision of period products to anyone who needs them as is the case in Scotland;
  - Work in partnership with people with lived experience of the social security system to ensure that debt deductions from benefits are not pushing people into hardship and destitution;
  - Increase the funding available for the Discretionary Support Scheme, widen the eligibility criteria, make more payments as grants rather than loans and make it easier to apply;
  - Government should work with charities, financial institutions and other investors to introduce or underwrite the development of schemes to provide low or no interest loans to help those on the lowest incomes access affordable credit;
  - Government should work with stakeholders to develop a package of protections for those negatively affected by Covid-19 which allows them a safe route out of debt including allowing for repayments to be made at an affordable level without increasing their debts;
  - Government should establish a central fund to enable grants to be paid to households negatively impacted by Covid-19 to address arrears and debts accumulated to pay for essential costs during the crisis where realistic chances of repayment may not exist;
  - Funding for independent advice services that provide advice and guidance in relation to social security, money and debt should be increased and provided on a longer-term basis. This should include specific funding for community level information, advice and advocacy work that reaches out to those who are the most vulnerable and marginalised;
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- There is a need for an investment in poverty data for Northern Ireland disaggregated by gender and across all the Section 75 groups to allow for analysis of impact and intersectionality. This would help to ensure that targeted and measurable actions can be taken to reduce poverty in the long term;
- Poverty data should be published at the individual level as well as the household level to take account of power imbalances within couple households;
- Poverty data for Northern Ireland should include measurements of food insecurity, persistent poverty, severe poverty and destitution disaggregated by gender and across all the Section 75 groups so that particularly vulnerable groups are more visible in the data;
- Produce survey data on wealth for Northern Ireland disaggregated by gender and across all the Section 75 groups; and
- Abolish the No Recourse to Public Funds policy. Short of this the NRPF condition should not be imposed on parents with dependent children under 18, pregnant or maternity stage people, disabled people and their dependants, people who have been subject to domestic abuse and pensioners

## 5. Adult Social Care

### Summary:

Care, paid and unpaid, is mainly provided by women. While demand for care is growing, the care workforce is chronically under-valued and has suffered from systemic under investment.

The number of men and women providing unpaid care for adults has increased by 15% for men and 21% for women (from 2000-2015). Women have a 70% chance of providing care in their adult life, compared to 60% for men. By the time they are 46, half of all women have been a carer (11 years before men). Lack of investment in social care means that levels of unmet need are increasing, leading to a greater reliance on unpaid carers and a further diminishing of choice about whether to care. Women's responsibility for the care of older and other dependents has limited their access to paid work and their ability to participate in public life. 2011 Census data and subsequent research has highlighted how unpaid caring can have a negative impact on a carer's financial circumstances and on their health and wellbeing.

The evidence that many carers want to work in the paid labour market is strong. Changes to social security provisions, including higher pension age entitlement and increasing welfare conditionality, means women will participate in the paid labour market for longer. But, the evidence also shows they find it hard to balance work with caring. Provision of even one formal support makes a positive difference. Evidence about the positive impact of flexible working policies on making it easier to combine paid work with unpaid care is mixed. This is because the ability to work flexibly depends on household income, the structure of the local labour market and opportunities for decent flexible work. As outlined in the Feminist Recovery Plan, existing criteria relating to flexible working disadvantages women and low paid workers. Financial and other support for unpaid carers is poor. The Care Allowance is one of the lowest benefits in the benefit system. Since 2002, carers have been entitled to a separate assessment but the number of carers receiving support as a result of a Carer's Assessment remains low relative to the number of carers.

While COVID-19 exposed failings in the care system these were not new. The treatment of care workers during the pandemic highlighted the low status and value attached to this sector and this workforce. Direct employment in the adult social care sector represents 5% of all jobs in NI, making it a critical area in terms of employment. These jobs generate between £532m and £605m in GVA. The workforce is predominantly female; wages are low and working conditions poor. The average care workers wage is almost half the average FTE wage in NI.

There is limited opportunity for career progression in social care work – only about half of the workforce holds any relevant qualifications and there is no framework for progression. As elsewhere in the UK, there are challenges recruiting and retaining staff. There is evidence that

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investing in social care could generate additional jobs and be good for the economy. Analysis for the Women's Budget Group shows that investment in care could produce 2.7 times as many jobs as the equivalent investment in construction. Investment in the social care workforce is critical to improving the quality of social care services

## 5.1 Introduction

Care, paid and unpaid, is mainly provided by women. While demand for care is growing, the care workforce is chronically under-valued and has suffered from systemic under investment. This section assesses the gender implications of paid and unpaid care. It focuses mainly on the care work provided to adults, unpaid and paid.

## 5.2 Adult Social Care: Unpaid Care

### 5.2.1 Who provides care?

Underpinning much of the analyses of gender equality is that an increase in women's participation in the labour market and social and economic equality has to be accompanied by men's equal contribution to family life and domestic work. While in the UK and Ireland and many other western European countries, women's labour market participation has increased, there has been relatively little change in the gendered division of domestic and care work. In 2004, Pascall and Lewis argued that part-time work may be a strategy for bringing women into the labour market and challenging assumptions about their roles or, it may result in increased marginalisation<sup>269</sup>. The latter has been the case in the UK and Ireland and many countries of western Europe. The 'choice' to work part-time has often been the result of lack of affordable childcare and inadequate formal social care. As pointed out in the employment section of this report, part-time employment for women is characterised by precarity and low pay.

While the number of men and women caring for adults has increased over the period from 2000-2015 by 15% for men and 21% for women, Office for National Statistics analysis<sup>270</sup> shows that, on average, women carry out 60% more unpaid work than men, spending twice as much time on unpaid cooking, childcare and housework than men. Transport is the only area where men do more unpaid work than women. Moreover, in the period between 2000-2015, there has been little change in the overall gendered division of unpaid work and the proportion of unpaid care for adults undertaken by women increased.

Women's responsibility for the care of older and other dependents has limited their access to incomes and their ability to participate in public life. There is still a tendency for policy debates to be dominated by the idea that the solution to these challenges is to make it 'easier' for women to reconcile work and care responsibilities, through access to flexible work for example. Unless a universal care giver approach is adopted - where the expectation and reality is that men are equally expected to reconcile these responsibilities then it can be an impediment to gender equality.

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<sup>269</sup> Pascall, G. and Lewis, J. (2004) Emerging Gender Regimes and Policies for Gender Equality in a Wider Europe, *Journal of Social Policy*, vol.33

<sup>270</sup> ONS (10 November 2016) 'Changes in the value and division of unpaid care work in the UK: 2000 to 2015,' (<https://bit.ly/39uim4u>)

The Convention on the Elimination of All Forms of Discrimination Against Women (Article 11) cites the responsibilities of the Government to guarantee equal access to employment to women and men. This includes not only the right to work but also the right to the same employment opportunities. Essential rights for all are also mentioned such as: the right to free choice of profession and employment; the right to job security; the right to equal remuneration; the right to social security; the right to paid leave; the right to protection of health and to safety in working conditions. Ultimately these rights cannot be met while women continue to carry out the bulk of unpaid care work.

### 5.2.2 Unpaid Carers in Northern Ireland

In Northern Ireland there is a strong and heavy reliance on unpaid carers. While the number of men carrying out unpaid care has been increasing, women make up the majority of unpaid carers and there are also gender differences with regard to who women and men care for and the types of caring they do. Women have a 70% chance of providing care in their adult life compared to 60% for men. By the time they are 46, half of all women have been a carer (11 years before men)<sup>271</sup>.

It is widely acknowledged that the unpaid care sector is the largest care sector and that unpaid carers provide the majority of adult social care. The 2011 Census data and NISRA population estimates for 2015 suggest that there are 200,000 plus carers in NI. There is likely to be a significant gap between the number of people identified in the Census as carers and the current actual figure. Polling published by Carers UK<sup>272</sup> has suggested there could now be as many as 8.8 million adult carers in the UK, compared to 6.3 million adult carers recorded in the 2011 Census. Based on this estimate 272,000 people in Northern Ireland (around 1 in 5) are providing care for a family member or friend, over 58,000 more than the 2011 Census records show. The poll also indicates that the number of people aged 65 years or over who are caring has grown from 1.4 million to potentially over 2 million UK-wide - a 43% increase from 2011 to 2019. Data from the 2015 Northern Ireland Life and Times (NILT) Survey (where 17% respondents identified as carers - 21% of women and 13% of men) indicates that whilst similar proportions of men and women were providing care for someone living with them (8% and 11% respectively), women were more likely than men to provide care for someone in another household (12% and 6% respectively). Women are also more likely to be carrying out more personal care.

### 5.2.3 Implications of care

There is substantial evidence of poor health outcomes for unpaid carers, particularly for those providing long hours of care<sup>273</sup>. The 2011 Census revealed that a substantial proportion of carers

<sup>271</sup> Carers UK (2019), 'Will I care? The likelihood of being a carer in adult life': [http://www.carersuk.org/images/News\\_\\_campaigns/CarersRightsDay\\_Nov19\\_FINAL.pdf](http://www.carersuk.org/images/News__campaigns/CarersRightsDay_Nov19_FINAL.pdf)

<sup>272</sup> Carers UK (2019) UK (2019) Juggling work and unpaid care, Yougov polling [www.carersuk.org/images/News\\_and\\_campaigns/Juggling\\_work\\_and\\_unpaid\\_care\\_report\\_final\\_0119\\_WEB.pdf](http://www.carersuk.org/images/News_and_campaigns/Juggling_work_and_unpaid_care_report_final_0119_WEB.pdf)

<sup>273</sup> Colombo, F., Llena-Nozal, A., Mercier, J., & Tjadens, F. (2011). Help Wanted? Providing and Paying for LongTerm Care. Paris: OECD Publishing; Legg, L., Weir, C.J., Langhorne, P., Smith, L.N., & Stott, D.J. (2013). Is informal caregiving independently associated with poor health? A population-based study. *Journal of Epidemiology and Community Health*, 67(1), 95–97.

had a long term health issue or disability. Half of these carers were providing more than 50 hours care per week. In the NILT survey one quarter of carers said that they themselves had a long term physical or mental health condition or illness, which was higher than for non-carers (20%)<sup>274</sup>. Nearly two thirds of carers said that they felt under pressure (21% ‘most of the time’, and 43% ‘sometimes’). More recently, a 2019 Carers NI publication, *State of Caring: A snapshot of unpaid care in Northern Ireland*<sup>275</sup> reported on some of the challenges faced by the carers who responded to their survey. More than 30% of respondents had been caring for 15 years or more with 42% caring for 90 or more hours every week. A significant number were experiencing financial pressure with 39% ‘struggling to make ends meet’. A substantial majority, 66%, reported using their own income or savings to pay for equipment or support services.

#### 5.2.4 Unpaid carers and paid employment

There is a high correlation between unpaid care and lack of participation in the labour market. There is strong evidence that carers want to be in paid work<sup>276</sup> but are limited by a lack of real flexibility and/or other factors such as the impact of flexible work on earnings. Intensity of care is linked to whether or not a carer may be able to stay in employment<sup>277</sup> and provision of formal care support for the person with care needs is associated with a higher probability of being in employment, particularly for women<sup>278</sup>. While some studies suggest that flexible work can have a positive outcome, particularly in terms of increasing the chances of remaining in paid work, this does appear to have a limited impact<sup>279</sup>. This is because flexible work is not the only factor and the ability to work flexibly depends on household income, the structure of the local labour market and opportunities for decent flexible work. As outlined in the *Feminist Recovery Plan*<sup>280</sup> existing criteria relating to flexible working disadvantages women and low paid workers.

#### 5.2.5 Support for Carers

Carer’s Allowance, a social security benefit for those who meet the criteria for full-time caring (35 hours per week), remains one of the lowest benefits in the benefit system, worth about two thirds of statutory sick pay<sup>281</sup>. In addition to the low level of the benefit, there are those who meet the criteria for entitlement in terms of their caring responsibilities, but who don’t get a payment because they receive another benefit which equals or exceeds their weekly rate of Carer’s

<sup>274</sup> Gray, A.M. and Devine, P (2016) *The Impact of Caring*, [https://www.ark.ac.uk/ARK/sites/default/files/2018-07/update109\\_0.pdf](https://www.ark.ac.uk/ARK/sites/default/files/2018-07/update109_0.pdf)

<sup>275</sup> Carers NI (2019) *State of Caring: A snapshot of unpaid care in Northern Ireland* - <https://www.carersuk.org/northernireland/policy/policy-library/state-of-caring-in-northern-ireland-2019>

<sup>276</sup> Jopling K (2016) *Walking the tightrope. The challenges of combining work and carer in later life*. London: Carers UK and Age UK

<sup>277</sup> Glendinning, C. (2016). *ESPN Thematic Report on work – life balance measures for persons of working age with dependent relatives*. Brussels: European Commission.

<sup>278</sup> Pickard, L., King, D., Brimblecombe, N., & Knapp, M. (2015). The effectiveness of paid services in supporting unpaid carers’ employment in England. *Journal of Social Policy*, 44(3), 567–590.

<sup>279</sup> Henz, U. (2006). Informal caregiving at working age: Effects of job characteristics and family configuration. *Journal of Marriage and Family*, 68(2), 411–429.

<sup>280</sup> Women’s Policy Group (2020) *Feminist Recovery Plan*

<sup>281</sup> Himmelweit, S., Land, H. and Person, R (2020) *Crises Collide – women and COVID 19*, London, London: Women’s Budget Group <https://wbg.org.uk/wp-content/uploads/2020/04/FINAL.pdf>

Allowance. A report by the Westminster Work and Pension Committee<sup>282</sup> recommended that in addition to Carer’s Allowance paid at the JSA equivalent, there should be a Caring Costs Payment to compensate for the additional costs of caring. In 2018, the Scottish Government introduced the Carers Allowance Supplement to align the Carer’s Allowance with Jobseeker’s Allowance, the only part of the UK to do so to date.

Policies with regard to support for unpaid carers vary across the jurisdictions of the UK. Table x sets out the key policies and strategies UK jurisdictions and Ireland.

**Table X Policies for Unpaid Carers Across UK Jurisdictions and Ireland**

Northern Ireland	Wales	Scotland	England	Republic of Ireland
<p><b>Carers and Direct Payments Act 2002</b></p> <p>Provides a legal definition and recognition of carers, and places duties relating to carers on public authorities. In particular, it provides a right for carers to request an assessment of their ability to provide and to continue to provide care for the person cared for. HSC Trusts retain discretion whether or not to provide support.</p> <p><b>2006 Carers Strategy</b> – a regional strategy which outlines what carers can expect from public services, particularly health and social care</p>	<p><b>Social Services and Wellbeing Act 2016</b></p> <p>Gives carers living in Wales the same legal rights and entitlements as those they care for. Local authorities have a duty to offer assessments and stronger duties imposed on them to support carers.</p>	<p><b>Carers Act 2016</b></p> <p>Provides a definition of a carer, a young carer and an adult carer; The Act established a duty on local authorities and health and social care partnerships to provide support for carers under a self directed plan (Adult Carers Support Plan)</p> <p><b>2018 - Scottish Government</b> introduced the Carer’s Allowance Supplement to align the Carers Allowance with Job Seekers Allowance</p> <p>Introduction of a Young Carers Grant – an additional payment of £300 p/a to carers aged 16-18.</p>	<p><b>Care Act 2014</b></p> <p>Provides a definition of a carer; established duties for local authorities to provide an assessment and to support eligible needs. Assessment is an entitlement and support is subject to national eligibility criteria</p> <p><b>2018 Carers Action Plan</b></p>	<p><b>National Carers Strategy 2012</b></p> <p>Support carers to maintain health and wellbeing; empower carers to participate as fully as possible in economic and social life</p>

<sup>282</sup> House of commons, Work and Pension committee (20 08) House of Commons Work and Pensions Committee (2008). Valuing and Supporting Carers. Fourth Report of Session 2007-08 HC 485-I

### 5.2.6 Carer's Assessments

In NI, The Carers and Direct Payments Act 2002<sup>283</sup> directs the relevant authority (the Health and Social Care Trusts) to consider whether the carer has needs in relation to the care they provide; if so, whether those needs could be met by the provision of services by the authority and if they could, whether or not to provide such services. The HSCTs are obligated to promote the availability of the carer's assessment. The Act also provides HSC Trusts with discretion to make Direct Payments to carers (including 16 and 17 year old carers) for the purchase of services that meet their own assessed needs.

Despite the legislation, the number of carers receiving support as a result of a Carer's Assessment remains low relative to the number of carers. The Department of Health publishes quarterly statistics on Carers' Assessments<sup>284</sup>. In the quarter ending June 2019, 2,007 assessments were completed and 2,153 declined. The most common reason given (by over a quarter of carers) was that they did not need support; but almost a quarter did not give a reason. There can also be significant variability in assessments offered across the HSC Trusts. In the quarter from April -June 2020, taking into account population structure, the Western HSC Trust had the lowest rate of assessments offered (70 per 100,000 compared to 270 per 100,000 in the Northern Trust). For April to June 2020 the data shows a 32% decrease on the number of assessments offered in the previous quarter. The decline is linked in the report to the COVID 19 Pandemic. This is somewhat concerning given the fewer number of domiciliary care packages being delivered in those months. The BBC<sup>285</sup> has reported that 4,000 domiciliary care packages were suspended in Northern Ireland during the pandemic as users or families were concerned about the spread of the Coronavirus. This is likely to have impacted on unpaid carers and resulted in carers actually being more likely to need a reassessment or a first assessment.

A review by the Northern Ireland Human Rights Commission (NIHRC) in 2014 on the human rights of carers in NI<sup>286</sup> noted that carers who took part in their research reported encountering difficulties in obtaining an assessment. A Carers NI 2019 survey also asked respondents about their experience of assessment. Of the 26% who reported that they had had an assessment or review of an assessment in the previous twelve months, 43% felt that the carers ability and willingness to provide care was thoroughly considered and reflected in support; 32% felt that their need to have a regular break was considered<sup>287</sup>.

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<sup>283</sup> Carers and Direct Payments Act (Northern Ireland) 2002 [http://www.legislation.gov.uk/nia/2002/6/pdfs/nia\\_20020006\\_en.pdf](http://www.legislation.gov.uk/nia/2002/6/pdfs/nia_20020006_en.pdf)

<sup>284</sup> Department of Health (2020) Quarterly Carers' Statistics for NI, April to June 2020, <https://www.health-ni.gov.uk/articles/carers-assessments-and-reassessments>

<sup>285</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-53099476>

<sup>286</sup> NIHRC (2014) The Human Rights of Carers in NI, [https://www.nihrc.org/uploads/publications/The\\_Human\\_Rights\\_of\\_Carers.pdf](https://www.nihrc.org/uploads/publications/The_Human_Rights_of_Carers.pdf)

<sup>287</sup> Carers NI (2019) State of Caring: A snapshot of unpaid care in Northern Ireland - <https://www.carersuk.org/northernireland/policy/policy-library/state-of-caring-in-northern-ireland-2019>

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### 5.2.7 Carers Rights

The Northern Ireland Human Rights Commission<sup>288</sup> explains that the experience of unpaid carers may engage a number of human rights standards including: the International Covenant on Civil and Political Rights (the rights to participation); the Convention on the Elimination of All Forms of Discrimination Against Women (right to work); and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (including the right to social security and the right to an adequate standard of living). ICESCR also recognises that everyone is entitled to the highest attainable standard of physical and mental health.

In Britain, carers of disabled and elderly people are protected from discrimination at work by the Equality Act 2010 that provides protection from “discrimination by association” related to age or disability. The purpose is to prevent carers being treated less favourably in the workplace, or not being offered a job on the basis of their caring responsibilities, while also protecting carers from harassment. These protections are not available to carers in NI.

Northern Ireland is lagging behind in terms of addressing carers’ issues. The 2006 Carers Strategy<sup>289</sup> has not been updated and, while it outlines what carers can expect from public services, particularly health and social care, there is not the evidence that carers are receiving that support. The expert panel, chaired by Professor Bengoa, examining the future configuration of health services in Northern Ireland<sup>290</sup> reported that ‘...the largest group ... of staff delivering care services in Northern Ireland is unpaid’ and that ‘engaging and supporting carers is a fundamental aspect of maintaining service users within their own home and it is essential that the HSC improves its performance in this area’.

While care may be provided on an unpaid basis this does not mean that it carries no cost. The impact on unpaid carers has been extensively documented but there has not been an adequate policy response. There is evidence across the UK that the pressure on unpaid carers has grown as formal services struggle to meet needs. Data on unmet need in social care in NI is poor – it is collected individually from HSCTs and, as noted by the Regulation and Quality Improvement Authority, ‘consists mainly of numbers of people awaiting services, rather than reflecting the complexity of identified needs’<sup>291</sup>. Without robust data on unmet needs, it is impossible to be clear about the extent of the work that unpaid carers may be taking on due to withdrawal or reduction in services, or the extent to which carers’ needs go unmet. The RQIA concluded that consideration should be given to drawing up a regional definition of unmet need in order that services for carers can be appropriately commissioned<sup>292</sup>.

<sup>288</sup> NIHRC (2014) The Human Rights of Carers in NI, [https://www.nihrc.org/uploads/publications/The\\_Human\\_Rights\\_of\\_Carers.pdf](https://www.nihrc.org/uploads/publications/The_Human_Rights_of_Carers.pdf)

<sup>289</sup> DHSSPS (2006) Carers Strategy for NI <https://www.health-ni.gov.uk/sites/default/files/publications/health/carers-ni-q1-20-21.pdf>

<sup>290</sup> Department of Health (2016) Systems not Structures, <https://www.health-ni.gov.uk/sites/default/files/publications/health/expert-panel-full-report.pdf>

<sup>291</sup> Review of the Implementation of the Northern Ireland Single Assessment Tool; Stage Two: Carer’s Support and Needs Assessment Tool”, Overview Report, Regulation and Quality Improvement Authority (RQIA), August 2012 <https://rqia.org.uk/RQIA/files/d0/d0b8f20e-1fb4-4838-b1b2-f4bda63f3f03.pdf>

<sup>292</sup> Ibid

In Britain, even with additional entitlements and duties on some authorities to support carers, many report that these measures have not resulted in significant improvements. There is evidence that implementation of the 2016 Act in Scotland has varied across the region and that those who had been assessed/reassessed felt needs were given insufficient consideration.

There has been a longstanding argument that unpaid work is just as vital to the functioning of the economy as paid work and should therefore be on a par with paid work in systems of national accounting. The ONS Household Satellite Account for 2015-2016<sup>293</sup> estimates the total value of unpaid work at £1.24 trillion, 63.1% of GDP. The National Audit Office<sup>294</sup> found that the value of unpaid care to adults provided in 2015/16 significantly outweighed that of the formal care provided by local Government and the NHS and is comparable to national spending on health care, thus making the value of unpaid care in NI about £5bn.

### 5.3 Adult Social Care: Paid Care Work

The adult social care workforce in NI represents a very significant area of employment. It is also an area facing considerable pressures coming from increasing demand, alongside funding and workforce constraints. By 2039 the population is expected to have increased by 5.3%. The population aged 65 years and over is expected to increase by 74.4% between 2014 and 2039.

#### 5.3.1 Care Wages

Registration figures provided by the Northern Ireland Social Care Council (NISCC) show there are 38,000 adult social care workers. This means that direct employment in the adult social care sector represents 5% of all jobs in NI, making it a critical area in terms of employment. These jobs generate between £532m and £605m in GVA. Earnings in the adult social care sector are lower than average earnings in the UK. Analysis by ICF Consulting<sup>295</sup> in 2018 shows that average earnings for a worker in the regulated social care sector (i.e. those registered with NISCC and employed by the statutory or independent sector) is about £16,600 for a FTE; average FTE earnings in NI are £30,200. So, earnings in the adult social care sector represent 55% of average earnings. The Department of Health's Domiciliary Care Workforce Review (2016-21)<sup>296</sup> acknowledged the challenges within this sector and the variable salary and working conditions of paid care staff. In the statutory sector staff are employed under Agenda for Change Programme terms and conditions, though most are employed at Band 2. In the independent sector, terms and conditions vary from employer to employer, many workers are employed on 'as and when' contracts, workers are paid an hourly rate – to include contact time only, there is a predominance of unpaid training time, unpaid travel time and limited or no travel expenses.

<sup>293</sup> <https://www.ons.gov.uk/economy/nationalaccounts/satelliteaccounts/articles/householdsatelliteaccounts/2015and2016estimates>

<sup>294</sup> 7 National Audit Office (2017) A Short Guide to Local Authorities

<sup>295</sup> ICF Consulting (2018) The Economic Value of the Adult Social Care Sector in NI

<sup>296</sup> Department of Health (2016) Domiciliary Care Workforce Review 2016-2021

### 5.3.2 Gender, Paid Care Work and Sustainable Social Care

The social care workforce is predominantly female – in NI the figure is 87%. If only the HSC Trust domiciliary care workforce is considered, 98% is female and 43% of these staff are aged 55 or over.<sup>297</sup> Comparable information on the independent sector is not readily available but, based on NISCC registration data, 30% of the workforce is aged 55 or over and 42% are under 45. Many work for low pay and there is limited opportunity for career progression. There is a high level of part-time working in NI and, as elsewhere in the UK, there are challenges recruiting and retaining staff. The Northern Ireland Social Care Council estimates that at the time the Workforce Strategy was published (2016), an additional 1,400 care workers were needed every year just to keep pace with demand. Registration for adult social care workers in NI is mandatory but is not qualification led (unlike Scotland and Wales).

Levels of training in the care sector are low. In 2014 a Northern Ireland Social Care Council (NISCC) survey of independent care providers on the qualifications levels of the domiciliary, residential and supported workforce (response rate 50%) found that only 48% held any relevant qualification.

The NI Health and Social Care Workforce Strategy<sup>298</sup> notes that most (75%) adult social care workers work in the independent sector. The strategy acknowledged that there are considerable differences between the terms and conditions of employment for social care workers in statutory organisations and those employed in the independent sector. This includes lower pay, less favourable conditions and zero hour contracts. The Workforce Strategy stated that:

- Employers should create career pathways ensuring access to training and personal development;
- Work would take place with further and higher education providers to support career progression, including access to higher level apprenticeships;
- Work would take place with the Department for the Economy to influence the Apprenticeship Framework criteria to reflect the needs of the social care sector

### 5.3.3 Investing in Social Care Infrastructure

It is clear that investment in care is needed to address the failings in adult social care and a better paid, better qualified social care workforce is critical to sustaining a social care system. The social care sector has struggled to recruit and retain workers for some time. In October 2020 additional resources and efforts to recruit more care workers had little success and a reliance on bank and agency staff continues. The crisis in adult social care in NI and across the UK has been acknowledged. The panel set up to review adult social care in NI argued strongly that there had to be investment in the workforce writing that the outsourcing of care to the independent sector had led to competition between providers based “almost exclusively on price” and consequently a “race to the bottom” as “by far the largest cost for any care provider is the cost of staff.”<sup>299</sup>

<sup>297</sup> Ibid

<sup>298</sup> Department of Health NI (2016) The NI Health and Social Care Workforce Strategy 2026

<sup>299</sup> Department of Health NI (2017) <https://www.health-ni.gov.uk/sites/default/files/publications/health/power-to-people-full-report.PDF>

There is evidence that investing in social care could generate additional jobs and be good for the economy. Analysis for the Women's Budget Group suggests that investment in care could produce 2.7 times as many jobs as the equivalent investment in construction<sup>300</sup>. The authors estimate that paying **all** workers in the UK the National Living Wage and, as training and qualifications improved (within a professional pay and career structure), subsequently raising pay would increase the net cost to 2.7% of GDP but still generate as many jobs as construction.

## 5.4 Care Users

### 5.4.1 Access to and Experience of Care

There are a range of issues with regard to the policy, provision and quality of adult social care. Legislation and policy in NI is outdated with the various reviews of health and social care and the transformation agenda to date prioritising the acute care sector. An expert group set up to report on reform of social care reported in 2018<sup>301</sup> but findings have not been progressed. Self-directed Support, which includes encouragement for users to purchase their own care through Direct Payments, has been launched and rolled out in Trusts although there appears to be no underpinning policy or legislative framework. The neglect of social care has had consequences for users - and for unpaid and paid care, as outlined above. The majority of social care users in both domiciliary and residential settings are aged over 65 (the majority of whom are women) but the range of users also includes people with physical, sensory or learning disabilities, and those experiencing mental health problems. While as a population we tend to know much more about and place greater emphasis on health care than social care, both women and men can expect to live approximately one quarter of their lives in ill health or with a disability<sup>302</sup>. The failure to reform or invest in social care has negatively impacted on access to appropriate services, quality of care, some individuals bearing considerable costs for residential and nursing care and the rights of care users<sup>303</sup>. While many of these challenges can apply to all users there are also gender equality issues.

The first of these applies to the lack of gender disaggregated data on adult social care use. To take just two examples: statistics on Direct Payments are available by client group but not by gender; the Department of Health Care at Home Survey<sup>304</sup> provides a gender breakdown of respondents for each HSC Trust area (this ranges between 64% and 66% female) but there is no breakdown of responses to survey questions by gender.

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<sup>300</sup> De Henau, J. and Himmelweit, S (2020) A Care Led Recovery from Coronavirus - <https://wbg.org.uk/wp-content/uploads/2020/06/Care-led-recovery-final.pdf>

<sup>301</sup> Department of Health (2017) Report of Expert Group on Adult Social Care, <https://www.health-ni.gov.uk/sites/default/files/publications/health/power-to-people-full-report.PDF>

<sup>302</sup> Department of Health (2016) Health Inequalities Regional Report, Belfast: DoH

<sup>303</sup> Chapman, A (2018) Thinking ahead? Exploring adult social care provision with older people in Northern Ireland, *Health and Social Care in the Community*, 27,1, 161-169; Department of Health (2017) Report of Expert Group on Adult Social Care, <https://www.health-ni.gov.uk/sites/default/files/publications/health/power-to-people-full-report.PDF>

<sup>304</sup> Department of Health (2018) <https://www.health-ni.gov.uk/sites/default/files/publications/health/survey-home-care-care-service-users-2018.pdf>

Research has highlighted that within care home settings men are generally outnumbered by women and have a higher risk of feeling socially isolated and older men living in their own home are at greater risk of loneliness. Work by the University of Bristol for Age UK<sup>305</sup> has recommended greater priority should be given to the running of groups within care homes in addition to the focus on individualised care and support and to the establishment of community based groups.

A tranche of research from the 1990s found that that within social care systems older LGB&T residents experience more complex forms of prejudice and discrimination on the grounds of age enmeshed with gender/sexual difference. Participants frequently expressed fear that in entering a care home they would have to conceal their sexual difference/identity and thus be forced into isolation to protect themselves from discrimination and hostility from staff and residents. Entering into care as a LGB&T individual was among the most significant anxieties about the future<sup>306</sup>. The current generation of LGB&T people/care home residents may be reluctant to disclose their difference because they recall the hostility of less ‘tolerant’ times.

Some of the practical solutions proposed with regard to the above issues<sup>307</sup> focus on the valuing of differences. These include: avoiding heteronormative and cisgenderist assumptions about sexuality and sexual and gender identification in assessments; emphasising confidentiality, use of a range of images and positive responses towards human differences in service information/ publicity and consulting with users on their needs and wishes in an informed, sensitive way. In the specific context of care homes, it is recommended that care staff and systems should maintain choices around clothing/self-presentation, and that staff training and discussions concerning policy and practices should aim to balance consent and choice with safeguarding.

## 5.5 Recommendations

- The term unpaid care rather than informal care should be used;
- Policies and strategies with regard to support to unpaid carers should be updated, be evidence based and properly resourced;
- A review of carers’ assessments should be conducted to establish: a) reasons for the relative low level of assessment: b) the reasons why a significant number of assessment offers are declined; c) the reasons for the variation across HSC Trusts;
- Assessment data should be gender disaggregated with regard to: offer of assessment; request for assessment; accepts and declines of assessment; services and support provided;
- Data on community and residential care should be gender disaggregated;
- Unpaid work must be recognised in policy, and addressed through investment, including in policies on poverty. The value of the Carer’s Allowance should be increased at least in line with developments in Scotland;

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<sup>305</sup> Willis, P, Vickery, A, Hammond, J & Jessiman, T, 2019, ‘Older Men at the Margins :Guidance for practitioners and services’. Age UK

<sup>306</sup> Simpson, P., Horne, E, Brown,L., Wilson, C., Dickinson, T. and Torkington,K (2017) Old(er) Care Home residents and sexual/intimate citizenship. *Ageing and Society*, 37(2), 243-265. doi:10.1017/S0144686X15001105

<sup>307</sup> Hafford-Letchfield, P. 2008. ‘What’s love got to do with it?’ Developing supportive practices for the expression of sexuality, sexual identity and the intimacy needs of older people. *Journal of Care Services Management*, 2, 4, 389–405

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- The Department of Health needs to collect and collate data on unmet need. This is required to make transparent the gap between need and formal care. This is important for two reasons: those in need of care should expect that those needs be met and because it is likely that in many cases unpaid carers are filling the care gap;
- Policy measures to reduce unpaid care work are needed to redress inequalities in the provision of care. This includes investment in social care infrastructure to fund high quality care services, reduce levels of unmet need and ensure that there is a genuine choice about whether to take on unpaid care (for the carer and the recipient of care);
- There is an immediate need for increases in salaries of paid care workers. This should be linked to the professionalisation of training (within the development of a training and qualifications framework, including Higher Level Apprenticeship) for adult social care workers with opportunity for workplace progression and secure contracts for all care workers. These actions are critical to building a sustainable care system and will benefit the quality of care provided to users and the economy; and
- The concerns and fears of LGBT+ people with regard to discrimination in social care should be addressed and their needs and wishes taken account of in an informed, sensitive way

# 6. Health

## Summary

Health outcomes for women and men are strongly linked to deprivation and there has been little progress in addressing health inequalities. Historically life expectancy has been higher for females than males. The gender gap in life expectancy in NI is 3.7 years. However, female life expectancy has declined in the most deprived areas of some local Government districts. There has also been a negative change with regard to women's Healthy Life Expectancy in the most deprived areas. Disability Free Life expectancy has changed negatively for both genders since 2012-14 with the inequality gaps widening. Data on health outcomes for Black and Minority Ethnic groups and the Travelling community in NI is very poor. The infant mortality rate in NI is the worst in the UK (4.2 deaths) and there has been no improvement since this was included as an indicator in the Programme for Government.

Department of Health data shows that women and girls are more likely than men and boys to experience mental health problems- and this is the case across the life cycle. Men are more likely to die by suicide (in 2018, 228 males died by suicide compared to 79 females). The marginalisation and discrimination faced by the transgender community impacts negatively on physical and mental health, including self harm and attempted suicide. There is a dearth of data on the health care needs and experiences of LGBTQI+ people.

There are a number of health policies which Government has committed to addressing but where there has been little/no progress. The chapter highlights concerns about the failure to develop and implement a perinatal mental health strategy, to implement the commitment to improve IVF provision and improve diagnosis and treatment of endometriosis. There has also delays in establishing abortion services in NI which means that women's access to essential health care is restricted. Experience during the COVID-19 pandemic has provided evidence of the benefits of telemedicine for abortion provision particularly with regard to more vulnerable and marginalised populations.

## 6.1 Introduction

Global evidence is clear that health and social care systems reflect and reinforce gender inequalities, restrictive gender norms in health care delivery and in the structure of the workforce. It also shows that the intersectionality between gender and income, race, age and sexual identity creates disadvantage among girls and women and boys and men and not just between them. International health and human rights bodies see addressing these inequalities as a priority. The World Health Organisation's Commission on Social Determinants

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of Health (2005)<sup>308</sup> drew attention to the considerable role that gender, among other social determinants, plays in determining health risks<sup>309</sup>.

The International Covenant on Economic, Social and Cultural Rights, (Art 12) sets out the obligations on states to recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. A right to health is also recognised in the UN Convention on the Rights of the Child (Art 24) and the International Convention on All Forms of Racial Discrimination. Article 6 of the Convention on the Rights of Disabled People recognises that disabled women and girls are subject to multiple discrimination and requires states to address this. The UK Government is committed to the delivery of the Sustainable Development Goals set out in the United Nations 2030 Agenda for Sustainable Development. Three of the 17 Goals (SDGs) are relevant to health: good health and wellbeing (SDG3), gender equality (SDG5), and reduced inequalities (SDG10). SDG 5 sets targets relating to ensuring universal access to sexual and reproductive health and reproductive rights and recognising and valuing unpaid care and domestic work through the provision of public services, infrastructure and social protection policies. The World Health Organization (Europe Regional Committee) strategy on the health and wellbeing of men<sup>310</sup> aims to improve men's health and wellbeing through gender-responsive and equity-driven approaches that transform the gender roles, norms and structures that affect men's exposure to risk factors and act as a barrier to gender equality and health equity. Objectives include: reducing premature mortality among men due to non-communicable diseases and unintentional and intentional injuries; improving health and wellbeing among men of all ages, while reducing health inequalities; improving gender equality through policies that advance men's engagement in self-care, fatherhood, unpaid care, violence prevention and sexual and reproductive health.

While women live longer than men, they face more health issues throughout their lives and there is often a lack of understanding of specific health issues experienced by women and girls. Access to good quality health care, including preventative care, impacts on the ability of women and girls to engage fully in education and the labour market and on their overall well-being. The Convention on the Elimination of Discrimination Against Women (Article 11)<sup>311</sup> requires states to take all appropriate measures to eliminate discrimination against women in the field of healthcare, including with regard to family planning, pregnancy and post-natal health.

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<sup>308</sup> World Health Organisation (2005) Report on Social Determinants of Health - [https://www.who.int/social\\_determinants/thecommission/finalreport/about\\_csdh/en/](https://www.who.int/social_determinants/thecommission/finalreport/about_csdh/en/)

<sup>309</sup> Gupta et al (2019) Gender Equality and Gender Norms: framing the opportunities for health, *The Lancet*, 393, 10190, 2250-2502

<sup>310</sup> World Health Organization (2018), The health and well-being of men in the WHO European Region: better health through a gender approach <https://www.euro.who.int/en/health-topics/health-determinants/gender/publications/2018/the-health-and-well-being-of-men-in-the-who-european-region-better-health-through-a-gender-approach-2018>

<sup>311</sup> <https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

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## 6.2 Gender and Health Outcomes

### 6.2.1 Life Expectancy

Historically life expectancy has been higher for females than males. In 2016-2018, life expectancy at birth was 82.4 for females and 78.7 for males. Department of Health data shows that between 1992-1994 and 2016-2018 the gender gap in life expectancy has decreased from 5.7 years to 3.7 years. Health outcomes and health inequalities monitoring data for NI<sup>312</sup> show a concerning lack of improvement in some health outcome measures for women and, in some areas, deterioration. Generally, there was little change in female life expectancy between 2012-14 and 2016-18. However, in the most deprived areas of some local Government districts female life expectancy actually declined and the inequality gap between life expectancy in the most and least deprived areas widened. For the same period, there was no change in the male or female healthy life expectancy gaps. Overall female Healthy Life Expectancy is 60.8 years but here again there was a negative change in the most deprived areas. Healthy Life Expectancy for males in NI is 59.7 years and male Healthy Life Expectancy did improve for NI overall. Disability Free Life expectancy has changed negatively for both genders since 2012-14 with the inequality gaps widening.

### 6.2.2 Infant Mortality

Child health outcomes are linked to maternal health and wellbeing. The infant mortality rate in NI is the worst in the UK<sup>313</sup> at 4.2 deaths. One of the NI Executive Programme for Government indicators (7) is low birth weight. In 2018, the percentage of babies born weighing under 2,500g was 6.3% - no improvement from the baseline year. Mothers from a 'non-white' ethnic group are more likely to have a baby born with a low birth rate<sup>314</sup>. Some groups of women including young mothers, women from a 'non-white' ethnic group and women from lower income groups are more likely to experience inadequate ante natal care which is a risk factor for maternal health<sup>315</sup>. In NI there are substantial differences in when women book their first antenatal appointment – fewer women in most deprived areas book at less than 15 weeks gestation in the most deprived compared to least deprived; there are also differences regarding ethnicity with 24.8% of births to mothers from a non-white ethnic group booking at 15 + weeks compared to 6% from a white ethnic group<sup>316</sup>. The Maternity Strategy (2012-18) for NI<sup>317</sup> noted the importance of

<sup>312</sup> Department of Health (NI) (2020) Health Inequalities Annual Report <https://www.health-ni.gov.uk/sites/default/files/publications/health/hscims-report-2020.pdf>

<sup>313</sup> Royal College of Paed and Child Health (2020) State of Child Health 2020, <https://stateofchildhealth.rcpch.ac.uk/>

<sup>314</sup> Public Health Agency (2018) Children's Health in NI, <https://www.publichealth.hscni.net/sites/default/files/2018-12/RUAG%20Childrens%20Health%20in%20NI%20-%202017-18%20-%20Dec%202018.pdf>

<sup>315</sup> Nair M, Kurinczuk JJ, Brocklehurst P, Sellers S, Lewis G, Knight M. "Factors associated with maternal death from direct pregnancy complications: a UK national case-control study". *BJOG* 2015;122:653-662, January 2015 <http://onlinelibrary.wiley.com/doi/10.1111/1471-0528.13279/full>

<sup>316</sup> Public Health Agency, (2018) Children's Health in NI, <https://www.publichealth.hscni.net/sites/default/files/2018-12/RUAG%20Childrens%20Health%20in%20NI%20-%202017-18%20-%20Dec%202018.pdf>

<sup>317</sup> Department of Health (2012) <https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/maternitystrategy.pdf>

making services accessible but this strategy has not been replaced. This has implications for the implementation of the recommendations made by Regulation and Quality Authority (RQIA) in its review of the maternity care strategy in 2017<sup>318</sup>.

Rates of infant mortality for traveller children are particularly concerning. A RQIA (2014) baseline study of access to services for disadvantaged groups<sup>319</sup> showed traveller infants were 3.6 times more likely to die than infants in the general population. While some initiatives have been developed (BHSCT and PHA Traveller health project for example) the Equality Commission for NI has noted the paucity of data on traveller health in the public domain and this continues to be a problem<sup>320</sup>.

Evidence suggests that men and women can expect to spend more of their lives in poor health. Improvements to life expectancy have stalled and there has been and declined for the poorest women and the health gap between the most and least deprived areas has widened. A huge body of evidence, including Sir Michael Marmot's Review of 2010 and follow up reports have shown the scale of and damaging impact of inequalities, arguing that these can only be addressed through a social determinants approach and set out a clear agenda. The 2020 follow on to the Marmot Review<sup>321</sup> reported a lack of progress on, and evidence of a widening of health inequalities; the concerning figures for NI mirror those in other parts of the UK. The review is clear that austerity measures and cuts over the period since 2010 have been regressive and inequitable. Sections of this report on poverty and employment illustrate the disproportionate impact the 2008 recession, and the austerity measures which followed, have had on women. Addressing health inequalities means addressing the social determinants and, as set out in the Marmot 2020 review, this means addressing poverty and low wages, creating fair employment and good work and improving housing, transport, air quality and the built environment.

There are significant data gaps with regard to a number of S.75 groups including traveller women, Black and Ethnic Minority women and LGBT+ people. We also know little in NI about the health of lone mothers and young mothers.

### **6.3 Black and Ethnic Minority Groups: health inequalities**

The Office for National Statistics Annual Population Survey shows that most ethnic groups report higher prevalence of long term conditions such as respiratory and heart problems. There is also evidence that inequalities exist across the life cycle but may be greater in later life. Evandrou et al's study provides an updated picture of ethnic inequalities in later life at the end of the first

<sup>318</sup> Regulation and Quality Authority (2017) Review of Strategy for Maternity Care in NI - <https://www.rqia.org.uk/RQIA/files/82/8248c76d-618c-4d00-9d54-589bc9b1a801.pdf>

<sup>319</sup> RQIA (2014) Baseline study of Access to Services for Disadvantaged groups - <https://www.rqia.org.uk/RQIA/files/60/60a81b58-5327-4c2e-b998-7f956385e678.pdf>

<sup>320</sup> Equality Commission for Northern Ireland (2018) Key Inequalities

<sup>321</sup> The Health Foundation (2020) Twenty Years On: health equity in England [https://www.health.org.uk/sites/default/files/2020-03/Health%20Equity%20in%20England\\_The%20Marmot%20Review%2010%20Years%20On\\_executive%20summary\\_web.pdf](https://www.health.org.uk/sites/default/files/2020-03/Health%20Equity%20in%20England_The%20Marmot%20Review%2010%20Years%20On_executive%20summary_web.pdf)

decade of the 21st century. Based on analysis of Understanding Society data<sup>322</sup> results highlight that older people from most ethnic minority groups (excluding Irish, other white and other Asian) are more likely to report their health as limiting their typical activities and to report poor self-rated health than white British older people. After controlling for income and deprivation, health inequalities become narrower but a health disadvantage remains.

The authors point out that this may be due to an accumulation of risk over the life course and the long term consequences of exposure to hazards such as economic disadvantage, poor healthcare and racial discrimination. These are important findings as prevention of such long term consequences requires interventions at an earlier life stage and across a number of socio-economic dimensions.

The limited research which is available in NI suggests that similar issues apply with regard to BAME women's access and experience of health services as has been documented elsewhere. Analysis of the experience of asylum seekers and refugees in NI identified a number of data gaps, referring specifically to the need for further research into the areas of sexual health and maternity services. Austin's study of ethnic minority women's access to quality healthcare in NI (based on a survey of 207 women)<sup>323</sup> identifies a number of factors impeding or reducing access to health care: difficulties with GP registration; lack of familiarity with the NI health system; uncertainty with regard to health service entitlement (including for maternity care) - which was also linked to uncertainty about immigration status; and language barriers and communication issues. While both the aforementioned studies note the general high satisfaction with the health care respondents had received, undoubtedly, the 'hostile environment' initiatives apparent in the UK, Ireland and other countries impact on the sense of unease and uncertainty that migrants, refugees and asylum seekers feel with regard to access to health care<sup>324</sup>.

### 6.3.1 Health Inequalities and Travellers

An analysis of health inequalities in Scotland by the Scottish Government<sup>325</sup> shows that Travellers had by far the worst health outcomes. In NI the general inequalities and systemic issues faced by travellers, particularly with regard to housing and education has been highlighted by both the Northern Ireland Human Rights Commission (NIHRC) (2018)<sup>326</sup> and the Equality Commission<sup>327</sup>.

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<sup>322</sup> Evandrou, M et al (2016), Ethnic Inequalities in Limiting Health and Self Reported Health in Later Life, *Journal of Epidemiology and Community Health* <http://dx.doi.org/10.1136/jech-2015-206074>

<sup>323</sup> Austin, J (2014) Ethnic Minority Women's Access to Quality Healthcare in NI, Migrant Centre NI and Black and Ethnic Minority Women's Network

<sup>324</sup> Coddington, K (2020) Incompatible with life: Embodied Borders, Migrant Fertility, and the UK's 'hostile environment', *Politics and Space*, DOI: 10.1177/2399654420968112 Luibheid, E. 2004. 'Childbearing against the state? Asylum seeker women in the Irish republic'. *Women's Studies International Forum*, 27: 335–49.

<sup>325</sup> Scottish Government (2016) Which ethnic groups have the poorest health? An analysis of health inequality and ethnicity in Scotland

<sup>326</sup> Northern Ireland Human Rights Commission (2018) Out of Sight, Out of Mind: traveller accommodation in NI - <https://www.nihrc.org/index.php?/publication/detail/out-of-sight-out-of-mind-travellers-accommodation-in-ni-executive-summary>

<sup>327</sup> Equality Commission for Northern Ireland (2019) Equality in Education - <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Education-FullPolicyPosition.pdf?ext=.pdf>

As highlighted earlier, the starkness of these inequalities can be seen in a much reduced life expectancy compared to the general population (for men and women), a high infant mortality rate and higher morbidity. Data published by an inter-ministerial group in Britain in 2011<sup>328</sup> showed health outcomes to be much poorer than the general population and also poorer than others in socially deprived areas. That report provided a good summary of the health status of travellers:

- 39% of Gypsies and Travellers have a long- term illness compared with 29% of age and sex matched comparators, even after controlling for socio-economic status and other marginalised groups;
- Travellers are 3 times more likely to have chronic cough or bronchitis, even after smoking is taken into account;
- 22% of Gypsies and Travellers reported having asthma and 34% reported chest pain compared to 5% and 22% of the general population;
- Irish Travellers are nearly 7 times as likely to die by suicide than the general population;
- There is an excessive prevalence of miscarriages, stillbirths and neonatal deaths in Gypsy and Traveller communities and high rates of maternal death during pregnancy and shortly after childbirth;
- A high prevalence of diabetes has been reported in Gypsy and Traveller communities, and a lack of community knowledge of the risk factors; and
- The data (based on the 2011 Census) showed that Gypsy and Traveller women live 12 years less than women in the general population and men 10 years less, although the life expectancy gap is much higher, with that of the settled communities improving while average life expectancy for Travellers remaining static

The All Island Traveller Health study<sup>329</sup> notes the widespread literature on how the medical encounter between health professionals and lay people is replete with accounts of negative doctor/patient interaction and communication breakdown. This is because of the expectations on the one hand, of a professional culture and on the other, lay interpretations of health. The study also reported that while some Traveller men and women indicated that they were aware of lower life expectancy they tended to deal with health issues mostly as they became acute.

There has been little improvement with regard to most of the above. In NI a study by Strabane Access Youth Engagement in 2018<sup>330</sup> based on questionnaires completed with 400 members of the Travelling community reinforced previous findings but did provide some additional insight into living conditions. Of particular note from that work, is the finding that 90% of those surveyed reported that someone in their family had a disability of long term illness.

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<sup>328</sup> Department of Communities and Local Government (2011) Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6287/2124046.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6287/2124046.pdf)

<sup>329</sup> All Ireland Traveller Health Study (2010) All Ireland Traveller Health study <https://assets.gov.ie/18859/d5237d611916463189ecc1f9ea83279d.pdf>

<sup>330</sup> Strabane Access Youth Engagement (2018) The Needs and Issues of the Traveller Community in NI

It remains the case that too little is known about the health status of people from minority ethnic backgrounds living in NI and of the health challenges experienced by the Traveller community. The dearth of research, and the lack of data collated and in the public domain, inhibits identification of problems and the development of effective responses. A substantial body of work in the UK and Ireland provides evidence of persistent inequalities in health linked to race in terms of mortality, morbidity, and uptake of preventative services. While these inequalities are experienced by women and men, on the whole greater ethnic differentials in outcomes are found among women than men.

There is an urgent need for data, including disaggregated data, on Traveller and BAME health status to be obtained and published. This needs to be disaggregated by gender. Much of the solution to addressing the health inequalities experienced by the Traveller Community and the Black and Ethnic Minority population in NI lies in addressing the broader social determinants of health. There are however measures that can be taken at health policy and at service delivery level. Legido-Quigley et al (2019)<sup>331</sup>, using the framework of the WHO health service building blocks, emphasise the importance of; availability of interpreter services, addressing discriminatory treatment, tackling ideas about perceived 'deservingness' and the cultural competence of staff. The measures set out in the National Institute for Health and Clinical Evidence Quality Standard (QS 167)<sup>332</sup> introduced in 2018 in response to a need to promote health and prevent premature mortality in black and other ethnic minority groups should be adopted. These include that people from BAME groups should have views represented in setting priorities; that they should be represented in peer and lay roles and that engagement with preventative and rehabilitative services should be improved through improving access including timing and location of services and addressing communication barriers).

## 6.4 Mental Health

### 6.4.1 Mental Health Indicators

The Health Survey NI<sup>333</sup> shows that women are more likely than men to experience mental health problems; 20% of females scored highly on the GHQ12 scale compared to 16% of males and both had a significant link also to social disadvantage. The age groups most likely to report a score of four or more (indicating possible mental disorder) were women aged 55–64 followed by men aged 16–24 and women aged 45–54. Research and Government data has evidenced how poverty increases the risk of mental health problems and can be both a cause and a consequence of poverty for both men and women. A number of studies have pointed to higher rates of co-morbid mental health problems among women<sup>334</sup>. This co-morbidity leads to more negative outcomes.

<sup>331</sup> Legido-Quigley et al (2019) BMJ, Healthcare is not universal if undocumented migrants are excluded, 36,6

<sup>332</sup> National Institute for Health and Clinical Excellence (2018) Promoting health and preventing premature mortality in black, Asian and other minority ethnic groups <https://www.nice.org.uk/guidance/qs167/chapter/Quality-statements>

<sup>333</sup> Department of Health (2020) Health Survey Northern Ireland - <https://www.health-ni.gov.uk/publications/health-survey-northern-ireland-first-results-201819>

<sup>334</sup> Elliott, I. (J2016) Poverty and Mental Health: A review to inform the Joseph Rowntree Foundation's Anti-Poverty Strategy. London: Mental Health Foundation.

The mental health of girls and women is a concern across the life cycle. Women are also more likely than men to experience the death of a partner, to move into residential care and to experience cognitive decline. Women have higher rates of depression<sup>335</sup> which can be a risk factor for converting cognitive impairment to dementia<sup>336</sup>. There is also evidence that the poorer mental health of women starts at a young age. Data from the NI Young People Behaviour and Attitudes Survey for 2019<sup>337</sup> shows that using the Stirling Scale (to measure well-being in children) girls have a lower mean wellbeing than boys (school years 8-12). This also applies to school years 10-12 where using the Warwick Edinburgh Mental Wellbeing Scale girls have a lower wellbeing score than boys. A study funded by the NIHR Policy Research Unit using data from the UK Household Longitudinal Survey, examines the gender gap in mental wellbeing during the COVID 19 pandemic and found that women fared worse than men across a number of categories<sup>338</sup>. Changes in mental wellbeing differ by circumstances and by gender; those with high childcare duties showed noticeable deterioration in wellbeing with women affected more than men.

Suicide rates across the island of Ireland have been of increasing concern, particularly the number of men dying by suicide. In 2018, 228 males died by suicide compared to 79 females. Figures for 2015 show that men in the 25-34 age group were most likely to die by suicide. Devine and Early (2020)<sup>339</sup> point out that explanations for suicide trends are complex, and include factors associated with gender and masculinities, economic and employment stress, middle-age, legacy of the NI conflict, isolation and social connections, and sexual identity.

The marginalisation and discrimination faced by the transgender community impacts negatively on physical and mental health, including self-harm and attempted suicide. This is compounded by inadequate access to mental health services and experience of discrimination while accessing services<sup>340</sup>.

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<sup>335</sup> Betts, J. and Thompson, J (2017) Mental Health in Northern Ireland <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2016-2021/2017/health/0817.pdf>

<sup>336</sup> BMA, (2018) Health Inequalities and Women: addressing unmet needs, <https://www.bma.org.uk/media/2116/bma-womens-health-inequalities-report-aug-2018.pdf>

<sup>337</sup> NISRA (2019) Young People Behaviour and Attitudes Survey for 2019 <https://www.nisra.gov.uk/publications/young-persons-behaviour-and-attitude-survey-2019>

<sup>338</sup> Etheridge, B and Spantig, L (2020) The Gender Gap in Mental Wellbeing During the COVID 19 Outbreak: evidence from the UK, Institute for Social and Economic Research, Essex

<sup>339</sup> Devine, P and Early, E (2020) Men's Health in Numbers - <https://www.mhfi.org/MensHealthInNumbers1.pdf>

<sup>340</sup> McBride, R.S & Schubotz, D. (2017) Living a Fairy Tale: the educational experiences of transgender and gender non-conforming youth in Northern Ireland, *Child Care in Practice*, 23:3, 292-304

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### 6.4.2 Perinatal Mental Health

Mental health problems are the most common major health complications of maternity and have long term adverse consequences. There is clear evidence on deficiencies in perinatal health services in NI. Cunningham et al (2018)<sup>341</sup> conclude that the main challenge is systemic underfunding in the face of growing levels of need and complexity of demand. Currently, only the Belfast Trust provides even the most basic specialist services. There is no in-patient mother and baby unit in NI. An RQIA Review of perinatal services in 2017<sup>342</sup> made eleven recommendations to address inequalities in provision. In England, Scotland and Wales there has been investment in new services and the DoH (2019)<sup>343</sup> has acknowledged the need to improve these services.

The 2020 Mental Health Action Plan<sup>344</sup> makes a commitment to the ‘determination and creation of a specialist community perinatal mental health service. It also notes that ‘it is likely that creating this service will take some time’. The action plan (objective 9.1) set a target date of September 2020 for a decision on taking forward these services. At the time of writing (December 2020) the Department of Health has published a new ten year draft Mental Health Strategy for consultation<sup>345</sup>. This notes that the roll out of specialist community mental health services will continue and that consideration will be given to a specialist perinatal mother and baby unit. It is of concern that there is no time scale for development and implementation of these services.

Mental health policy has increasingly been seen as a priority with the publication of a mental health action plan, the draft Mental Health Strategy and the appointment of a Policy Champion. There is as yet no funding plan for mental health. The higher rates of suicide among males is acknowledged in the Department of Health’s strategy (Protect Life 2, 2019-24) for preventing suicide and self-harm.

A number of factors contribute to the high levels of poor mental health for males and females in NI. Mental health provision in NI has historically been under-developed and under-funded. While there has been some recent progress in terms of a commitment to a mental health strategy (and to the provision of some specialist services including perinatal provision) it is essential that this is adequately resourced. As with the health outcomes discussed above, measures to address poor mental health and promote positive mental health include addressing the broader social and economic determinants.

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<sup>341</sup> Cunningham et al (2018) Time for Action on Perinatal Mental Health Care in NI - <https://learning.nspcc.org.uk/media/1584/time-for-action-perinatal-mental-health-care-northern-ireland-report.pdf>

<sup>342</sup> RQIA (2017) RQIA (2017) Review of Perinatal Mental Health Services <https://www.rqia.org.uk/RQIA/files/28/28f4ee85-a5e9-4004-b922-525bc41ae56d.pdf>

<sup>343</sup> Department of Health (2019) Perinatal Mental Health <https://www.health-ni.gov.uk/perinatal-mental-health>

<sup>344</sup> Department of Health (2020) Mental Health Action Plan, <https://www.health-ni.gov.uk/sites/default/files/publications/health/mh-action-plan-plus-covid-response-plan.pdf>

<sup>345</sup> Department of Health (2020) Draft Mental Health Strategy for NI - <https://www.health-ni.gov.uk/sites/default/files/consultations/health/doh-mhs-draft-2021-2031.pdf>

## 6.5 Endometriosis

Endometriosis is a condition which affects one in ten women but there continues to be major problems with regard to diagnosis and treatment. In NI it takes on average 8.5 years for women to get a diagnosis. NI also has the longest waiting lists in the UK for gynaecological appointments. Most women in NI with the condition are seen by non-specialists. An Inquiry report by the All Party Parliamentary Group on Endometriosis (October, 2020)<sup>346</sup> presented a comprehensive set of recommendations. It called for Governments across the UK to recognise the scale of endometriosis and commit the resources needed to improve diagnosis time, including prompt referral from primary to secondary care, and treatment. It also called for the National Institute for Health and Clinical Excellence standards on endometriosis to be implemented -these were endorsed by the Department of Health in NI in October 2017 - and for the devolved administrations to ensure that menstrual wellbeing education is mandatory in all schools, a measure rolled out in England from 2020.

## 6.6 IVF

The New Decade, New Approach document included a commitment to fund up to three cycles of IVF. On 30 November 2020 in response to a question in the Assembly, the Minister for Health said that due to the COVID 19 pandemic the IVF service had been stepped down and, while it had recommenced it was working at reduced capacity. The IVF strategic working group which was to look at how to build up to the three cycles had not met. The financial commitment made to IVF in New Decade, New Approach should be made available and the actions progressed.

## 6.7 Gender Based Violence

Health services have an important role to play in preventing and tackling gender based violence.

The Faculty of Public Health in the UK<sup>347</sup> draws attention to the World Health Assembly (2005) resolution on addressing violence, to which the UK is a signatory. The resolution asks nations to ensure health system engagement with other sectors, such as education, justice, social services, and child development, in order to promote and develop an effective response to gender based violence. Research demonstrates a substantive link between inter-personal violence (IPV) and mental health. A study by of inter-personal violence in NI by Doyle and McWilliams<sup>348</sup> reported that 76% of participants had had suicidal thoughts, 75% reported being depressed, 24% had attempted suicide and 62% were on prescribed medication for mental health problems. The inadequacy of support from health and social care services discussed in this work is a feature of many studies on IPV.

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<sup>346</sup> All Party Parliamentary Group on Endometriosis (2020) Endometriosis in the UK: time for change - <https://www.wrh.ox.ac.uk/research/endometriosis-care-what-is-endo/appg>

<sup>347</sup> The Faculty of Public Health in the UK The Role of Public Health in the Prevention of Violence - <https://www.fph.org.uk/media/1381/the-role-of-public-health-in-the-prevention-of-violence.pdf>

<sup>348</sup> Doyle and McWilliams (2018) Intimate Partner Violence in Conflict and Post Conflict Societies, Ulster University

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Police Service of NI data indicates that there has been an increase in the number of males who are victims of domestic abuse (increasing from 25% of victims in 2004/5 to 31% in 2018/19). The Men's Health Trends Report<sup>349</sup> notes that while PSNI statistics are useful, they only provide information on domestic abuse incidents that have been reported to the police, and that also meet the criteria of being considered a crime. They point to Northern Ireland Crime Survey data which suggests that many incidents remain unreported. Better data is an important requirement for an appropriate health service response to be developed.

In line with the research evidence, GPs need more effective and appropriate training on detecting and addressing IPV and on appropriate referral for victims of inter-personal violence. Doyal and McWilliams have argued for a code of practice to be developed for identifying, recording and responding to inter-personal violence across health and social care.

There should also be initiatives to raise awareness of inter-personal violence among men and for research to explore inter-personal violence against males and identify the best strategies for prevention and service provision.

## **6.8 Reproductive Rights**

### **6.8.1 Contraception and Sexual Health Services**

Deficiencies in NI policy with regard to reproductive rights, including contraceptive services and relationships and sex education have been well documented, including in the CEDAW Committee Optional Protocol Inquiry report on abortion in NI<sup>350</sup>. The inquiry report noted that:

*Women attested to difficulties in obtaining modern forms of contraception, inter alia, emergency (morning-after pill), oral, long term (intrauterine) and permanent (sterilisation). Testimonies revealed that women were refused sterilisation if deemed too young or unmarried, including pharmacists' reluctance to dispense or provide information about emergency contraception.*

In 2013 the RQIA review of specialist sexual health services in NI identified a range of deficiencies, including a lack of specialist sexual health staff, and made wide ranging recommendations<sup>351</sup>. An overarching recommendation was the establishment of a clear strategic direction together with a set of specific standards for services. To date, most of the recommendations have not been implemented.

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<sup>349</sup> Devine, P and Early, E (2020) 2020 Men's Health in Numbers, <https://www.mhfi.org/MensHealthInNumbers1.pdf>

<sup>350</sup> CEDAW (2018) Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT\\_CEDAW\\_ITB\\_GBR\\_8637\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_ITB_GBR_8637_E.pdf)

<sup>351</sup> RQIA (2013) Review of Specialist Sexual Health Services in NI, <https://rqia.org.uk/RQIA/files/11/1114fc0c-1244-46ba-b32a-6b85d72e7b9e.pdf>

Accessing the full range of contraception methods should be as easy as possible for females and males. Barriers to women accessing long-acting reversible contraception (LARC) should be addressed. The obligation on the NI Government to establish abortion services also provides an opportunity to address these long standing deficiencies with regard to sexual health services and for the establishment of integrated Sexual Reproductive Health services across the region, linking the demand for better contraceptive services to reducing the number of unwanted pregnancies<sup>352</sup>. Importantly, the Executive Formation (NI) Act 2019 warrants such a development since it mandates the Government to develop an abortion service “consistent with the recommendations of the 2018 United Nations Committee on the Elimination of Discrimination Against Women Report...”. Such measures are also supported by work by the Royal College of Obstetricians and Gynaecologists (RCOG) (2019)<sup>353</sup>. There have already been moves towards developing more integrated sexual and reproductive health services which could be built on – the Northern Trust’s nurse-led Contraceptive and Sexual Health Hub at Braid Valley Hospital, Ballymena was featured in the RCOG’s 2019 report on reducing health inequalities among women and girls, Better for Women<sup>354</sup>.

### 6.8.2 Abortion Services

The NI Executive Formation Act (2019) decriminalised abortion in NI in line with the recommendations of the CEDAW Committee’s Inquiry recommendations. The Committee also requested that women should be provided with access to high quality abortion and post-abortion care in all public health facilities (para 86)<sup>355</sup>. There has been slow progress with regard to establishing a model for service provision. Despite the introduction of a new legal framework for abortion in NI which made abortion legal for all women up to twelve weeks gestation and beyond that in specific cases, abortion services are not being funded and commissioned as intended. This has led to women continuing to experience the discrimination and inequalities identified in the CEDAW Inquiry report, including having to travel during the COVID 19 pandemic to access abortion. There is an obligation on Government to ensure that obligations under the CEDAW Convention are met. Experience in the earlier part of the pandemic has provided evidence of how telemedicine should be a key aspect of abortion services, a development supported by the RCOG. This would help to increase access to abortion services for rural women and other marginalised groups.

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<sup>352</sup> Horgan et al (2019) <https://www.ark.ac.uk/ARK/sites/default/files/2019-10/policybrief12.pdf>

<sup>353</sup> RCOG (2019) Better for Women: Improving the health and wellbeing of women and girls, London, Royal College of Obstetricians and Gynaecologists.

<sup>354</sup> Ibid

<sup>355</sup> CEDAW (2018) Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download)

## 6.9 Healthcare Rights of LGBTQI+ People

There is a lack of research on the health care needs of and health outcomes for LGBTQI+ people and their experience of accessing health services. This research and data gap should be addressed, including with regard to enhancing understanding of the intersectionality of health inequalities. The report of the expert group on the LGBTQI+ strategy has stated the need for meaningful engagement directly with organisations that support LGBTQI+ people and constituent parts of that community i.e. men, women, trans and non-binary people and intersex people, to develop gender affirming health care services. We reiterate the need for such an approach and endorse the recommendations of that expert group regarding the rights of all LGBTQI+ people to have access to the full range of health services, including fertility services.

## 6.10 Rural Health Care

In NI, data shows that health outcomes are generally higher for people living in rural areas compared to urban areas apart from ambulance response times but data is not always disaggregated by gender. People living in rural areas in NI have less access to mental health services than in urban areas<sup>356</sup>. This should be addressed through the mental health strategy and a consideration in the reconfiguration of services. As indicated above, there are also issues with regard to reproductive rights and access to both contraceptive and abortion services.

The focus on centralisation in the plans for transformation of health care in NI have a strong basis in clinical evidence. However, such transformation has to be in the context of adequate transport links and the development of appropriate community based services.

## 6.11 Health and Social Care Workforce

The Health and Social Care Workforce Census for NI<sup>357</sup> confirms that a substantial majority (79% or 52,625) of health and social care employees are female. Women in these sectors are more likely to be concentrated in part-time jobs (44% compared to 16% of men) and lower paid jobs. To take an example from admin and clerical employees out of 5,990 women (f/t) 4,490 work p/t while only 191 of 2,295 employees work p/t. The implications of this occupational segregation is addressed in the Employment section of this report.

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<sup>356</sup> Wilson et al, 2015 An Evaluation of Mental Health Service Provision in NI - <https://onlinelibrary.wiley.com/doi/abs/10.1111/hsc.12627>

<sup>357</sup> Department of Health , 2019 Workforce Census, <https://www.health-ni.gov.uk/news/ni-health-and-social-care-workforce-census-march-2019>

While the evidence is clear that high quality care and high quality working conditions are linked this is a workforce characterised by a high degree of precarity and where many workers struggle even to be paid the minimum wage. This is particularly the case for social care as demonstrated in the previous section. That pay and conditions of care workers do not reflect the commitment and skill required from workers means there have been long term problems with recruitment and retention. In Northern Ireland 75% (of 31,000) of care workers are employed by the private sector; 12,000 of these work in domiciliary care. As highlighted in chapter 5, there are significant differences between pay and conditions in the statutory and independent sectors, while investment in learning and improvement is more limited in the independent sector

The pay and conditions experienced by many social care workers reflects the lack of value attached to this work. This, in turn, has a basis in gender stereotypes and assumptions about who should provide care. [chapter 5 includes analysis of the care economy; the differential in pay in terms of sectoral differences and how this can to be addressed.]

## 6.12 Recommendations

- The RCOG has called for women’s health strategies across the UK with the aim of improving health outcomes of women and girls. A Women’s Health Strategy for NI should be developed and implemented. This should include recognition of the role played by the social determinants of health and be aligned to the anti-poverty strategy; address longstanding issues including perinatal mental health, endometriosis diagnosis and treatment, IVF policy and services and sexual and reproductive health;
- There is evidence globally that men’s health strategies can have a positive impact on access to services, uptake of health services and health outcomes. A Men’s Health Strategy for NI should be established;
- The findings of the 2013 RQIA review of specialist sexual health services in NI should be implemented. There is an opportunity with the development of abortion provision, to set up an integrated sexual and reproductive health service. This would assist with meeting the CEDAW Committee recommendations on sexual and reproductive health services;
- In line with the recommendations of the CEDAW Committee, women must have access to high quality abortion and post-abortion care. As a matter of priority the Department of Health must fund and establish abortion provision as required by legislation;
- A new maternity strategy must be developed which would include action on the recommendations of the RQIA review of the previous strategy and a focus on addressing inequalities;
- The financial commitment made to IVF in New Decade, New Approach should be made available and the actions to ensure three cycles of IVF are available, progressed;
- Resources should be committed to improve the diagnosis and treatment of endometriosis. The National Institute for Health and Clinical Excellence standards on endometriosis should be implemented -these were endorsed by the Department of Health in NI in October 2017. Menstrual wellbeing education should be mandatory in all schools;

- GPs need more effective and appropriate training on detecting and addressing IPV and on appropriate referral for victims. A code of practice should be developed for identifying, recording and responding to inter-personal violence across health and social care;
- There is a need for research exploring inter-personal violence against males to identify the best strategies for prevention and service provision.
- There is a need for research on the health care needs of and health outcomes for LGBTQI+ people and their experience of accessing health services, including with regard to enhancing understanding of the intersectionality of health inequalities;
- Gender affirming healthcare services should be available to all LGBTQI+ people We reiterate the need for such an approach and endorse the recommendations of that expert group regarding the rights of all LGBTQI+ people to have access to the full range of health services, including fertility services;
- The gender data gap must be addressed, including by funding more studies which focus on women's health and responses to treatment to eliminate the gender bias evident in diagnosis, treatment and medical research. A much stronger focus on social care research is also needed given the dearth of work in this area on unmet need and experience of the care system by users and carers;
- The Race Equality Strategy refers to the Health and Social Care Board strategy to improve ethnic minority monitoring. It noted data gaps for the achievement of the RES outcomes including health indicators such as infant mortality, life expectancy and morbidity rates by ethnicity. The measures set out in the National Institute for Health and Clinical Evidence Quality Standard (QS 167)<sup>358</sup> introduced in 2018 in response to a need to promote health and prevent premature mortality in black and other ethnic minority groups should be adopted;
- There is a need for systems wide data across the S.75 groups – only then can people's multiple identities be recognised; and
- Take urgent action to address persistent, and in cases worsening, inequalities in women's health in line with recommendations on addressing gender poverty set out in this report and in the report of the Anti-poverty Strategy Expert Group

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<sup>358</sup> <https://www.nice.org.uk/guidance/qs167/chapter/Quality-statements>

# 7. Representation, Public Life, Peacebuilding and Community Cohesion

## 7.1 Female Representation and Legacy of the Past

Women in NI today remain economically, culturally and politically unequal. Women continue to struggle with dominant patriarchal values and structures in every sphere of private and public life and are underrepresented in public life and the political arena where change may be influenced and enacted. The process of social change in NI has been impacted by the NI Conflict<sup>359</sup> and post Good Friday Agreement policy making has not improved matters for women in NI<sup>360</sup>. The lack of gender parity that exists throughout Northern Irish society is a key factor hindering the development of a new shared future. Women in NI have not been afforded the opportunity to participate equally in progressing the country from a post conflict society to a peaceful society. This is having a negative impact on their social and economic development, particularly those already experiencing disadvantage. It is imperative that our region has ‘visible’ women at every decision-making space if sustainable peace is to be achieved.

Recognition of the right of women to full and equal participation in Northern Ireland was integral to the Good Friday Agreement of 1998<sup>361</sup>, which also bound the Assembly to pursue “the advancement of women in public life”; a commitment that has yet to be realised. The Stormont House Agreement<sup>362</sup> which followed and was lauded as ‘An agreement on key issues that opens the way to a more prosperous, stable and secure future for Northern Ireland’ made no indications to follow through on this commitment referencing women only once in respect of the outstanding delivery of a Bill of Rights for NI and the advancement of women in public life.<sup>363</sup> This is echoed in the ‘New Decade, New Approach<sup>364</sup>’ document; designed and agreed to breathe life into a NI Assembly that had fallen for three years (Jan 2017-Jan 2020). ‘New Decade, New Approach’ like The Stormont House Agreement; was a legislative effort to actively address the persistent difficult outworking’s of power sharing in a post conflict region.

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<sup>359</sup> Women Living in Disadvantaged Communities: Barriers to Participation; Dr Helen Mc Laughlin

<sup>360</sup> Review of Gender Issues in Northern Ireland, Michael Potter NIAR 510-13, 2014 <http://www.niassembly.gov.uk/globalassets/Documents/RaISe/Publications/2014/ofmdfm/1514.pdf>

<sup>361</sup> The Good Friday/Belfast Agreement (1998) <https://www.gov.uk/government/publications/the-belfast-agreement>

<sup>362</sup> The Stormont House Agreement (2014) [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/390672/Stormont\\_House\\_Agreement.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/390672/Stormont_House_Agreement.pdf)

<sup>363</sup> Ibid P13 para 69

<sup>364</sup> New Decade, New Approach (2020) [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf)

It is disappointing then that again women receive only one passing mention; this time it is in relation to our political representation. The wording, it could be argued, insinuates that adequate gender representation is not an issue in Northern Ireland: ‘the new Government is not only led by women in the Executive Office, but also comprises an equal number of male and female ministers’. There is a new commitment to structured civic engagement with the NI Executive with regular Citizen’s Assemblies to be held once a year<sup>365</sup>; however, there is little in the way of detail as to how this will be achieved and no commitment as yet to ensure women comprise 50% of the participants.

It is internationally evidenced and recognised that the inclusion of and participation of women in countries emerging from conflict is intrinsic to the long-term sustainability of peace and community cohesion. Evidence<sup>366</sup> indicates that women participants in peace processes are usually focused less on the spoils of the war and more on reconciliation, economic development, education and transitional justice – all critical elements of a sustained peace. The United Nations<sup>367</sup> states that mainstreaming gender equality and women’s empowerment in post-conflict peacebuilding requires an integrated framework for action. This framework needs to address institutional and structural barriers to equality; this includes reparations for women’s economic empowerment and post conflict gender budgeting. It is disappointing that the setbacks to governance in Northern Ireland since 1998 have not resulted in a realisation and a legislation for the parity of women in representation as an effort to redress this.

## 7.2 Current Representation

### 7.2.1 Political Representation

Northern Ireland currently has a female First Minister and Deputy First Minister and whilst the optics of this is very important it masks the true picture of the gender power balance in Northern Ireland. If our aim is a fifty-fifty balance reflective of our population; we have some distance yet to travel.

Northern Ireland has 33% female MLAs to 67% male; 22% female MPs to 78% male. At local level where structural barriers such as, geographical distance from decision making spaces should be less of a barrier, the imbalance remains; 26% of our local councillors are female compared with 74% male. At council level the proportion of local Mayors is slightly better with 37% female to 63% male. The pace of change is very slow and much too slow to have an impact for the women of our region.

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<sup>365</sup> Ibid P23 para 3.9

<sup>366</sup> Report of the Secretary-General on Women’s Participation in Peacebuilding (A/65/354-S/2010/466) [https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/seven\\_point\\_action\\_plan.pdf](https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/seven_point_action_plan.pdf)

<sup>367</sup> Report of the Secretary-General on Women’s Participation in Peacebuilding (A/65/354-S/2010/466) [https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/seven\\_point\\_action\\_plan.pdf](https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/seven_point_action_plan.pdf)

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Our devolved Government whilst not responsible for the full implementation of UN Security Resolution 1325<sup>368</sup> do have the power, through their political parties to implement Positive Action Measures to redress the political gender imbalance. The Sex Discrimination (Election Candidates) Act<sup>369</sup> 2002, which applies in England and Northern Ireland, allows political parties to take whatever measures they feel comfortable with to promote women. Its aim is to tackle under-representation. Therefore, we suggest that the political parties take stock of their current composition and consider what specific positive action can be taken to address any under-represented groups e.g. minority ethnic groups, as well as women.

### 7.2.2 Recommendation

- NI Political Parties utilise all powers available to them to achieve gender parity.

### 7.2.3 Public Appointments

The proportion of women in public appointment positions has significantly improved with 42%<sup>370</sup> currently held by women. Issues remain with regards to equity of access to public appointments by all women in Northern Ireland. In respect of age, race, socio-economic and geographical representation the public appointments arena remains less than representative of Northern Irish society. Many women in NI are unaware of the public appointments process. The role of Chair in public appointments does not reflect the gender breakdown of either society or, the body with 72% of Chairs positions held by men. These roles require a greater time commitment and are commensurably better paid. It is worth noting that when gathering the data from departments there has historically been gaps in the data; this has reduced (37% to 20%)<sup>371</sup> but it is still not acceptable as the norm that some records for Equality Opportunity groups data is incomplete when the data cannot be difficult to source, record and retrieve.

### 7.2.4 Recommendations

- The Commissioner for Public Appointments NI develops an action plan to actively encourage more women region wide to engage in public appointments process and address existing structural barriers such as; childcare, location of meetings;
- Analysis of all public appointments should be required by whoever oversees the appointments process, not just by the Commissioner for Public Appointments. This should include seeking feedback from applicant;
- The Executive and the Commissioner for Public Appointments NI take measures to address the lack of gender parity in Chair positions; and
- The Executive resource training targeted at under-represented groups including those geographically under- represented

<sup>368</sup> UN Security Resolution 1325 <https://www.un.org/womenwatch/osagi/wps/>

<sup>369</sup> The Sex Discrimination (Election Candidates) Act (2002) <https://www.legislation.gov.uk/ukpga/2002/2/contents>

<sup>370</sup> Public Appointments: Annual Report for Northern Ireland 2016/17, (2018) Executive Office: <https://www.executiveoffice-ni.gov.uk/publications/public-appointments-annual-report-201617>

<sup>371</sup> Ibid

### 7.2.5 Civil Service and Local Government

A legacy of our conflict has meant a disproportionately high employment rate in our public sector versus our private sector. Our Civil Service records a gender balanced workforce of fifty-fifty. This gender balance is not replicated in positions of seniority with 41.5% of Grade 5 and above being female<sup>372</sup> and 33% of Permanent Secretaries being female<sup>373</sup>. In local Government women comprise 42% of all employees<sup>374</sup> and only 27% of Council CEOs<sup>375</sup>.

### 7.2.6 Health

In our Health sector the disparity between the workforce employees and positions of authority are stark. Women comprise 79% of the Health and Social Care staff with female Trust CEOs only 20% and female Trust Chairs only 20%<sup>376</sup>. This is hugely disproportionate and suggests structural barriers within the system which are failing to support female progression.

### 7.2.7 Covid-19

Many analysts have noted how women leaders around the world have demonstrated successful management of the COVID-19 pandemic based on inclusive, evidence-based leadership. Yet, women lead only 7% of countries<sup>377</sup>. A survey of 30 countries with COVID-19 task forces and committees showed that, on average, only 24 percent of members were women. In conflict-affected countries, women's representation in COVID-19 task forces is even lower, at 18%<sup>378</sup>.

The experience of the Women's Sector in Northern Ireland was that despite having good visibility and evidenced capacity in our region; we were not invited by our devolved Government to engage in their Covid-19 Emergency Leadership Group and the associated Stakeholder Groups. Instead the sector had to lobby for a space at the table. This was replicated with the establishment of an Economic Advisory Recovery Group; in respect of this Group when the sector asked for a space in the Group, we received a response detailing that this Group was about economics and therefore not relevant to the women's sector. The persistent lack of effort to include women policy, planning and decision making and not recognising that all issues impact on women needs to be immediately rectified if we are to build 'a regionally balanced economy'<sup>379</sup>

<sup>372</sup> Gender Equality Statistics Update 2020

<sup>373</sup> Equality Statistics for the Northern Ireland Civil Service (2019) Department of Finance <https://www.nisra.gov.uk/publications/equality-statistics-northern-ireland-civil-service-2019> Permanent Secretaries from Department websites 2020.

<sup>374</sup> Fair Employment Monitoring Report No 28: Equality Commission for Northern Ireland (2018), <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/FETO%20Monitoring%20Reports/No28/MonReportNo28.pdf>;

<sup>375</sup> Council Websites 2020

<sup>376</sup> Who Runs Northern Ireland? A Summary of Statistics Relating to Gender and Power in 2020 (Jan 2020), Michael Potter, Paper 001/20 NIAR007/20 Ni assembly Research and Information Briefing Paper

<sup>377</sup> Report of the Secretary-General on women peace and security (S/2020/946), United Nations Security Council (2020). para. 3

<sup>378</sup> Ibid

<sup>379</sup> NI Programme for Government 2016-2021

The Women's Sector in Northern Ireland through the Women's Policy Group produced a comprehensive Covid-19 Feminist Recovery Plan<sup>380</sup>. 'The COVID-19 crisis with its particular impacts on women's income, socioeconomic independence and increased caring responsibilities is likely to compound barriers to women's involvement in peacebuilding and decision-making processes'<sup>381</sup>.

It is essential that the NI Executive and Assembly take account of the research and recommendations as we continue to deal with the implications of Covid-19. Fiscal decisions are being made daily with Covid-19 specific funds. We need to ensure that women's groups are adequately represented in all departmental Covid-19 recovery planning procedures.

### 7.2.8 Recommendations

- Ensure women's groups as well as marginalised communities that have been specifically impacted by the pandemic i.e. trans communities, racialised groups, disabled people, are adequately represented in all departmental COVID-19 recovery efforts;
- Recognise that women need to be included in all discussions including those related to finance and economy

## 7.3 Barriers to Public and Political life

Research<sup>382</sup> has consistently highlighted the barriers to women's willingness and ability to participate in public and political life. The lack of childcare, poverty, low levels of skills, experience and confidence, lack of flexibility, and lack of travel and transport are all significant barriers to participation.

### 7.3.1 Childcare & Caring

The inadequate resourcing and Strategy development for childcare and elder care is referenced in detail in other chapters of the Strategy (insert refs) it is worth noting again here however that it is unlikely that gender equality in public and political life can be achieved without addressing both of these issues.

### 7.3.2 Transport

Women are much less likely to have access to their own private transport than men. This means that women depend much more on public transport and are at an economic disadvantage to men. Rural women's participation in public and political life is further hindered by geography and distance from decision making spaces. The lives of rural women are affected directly and indirectly by their access to transportation. The absence of public transport in most rural areas makes the majority of women dependent on private automotive transportation. Research<sup>383</sup> indicates that only 20% of rural households are within 13 minutes of a bus stop. Rural women,

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<sup>380</sup> Women's Policy Group NI 'Covid-19 Feminist Recovery Plan' (July 2020) <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>

<sup>381</sup> Ibid P89

<sup>382</sup> Women Living in Disadvantaged Communities: Barriers to Participation; Dr Helen Mc Laughlin

<sup>383</sup> Rural Childcare Strategy Group Report Greer et al p.33 (2003)

like youths and seniors, are one of the groups that are most often ‘transportation disadvantaged’. Research indicates that rural women have more limited access to family vehicles than do men. Lower incomes for women in rural communities mean that maintaining a vehicle may be beyond the reach of individuals, even when they need one to get to work<sup>384</sup> or access childcare. The research conducted by NIRWN<sup>385</sup> confirmed lack of access to transport as a major issue for rural women accessing education, training work and childcare. It was clear also that the picture regionally varies greatly depending on where you live; with the West of the Bann having particularly poor infrastructure. Often provision is linked to the school terms, resulting in no service during holidays.

Bus frequencies and coverage are much poorer than in urban areas; NIRWN’s research particularly raised the issue of the lack of public transport after 6 pm. Often however it is evidenced that meetings occur after 6pm; meaning lack of access to transport, distance from meetings and the time coinciding with family responsibilities often results in women being less able to participate<sup>386</sup>. Over half of rural households’ report ‘never’ using bus services<sup>387</sup>. Average journey lengths and commuting distances are 50% higher for those living in urban areas, and limited public transport necessitates a reliance on private transport<sup>388</sup>.

Road travel may be more difficult in rural than urban areas due to the problems such as uneven surfaces, occasional localised flooding and road standards which have become inadequate for the type and volume of traffic which is being carried in some areas. Some of these deficiencies may stem from inadequate investment and historic underfunding of road maintenance in rural areas<sup>389</sup>.

CEDAW Concluding Observations for the UK<sup>390</sup> recalls its general recommendations No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Adopt inclusive and accessible measures to facilitate women and girls access to education, employment, healthcare services and support services in rural areas, including by ensuring their access to transportation and Internet, as well as their participation in decision-making processes regarding rural development

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<sup>384</sup> Winson and Leach: *Contingent Work, Disrupted Lives: Labour and Community in the New Rural Economy*

<sup>385</sup> Rural Voices Research Report (2018), NIRWN

<sup>386</sup> Women Living in Disadvantaged Communities: Barriers to Participation; Dr Helen Mc Laughlin

<sup>387</sup> Sub Regional Transport Plan 2015, Department for Regional Development

<sup>388</sup> Travel Survey for NI (TSNI) urban-rural report 2011-2013

<sup>389</sup> Sub Regional Transport Plan 2015, Department for Regional Development

<sup>390</sup> UN CEDAW Concluding Observations UK March 2019

### 7.3.3 Recommendations

- Clear guidance for public bodies on identifying barriers and implementing positive action measures;
- Support for public bodies to put in place time-bound, measurable plans for increasing the participation of women, particularly women from disadvantaged, under represented and rural communities;
- Long-term, strategic provision of training, confidence building and support for women to participate in public and political life;
- Decision-making bodies to meet in local areas and provide financial support for travel costs;
- Clear inclusive and accessible measures to facilitate rural women's participation in decision-making processes as per CEDAW
- Consistent, mandatory support for childcare/caring, travel and other costs associated with participation in local decision-making structures, public bodies and political life; and
- Adequate investment in regional transport infrastructure which takes account of rural need

## 7.4 Public Consultation Process

*The 'New Decade, New Approach' includes a commitment to 'introduce reformed measures to put civic engagement and public consultation at the heart of policy-making, recognising the vital role that wider society plays in supporting effective and accountable Government'<sup>391</sup>.*

This commitment is welcome. It is essential that the Executive offices proactively work to increase the participation of women in public consultation. Gender neutral policy making is very common, there remains a lack of understanding that equality of opportunity is not the same thing as equality of outcome. 'Women At The Heart of Public Consultation'<sup>392</sup> clearly outlines how the public are invited to get involved in shaping public policy is critical. The document outlines five key 'top tips' for effectively engaging women and address the barriers women face with engagement such as lack of transport and their caring responsibilities. There is lots of expertise in the women's sector to support public bodies to effectively engage grassroots women in consultation and if the Executive is serious about engagement it should be partnering with the sector to facilitate this engagement.

Co-design is increasingly being utilised by Executive departments when new initiatives are being scoped and developed. These have the potential to be very effective but also have the potential to entrench the power imbalance. Co-design groups should always be gender balanced and seek to engage those organisations and groups that have a community level representation. It is vital that when public institutions hold all the resources that they engage in the co-design process with an open mind as to the outcome rather than as a method to 'sign off' and legitimise their

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<sup>391</sup> New Decade, New Approach (2020) P13 para 17 [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf)

<sup>392</sup> Women At The Heart of Public Consultation 2018 [https://wrda.net/wpcontent/uploads/2018/10/WRDA\\_WomenAtTheHeartOfPublicConsultation.pdf](https://wrda.net/wpcontent/uploads/2018/10/WRDA_WomenAtTheHeartOfPublicConsultation.pdf)

pre-planned direction. A transparent, inclusive process should be mapped out and agreed. Those who have been involved in participatory budgeting, citizen's assemblies and service-user led groups have noted the ongoing challenges of ensuring that women's voices and ideas are equally valued during these processes<sup>393</sup>.

The 'Fresh Start Agreement'<sup>394</sup> saw a reduction in the time periods allocated to Executive consultations from 12 weeks to 8 weeks; this is a perfect example of how improvements in practice may be evident in some areas but progress can always be reversed. This reduction was not consulted upon and does not serve public engagement. It is particularly evident and problematic when consultations periods cover 'holiday periods such as summer, Easter and Christmas periods. This effectively reduces the meaningful consultation period by weeks.

The Strategic Guide and Toolkit: Women Peace and Security<sup>395</sup> offers local decision makers guidance on how best to incorporate the views of women into peacebuilding and the development of policy. We would welcome the full implementation of UNSCR 1325 in Northern Ireland but our devolved Government has the power to implement this level of good practice and has all the guidance necessary.

#### 7.4.1 Recommendations

- Government Departments and statutory agencies consulting apply the learning from 'Women At The Heart of Public Consultation' guidelines;
- Ensure that women are adequately represented on co-design groups;
- Ensure co-design groups include community level representation, taking the lead from established community organisations and working with them to establish co-design procedures that work for the specific communities being engaged with;
- Government Departments apply 12 weeks as the standard best practice consulting period; and
- Government Departments integrate the Strategic Guide and Toolkit: Women Peace and Security as normal practice

### 7.5 International Standards and NI Women's Engagement

At international policy level, the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction is formally recognised by UN Security Council Resolution 1325 on Women, Peace and Security<sup>396</sup>, which affirms the particular and important role of women in peace building and in post-conflict reconstruction. It stresses the importance of the equal participation and full involvement of women in all efforts for the maintenance and promotion of peace and security.

<sup>393</sup> Tim Hughes, Hearing the Voices of the Unheard. Involve blog, 24 Jan 2013, <https://www.involve.org.uk/resources/blog/opinion/hearing-voices-unheard>; Allegretti, G., & Falanga, R. (2016). 'Women in Budgeting: A Critical Assessment of Participatory Budgeting Experiences' In: NG, C. (ed) Gender Responsive and Participatory Budgeting. Springer, Cham. p 33-53

<sup>394</sup> A Fresh Start (2015) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/479116/A\\_Fresh\\_Start\\_-\\_The\\_Stormont\\_Agreement\\_and\\_Implementation\\_Plan\\_-\\_Final\\_Version\\_20\\_Nov\\_2015\\_for\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/479116/A_Fresh_Start_-_The_Stormont_Agreement_and_Implementation_Plan_-_Final_Version_20_Nov_2015_for_PDF.pdf)

<sup>395</sup> The Strategic Guide and Toolkit: Women Peace and Security (2014) Bronagh Hinds and Debbie Donnelly, WRDA

<sup>396</sup> UN Security Resolution 1325 (2000) <https://www.un.org/womenwatch/osaji/wps/>

In 2008, 2013 and 2019 the CEDAW Committee called for the implementation of UNSCR 1325 on Women, Peace and Security in NI, as has the UN Special Rapporteur on Violence against Women<sup>397</sup>. A consultation on legacy issues<sup>398</sup> (2018) acknowledged that a ‘disproportionate number of survivors and family members are women’. The CEDAW Concluding Observations 2019 call for effective participation of women in post conflict reconstruction, and addressing obstacles including paramilitary intimidation<sup>399</sup>.

The mechanism for civil society engagement with international mechanisms such as CEDAW and CSW is coordinated through NGOs (non-Governmental Organisations)<sup>400</sup>. As we are part of the UK this is done on a four-nation basis with NIWEP (NI Women’s European Platform) co-ordinating with and on behalf of the women’s sector in Northern Ireland.

Other devolved regions and NGOs worldwide are supported by their Governments to provide representation. The women of Northern Ireland have had no sustained and dedicated support and resource which means; our voice being heard relies solely on a patchwork of funding afforded to NGOs through other funding means. The lack of value placed on women’s voices and representation in our own jurisdiction would be replicated internationally were it not for the dedication of charitable NGOs.

### 7.5.1 Recommendations

- NI Executive and Assembly take account of International Standards and their findings and make the appropriate changes;
- NI Executive and Assembly resource and facilitate the women of Northern Ireland to engage as NGOs at International level to ensure the voices of women in NI are heard at International level

## 7.6 Value of Community Voluntary Sector in community cohesion

Women have long been conspicuous in organisations promoting peace and reconciliation and have been at the forefront of peace-building efforts. Indeed, there are women’s groups the world over whose main focus and rationale is furthering or bringing about peace.<sup>401</sup> Women predominate in voluntary and community organisations, for example, comprising 75% of the paid workforce of voluntary organisations in Northern Ireland<sup>402</sup>.

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<sup>397</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), articles 1 and 2. The UK signed the Convention in 1981 and ratified in 1986

<sup>398</sup> Concluding Observations 2019, 2013, 2008 on examinations of the UK under CEDAW

<sup>399</sup> Council of Europe (2007) Gender equality standards and mechanisms

<sup>400</sup> The Commission on The Status of Women [https://www.unwomen.org/en/csw#:~:text=The%20Commission%20on%20the%20Status,Il\)%20of%2021%20June%201946](https://www.unwomen.org/en/csw#:~:text=The%20Commission%20on%20the%20Status,Il)%20of%2021%20June%201946)

<sup>401</sup> Women, Civil Society and Peace-Building in Northern Ireland: Paths to Peace through Women’s Empowerment (2004), Michael Potter

<sup>402</sup> Workforce Survey (2014), NICVA

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These organisations constitute the ‘horizontal’ relationships important for social capital, community-based networks that comprise both ‘bonding’ capital within communities and ‘bridging’ capital between communities on the basis of issues such as equality or domestic violence. The idea of utilising input from civil society to increase the quality of democratic participation should accord with the principle of equality, allowing women to have equal influence on policy-making structures<sup>403</sup>. However, as outlined above, women are underrepresented on the structures that form the intersection between society and Government. There needs to be recognition of the role of women in civic society and community organisation. The decision makers must engage with the women’s sector in a more meaningful way. This should not however be viewed as an alternative to the equal representation of women in the formal structures of Government.

There is substantial evidence of the role and value of women and the women’s sector in valuing, developing, and sustaining community cohesion. The experiences of women in Northern Ireland in relation to paramilitarism are shaped and defined not merely by their role as victims, but also by their leadership roles within local communities<sup>404</sup>. Community tension remains high in many communities and in research<sup>405</sup> with post conflict women from all groups reporting that the fear for their own safety had increased since the Troubles. Paramilitary activity was raised as a key issue for community safety across both Protestant and Catholic groups, but mostly by the former, particularly rural groups<sup>406</sup>.

Overall, there has been agreement that there needs to be a greater emphasis on women’s education and access to funding for community education. Rural groups called for the formalisation of support for their work and considered that there was a “shortfall in gender-proofing in rural affairs”. Resourcing for women falls short of what is required and the resourcing for rural women is hugely disproportionate to their urban counterparts ‘There are also stark inequities between Government funding for service delivery to women’s groups between rural and urban (1.3% v 98.7%)<sup>407</sup>.

### **7.6.1 Recommendations**

- Women’s work in the NI Community Voluntary sector is valued through long term resourced employment;
- Resourced adult Community Education which addresses systemic barriers for women; and
- Rebalancing of resourcing for rural women to address historic imbalance

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<sup>403</sup> Women, Civil Society and Peace-Building in Northern Ireland: Paths to Peace through Women’s Empowerment (2004), Michael Potter

<sup>404</sup> The Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland (2016) Alderdice, Mc Burney, Mc Williams

<sup>405</sup> Women and The Conflict Talking about the “Troubles” and Planning for the Future (2008); Women’s Resource and Development Agency

<sup>406</sup> Ibid

<sup>407</sup> Evaluation of the Regional Infrastructure Support Programme (Final Report, June 2015)

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### Potential Indicators

- % of women in public life
- % of women who hold a voluntary Chairperson Board position
- % of women who hold a paid Board position
- % of Public Appointments that can demonstrate that they have taken account of: caring responsibilities; location of meetings; times of meetings
- % of the population who believes their cultural identity is respected by society
- % of women who believe their work paid & voluntary contributes to community cohesion (self-efficacy)
- % of Public consultations which take account of best practice to engage grassroots women's views
- # of NGO women resourced and supported to represent NI on International standards (CEDAW/CSW/UN1325)
- # of women in the C/V sector who believe their work is valued by Government
- % of women in the C/V sector who have an employment contract of at least 3 years
- #women in Citizen assemblies
- #women included in Covid-19 Recovery planning stakeholder groups
- % of Government £ allocated for women dedicated to rural women's delivery
- % of Equality Opportunity indicator data for Public Appointments missing

## 8. Gender Based Violence, Misogyny and Justice

### Summary:

Gender-based violence and misogyny are issues that are unfortunately deeply embedded in Northern Ireland. The gender-neutral policy-making approach that exists in Northern Ireland has prevented progress on tackling gender-based violence and misogyny and major legislative reforms are needed. As well as wide-spread justice legislation reform, more preventive measures are needed through fully resourced education and training programmes to prevent the ever-increasing levels of gender-based violence and crimes in Northern Ireland. In addition, the relationship between poverty, marginalised women and the criminal justice system needs to be examined, particularly as the majority of women incarcerated in Northern Ireland are convicted of crimes linked to poverty.

Domestic abuse is a serious issue in Northern Ireland and accounts for 19.1% of all police recorded crime<sup>408</sup>. Trends have shown consistent yearly rises in reported domestic abuse incidents and crimes and this is an issue that has been exacerbated by the COVID-19 pandemic (see appendix 3, figures 1 and 2). Whilst anyone can be a victim of domestic abuse, it is an issue that disproportionately impacts women, as statistics from the PSNI show that out of all reported domestic abuse crimes, 69% of victims were women, 31% of victims were men, and 86% of perpetrators were men. The current Domestic Abuse and Family Proceedings Bill should be welcomed. However, without adequate resourcing attached to this Bill it will not be operational nor lead to any transformative change. Provisions of support for victims need to be adequately resourced to be effective.

There are a number of worrying gaps in the bill including the lack of a Domestic Abuse Commissioner; the lack of a Violence Against Women and Girls Strategy; the need for stalking legislation; granting of secure tenancies for victims; providing guidelines to employers of victims of domestic abuse and statutory paid leave for victims; a non-fatal and fatal strangulation offence; funding for specialist organisations supporting victims; resources for a public awareness campaign on coercive control and other forms of domestic abuse; guarantees for victims with uncertain immigration status; mandatory recording of section 75 characteristics of victims and perpetrators and recognition of the unique forms of coercive control faced by victims of minority communities such as disabled people or LGBTQI+ people.

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<sup>408</sup> PSNI (November 2020), 'Domestic Abuse Statistics 2020-21', <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q2/domestic-abuse-bulletin-sep-20.pdf>

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Sexual violence, harassment and harmful gender stereotypes are also extremely prevalent in Northern Ireland. Police recorded reports of sexual offences have also been steadily rising yet low conviction rates remain. Widespread rape myths, harmful stereotypes and victim-blaming culture act as a major barrier to victims coming forward to seek justice and are a major contributing factor to low reporting levels of sexual offences. With technological developments, current legislation is inadequate in addressing online harassment and abuse; an area of sexual violence that increased by 88.2% in August 2020 compared to August 2019. This is evidence how fast harassment levels are rapidly growing, particularly online.

These issues are all inherently gendered and disproportionately impact women and girls. Without recognising the gendered nature of these crimes, it will not be possible to transform attitudes in society that prevent crimes such as these from happening and create a culture of zero tolerance. Northern Ireland has disproportionately high levels of gender-based violence and inadequate, under-resourced, gender-neutral legislation that perpetuates these issues and fails to comply with the Istanbul Convention<sup>409</sup>. Recommendations from the Gillen Review need to be implemented urgently. In addition, misogyny and trans misogyny need to be recognised as forms of hate crime in the implementation of recommendations from the Independent Hate Crime Legislation Review, as a means of tackling gender-based violence against women and girls.

As argued by the WPG, any new law in Northern Ireland, whether relating to domestic abuse, sexual offences or hate crime, are only as good as how it is understood, implemented and used<sup>410</sup>. For legislative reform to be effective, it must be supported by adequate resources so that the police and criminal justice system have the necessary information and training to properly enforce the law. In addition, adequately funded public awareness campaigns, with insights from expert groups supporting victims of these crimes, are necessary to create a culture of zero tolerance where everyone understands the law, how to use it, and the implications for breaking it.

## 8.1 Domestic Violence and Abuse Statistics

Work on the Domestic Abuse and family Proceedings Bill is ongoing in the NI Assembly, however, even once this legislation is in place, significant gaps remain in legislative provisions in Northern Ireland compared to other regions. Domestic abuse is an issue that has been exacerbated globally due to the lockdown restrictions to tackle the COVID-19 pandemic, and Northern Ireland has also seen a rise in incidents and crimes throughout 2020. In 2017, Northern Ireland had the joint highest femicide rate in Europe<sup>411</sup>, and in the first three months of the lockdown in 2020, more women had been murdered by their partners than in all of 2019. In addition, Refuge reported a 25% increase in calls to their 24-hour national domestic abuse hotline since the

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<sup>409</sup> Council of Europe Istanbul Convention of Action against violence against women and girls and domestic violence: <https://www.coe.int/en/web/istanbul-convention/home?>

<sup>410</sup> WPG (2020) Submission to the Independent Hate Crime Legislation Review: <https://wrda.net/wp-content/uploads/2020/04/WPG-Hate-Crime-Consultation-Review-Response-30.04.20.pdf>

<sup>411</sup> Blunt, R. (2017), 'Femicide: The murders giving Europe a wakeup call', BBC News, <https://www.bbc.co.uk/news/world-europe-49586759>

lockdown began, while hits to the national domestic abuse website increased by 150% during the first COVID-19 lockdown in the UK<sup>412</sup>. Recidivism is a real problem in relation to domestic abuse crimes and a change of culture in how domestic abuse is treated is necessary to tackle this. There must be zero tolerance for domestic abuse within our society. Domestic abuse incidents and crimes recorded by the Police in Northern Ireland show that in the 12 months from 1st July 2019 to 30th June 2020 show some extremely worrying trends<sup>413</sup>:

- There were 32,127 domestic abuse incidents which was an increase of 570 (1.8%) on the previous 12 months and the highest 12-month period recorded since the start of the data series in 2004/5;
- The number of domestic abuse crimes rose to 18,796, an increase of 2,203 (13.3%) on the previous 12 months and the second highest 12-month period recorded since 2004/05;
- There were 17 domestic abuse incidents and 10 domestic abuse crimes per 1,000 population;
- Eight of eleven policing districts showed an increase in domestic abuse incidence and nine districts had higher levels of domestic abuse crimes (Appendix 2, figure 1);
- Since 2004/5, there has been a general increase in levels of domestic abuse incidents and crimes recorded by the police, with incident levels in 2019/20 being 52% higher than those at the start of the series and crime levels 93% higher (Appendix 2, figure 2).
- Domestic abuse crimes made up 19.1% of all police recorded crime, an increase from 16.2% during the previous 12 months;
- The largest volume increase in domestic abuse crimes was seen in offences of harassment which increased by 1,795 (88.2%). The percentage change in the main crime types for police recorded domestic abuse crime can be seen in Appendix 2, figure 3. The breakdown of police recorded domestic abuse by crime type from July 2019 to June 2020 can be seen in Appendix 2, figure 4; and
- Women were 69% of all reported victims of domestic abuse crimes and 86% of perpetrators were men in Northern Ireland

Domestic violence crime and incidents rates were already showing an upward trajectory since records began in 2004/5, but it appears that this will have worsened due to COVID-19. In addition to this, the outcome rate for domestic abuse crimes has been falling over the last number of years from 46.6% in 2010/11 to just 26.7% in 2018/19<sup>414</sup>. Women's Aid Federation Northern Ireland have pointed out that even with the implementation of the Domestic Abuse and Family Proceedings Bill, there are many gaps that still remain in the protections afforded to victims of domestic violence in Northern Ireland compared to those in Great Britain through the

<sup>412</sup> Refuge (2020), '25 percent increase in calls to national domestic abuse helpline since lockdown measures began' <https://www.refuge.org.uk/25-increase-in-calls-to-national-domestic-abuse-helpline-since-lockdown-measures-began/>

<sup>413</sup> PSNI (August 2020), 'Domestic Abuse Incidents and Crimes Recorded by the Police Service in Northern Ireland', [https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun\\_-20.pdf](https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun_-20.pdf)

<sup>414</sup> PSNI (2019), 'Domestic Abuse Incidents and Crimes Recorded by the Police Service in Northern Ireland 2004/5 to 2018/19: Annual Bulletin Published 08 November 2019', p4., <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2018-19/domestic-abuse-incidents-and-crimes-in-northern-ireland-2004-05-to-2018-19.pdf>

Westminster Domestic Abuse Bill 2019-21<sup>415</sup>. Most notably, the NI legislation does not fulfil the UK's international obligations to combat violence against women and domestic violence as a signatory of the Istanbul Convention, as there is no specific reference to combatting gender-based violence towards women and girls in the Bill<sup>416</sup>.

Further detail on the gaps that remain in the NI Legislation can be found in the WPG Evidence Submission to the NI Assembly Justice Committee, however, a brief overview can be found below in sections 8.1.1 – 8.1.7:

### **8.1.1 Stalking Legislation**

Stalking by partners or ex-partners is one of the most prevalent forms of stalking, with strong causal links between domestic abuse and coercive control. Statistics show that 80% of victims are women while 70% of perpetrators are men<sup>417</sup>. Often when victims come forward to police about stalking behaviours that they have been subjected to they are told that there is nothing that can be done, which can heighten victims' anxiety and reduce confidence in coming forward to report in the future. Any legislation that is introduced in Northern Ireland in relation to stalking must be victim focused while considering the context of stalking and the reality that seemingly minor behaviours can be red flags.

### **8.1.2 Non-Fatal and Fatal Strangulation Offence**

Strangulation is an abhorrent act of control likely to cause serious injury or death, will be perceived by the victim as a threat to their life and is extremely predictive of future homicide. Consideration should be given to introducing a non-fatal strangulation offence similar to that in New Zealand due to the seriousness of this type of assault.

### **8.1.3 Recognition of Violence Against Women and Girls**

PSNI Statistics from 2019 show that during 2018/19, 69% of all domestic abuse crime victims were women, 31% of victims were men and 86% of all perpetrators were men. The gender-neutral legislation proposed for Northern Ireland does mirror aspects of legislation in Great Britain, as it allows for the protection of all victims. However, Northern Ireland is the only part of the UK without any specific reference to the disproportionate impact of domestic violence on women and girls. Any proposed legislation should acknowledge groups disproportionately impacted by domestic abuse while protecting and providing specialist support all victims. However, it is worth noting that in the rest of the UK, domestic abuse legislation is accompanied

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<sup>415</sup> See WPG Evidence Submission to NI Assembly Justice Committee (June 2020): <https://wrda.net/wp-content/uploads/2020/06/WPG-NI-Evidence-Submission-to-Justice-Committee-05.06.20.pdf>

<sup>416</sup> Istanbul Convention: <https://www.coe.int/en/web/istanbul-convention/home?>

<sup>417</sup> Women's Aid, 'What is Stalking?' <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/stalking/>

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by strategies to prevent violence against women and girls<sup>418</sup> and an LGBT Action Plan<sup>419</sup> which includes provisions for specific support for LGBT+ victims of domestic violence. In the absence of such strategies in Northern Ireland, and in adopting a gender-neutral approach to tackling domestic violence, it is essential that additional recognition and support is also given to those groups who are disproportionately impacted by domestic violence, including but not limited to: women and girls, LGBT+ people, disabled people, rural women and migrants (particularly those with uncertain immigration status and No Recourse to Public Funds, a policy that has profound consequences that has also been referenced in section 4 and 5).

As Northern Ireland is not included in the Westminster Domestic Abuse Bill or measures to protect and combat violence against women and girls under the obligations on the Istanbul Convention, a recognition of gender-based violence against women and girls is needed urgently. A specific strategy on Violence Against Women and Girls would fulfil this obligation and ensure compliance with CEDAW Recommendation 35 on gender-based violence.

#### **8.1.4 Grant of Secure Tenancies in Cases of Domestic Violence and Abuse**

Domestic abuse is the leading cause of homelessness for women and in some homeless shelters, as many as 50% of women clients have experienced domestic abuse<sup>420</sup>. As the majority of domestic abuse victims are women, and women have differential access to the labour market due to their unequal positions in the labour market (see section 3), access to secure tenancies could address this form of gender inequality. For any victims making the decision to leave an abusive home, they should not be confronted with potential homelessness or make the decision between their personal safety and making themselves (and their children) homeless. The Femicide Census in 2018 identified that 41% of women killed by their partner had taken steps to become separated from their partners<sup>421</sup>. Specialised, secure and appropriately funded refuges are key to ensuring victims, particularly women, have somewhere to turn when trying to escape abuse. Secure tenancies, access to housing and appropriate funding of refuges must also be compliant with the Council of Europe Istanbul Convention whereby there should be at least one unit per 7,500-10,000 people. Funding for refuge needs to be adequate and increase with the cost of living and all housing offered to survivors needs to be accessible and appropriate for all survivors; including meeting the needs of disabled women and children. Housing is a fundamental issue confronting victims and survivors of abuse and highlights the need for the NI Executive to take an interdepartmental approach beyond the Department of Justice in tackling domestic abuse.

<sup>418</sup> Strategy to prevent violence against women and girls 2016-2020: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>419</sup> Government Equalities Office LGBT Action Plan: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721367/GEO-LGBT-Action-Plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721367/GEO-LGBT-Action-Plan.pdf)

<sup>420</sup> Save Lives: Ending Domestic Abuse (2018), 'Safe at Home: The Case for a Response to Domestic Abuse by Housing Provider', <https://www.gentoogroup.com/media/1571446/2018-03-28-web-ready-safe-at-home-report.pdf>

<sup>421</sup> Femicide Census 2018 <https://www.endviolenceagainstwomen.org.uk/femicide-census-reveals-half-of-uk-women-killed-by-men-die-at-hands-of-partner-or-ex/#:~:text=The%20Femicide%20Census%20details%20the,of%20women%20and%20girls%20killed.&text=149%20women%20killed%20by%20147,their%20current%20or%20former%20partner>

### **8.1.5 Introduction of a Domestic Abuse Commissioner**

As domestic abuse crimes account for 19.1% of all crimes in Northern Ireland, and widespread legislative reform is needed, an Independent Domestic Abuse Commissioner would act as an essential mechanism for accountability on any new domestic abuse legislation. With new legislation, huge amounts of training across the entire Criminal Justice System are needed and a Commissioner could oversee this process and bridge potential gaps while applying learning and best practice from other countries that have introduced similar legislation. New and existing Commissioners have been appointed across the Northern Ireland in relation to address a broad range of issues including child abuse and supporting victims of the troubles. As domestic violence levels in Northern Ireland have continued to rise, it is clear that much border work on a societal level needs to be done to shift the culture and to support victims. Domestic violence is an issue that is rooted in all aspects of our society and needs a single-focused commissioner. A Domestic Abuse Commissioner is already in place in England and Wales and should be considered for Northern Ireland.

### **8.1.6 Guarantees for victims with uncertain immigration status**

Victims with uncertain immigration status may fear coming forward to report abuse; this is an issue that particularly impacts asylum seeker women and women on spousal visas. Victims may fear reporting instances of abuse or seek justice due to fears of being reported to the Home Office. To address this, a ban should be put in place to prevent sharing information on victims with the Home Office as this may impact their immigration status. In addition, migrant women in abuse relationships can face challenges in trying to escape abuse as conditions of spousal visas create financial uncertainty and additional opportunities for coercive control. All victims of abuse should be able to access welfare support and safe housing despite the No Recourse to Public Funds policy. Further, all victims should be able to seek justice against their abusers without fear of their cases being reported to the Home Office.

### **8.1.7 Male Victims of Domestic Abuse**

While police statistics show that the majority of victims of domestic abuse are women, it is important to recognise that anyone can be a victim. In the statistics outlined in section 8.1, it shows that 31% of victims of domestic abuse crimes in Northern Ireland are men. Like any other group, it is crucial to recognise the diverse needs of men, as they are not a homogenous group and have intersectional needs. For example, evidence shows that gay and bisexual men are more likely than heterosexual men to experience crime, including domestic violence and sexual violence<sup>422</sup>. Due to social stigmas and gendered stereotypes of masculinity that are prevalent in Northern Ireland, men can find it extremely difficult to identify themselves as victims of domestic abuse and to see support. It is important that these barriers are addressed to enable all victims to access specialist support and information about domestic abuse. In addition, it is important to recognise the multi-faceted identities victims of domestic abuse have in order to meet objective need.

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<sup>422</sup> Stonewall 'Gay and Bisexual Men's Health Survey' (2013)

### 8.1.8 Additional Factors to be Considered

Additional areas of action are to support groups disproportionately impacted by domestic abuse including women and girls, rural women, LGBT+ people, disabled people and migrants. In recognising groups at great risk of domestic abuse, additional resourcing must be allocated to ensure specific community support services can be created for victims and to create educational campaigns that look beyond heteronormative messaging. In addition to this, specific support should be made available for men who are victims of domestic abuse due to social stigma attached to men speaking out. In order to facilitate meeting the diverse objective needs of different victim groups in Northern Ireland, much more robust reporting and monitoring of all section 75 groups is needed within the PSNI and broader Criminal Justice System.

For instance, it is estimated that one in two disabled women are in abusive relationships in the UK, however there is insufficient data collection in Northern Ireland to know the extent of disabled people experiencing abuse<sup>423</sup>. As disabled people face additional barriers in accessing support, not recording the numbers of disabled people specifically experiencing abuse prevents specific resources and support measures being put in place<sup>424</sup>. In addition, the lack of consistent Section 75 recording of victims and perpetrators has meant that statistics do not incorporate the levels of domestic abuse within LGBTQ+ relationships, and adequate community-based support is unable to appropriately support victims. Stonewall reports highlight that one in four of all lesbian and bisexual women has experienced domestic violence in the past, yet no data exists on this in relation to Northern Ireland specifically<sup>425</sup>.

It is important to have a great understanding of the identities of victims, as different minority groups may face unique forms of coercive control. For instance, further research from Stonewall found that 51% of transgender people who had experienced domestic abuse in the last year reported that their partner had ridiculed their gender identity, and many reported their partners threatening to “out” their gender identity or sexual orientation to their family and wider networks<sup>426</sup>. The spousal veto against allowing a trans partner access legal gender recognition can also be used as a unique form of coercive control. In the absence of adequate data collection in Northern Ireland, an example of community developed data on the domestic abuse experienced by trans communities in Scotland can be seen in Appendix 3, which highlights the urgent need for Northern Ireland specific data and robust monitoring of Section 75 groups in relation to domestic abuse.

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<sup>423</sup> Women’s Budget Group, (2018), ‘Disabled Women and Austerity’, <https://wbg.org.uk/wp-content/uploads/2018/10/Disabled-women-October-2018-w-cover-2.pdf>

<sup>424</sup> Public Health England, ‘Disability and Domestic Abuse’: [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/480942/Disability\\_and\\_domestic\\_abuse\\_topic\\_overview\\_FINAL.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/480942/Disability_and_domestic_abuse_topic_overview_FINAL.pdf)

<sup>425</sup> Stonewall.org.uk. 2008. Prescription For Change: [https://www.stonewall.org.uk/system/files/Prescription\\_for\\_Change\\_\\_2008\\_.pdf](https://www.stonewall.org.uk/system/files/Prescription_for_Change__2008_.pdf)

<sup>426</sup> Safe lives (2018). Free to be safe: LGBT+ people experiencing domestic abuse: <https://safelives.org.uk/sites/default/files/resources/Free%20to%20be%20safe%20web.pdf>

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In addition to enhanced recording of Section 75 groups, police officers and PPS staff should receive training to ensure cultural competency and best practice for supporting victims from different backgrounds and to address less recognised forms of domestic abuse. For instance, LGBT+/ Disability/Migrant Domestic Violence Liaison Police Officers and specialist Independent Domestic Violence Advocates should be in place and there should be recognition of forms of abuse such as abuse from a carer to their partner/child or abuse by a parent against their LGBTQI+ child etc. These measures could be implemented and overseen by a Domestic Abuse Commissioner.

Having policies and procedures co-designed with community organisations representing different groups of victims should ensure better data collection that allows for more efficient allocations of support services.

### **8.1.9 Recommendations**

- Domestic abuse crimes and incidents have been steadily growing in Northern Ireland since records began in 2004/5. Domestic abuse crime accounts for 19.1% of all crime in Northern Ireland;
- Women and girls are disproportionately impacted by domestic violence and a specific strategy for tackling Violence Against Women and Girls is needed in order to comply with the Istanbul Convention and CEDAW Recommendation 35;
- Despite the introduction of new legislation, several gaps remain in the protections afforded to victims in Northern Ireland compared to other regions. Victims in Northern Ireland should have equal protections and their geographical location should not impact their recourse to justice;
- Inadequate recording on the Section 75 Characteristics of both victims and perpetrators makes it impossible to adequately address objective need of all victims in NI. Specialist support provisions are needed for women and girls, rural victims, disabled people, men, LGBTQI+ people, migrants and more;
- There needs to be a recognition that coercive control can take unique forms for various intersectional groups, particularly disabled people and LGBTQI+ people. In line with similar recommendations in the LGBTQI+ Equality Strategy, there should be the removal of the spousal veto to prevent a trans partner accessing legal gender recognition;
- For rural victims, there needs to be recognition of the additional barriers in access support or fleeing domestic and sexual abuse. As communities tend to be smaller and less anonymised than urban settings, and fleeing a domestic violence situation can have consequences such as giving up rural life or access support, or leaving a family farm business, additional support must be adequately funded in rural areas;
- Split Universal Credit payments should be made the default, rather than opt in, to ensure victims have access to financial resources and to overcome general unawareness of the split payments option;
- The granting of secure tenancies for victims of domestic abuse should be implemented in line with requirements for the Istanbul Convention, to ensure that there is appropriate funding for refuge units; that this is increased with costs of living; and that housing allocations are reviewed to ensure the needs of all survivors are met;

- Given the increasingly high levels of femicide in Northern Ireland, and the plans to launch Domestic Homicide Reviews in Northern Ireland, it is crucial that these reviews are used as a learning tool to reduce domestic homicides. Monitoring this work could also be overseen by an Independent Domestic Abuse Commissioner;
- Training and education are needed across the entire criminal justice system, and wider society, to ensure any new domestic violence legislation is operational and that a culture of intolerance towards domestic violence is created;
- Addressing gender-based violence in all forms requires funding more than just education and public awareness campaigns. This needs to include robust statutory funding for support services for groups such as Rape Crisis, Women's Aid Federation NI, Men's Advisory Project, HERE NI/The Rainbow Project etc. as many of these groups currently rely on third party funding which is not sustainable, nor does it enable these organisations to provide full services to match other jurisdictions; and
- Adequate resourcing is needed to ensure meaningful change, and there must be robust oversight of the application of any new legislation relating to domestic abuse to ensure it is working properly. An independent Domestic Abuse Commissioner could oversee the implementation of this legislation and the identification of remaining gaps

## 8.2 Sexual Violence, Harassment and Rape Culture

Sexual violence, harassment and rape culture are widespread issues in Northern Ireland that disproportionately impact women. Widespread societal change is needed to address these issues and create a culture of zero tolerance, including specific work on accessing justice, spreading educational awareness on the issues, and tackling media representation that perpetuate harmful myths. Sexual violence is an issue across the world with high levels of victim-blaming and attrition rates, but extremely low conviction rates. In addressing these issues, it is crucial to ensure that Northern Ireland is compliant with international obligations such as the Istanbul Convention and CEDAW recommendations, and to specifically dismantle suggestions that women and girls are responsible for their own safety.

### 8.2.1 Sexual Violence Statistics

In 2019/20 there were approximately 3560 sexual offences recorded by the PSNI. In comparing statistics from 2002/03 to 2019/20, the number of sexual offences increased dramatically from a low of 1400 at the start of this period to the high witnessed in 2020<sup>427</sup>. The most recent Public Prosecution Service (PPS) annual statistical bulletin for cases involving sexual offences in 2019/20 found that:

- The PPS received 1,684 files involving a sexual offence during the financial year. This was an increase of 5.6% on 2018/19 (1,594);
- Over this period there was a rise of 6.9% in the number of files received involving an offence of rape, from 610 to 652. There was also an increase (4.9%) in the number of files involving other sexual offences, which rose from 984 to 1,032 (Appendix 2, figure 5);

<sup>427</sup> Statista (September 2020), 'Number of sexual offences in Northern Ireland 2002-2020'

- The files received included a total of 1,801 suspects, representing a 6.9% increase on 2018/19 (1,685). Of the 1,801 suspects, 706 were charged or reported in respect of rape (an increase of 10.8% on 2018/19) and 1,095 were in respect of other sexual offences (an increase of 4.5%);
- Police recommended prosecution or diversion for just over two-fifths (40.5%) of all suspects. This compared with 41.8% in 2018/19;
- The Test for Prosecution was met in relation to a sexual offence for just under a quarter of decisions (24.7%). This included 434 decisions for prosecution or diversion from the courts. At 24.7%, the percentage of decisions meeting the Test represents a small increase on 2018/19 (23.9%);
- Of the 1,252 no prosecution decisions issued during 2019/20, the vast majority (99.4%) did not pass the evidential test. The remaining 0.6% did not pass the public interest test;
- During 2019/20, the median calendar days required for the issue of indictable prosecution decisions in respect of all sexual offences was 255. This compared with 256 days during 2018/19. Over the same period, 80% of indictable decisions in respect of all sexual offences were issued within 666 days (447 days in 2018/19); and
- During 2019/20, 217 defendants were dealt with in the Crown Court in relation to a sexual offence, an increase of 38.2% on 2018/19. Of the 217 defendants, 69.1% were convicted of at least one offence (i.e. of any offence). Just under two-thirds (64.1%) were convicted of a sexual offence

### 8.2.2 Gillen Review Recommendations

As of December 2020, none of the recommendations contained in the Gillen Review<sup>428</sup> Report into the law and procedures in serious sexual offences in Northern Ireland that require legislation have been brought into place. As highlighted by the WPG, many of the changes recommended would be transformative for the experience of reporting rape or other serious sexual offences, and since the Gillen review was commissioned by the state there is an imperative to act upon its recommendations as soon as possible. Action should be taken on this as soon as possible, and at least a timetable of the plans moving forward.

### 8.2.3 Tackling Rape Myths and Rape Culture

As highlighted by the WPG, with the increasing numbers of sexual assaults and rising numbers of people coming forward with complaints of sexual misconduct, the need to tackle rape myths and rape culture is a matter of urgency in Northern Ireland<sup>429</sup>. One of the specific recommendations of the Gillen Review was to create a public awareness campaign, funded by the state, to tackle rape myths and to counter misinformation and confusion on the issue of consent. The WPG suggest that public awareness campaign can begin in formal education institutions and must deal with issues around consent and boundaries, in an age appropriate manner, in order to begin effectively tackling rape culture.

<sup>428</sup> Gillen Review Report into the law and procedures in serious sexual offences in Northern Ireland (2019): <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf>

<sup>429</sup> WPG Feminist Recovery Plan 2020 p.97.

Relationships and sex education (RSE) must be standardised across all schools to ensure topics are dealt with appropriately and inclusively to ensure it provides the necessary information and skills for vulnerable demographics. The Gillen Review contains more than 200 recommendations that could drastically change the narratives that exist around rape myths and rape culture in Northern Ireland, and the reform of RSE would fall in line with CEDAW General Recommendation 35 to inform individuals on consent, sexual harassment and victim-blaming and to dismantle the belief that women and girls are responsible for their own safety.

#### **8.2.4 Sexual Harassment and Online Abuse**

Sexual harassment as a workplace issue was explored in section 3, however, in line with the other recommendations, much more work is needed to create zero tolerance for sexual harassment and to remove barriers to reporting harassment in wider society. The 2008 amendments to the Sex Discrimination (NI) Order expressly prohibit sexual harassment in the field of employment, however, given the rapid increases in workplace sexual harassment alongside increasing sexual harassment in public spaces and on online platforms, it is imperative that more is needed to be done. A report from the House of Commons Women and Equalities Committee found evidence of ‘routine and sometimes relentless’ harassment of women and girls on the street, in parks, on public transport, in bars, clubs and universities and online<sup>430</sup>.

Surveys in the report found that 64% of women, including 85% of 18-24-year olds had experienced unwanted sexual attention in public places with 35% reporting unwanted touching. More than 60% of girls and young women did not feel safe walking home and growing numbers said they felt unsafe online. Incidents ranged from wolf-whistling to unwanted sexual comments, groping and sexual rubbing on public transport, upskirting, rape threats and men exposing themselves. Despite the prevalence of these issues, society continues to underplay the gravity of such behaviour and the impact it has on women and girls. The normalisation of such behaviour is evidence of how deeply embedded misogyny is in our society which leads to low levels of reporting on such incidents. In public awareness and education campaigns, it is important to ensure that people know what behaviours that constitute sexual harassment and where to go for support.

In addition to this, barriers to reporting sexual harassment or consequences for perpetrators need to be urgently addressed through more robust legislation. This is of increasing importance as technological advances create further opportunities for harassment largely without any consequences. Online harassment and abuse against women prompted Sir Tim Berners-Lee, creator of the internet, to say that “the web is not working for women and girls” and that while important progress has been made on gender equality, the “online harms facing women and girls, especially those of colour, from LGBTQ+ communities and other marginalised groups – threaten that progress”<sup>431</sup>. This is clearly evidenced in the recent sharing and leak of thousands

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<sup>430</sup> Sexual harassment of women and girls in public places, Women and Equalities Committee, House of Commons, October 2018

<https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/701/701.pdf>

<sup>431</sup> Why the web needs to work for women and girls, Sir Tim Berners-Lee, March 2020 <https://webfoundation.org/2020/03/web-birthday-31/>

of explicit images of women and girls in Ireland without their consent, including many women from Northern Ireland and images of children<sup>432</sup>. Online image based sexual abuse needs to be legislated for in as a matter of urgency. Online abuse towards women, particularly women in public life, has also prompted calls for an All-Party Working Group on Misogyny to be set up. Given the extent of the issue of online abuse and harassment towards Northern Ireland, this would be welcomed, as online misogynistic abuse limits women's representation and visibility not just in politics, but other spheres of life.

Adequate funding and resourcing should also be made available to support groups such as the Raise Your Voice campaign works on tackling sexual harassment and sexual violence in Northern Ireland through work directly with the community, increasing public awareness, educating organisations on best practice and lobbying for legislative advances in this area.

### 8.2.5 Recommendations

- Reported sexual offences have been rapidly increasing since official records began in 2002/3 and conviction rates remain extremely low;
- None of the recommendations contained in the Gillen Review Report into the law and procedures in serious sexual offences in Northern Ireland that require legislation have been brought into place. A timetable to implement all recommendations from the review should be published urgently;
- Relationships and Sex Education (RSE) needs to be standardised across all schools to ensure topics are dealt with appropriately and inclusively to ensure it provides the necessary information and skills for vulnerable demographics. This needs to be in line with CEDAW Recommendation 35 to inform individuals on consent, sexual harassment, victim-blaming and dismantling beliefs that women and girls are responsible for their own safety from sexual harassment and assault. RSE must also be actively pro-LGBTQI+ inclusive; be delivered in an age-appropriate manner from primary school age onwards and be developed in collaboration with civil society groups with expertise in these areas. RSE will be explored further in section 9;
- An adequately funded public awareness campaign on tackling victim-blaming, rape myths and rape culture, as recommended in the Gillen Review, needs to be co-designed with community organisations working in this area and rolled out as a matter of urgency;
- Barriers to reporting sexual harassment and inadequacy in tackling growing online harassment needs to be addressed through robust legislation. This needs to include greater consequences for perpetrators and provisions to tackle issues such as image based sexual assault;
- Adequate funding and resourcing should also be made available to support groups such as the Raise Your Voice campaign works on tackling sexual harassment and sexual violence in Northern Ireland through work directly with the community, increasing public awareness, educating organisations on best practice and lobbying for legislative advances in this area; and
- An All-Party Working Group on Misogyny should be established

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<sup>432</sup> For more information see Independent (2020), 'Thousands of explicit images of Irish women leaked', <https://www.independent.co.uk/news/world/europe/ireland-revenge-porn-images-leak-b1759685.html>

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### 8.3 Hate Crime

Northern Ireland is the only part of the UK without specific hate crime legislation. Judge Marrinan is leading an ongoing review of the legislation and recently published an executive summary with 34 key recommendations<sup>433</sup>, but it is necessary to address broader changes needed in relation to gender equality. As highlighted in the WPG Independent Hate Crime Review Consultation Response, misogyny is an endemic in society both locally and internationally and should be recognised as a form of hate crime<sup>434</sup>. The lack of adequate legislation to deal with misogynistic crime and the lack of associated quantitative evidence means that the true nature, extent and impact of misogyny cannot be fully captured. Recent research from the UN Development Programme highlights how social beliefs obstruct gender equality, and how the harm of misogyny must be recognised and addressed<sup>435</sup>. This research found that nearly 90% of all people have a ‘deeply ingrained bias’ against women and that violence against women is driven by these harmful gender norms that normalise and justify gender inequality and violence<sup>436</sup>. Fawcett Society research shows that gender is the most common cause of hate crimes towards women with 57,000 hate crimes based on gender recorded in the UK in 2019<sup>437</sup>.

Nottinghamshire Police made history in 2016 by becoming the first police force in the UK to introduce misogynistic hate crime recording. This measure was supported by men, women and victims that have come forward and evaluations show an approval rate of 87% among residents. Despite the success of this policy, it was reported that issues remain with tackling the normalisation of misogynistic hate crimes in society; a lack of awareness on the policy and need for adequate resources to educate people on what misogyny and hate crime means. In Northern Ireland, the Raise Your Voice Campaign has been successful in getting several local councils to support motions calling for misogyny to be recognised as a form of hate crime. Work is ongoing across other local councils, but it is worth noting that issues of equating misogyny with misandry, alongside a lack of knowledge on the severity of hate crimes and how this compares to discrimination laws and free speech remain.

With the growing levels of online misogynistic abuse towards women, it is clear that Northern Ireland needs a consolidated form of Hate Crime Legislation that both includes misogyny and trans misogyny, and provides for a fully resourced educational campaign to address the normalisation of misogyny in Northern Ireland. Given the recent misogynistic and transphobic hate crimes towards women in Belfast, and the failures of current legislation meaning that

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<sup>433</sup> Final Report into Hate Crime Legislation Review Consultation: <https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review>

<sup>434</sup> WPG Independent Hate Crime Review Consultation Response 2020, <https://wrda.net/wp-content/uploads/2020/04/WPG-Hate-Crime-Consultation-Review-Response-30.04.20.pdf>

<sup>435</sup> Tackling Social Norms, A game changer for gender inequalities, UNDP, March 2020 [http://hdr.undp.org/sites/default/files/hd\\_perspectives\\_gsn.pdf](http://hdr.undp.org/sites/default/files/hd_perspectives_gsn.pdf)

<sup>436</sup> Ibid

<sup>437</sup> Fawcett Society (2019), ‘Data Reveals Gender is Most Common Cause of Hate crime for Women’, New Fawcett data reveals gender is most common cause of hate crime for women | Fawcett Society

these crimes cannot be recorded as hate crimes, it is crucial that these types of hate crimes are recognised for what they are; rooted in misogyny<sup>438</sup>. The PSNI response to these crimes was to tell women to stay at home, which is further evidence of the victim-blaming and harmful gender stereotyping that is prevalent within the justice system and wider society.

Finally, for any hate crime legislation to be effective, it must recognise intersectionality in order to understand the experiences of hate crime victims, and marginalised groups more generally. Intersectionality explains how overlapping identities relate to systems and structures of oppression, domination or discrimination. As argued by the WPG, a hate crime can be the outcome of multiple prejudices and in recognising this, a clearer understanding of the experience of victimisation and the commission of the offence can be gained<sup>439</sup>. For instance, an assault on a transgender woman needs to be understood as multiple prejudices towards her for being both transgender, and a woman<sup>440</sup>. An assault on a Muslim woman wearing a hijab needs to be recognised as multiple prejudices for her being both a woman, and a Muslim. This approach would also allow for more comprehensive monitoring and responses to hate crimes by the justice system.

### 8.3.1 Recommendations

- Northern Ireland is the only part of the UK without specific hate crime legislation and the recommendations from the Hate Crime Review, alongside recommendations from the women's sector and LGBTQI+ sector, should be implemented as a matter of urgency;
- Misogyny is deeply embedded in Northern Ireland and both misogyny and trans misogyny should be recognised as specific forms of hate crime. Research shows that gender is the most common cause of hate crimes towards women in the UK. In the extension of protected characteristics to include gender, there must be very specific recognition of the role power dynamics play in hate crime, and the fact that hate crime exists to reinforce those power dynamics;
- In addition to the recognition of misogynistic hate crimes and the inclusion of gender as a protected characteristic, there must be the inclusion of the specific inclusion of transgender identity as a protected characteristic or transphobia as a category of hate crime;
- Nottinghamshire Police became the first police district to introduce misogynistic hate crime recording, and this should be introduced in Northern Ireland.
- With the introduction of new legislation, adequate funding for training and awareness raising is essential to tackle the normalisation of misogyny, to make people aware of the law and the consequences for breaking it, and to ensure people know what hate crime actually means;
- Any new form of hate crime legislation must include provisions for tackling the rapidly increasing levels of online misogynistic abuse towards women; and

<sup>438</sup> A man recently stabbed two women, and assault four other women, in one night in Belfast yet these attacks cannot be recorded as misogynistic hate crimes: <https://www.bbc.co.uk/news/uk-northern-ireland-54576351>

<sup>439</sup> WPG Independent Hate Crime Review Consultation Response 2020, <https://wrda.net/wp-content/uploads/2020/04/WPG-Hate-Crime-Consultation-Review-Response-30.04.20.pdf>

<sup>440</sup> A recent attack happened to a transgender woman in Belfast: <https://www.belfastlive.co.uk/news/transgender-woman-speaks-out-after-19013288>

- Intersectionality must be recognised at the core of hate crime legislation to better understand the experiences of hate crime victims, and to ensure specialised support provisions are in place. This will enable instances of transmisogyny, for example, to be recognised and appropriately addressed

## 8.4 Victim Blaming, Stereotypes and Media Representation

Ensuring Violence Against Women and Girls is being reported on in a responsible manner across media platforms to discourage victim-blaming and rape myths is a requirement laid out in Article 17 of the Istanbul Convention. Media representation of domestic abuse and sexual violence often upholds many rape myths and forms of victim-blaming language. Although the statistics outlines in 8.1 and 8.2 are shocking, it is estimated that the levels of domestic violence and sexual violence are much higher than these figures suggest due to stigma, fear in reporting and the prominence of rape myths and victim blaming narratives in society. To address the endemic nature of domestic abuse and sexual violence in Northern Ireland, the media representation of these issues should be addressed as a means of changing the culture that prevails around these issues.

The Raise Your Voice Campaign submitted evidence to the IPSO on guidelines for the reporting of sexual violence, which should be considered in tackling rape myths and victim-blaming that disproportionately impacts women<sup>441</sup>. In addition, The Women's Aid Federation Northern Ireland also recently launched guidelines for responsible media reporting on domestic abuse which should be considered in order to challenge attitudes and beliefs which perpetuate domestic violence and abuse in Northern Ireland<sup>442</sup>. The clear guidelines from both should be formally implemented in Northern Ireland in order to further support victims and their families. Further, taking measures to tackle victim-blaming narratives and gendered stereotypes could encourage more victims to come forward and seek justice.

Aside from this guidance on media reporting on domestic abuse and sexual violence, more needs to be done to tackle gendered stereotypes more generally in line with CEDAW Recommendation 35. Research from the Fawcett Society into the impact of gender stereotypes on children found that gender stereotyping can limit children by presenting them with a specific set of acceptable behaviours and that children's experiences of early gender-bias have long-term effects that need to be addressed<sup>443</sup>. The harm of gender stereotyping will be explored in more detail in section 9.

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<sup>441</sup> The full Raise Your Voice recommendations for the IPSO guidelines can be read here: <https://www.raiseyourvoice.community/news-resources/ipsa-guidelines-regarding-reporting-of-sexual-offences>

<sup>442</sup> Women's Aid Federation Northern Ireland (November 2020) 'Responsible Reporting Matters: Media Guidelines for Reporting on Domestic Abuse' <https://viewdigital.org/wp-content/uploads/2020/11/Responsible-Reporting-Matters-2020-Final.pdf>

<sup>443</sup> Fawcett Society (2020)

### 8.4.1 Recommendations

- Ensuring Violence Against Women and Girls is being reported on in a responsible manner across media platforms to discourage victim-blaming and rape myths is a requirement laid out in Article 17 of the Istanbul Convention;
- Recommendations from Raise Your Voice on IPSO guidelines for the reporting on sexual violence and Women’s Aid ‘Responsible Reporting Matters’ for reporting on Domestic Abuse should be implemented through legislation;
- The vilification of trans people in the media, in particular targeted at trans women, must be tackled through the strengthening of incitement to hatred legislation. Consideration should be given to a review of LGBTIQ+ representation in the media; and
- In line with CEDAW Recommendation 35, the NI Executive should take measures to address the harms of gender stereotypes

## 8.5 Racial Justice

As of June 2020, there had been 3,500 race hate crimes reported to the police within five years. Racist hate crimes in Northern Ireland have now outnumbered sectarian hate crimes for the past four years. Despite the huge numbers of racist hate crimes, the PSNI state that only about 13-14% of these result in someone being punished, which is half the rate seen with other crimes. As stated in section 8.3, understanding intersectionality is crucial to dismantling the hate crimes and racist stereotypes that exist and how this prevents progress in Northern Ireland. As the visibility of the Black Lives Matter movement grew, it has become clear that urgent action is needed to address the harm systemic racism has caused in Northern Ireland. This systemic racism includes the profiling of Black Lives Matter protesters earlier this year fines issued to protesters despite protests being in line with social distancing measures.

The Larne House Immigration Detention Centre at the Larne PSNI Station, and broader Direction Provision System, have extremely detrimental consequences on the wellbeing of women. The Larne House Centre houses men and women together, with no women-only recreation space. As a result, many women are forced to self-confine to their rooms due to safety concerns. The poor conditions and inadequate facilities for traumatised people needlessly incarcerated here has been highlighted by HM Inspectorate of Prisons multiple times. The existence of an immigration detention centre within a PSNI station is entirely inappropriate, as this prevents people with uncertain immigration status from coming to the PSNI for help. This is an issue that disproportionately impacts women of colour. Similar concerns for the safety of those housed in Direct Provision Centres has been consistently raised in the Republic of Ireland, and many cases of women of colour being raped and assaulted<sup>444</sup>, stressed<sup>445</sup> and starved<sup>446</sup>.

<sup>444</sup> Irish Times (2020), ‘Gardaí investigate allegation of rape in direct provision centre’, <https://www.irishtimes.com/news/ireland/irish-news/garda%C3%AD-investigate-allegation-of-rape-in-direct-provision-centre-1.4300353>

<sup>445</sup> AkiDwA (2020), ‘Migrant Women’s Stories of Mental Health’, <https://akidwa.ie/akidwas-new-report-shares-migrant-womens-stories-of-mental-health/>

<sup>446</sup> RTÉ (2019), ‘How Ireland’s Asylum System Commits Violence Against Women’, <https://www.rte.ie/brainstorm/2019/1020/1084575-how-irelands-asylum-system-commits-violence-against-women/>

A trans woman, who was forced to live in an all-male direct provision centre in Galway, died and was buried without any notice being given to loved ones<sup>447</sup>. The institutionalising of asylum seekers in for-profit direct provision centres<sup>448</sup> is in violation of human rights and needs to end. The Universal Declaration of Human Rights states that everyone has the right to seek asylum from prosecution in other countries<sup>449</sup>. The treatment of asylum seekers, particularly racialised people, across both the UK and Ireland needs to be urgently addressed.

To achieve gender equality and racial justice, it is necessary to acknowledge that women of colour face additional discrimination due to both their gender, and their race, and it is imperative that a racial equality strategy is developed and implemented in Northern Ireland in line with commitments made in New Decade, New Approach. Ingrained bias within the justice system, and broader harmful stereotypes and harassment in society, can prevent many women of colour from coming to seek justice when they have been victims of a crime and targeted harassment. The failure to recognise the systemic levels of racism in Northern Ireland, and the disproportionate levels of harm that women of colour face, will have immeasurable consequences for gender equality and the visibility of women.

### 8.5.1 Recommendations

- There have been 3,500 racist hate crimes reported to the police within five years. Racist hate crimes have been steadily growing and have outnumbered sectarian hate crimes for the past four years. Issues with low levels of reporting, and extremely low conviction rates (half compared to other crimes), need to be urgently addressed;
- The fines against protesters at the Black Lives Matter protests should be dropped;
- The human rights violations within direct provision centres, including specific issues of violence against women, need to be urgently investigated. The industrialisation of immigration detention centres needs to end and all asylum seekers should have the right to seek asylum under Article 14 of the Universal Declaration of Human Rights, rather than being housed within a police station;
- A Racial Equality Strategy should be developed and implemented as a matter of priority in line with commitments in New Decade, New Approach;
- LGBTQI+ asylum seekers are routinely required to justify or prove their sexuality and gender identity to the Home Office in order to qualify for asylum. This is tantamount to cruel and inhumane treatment and there should be a Westminster review treatment of LGBTQI+ asylum seekers alongside the implementation of measures to protect asylum seekers from this in Northern Ireland

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<sup>447</sup> A trans woman named Sylvia Tukula died in an all-male direct provision centre in Galway: Irish Times (2018), 'Woman buried without friends after death in direct provision centre', <https://www.irishtimes.com/news/social-affairs/woman-buried-without-friends-present-after-death-in-direct-provision-centre-1.3917038>

<sup>448</sup> Irish Examiner (2020), 'Special Report: How accommodating asylum seekers turned into a billion-euro industry', <https://www.irishexaminer.com/lifestyle/arid-30996215.html>

<sup>449</sup> Universal Declaration of Human Rights, Article 14

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## 8.6 Justice System – Incarceration, Poverty, Sentencing and Processes

In Northern Ireland, the vast majority of prisoners are men. However, the number of men being sent to custody has dropped, while the women’s imprisonment rate continues to rise significantly. Across the UK and Ireland, campaigners are calling for the decarceration of women through groups such as Prison Reform Trust, Women in Prison and Irish Penal Reform Trust. These calls are based on substantial mounting research on the distinct vulnerability and gender-specific needs of criminalised women<sup>450</sup>. In Northern Ireland, trends show that the levels of imprisoned women have been increasing each year since 2000. In July 2019, there were 84 women imprisoned in Northern Ireland at one time, which was significantly higher than prison capacity and much higher than the average of 57 during 2017-18. Evidence suggests that the majority of women imprisoned are in relation to low-level offences as in 2018/19, 90.3% of women were imprisoned for a year or less, while 64% of women imprisoned received a sentence of six months or less and 29% were sentenced to three months or less<sup>451</sup>. Approximately 58% of women sent to prison are remand prisoners, where they have been arrested and charged with an offence and must await trial in prison.

This is a gender equality issue due to the proportionality of punishment towards often vulnerable and marginalised groups of women. Research from Dr Gillian McNaul also shows that many women are remanded due not to the severity of their crime, but instead for issues relating to mental health vulnerability, social care need, homelessness and addiction<sup>452</sup>. Further, women in prisons in Northern Ireland are predominately non-violent offenders and tend to commit “victimless crimes” such as theft (which accounts for 30% of women’s offences in Northern Ireland), which can often be survival based and connected to poverty.

The high levels of women sent to prison on remand also suggests that prison is being used as a replacement for alternative forms of support that have not been resourced in relation to housing, mental health support, refuge and addiction support. The gaps in community support and gender appropriate hostel accommodation has also impacted court decision making, as women are being imprisoned unnecessarily as there is nowhere else for courts to send them<sup>453</sup>. With women’s imprisonment rates in Northern Ireland going against trends elsewhere, the Department of Justice needs to address this inconsistency urgently, particularly as the Northern Ireland Prison Service is developing a new estate strategy for imprisoning women. Without addressing gaps in social and community care, increased prison capacity for women will continue to punish marginalised women as a result of having nowhere else to send them. Similar to the

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<sup>450</sup> See Contributions from Dr Gillian McNaul to NIACRO Issue 42 (2019), p.4: <https://www.niacro.co.uk/sites/default/files/publications/Final%20139887%20NIACRO%20News%20%28Issue%2042%29.pdf>

<sup>451</sup> Department of Justice (2019), ‘The Northern Ireland Prison Population 2018/19’, <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/ni-prison-population-18-19.pdf>

<sup>452</sup> Gillian McNaul, (2019), ‘The problem with women’s prisons – and why they do more harm than good’, <https://theconversation.com/the-problem-with-womens-prisons-and-why-they-do-more-harm-than-good-120922>

<sup>453</sup> Ibid

issues mentioned in section 8.5, there is a lack of guidance in relation to trans people in prisons, and this has led to issues of trans women being placed in men's prisons and trans men being placed in women's prisons and a lack of access to healthcare and support for trans inmates.

The carceral justice system in Northern Ireland also favours incarceration instead of rehabilitation processes or restorative justice. Other issues with the criminal justice system and incarceration include the failure to effectively deal with gender-based crime and hate crime, particularly given the high levels of re-offending in relation to domestic abuse. It is clear a wide body of work is needed in relation to the criminal justice system to deal with the particular failings towards women and the general lack of understanding of gender.

### **8.6.1 Recommendations**

- Whilst the vast majority of prisoners in Northern Ireland are men, the number of men imprisoned has been decreasing while the number of women prisoners has been increasing each year since 2000;
- There is substantial evidence that supports the need for the decarceration of women based on the distinct vulnerability and gender-specific needs of women imprisoned in Northern Ireland;
- Evidence shows that the majority of women imprisoned in Northern Ireland is in relation to mental health issues, homelessness, addiction and poverty. 57% of women sent to prison are awaiting trial and are sent to prison as there are no alternative resourced forms of support;
- Prison is being used in the absence of social and community care for vulnerable women, and the Department of Justice plans to further develop new estate strategies for imprisoning women should be focusing on inconsistencies in increasing levels of women prisoners and gaps in community care, rather than increasing prison capacity; and
- The Department of Justice should monitor all aspects of the criminal justice system by gender and other identities and ensure that there is better understanding of how mental health, poverty and vulnerability impacts the likelihood of women coming in contact with the justice system

## **8.7 Post-Conflict Justice – Transitional Justice and Historical Abuse**

There is an ongoing need to deal with the legacy of the past and historical abuse and the impact this has had on women and their representation in Northern Ireland. The peace process in has largely excluded women and their contributions and the UK's National Action Plan<sup>454</sup> on the United Security Council Resolution on 1325 Women, Peace and Security<sup>455</sup> makes no reference to Northern Ireland and has not led to any significant policy change. Women's human rights bodies, such as CEDAW and UNSCR 1325, work best within post-conflict settings when they are reinterpreted into domestic legislation. In Northern Ireland, the women's sector incorporates and engages widely with women's international human rights mechanisms, despite failures for the requirements of

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<sup>454</sup> UK National Action Plan on Women, Peace and Security 2018-2022: <https://www.gov.uk/Government/publications/uk-national-action-plan-on-women-peace-and-security-2018-to-2022>

<sup>455</sup> UN Security Council Resolution 1325 on Women, Peace and Security: <https://www.un.org/womenwatch/osagi/wps/>

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these international mechanisms to translate into policy change or domestic law<sup>456</sup>. There has been little attempt from either the Northern Ireland Assembly or the UK Government to address the impact of the conflict on women and the lasting legacy this has had on women's participation. The Good Friday Agreement (1998) only makes two minor references to women, the Stormont House Agreement (2014) makes zero reference to women, and New Decade, New Approach (2020) makes no reference at all to women. Research shows that in Northern Ireland, the women's sector has been well organised and highly active for decades, but, major issues with women's descriptive and substantive representation remain, which highlights the struggle to incorporate the needs of women in post-conflict Northern Ireland into the domestic political context<sup>457</sup>.

Section 9 will reference the best way to take a gendered approach to transitional justice and how to embed the main pillars of 1325 into domestic law, however, it is important to mention one of the most significant forms of historical abuse against women across the island of Ireland that still has not been dealt with. In the concluding observations on the seventh periodic report of the UK in 2013, the CEDAW Committee recommended that the mother and baby homes (also referred to as Magdalene Laundries) should be included in the Historical Institutional Abuse inquiry<sup>458</sup>. This has still not been done and there has been no progress since this recommendation was made. The recent decision in the Dáil to seal many of the records from the mother and baby homes for 30 years is extremely concerning, and was opposed by many politicians, the general public and most importantly, by survivors themselves. There is a clear need to deal with the legacy of the past and historical abuse and how this impacted, and continues to impact women in Northern Ireland.

### 8.7.1 Recommendations

- Women's International Human Rights Mechanisms, such as CEDAW and UNSCR 1325, need to be incorporated into domestic law in Northern Ireland;
- The harm women and children faced through historical abuse in institutions such as the Magdalene laundries needs to be urgently addressed through inquiries, unsealing of records and other mechanisms; and
- The 'Gender Principles for Dealing with the Legacy of the Past' should be incorporated gendered principles to transitional justice should be applied in Northern Ireland legislation and to the Stormont House Agreement<sup>459</sup>

<sup>456</sup> Jennifer Thompson, (2016), 'Thinking globally, acting locally? The women's sector, international human rights mechanisms and politics in Northern Ireland', Political Studies Association, 2017, Vol.37(1) 82-96.

<sup>457</sup> Ibid, p.86.

<sup>458</sup> CEDAW Committee Concluding Observations, Recommendation 24 (2013): <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsldCrOIUTvLRF%20Djh6%20Fx1pWB8bSIKfa34XmmIN3IG11hwWhjFqrEprJHQfoipZTwnVkhDALmzaR6gCklPapM2exTMh89SX7G%20UOJHbH%20BN8Qq9U>

<sup>459</sup> Legacy Gender Integration Group (2015), 'Gender Principles for Dealing with the Legacy of the Past': [https://www.ulster.ac.uk/\\_\\_data/assets/pdf\\_file/0009/66285/Gender-Principle-Report-Sept-2015\\_Final-Version.pdf](https://www.ulster.ac.uk/__data/assets/pdf_file/0009/66285/Gender-Principle-Report-Sept-2015_Final-Version.pdf)

## 8.8 Review of court systems

In the context of domestic abuse, Women's Aid Federation Northern Ireland repeatedly cites family court and child contact as an issue for concern for women and children within their services. There are issues with inadequate understandings of domestic abuse as a welfare concern and this continues to expose women and children to trauma and harm and leads to unsafe contact arrangements. A review into family courts in England and Wales in 2019 found a number of issues on how family courts operate in relation to domestic abuse, particularly with 'systemic issues in relation to how risk is identified and managed which need to be addressed to ensure victims and children involved in these proceedings are better protected from further harm'<sup>460</sup>.

Northern Ireland family has been used by perpetrators as an arena to continue to abuse their victims through constantly dragging them back through courts. If their victim does not qualify for legal aid, this can cause huge financial burden. Further, child contact centres can be used to re-abuse victims of domestic abuse and ongoing cases relating to abuse in criminal courts are not relayed to family court. Therefore, judges are making decisions on child contact without all the information on abuse within that family.

In relation to domestic abuse, sexual offences and hate crimes, measures must also be taken to ensure that there is no re-traumatising of victims of these crimes in courts. Harmful gender stereotypes and rape myths are often perpetuated within courts, as seen in the "Belfast Rape Trial", and this has a profoundly detrimental impact on not only the victim in the case, but others who have been victims of similar crimes.

To eradicate this, sufficient guidance and training needs to be issued across all court systems and the wider justice system in Northern Ireland. Finally, inconsistent record keeping within the PPS, particularly in relation to Section 75 characteristics, must be addressed in any review of court systems. The below measures could address some of these issues and help keep victims engaged with the court system and less likely to pull out of proceedings

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<sup>460</sup> Ministry of Justice (2019), 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases' [https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/supporting\\_documents/assessingchildrenharmprogressupdate.PDF](https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/supporting_documents/assessingchildrenharmprogressupdate.PDF)

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### **8.8.1 Recommendations**

- Introduce a full review of court systems in Northern Ireland;
- Implement training across all levels of the court and for juries (as recommended by the Gillen review) on how domestic abuse and sexual abuse presents, on harmful myths and internalised beliefs;
- Make it a requirement that there are separate rooms for victims of domestic abuse and their families, so they do not have to interact with perpetrators. Other special measures can be put in place (for example, video links) within courts and victims must be made aware of these measures in advance and they must be put in place;
- Independent Domestic Violence Advisors (IDVAs) still have not been introduced in Northern Ireland, despite this being recommended by the Criminal Justice Inspection Northern Ireland. IDVAs must be introduced as a matter of urgency and this must recognise the need for specialist support; and
- Ensure that victims are kept up to date on court proceedings and procedures. IDVAs could assist with this

# 9. Education, Training and Changing Culture

## Summary

The right to education<sup>461</sup> is one of the most important means to achieve gender equality. Education and training need to be delivered over the course of a lifetime, adapting to changing life circumstances and reflecting needs at the time. Education is an area that is widely acknowledged to be central to tackling poverty and inequality. Low educational attainment correlates highly with socio-economic deprivation. People with no or low qualifications are at a much higher risk of unemployment, low pay, poor conditions and poor mental health<sup>462</sup>.

As a region if we are to comply with CEDAW Article 10<sup>463</sup> much needs to improve. Key educational inequalities in NI include:

- Bullying
- Attainment Levels and
- Evidence Gaps

There is a clear issue of gender stereotyping; a lack of women in STEM and the proportion of apprenticeship options available into traditionally better paid career areas are those that favour male stereotyped careers and which currently do not attract female participation.

Barriers to education such as: lack of flexible, affordable accessible childcare, poverty, travel and transport, health and wellbeing and digital inclusion; must be addressed, particularly for those over 25 years.

The role and importance of community based education must be resourced and recognised; particularly in relation to how at its best (using the WCCF Model) it seeks to address the barriers to participants and offer ongoing, holistic support.

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<sup>461</sup> Human Rights Act Protocol 1, Article 2 protects your right to an effective education.

<sup>462</sup> 'No-one Left Behind'; (2015) Heenan-Anderson Commission Report

<sup>463</sup> CEDAW Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training

To live in a society where misogyny is recognised and challenged we need to begin with a clear, comprehensive Relationship and Sex Education (RSE) programme which begins at Early Years and is delivered to students in an age appropriate way throughout their school years. Gender should be a protected category in Hate Crime Legislation.

## 9.1 Key Educational Inequalities in NI

### 9.1.1 Bullying

A number of equality groups are more vulnerable to prejudice-based bullying, or more likely to be bullied, in schools. Research has identified that: over two fifths of minority ethnic students having been the victims of racist bullying and harassment; over six out of ten trans pupils, and students with same sex attraction have been called hurtful names related to their sexual or gender identity; over two fifths of pupils with a disability being bullied; and students with SEN also experience bullying<sup>464</sup>.

Research<sup>465</sup> also indicates that many students who have experienced homophobic bullying do not report incidents of bullying and harassment to school authorities. The most frequently cited reason for this is that young people thought that the school would not take the incident(s) seriously. Research by Queen's University<sup>466</sup> (2013) highlights that there appears to be reluctance by schools in Northern Ireland generally to address homophobic bullying with the same rigour as other forms of bullying. This seems to be verified by evidence from LGBT students:

*The majority (80.8%) of those who had reported an incident of bullying because of sexual orientation or gender identity indicated that the school handled the bullying incident 'not well' or 'badly' and similarly for trans students; the majority of respondents (63.1%) believed that transgender issues were handled 'badly' or 'very badly'<sup>467</sup>.*

There are significant gaps in protection from discrimination for LGBTQIA people in school. This specifically affects gender minorities, where there is no statutory duty on schools to provide support to trans children and young people, often forcing them back into the closet and leading to them experiencing discrimination from peers and staff. This is a specific gap in our equality legislation.

Research has identified that: over two fifths of minority ethnic students having been the victims of racist bullying and harassment; over two fifths of pupils with a disability being bullied; and students with SEN also experience bullying.

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<sup>464</sup> Key Inequalities in Education (2017) Equality Commission NI

<sup>465</sup> Left Out of the Equation, A report on the Experiences of Lesbian, Gay and Bisexual Young People at School (2011) Cara-Friend and The Rainbow Project

<sup>466</sup> Education Reform in Northern Ireland: A Human Rights Review (2013), Queen's University Belfast

<sup>467</sup> <https://www.education-ni.gov.uk/publications/post-primary-school-experiences-16-21-year-old-people-who-are-lesbian-gay-bisexual-and-or-transgender-0>

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### 9.1.2 Attainment levels<sup>468</sup>

There is persistent underachievement and lack of progression to further and higher education of school leavers entitled to free school meals.<sup>469</sup>

Males, particularly working-class Protestant males have lower attainment levels than females. This hierarchy of performance is related to deprivation, gender and religion. Existing research on the performance gap between Catholic girls as the top performers and Protestant working class boys as the lowest, found that 10% of this performance gap is due to religion, 22% due to gender, and 68% due to deprivation<sup>470</sup>. Females higher educational attainment levels throughout the school and the greater percentage moving on to higher education<sup>471</sup> does not translate into higher pay, (see section 3) and more senior positions (see section 3). Students with SEN or a disability have lower attainment levels than students without any SEN or disability, and are less likely to go on to higher education. According to research published by the Education Authority<sup>472</sup> many transgender respondents reported that their experience of being trans in school had a negative or very negative impact on attainment (38.5%), attendance (41.5%) and career planning (35.9%).

Roma and Traveller pupils have the lowest levels of attainment of all; anywhere between a half to over eight in ten Irish Traveller children left school with no GCSEs. This is in stark contrast to the proportions of all school leavers with no GCSEs. The Heenan-Anderson Report recognised that it was not the responsibility of the school alone to ensure the development of children and additional support for parents particularly in rural areas was necessary<sup>473</sup>.

#### Evidence gaps

There is a lack of robust education data relating to a number of equality groups including: trans students; asylum seeking and refugee children; minority ethnic groups; LGB students; and, young carers<sup>474</sup>.

#### Learning from other nations

The Heenan-Anderson Commission Report of 2015<sup>475</sup> cites the Finnish model as an example from which we could learn:

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<sup>468</sup> Key Inequalities in Education (2017) Equality Commission NI

<sup>469</sup> Ibid

<sup>470</sup> 'No-one Left Behind'; (2015) Heenan-Anderson Commission Report

<sup>471</sup> School leavers statistical bulletin, published: 26 May 2016 at [www.education-ni.gov.uk/publications/school-leavers-201415-statistical-bulletin](http://www.education-ni.gov.uk/publications/school-leavers-201415-statistical-bulletin)

<sup>472</sup> <https://www.education-ni.gov.uk/publications/post-primary-school-experiences-16-21-year-old-people-who-are-lesbian-gay-bisexual-and-or-transgender-0>

<sup>473</sup> 'No-one Left Behind'; (2015) Heenan-Anderson Commission Report

<sup>474</sup> Key Inequalities in Education (2017) Equality Commission NI

<sup>475</sup> 'No-one Left Behind'; (2015) Heenan-Anderson Commission Report

*‘The Finnish model of taking a strategic and forward-thinking approach to closing the achievement gap was also presented. In Finland, partnerships between industry and education were created, with emphasis on STEM subject’s creativity and problem-solving. These reforms built on other characteristics of the Finnish education system – the professional autonomy of highly qualified teachers, the inclusion of most pupils with Special Educational Needs, and the emphasis on helping students assess their own learning to enable them to take charge of their individual study plans and work collaboratively on cross-curricular projects. As a result, Finland tops the tables for minimal variation of outcomes between schools and within schools, regardless of family background or socioeconomic class’.*

### **9.1.3 Recommendations**

- Bullying strategy; including staff training, to take account of the specific experiences of Trans, LGB and SEN students in order to eradicate these experiences for students e.g. For trans students; Co-develop statutory guidance on how schools should be supporting trans pupils, led by trans organisations, trans young people in the education system and families of trans people;
- Ensure schools are mandated to record bullying against marginalised pupils on the basis on which that bullying was carried out (i.e. transphobic, racist, homophobic, etc.);
- Develop robust data sets for all equality groups;
- Recognition that the addressing poverty is most likely to make the most significant impact on attainment outcomes for all; and
- Look internationally for examples and evidence we can learn from of where education systems are more gender equal and address gender equality issues

## **9.2 Gender Stereotypes**

In 2006, the Women and Work Commission<sup>476</sup> identified the need to challenge gender stereotypes in education and ensure that children’s aspirations are not limited by traditional ideas about what girls and boys can do.

Challenging gender stereotypes is likely to have widely beneficial effects in terms of improving educational and life outcomes for both genders, helping young people and adults to have respectful relationships and improving behaviour in our classrooms. Indeed, a significant body of research already exists to support this argument. Research has demonstrated how classroom discussions about gender constructions and using literature to deconstruct stereotypes can have a significant impact on educational engagement and learning.

Furthermore, continuing inequalities in the workplace and unequal roles within families can be traced back to stereotypes about expected behaviour and attitudes which are learned by children when they are of primary school age, and even younger. Gender stereotypes develop early by the time children reach primary school, they have already developed a clear sense of what is expected of boys and girls and how they are supposed to behave.

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<sup>476</sup> Women and Work Commission: Shaping A Fairer Future (2006)

### 9.2.1 Gender Stereotypes should be challenged at Early Years

This can be challenged if we intervene early enough. Cordelia Fine argues: ‘our minds, society and neurosexism create difference. Together they wire gender. But the wiring is soft, not hard. It is flexible, malleable and changeable<sup>477</sup>.’ Studies show that while the environment they are in is crucial in transmitting gender norms to children, they also find that the use of materials which actively challenge traditional gender norms can undo children’s previously held perceptions.

Research shows that by the age of seven, girls’ and boys’ aspirations are so often limited by stereotyping, with too few girls believing the full range of careers are open to them – and too many boys unable to express their emotions.

Many girls and young women are still following traditional routes in education and training, and being paid less than men as a result. Research shows that just three years after graduating, women earn 15% less than their male counterparts<sup>478</sup>.

### 9.2.2 STEM

In NI there is a clear identified need to address gender balance in the STEM sector. In the Northern Ireland economy, high level STEM posts currently constitute over 11% of the workforce, with men outnumbering women by nearly 3 to 1 and it is clear that we need to take a proactive approach to address the gender balance within the STEM industries<sup>479</sup>. There is a clear business case for gender equality and diversity within STEM.<sup>480</sup> This report draws the distinction between the current industrial model operating in most organisations, which thinks of ‘talent as a cost and women as a niche group’, whereas in the knowledge economy, ‘talent is an asset and women are key to both the talent and the consumer market place.’

### 9.2.3 Apprenticeships

The key STEM areas are clearly evidenced in the apprenticeship schemes available to students in NI. A quick look at the NI Direct website clearly shows the highlighted Level 2 apprenticeships highlighted:

*‘Currently there are around 150 Level 2 and Level 3 apprenticeships and over 45 Higher Level Apprenticeships to choose from, including:*

- computer science
- motor vehicle
- mechanical engineering
- retail
- construction
- accountancy’

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<sup>477</sup> Delusions of Gender: How Our Minds, Society, and Neurosexism Create Difference (2010) Cordelia Fine

<sup>478</sup> Women and Work Commission: Shaping A Fairer Future (2006)

<sup>479</sup> Addressing Gender Balance - Reaping the Gender Dividend in Science, Technology, Engineering and Mathematics (STEM) (2013) STEM Business Group November 2013, DELNI

<sup>480</sup> ‘The gender dividend: Making the business case for investing in women’, (2011), Deloitte

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*Level 2 frameworks for people aged 25 and over*

- Electrical power engineering
- Engineering
- Food and drink
- IT and Telecoms Professional
- Providing Financial Services
- Pharmacy Services

*Level 3 frameworks for people aged 25 and over*

- Construction Technical
- Creative and Digital Media
- Electrical Power Engineering
- Engineering
- Food and Drink
- IT and Telecoms Professional
- Providing Financial Services
- Pharmacy Services
- Scientific technologies<sup>481</sup>

The difficulty is that the proportion of apprenticeship options available into traditionally better paid career areas are those that favour male stereotyped careers of e.g. Engineering<sup>482</sup>, It and Telecoms<sup>483</sup>. Men outnumber women in the engineering profession by nearly nine to one and in Computer science; estimates indicate that women represent under a fifth of ICT managers, 21% of computer analysts and 14% of software professionals. It is clear that; not only do we need to address gender stereotyping, encourage more women and girls in STEM fields, we need to more immediately address the apprenticeship options available to and marketed at young females. Apprenticeships which are regarded as traditionally female – beauty, care etc. – need to be valued.

Institutional gender blindness in Government departments is unhelpful to the achievement of gender equality. This statement on apprenticeships was presented in an official documents:

The ApprenticeshipsNI 2013 provision is employer/demand led. The gender divide is a reflection of employment in various occupational areas and is outside the control of ApprenticeshipsNI 2013 and the Department for the Economy.<sup>484</sup>

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<sup>481</sup> NI Direct website (as accessed Nov 20)

<sup>482</sup> 'Engineering perspectives: a report on the careers of and challenges facing engineers in Ireland in 2013' (2013) Engineers Ireland

<sup>483</sup> British Computer Society

<sup>484</sup> NISRA ApprenticeshipsNI Statistical Bulletin published 31 August 2016

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Low pay is a particular issue for all apprenticeships but may present an additional barrier for single parents, the majority of whom are women. Currently the minimum wage for apprenticeships is £4.15 per hour which applies to all apprentices of 19 and under and to apprentices over 19 in the first year of their apprenticeship<sup>485</sup>.

#### 9.2.4 Recommendations

- Gender stereotyping recognised and an education strategy implemented from Early Years;
- Undertake holistic review of the reinforcement of gendered stereotyping through our education system and its policies ie uniform policies, gender segregated schooling, etc.
- Abide by CEDAW recommendations to:

- Strengthen efforts to encourage girls to pursue non-traditional subjects and take coordinated measures to encourage girls to take up courses in science, technology, engineering and mathematics;

Recognition of the business case for gender equality in STEM;

- Create targets for apprenticeships to ensure a gender balance. These need to be short, medium and long term to allow for education on gender stereotyping to take effect;
- Increase the minimum wage for apprenticeships; and
- Training to ensure that Government departments understand the difference between gender equality and gender neutrality

### 9.3 Barriers to Education

The barriers to education for those with and without dependents can overlap with the barriers to education faced by women, and older women in particular<sup>486</sup>. In the women's sector there is years of accumulated research<sup>487</sup> and evidence distilling the barriers that impact on women's participation. The lack of policy progress on these mean the same barriers remain:

- Lack of flexible, affordable accessible childcare
- Poverty
- Travel and Transport
- Health & Wellbeing

A key emerging barrier is that of:

- Digital Inclusion

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<sup>485</sup> <https://www.gov.uk/national-minimum-wage-rates>

<sup>486</sup> Women on the Edge? A Comprehensive Analysis of the Impacts of the Financial Crisis: Lone Parents. (2011), Hinds, B. Belfast: Women's Resource and Development Agency

<sup>487</sup> Women Living in Disadvantaged Communities: Barriers to Participation;(2009) Dr Helen Mc Laughlin, WCRP

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Global scrutiny of the digital divide and its impact in the era of Covid-19 has grown steadily. Following school closures, research<sup>488</sup> by the Sutton Trust and the Institute for Fiscal Studies<sup>489</sup>, amongst others, has revealed significant gaps in access, engagement and projected outcomes between less well-off students and more affluent ones. The Covid-19 pandemic has shone a light on what many disadvantaged and rural women have known for some time; without digital inclusion it is easy to be isolated and left behind. Project Stratum aims to level up the Broadband provision in NI but true digital inclusion includes: access to relevant devices; skills training and support and an ability to pay for Broadband access. Broadband should now be viewed as an essential utility.

### 9.3.1 Recommendations

- Develop education policies that recognise the barriers to inclusion and seek to address them; and
- Urgently address digital poverty and the impact of educational needs of families across all of Northern Ireland; including access to free internet and technology.

## 9.4 Community Education

Community based education and training for women is imperative particularly in areas of deprivation and in rural areas. It is a fundamental building block in supporting women to rebuild confidence and capability to enter the workplace, and as a means to access lifelong learning in its own right to maintain overall wellbeing.

Community based education is generally delivered based on the local community need, and as such takes account of the complexity of women's lives and barriers to education such as childcare, transport, course fees and academic environment. There is currently no mainstream funding of community education outside of F.E. Colleges; the colleges are located in cities and large towns and deliver very little outreach training. The Department for the Economy (DfE) is responsible for the policy, strategic development and financing of the statutory further education sector. This illustrates the function of F.E. is on training that contributes to the economy. The ethos of the FE Structure is not holistic and does not place value on delivering unaccredited training which often the first step for women re-entering education or considering a return to the workplace.

This focus on the economy does not take account of older learners who may have no desire to contribute to the 'economy' but wish to learn, socialise and develop. It does not take account of the role of community education and holistic education spaces in social inclusion and addressing social isolation. Community education; particularly non accredited training provides vital support to mental health and wellness of participants. These participants tend to be in the over 25 years age demographic.<sup>490</sup>

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<sup>488</sup> Covid-19 and Social Mobility Impact Brief #1: School Shutdown (April 2020), Cullinane and Montacute, The Sutton Trust <https://www.suttontrust.com/wp-content/uploads/2020/04/COVID-19-Impact-Brief-School-Shutdown.pdf>

<sup>489</sup> <https://www.ifs.org.uk/publications/14848>

<sup>490</sup> Equality Commission

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Research by the Women's Regional Consortium<sup>491</sup> identifies that, in some (rural) cases, a total absence of any kind of community provision was reported. In large part, this absence was attributed to funding deficits that reflected longstanding rural/urban statutory resourcing differentials across the sector, captured as 'historic underinvestment in rural areas'. Recent Government research on this subject has given some indication as to the scale of the underinvestment, acknowledging that *'compared with levels of Government funding to women's groups in urban areas, there was a relatively low level of Government funding to rural women's groups'*.

Educating women impacts on the whole family the impact of intergenerational disadvantage on present and future generations of learners, in that, negative past educational experiences can create negative perceptions of education that can be passed onto the next generation thus creating 'poverty of aspiration'<sup>492</sup>.

In the past the WEA NI<sup>493</sup> and EGSA<sup>494</sup> to a lesser extent were able to plug the gap of central Government funding to community education in rural areas. These organisations delivered services at the point of need using a community development approach. They consulted with those in the local area/group/community organisation to establish their needs and they delivered training at a time/day of the week/location that worked for them. This is the key to successful delivery of any Programme or Project. The beginning of the recession marked the closure of these regional support organisations which happened parallel to less flexibility for training with EU Peace monies and a move of FE responsibility to the Department for Economy. As a result, there is a lack of community education and training provision in both accredited and non-accredited for women, particularly rural women in their own areas<sup>495</sup>. NIRWN's membership research recognised the impact of this loss of service for local women: 'We need to return to the WEA methodology of delivering training at the local point of need. Our women's Groups are disappearing for lack of hands on community development support'<sup>496</sup>. This was echoed in the 2014 WRC research<sup>497</sup>, which explored reported gaps in provision; one rural provider described how 'locally based free provision has almost disappeared'.

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<sup>491</sup> WRC Community-based women's education/training: Women's perceptions of gaps in provision September 2014

<sup>492</sup> Education Inequalities in Northern Ireland (2015), Burns et al., Equality Commission NI

<sup>493</sup> Workers Education Authority NI

<sup>494</sup> Education Guidance Service Authority

<sup>495</sup> Rural Voices Report (2018) NI Rural Women's Network

<sup>496</sup> Ibid

<sup>497</sup> WRC Community-based women's education/training: Women's perceptions of gaps in provision September 2014

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Improved prospects for mothers through such education/training can translate as improved outcomes for children<sup>498</sup> and so, conversely, diminished prospects associated with the gendered dilemma under review may restrict wellbeing not only at the level of the individual but also the wider family. Investment in women should be viewed as investment in the family.

## 9.5 WCCF Model

How effective policymaker efforts to address women's disadvantage can rely on the integrated availability at the level of community of appropriate childcare and learning pathways to potential employment, such as that provided under the WCCF<sup>499</sup> delivery model<sup>500</sup>. This model integrates childcare not only with educational opportunity but also frontline support, and its impact on beneficiaries' everyday lives; resulting in improved outcomes both at the level of the individual and wider family - has been well established<sup>501</sup>. On this view, the enduring nature of unmet demand for this kind of community-based integrated provision may be associated with the enduring nature of the gendered disadvantage<sup>502</sup>. Community-based women's education/training in helps to address the complexity of learner need, precisely by endeavouring through integrated service delivery - to accommodate educational need in conjunction with other related needs that can particularly impede marginalised women's access to learning, most notably, childcare, self-development and other poverty associated factors<sup>503</sup>.

Government should take seriously the case for sustained and enhanced women-only intervention at the level of the community - especially the integration of childcare, educational opportunity and frontline support services under the women centre delivery model - in addressing vulnerable cohort need, enhancing women's prospects of economic participation and progressing antipoverty policy ambition<sup>504</sup>. It should be noted that only three of the existing women's centres are outside of Belfast and none are situated in a rural area. If this model were to be replicated it would need to take account of rural need and regional balance. This model of delivery is tried and tested in our region and most importantly, is trusted by the user.

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<sup>498</sup> Women Living in Disadvantaged Communities: Barriers to Participation;(2009) Dr Helen Mc Laughlin, WCRP. For example, research shows that where such education and training of mothers results in higher levels of employment and wages, it can in turn result in higher attainment levels for their children. 'The caring jigsaw: systems of childcare and education in Northern Ireland', (2009) C. Lidell, Save the Children: Belfast

<sup>499</sup> Women's Centres Childcare Fund

<sup>500</sup> Women Living in Disadvantaged Communities: Barriers to Participation;(2009) Dr Helen Mc Laughlin, WCRP

<sup>501</sup> Morrow Gilchrist Associates

<sup>502</sup> Policy Prioritisation for Disadvantaged Women: Women's Perspectives; (2017) Dr Caroline Walsh,

<sup>503</sup> WRC Community-based women's education/training: Women's perceptions of gaps in provision (2014); Dr Caroline Walsh

<sup>504</sup> Ibid

### 9.5.1 Recommendations

- Dedicated budget and targets for adult community education; including for non-accredited training;
- Resourcing to address the disproportionate cuts to the women's sector community adult education;
- Ensure regional balanced resourcing; and
- Resource and develop the WCCF Model regionally

## 9.6 Relationship and Sex Education

Relationships impact a vast array of outcomes (including educational attainment, parenting, crime and antisocial behaviour) and have been accepted as a core social determinant of health and wellbeing<sup>505</sup>. There is a growing evidence base showing relationship distress to be associated with key public health issues such as alcohol misuse, obesity, depression, mental health and child poverty.

People who live in distressed and troubled relationships are three times more likely to suffer from mood disorders, two and a half times more likely to suffer from anxiety disorders, and twice as likely to misuse substances<sup>506</sup>. Rather than prioritising healthy relationships throughout the life course, relationship support tends only to be available for existing relationships which are already in difficulty. Early intervention may be more likely to improve relationship quality, normalise help-seeking behaviour and prevent relationship breakdown<sup>507 508</sup>. Schools are in a unique position to provide primary intervention, however; research with students reveals that they prefer not to have their teachers deliver relationship and sex education<sup>509</sup> due to an imbalance of power, lack of confidentiality and awkwardness. This research finding is echoed by local research undertaken by Common Youth<sup>510</sup> where it is clear that while young people are desperate for this issue to be addressed, they would prefer the SRE to be delivered in schools but not by their usual teachers, where they may feel awkwardness etc. They have asked that expert organisations deliver the training where possible.

<sup>505</sup> The Best Medicine? the Importance of Relationships for Health and Wellbeing (2015); Handley et al. New Philanthropy Capital and Relate

<sup>506</sup> Guide to Couple Therapy for Depression: A Clinician's Guide to Integrative Practice (2014) Hewison, D., C. Clulow, and H. Drake; Oxford University Press

<sup>507</sup> "Relationship Education Research: Current Status and Future Directions." (2012); Markman, H. J., and G. K. Rhoades; Journal of Marital and Family Therapy 38 (1): 169–200

<sup>508</sup> "Commentary on Rhodes, H. 'Her Majesty's Department of Love? the State and Support for Couple and Family Relationships'." (2012) Walker, J; In How Couple Relationships Shape Our World: Clinical Practice, Research and Policy Perspectives., edited by A. Balfour, M. Morgan, and C. Vincent, 269–276. London: Karnac Books.

<sup>509</sup> What Do Young People Think about Their Schoolbased Sex and Relationship Education? A Qualitative Synthesis of Young People's Views and Experiences." (2016) Pound, P., R. Langford, and R. Campbell; BMJ Open 6 (9): e011329.

<sup>510</sup> <https://static1.squarespace.com/static/5a3259ee6957daa7a475ace2/t/5ec64663d42ca77e5e697939/1590052460570/BYF+%2527%2527Any+Use%2527%2527+RSE+report.pdf>

### 9.6.1 NI Context

The Department of Education requires all grant-aided schools to develop their own policy on how they will address Relationships and Sexuality Education (RSE) within the curriculum. A school's policy should reflect the school's ethos and should be subject to consultation with parents and pupils and endorsed by the Board of Governors. The introduction of the (revised) Northern Ireland Curriculum in all grant-aided schools as required under the Education (Northern Ireland) Order 2006<sup>511</sup> meant that Relationships and Sexuality Education-related issues resides in a new area of learning. Personal Development and Mutual Understanding (PDMU) in the primary curriculum and Relationships and Sexuality Education became a statutory component of both the Personal Development and Home Economics statements of requirement for Key Stage 3. At Key Stage 4 Relationships and Sexuality Education is a statutory component of the Personal Development strand of Learning for Life and Work. At this time CCEA provided non-statutory guidance.

The onus on schools, their management teams and Board of Governors to establish their own bespoke programme inevitably results in different and inconsistent learning experiences and outcomes for young people in our jurisdiction. It is clear that not enough schools are engaging with parents and students when drafting their school policies with only one-quarter of schools consulted parents when drafting the policy (24.7%) and a smaller minority consulted pupils<sup>512</sup>. The World Health Organisation (WHO) Health Promoting School framework advocates school-based interventions which promotes links with families and communities<sup>513</sup>.

The ETI evaluation report, 2011<sup>514</sup> stated that teachers required more help to deal with sensitive issues. It is evident from the evaluation of delivery in NI<sup>515</sup> secondary schools that teachers often feel ill equipped to deliver RSE and the associated challenges that inevitably arise. The ETI evaluation report identified a clear need to build capacity, both during initial teaching training and continuous professional development, to enable teachers to deal more effectively with the challenges of teaching sensitive issues. The two main areas where the need for further support or guidance are needed are: the teaching of issues associated with sexual orientation (78.2%); and coping strategies to deal with challenging scenarios, including domestic violence and child abuse (72.3%). Around half of the schools indicated that they need further support and/or guidance on handling specific issues during RSE lessons (50.5%) and in particular, how to deal with difficult situations regarding disclosures on issues around the outcomes of sexual activity, pregnancy or sexual orientation (46.5%). In addition, 42.6% of schools indicated four or more areas in

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<sup>511</sup> [www.deni.gov.uk/circular-2007-06-commencement-order.pdf](http://www.deni.gov.uk/circular-2007-06-commencement-order.pdf)

<sup>512</sup> Report of an Evaluation of Relationships and Sexuality Education in Post-primary Schools (2011), Education and Training Inspectorate NI

<sup>513</sup> The WHO Health Promoting School Framework for Improving the Health and Well-being of Students and Their Academic Achievement. (2014) Langford et al; The Cochrane Database of Systematic Reviews 4: Cd008958.

<sup>514</sup> Report of an Evaluation of Relationships and Sexuality Education in Post-primary Schools (2011), Education and Training Inspectorate Northern Ireland

<sup>515</sup> Ibid

which they require further support or guidance sign posting. Research<sup>516</sup> has indicated clearly that adequate training of personnel delivering interventions has been identified as important facilitators of effectiveness.

CCEA's updated guidance<sup>517</sup> focuses on providing advice and an overall framework for the development of schools' policies and outlines the importance of RSE and its relevance to issues faced by young people today. It also provides a resource directory to signpost schools to other resources. CCEA has produced separate specific guidance to support schools to plan and develop approaches to teaching controversial/sensitive issues at whole-school and classroom levels and this has been referenced in the revised RSE guidance.

### 9.6.2 Challenges of Relationship and Sex Education

There is no doubt that delivery of RSE can be particularly contentious with complex and contradictory norms regarding the expression of sexuality in contemporary society, decisions regarding what to teach in respect of relationship education can be challenging<sup>518</sup> and this is not unique to Northern Ireland. It is not a reasonable excuse to side-step the responsibility. It is critical that we accept that what exists is inconsistent and insufficient and examine the best methods of delivery to improve the future learning experiences, relationships and health of our children and young people.

A review of the content and delivery of relationship skills education programmes for adolescents<sup>519</sup> found that most programmes focus on the prevention of unplanned or teenage pregnancy, transmission of HIV or sexually transmitted infections.

Young people have observed that RSE is gendered and heterosexist<sup>520</sup> and have advocated for an inclusive approach<sup>521</sup>. International guidance on sexuality education promotes delivery within a framework of human rights and gender equality to support students to question social and cultural norms<sup>522</sup>.

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<sup>516</sup> Characteristics of Effective Interventions in Improving Young People's Sexual Health: A Review of Reviews (2009) Poobalan et al *Sex Education* 9 (3): 319–336

<sup>517</sup> <https://ccea.org.uk/learning-resources/relationships-and-sexuality-education-guidance-post-primary>

<sup>518</sup> Exploring the content and delivery of relationship skills education programmes for adolescents: a systematic review, *Sex Education* (2020); Astrid Janssens, Sharon Blake, Matt Allwood, Jan Ewing & Anne Barlow

<sup>519</sup> Ibid

<sup>520</sup> What Is Best Practice in Sex and Relationship Education? A Synthesis of Evidence, Including Stakeholders' Views (2017) Pound et al; *BMJ Open* 6 (9).

<sup>521</sup> 'The Trouble with Normal': (Re)imagining Sexuality Education with Young People (2018) Coll, L., M. O'Sullivan, and E. Enright; *Sex Education* 18 (2): 157–171.

<sup>522</sup> European Expert Group on Sexuality Education 2016; UNESCO 2018; CEDAW General Recommendation 35

### 9.6.3 Learning from England and Wales

Change is happening elsewhere. In England there will be new statutory relationships, sex and health education guidance for all secondary schools and will be implemented from 2020<sup>523</sup>.

In Wales they have been examining the need to update their Sex and Relationships Education Curriculum; the Cabinet Secretary for Education establishing an Expert Panel to help inform the development of the future Sex and Relationships (SRE) curriculum in Wales. Amongst the key findings of The Future of the Sex Relationships Education Curriculum in Wales<sup>524</sup> Report on the Future of Sex and included:

- There are not enough opportunities for children and young people to influence what they learn;
- SRE is rarely inclusive and too heteronormative;
- SRE is inadequate for children and young people with disabilities;
- High quality SRE: starts early; is adaptable and needs-led; offers a spiral curriculum; collaborates with external providers; is of sufficient duration; engaging and participatory; and creates a safe, respectful and confidential learning environment;
- Effective delivery of high quality RSE depends upon having a well-trained and confident workforce;
- A whole school approach is the single most important element for high quality and effective SRE; and
- There is a lack of awareness and education on violence against women, domestic abuse and sexual violence

A cursory examination of the current delivery in NI suggests we may make similar findings if a similar review was undertaken.

### 9.6.4 Support for Parents

As one of their key sources of relationship and sex education parents often feel ill equipped to provide the adequate support. Support for parents and carers to discuss relationships and sexual health is vital. Young people who have open conversations with their parents about relationships and sexual health from an early age, are more likely to have first sex later and to use contraception when they become sexually active<sup>525</sup>. After school, parents come a close second as young people's most preferred source of information, but barriers to parental communication include embarrassment, concern that discussion may encourage early sexual activity and uncertainty about how to answer questions appropriately. Information and support

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<sup>523</sup> Policy Statement: Relationships Education, Relationships and Sex Education, and Personal, Social, Health and Economic Education Department for Education (2017) London: Department for Education

<sup>524</sup> The Future of the Sex Relationships Education Curriculum in Wales, Recommendations of the Sex and Relationships Education Expert Panel (2017) Welsh Government

<sup>525</sup> Teenage pregnancy: strategies for prevention (2020) Alison Hadley

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builds the confidence of parents and carers and helps normalise everyday discussions about relationships and sexual health. This should include support for parents of children with special needs, disabilities or learning difficulties<sup>526</sup>.

### 9.6.5 Misogyny

As outlined in the previous chapter the culture of misogyny; gender-based violence; sexual harassment and online abuse is a huge issue in northern Irish society. The issues of gender stereotyping and the impacts of toxic masculinity on women and men in our society needs urgent addressing. We cannot rely on the evolution of time to effect cultural change as the pace of change is too slow and the impacts of stasis are both human and economic. A societal shift requires early intervention<sup>527</sup>. Inclusion of these issues and the impact of misogynistic behaviour should form part of school-based relationship and sex education. 'Raise Your Voice'<sup>528</sup> project is unique in the UK and focusses on raising awareness of and highlighting the impact of sexual harassment. Programmes such as these could be supported and developed to form part of region wide school relationship and sex education.

### 9.6.6 Recommendations

- RSE in NI needs evaluation to assess impact for students;
- An expert panel to direct future RSE such as that established in Wales would be beneficial;
- RSE in NI needs to be fit for purpose and inclusive of the experiences of all young people; engage students, parents and community. It should take account of CEDAW Recommendations<sup>529</sup> 41 (c) to: Take measures to introduce mandatory age-appropriate education on sexual and reproductive rights in school curricula, including issues such as gender relations and responsible sexual behaviour, throughout the State party;
- RSE is delivered in schools by trained professionals, not teachers; with the support of schools, parents and students; and
- Parents have a critical role in RSE and require adequate support to assist their children effectively

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<sup>526</sup> Teenage pregnancy: strategies for prevention (2020) Alison Hadley

<sup>527</sup> Cultural Change: The How and Why (2017) M.E.W.Varnum & I. Grossmann

<sup>528</sup> [www.raiseyourvoice.community](http://www.raiseyourvoice.community)

<sup>529</sup> Committee on the Elimination of Discrimination against Women Concluding observations on the eight periodic report of United Kingdom of Great Britain and Northern Ireland, March 2019

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## 9.7 Education & CEDAW

The CEDAW Article 10 clearly outlines the requirements for States Parties and the Recommendations to the UK in 2019<sup>530</sup> asserts that the:

Government must better promote women's equality in education and challenge gender based bullying

- While girls' educational attainment has improved, gender stereotyping, the curriculum, subject choice and careers advice still inhibit girls in fulfilling their potential. As regards subject choice, there remains a lower proportion of girls than boys studying STEM subjects in higher education
- There is also the need to ensure gender mainstreaming in the policies and practices of educational bodies and to promote gender equality including in the curriculum, subject choice, careers advice and teacher training.
- Evidence reveals that girls frequently experience bullying with a sexual meaning. Anti-bullying legislation needs to be brought into force and supporting guidance produced, as well as further action to prevent prejudice based bullying, including challenging gender roles

### 9.7.1 Recommendation

- Education should take account of all CEDAW Recommendations

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<sup>530</sup> UN CEDAW Concluding Observations UK March 2019

# 10. Environment and Climate Change

## Summary

The environment is central to the way we live our lives, acting as not only our home but providing everything that keeps us alive from the food we eat, the water we drink to the air we breathe. It is therefore crucial that we care for the environment and use the resources it provides in a sustainable way to safeguard it for future generations.

The current economic model has damaged the environment and the long-term effects of this will be felt for many generations to come. Concern for the environment has led to calls for global Government action on environmental issues. Many of these Government proposals contain broad goals to reduce carbon emissions and create new jobs in green energy sectors. Concerns for the environment are also high on the public agenda with climate change the biggest environmental concern for households in Northern Ireland.

The 'green economy' has the potential to provide better, more decent jobs. However, there are concerns that women may not have the same access to these jobs as they are mostly located in male-dominated sectors and because women often lack the necessary training and experience to apply for them. In greening the economy there is a need to acknowledge existing gender inequalities to ensure that women and men can benefit equally from the opportunities provided by the green economy.

The impact of the Covid-19 pandemic has put a focus on the need to value care work and resulted in proposals for a more 'caring economy' which prioritises care for each other and for the environment in which we live. Research has shown that investments in the care economy create twice as many jobs as investment in construction and promote gender equality. Added to this the fact that the care industry is less polluting than the construction industry which makes these types of investments economically, environmentally and equality sound.

Rural women are often disproportionately impacted by environmental issues and climate change and while rural women play an important role in rural businesses and the rural economy in Northern Ireland they continue to be underrepresented in rural programmes and policies. There are opportunities to make positive changes to the lives of rural women by actively engaging them in decision making processes which can benefit their lives and the wider environmental and sustainability agenda.

## 10.1 A Climate Emergency

“This is above all an emergency and not just any emergency. This is the biggest crisis humanity has ever faced”<sup>531</sup>.

The current economic model is unsustainable leading to high levels of carbon emissions and global temperatures which continue to increase at unsustainable rates. The damage to the environment as a result of the way the economy is organised has resulted in increasing air pollution, extreme weather and devastating floods at both local, national and global levels.

The impacts of this climate emergency are not equally felt with socially vulnerable groups such as older people, the very young, people in poor health and people in low incomes tending to be the worst affected<sup>532</sup>.

The climate emergency has led to calls for a ‘Green Economy’ and proposals for a ‘Green New Deal’ which would shift the focus from economic growth towards reducing inequality, tackling the climate emergency and protecting the natural environment. The Covid-19 pandemic has also led to calls for Government to implement ‘green’ recovery packages with analysis suggesting that these packages deliver greater economic benefits<sup>533</sup>.

## 10.2 A Green Economy

The United Nations Environment Programme (UNEP) defines a ‘Green Economy’ as one that “results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities. In its simplest expression, a green economy can be thought of as one which is low carbon, resource efficient and socially inclusive”<sup>534</sup>.

This definition links the concepts of equity, wellbeing and environmental sustainability and these linkages continue to be made. More recently the Marmot Review<sup>535</sup> into health inequalities has stated that: “Levels of social, environmental and economic inequality in society are damaging health and wellbeing.” This Review talked about the need to not only ‘Build Back Better’ but ‘Build Back Fairer’ following the Covid-19 pandemic.

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<sup>531</sup> Greta Thunberg, Climate Activist speaking at the R20 Austrian World Summit, May 2019 <https://www.youtube.com/watch?v=FwptXauY2is>

<sup>532</sup> <https://www.climatejust.org.uk/socially-vulnerable-groups-sensitive-climate-impacts#:~:text=Older%20people,%20the%20very%20young,to%20others%20in%20the%20population>

<sup>533</sup> Building back better: Green COVID-19 recovery packages will boost economic growth and stop climate change | University of Oxford

<sup>534</sup> Towards a Green Economy, Pathways to Sustainable Development and Poverty Eradication, A Synthesis for Policy Makers, UNEP, 2011 126GER\_synthesis\_en.pdf (un.org)

<sup>535</sup> Build Back Fairer: The COVID-19 Marmot Review, December 2020 Build Back Fairer: The COVID-19 Marmot Review - IHE (instituteofhealthequity.org)

### 10.3 A Green New Deal

A number of proposals have been made internationally for a Green New Deal and many of these make links between action on environmental issues with reducing inequality. The concept started in America with an economic policy to move the economy away from non-renewable energy. More recently a resolution<sup>536</sup> sponsored by Representative Alexandria Ocasio-Cortez and Senator Edward Markey lays out a series of broad goals and guiding principles for a GreenNew Deal with the goal of creating millions of new jobs in clean energy and getting to net-zero emissions by 2050, not only in the United States, but around the world. This resolution also highlights that climate change, pollution and environmental destruction have made worse existing inequalities including for BAME, rural, low-income workers, women and people with disabilities.

In the UK MPs Caroline Lucas and Clive Lewis have launched the first legislative attempt to introduce a Green New Deal Bil<sup>537</sup> in the UK Parliament which would place duties on the Secretary of State to decarbonise the United Kingdom economy and eradicate inequality. This Bill states the need to “move away from chasing ever increasing economic growth as our primary goal and instead prioritise the improvement of people’s health and well-being, the reduction of inequality, tackling the climate emergency, and the restoration and protection of the natural environment on which our lives and livelihoods ultimately depend.” This Green New Deal proposal highlights the need to ensure a ‘just transition’ and to target investment at communities who have been excluded from full participation in the economy including women and communities of colour, communities in areas where there are high levels of underemployment and unemployment, and people working in high emission sectors.

In their analysis of existing Green New Deal plans in the UK, Cohen and MacGregor (2020)<sup>538</sup> state that these plans place far more emphasis on the green aspects and that gender roles, norms and relations are not meaningfully considered. This results in a lack of acknowledgement of the links between the climate crisis and gender inequality and therefore that addressing gender inequality is not considered in plans for decarbonising the economy.

### 10.4 A Feminist Green Economy

The International Labour Organization (ILO)<sup>539</sup> has argued that without consistent gender mainstreaming, sustainability in a green economy is inconceivable arguing that “gender equality must be at the core of promoting green economies that are low-carbon, resilient and sustainable.”

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<sup>536</sup> Text - H.Res.109 - 116th Congress (2019-2020): Recognizing the duty of the Federal Government to create a Green New Deal. | Congress.gov | Library of Congress

<sup>537</sup> The Green New Deal, A Bill to make it happen, Green New Deal Group, October 2019 GND\_A\_Bill\_To\_Make\_It\_Happen.pdf (greennewdealgroup.org)

<sup>538</sup> Towards a Feminist Green New Deal for the UK, A paper for the WBG Commission on a Gender-Equal Economy, Maeve Cohen and Sheryllyn MacGregor, 2020 Towards-a-feminist-Green-New-Deal-for-the-UK.pdf (wbg.org.uk)

<sup>539</sup> Gender Equality and Green Jobs, International Labour Organization Policy Brief, 2015 wcms\_360572.pdf (ilo.org)

The green economy and the creation of ‘green jobs’ offers the potential to pay higher wages and offers career paths to workers with the necessary skills and education. However, due to pre-existing gender inequalities there is concern that the green economy may not necessarily guarantee equal access to these green and decent jobs for women. Many of these jobs are expected to be concentrated in parts of the economy which are traditionally male dominated and women’s access may be further limited due to a lack of the necessary training and experience.

There is therefore a need to acknowledge existing gender imbalances to ensure that women and men can equally benefit from the opportunities the green economy can provide. A failure to do so will result in the continuation of existing gender inequalities and prevent the achievement of the sustainable development goals – see section 2.4.5. The ILO recommends that “all measures must be taken to ensure that pre-existing gender inequalities are not transferred to the emerging green economy and the opportunities for women in the changing labour market must be identified and grasped. Women and men must be encouraged and given the necessary support to enable equal access and benefit from green jobs.”<sup>540</sup>

A paper from the UK Women’s Budget Group (WBG) and the Women’s Environmental Network (WEN)<sup>541</sup> puts forward suggestions on what a Feminist Green New Deal would look like. It looks at a Green New Deal from an intersectional feminist perspective and makes recommendations under five broad themes:

1. Investment in (social) infrastructure - including transport, housing, agriculture and social infrastructure such as jobs and training for carers and educators.
2. Green jobs - emphasising the need to be aware of reproducing occupational gender segregation and take steps to enrol women in STEM jobs crucial to a green economy.
3. Sharing Care - recognising that paid care jobs are low carbon and redress gender inequality and women undertake the majority of unpaid care work.
4. Democracy and Ownership - encouraging women’s community involvement in governance, especially BAME and disabled women, as they are underrepresented in all areas of political life and this needs rectified to democratise the economy.
5. (Inter)national responsibilities - reducing and redressing international inequalities.

## 10.5 A Caring Economy

The Commission on a Gender-Equal Economy have proposed the creation of a ‘Caring Economy’<sup>542</sup> based on gender equality, wellbeing and sustainability as a way to build back better after the Covid19 pandemic. This call to action highlights that central to feminist ecological economics is

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<sup>540</sup> Gender Equality and Green Jobs, International Labour Organization Policy Brief, 2015 wcms\_360572.pdf (ilo.org)

<sup>541</sup> What would a Feminist Green New Deal look like?, Briefing from the UK Women’s Budget Group and Women’s Environmental Network, May 2020 A-Feminist-Green-New-Deal.pdf (wbg.org.uk)

<sup>542</sup> Creating a Caring Economy: A Call to Action, Commission on a Gender-Equal Economy, Women’s Budget Group, October 2020 <https://wbg.org.uk/wp-content/uploads/2020/10/WBG-Report-v10.pdf>

the principle that gender equality must not be achieved at the expense of ecological degradation, and at the same time, environmental sustainability must not be achieved by exploiting feminised labour, particularly unpaid care.

*A Caring Economy would prioritise care for each other and for the environment in which we live. “A caring economy simultaneously ensures achievement of gender equality, sustainability and wellbeing. While these three objectives can, to some extent, be achieved separately, a caring economy allows them to be achieved together. For example, investment in paid care services improves wellbeing through ensuring that people’s care needs are met; it improves gender equality because it raises the overall employment rate and reduces the gender employment gap (which are particularly crucial as we seek to counter the looming jobs crisis), and it is sustainable because care jobs are green.”*

The WBG highlights that the narrow definition of green jobs as those in construction and technology can obscure the fact that the care industry is already a low carbon and high recompense sector. WBG research<sup>543</sup> found that a 2% GDP investment in care (for example, social care, childcare, parental leave and care leave) creates double the number of jobs for women and almost as many for men than the same investment in construction. Investment in free, universal childcare especially returns almost all of its initial investment. Eurostat data suggests that the care industry is 30% less polluting (in terms of Greenhouse Gas emissions) than the construction industry and that the education industry is 62% less polluting than the construction industry<sup>544</sup>. This makes investment in this type of social infrastructure economically, environmentally and equality sound.

This is particularly relevant to Northern Ireland given calls for a universal, free and high quality childcare provision. If the Northern Ireland Assembly and the Department of Education introduced free, universal childcare, statistics from the WBG submission to HM Treasury indicate that much of the initial investment required has the potential to be recouped quickly through additional tax revenue generated by the additional jobs created.<sup>545</sup>

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<sup>543</sup> Investing in the Care Economy: A gender analysis of employment stimulus in seven OECD countries, International Trade Union Confederation, March 2016 Investing in the Care Economy - International Trade Union Confederation (ituc-csi.org)

<sup>544</sup> WBG calculations from Eurostat data <https://ec.europa.eu/eurostat/data/database>

<sup>545</sup> Budget Representation to HM Treasury: Invest in Social Infrastructure, Women’s Budget Group, February 2020) WBG-Budget-2020-FINAL.pdf

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## 10.6 Environmental Concerns in Northern Ireland

Concern for the environment was included in the draft Programme for Government (PfG) for 2016 – 2021<sup>546</sup> at Outcome 2: We live and work sustainably – protecting the environment. It acknowledges that ultimately health and prosperity depend on the natural environment. A discussion document around an Environment Strategy for Northern Ireland<sup>547</sup> also stated that “the environment is all-encompassing and in good and healthy condition can contribute to many, if not all, of the PfG outcomes.”

The New Decade, New Approach Agreement<sup>548</sup> has committed to “tackle climate change head on with a strategy to address the immediate and longer term impacts of climate change.” Northern Ireland is currently the only part of the UK that does not have its own legislation dealing with climate change. A public consultation on the Northern Ireland Executive’s first Climate Change Bill was launched in December 2020 with the hope that the Bill will revolutionise the approach to climate change, cut greenhouse gas emissions, protect the environment, create jobs and sustain the economy<sup>549</sup>.

Environmental concerns are also high on the public agenda. Climate change was the biggest environmental concern for households in Northern Ireland<sup>550</sup>. In 2019/20, the proportion of households very or fairly concerned about the environment was 78% which was higher than the previous year at 75%.

## 10.7 Rural Women

The CEDAW Committee states that it is concerned that women in rural areas are disproportionately affected by the harmful effects of fracking, including exposure to hazardous and toxic chemicals, environmental pollution, and climate change<sup>551</sup>. It recommends that the UK reviews its policy on fracking and its impact on the rights of women and girls, considers introducing a comprehensive and complete ban on fracking (at present it is banned in Wales and Scotland) and ensures the equal participation of rural women and girls in policymaking processes on disaster mitigation and climate change, in line with its general recommendation No. 37<sup>552</sup> on the gender-related dimensions of disaster risk reduction in the context of climate change.

<sup>546</sup> Draft Programme for Government Framework 2016-2021, Northern Ireland Executive, May 2016 Draft Programme for Government Framework 2016-2021 ([northernireland.gov.uk](http://northernireland.gov.uk))

<sup>547</sup> Environment Strategy for Northern Ireland, Public Discussion Document, DAERA, September 2019 Environment Strategy for Northern Ireland Public Discussion Document Full Version.pdf ([nidirect.gov.uk](http://nidirect.gov.uk))

<sup>548</sup> New Decade, New Approach Agreement [https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf)

<sup>549</sup> Poots launches public consultation on Climate Change legislation | Department of Agriculture, Environment and Rural Affairs ([daera-ni.gov.uk](http://daera-ni.gov.uk))

<sup>550</sup> Northern Ireland Environmental Statistics Report, May 2020, NISRA & DEARA [https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ni-environmental-statistics-report-2020\\_0.pdf](https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ni-environmental-statistics-report-2020_0.pdf)

<sup>551</sup> Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, March 2019, Paragraph 53 Treaty bodies Download ([ohchr.org](http://ohchr.org))

<sup>552</sup> General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change, CEDAW/C/GC/37, February 2018 CEDAW/C/GC/37 ([ohchr.org](http://ohchr.org))

As a result of the UK exit from the EU the NI Executive and the Department of Agriculture, Environment and Rural Affairs have the opportunity to develop an indigenous Rural Development Policy which previously was developed and shaped at EU level. Rural women play a vital role in farm families, businesses, as entrepreneurs and custodians of our rural environment. Whilst the Rural Development Programme for NI provides a strong platform for women's needs to be articulated, women have continued to be an underrepresented group across all Programmes to date and have not been equal beneficiaries of the Programmes as a result. 'A new Programme needs to be made accessible to rural women' say NIRWN members<sup>553</sup>. The Rural Development Programme has the potential to be transformative for rural women by engaging them in decision making, supporting entrepreneurship, improving villages, contributing to the environment and developing sustainable rural tourism, but rural women must be recognised as a target group and actively sought to engage in the Programme from development to delivery. At present this is not happening at the level that is needed.

## 10.8 Recommendations

- Co-design social infrastructure at a local level with the needs of women taken into account. This should include transport which is one of the biggest contributors to climate change, taking into account inadequate rural public transport in Northern Ireland and the fact that women are more likely to rely on public transport;
- Conduct a skills-needs analysis to establish the skills required by men and women to equally participate and benefit from opportunities created in the green economy. The information should be used to create targeted green skills development and training initiatives for both men and women;
- Provide subsidies and other incentives, including paid education leave, to support women, particularly low-income and BAME women, in accessing training and development programmes in high-skilled work in any new green economy;
- Ensure funding and resource allocation prioritises programs that train women and girls for non-traditional roles to enable them to make the transition into male-dominated occupations in the green economy;
- Ensure that all green jobs in Northern Ireland are paid at a real living wage, are securely contracted, ethically procured and unionised;
- Put in place accountability procedures to ensure all relevant stakeholders are held accountable for operating in a gender-responsive manner to achieve gender equality outcomes in the green economy. This can be done through gender responsive planning, monitoring and evaluation mechanisms to ensure that measures to advance gender equality in the green economy are having the desired impact;
- Invest in gender-disaggregated data which is critical for understanding the constraints affecting women and men's equal representation and participation in green job sectors;
- Broaden definitions of 'green jobs' beyond construction and technology to incorporate the care sector as an already existing low carbon, high recompense sector;

<sup>553</sup> Rural Voices Report, NIRWN, March 2018 NIRWN-Rural-Voices-Research-Report-March-2018.pdf

- Promote a cultural shift towards valuing care as a key part of the infrastructure of the environment and economy;
- Recognise the dual-benefit of job creation and increased tax revenue through investing in paid care jobs that are mostly done by women.
- Actively encourage and incentivise care leave and caring responsibilities being undertaken by men;
- Promote economic, ecological and carbon education campaigns for schools and the wider public to be adequately funded through a Climate Change Act and within the Programme for Government;
- Ensure the equal participation of rural women and girls in policy making processes on disaster mitigation and climate change;
- Ensure rural women are a target group in the development and delivery of a new Rural Development Programme for NI;
- Ensure equality impact assessments of all environmental policies and ensure consultation on policies with groups representing all Section 75 characteristics; and
- Reallocate spending according to equality, wellbeing and sustainability objectives, for example, from polluting industries to green industries;

# 11. Conclusion

This report contains a wide range of evidence, data and subsequent recommendations to provide the basis for a Gender Equality Strategy for Northern Ireland. The Expert Advisory Panel members would like to stress that this is not exhaustive, and the co-design group can certainly expand on a range of these recommendations when developing an action plan for the Gender Equality Strategy.

The length of this document is indicative of how pervasive gender inequality is in Northern Ireland, and the harm of decades of producing gender-neutral policy making. The Expert Advisory Panel has also created an executive summary of this research, which gives a brief overview of each thematic area followed by a summary of the recommendations in each area with some of the more urgent recommendations highlighted. As the co-design group may wish to expand on the recommendations of this report, they may be able to identify further urgent priority recommendations to be implemented.

The Expert Advisory Panel has also given some recommendations for the duration of this Gender Equality Strategy, and how this should be monitored and enforced. Again, the co-design group may wish to expand on this with a more detailed action plan for enforcement.

# Appendix 1

## Key definitions:

**Employed:** According to the Northern Ireland Statistics and Research Agency (NISRA) and the Labour Force Survey (LFS), those considered LFS **employed** are ‘people aged 16 or over who did at least one hour of paid work in the reference week (whether as an employee or self-employed); those who had a paid job that they were temporarily away from; those on Government-supported training and employee programmes and those doing unpaid family work’<sup>554</sup>. The **employment rate** is, therefore, calculated by taking the number of employed people aged 16-64 as a proportion of all working age people.

**Unemployed:** LFS **unemployment** refers to the International Labour Organisation (ILO) definition of unemployed, which includes ‘those without a job who were able to start work in the two weeks following their LFS interview and had either looked for work in the four weeks prior to interview or were waiting to start a job they had already obtained (numbers and rates refer to 16+ population)’<sup>555</sup>. The **unemployment rate** is, therefore, calculated by taking total number of those aged 16 and over who are unemployed as a proportion of all economically active people aged 16 and over.

**Underemployed:** refers to those who are employees but would like to work more hours either in their current job, a supplementary job, or in a new job.

**Economically Active:** Those who are considered “economically active” encompasses those (16+) who are either in employment or unemployed and looking for work. a part of the labour market.

**Economically Inactive:** Those who are considered “**economically inactive**” encompasses those who are voluntarily unemployed and not a part of the labour market. This includes all people who are neither in employment nor unemployed on the ILO measure. This group includes those who are looking after a home, long term sick or disabled, students and retired (numbers refer to 16+ population, rates refer to 16-64 years)<sup>556</sup>. The **economic inactivity rate** is, therefore, calculated by taking the number of economically inactive people aged 16-64 as a proportion of all working age people

It is worth noting that for many women, this is not a voluntary choice, as family commitments and caring for dependents is something overwhelmingly undertaken by women. In many cases, the lack of affordable childcare, inadequate levels of social care for dependents, workplace discrimination against mothers and societal norms of women being considered carers lead to **women being forced out of the labour market.**

<sup>554</sup> NISRA Labour Market Survey 2020: Women in Northern Ireland: [https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Women%20in%20NI%202020\\_0.pdf](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Women%20in%20NI%202020_0.pdf) p.6.

<sup>555</sup> Ibid, (n1), p.9.

<sup>556</sup> Ibid, (n1), p.10.

**Motherhood gap:** The motherhood pay gap measures the pay gap between mothers and non-mothers, the latter defined in most econometric studies as women without dependent children. It also measures the pay gap between mothers and fathers.

**Furlough Scheme:** A scheme introduced by the UK Government during the COVID-19 pandemic. If employees and employers both agree, employers might be able to keep staff on the payroll if they're unable to operate or if they've reduced or no work for you to do because of coronavirus (COVID-19). A proportion of wages are still paid to the employee and taxes are still paid on income.

**Redundancy:** Under the Employment Rights Act 1996, redundancy arises when employees are dismissed because: the employer has ceased, or intends to cease, to carry on the business for the purpose of which the employee was employed or the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to diminish<sup>557</sup>.

**Claimant Count:** consists of all people claiming Jobseeker's Allowance (JSA) plus those Universal Credit (UC) claimants who were claiming principally for the reason of being unemployed. Some claimants are wholly unemployed and seeking work, while others may be employed but with low earnings that make them eligible for unemployment related benefit support.

**Collective Bargaining:** is the process in which workers, through their trade unions, negotiate with their employers to determine their terms and conditions of employment, including pay, hours of work, holiday leave, sick pay and other benefits.

**Small to Medium Enterprise (SME):** The UK Government adheres to the EU definition of an SME, which is: micro-business = less than 10 employees and turnover under €2 million; small business = less than 50 employees and turnover under €10 million; medium-sized business = less than 250 employees and turnover under €50 million.

#### **Article 19 of International Labour Organisation Recommendation 20621:**

Recommendations on appropriate measures to mitigate the impacts of domestic violence in the world of work include:

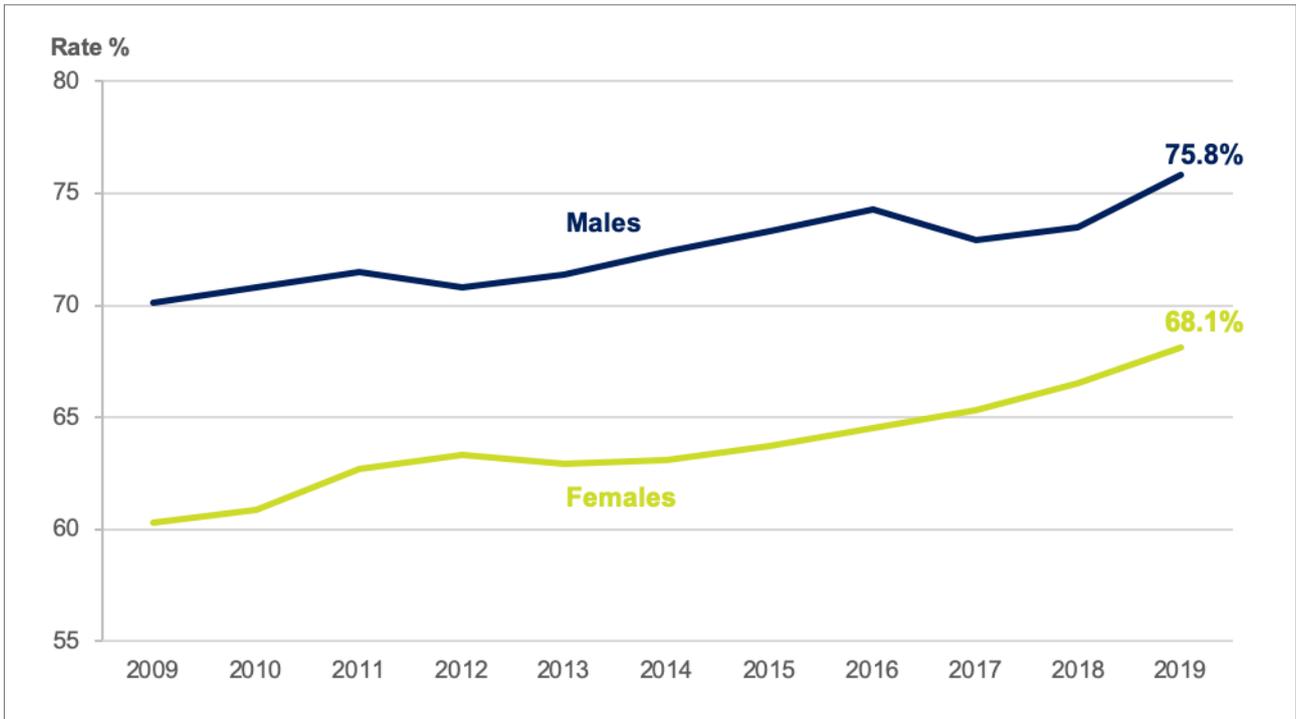
- a. Leave for victims of domestic violence.
- b. Flexible work arrangements and protection for victims of domestic violence.
- c. Temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences.
- d. The inclusion of domestic violence in workplace risk assessments.
- e. A referral system to public mitigation measures for domestic violence, where they exist; and
- f. Awareness-raising about the effects of domestic violence.

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<sup>557</sup> Full definition of redundancy can be found here: <https://www.fgibson.co.uk/factsheets/employment-and-related-matters/redundancy-procedures#:~:text=Under%20the%20Employment%20Rights%20Act,employee%20was%20so%20employed%20or&text=The%20employee%20whose%20job%20remains,person%20whose%20job%20became%20redundant>

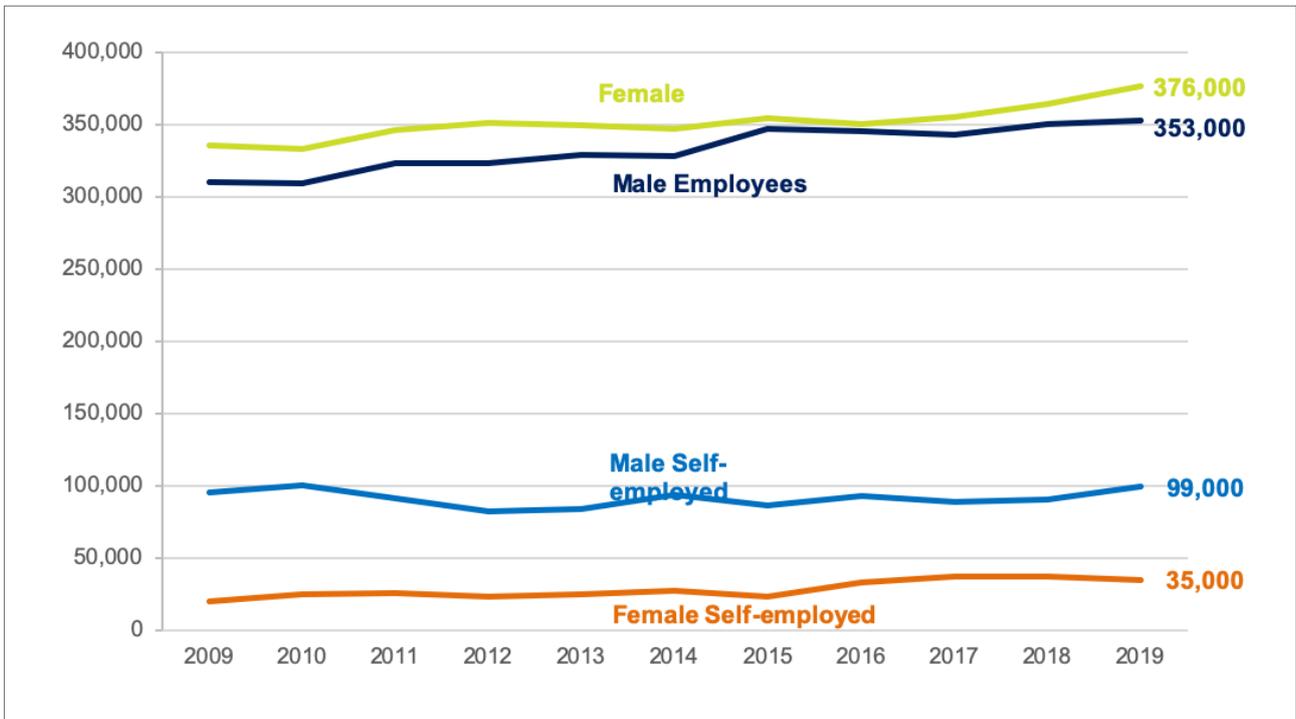
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**Figure 1: Employment rate by gender (16-64)**



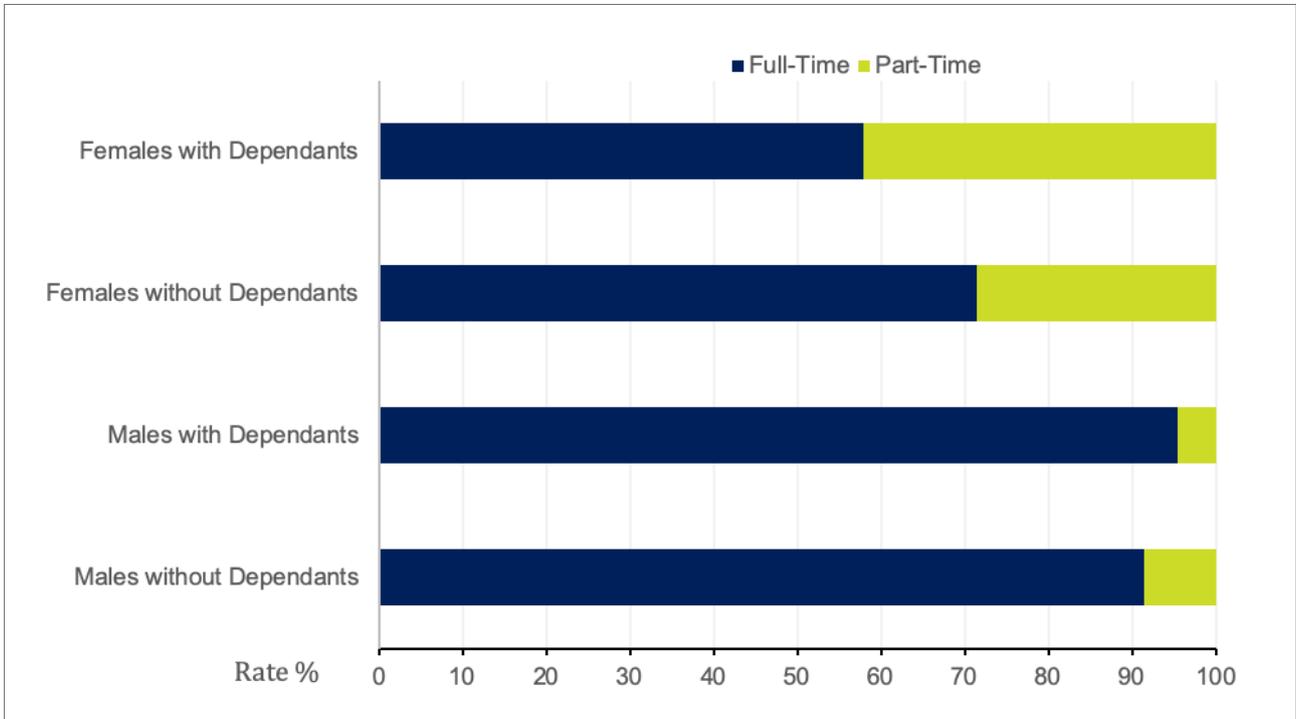
Source: NISRA – Women in Northern Ireland 2020

**Figure 2: Gender profile of employees and self-employed (16+)**



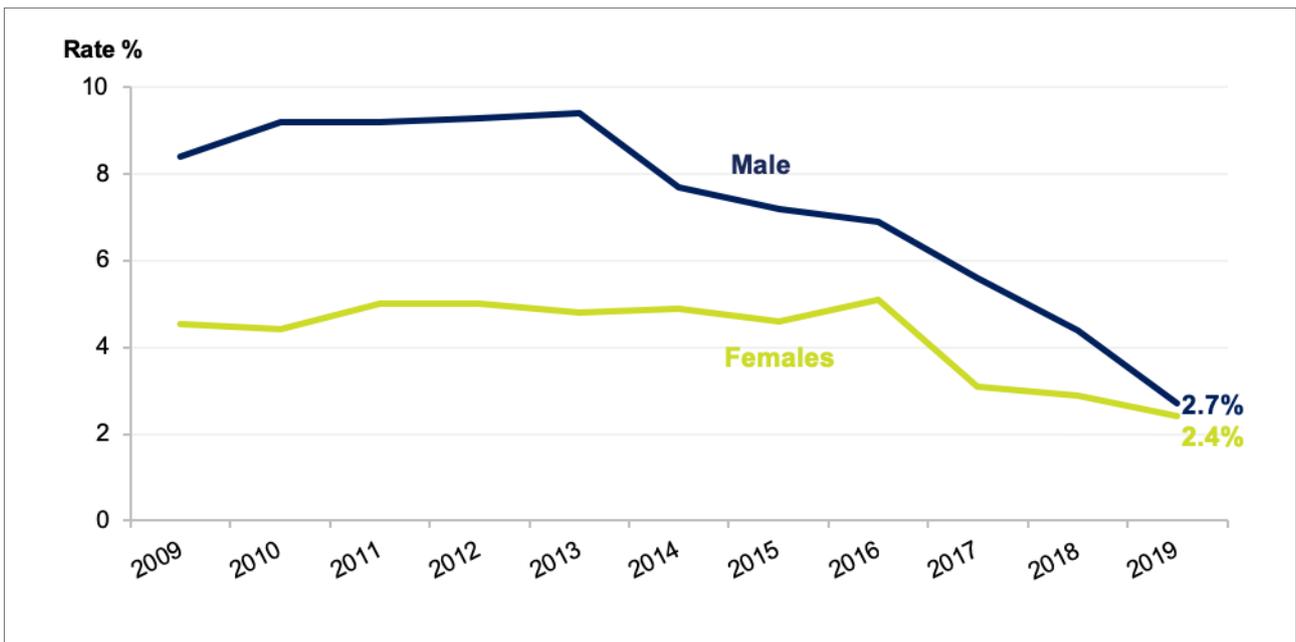
Source: NISRA – Women in Northern Ireland 2020

**Figure 3: Working patterns of men and women (16-64) with and without dependent children, October-December 2019**



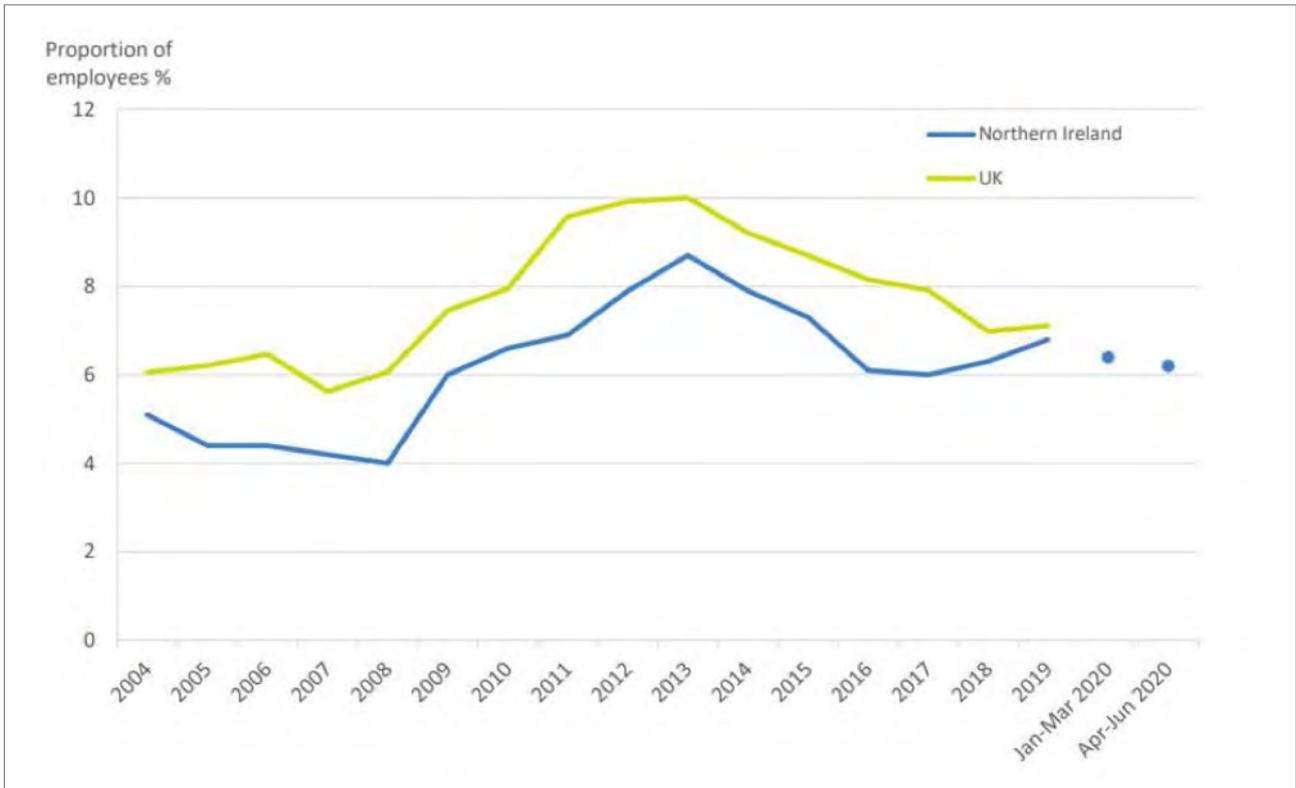
Source: NISRA - Women in Northern Ireland 2020

**Figure 4: Unemployment rate by gender (16+)**



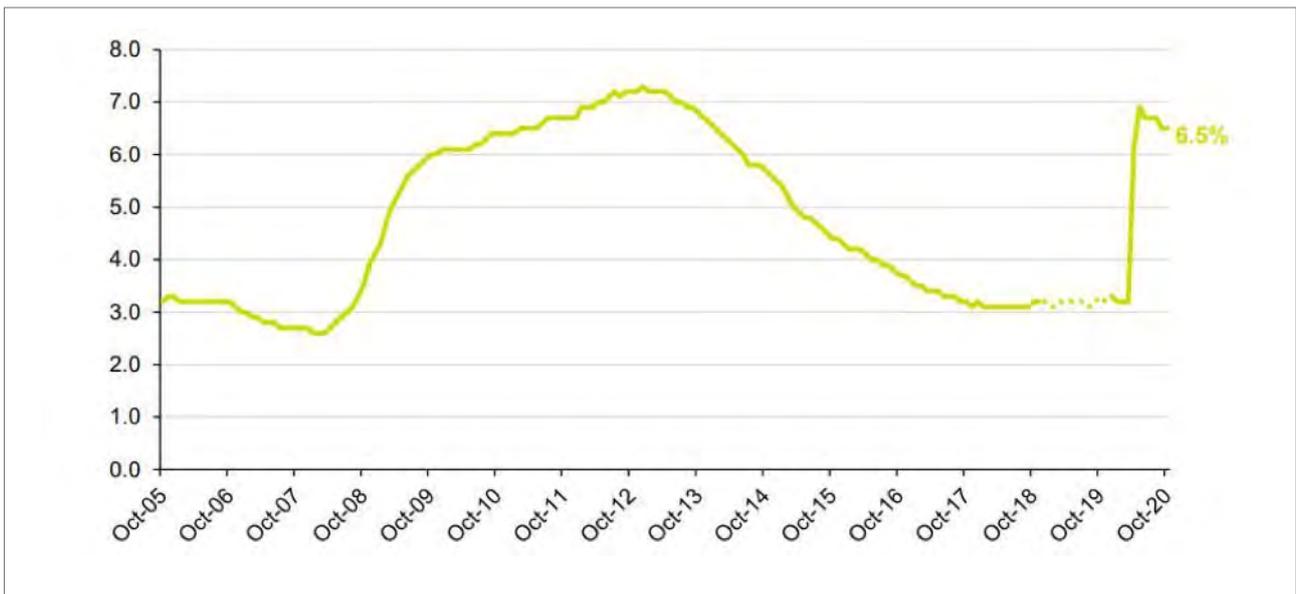
Source: NISRA - Women in Northern Ireland 2020

**Figure 5: Underemployed in Northern Ireland**



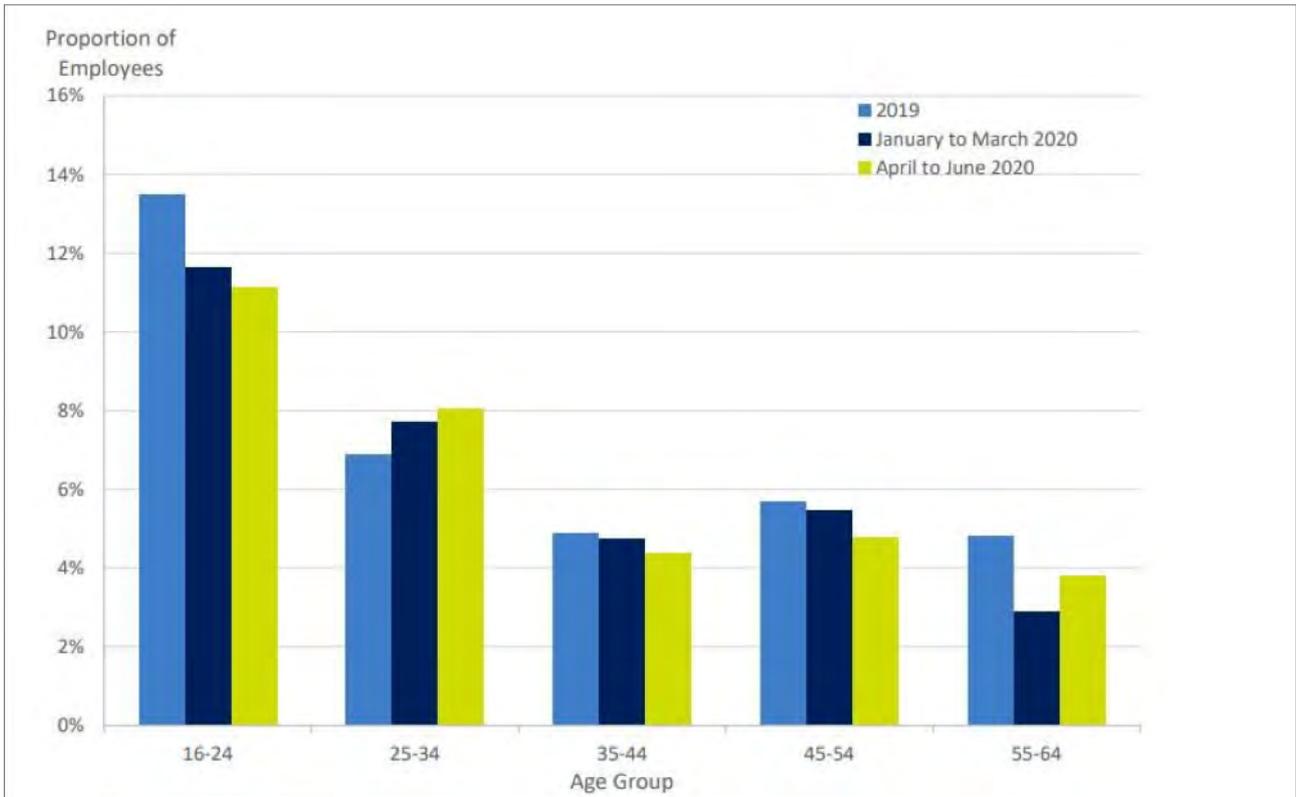
Source: NISRA – Underemployment Topic Paper 2019

**Figure 6: Seasonally adjusted claimant count**



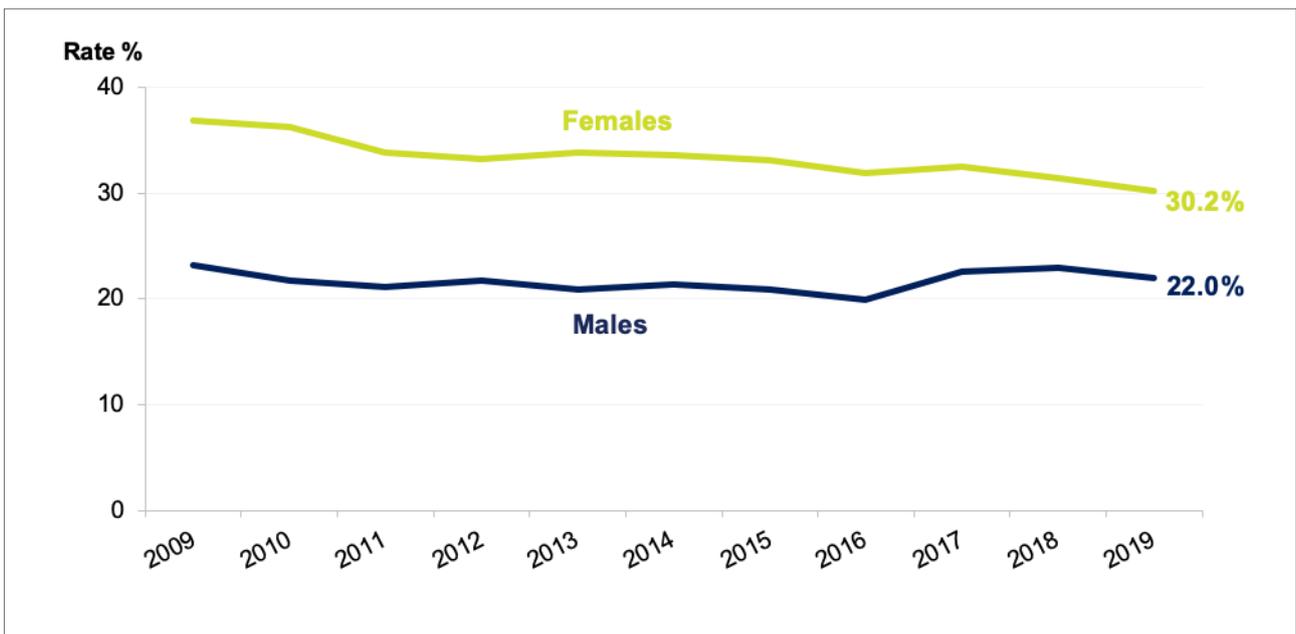
Source: NISRA – Labour Market Report November 2020

**Figure 7: Underemployment by Age Group in Northern Ireland**



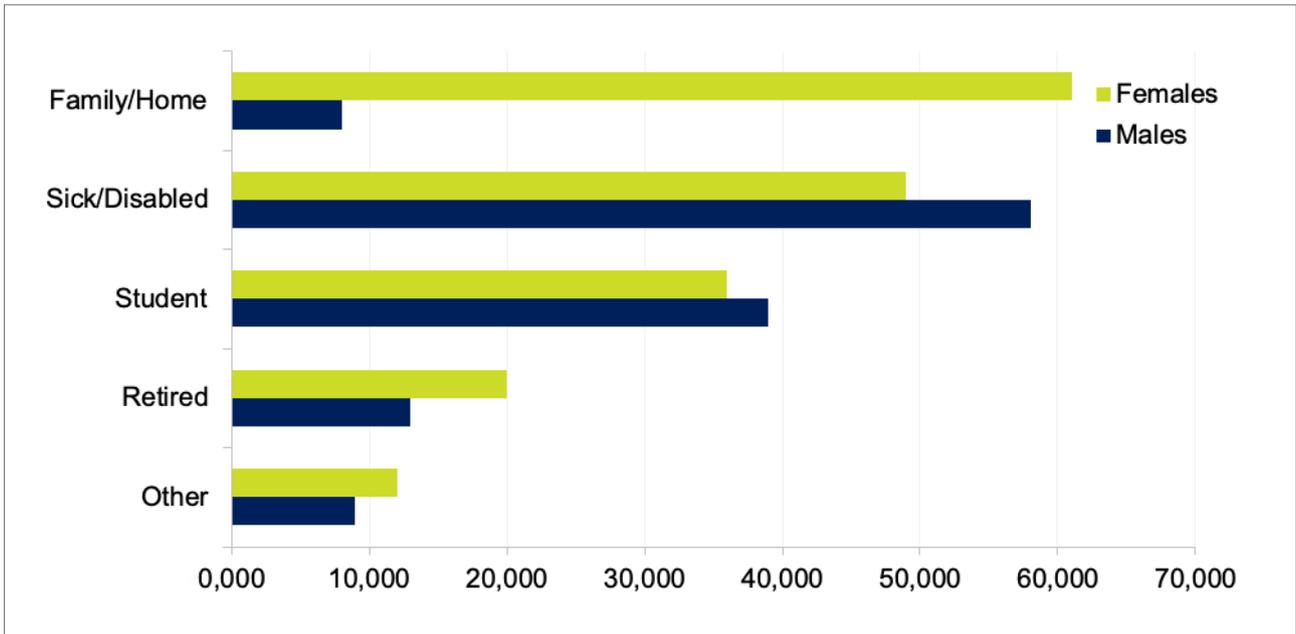
Source: NISRA – Underemployment Topic Paper 2019

**Figure 8: Economic Inactivity rate by gender**



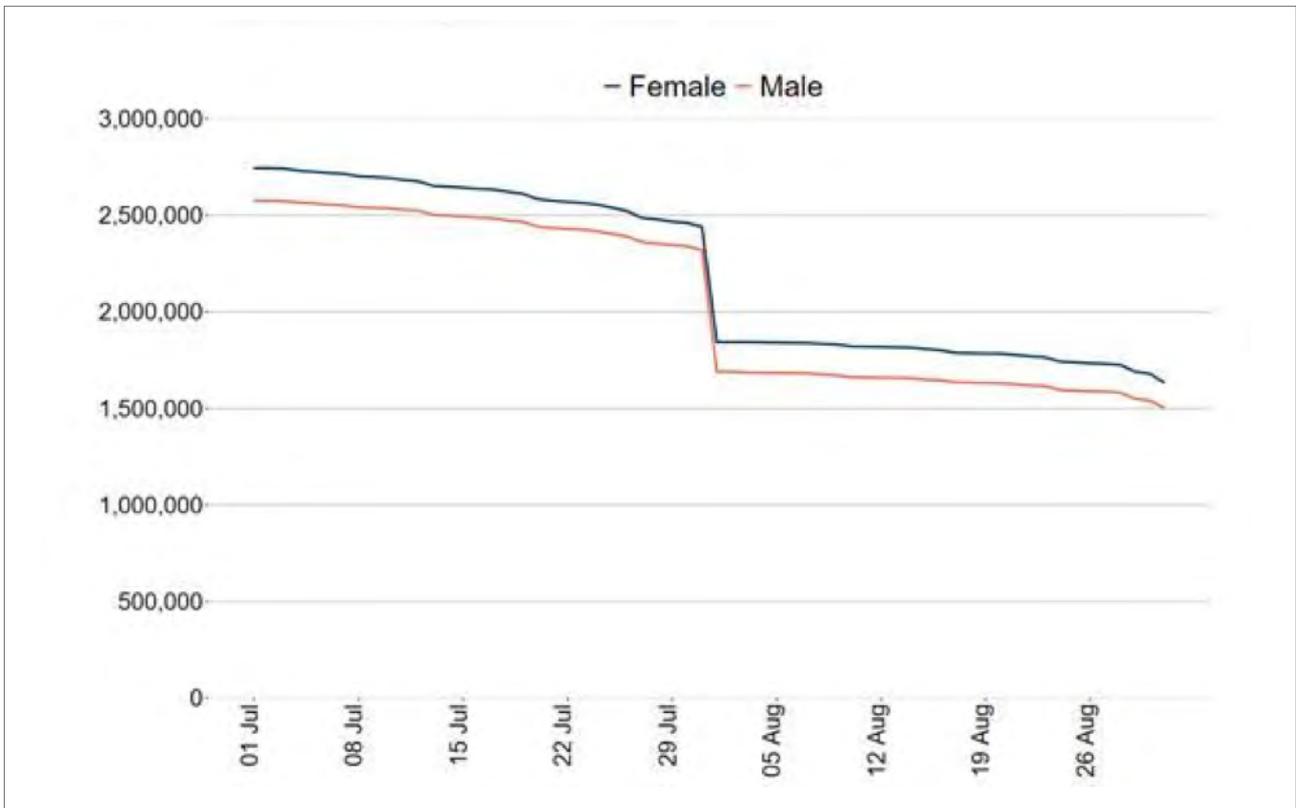
Source: NISRA – Women in Northern Ireland 2020

**Figure 9: Reasons for economic inactivity by gender (16-64)**



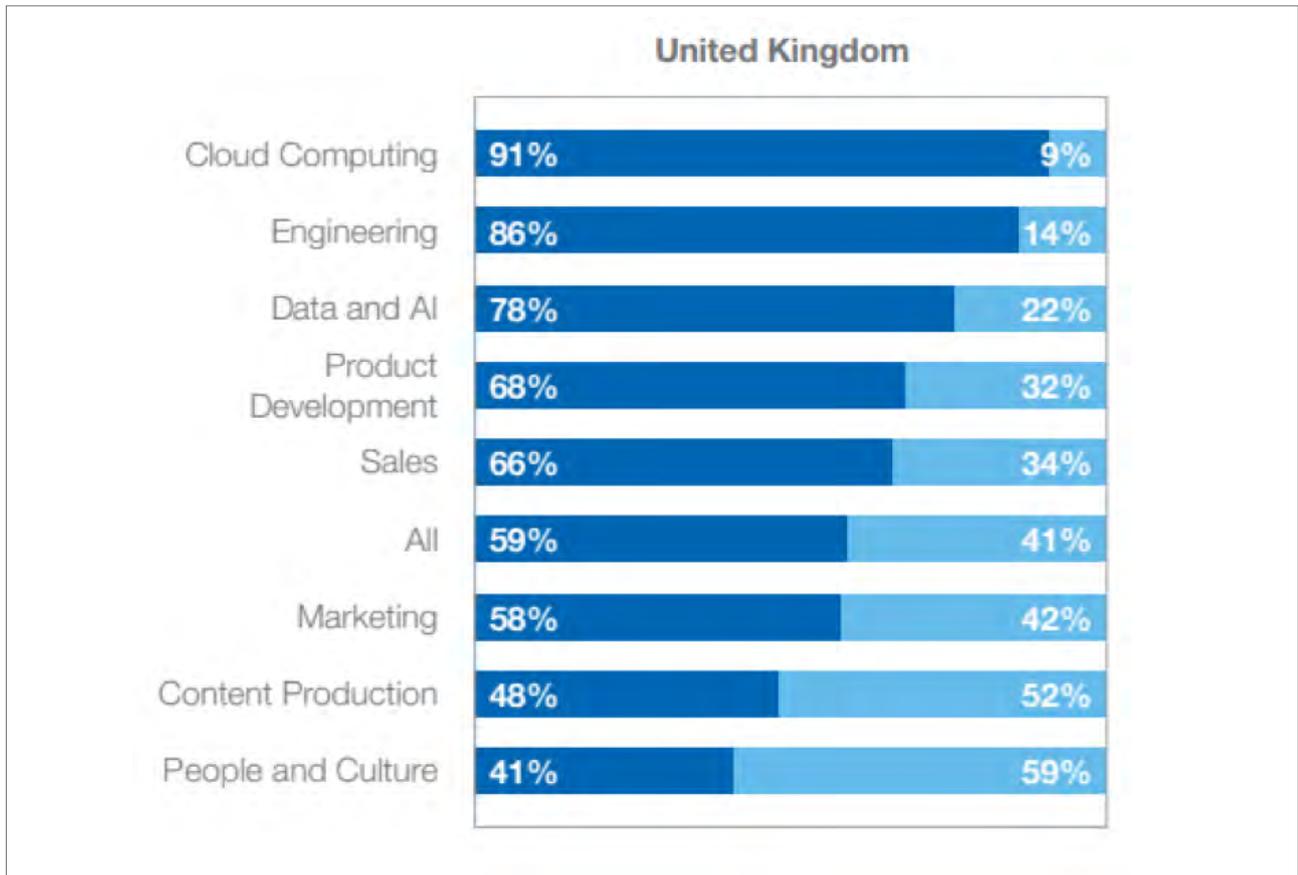
Source: NISRA – Women in Northern Ireland 2020

**Figure 10: Total employments furloughed by gender**



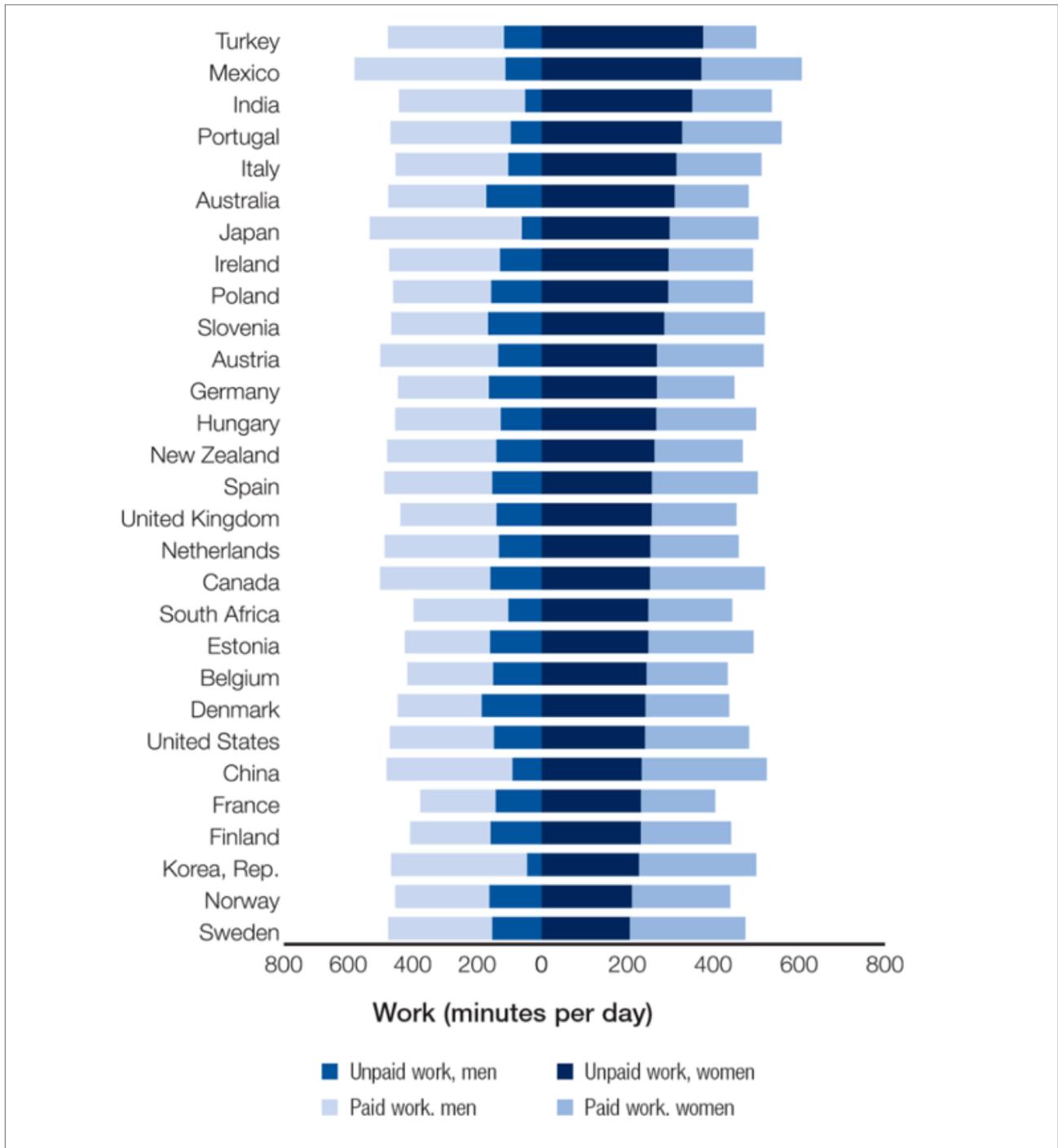
Source: HMRC CJRS data and PAYE Real Time Information

**Figure 11: Share of Men and Women by Professional Cluster**



Source: World Economic Forum World Gender Gap Report 2020

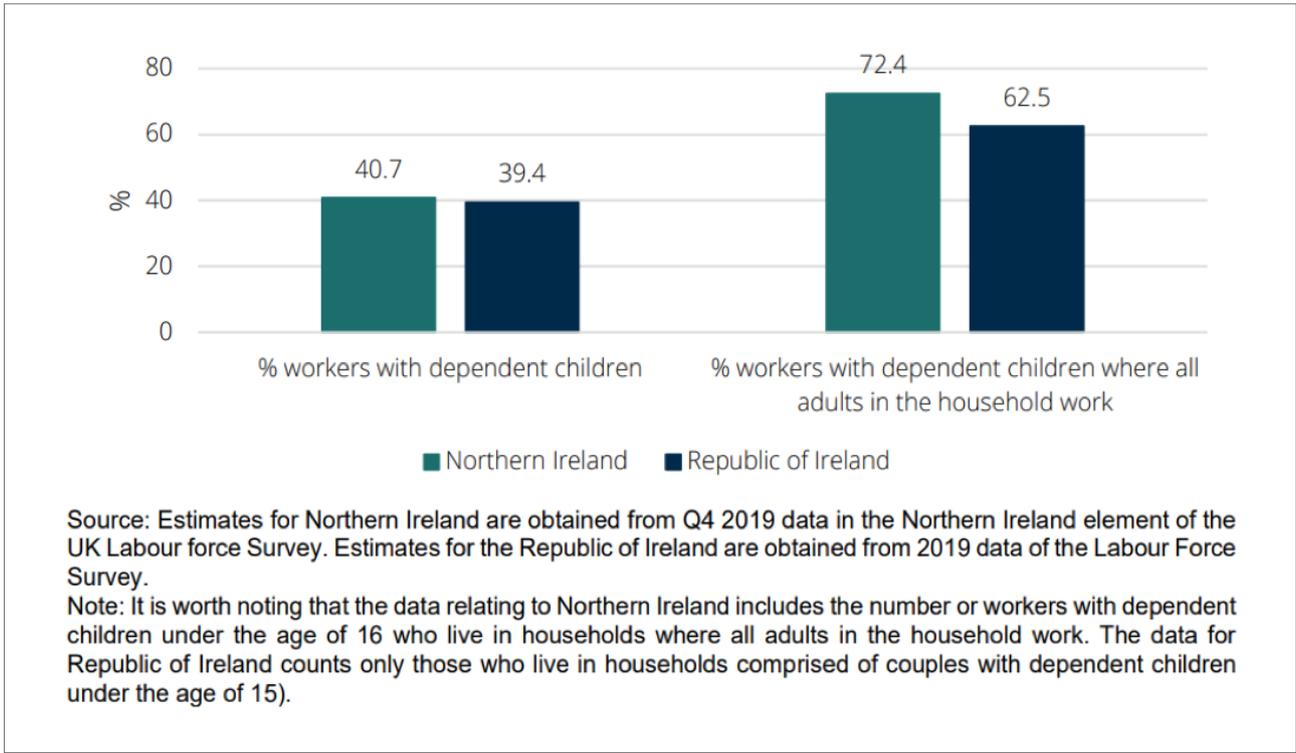
**Figure 12: Paid and Unpaid work (minutes per day) for men and women, by country**



Source: OECD Social Protection and Wellbeing Database<sup>558</sup>

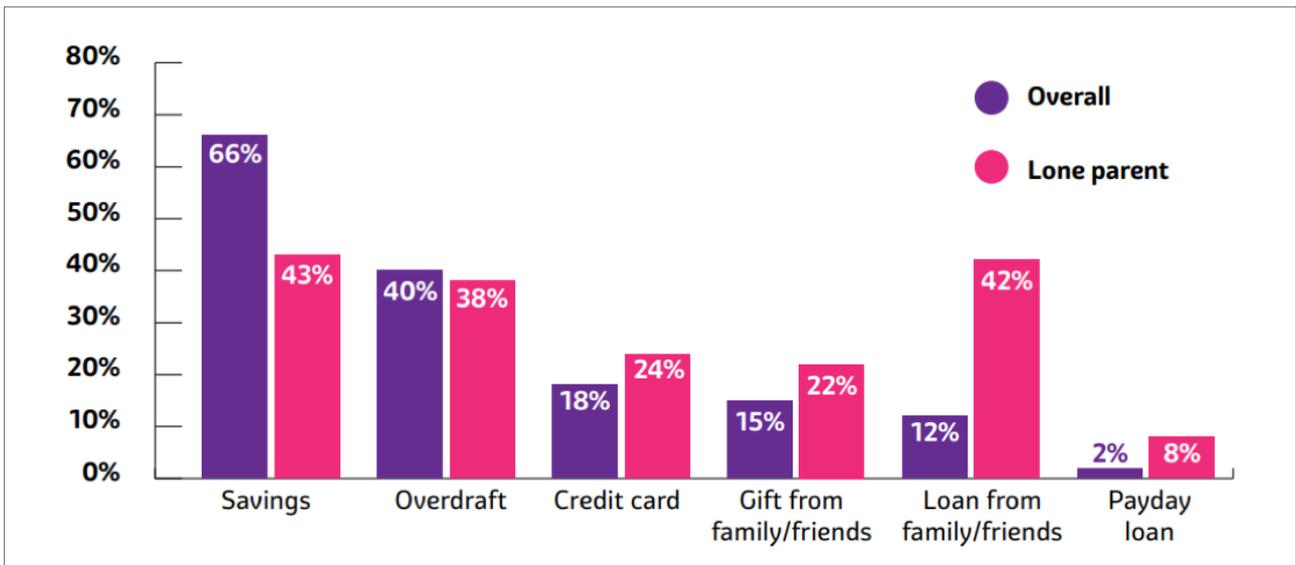
<sup>558</sup> Found in: Ceri Parker, (2017), 'It's official: women work nearly an hour longer than men every day', World Economic Forum, (available online): <https://www.weforum.org/agenda/2017/06/its-official-women-work-nearly-an-hour-longer-than-men-every-day/> [accessed 22.06.20]

**Figure 13: Employment and Dependent Children in NI and ROI**



Source: NERI Employment, Dependent Children and Access to Childcare During the COVID-19 Crisis Research in Brief No. 76 May 2020, p.4.

**Figure 14: Means used other than income to pay the childcare bill**



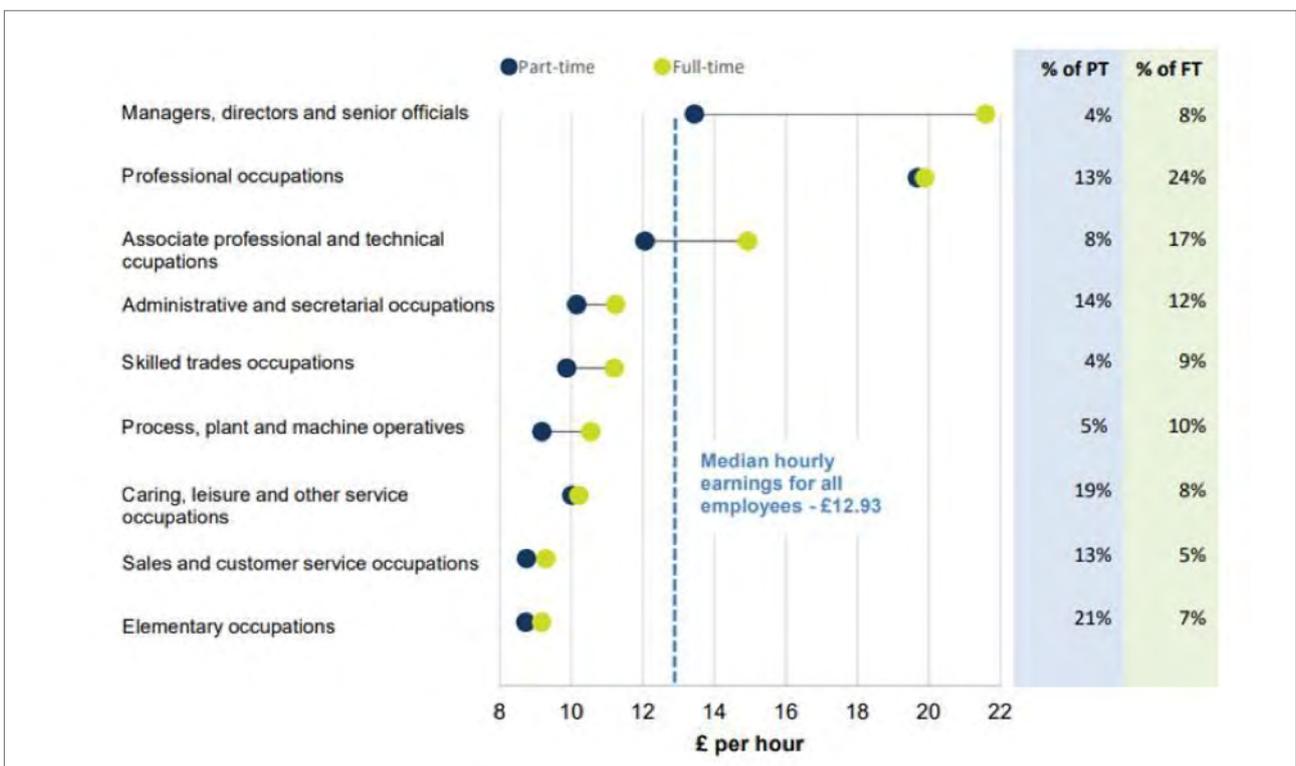
Source: Employers for Childcare Northern Ireland Childcare Survey 2019, p.21

**Figure 15: Median gross hourly earnings excluding overtime by gender in NI, April 2020**



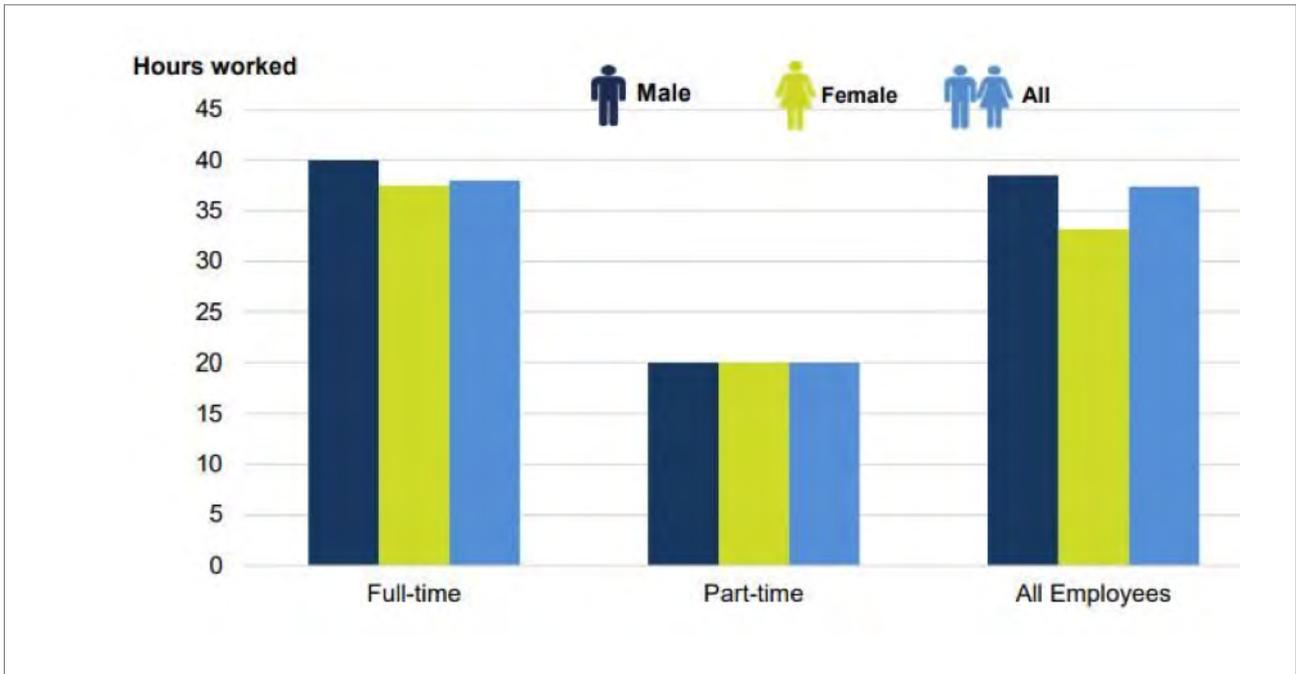
Source: NISRA: NI-ASHE-BULLETIN 2020-3 Gender Pay Gap

**Figure 16: Employment and Dependent Children in NI and ROI**



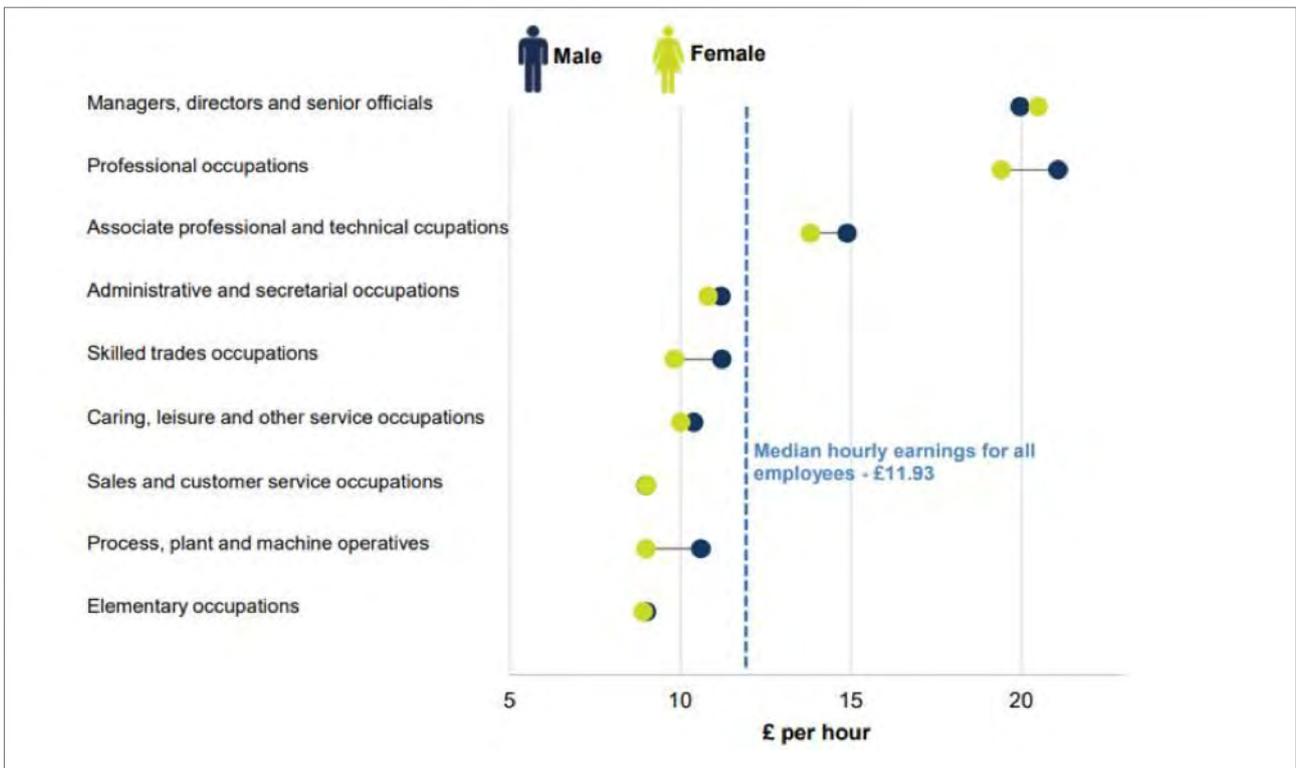
Source: NISRA: NI-ASHE-BULLETIN 2020-3 Gender Pay Gap

**Figure 17: Median weekly paid hours worked by working pattern and gender, NI, April 2020**



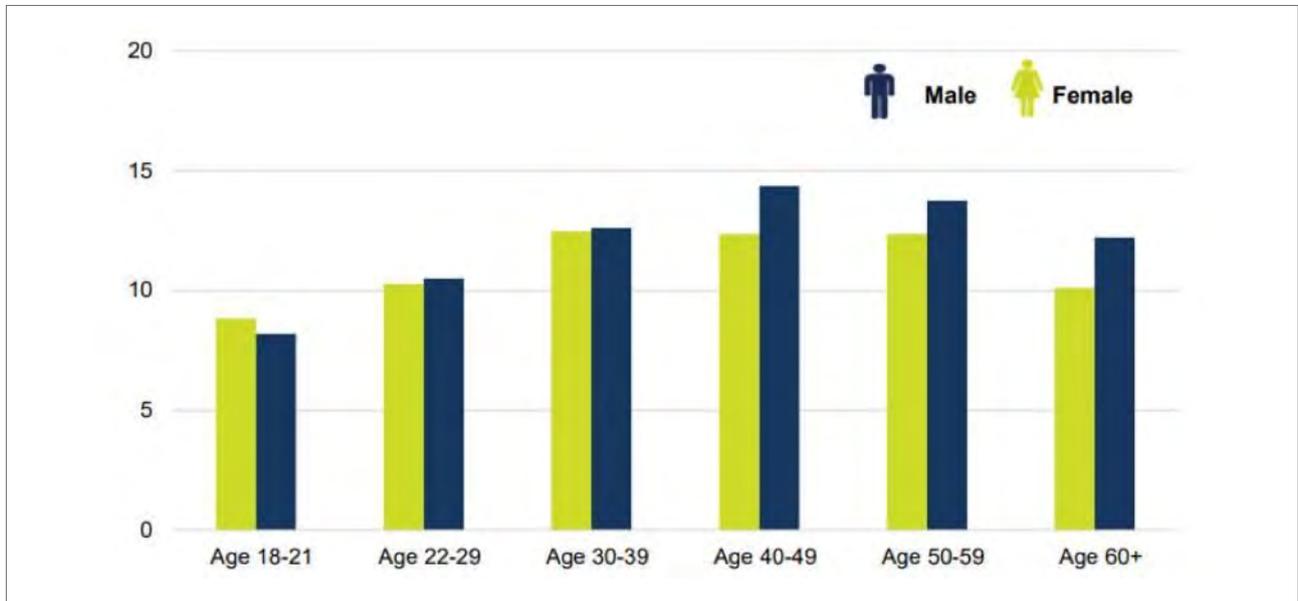
Source: NISRA: NI-ASHE-BULLETIN 2020-3 Gender Pay Gap

**Figure 18: Median gross hourly earnings excluding overtime for all employees in NI by occupation and gender, April 2020**



Source: NISRA: NI-ASHE-BULLETIN 2020-3 Gender Pay Gap

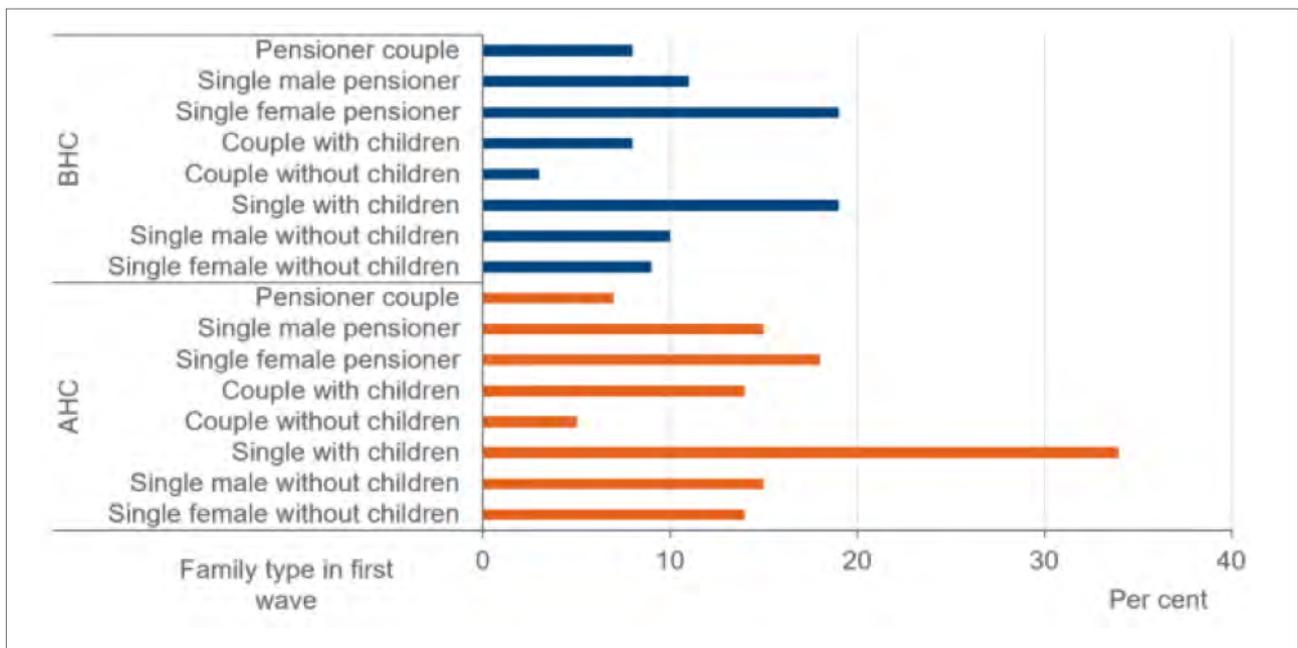
**Figure 19: Median gross hourly earnings excluding overtime for all employees in NI by age and gender, April 2020**



Source: NISRA: NI-ASHE-BULLETIN 2020-3 Gender Pay Gap

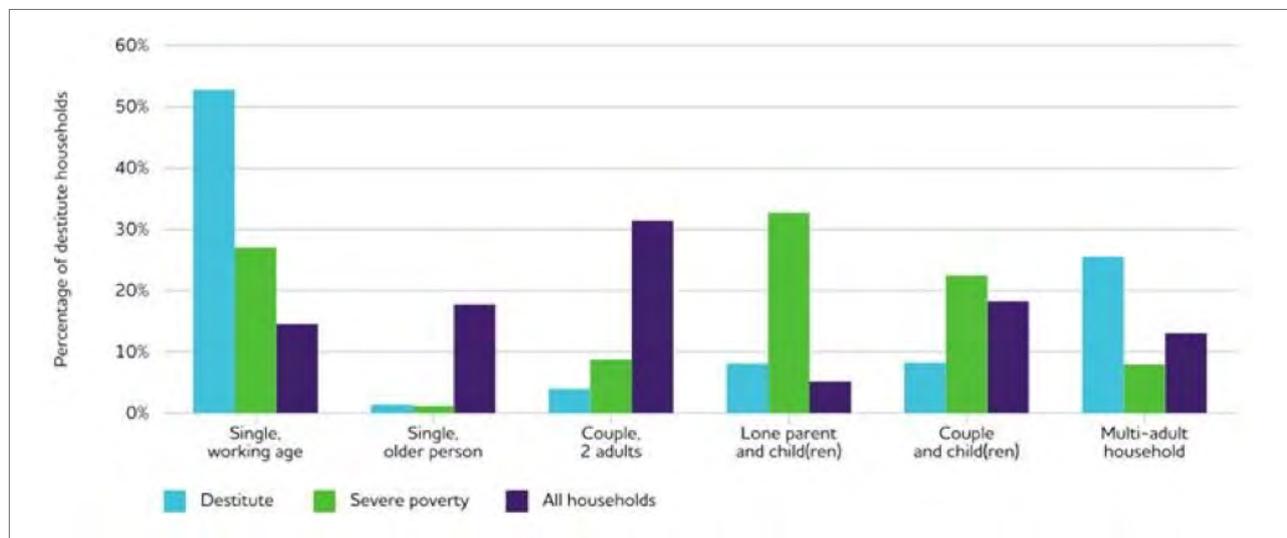
# Appendix 2

**Figure 1: Overview of persistent low income by family type**



Source: Income Dynamics: Income Movements and the Persistence of Low Incomes, DWP, March 2020

**Figure 2: Household type of destitute households, households in severe poverty and all UK households**



Note: This household type classification includes people in hostels or sleeping rough, who are nearly all classified as single. People living with relatives or friends are classified as multi-adult households (which might include some children as well). About 9.5% of cases are missing from this analysis of the destitution survey.

Source: 2019 destitution survey (national-annual weighting); UKHLS waves 7–9 (2015/16–2017/18)

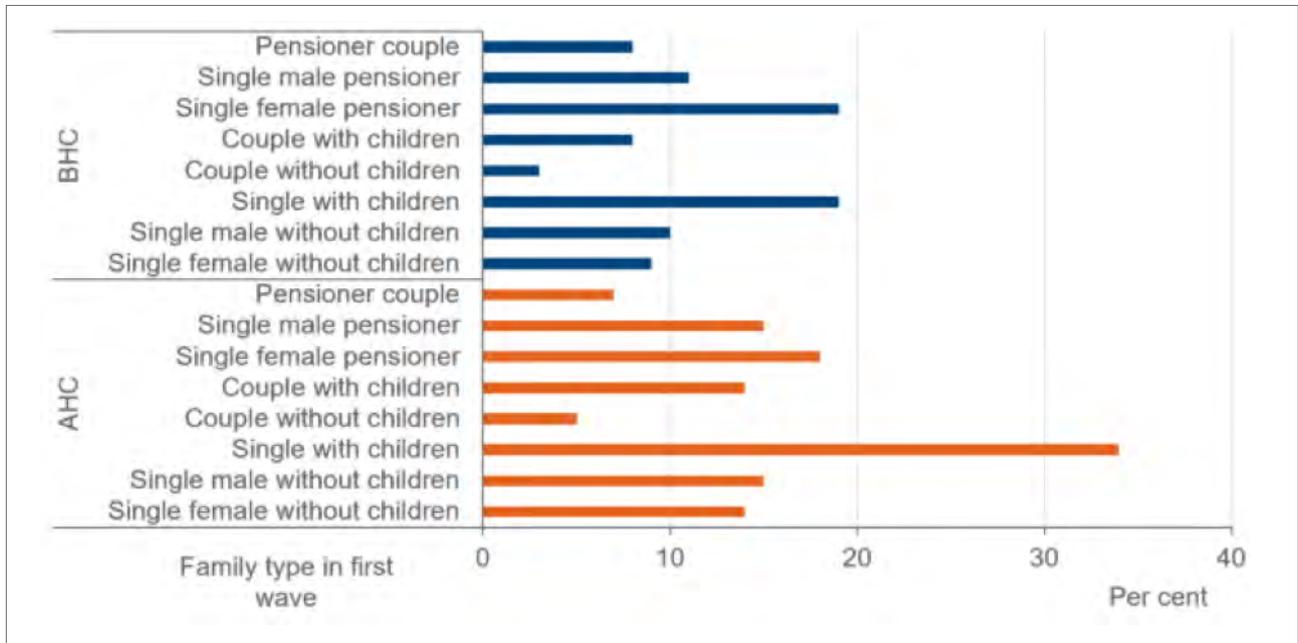
Source: Destitution in the UK 2020 Report, Joseph Rowntree Foundation, December 2020

**Figure 3: Breakdown of Social Security Benefits by Gender, August 2020**

	Female	Male
Universal Credit	* no breakdown currently available by gender	* no breakdown currently available by gender
Jobseeker’s Allowance	36%	64%
Employment Support Allowance	51%	49%
Income Support	73%	27%
Disability Living Allowance	49%	51%
Personal Independence Payment	53%	47%
State Pension	54%	46%
Pension Credit	60%	40%
Attendance Allowance	62%	38%
Carer’s Allowance	65%	35%
Housing Benefit	59%	41%

Source: Northern Ireland Benefits Statistics Summary August 2020

**Figure 4: Cash impact of reforms by gender and age group of adults, 2021-22 tax year: Northern Ireland**



Source: Cumulative impact assessment of tax and social security reforms in Northern Ireland, NIHRC, November 2019

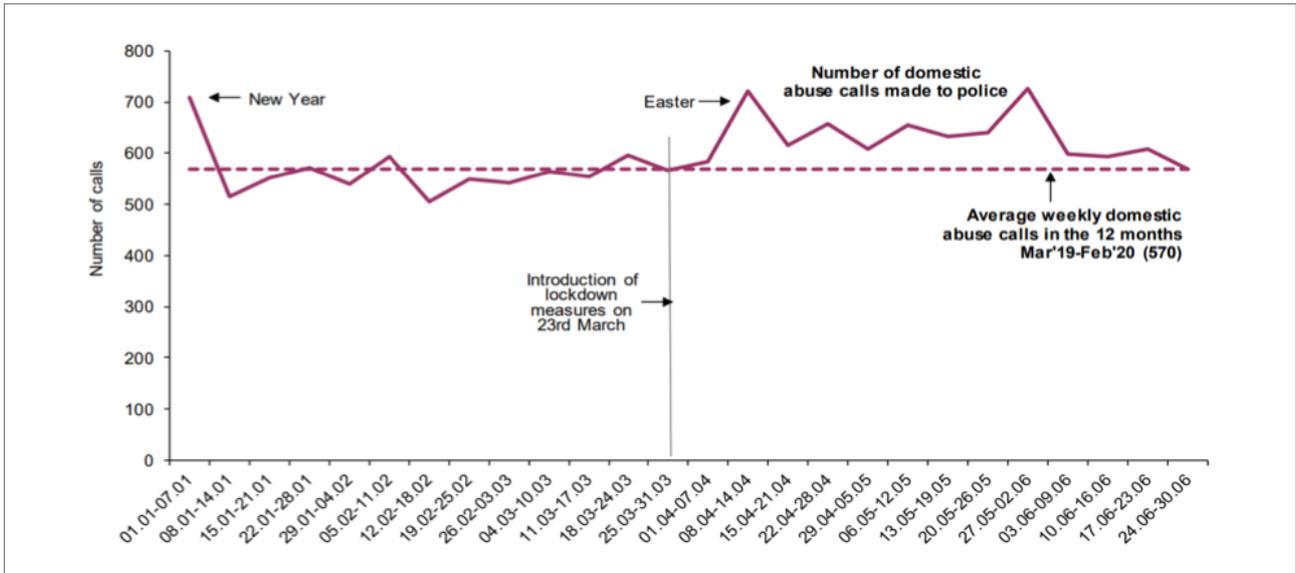
**Figure 5: Levels of Over-indebtedness 2019**

Region / Country	Adults (18+)	Gender	
		Female	Male
Northern Ireland	18%	17%	20%
United Kingdom	19%	17%	20%

Source: Money and Pensions Service

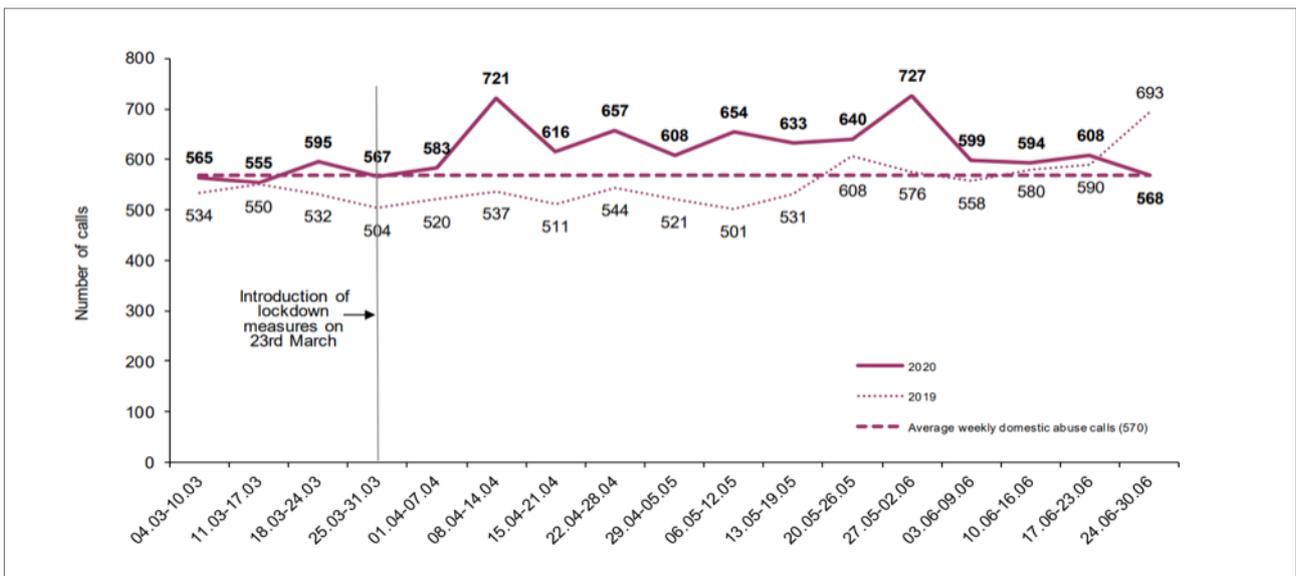
# Appendix 3

**Figure 1: Domestic abuse calls received by police, weekly trends from Wednesday 1st January 2020 compared with the average weekly number of calls in the 12 months March '19 to February '20**



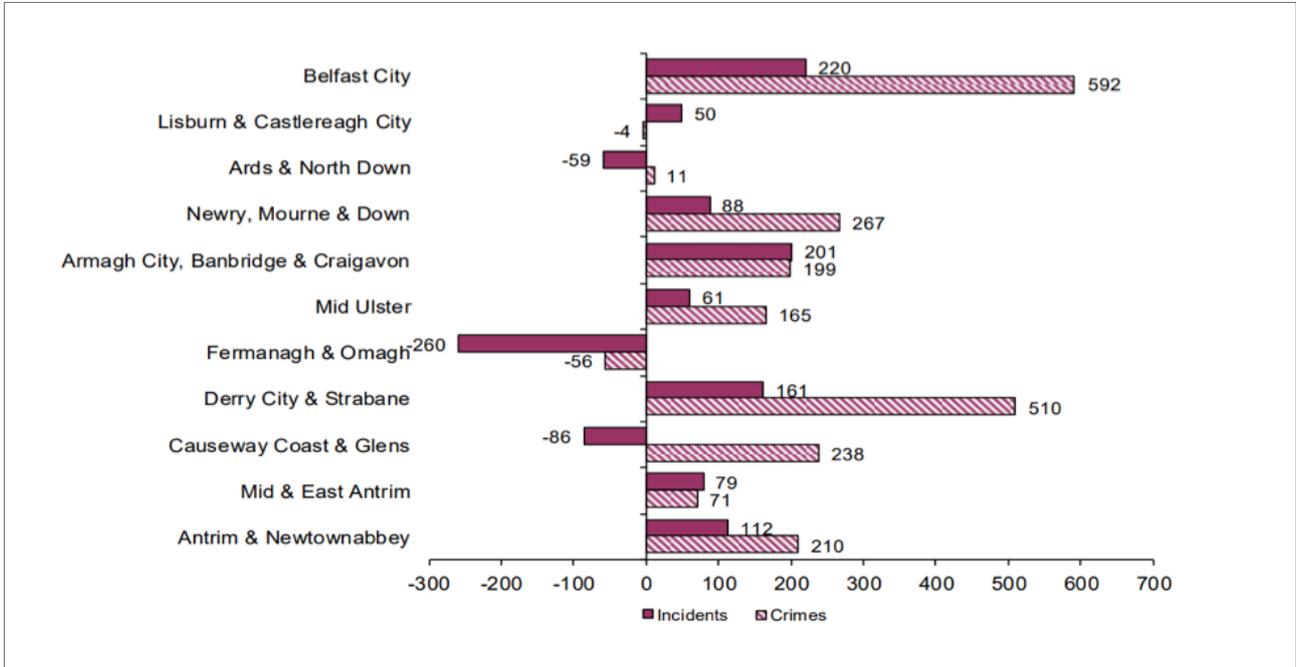
Source: Domestic Abuse Calls Received by Police in Northern Ireland – Date of Publication: 1 July 2020

**Figure 2: Domestic abuse calls received by police, weekly trends from Wednesday 4th March 2020 compared with the same time period in 2019**



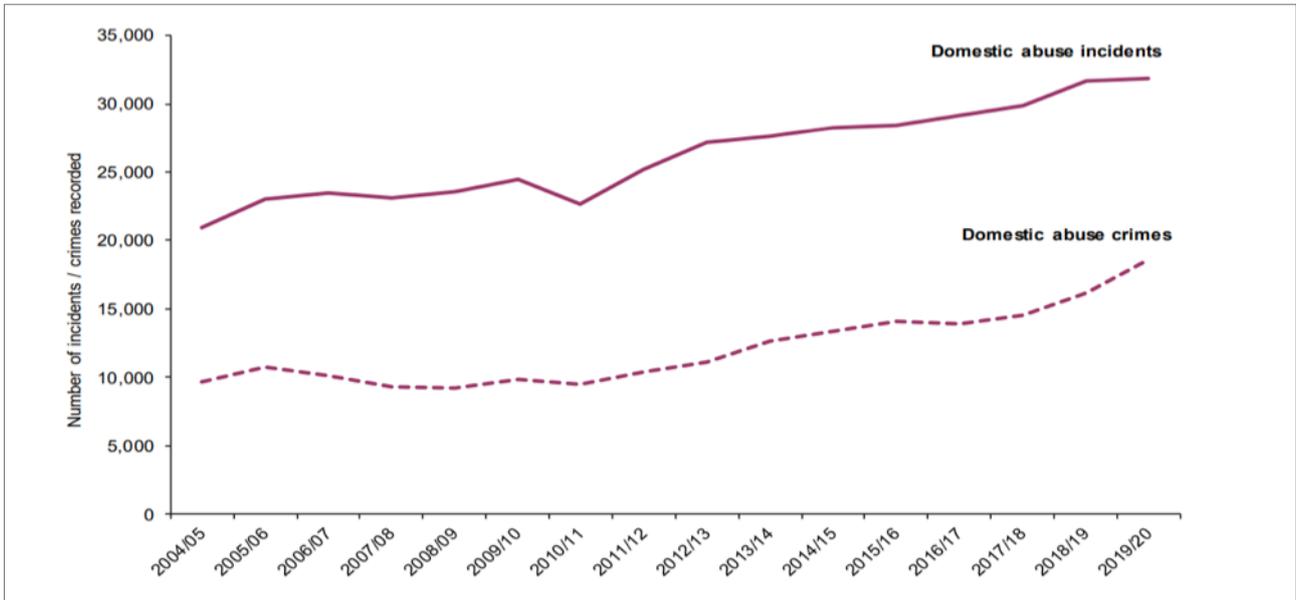
Source: Domestic Abuse Calls Received by Police in Northern Ireland – Date of Publication: 1 July 2020

**Figure 3: Change in police recorded domestic abuse incidents and crimes by policing district, 12 months to June 2020 compared with the previous 12 months**



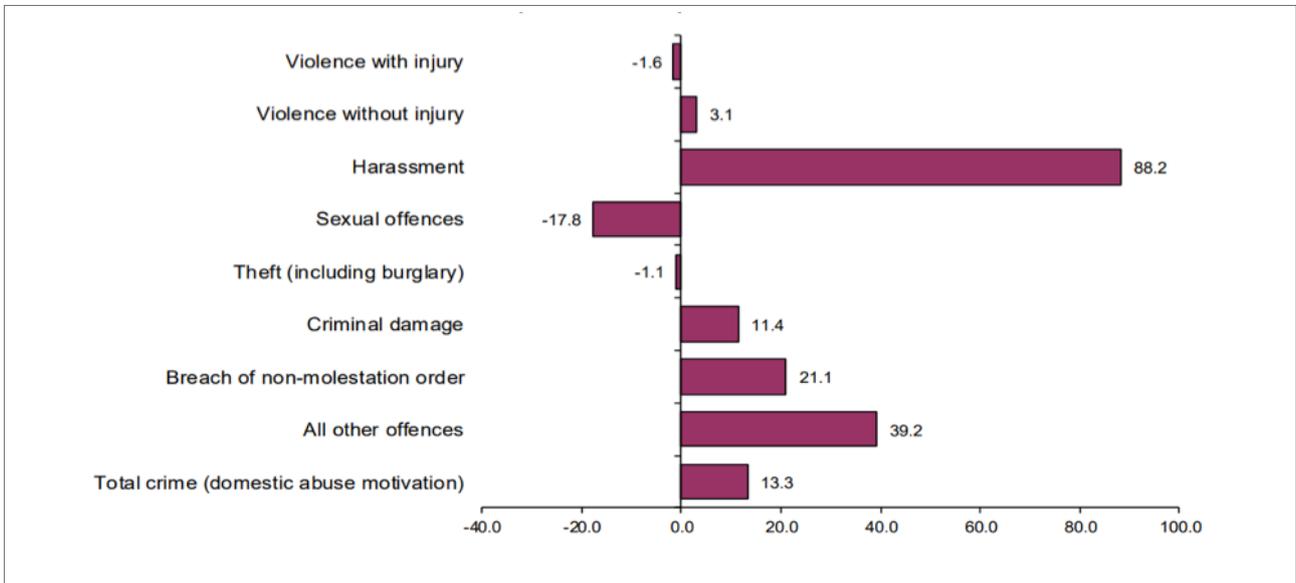
Source: Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland - Date of Publication 15 May 2020

**Figure 4: Trends in domestic abuse incidents and crimes recorded by the police since 2004/5**



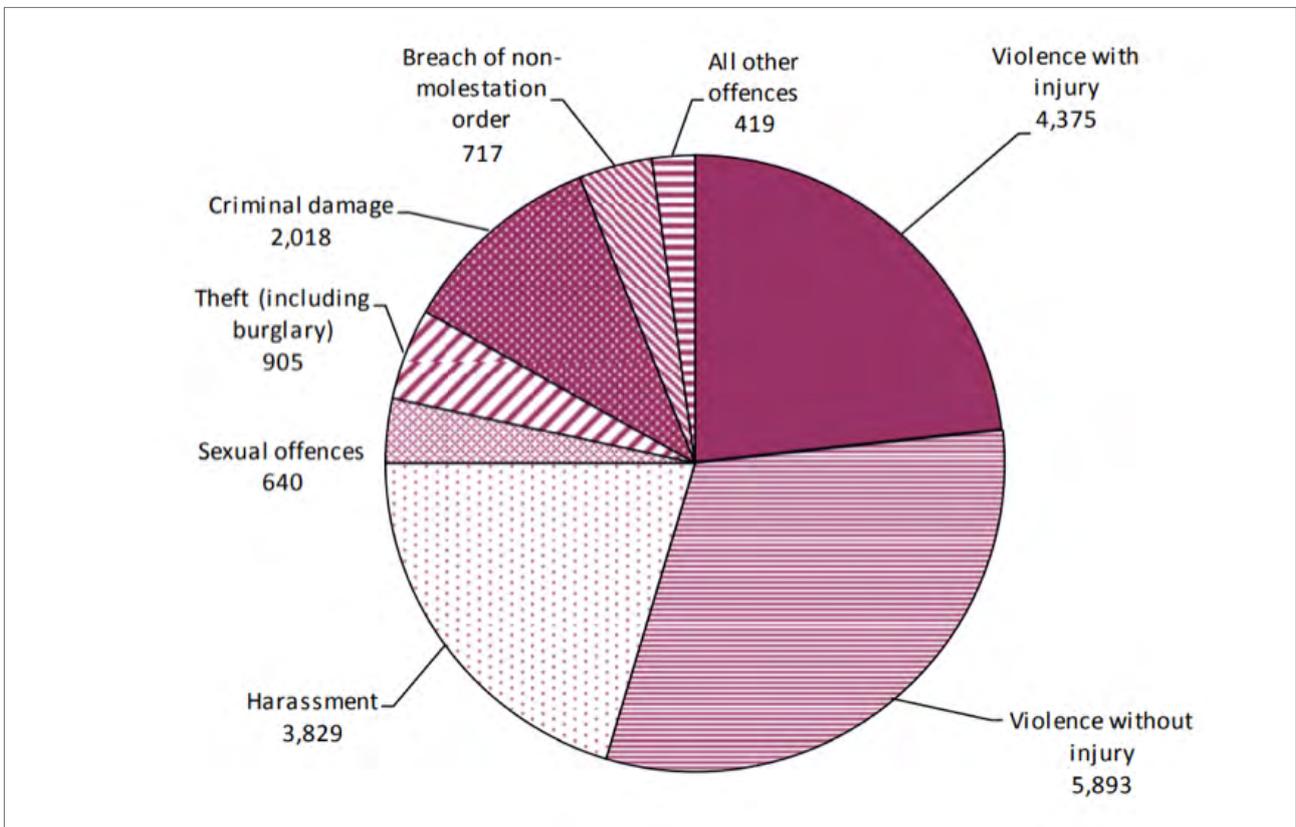
Source: Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland - Date of Publication 15 May 2020

**Figure 5: Percentage change in the main crime types for police recorded domestic abuse crime, 12 months to June 2020 compared with the previous 12 months**



Source: Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland - Date of Publication 15 May 2020

**Figure 6: Police recorded domestic abuse crime by crime type, July 2019 to June 2020**



Source: Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland - Date of Publication 15 May 2020

**Figure 7: Number of Files Received by Offence Category – Percentage Change between 2018/19 and 2019/20**



Source: NISRA Statistical Bulletin – Cases Involving Sexual Offences 2019/20

### Community-Developed Data on Domestic and Sexual Abuse Experienced by Trans Communities Key Findings<sup>559</sup>:

- 80% of respondents stated that they had experienced emotionally, sexually, or physically abusive behaviour by a partner or ex-partner.
- Although 80% of respondents identified having experienced some form of abusive behaviour from a partner or ex-partner, only 60% of respondents recognised the behaviour as domestic abuse.
- The type of domestic abuse most frequently experienced by the respondents was transphobic emotional abuse, with 73% of the respondents experiencing at least one type of transphobic emotionally abusive behaviour from a partner or ex-partner.
- 60% of respondents had experienced controlling behaviour from a partner or ex-partner.
- 45% of respondents had experienced physically abusive behaviour from a partner or ex-partner.
- 47% of respondents had experienced some form of sexual abuse from a partner or ex-partner.
- 37% of respondents said that someone had forced, or tried to force them to have sex when they were under the age of 16.
- 46% of respondents said that someone had forced, or tried to force them to engage in some other form of sexual activity when under the age of 16.

<sup>559</sup> Scottish Transgender Alliance (2013), 'Out of Sight, Out of Mind? Transgender People's Experiences of Domestic Abuse': [https://www.scottishtrans.org/wp-content/uploads/2013/03/trans\\_domestic\\_abuse.pdf](https://www.scottishtrans.org/wp-content/uploads/2013/03/trans_domestic_abuse.pdf)

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