



FULL

**Gender Equality**  
Policy Priorities and  
Recommendations

Equality Commission

FOR NORTHERN IRELAND

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# 1 Executive Summary

- 1.1 The purpose of this paper is to inform policy development to advance gender equality in Northern Ireland by setting out the Equality Commission's high level gender equality policy priorities and recommendations.
- 1.2 These policy priorities and recommendations have been developed following a comprehensive review of the evidence base and engagement with key stakeholders.

## ***Priority areas for action***

- 1.3 To advance gender equality, we recommend that the Executive, Departments and other key stakeholders act to address the following policy priorities, including via the Programme for Government and Budget; the Gender Equality Strategy; and the wider policies and programmes of government:
- **Attitudes: Tackle gender stereotypes; the objectification of women; and prejudicial attitudes towards trans people.**  
Action is required to counter gender stereotypes throughout the life course in school, training, work and in the family and wider society including the media; tackle the objectification and degradation of women and girls; and tackle high levels of prejudicial attitudes towards trans people.
  - **Education: Ensure gender mainstreaming via the curriculum, careers advice, teacher training and key policies; address the under-attainment of boys; and tackle bullying.**  
Action is required to tackle gender inequalities and stereotyping including through the curriculum, teacher training, subject choice, careers advice and the policies and practices of educational bodies; address the educational under-attainment of boys; and challenge gender based / transphobic bullying.
  - **Employment: Advance gender equality in access to, and progression within, employment; and ensure women's economic independence.**  
Action is required to mitigate the negative impact on women of post-recession restrictions in public expenditure; eliminate

occupational and industrial segregation; promote workplace equality, encourage flexible working practices and sharing of family roles; and address barriers due to gender identity and multiple identities.

- **Caring: Address the negative consequences for those who fulfil caring roles and ensure access to appropriate, accessible and affordable childcare.**  
Action is required to consider the economic impact of the pattern of paid / unpaid care work and address the undervaluation of this work; ensure appropriate, accessible and affordable childcare provision; and encourage employers to develop carer friendly policies and practices.
- **Public Life: Increase the participation of women and trans people in political and public life and decision making.**  
Action is required to increase the participation of women in political and public life, the judiciary and economic decision making; promote the participation of women in peace building; and increase the visibility of trans people in public life
- **Violence: Eradicate gender based violence and transphobic hate crime.**  
Action is required to tackle gender based violence and domestic violence in gender specific contexts; assist the UK Government to ratify the Istanbul Convention; and prevent and detect transphobic hate crime.
- **Healthcare: Provide gender appropriate health and social care to address the particular needs of women and men, trans people, and those with multiple identities.**  
Action is required to address the particular needs of women and men, trans people and those with multiple identities; consider options to address barriers to women accessing reproductive health care; raise understanding amongst health / social care professionals of gender equality, including gender identity; and address gaps in research as regards the experiences of trans people.
- **Sport: Increase women's participation in sport, and the governance of sport; and tackle barriers to the participation of trans people.**  
Action is required to increase women's participation in sport at all levels, and their participation in the governance structures

of sport; tackle barriers to the participation of trans people in sport, including transphobia.

- **Social Protection: Mitigate against the adverse impacts of welfare reform; and ensure gender equality in access to social protection and pension provision.**

Action is required to mitigate against the identified adverse impact of welfare reform proposals on women; improve access to social protection for certain groups of minority ethnic women; and protect women with smaller pension provision.

- **Law Reform: Reform sex equality and equal pay law to address gaps; and to harmonise, simplify and clarify the law.**

Action is required to address the significant gaps in protection against sex discrimination and harassment; harmonise, simplify and clarify the law; and strengthen the Commission's enforcement powers, as well as available remedies.

- **Institutional Mechanisms: Ensure Executive action to strengthen institutional mechanisms for gender equality.**

Action is required to ensure a high level commitment to gender equality; to ensure gender mainstreaming, and take positive action where appropriate; and to develop and implement an effective Gender Equality Strategy.

## 2 Introduction

- 2.1 The Equality Commission has particular duties under the sex equality legislation<sup>1</sup>, including to work to eliminate unlawful sex discrimination and harassment, to promote equality of opportunity between men and women, to keep the working of the legislation under review, as well as to make recommendations for change, where necessary. The Commission also has the duty to promote equality of opportunity for transgender people<sup>2</sup>.
- 2.2 It also has duties under the Northern Ireland Act 1998, including to offer advice to public authorities and others in connection with the duties imposed by Section 75 of the Act<sup>3</sup>.
- 2.3 The purpose of this paper is to inform policy development to advance gender equality in Northern Ireland by setting out the Equality Commission's high level gender equality policy priorities and recommendations.
- 2.4 The focus of the paper is to highlight gender inequalities in Northern Ireland. This includes inequalities experienced by women and men, as well as the particular issues faced by trans people and those with multiple identities<sup>4</sup>. It also highlights the Commission's recommendations designed to address the identified inequalities.
- 2.5 These positions build on our existing gender positions and recommendations. For example, in our *Statement on Key Inequalities (2007)*<sup>5</sup>, we highlighted a range of key gender inequalities experienced by men and women in the areas of employment, education, health and social care, and participation in public life. We also set out the inequalities experienced by trans people<sup>6</sup>, specifically noting bullying towards trans children and young people in schools.

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<sup>1</sup> [Sex Discrimination \(Northern Ireland\) Order 1976](#) as amended, and the [Equal Pay Act 1970](#) as amended.

<sup>2</sup> Namely under the [Sex Discrimination \(Northern Ireland\) Order 1976](#) as amended, a duty to promote equality of opportunity for persons who intend to undergo, are undergoing or have undergone gender reassignment.

<sup>3</sup> [Section 75](#) includes a duty on public bodies to have due regard to the need to promote equality of opportunity between men and women generally and between those with dependants and those without.

<sup>4</sup> See Appendix 1 for a glossary of terms.

<sup>5</sup> ECNI (2007), [Statement on Key Inequalities](#) in Northern Ireland.

<sup>6</sup> 'Trans people' or 'Transgender people' are umbrella terms used to describe a range of

- 2.6 Further, in our *CEDAW Shadow Report (2013)*<sup>7</sup> we highlighted the priority issues relating to women’s participation in political life and women’s economic independence. We also drew attention to the imperative to recognise gender equality as a cross-cutting and whole life theme and to take account of the fact that women, in addition to being subject to discrimination and inequality on the grounds of their sex, also experience multiple discrimination<sup>8</sup>.
- 2.7 Our *CEDAW Shadow Report* also set out fundamental and underpinning points about the need to address violence against women; to consult fully on abortion law in Northern Ireland; and the imperative for policy and decision makers to ensure that women’s multiple identity, including politics, religion, race, age, disability, sexual orientation, caring responsibility or dependency and marital status, is fully considered.

### **3 Context**

#### ***Gender Equality Strategy***

- 3.1 The Commission continues to seek opportunities to advance gender equality in Northern Ireland and we have taken up a number of opportunities locally to secure adoption of our policy positions<sup>9</sup>.
- 3.2 The development of high level gender policy priorities and recommendations will further inform our work on the Programme for Government, as well as in a range of specific areas including our shadow reporting on CEDAW, and our advice to public bodies on meeting their Section 75 duties. We have developed

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people whose gender identity or gender expression differ in some way from the gender assumptions made about them when they were born. A further explanation of the different terms can be found at Appendix 1.

<sup>7</sup> ECNI (2013), [CEDAW shadow report](#)

<sup>8</sup> For example, on the basis of the combination of their sex with other equality grounds such as race, disability, sexual orientation, political opinion or religious belief, caring responsibility or dependency, or marital status.

<sup>9</sup> For example, see [ECNI submission to the Assembly Inquiry into Women in Politics](#) – (2014); [ECNI response to the draft DOJ/DHSSPS Strategy on Domestic and Sexual Violence and Abuse](#) – (2014); [ECNI response to OFMDFM’s Towards a Childcare Strategy](#) – (2013); [ECNI response to the DOJ consultation on changes to abortion law](#) – (2015); and [ECNI response to the Executive draft Childcare Strategy](#) – (2015).



similar high level policy priorities and recommendations in other areas, including disability, sexual orientation and race<sup>10</sup>.

- 3.3 A particular context for this work is the development of a revised Gender Equality Strategy for Northern Ireland. In particular, the former Office of the First Minister and Deputy First Minister proposed to develop a revised Gender Equality Strategy for Northern Ireland to replace the *Gender Equality Strategy 2006-2016*<sup>11</sup> which was subject to a mid-term review in 2013<sup>12</sup>. It was proposed that the objectives of the revised Gender Equality Strategy would be delivered through a set of revised policy actions. Responsibility for gender equality and the Gender Equality Strategy has recently transferred to the Department for Communities (DfC).
- 3.4 The Commission wishes to see its high level gender equality policy priorities and recommendations, as set out in detail below, advanced by the Executive - including through the Gender Equality Strategy.

### ***EU / International context***

- 3.5 Work to promote gender equality in Northern Ireland must be taken forward in the context of the UK Government's international obligations relating to the promotion of gender equality under a number of international human rights Conventions.
- 3.6 Of particular significance are the UK Government's obligations under the Convention for the Elimination of all forms of Discrimination against Women (CEDAW)<sup>13</sup>. Obligations also exist under other UN Conventions, including the UN Convention on the Rights of People with Disabilities (UNCRPD)<sup>14</sup> and the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD)<sup>15</sup>.

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<sup>10</sup> IMNI, (2014) [UNCRPD jurisdictional NI 'parallel' report – working paper](#)  
[ECNI \(2013\) Promoting sexual orientation equality: priorities and recommendations](#) ; ECNI (2014) [Promoting racial equality: priorities and recommendations](#)

<sup>11</sup> OFMDFM (2006), [Gender Equality Strategy 2006-2016](#)

<sup>12</sup> NISRA (2014), [Gender Equality Strategy 2006-2016 Review](#)

<sup>13</sup> See ECNI (2013), [CEDAW shadow report](#)

<sup>14</sup> Article 6 of [UNCRPD](#) deals with the situation of disabled women.

<sup>15</sup> CERD's [General Recommendation](#) 25 (2000) deals with gender and racial discrimination.

- 3.7 In its most recent *Concluding Observations* (2013)<sup>16</sup>, the UN CEDAW Committee expressed concerns about the implementation of the Convention across the UK<sup>17</sup>. The Committee also included specific recommendations relating to Northern Ireland. Our gender equality policy priorities and recommendations reflect, and are consistent with, many of the recommendations highlighted by the UN CEDAW Committee in its 2013 Concluding Observations.
- 3.8 Action to promote gender equality is also consistent with the Beijing Declaration and Platform for Action, signed by the UK Government, which highlights 12 critical areas of concern<sup>18</sup> for gender equality.
- 3.9 Equality between women and men is one of the European Union's founding principles. The Charter of Fundamental Rights<sup>19</sup> sets out that '[e]quality between women and men must be ensured in all areas, including employment, work and pay'.
- 3.10 There is also EU wide protection for transgender people against discrimination in the areas of employment and occupation<sup>20</sup>. The UN Yogyakarta Principles also outline a set of international principles relating to sexual orientation and gender identity<sup>21</sup>. Further, the Istanbul Convention is the first international treaty to explicitly include gender identity<sup>22</sup>.
- 3.11 The *EU Strategy for equality between women and men 2010-2015*<sup>23</sup>, which is in the process of being updated, sets out key actions under five priority themes: equal economic independence; equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and an end

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<sup>16</sup> CEDAW Committee (2013) [Concluding Observations on UK, CEDAW Committee](#)

<sup>17</sup> The UN Special Rapporteur on VAW, Rashida Manjoo, in her [Report](#) (A HRC 29 27 Add 2) on her 2014 Mission to the UK recommends temporary special measures to accelerate equality.

<sup>18</sup> The [Beijing Platform for Action](#), BPfA (1995), highlights 12 critical areas of concern for gender equality.

<sup>19</sup> Art 23 [Charter of Fundamental Rights of the European Union](#) (2000)

<sup>20</sup> In its jurisprudence, the CJEU has held that these rights cover persons who underwent, are undergoing or intend to undergo gender reassignment. FRA (2014) [Being Trans in the EU](#), EU Agency for Fundamental Rights.

<sup>21</sup> [Yogyakarta Principles](#) 2006

<sup>22</sup> The Council of Europe's *Convention on preventing and combating violence against women and domestic violence – Istanbul Convention* (2011) signed but not yet ratified by the UK Government.

<sup>23</sup> [Strategy for equality between women and men 2010-2015](#) European Commission.

to gender-based violence; and gender equality in external actions<sup>24</sup>.

- 3.12 The European Commission has also published (2015) '*Strategic engagement for gender equality 2016-2019*'<sup>25</sup> focusing on five priority areas for action: increasing women's participation in the labour market and equal economic independence of women and men; reducing gender pay, earnings and pensions gaps and so fighting women's poverty; equality in decision making; combating gender based violence; and promoting gender equality and women's rights across the world.
- 3.13 Action to promote gender equality is also consistent with the UN Sustainable Development Goals (2015) which have been adopted by the UK Government and which include goals and targets on tackling poverty and reducing inequalities, and a specific goal on achieving gender equality<sup>26</sup>.
- 3.14 The European Advisory Committee on Equal Opportunities for Women and Men, in its *Opinion* (2014) made a number of key recommendations including in relation to: women's economic independence; advancing women in decision making; violence against women; gender mainstreaming; and fostering cultural change – men and gender equality<sup>27</sup>.
- 3.15 More recently, Equinet, the European network of equality bodies, has prepared a *Perspective* (2015)<sup>28</sup> and has presented learning from the work of equality bodies to inform the priorities and

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<sup>24</sup> The Strategy also identified action in a number of horizontal issues including; ensuring an effective legal framework, promoting good practice and the tools of gender equality, including gender mainstreaming, as well as promoting non -discriminatory gender roles, and addressing the role of men in gender equality.

<sup>25</sup> European Commission (2015) [Strategic engagement for gender equality 2016-2019](#). This is a follow up and prolongation of the Commission's *Strategy for equality between women and men 2010-2015*. It sets out objectives in each of these priority areas and identifies more than 30 concrete actions. It reaffirms a commitment to gender mainstreaming; i.e. a gender equality perspective will be integrated into all EU policies as well as into EU funding programmes. It also supports the implementation of the gender equality dimension in the Europe 2020 Strategy.

<sup>26</sup> See [UN Sustainable Development Goals](#) 2015

<sup>27</sup> The European Advisory Committee on Equal Opportunities for Women and Men, in its [Opinion](#) (2014) relating to the forthcoming European strategy, sets out a priority, *Fostering Cultural Change – men and gender equality*. The EAC recommends: men and women must be included in all work on gender equality as both will gain from a more equal society; the issue of stereotypes should be reviewed; gender equality strategies should include measures to support men in the reconciliation of care, home and paid work; a gender mainstreaming approach should be used and strategies should also include an intersectional approach, recognising differences between men and women.

<sup>28</sup> Equinet (2015), [An Equinet Perspective: The Persistence of Discrimination, Harassment and Inequality for Women](#)

content of a new European Commission Strategy for gender equality. The Equinet proposals include the need for a new priority for gender equality, for new ways of engaging with austerity, and further ways of measuring progress<sup>29</sup>.

### ***Benefits of equality***

- 3.16 It is in everyone's interests to ensure equality for women and men in all areas, and throughout the different stages, of their lives, so that everyone can develop their abilities and make choices unrestricted by gender roles.
- 3.17 Increasing the representation of women in political decision making benefits society, politics and democracy<sup>30</sup>. For example, research by the Inter-Parliamentary Union has shown that women politicians give more attention to social welfare and legal protections, and improve trust<sup>31</sup>.
- 3.18 Ensuring that measures support and encourage men in spending more time on, and giving more priority to, the balance of care, home and paid work<sup>32</sup> will assist in achieving a more equal society which will benefit both women and men.
- 3.19 Further, it is widely acknowledged that gender equality is essential for economic growth and poverty reduction<sup>33</sup>. Inequalities between women and men result in the underutilisation of talent and so impose a heavy toll on the economy<sup>34</sup>. On the other hand, economic and business benefits can be gained from enhancing gender equality<sup>35</sup>.

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<sup>29</sup> These include incorporating gender budgeting and gender mainstreaming in policy making (in particular, the Europe 2020 strategy), further legislation and action on violence against women and girls including harassment in the workplace, in education and in the provision of goods and services and addressing occupational segregation and the gender pay gap.

<sup>30</sup> [EIGE \(2015\) Beijing+20 factsheet - Area G: Women in Power and Decision-Making](#) European Institute for Gender Equality

<sup>31</sup> United Nations (2005) *Participation of Women and Men in Decision Making: The Parliamentary Dimension* [Background Paper](#)

<sup>32</sup> European Advisory Committee (2014) [Opinion on Gender Equality in the EU in the 21st century – European Commission](#)

<sup>33</sup> EU (2015) [Special Eurobarometer Report 2015](#) 428 at page 1

<sup>34</sup> For example, as highlighted in [EU Strategy for Equality between Women and Men](#) 2010-2015

<sup>35</sup> For example, the [Women and Work Commission Report 2006](#) found that unleashing women's full potential could be worth £23 billion a year to the Exchequer. Women and Work Commission 2006

## ***Persistent Inequalities***

- 3.20 We both recognise and welcome the progress that has been made to address inequality between women and men<sup>36</sup>, including, for example, the increased representation of women in the workforce<sup>37</sup>. However, it is clear that much more work needs to be done and challenges remain in key areas.
- 3.21 Many gender inequalities remain persistent and hard to tackle, and there are a number of emerging inequalities, including inequalities experienced by trans people.
- 3.22 Women continue to experience inequalities in many areas of their lives. Social expectations that stem from gender roles influence all aspects of life for women and men, including in employment, education, and family life.
- 3.23 Trans people also experience particular barriers and inequalities due to their gender identity, including prejudice, discrimination and harassment. These are explored in greater depth in the sections dealing with specific priority areas.
- 3.24 Some examples of persistent and emerging inequalities experienced by men and women which need to be tackled include the following:
- the poor educational attainment of boys at school;
  - occupational and industrial segregation experienced by both men and women;
  - the concentration of women in part time work, which is often low paid and undervalued;
  - sex discrimination and harassment experienced at work by women;
  - the concentration of women in caring roles, paid and unpaid, which are frequently undervalued and underpaid, as well as the impact of the lack of accessible, affordable and appropriate childcare in Northern Ireland;

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<sup>36</sup> For example, initiatives by DEL, in conjunction with ECNI, on improving the gender balance in [STEM](#), including the development of a STEM Charter; and [the Women in Local Councils initiative](#) led by local councils aimed at improving women's representation both in employment and amongst elected representatives.

<sup>37</sup> The number of women in employment has increased by an estimated 9% between 2005 and 2015. There has also been a narrowing of the gender gap in employment rates; the gap was 12 percentage point difference in favour of male rates of employment in 2005 and 9.6 percentage point difference in 2015. NISRA (2015) [Women in NI 2015](#) Department for the Economy

- the lower life expectancy of men and their higher suicide rates and health risks;
- the under representation of women across all major positions of political, economic, social and judicial power;
- high and increasing levels of domestic abuse, which is predominately experienced by women;
- the high levels of prejudicial attitudes towards trans people.

## ***Multiple Identities***

- 3.25 There is also a need to address inequalities experienced by women and men due to their multiple identities. The experience of a person facing multiple inequalities is different from those facing inequality on a single ground.
- 3.26 The European Union Agency for Fundamental Rights has suggested that certain people are seen as particularly vulnerable to unequal treatment, because they share a combination of characteristics that may trigger discrimination<sup>38</sup>. EU Directives also recognise the existence of multiple discrimination and the fact that it is particularly experienced by women<sup>39</sup>.
- 3.27 The Council of Europe, in its *Recommendation* on gender equality standards and mechanisms, has set out how certain groups of women are in an especially vulnerable position and recommended that Governments pay special attention to the specific needs of women with multiple identities<sup>40</sup>. As set out in more detail in later sections, women with multiple identities, such as disabled women, minority ethnic women, rural women, lesbian and bisexual women as well as lone parents and women living in disadvantaged communities, can face particular barriers.
- 3.28 For example, Traveller women are less likely to be employed than non-Traveller women<sup>41</sup>; disabled women are less likely to

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<sup>38</sup> European Union Agency for Fundamental Rights (2013): [Inequalities and multiple discrimination in access to and quality of healthcare](#), page 85

<sup>39</sup> The EU's key anti-discrimination legal instruments, namely the Employment Directive ([Council Directive 2000/78/EC](#)) and the Racial Equality Directive ([Council Directive 2000/43/EC](#)), explicitly acknowledge in their preambles the existence of multiple discrimination and note that women are often its victims.

<sup>40</sup> Council of Europe [Recommendation](#) 17 (2007)

<sup>41</sup> Findings (based on the Republic of Ireland) from the [All Ireland Traveller Health Study](#) Our Geels University College Dublin (2010), found that almost 90% of Traveller women are housewives or unemployed compared to only 22% of Irish mothers and 32% of their European counterparts. Less than 3% of Traveller mothers are in some form of employment.



be in employment than disabled men<sup>42</sup>; and minority ethnic families find it more difficult to find informal childcare and childcare that meets the needs of people working atypical hours<sup>43</sup>. In addition, lone parents, who are predominately women<sup>44</sup>, can also experience inequalities. For example, there is evidence that lone parent reference person households in the private rented sector are more likely to experience relative poverty after housing costs have been deducted<sup>45</sup>.

- 3.29 Men and boys with multiple identities also experience barriers. For example, in Northern Ireland, boys, particularly those entitled to free school meals, and notably those who are Protestant, experience persistent educational under-attainment and lack of progression<sup>46</sup>. There are also high rates of suicide amongst young males<sup>47</sup>.
- 3.30 In addition, whilst socio-economic disadvantage is not a separate ground under the equality legislation, the barriers experienced by men and women can be exacerbated by poverty and social deprivation. For example, women living in disadvantaged areas, as well as rural women, can experience marginalisation, poverty and exclusion<sup>48</sup>.
- 3.31 Further, the CEDAW Committee in its most recent Concluding Observations (2013) has stressed the need for the UK Government to address inequalities experienced by minority ethnic women and disabled women across a range of areas<sup>49</sup>.

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<sup>42</sup> Employment rates for disabled women rose from approximately 26% in 1998 to 31.5% in 2012; this compares to employment rates for disabled men which rose from approximately 32% in 1998 to 37.8% in 2012. It will be noted that this mirrors the pattern of differences in employment between non-disabled men and women but is less marked. [OFMDFM \(2015\), Gender Equality Statistics 2015](#).

<sup>43</sup> Barnardos (2014) [Believe in Childcare? The childcare needs of ethnic minority communities in NI](#)

<sup>44</sup> Russell, R. (2013) [Census 2011: Key Statistics at Northern Ireland and LGD level](#)

<sup>45</sup> ECNI (2016) [Draft Statement of Key Inequalities in Housing and Communities](#)

<sup>46</sup> See Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) commissioned by ECNI.

<sup>47</sup> See [Report on the All Ireland Young Men and Suicide Project](#), 2013, Men's Health Forum in Ireland

<sup>48</sup> DSD (2012) [Regional Support for Women in Disadvantaged Rural Areas](#)

<sup>49</sup> For example, the CEDAW Committee recommended action to create greater opportunities for disabled women to gain access to employment and to improve access to health care for women with multiple identities. CEDAW Committee (2013), [Concluding Observations on UK, CEDAW Committee](#)

## 4 Priority areas

- 4.1 We have set out below our high level gender equality policy priorities and recommendations. These policy priorities and recommendations have been developed following a comprehensive review of the evidence base and engagement with key stakeholders.
- 4.2 We recommend that the Executive, Departments and other key stakeholders take action to address these, including through the Programme for Government and Budget; Gender Equality Strategy; and other key policies. We also recommend that public bodies take action to address these policy priorities and recommendations through their Section 75 action plans<sup>50</sup>.

## 5 **ATTITUDES: Tackle gender stereotypes; the objectification of women; and prejudicial attitudes towards trans people.**

- 5.1 Action is required to counter gender stereotypes throughout the life course in school, training, work and in the family and wider society including the media; tackle the objectification and degradation of women and girls; and tackle high levels of prejudicial attitudes towards trans people.

### ***Gender stereotypes and prejudicial attitudes***

- 5.2 Gender stereotyping and prejudicial attitudes affect women and men throughout their lives, and limit the options that are open to them and the choices that they can make in public, economic, social and family life. Prejudice based on stereotypes sustains inequality and exclusion and *“has a strong influence on the division of roles between women and men in the home, in the workplace and in society at large”*<sup>51</sup>.
- 5.3 For example, gender stereotypes as regards women’s capacities and roles can negatively affect their ability to participate in political and public life and decision making, as well as sport and recreational activities. In education, stereotypes affect boys’

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<sup>50</sup> ECNI has recommended that public bodies carry out Section 75 audits of inequalities and develop and implement Section 75 action plans. See ECNI (2010) [Section 75 Guide for Public Authorities](#),

<sup>51</sup> As set out in Committee on Women’s Rights and Gender Equality, European Parliament (2012) [Report on eliminating Gender Stereotypes in the EU](#)



ability to learn<sup>52</sup> and stereotyping, the curriculum and careers advice still inhibit girls' further life experience<sup>53</sup>.

- 5.4 Stereotypes in all stages of *education* and in *vocational training* are pervasive and need to be challenged<sup>54</sup>. Gender stereotyping in the curriculum, careers advice, including career guidance from schools, and other providers of career advice, and subject choice can impact on future employment, lead to occupational<sup>55</sup> and industrial segregation<sup>56</sup>. They can also limit women's ability to progress in the labour market<sup>57</sup>, contribute to lower earnings and increase the risk of poverty in later life<sup>58</sup>.
- 5.5 Prejudice can also lead to harassment, aggression and violence. This is critically so for trans people, who experience high levels of prejudicial attitudes. For example, the Commission's *Equality Awareness Survey* (2011) found that 22% of respondents held negative attitudes towards transgender people<sup>59</sup>.
- 5.6 Further, there is evidence of a general lack of societal awareness, understanding and knowledge of issues facing trans people in Northern Ireland. Further, gender stereotypes and prejudicial societal attitudes also need to be challenged in order to tackle gender based violence.

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<sup>52</sup> Harland, K. & McCreedy, S. (2012). [Taking Boys Seriously – A Longitudinal Study of Adolescent Male School-Life Experiences in Northern Ireland](#) commissioned by DoJ/DE.

<sup>53</sup> ECNI, (2013) [CEDAW shadow report](#)

<sup>54</sup> A European Parliament [report](#) (2012) described the content of the curriculum as a major influencing factor on gender differences and noted that, while there are now some initiatives to encourage girls into choosing careers in technology and science, there are no initiatives to encourage boys to consider careers in education, health or the humanities. ([EP Report](#) on eliminating gender stereotypes December 2012). Recent [research](#) (2015) has also highlighted that certain stereotypes or images of masculinity may be promoted in a school through the hidden curriculum and through teachers' interactions with boys. See, Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) commissioned by ECNI at p46.

<sup>55</sup> Knipe, D., Leith, L., Gray, C., McKeown, E., Carlisle, K. (2002) [Betty the Builder, Neil the Nurse](#), commissioned by ECNI.

<sup>56</sup> Women, for example, are under-represented in STEM subjects in higher education and in the STEM workforce. See STEM Business Group (2013) [Addressing gender imbalance: Reaping the gender dividend in STEM](#),

<sup>57</sup> European Advisory Committee on Equal Opportunities for Women and Men, (2015) [Opinion](#) on overcoming occupational segregation.

<sup>58</sup> For some examples of how schools can tackle gender stereotypes, see Institute of Physics (2015) [Opening Doors. A Guide to good practice in countering gender stereotyping in schools](#). Actions, for example, include appointing a gender champion within senior leadership teams, gender equality training for staff, providing career guidance that actively challenges gender stereotypes, tackling sexist language, promoting gender role models.

<sup>59</sup> See ECNI (2011), [Equality Awareness Survey](#)

- 5.7 Gender stereotyping can also have a particular impact on women and men with multiple identities; for example, gender stereotypes are often combined with other stereotypes experienced by disabled women, minority ethnic women as well as stereotypes due to age<sup>60</sup>.
- 5.8 It is essential to challenge gender stereotypes and prejudicial attitudes from an early age, as gender based stereotyping can begin in childhood and continue throughout life stages<sup>61</sup>. Eradicating stereotypes and prejudicial attitudes in early life situations will also assist gender variant children and young people make early choices and reduce fear and transphobic bullying. For example, a report *Education Inequalities in Northern Ireland* (2015) has highlighted that young trans people in schools in Northern Ireland experience barriers due to gender stereotyping<sup>62</sup>.
- 5.9 There is also a need to tackle gender stereotypes in the *media and social media*, including advertising and marketing. For example, there is a need to eradicate the objectification and degradation of women<sup>63</sup> which contribute in turn to negative outcomes in terms of body image and resultant eating disorders<sup>64</sup>. Gender stereotypes in the media can also have an impact on how men see themselves and behave, sometimes aspiring to stereotypical notions of masculinity that can have a negative impact on themselves and others<sup>65</sup>.

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<sup>60</sup> See Committee on Women's Rights and Gender Equality, European Parliament (2012) [Report on eliminating Gender Stereotypes in the EU](#)

<sup>61</sup> See, for example, NI Executive (2013) [Together: Building a United Community Strategy](#) which notes: "We recognise that the early years in a child's life are the most formative and it is at this early stage that children can establish opinions, mindsets and attitudes that shape their behaviours for the rest of their lives".

<sup>62</sup> See, Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) commissioned by ECNI

<sup>63</sup> The Leveson Inquiry Report, for example, highlighted that some sections of the press "often failed to show consistent respect for the dignity and equality of women generally, and that there was a tendency to sexualise and demean women." Leveson (2012) [Inquiry Report](#) at p664. See also EAW, Eaves, Object, Equality Now (2012), [Response](#) to Leveson.

<sup>64</sup> The CEDAW Committee has called for measures to engage with the media to eliminate stereotypical imaging of women and their objectification in the media, especially in advertising. It has also called for the implementation of the recommendations of the Leveson Inquiry. UN CEDAW Committee (2013) [Concluding Observations on UK, CEDAW Committee](#).

<sup>65</sup> A longitudinal study of boys school life experiences in Northern Ireland noted the absence of gendered approaches at school and recommended that: "Boys should explore, reflect and develop a critical understanding of masculinity, and within this should be encouraged to challenge dominant and stereotypical notions of masculinity that can impact negatively upon themselves and others". Harland, K. & McCready, S. (2012) [Taking Boys Seriously – A Longitudinal Study of Adolescent Male School-Life Experiences in Northern Ireland](#) commissioned by DoJ/DE

- 5.10 In addition, research in Great Britain (2011) has pointed to evidence of an increasingly sexual and sexualised culture, and raised concerns relating to the sexualised and gender-stereotyped clothing, products and services for children<sup>66</sup>.
- 5.11 According to the UN, across the EU, stereotyping is considered ‘the most substantial challenge of the work ahead’<sup>67</sup> in achieving gender equality<sup>68</sup>. Also, combating gender stereotypes and sexism is one of the strategic objectives of the Council of Europe’s Gender Equality Strategy 2014-2017<sup>69</sup>.

### Recommendations

- 5.12 The Commission recommends specific action to:
- institute coordinated, comprehensive and coherent measures to counter gender based stereotypes and prejudicial attitudes from an early age and across all areas of life, including in all stages of education and vocational training, work, and the media and social media, including advertising and marketing.
  - These measures should include:
    - challenging stereotypes in relation to women’s and men’s gender roles at school, work and in the family, communities and wider society; through career advice<sup>70</sup> and choices and the curriculum;
    - tackling the objectification and degradation of women, and the sexualisation of childhood, including by the media; and
    - tackling the high levels of prejudicial attitudes towards trans people, and raising societal awareness and understanding of the barriers they experience.

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<sup>66</sup> Bailey Review (2011) [Letting Children be Children, Report of an Independent Review of the Commercialisation and sexualisation of childhood](#) commissioned by Department for Education.

<sup>67</sup> Maria Regina Tavares da Silva (2010) [Strengthening National Mechanisms for Gender Equality and the Empowerment of Women – National Mechanisms for Gender equality in EU Member States and Candidate countries and Other Developed Regions of the UNECE Region](#), page 54, United Nations. Further, the European Advisory Committee on Equal Opportunities for Women and Men in its [Opinion](#) (2014) urged action at Member State level and, as appropriate, at Union level to eliminate gender stereotypes and promote gender equality at all levels of education and training as well as in working life.

<sup>68</sup> “The questioning and elimination of stereotypes constitutes the biggest challenge for governments, for national mechanisms and for society at large” - *ibid*, page 62.

<sup>69</sup> [Gender equality strategy](#), 2014-2017, Council of Europe

<sup>70</sup> Including through career advice/guidance delivered by schools, institutions of further and higher education and other educational bodies, as well as by career advice services.

## **6 EDUCATION: Ensure gender mainstreaming via the curriculum, careers advice, teacher training and key policies; address the under-attainment of boys; and tackle bullying.**

- 6.1 Action is required to tackle gender inequalities and stereotyping including through the curriculum, teacher training, subject choice, careers advice and the policies and practices of educational bodies; address the educational under-attainment of boys; and challenge gender based / transphobic bullying.

### ***Stereotyping and Subject choice***

- 6.2 The absence of gender mainstreaming in education and vocational training, including in the curriculum, is a foundation for inequality. Failing to mainstream equality ensures that gender stereotyping remains in schools and other places of education and vocational training, including further and higher education.
- 6.3 While girls' educational attainment has improved and they out-perform boys, stereotyping, the curriculum, subject choice and careers advice<sup>71</sup> still inhibit girls in fulfilling their potential<sup>72 73</sup>. As regards subject choice, there is a higher proportion of boys studying STEM<sup>74</sup> subjects in higher education; with 78% of Maths, IT, Engineering and Technology enrolments being male<sup>75</sup>.

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<sup>71</sup> Careers advice includes that given in further and higher education and in later life, as well as that in schools. The DEL [Strategy on Careers Education and Guidance \(2016\)](#) recognises the important role of career advice and guidance “*in supporting school careers teachers and STEM subject teachers in the promotion of STEM careers and addressing gender imbalance by ensuring that all young people in schools, in particular females, are fully aware of the opportunities available and the potential for career progression*”. See page 42 thereof.

<sup>72</sup> The need for career guidance activities to encourage girls to pursue non-traditional paths and improve the gender awareness of teaching personnel was also raised by the CEDAW Committee. See CEDAW Committee (2013), [Concluding Observations on UK, CEDAW Committee](#).

<sup>73</sup> See, for example, Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) which notes that the literature indicated that gender stereotyping of subject choice at A Level may be a contributory factor in gender imbalance in terms of females being less likely than males to study STEM subjects.

<sup>74</sup> STEM – Science, Technology, Engineering and Mathematics

<sup>75</sup> In particular, in 2014/15 of enrollees (at Northern Ireland HEIs) to Maths, IT, Engineering and Technology, 22% were female and 78% were male. Figures derived from DEL [Enrolments at UK Higher Education Institutions: Northern Ireland Analysis 2014/15](#) Table 12c. See also Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#)

## ***Under-attainment***

- 6.4 In its draft *Statement on Key Inequalities in Education (2015)*, the Commission has highlighted a number of key gender inequalities in education<sup>76</sup>; including the educational under-attainment of males and the lower proportions of females studying STEM subjects in higher education. The Commission is also of the view that there is persistent underachievement and lack of progression to further and higher education of school leavers entitled to free school meals (FSM), particularly males, notably Protestant males<sup>77</sup>.
- 6.5 Although the gap is narrowing, girls continue to outperform boys in terms of qualifications achieved at school. In particular, boys have persistently lower levels of educational attainment than girls, beginning in primary school and continuing throughout schooling to GCSE and A Level<sup>78</sup>.
- 6.6 Boys are also less likely than girls to enter higher education (34.7% boys, 50.2% girls)<sup>79</sup>; with the gender gap in progressing to higher education reflective of the gap in attainment between boys and girls at GCSE and A Level<sup>80</sup>. A study (2012), *Taking Boys Seriously – a longitudinal study of adolescent male school life experiences in Northern Ireland*, undertaken for the Department of Justice and the Department of Education, showed a wide and disturbing spectrum of barriers to good experience at school for boys. These include falling behind and feeling they could not catch up; the formal nature of the classroom creating boredom; lack of belief in future prospects (or fear of student debt); alienation from family and community; perception of bullying and violence or the threat of it as part of everyday life<sup>81</sup>.
- 6.7 Further, a report *Education Inequalities in Northern Ireland (2015)*<sup>82</sup> commissioned by the Equality Commission has also highlighted the persistent attainment gap between males and

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<sup>76</sup> ECNI (2015), [Draft Statement on Key Inequalities in Education \(2015\)](#)

<sup>77</sup> Ibid

<sup>78</sup> For example, in 2014/15 at GCSE level 85.4% of girls achieved 5+ GCSEs at grade A\*-C or equivalent, compared to 76.9% of boys. See [Dept. of Education \(2016\) Statistical Bulletin 5/2016 School Leavers 2014/15](#)

<sup>79</sup> In 2014/15 34.7% of boys compared to 50.2% of girls progressed to higher education. Ibid

<sup>80</sup> See Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) at p8

<sup>81</sup> Harland, K. & McCready, S. (2012) [Taking Boys Seriously – A Longitudinal Study of Adolescent Male School-Life Experiences in Northern Ireland](#), DoJ/DE

<sup>82</sup> See Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#)



females, and the fact that this gap increases, to the detriment of males, after leaving primary school. It has further highlighted the educational underachievement of pupils from socially disadvantaged backgrounds<sup>83 84</sup>.

- 6.8 It also highlighted, for example, that FSM entitled students had lower attainment at GCSE and A level than students who were not entitled to FSM and that FSM males were the most likely to leave schools with no GCSEs. It outlined a range of barriers that can impact on the attainment of young boys, including a lack of male role models in primary schools; a “one size fits all curriculum”; poor teacher/pupil relationships; a lack of preparedness for transitional stages during adolescence; the de-centralisation of schools; as well as personal and environmental factors, such as bullying and violence, alienation, frustration and lack of engagement<sup>85</sup>.

### ***Gender Based / Transphobic Bullying***

- 6.9 There is a need to tackle gender based bullying, including transphobic bullying and bullying of a sexual nature across all areas of education, including in schools and institutions of further and higher education<sup>86</sup>. Measures to tackle bullying that include challenging gender roles will also assist in preventing gender based violence<sup>87</sup>.
- 6.10 The Commission has, for example, recommended improved monitoring of incidents of bullying across the equality grounds. It has also recommended the need to tackle identity based bullying through a ‘whole school approach’; ensure effective anti-bullying policies and procedures are in place; address prejudicial

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<sup>83</sup> It noted that social disadvantage (as measured by free school meals entitlement) can impact on the type of school attended, with socially disadvantaged children less likely to attend grammar schools. It also highlighted that FSM-entitled students had poorer attainment at GCSE and A level than students who were not entitled to FSM and that FSM males were the most likely to leave schools with no GCSEs. Ibid.

<sup>84</sup> It noted that FSM-entitled Protestant males had the lowest achievement rates out of all the group categories, with consistently lower attainment proportions at GCSE and A Level than all other groups; and that this was a persistent inequality. Ibid at p19

<sup>85</sup> Ibid at p 8.

<sup>86</sup> The CEDAW Committee has called for measures to eradicate bullying/harassment against girls in schools. See CEDAW Committee (2013) [Concluding Observations on UK, CEDAW Committee](#)

<sup>87</sup> ECNI (2013) [CEDAW shadow](#) Report

attitudes and embed equality and good relations through the curriculum<sup>88</sup>.

- 6.11 Evidence from the Department of Education's research into the *Nature and Extent of Bullying in Schools* (2011) reveals that boys and girls frequently experience bullying with a sexual meaning<sup>89</sup>. A survey<sup>90</sup> for Girlguiding (2014) found that three in five of those aged 13 to 21 (59%) have experienced sexual harassment at school, college or work in the last year and one in five girls aged 7 to 12 has experienced jokes of a sexual nature from boys (22%).
- 6.12 Further, a report, *Grasping the Nettle* (2013)<sup>91</sup>, sets out how prejudice, discrimination and bullying contribute to withdrawal and non-participation and, in turn, under achievement and poor life chances for young trans people at school. It also highlighted the lack of awareness and knowledge in schools on how to tackle transphobic bullying; the fact that many schools respond to trans issues with 'disbelief, suspicion and adopt an insensitive approach'; and the lack of information regarding trans issues in the curriculum. It recommended the production of policy guidance for schools and integration of gender identity issues into the curriculum.
- 6.13 In addition, a report *Education Inequalities in Northern Ireland* (2015) has highlighted barriers facing young trans people in schools in Northern Ireland including gender stereotyping; the lack of awareness of transgender issues in schools together with a lack of central policy on supporting young transgender people in education<sup>92</sup>.
- 6.14 Further, results from the Department of Education's Schools Omnibus Survey (2014) show that over three quarters (77.4%) of

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<sup>88</sup> See ECNI (2015) [Response to the Department of Education's consultation on its draft bullying strategy](#)

<sup>89</sup> Results from the Year 9 pupil survey show that: 'I was bullied with mean names, comments or rude gestures with a sexual meaning' was the sixth most common form of bullying experienced by around 14% of pupils (about 16% of boys and 12% of girls). This was also the fifth most common type of bullying perpetrated by 6% of Year 9 pupils (9% of boys and 3% of girls). RSM McClure Watters (2011) [The Nature and Extent of Pupil Bullying in Schools in the North of Ireland report](#)

<sup>90</sup> Girlguiding (2014) [Girls Attitudes Survey](#)

<sup>91</sup> McBride, R-S, ICR (2013) [Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland](#). In addition, research by Whittle et al in Great Britain found that 64% of young trans men and 44% of young trans women experience harassment or bullying at school, not just from their fellow pupils but also from school staff including teachers.

<sup>92</sup> See, Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) commissioned by ECNI at p9.

respondents did not cover transgender issues within Relationship and Sexuality Education (RSE) and/or other parts of the school curriculum, and that only 6% of respondents had altered school policies or the delivery of the school curriculum to reflect the needs of Transgender pupils<sup>93</sup>. It is also of note that a recent report (2016) by the Women and Equalities Committee in Great Britain has highlighted that there are unacceptable levels of bullying and harassment experienced by trans students in further and higher education<sup>94</sup>.

### Recommendations

6.15 The Commission recommends:

- steps to tackle gender inequalities and challenge gender roles and stereotyping in all stages of education and vocational training, including promoting gender equality through the curriculum, teacher training<sup>95</sup>, subject choice, careers advice, and ensuring gender mainstreaming<sup>96</sup> in the policies and practices of schools and other educational bodies.
  
- This includes action to ensure that:
  - barriers to the current non-traditional career paths are removed for girls and boys, including in relation to STEM subjects;
  - steps are taken to address the educational under-attainment of boys, particularly those entitled to free school meals, and notably those who are also Protestant;
  - action is taken to challenge the gender based bullying and transphobic bullying experienced by girls and boys; and to support schools to address the barriers experienced by trans pupils.

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<sup>93</sup> [DE Schools Omnibus Survey 2014](#).

<sup>94</sup> [UK Parliament](#) Women and Equalities Committee (2016), [Report on Transgender Equality](#),

<sup>95</sup> This includes promoting gender equality through initial teacher training and CIPD.

<sup>96</sup> “Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and all stages, by the actors involved in policy making”, see [Council of Europe definition of gender mainstreaming](#).



## **7 EMPLOYMENT: Advance gender equality in access to, and progression within, employment; and ensure women’s economic independence.**

7.1 Action is required to mitigate the negative impact on women of post-recession restrictions in public expenditure; eliminate occupational and industrial segregation; promote workplace equality, encourage flexible working practices and sharing of family roles; and address barriers due to gender identity and multiple identities.

### ***Impact of recession and economic policy***

7.2 Gender equality must be central to all public policy development and implementation, no less so at a time of reduced public spending<sup>97</sup>. The needs of women and men who experience inequality are no less pressing, and often are exacerbated, in difficult times.

7.3 For example, the recession<sup>98</sup> had negative impacts on men and women. The response to it, including the Government’s measures to ‘rebalance the economy’, and changes to welfare reform which promote a male breadwinner model<sup>99</sup>, has had a further negative impact on women<sup>100</sup>. In order to ensure our future economic growth, it is vital to focus on gender equality<sup>101</sup>.

7.4 In the economic downturn, the loss of jobs in the male dominated construction and manufacturing sector, disproportionately affected men, particularly those in the younger age groups<sup>102</sup>; though since 2010 there has been increasing levels of employment, including in the construction and

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<sup>97</sup> ECNI (2015) [Section 75 and Budgets: a short guide](#). ECNI

<sup>98</sup> In 2008-2009

<sup>99</sup> See concerns highlighted in ECNI (2012) [ECNI policy position on welfare reform](#).

<sup>100</sup> The UN Special Rapporteur on VAW, Rashida Manjoo, in her [Report](#) (A HRC 29 27 Add 2) on her 2014 mission to the UK records her concern that regressive measures have been adopted including the shift from gender specificity, austerity measures which affect services on violence against women and cross-cutting issues, such as poverty and unemployment.

<sup>101</sup> For example, the Women’s Business Council (2013) report [Maximising Women’s Contribution to Future Economic Growth](#) argues that equalising men and women’s economic participation rates alone could add more than 10% to the size of the UK economy by 2030.

<sup>102</sup> McQuaid et al (2010) [Employment Inequalities in an Economic Downturn](#) commissioned by ECNI

manufacturing sectors<sup>103</sup>. Further, men have consistently experienced higher rates of unemployment than women<sup>104</sup>.

- 7.5 Following the economic downturn, women's jobs, including those in the public sector previously viewed as more secure, were seen to be becoming more precarious<sup>105</sup>. It is also envisaged that steps to rebalance the economy will have a further disproportionate impact on women. This is referred to as 'the triple jeopardy'<sup>106</sup> given the impact of a proposed further reduction of funding for public and third sector services on women's jobs and employment<sup>107</sup>, reduced services of which women are the primary users (such as health and social care services), and potentially subsequent requirements to provide care<sup>108</sup>.

### ***Industrial / occupational segregation***

- 7.6 Men and women experience industrial segregation within the labour market with a gender imbalance within some industry sectors<sup>109</sup>. Women predominate in 'caring, leisure and other service' and 'administrative and secretarial' occupations<sup>110</sup> and men are disproportionately represented in 'skilled trades' occupations<sup>111</sup>. It is also clear that women are also under-

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<sup>103</sup> See OFMDFM (2014), [The Local Context - Economy and Society](#) and DETI (June 2015) [Quarterly Employment Survey](#)

<sup>104</sup> In 2015, the unemployment rate (unemployed as a percentage of the economically inactive) for women in NI was 4.8% compared to 7.6% for men. Between 2005 and 2015 men have consistently experienced higher rates of unemployment than women. Further, in 2015 a higher proportion of unemployed men (66%) were long term unemployed than women (44%). NISRA (2015) [Women in Northern Ireland](#) Department for the Economy

<sup>105</sup> For example, research (2011) has indicated that some women working part-time had their hours reduced below the threshold to qualify for in-work benefits and that there had been reports of women on public sector zero-hours contracts getting little or no work due to cutbacks; see, B Hinds (2011) [The NI Economy: Women on the Edge?](#). See also ECNI concerns highlighted in [ECNI policy position on welfare reform](#).

<sup>106</sup> Fawcett (2013), [The Impact of Service Cuts on Women](#)

<sup>107</sup> ECNI (2013) [Shadow Report to CEDAW](#)

<sup>108</sup> Walsh, C (April 2015) [Women's perceptions of proposed welfare reform](#) Consortium for the Regional Support of Women in Disadvantaged and Rural Areas

<sup>109</sup> The need to address occupational segregation and unequal pay was raised by the UN CEDAW Committee recommendation. It recommended the UK Government 'continue to take proactive and specific measures to eliminate occupational segregation and to narrow the gender pay gap.' CEDAW Committee (2013) [Concluding Observations on UK, CEDAW Committee](#).

<sup>110</sup> 85.1% of people working in 'caring, leisure and other service' were women and 71.2% of people working in 'administrative and secretarial' occupations were women. See NISRA 2011 Census quoted in Potter, M, (2014): [Review of Gender Issues in Northern Ireland NI Assembly Research Paper](#).

<sup>111</sup> In 2014, 93.3% of women and 70.3% of men worked in the service industries. 17.4% of men compared to 4.5% of women worked in manufacturing industry and 7.2% of men compared to 1.4% of women worked in construction industry. [OFMDFM \(2015\), Gender Equality Statistics 2015](#).

represented in science, technology, engineering and mathematics (STEM) professions, with men outnumbering women by nearly three to one<sup>112 113</sup>. There is also segregation within occupational groups; with ‘professional occupations’ including teachers, nurses and mid- wives being predominately female<sup>114</sup>.

7.7 Further, men are more likely than women to enter into apprenticeships and there is also a gender imbalance in certain types of apprenticeships: for example, women are under-represented in apprenticeships in STEM related areas<sup>115</sup>.

7.8 Whilst women are over-represented in the public sector as a whole, they are significantly under-represented at a senior level in the Northern Ireland public sector, with men and women holding 70.8% and 29.2% of all executive level positions respectively<sup>116</sup>. In July 2015 the UN’s Human Rights Committee recommended<sup>117</sup> that *“all existing and future gender equality strategies and policies, including the Gender Equality Strategy for Northern Ireland, identify and address effectively the barriers hindering women’s access to high positions in the civil service and in the judiciary”*.

7.9 Further, although there is an increasing representation of women amongst managers and/or senior officials, women are

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<sup>112</sup> 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. See STEM Business Group (2013) [Addressing gender imbalance: Reaping the gender dividend in STEM](#),

<sup>113</sup> See ECNI and DEL – [STEM Charter](#)

<sup>114</sup> See Potter, M (2014): [Review of Gender Issues in Northern Ireland NI Assembly Research Paper](#).

<sup>115</sup> See STEM Business Group (2013) [Addressing gender imbalance: Reaping the gender dividend in STEM](#), and [DEL Statistics 2015](#)

<sup>116</sup> A report into gender equality in the NI public sector found a significant degree of inequality in the gender composition at executive level of the N.I. public sector; with males and females holding 70.8% and 29.2% of all executive positions respectively. It also found that occupational segregation (both horizontal and vertical) exists within the Northern Ireland public sector; with males holding the majority (79.0%) of Chief Executive roles. In 2012 the gender difference in the Northern Ireland Civil Service at grade 5 and above (senior civil service) was 32.5% women and 67.5% men. This was an improvement across the 15 years from 1997 when women made up 9.5% against 90.5% men. See Ballantine J Banks, G Haynes, K Manochin M Wall T (2014) [An investigation into Gender Equality issues at the Executive level in NI public sector organisations](#) ,OFMDFM.

<sup>117</sup> Committee on ICCPR (2015) [Concluding observations on the seventh periodic report of the UK, ICCPR](#). – at p5.

persistently over-represented in administrative and secretarial work<sup>118</sup>.

- 7.10 Whilst there has been a rise in the number of self-employed women, it is of note that the top three occupations for self-employed women are in the low paid areas of cleaning, childminding and hairdressing<sup>119</sup><sup>120</sup>. Also, although the situation is improving, women remain the largest under-represented group in entrepreneurship in Northern Ireland<sup>121</sup>.

### ***Occupational Segregation, Workplace equality, and flexible working***

- 7.11 Gender stereotypes, the challenges in combining work and family life, and discrimination contribute to gender inequality in relation to work. Ensuring women's economic independence and empowerment is not only a matter of fairness and rights and a prerequisite for gender equality but also a key factor in advancing economic development<sup>122</sup>.
- 7.12 Women are disadvantaged in work as they are more often employed with atypical contracts, particularly part time working<sup>123</sup> and on zero-hours contracts, as well as low paid jobs<sup>124</sup> <sup>125</sup> and generally precarious employment.

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<sup>118</sup> In 2015, 72.1% of those employed in administrative and secretarial occupations are women. 40.4% of all managers and senior officials are women (aged 16-64) (compared to 31.6% in 2011). ECNI analysis of LFS Q2 2015. Data obtained upon request from UK Data Service.

<sup>119</sup> In 2014, in NI, women made up 22% of the self employed. This has risen from 14.75% in 2005. See E. Murphy (2015), [Self employment in NI](#), NI Assembly Research Paper. Statistics across the UK show that the top three occupations for self-employed women are cleaners and domestics, childminders and related occupations and hairdressers and barbers. ONS (2014), [Self Employed Workers in the UK](#)

<sup>120</sup> See [National Minimum Wage: Facts and Figures](#) 2015 Low Pay Commission

<sup>121</sup> In 2013, 2.2% of women, compared with 27% of men were involved in entrepreneurial activity. NISRA (2015) [Women in Northern Ireland](#)

<sup>122</sup> Women and Work Commission (2006) [Women and Work Commission: Shaping a fairer future](#), page vii – maximising women's potential could be worth between £15bn -£23bn or 1.3%-2.0% to GDP.

<sup>123</sup> In 2015, 38% of women work part time compared with 10% of men. 79% of part time workers in NI are women. The percentage of women working part time is up 7% since 2005 while the percentage working full time has increased by 11% - NISRA (2015) [Women in Northern Ireland](#) DE.

<sup>124</sup> A report (2016) by House of Commons Women and Equalities Committee in Great Britain highlighted that the women hold the majority of minimum wage jobs (some 59%), and female part-timers hold 41% of minimum wage jobs, almost twice as high as their share of all jobs. HC Women and Equalities Committee (2016) [Gender Pay Gap](#) 2<sup>nd</sup> report of session 2015-2016.

<sup>125</sup> It will be noted that research (2015) predicts that the National Living Wage, which was introduced from April 2016 across the UK and applies to workers aged 25 and over, will benefit more women than men in Northern Ireland due to the larger proportion of low paid female workers. See Nevin Economic Research Institute (NERI), Winter 2015 [Quarterly Economic Observer](#)

- 7.13 In addition, many people in employment in Northern Ireland consider themselves to be under-employed<sup>126</sup>; with slightly more women workers under-employed compared with men<sup>127</sup>.
- 7.14 These factors have a negative impact on women's economic, social and personal well-being<sup>128</sup> and they can experience income poverty and smaller pensions in later life<sup>129</sup>.
- 7.15 Whilst the gap is narrowing, there are more men (73.4%) in employment than women (64.7%)<sup>130</sup>. Rates of economic inactivity have also been consistently higher among women (32%) than men (21%)<sup>131</sup>.
- 7.16 Additional factors exist for lone parents, the majority of whom are women<sup>132</sup>, minority ethnic women and women with disabilities<sup>133</sup>. For example, Irish Traveller women are also less likely to be employed than non-Traveller women<sup>134</sup> and disabled women have consistently been less likely to be in employment than disabled men<sup>135</sup>.
- 7.17 Further, whilst there is a small gender pay gap<sup>136</sup> in Northern Ireland in favour of women<sup>137</sup>, the gross weekly earnings of men

<sup>126</sup> In 2015, in NI there were 53,000 underemployed workers or around 6.5% of all workers. See NISRA, (2015) [Underemployment in NI](#)

<sup>127</sup> In 2015, 7% of female workers were underemployed compared with 6% of male workers. See NISRA, (2015) [Underemployment in NI](#).

<sup>128</sup> See Women and Work Commission, (2009) [Shaping a Fairer Future](#), at page vii

<sup>129</sup> Ibid

<sup>130</sup> NISRA (2016) Quarterly Supplement to the Labour Market Report April – June 2016 Data Tables. [Table QS2.1 Employment by sex, 16-64](#)

<sup>131</sup> NISRA (2016) Quarterly Supplement to the Labour Market Report April – June 2016 Data Tables. [Table QS4.1 Economically inactive](#)

<sup>132</sup> See ONS statistics (2015) [Families and Households](#). In the UK, women accounted for 90% of lone parents with dependent children.

<sup>133</sup> For example, research has highlighted that it is difficult for lone parents and for minority ethnic families to find affordable childcare; lone parents because of cost, and minority ethnic families because they do not have access to the informal childcare used by 70% of families. See OFMDFM (2014) [OFMDFM Childcare Research Final Report](#).

<sup>134</sup> Findings (based on the Republic of Ireland) from the UCD (2010) [All Ireland Traveller Health Study](#) were that almost 90% of Traveller women are housewives or unemployed compared to only 22% of Irish mothers and 32% of their European counterparts. Less than 3% of Traveller mothers are in some form of employment.

<sup>135</sup> Employment rates for disabled women rose from approximately 26% in 1998 to 31.5% in 2012; this compares to employment rates for disabled men which rose from approximately 32% in 1998 to 37.8% in 2012. It will be noted that this mirrors the pattern of differences in employment between non-disabled men and women but is less marked. OFMDFM (2015) [OFMDFM Gender Equality Statistics 2015](#).

<sup>136</sup> The 'gender pay gap' is defined as the difference between men's and women's hourly earnings as a percentage of men's earnings. Whilst there is no single measure which adequately deals with the complex issue of the differences between men's and women's pay, the 'gender pay gap' is usually calculated based on the median hourly earnings (excluding overtime) for men and women. This is because including overtime can skew the results because men work relatively more overtime than



remain higher than those of women<sup>138</sup>. The small gender pay gap in favour of women<sup>139</sup> in Northern Ireland is, in part, due to a higher proportion of public sector jobs and the fact that more women are employed in this sector than men and these jobs generally tend to be higher paid than in the private sector<sup>140</sup>. As highlighted above, it is therefore essential that any steps to rebalance the economy, including cuts to the number of public sector jobs or rates of pay, do not have a disproportionate impact on women in terms of pay equality<sup>141</sup>.

- 7.18 As set out later, we have identified a number of gaps in the sex discrimination/ equal pay legislation that we consider need to be addressed in order to strengthen legislative provisions relating to unequal pay<sup>142 143</sup>.
- 7.19 Further, while rights in relation to flexible working have improved and the number of men combining work with childcare has increased, barriers remain for men in seeking flexible working arrangements<sup>144 145</sup>.
- 7.20 Research (2014) into gender equality at executive level in the NI public sector has indicated that a key organisational enabler to career progression at a senior level in the Northern Ireland public

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women, and using hourly earnings better accounts for the fact that men work on average more hours than women. See, ONS (Nov 2014) [ONS Annual Report of Hours and Earnings Report](#)

<sup>137</sup> In terms of the gender pay gap in Northern Ireland, in 2016 median hourly earnings were higher for full time and part-time females than males. The ratio of female to male median hourly earnings excluding overtime for all employees has increased to 90.9% (2016) from 88.3% (2015). The full time ratio of female to male earnings has increased slightly from 101.5% in 2015 to 103.2% in 2016. See [NISRA \(2016\) NI Annual Survey of Hours and Earnings Report April 2016](#)

<sup>138</sup> In 2014, the median full-time gross weekly earnings were higher for men (£460) than women (£460). See NISRA (2015) [Women in Northern Ireland](#) DE. It will be noted that overtime and incentive payments account for a greater proportion of mean gross weekly pay for men than they do for women. See [ONS Annual Report of Hours and Earnings Report](#) Nov 2014,

<sup>139</sup> OFMDFM (2009), [Gender Pay Gap Measurement in Northern Ireland: a discussion paper](#).

<sup>140</sup> See [ONS Annual Report of Hours and Earnings Report](#) Nov 2014

<sup>141</sup> See Fawcett (2013) [The Impact of Service Cuts on Women](#) and Labour Research Department (2013) [Cuts in public sector pay and employment: the impact on women in the public sector, 2013](#)

<sup>142</sup> See section below on 'Reform of Sex Equality law'.

<sup>143</sup> The Employment Act (NI) 2016 sets out a framework that requires employers to publish information showing whether gender pay disparities exist between employees and, where they do, to publish an action plan to eliminate them. Also, the Department for Communities must publish by October 2017 a strategy including an action plan, on eliminating differences in the pay of male and female employees.

<sup>144</sup> Research has indicated that men, particularly in male-dominated workplaces, often face obstacles when they are trying to change their working practices to take greater responsibility for care-giving work. See [Flexible working policies: a comparative review](#), A Hegewisch, EHRC, 2009

<sup>145</sup> The CEDAW Committee recommended that the UK Government 'step up its efforts to promote the use of flexible working arrangements to encourage men to participate equally in childcare responsibilities'. [Concluding Observations on UK, CEDAW Committee](#) 2013.

sector includes access to flexible working<sup>146</sup>. More recent research (2016) has also highlighted the need for a gender inclusive organisational culture at senior management level which promotes flexible working and appropriate work life balance at this level<sup>147</sup>.

- 7.21 Families are making the choice for one parent, usually the mother, not to work when children are small and childcare costs are at their highest<sup>148</sup>, while many women who are economically inactive<sup>149</sup> want to work but are unable to do so.
- 7.22 A recent report (2016) into the gender pay gap in Great Britain has highlighted that flexible working can benefit all employees, men and women, as well as employers and the UK economy, and expressed concern that Government policies encouraging employers to create more opportunities for flexible working were not forthcoming<sup>150</sup>.

### ***Sex discrimination and harassment***

- 7.23 Women frequently experience sex discrimination and harassment in the workplace, including discrimination due to pregnancy and maternity, and as regards unequal pay<sup>151</sup>. The majority of the discrimination cases brought to tribunals in Northern Ireland in the area of employment are on the ground of sex discrimination<sup>152</sup>.
- 7.24 Further, the Commission receives a high number of enquiries / applications for assistance from individuals who believed they

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<sup>146</sup> Ballantine, Banks, Haynes, Manochin, Wall, (2014), *An [investigation of gender equality issues at the Executive level in Northern Ireland public sector organisations](#)*.

<sup>147</sup> Ballantine, Banks, Haynes, Manochin, Wall, (2016) *[An investigation of gender equality issues at the Executive level in Northern Ireland public sector organisations](#)*

<sup>148</sup> EHRC, (2010) *[Working Better: Childcare Matters](#)*.

<sup>149</sup> In 2015, 36% of working age inactive women were unavailable for work due to family / home commitments See NISRA (2015) *[Women in Northern Ireland](#)* DE

<sup>150</sup> HC Women and Equalities Committee (2016) *[Gender Pay Gap](#)* 2<sup>nd</sup> report of session 2015-2016.

<sup>151</sup> A recent investigation carried out by ECNI has highlighted experiences of unfair treatment of pregnant workers and mothers in the workplace. In particular, it found that a significant percentage (36%) of women participating in this investigation believed that they had been treated unfairly or disadvantaged at work as a result of their pregnancy or having taken maternity leave. See ECNI (2016) *[Expecting Equality-Summary Report A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces](#)*

<sup>152</sup> 351 sex discrimination complaints and 70 equal pay complaints were registered with OITFET in 2012-2013 *[2012 -2013 \(OITFET Annual Report\)](#)* compared to 354 in 2010-2011 and 375 in 2011-2012. This compares to 213 disability discrimination, 197 age discrimination and 24 sexual orientation discrimination complaints in 2012-2013.

had been discriminated against on the grounds of their sex. For example, over a quarter of discrimination enquiries (26.2%) made to the Commission in 2015/16 related to sex discrimination. The vast majority of these relate to the area of employment; particularly in the area of pregnancy and maternity<sup>153</sup>.

7.25 People also experience prejudicial attitudes, harassment and discrimination at work<sup>154</sup> on the basis of their gender identity, as well as difficulties when transitioning in the workplace<sup>155</sup>.

### Recommendations

7.26 The Commission recommends action to:

- mitigate the negative impact on women that has resulted from measures taken in response to the recession and restricted public expenditure, including steps taken to rebalance the economy; ensure measures for equality between women and men in employment are mainstreamed across relevant strategies, including economic strategies;
- eliminate occupational and industrial segregation, encourage men and women in non-traditional roles, including in STEM related industries, and challenge gender stereotypes;
- address the concentration of women in low paid, low value part-time work; and tackle pay inequalities;
- encourage employers across all sectors to show leadership at a senior level to gender equality and to building an organisational culture, including through the implementation of equality plans<sup>156</sup>, that promotes gender equality in the workplace<sup>157</sup>;

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<sup>153</sup> In particular, in 2015/16 over a quarter (26.2% (930)) of ECNI discrimination enquiries related to sex discrimination. 92% of these enquiries related to employment. Almost 20% (185) related to pregnancy and maternity. *ECNI Discrimination Enquiries Statistics 2015-2016*. Statistics relate to discrimination enquiries received by ECNI between 1 April 2015 and 31 March 2016. The CEDAW Committee has also highlighted the need to address the persistent discrimination against pregnant women in employment. CEDAW Committee (2013) [Concluding Observations on UK, CEDAW Committee](#)

<sup>154</sup> For example, a [report](#) by the Fundamental Rights Agency found that discrimination experienced by trans people happened more often in employment than in any other area of social life covered by the survey. It found that over one in three trans respondents felt discriminated against because of being trans when looking for a job (37 %), and a quarter (27 %) reported discrimination at work. See FRA, (2014) [Being Trans in the European Union](#)

<sup>155</sup> McBride, R-S., ICR, (2013) [Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland](#)

<sup>156</sup> [Equality plans](#) have been developed by ECNI to provide employers with a framework for coordinating all aspects of equality work, including gender equality, within their organisations.

<sup>157</sup> The ECNI in its [Unified Guide to Equality in Employment](#) (2009) has recommended that employers take action to examine their practices and procedures to promote gender equality.



- encourage flexible working practices and the equal sharing of family roles/responsibilities between women and men, including through the implementation of the Work and Families Act (Northern Ireland) 2015;
- reduce sex discrimination in employment, particularly in the area of pregnancy and maternity discrimination and unequal pay;
- address the low rates of entrepreneurship and self-employment and high rates of economic inactivity experienced by women;
- tackle the prejudice and discrimination that create barriers for trans people entering and remaining in the workplace, including when transitioning at work;
- address particular barriers experienced in employment by women with multiple identities, such as minority ethnic women; disabled women; and those with caring responsibilities, including lone parents.

## **8 CARING: Address the negative consequences for those who fulfil caring roles and ensure access to appropriate, accessible and affordable childcare.**

8.1 Action is required to consider the economic impact of the pattern of paid / unpaid care work and address the undervaluation of this work; ensure appropriate, accessible and affordable childcare provision; and encourage employers to develop carer friendly policies and practices.

### ***Adult care***

8.2 There are negative consequences<sup>158</sup> for women in relation to their role as primary providers of care, including adult care<sup>159</sup> <sup>160</sup>. Women predominate in the social care system in general as low paid workers in work that is undervalued and often with little

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<sup>158</sup> Negative consequences for carers include restrictions on their ability to access, remain or progress in, employment due to having to balancing care requirements, and the negative impact on their mental and physical health, including experiencing social isolation and loneliness. See The [State of Caring](#) 2015 report, Carers UK, 2015

<sup>159</sup> Women are more likely than men to be carers (19% of adult women in Northern Ireland have caring responsibilities compared to 13% of adult men). Further, 64% of carers in NI are women and 36% are men. Carers UK Census (2011) [Facts about Carers](#) and [DHSSPS Caring for Carers](#) 2006 DHSSPS (2006) [Caring for Carers Strategy](#) Department of Health

<sup>160</sup> See Carers UK (2015) [State of Caring 2015 report](#)

investment in training and development; as unpaid carers<sup>161</sup>; and as users of services<sup>162</sup>.

- 8.3 For example, a recent report (2016) by House of Commons Women and Equalities Committee in Great Britain<sup>163</sup> has indicated that many women are trapped in low paid, part-time work that does not make use of their skills; which is partly due to women's disproportionate responsibility for unpaid caring, but also because many of the sectors women work in, like retail and care, offer predominantly low-paid, part-time work<sup>164</sup>. The DHSSPS *Caring for Carers Strategy* (2006) also highlighted a number of the difficulties experienced by women due to their caring roles<sup>165</sup>.
- 8.4 Northern Ireland also depends significantly on informal carers to provide childcare. However, in general, while unpaid care work significantly underpins the economy, it is not generally reflected in economic analysis or provided for in strategies.
- 8.5 In addition, following the DHSSPS consultation, *Who Cares? The Future of Adult Care and Support in Northern Ireland*, in 2012<sup>166</sup>, further proposals on the reform of adult care and support services are awaited. The organisation and delivery of health and social care services continues to be under review<sup>167</sup><sup>168</sup>.

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<sup>161</sup> 19% of adult women are carers – DHSSPS (2006) [Caring for Carers Strategy](#) Department of Health More women than men care for parents or parents in law; women and men care in equal proportion for spouses, partners and children; more men than women care for another relative. With demographic change the proportion of carers who are aged 55 and over is increasing though carers are mainly 35-54 years of age. [Ark Research Update 2011](#)

<sup>162</sup> ECNI (2013) [ECNI Shadow Report CEDAW 2013](#)

<sup>163</sup> HC Women and Equalities Committee (2016) [Gender Pay Gap](#), 2<sup>nd</sup> report of session 2015-2016.

See also Joseph Rowntree Foundation, (2014) [Pay, conditions and care quality in residential, nursing and domiciliary services](#)

<sup>164</sup> In addition, it highlighted that 82% of employees in the adult social care sector are women and that issues in the care sector include low wages, high turnover of staff, poor job design and management; and low levels of training. The report also indicated that it had “seen clear evidence that the disproportionate share of unpaid caring taken on by women can adversely impact their earnings”. HC Women and Equalities Committee (2016) [Gender Pay Gap](#) 2<sup>nd</sup> report of session 2015-2016, page 51.

<sup>165</sup> DHSSPS (2006) [Caring for Carers](#).

<sup>166</sup> In September 2012, the DHSSPS launched a public consultation on the discussion document “*Who Cares? The Future of Adult Care and Support in Northern Ireland*”. This was the first stage in a three stage process to review and reform adult care and support. In August 2013, it published its consultation analysis: [Who cares? Consultation Analysis Report](#) DHSSPS

<sup>167</sup> A number of studies of health and social care have been completed in NI over the last decade from Appleby (*Health and Social Care in Northern Ireland*) in 2005 and its review in 2011, McKinsey (*Reshaping the System: Implications for Northern Ireland's Health and Social Care Services of the 2010 Spending Review*) in 2010 and Compton (*Transforming Your Care*) in 2013. Progress on caring in NI can be viewed at: [Who Cares? The Future of Adult Care and Support in Northern Ireland](#)

## Childcare

- 8.6 The availability of appropriate, accessible and affordable childcare provision to meet the needs of all<sup>169</sup> children is a fundamental part of the process of assisting parents - particularly mothers – to enter, remain in, progress in and returning to work<sup>170</sup>, and hence of advancing employment equality<sup>171</sup>.
- 8.7 There are also considerable potential economic and social benefits of increased employment of parents, including economic growth and poverty reduction<sup>172</sup>. In addition, a more diverse workforce would both improve the quality of care for children and address some of the gender stereotyping around caring roles and responsibilities<sup>173</sup>.
- 8.8 A report (2015) by the European Institute for Gender Equality<sup>174</sup> has highlighted that “*women are, throughout all Member States, disproportionately responsible for caring and educating children, grandchildren and other dependents, as well as cooking and housework*”.
- 8.9 Whilst there has been an increase in the number of childcare places in Northern Ireland over the last decade, the cost of childcare remains high, and is higher than in other parts of the UK<sup>175 176 177</sup>.

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<sup>168</sup> The [Donaldson Report](#) - *The Right Time, the Right Place* (2015) highlights the need for change in the structuring of provision and in the relation between primary, secondary and social care, recommending changes in governance and commissioning and a ‘*much stronger*’ patient voice.

<sup>169</sup> Particular needs exist for disabled children, children from minority ethnic communities and new residents and those living in rural communities and for different ages of children. See McQuaid R, Graham H, Shapira M (2013) [Child care: Maximising the economic participation of women](#), commissioned by ECNI

<sup>170</sup> The European Commission introduced a [Roadmap on work-life balance](#) to replace the planned Directive on maternity leave (2015).

<sup>171</sup> See McQuaid R, Graham H, Shapira M (2013), [Child care: Maximising the economic participation of women](#), commissioned by ECNI

<sup>172</sup> *Ibid*

<sup>173</sup> *Ibid*

<sup>174</sup> *European Institute for Gender Equality, (2015) Gender Equality Index 2015.*

<sup>175</sup> In 2014, the overall number of day care places in NI was 56,140 – up 17% from the level recorded in 2004 (47,939). In 2015 the average weekly amount of childcare charges paid in Northern Ireland was £113 and the average weekly increase in Child and Working Tax Credits awards was £76 for families benefiting from the childcare element. [£93 and £61 in the UK respectively] [DETI \(2015\) Women in NI Department for the Economy](#)

<sup>176</sup> In 2013 childcare in Northern Ireland cost nearly half (44%) the average income, compared to 33% in GB and 12% across the EU as cited in McQuaid R, Graham H, Shapira M (2013), [Child care: Maximising the economic participation of women](#), commissioned by ECNI

- 8.10 A report<sup>178</sup> published by the Commission in 2013 highlighted the need for more coherence, co-ordination and organisation, with clear accountable leadership in order to improve childcare provision in Northern Ireland. It recommended the implementation of a Childcare Strategy<sup>179</sup> that addresses the full range of childcare needs, explicitly links childcare and employment and assigns responsibility across government and relevant actors<sup>180 181</sup>.
- 8.11 Finally, actions by employers to develop carer friendly policy and practices, including through the promotion of flexible working practices, and to support carers to remain in work, can bring considerable benefits to carers themselves, employers and the wider economy<sup>182</sup>.

### Recommendations

- 8.12 The Commission recommends action to:
- consider the economic impact of the pattern of paid and unpaid care work and address the undervaluation of paid and unpaid care work, including the provision of adult care, which is carried out predominately by women;
  - develop and implement an effective Childcare Strategy that ensures comprehensive childcare provision, including appropriate, accessible and affordable childcare provision that should, alongside providing for the child, additionally seek to promote equality of opportunity for parents and benefit wider society and the economy. This should extend beyond coordination and ensure childcare provision that meets the diverse needs of children and parents and tackles gender

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<sup>177</sup> 25% of respondents to the Employers for Childcare [2015 Childcare Costs Report](#) said their childcare bill exceeded their rent or mortgage payment with the average mortgage payment at £139 per week compared to £164 per week for an average full time childcare place.

<sup>178</sup> Ibid

<sup>179</sup> See [ECNI response to the consultation on an Executive childcare strategy – November 2015](#) on a draft NI Executive Childcare Strategy. ECNI raised key issues such as the need for flexible childcare; as well as childcare for disabled and minority ethnic children; clear commitments as regards the introduction of effective interventions; action to tackle gender stereotypes in parenting and childcare roles in society; and effective leadership and cross departmental delivery.

<sup>180</sup> See McQuaid R, Graham H, Shapira M (2013) [Child care: Maximising the economic participation of women](#), commissioned by ECNI

<sup>181</sup> The need to provide affordable childcare and to mitigate the impact of the proposed reforms of the welfare system on the costs of childcare for low income families was raised by the CEDAW Committee. CEDAW Committee (2013) [Concluding Observations on UK, CEDAW Committee](#).

<sup>182</sup> See Department of Health (2013) [Supporting Working Carers The Benefits to Families, Business and the Economy, Final Report of the Carers in Employment Task and Finish Group](#)

stereotypes relating to parenting and childcare roles; as well as the need to encourage positive attitudes to childcare; and remove barriers to parental employment.

- support and encourage employers to develop carer friendly policy and practices, including through the promotion of flexible working practices and the equal sharing of family roles/responsibilities between women and men.

## **9 PUBLIC LIFE: Increase the participation of women and trans people in political and public life and decision making.**

9.1 Action is required to increase the participation of women in political and public life, the judiciary and economic decision making; and promote the participation of women in peace building; and increase the visibility of trans people in public life.

### ***Political Life***

9.2 It is internationally recognised that societies' needs are better served where there is a diverse political representation. Further, it has been shown<sup>183</sup> that gender balance in parliamentary bodies raises the profile of social policy generally and women's rights issues particularly.

9.3 The Good Friday/Belfast Agreement<sup>184</sup> committed Government to work for the right of women to full and equal political participation and the advancement of women in public life. This commitment is reiterated in the Stormont House Agreement<sup>185</sup>.

9.4 However, in Northern Ireland, women remain under-represented in all spheres of political life at Westminster, in the Assembly and in local government<sup>186</sup>.

9.5 Further, whilst the recent increase in female representation in the Northern Ireland Assembly is to be welcomed<sup>187</sup>, the

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<sup>183</sup> Inter Parliamentary Union, (2011) [Gender Sensitive Parliament](#),

<sup>184</sup> The [Belfast / Good Friday Agreement](#) 10 April 1998

<sup>185</sup> The [Stormont House Agreement](#) 2014

<sup>186</sup> While 66% (2) of MEPs are women, only 28% (30 out of 108) of MLAs and 25% (116 of the 462 elected to the new councils in 2014) of councillors are women. While 30% of Westminster MPs are women, only 11% (2 of 18) of all Northern Ireland MPs are women. [NISRA \(2015\) Women in NI Department for the Economy](#), Sept 2015 and updated NIA figures as at May 2016.

<sup>187</sup> Following the May 2016 elections.

Northern Ireland Assembly still has the lowest female representation (28%) when compared with other devolved and national legislatures in the United Kingdom<sup>188</sup>.

- 9.6 This under-representation means, in addition to there being fewer women in the chambers, the bodies that are made up from elected members, such as the Assembly scrutiny committees, or bodies that have elected member representation, such as the Policing Board<sup>189</sup>, will also have under-representation of women.
- 9.7 The Commission's Equality Awareness Survey (2011) demonstrated high levels of support for more female MLAs, with two thirds (63%) of those surveyed indicating they would like to see an increase in the number of female MLAs<sup>190</sup>.
- 9.8 It is clear from a range of research reports and enquiries<sup>191</sup> that there are a number of key barriers facing women in relation to entering into politics. This includes those relating to a lack of childcare and having caring responsibilities; a lack of financial resources, confidence and female role models; barriers relating to candidate selection; as well those relating to gender stereotypes and the culture of politics. Some of these barriers can impact not only on women's ability to enter politics but equally to remain in politics.
- 9.9 Women, including disabled women, minority ethnic women, rural women, lesbian and bisexual women, older women and girls and women living in disadvantaged communities can also experience particular additional barriers to entering into political life due to their multiple identities. Additional barriers are likely also to exist for trans people.
- 9.10 The Commission, in its 2013 CEDAW Shadow Report<sup>192</sup>, recommended steps, including temporary special measures, to increase the representation of women in political and public life,

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<sup>188</sup> Northern Ireland 28%, Scotland 35%, Wales 48%, and 30% of Westminster MPs are women.

<sup>189</sup> Five of 19 Policing Board Members are women (26%) – 3 of 9 independent members (33%) and 2 of 10 political members (20%) See Potter, M (January 2014): [Review of Gender Issues in Northern Ireland](#) (Belfast, Northern Ireland Assembly)

<sup>190</sup> ECNI (2011) Equality Awareness Survey, [Do You Mean Me?](#)

<sup>191</sup> See for example APPG Women in Parliament (2014) [Improving Parliament: Creating a Better and more Representative House](#)

<sup>192</sup> ECNI (2013) [CEDAW shadow report](#)



including in peace building and post conflict reconstruction in Northern Ireland<sup>193</sup>.

- 9.11 We welcome the report by the Assembly and Executive Review Committee on *Women in Politics and the Northern Ireland Assembly* and the Committee's recognition that "*the underrepresentation of women in politics in Northern Ireland is a serious issue which must be addressed as a matter of urgency*"<sup>194</sup>.
- 9.12 We also welcome the positive action measures taken by local government at elected member, officer and service delivery level through the *Women in Local Councils* Initiative, including the creation of gender champions, the development of family friendly operating and working practices and training and mentoring<sup>195</sup>.
- 9.13 We encourage the Assembly, the NI Executive, and political parties to bring forward a robust and comprehensive programme of action to meet the recommendations and address the underrepresentation of women in politics<sup>196</sup>.

### ***Public Life / Boards***

- 9.14 Women are also under-represented in terms of public appointments. The report<sup>197</sup> of the Commissioner for Public Appointments for Northern Ireland in 2014 on his diversity working group stated that the statistics on women, as well as other under-represented groups, in public appointments were not improving<sup>198</sup>. Whilst we welcome recent progress since that

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<sup>193</sup> In terms of temporary special measures, ECNI has welcomed the extension of the [Sex Discrimination Election Candidates Act 2002](#) which allows for positive action in relation to women's political participation and including all women shortlists. CEDAW stipulates that States parties '*shall take all appropriate measures*' to achieve equality between women and men including through the use of temporary special measures.

<sup>194</sup> The Assembly and Executive Review Committee, (2015), [Report on Women in Politics and the Northern Ireland Assembly](#) at page 1

<sup>195</sup> The recent local government elections resulted in a marginal increase in women elected (25% against 23.5% at the last election in 2011 and 21% in 2005) but four of the eleven new council chief executives designate are women, an increase from three in the previous 26 councils. *NISRA (2015) Women in NI Department for the Economy*

<sup>196</sup> The CEDAW Committee has recommended action to improve the representation of women, including minority ethnic and disabled women, in political and public life. CEDAW (2013) [Concluding Observations on UK, CEDAW Committee](#),

<sup>197</sup> [Commissioner for Public Appointments Report 2014](#),

<sup>198</sup> As at August 2015, 40% of public appointments were held by women. This represents an increase from 32% since 1995. However, across the 115 public bodies in Northern Ireland, in 2015, only 19 have

report, women continue to remain under-represented (40% of public appointments being held by women), particularly as regards the roles of chairs and vice chairs<sup>199</sup>.

- 9.15 Also, the Commission supports the recommendation of the Assembly and Executive Review Committee in its Report<sup>200</sup> (2015) that “*the Executive should take steps to increase the diversity of public bodies and, in particular, introduce measures to address the gender imbalance in public appointments in Northern Ireland*”.
- 9.16 We note that in March 2016 the NI Executive agreed targets for the appointment of women to public bodies<sup>201</sup> and we await the outcome of the proposed actions designed to deliver the target outcomes.
- 9.17 Women are also under represented in the judiciary. As at May 2015, women made up 25.4% (34) of the total permanent and deputy judiciary in Northern Ireland<sup>202</sup>. It is only recently (November 2015) that women (two) have been appointed as High Court Judges in Northern Ireland. In July 2015, the Human Rights Committee of the UN set out in its Concluding Observations that the Gender Equality Strategy should “*identify and address effectively*” the barriers to women in the judiciary<sup>203</sup>.
- 9.18 Whilst recent progress in securing the increased representation of women on boards of UK FTSE 100 and 250 companies is welcome, women remain under-represented in economic decision making<sup>204</sup>. Further, a recent study<sup>205</sup> (2015) of the boards of the top 100 private companies in Northern Ireland has indicated that only 15.4% of board members are women.

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women chairs and seven have women vice chairs. DETI (2015) [Women in NI](#) Department for the Economy

<sup>199</sup> An improvement of 40% in 2015 from 33% in 2011/12.

<sup>200</sup> [AERC Report into Women in Politics in Northern Ireland \(2015\)](#), Recommendation 29.

<sup>201</sup> In particular, that by 2017/18 there should gender equality for appointments made in-year; and by end- year 2020/21 there should be gender equality for all appointees in post, reflected both in board membership and at chair level. As cited in CPANI (2016) [Annual Report 2015/16](#) p8.

<sup>202</sup> See [OFMDFM Gender Equality Statistics 2015](#) and [The Judiciary in Northern Ireland 2014 - Equity Monitoring Report](#), Judicial Appointments Commission.

<sup>203</sup> UN CCPR (2015) [Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, International Covenant on Civil and Political Rights](#), July 2015 – p5

<sup>204</sup> In the UK, voluntary measures have been adopted following the publication of the Davies Review, 2011. Since 2011 there has been considerable progress with 26.1% of women in FTSE 100 companies ( as at 1 Oct 2015); and 19.6% of women on FTSE 250 boards with for the first time in history, no all male boards in the FTSE 100. Davies (2015) [Improving the Gender Balance on British Boards 2015](#)

<sup>205</sup> RaiSe (2015) [Women on Boards of the top 100 companies in Northern Ireland](#).



- 9.19 Research has shown the business benefits of having gender diversity on boards<sup>206</sup>. Action to improve women’s representation on boards is also in line with the draft European Commission Directive aimed at redressing the gender balance among non-executive directors of companies listed on stock exchanges<sup>207</sup>.
- 9.20 In addition, while there has been some improvement in women’s representation in decision making relating to investment at community level<sup>208</sup>, in some areas women remain under represented<sup>209</sup>.
- 9.21 There is also a need to encourage the participation and visibility of trans people in public life. Negative or stereotypical attitudes towards trans people can, for example, result in their being discriminated in many areas of their lives, including in accessing and remaining in employment as well as public life posts<sup>210211</sup>.
- 9.22 There is a need to promote relevant opportunities for trans people so, if they wish, they can act as role models for others to participate, as well as a need to tackle prejudicial attitudes that limit their ability to participate in society at all levels.

### ***Peace building***

- 9.23 The Commission’s CEDAW Shadow Report<sup>212</sup> stressed that it was vital for Government to identify and implement positive action measures to ensure meaningful participation by women in peace building<sup>213</sup> and political processes here<sup>214</sup>.

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<sup>206</sup> See Harvard Law School (2012) [Forum on Corporate Governance and Financial Regulation – Gender Diversity on Boards](#) and CIPD (2015) [Gender Diversity in the Boardroom: Reach for the Top](#)

<sup>207</sup> The draft [Directive](#) advocates regulatory pressure for achieving parity on boards, in the UK the work towards gender parity is based on voluntary measures. 14.11.2012 COM (2012) 614 FINAL

<sup>208</sup> See for example composition of [DARD Local Action Groups](#)

<sup>209</sup> See for example, composition of [SIF steering groups](#)

<sup>210</sup> FRA (2014) [Being Trans in the European Union](#)

<sup>211</sup> In addition, a report into *Transgender Equality* (2016) found that trans people have long endured high levels of prejudice and misunderstanding which had manifested in numerous forms, including discrimination, and had impacted, for example, on trans people’s career opportunities. House of Commons Women and Equalities Committee (2016) [Transgender Equality Inquiry](#)

<sup>212</sup> ECNI (2013) [CEDAW shadow report](#)

<sup>213</sup> CEDAW’s [General recommendation 30](#) on women in conflict prevention, conflict and post conflict situations sets out that women’s participation is a prerequisite for democracy, peace and gender equality.

- 9.24 A recent UN commissioned study into the implementation of UN Security Council Resolution 1325<sup>215</sup> has highlighted that women’s participation is key to sustainable peace. In particular, it notes that research comprehensively demonstrates that the participation of women at all levels is key to the operational effectiveness, success and sustainability of peace processes and peace building efforts<sup>216</sup>.
- 9.25 The CEDAW Committee, in its Concluding Observations in 2013<sup>217</sup>, called on the UK Government “*to ensure the participation of women in the post conflict process in Northern Ireland, in line with Security Council Resolution 1325 (2000)*”.
- 9.26 *An Inquiry into the position of women in Northern Ireland since the Peace Agreement* (2014) found that the legacy of violence and impact of the continuing violence have not been addressed and that women face barriers to participation in peace building and post conflict reconstruction, as well as in other areas of decision making<sup>218</sup>.
- 9.27 Barriers include the lack of affordable, accessible and appropriate childcare, the heavily male-dominated political institutions, and pressures that ensured their voices were silenced in local communities.
- 9.28 We welcome initiatives designed to ensure greater involvement of women in peace building, including the development of a strategic guide and toolkit<sup>219</sup>. This guide has, for example, recommended greater support for women, women’s groups and networks to manage the mental health challenges resulting from

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<sup>214</sup> ECNI has called on Government to identify and implement positive action measures that will work towards meaningful participation by women in public and political life and processes in Northern Ireland. ECNI (2013) [CEDAW shadow report](#)

<sup>215</sup> [UN SCR 1325](#) (2000) on women, peace and security. UN SCR 1325 recognises that women and girls have critical roles to play as active agents in conflict prevention and resolution, peace negotiations, peace building and post conflict reconstruction. Other UN SCRs pertain including [UN SCR 2122](#) on involving women in decision making in post conflict reconstruction

<sup>216</sup> UN (2015) [Preventing Conflict, Transforming Justice, Securing The Peace](#)

<sup>217</sup> CEDAW (2013) [Concluding Observations on UK, CEDAW Committee](#)

<sup>218</sup> See NIWEP (2015) [An Inquiry into the position of women in NI since the Peace Agreement](#) Summary Report.

<sup>219</sup> Hinds B, Donnelly D (2014) [WPS Toolkit](#) *Women, Peace and Security: Women’s Rights and Gender Equality, developing and applying women, peace and security practice in Northern Ireland, Strategic guide and toolkit*, Community Foundation et al. The toolkit has been developed following an extensive Women and Peacebuilding Project to put forward the imperative for involving women and to set out good practice models from across the public sector for involving women in peace building.

the conflict and civil unrest and the continuing challenges of paramilitarism and gender-based violence, abuse and threat.

- 9.29 The Executive has responded to the *Report of the Panel on Disbandment of Paramilitary Groups*<sup>220</sup> (2016) which recommended a programme for women in leadership as well as in community development, by including such a programme in the associated Action Plan<sup>221</sup> (2016).

### Recommendations

- 9.30 The Commission recommends action:
- by the Executive, Assembly and political parties, to proactively promote and support the participation of women in political life, to address the key barriers facing women in relation to entering into politics, including through positive action measures or the adoption of temporary special measures;
  - to increase the participation of women in public life and economic decision making, including on private and public sector boards, including through the development of a cross-departmental strategy to implement the 2014 recommendations of the Commissioner for Public Appointments for Northern Ireland;
  - to increase the participation and visibility of trans people in public life, for example, by promoting trans role models and tackling the high level of prejudicial attitudes towards trans people.
  - to promote and support the active and meaningful participation of women in peace building and post conflict reconstruction.

## **10 VIOLENCE: Eradicate gender based violence and transphobic hate crime.**

- 10.1 Action is required to tackle gender based violence and domestic violence in gender specific contexts; assist the UK Government to ratify the Istanbul Convention; and prevent and detect transphobic hate crime.

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<sup>220</sup> NI Executive (2016) [The Fresh Start Panel report on the Disbandment of Paramilitary Groups](#)

<sup>221</sup> NI Executive (2016) [Tackling Paramilitary Activity, Criminality and Organised Crime](#)

## ***Gender based violence***

- 10.2 The European Commission has defined<sup>222</sup> ‘gender based violence’ as violence directed against a person because of that person's gender (including gender identity / expression) or as violence<sup>223</sup> that affects persons of a particular gender disproportionately.
- 10.3 The European Commission has highlighted that women and girls, of all ages and backgrounds, are most affected by gender-based violence<sup>224</sup>. A recent report by the British Council (2016 ) has highlighted that violence against women and girls *‘remains one of the most serious and widespread inequalities in the UK’*<sup>225</sup>.
- 10.4 The Commission included the need to eradicate violence against women and girls as an underpinning principle in its 2013 *CEDAW Shadow Report*<sup>226</sup><sup>227</sup>. It also made clear that it expected that that the integrated strategy on domestic and sexual violence would be explicit in its protection of resources and services related to violence against women, including legal aid.
- 10.5 The Commission considers that there is a need for effective strategies that tackle the nature and specific impact of gender based violence on women and men, as well as gender based violence due to a person’s gender identity.
- 10.6 Such strategies should include actions to tackle cultural and stereotypical attitudes, and raise awareness of gender based violence.
- 10.7 Recommendation (2002) 5 of the Council of Europe<sup>228</sup> on the protection of women against violence makes it clear that Member States should *“introduce or reinforce a gender*

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<sup>222</sup> European Commission website, [Zero tolerance of violence against women](#) (retrieved October 2016)

<sup>223</sup> Gender based violence can be physical, sexual and/or psychological, and include sexual violence, such as rape, sexual assault and sexual harassment, as well as domestic violence.

<sup>224</sup> European Commission website, [Zero tolerance of violence against women](#) (retrieved October 2016)

<sup>225</sup> British Council (2016) [Gender Equality and Empowerment of Women and Girls in the UK: Meeting the challenge of the SDGs](#)

<sup>226</sup> ECNI (2013) [ECNI Shadow Report CEDAW](#)

<sup>227</sup> CEDAW (1992) [General Recommendation 19](#), (*Violence against Women*, session 11) sets out that gender based violence is a form of discrimination that *“seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men”*

<sup>228</sup> [CoE Rec \(2002\) 5](#), Recommendation (2002) 5 of the Council of Europe

*perspective in human rights education programmes and reinforce sex education programmes that give special importance to gender equality and mutual respect*<sup>229</sup>.

### **The 'Istanbul Convention' - on preventing and combating violence against women and domestic violence**

- 10.8 The Council of Europe's *Convention on preventing and combating violence against women<sup>230</sup> and domestic violence<sup>231</sup>* (the Istanbul Convention 2014<sup>232</sup>) states that violence against women is a manifestation of unequal power relationships between women and men; and that the key element in the prevention of violence against women is equality between women and men.
- 10.9 The Commission notes the publication of the report by the UK Joint Committee on Human Rights on violence against women and girls<sup>233</sup> and, *inter alia*, the Committee's concern about the delay in the UK Government's ratification of the Istanbul Convention and lack of engagement with the devolved administrations in doing so.
- 10.10 To date the UK Government has signed, but not ratified, the Istanbul Convention. By ratifying the Convention, the treaty's obligations would become binding on the UK - including to exercise due diligence to prevent /protect against violence against women, to prosecute and punish perpetrators and to provide reparations for victims<sup>234</sup>.

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<sup>229</sup> The Joint Committee on Human Rights also recommended that schools play a greater role in tackling cultural attitudes through teaching on issues surrounding gender equality and violence. This recommendation is in line with Article 14 of the Istanbul Convention that specifies that teaching material on issues of violence against women and girls and non-stereotyped gender roles are included in formal curricula at all levels of education. [JCHR, 6<sup>th</sup> Report, 2015](#)

<sup>230</sup> The [Istanbul Convention](#) is based on the understanding that 'violence against women' is a form of gender-based violence. "*Violence against women*" is considered to be a "violation of human rights and a form of discrimination against women...".

<sup>231</sup> It will be note that, because it is not only women and girls who suffer domestic violence, parties to the Istanbul Convention are encouraged to apply the protective framework it creates to men who are exposed to violence within the family or domestic unit.

<sup>232</sup> The UK Government has signed the Istanbul Convention and is working with the devolved administrations to put in places the necessary actions to allow ratification. ([Theresa May MP to JtCHR 250714](#))

<sup>233</sup> Joint Committee on HR, (2015) [Violence Against Women and Girls](#) , 6<sup>th</sup> Report of Session 4014/15

<sup>234</sup> Ibid.

## ***Domestic violence***

- 10.11 Domestic violence can be a form of gender based violence. The Istanbul Convention recognises that while domestic violence affects women disproportionately, it also notes that men (as well as children who may witness domestic violence and other family members such as elders, siblings and children) may be victims<sup>235</sup> of domestic violence<sup>236</sup>.
- 10.12 Domestic violence is experienced by both women and men in Northern Ireland (in 2014-15, 62% of offences were against females, 25% against men)<sup>237</sup>. Figures from 2011<sup>238</sup> indicate that around 1/5<sup>th</sup> of women and 1/10<sup>th</sup> of men had experienced at least one form of domestic violence by a partner since age 16.
- 10.13 In Northern Ireland, the pattern is one of increasing<sup>239</sup> levels of domestic violence<sup>240</sup> experienced by both women and men. Further, research has shown that minority ethnic women in Northern Ireland experiencing domestic violence face particular barriers which prevent them from seeking help<sup>241</sup>.

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<sup>235</sup> For example, men who experience domestic violence, as well as men who experience sexual abuse, may be vulnerable when it came to health and wellbeing (ECNI (2007), [Statement on Key Inequalities](#)).

<sup>236</sup> Domestic violence can be between intimate partners, intergenerational and can also occur in same-sex relationships. See [Council of Europe Stop Domestic Violence against Women Campaign](#)

<sup>237</sup> During 2014-2015, there were 12,367 domestic abuse crimes where there was a person victim with known age and gender details. 13% of this total were persons aged under 18 (1,575 offences); 62% were females aged 18+ (7,685 offences) and 25 % were males aged 18+ (3,107 offences). Source: PSNI [Trends in Domestic Abuse Incidents and Crimes 2004/5-2014/15](#)

<sup>238</sup> See NISRA (2013) [Experiences of Domestic Violence: Findings from 2008/09 to 2010/11 NI Crime Surveys](#). The 2010-2011 Crime Survey estimates that 19.3% of women aged 16- 64 and 11.5% of men aged 16- 64 had experienced at least one form of domestic violence by a partner since age 16. The Survey also estimates that, of people aged 16-64, 7.7% of women and 4.5% of men have experienced at least one form of domestic violence and abuse by a family member (other than a partner) since age 16.

<sup>239</sup> Levels of domestic violence against men and women increased between 2009/10 and 2014/15 - there were 5,832 adult female victims of domestic abuse crimes in 2009/10 which rose to 7,685 crimes in 2014/15; and 1,903 adult male victims of domestic abuse crimes in 2009/10 which rose to 3,107 crimes in 2014/15. Source: PSNI [Trends in Domestic Abuse Incidents and Crimes 2004/5-2014/15](#)

<sup>240</sup> There is also an increasing level of domestic abuse incidents and crimes in NI. For example, between July 2015 and June 2016 there were 28,465 domestic abuse incidents and 14,220 crimes –the highest recorded since 2004/05. [PSNI Domestic abuse incidents and crimes: Quarterly Update to 30 June 2016](#). There were 6 deaths with a domestic motivation [PSNI Trends in Domestic Abuse Incidents and Crimes 2004/5-2014/15](#).

<sup>241</sup> For example, the research highlighted that '*structural issues regarding immigration and access to public funds serve to reinforce minority ethnic women's economic dependency on their partner thereby reducing the women's potential to leave*'. McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)



- 10.14 Women and men’s experience of domestic violence may be different, and the necessary action to meet needs may also be different<sup>242243</sup>.
- 10.15 We made clear<sup>244</sup> our concern in relation to the gender neutral approach taken with regards to the draft integrated domestic and sexual violence and abuse strategy; and advised that such an approach would limit the effectiveness of the strategy in each strand of its development. Specifically, we highlighted that any strategy should recognise that a gender neutral approach does not assist the response to domestic and sexual violence and abuse against men. We recommended that the strategy addresses the nature and impact of domestic and sexual violence and abuse in a gender specific, not gender neutral, context.
- 10.16 We note that the subsequent DHSSPS / DoJ (2016) *Stopping Domestic and Sexual Violence and Abuse Strategy in Northern Ireland*<sup>245</sup> has made clearer the incidence and prevalence of domestic and sexual violence experienced by women and men; as well as highlighting patterns and factors affecting LGB individuals and minority ethnic women who are subjected to domestic violence. We await the outcome of the proposed actions designed to deliver this Strategy and, in particular, that they effectively address domestic and sexual violence in a gender specific context.

### ***Transphobic hate crime***

There is a need to reduce transphobic hate crime and violence that transgender people face throughout their lives<sup>246 247</sup>. There

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<sup>242</sup> For example, research by the Men’s Advisory Project on male victims of domestic violence and abuse in) has highlighted gaps in provision of, and access to, services for male victims: MAP (2010) [Towards Gender Equality: Exploratory evidence of the attitudes towards and the needs of male victims of domestic violence and abuse in Northern Ireland with recommendations for change](#)

<sup>243</sup> Research has also identified that there is a clear evidence gap in the area of men’s experience of domestic violence and associated housing needs. See Wallace A, University of York, (2016) [Key Inequalities in Housing and Communities](#) commissioned by ECNI.

<sup>244</sup>ECNI (2014) [response](#) to Department of Justice / Department of Health Social Services and Public Safety consultation on a draft Integrated domestic and sexual violence and abuse Strategy

<sup>245</sup> The DHSSPS / DoJ (2016) [Stopping Domestic and Sexual Violence and Abuse Strategy](#) in Northern Ireland was published in March 2016.

<sup>246</sup> The ECNI in its [Draft Statement on Key Inequalities in Housing and Communities](#) (2016) has highlighted that trans people are at high risk of being the victim of hate crimes, including crimes against the person and property related crimes.

is also an under-reporting of transphobic hate crime and there are lower rates of detection for transphobic motivated crime than other types of recorded crime<sup>248</sup>.

### Recommendations

10.17 The Commission recommends:

- steps, including through the delivery of effective strategies, to tackle the nature and specific impact of gender based violence on women and men and due to a person's gender identity; to tackle cultural and stereotypical attitudes, including through education, aimed at raising awareness of, and tackling, gender based violence; and to ensure effective resources and services for those who are subject to gender based violence.
- steps are taken, appropriate to the NI Executive's responsibilities, to assist the UK Government to ratify the Istanbul Convention;
- a gender specific (non-gender neutral) approach to tackling the specific nature and impact of domestic violence on women and men, including issues faced by those with specific multiple identities;
- action to improve the prevention and detection of transphobic hate crime; to support victims of transphobic hate crime and to encourage the reporting of transphobic hate crime.

## **11 HEALTHCARE: Provide gender appropriate health and social care to address the particular needs of women and men, trans people, and those with multiple identities.**

11.1 Action is required to address the particular needs of women and men, trans people and those with multiple identities; consider options to address barriers to women accessing reproductive health care; raise understanding amongst health / social care

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<sup>247</sup> PSNI figures for 2015/16 record a total of 33 transphobic incidents and crimes. This is a slight increase on the number in 2014/15 (29). The number of incidents with a transphobic motivation recorded in 2014/15 was slightly lower than 2013/14 (31), although there has been a lot of fluctuation in the levels recorded since the data series began in 2006/07. PSNI [Incidents and crimes with a Hate Motivation: Quarterly Update to 30 June 2016](#). See also PSNI [Trends in hate motivated incidents and crimes in NI 2004/05-2014/15](#).

<sup>248</sup> McBride R-S (2013) [Grasping the Nettle: the experiences of gender variant children and transgender youth](#), ICR

professionals of gender equality, including gender identity; and address gaps in research as regards the experiences of trans people.

### ***Addressing the particular needs of women and men***

- 11.2 In considering equality in relation to health and social care for women and men, the Commission has highlighted that most health and social care strategy and policy is written in gender neutral language with general targets set for the whole population<sup>249</sup>. While some different needs for men and women are evident – for example, in reproductive health care and prevention of, and screening for, specific conditions – a generalist approach can mask specific vulnerable groups<sup>250</sup>.
- 11.3 We have also recently stressed the need for health and social care to have system wide data collection across the Section 75 categories, so as to ensure that data can be disaggregated for each of the Section 75 categories<sup>251</sup>.
- 11.4 In responding<sup>252</sup> to the Department of Health, Social Services and Public Safety consultation, *Fit and Well*, in 2012, the Commission set out the need for Government to adopt a life course approach to take account of men's lower life expectancy (78.3 years for men, 82.3 years for women)<sup>253</sup>, higher suicide rates (77% men, 23% women)<sup>254</sup> and health risks for men in relation to alcohol, drug and substance abuse<sup>255</sup>. We drew attention to the need to address the fact that men access services later due to a reluctance to go to a doctor and the limited access due to opening times of health care facilities and fewer male specific services being available.

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<sup>249</sup> ECNI (2007) [Statement of Key Inequalities in Northern Ireland](#)

<sup>250</sup> Older women, black and minority ethnic women are identified in the Commission's 2007 Key Inequalities Statement; lesbian and bisexual women and women with disabilities also have specific health needs. Ibid

<sup>251</sup> ECNI (2015) [Response to Donaldson Report](#)

<sup>252</sup> ECNI (2012) [Response to Fit and Well](#)

<sup>253</sup> It will be noted that life expectancy has continued to increase for both males and females in Northern Ireland with the gender gap decreasing by 0.4 years between 2008-10 and 2012/14. In 2012-14 the gap between life expectancy for males and females in NI was 4 years. DHSSPS, [Health Inequalities, NI Health & Social Care Inequalities Monitoring System, Regional 2016](#)

<sup>254</sup> Of the 268 deaths in 2014, 77% were male and 23% were female. OFMDFM (2015) [OFMDFM Gender Equality Statistics 2015](#) Department for Communities.

<sup>255</sup> In 2013/4, men reporting that they consume levels of alcohol above the sensible level was 23% in 2013/14 compared to 12% for women. [OFMDFM Gender Equality Statistics 2015](#)

## **Overcome barriers to healthcare**

- 11.5 Women also experience barriers to accessing health and social care services, including access to reproductive health services.
- 11.6 In our response to the Department of Justice consultation in 2015 in relation to the proposed changes to the criminal law on abortion, we expressed disappointment that a full consultation on abortion had not been undertaken. We also agreed that there was a pressing need to consider a change to the criminal law on abortion to provide for lawful termination of pregnancy as an option for women in certain limited and clearly defined circumstances, including on the ground of lethal foetal abnormality, where such changes are considered compatible with human rights law<sup>256</sup>.
- 11.7 There is also a clear link between socio-economic disadvantage and health inequalities experienced by both women and men<sup>257</sup>.

## **Build understanding of issues associated with gender identity and multiple identities**

- 11.8 Trans people experience disadvantage both in terms of access to specialist healthcare and the lack of transgender awareness in the general health care service.
- 11.9 A report<sup>258</sup> into healthcare issues for transgender people in Northern Ireland found that a lack of awareness and understanding among healthcare professionals, particularly GPs, means some young trans people experience barriers to appropriate support that unnecessarily delay essential support.<sup>259</sup> The report recommended that, while more research

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<sup>256</sup> In responding to the DOJ consultation, *The Criminal Law on Abortion: lethal foetal abnormality and sexual crime* we also supported the Department's proposal to consider whether or not to make provision for abortion in the case of pregnancy resulting from sexual crime. In addition, we supported the Department's proposal to consider how, in the event of changes to the criminal law relating to abortion, a right of conscientious objection might be included. ECNI [Response to DOJ consultation on abortion](#) 2015

<sup>257</sup> For example, male life expectancy was 7.0 years lower in the most than least deprived areas and female life expectancy was 4.4 years lower in the most than least deprived areas. See DHSSPS, 2016, [Health Inequalities](#) and [NI Health & Social Care Inequalities Monitoring System, Regional 2016](#).

<sup>258</sup> R.McBride (2011) Institute for Conflict Research [Healthcare Issues for Transgender People living in Northern Ireland](#)

<sup>259</sup> This was also highlighted in a recent Inquiry in Great Britain that indicated that there was a lack of knowledge and understanding — and even in some cases out-and-out prejudice — with GPs in

needed to be carried out, gender identity equality and diversity training should be offered to health staff on a priority basis, and that a comprehensive framework for children and young people should be developed.

- 11.10 Additional health issues exist aligned to multiple identities. For example, there are high rates of suicide amongst young males<sup>260</sup>, high levels of gay men bullied at school have considered suicide<sup>261</sup> and the suicide rate amongst Travellers<sup>262</sup> is higher than that of men in the general population. A review of lesbian and bisexual women's health in Northern Ireland (2009) found that lesbian and bisexual women experience significant barriers to accessing health services<sup>263</sup>. Research has also identified areas of concern in respect to access for disabled women to sexual health and maternity services and the Commission has recommended consideration of the specific needs of disabled women and necessary training for health service staff<sup>264 265</sup>

### Recommendations

- 11.11 The Commission recommends action:
- to address the particular needs of women and men, including those with multiple identities, in the provision of health and social care. These measures should include tackling the lower life expectancy, high suicide rates and levels of alcohol, drug and substance abuse of men;
  - raising awareness and understanding amongst health and social care professionals of issues relating to gender equality, including barriers experienced by trans people, through, for example, workplace diversity training and continuous professional development;

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particular too often lack an understanding of trans identities. See House of Commons, Women and Equalities Committee (2016) [Transgender Equality Inquiry](#).

<sup>260</sup> See [Report on the All Ireland Young Men and Suicide Project](#), 2013, Men's Health Forum in Ireland

<sup>261</sup> Research found that 84.5% of gay men bullied at school had considered suicide. Carafriend, Rainbow (2011) [Left out of the Equation](#).

<sup>262</sup> See UCD (2010) [All Ireland Traveller Health Study](#).

<sup>263</sup> Queiry M (2007) [A Review of the impact of discrimination and social exclusion on lesbian and bisexual women's health in Northern Ireland](#)

<sup>264</sup> ECNI UNCRPD IMNI (2014), [Parallel Jurisdictional Report](#)

<sup>265</sup> The need to ensure effective health care for women with multiple identities, including disabled women, as well as ensuring equal access to reproductive treatment was highlighted by the CEDAW Committee. CEDAW (2013) *Concluding Observations on UK*, [CEDAW Committee](#)

- addressing barriers experienced by women in accessing reproductive health care services, for example, by undertaking a full public consultation on abortion law;
- addressing gaps in research as regards the experiences of trans people, and ensuring the collection of gender disaggregated data in health and social care.

## **12 SPORT: Increase women’s participation in sport, and the governance of sport; and tackle barriers to the participation of trans people.**

12.1 Action is required to increase women’s participation in sport at all levels, and their participation in the governance structures of sport; tackle barriers to the participation of trans people in sport, including transphobia.

### ***Women’s participation in sport and sport governance***

12.2 Sport participation rates of women are particularly low in Northern Ireland<sup>266</sup> (63% men, 47% women)<sup>267</sup> compared with other jurisdictions including England, Scotland and the Republic of Ireland. Women are also underrepresented within the coaching workforce (78% of coaches are male)<sup>268</sup>; and are underrepresented in senior positions in sports governance<sup>269</sup>. They also experience a range of inequalities at elite level in sport.

12.3 The barriers to women’s participation in sport are both practical and lifestyle matters such as family responsibilities and personal or emotional issues<sup>270</sup> including body image, negative

<sup>266</sup> See Hull D, (2014) [Women in Sport](#) – NI Assembly research p7.

<sup>267</sup> In 2014/15 63% of men and 47% of women had participated in sport or physical activity during the previous 12 months. See NISRA [Continuous Household Survey 2014/15](#). See also OFMDFM (2015) [OFMDFM Gender Equality Statistics 2015](#), Department for Communities

<sup>268</sup> Coaching Workforce Survey found that 78% of coaches in Northern Ireland were male. Hull D (2014) [Women in Sport](#) – NI Assembly research p7

<sup>269</sup> In 2013, only one in five members of the boards of national governing bodies for sports is a woman; just nine of 57 organisations have a female chief executive; one quarter of sports have no women in board positions at all. Ibid

<sup>270</sup> Ibid



experiences at school and perception of the competitive environment and the absence of role models.

- 12.4 A recent report<sup>271</sup> by the European Institute for Gender Equality highlighted that *“while women spend a disproportionate amount of time on caring activities, compared with men, they participate less in other social activities, such as sporting, cultural or leisure activities.”*
- 12.5 Further, research in Great Britain has shown that there were particular barriers to transgender people taking part in sport both at community and elite performance levels; in particular, issues around changing rooms and access to competition, as well as transphobia in sport<sup>272</sup>.
- 12.6 These different patterns of participation are important to consider in wider public policy development. For example, the Executive’s Strategy, *Together: Building a United Community*<sup>273</sup> is heavily based on sport and arts activity, and so will have a differential impact on men and women which in turn will be different for men and women of different ages.

### Recommendations

- 12.7 The Commission recommends action to:
- increase women’s participation in sport in Northern Ireland at all levels, including elite and grassroots levels, as well as in schools, sports clubs, and in the governance structures of sport, for example, through the promotion of female sporting role models including through the media;
  - address barriers that inhibit the participation of trans people in sport, including transphobia.

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<sup>271</sup> EIGE (2015) [Gender Equality Index 2015](#)

<sup>272</sup> The report also highlighted that 80% of trans respondents had witnessed or experienced homophobia or transphobia in sport. Equality Network (2012) [Out for Sport: Tackling Transphobia in sport](#)

<sup>273</sup> NI Executive (2013) [Together Building a United Community Strategy](#)

## **13 SOCIAL PROTECTION: Mitigate against the adverse impacts of welfare reform; and ensure gender equality in access to social protection and pension provision.**

- 13.1 Action is required to mitigate against the identified adverse impact of welfare reform proposals on women; improve access to social protection for certain groups of minority ethnic women; and protect women with smaller pension provision.
- 13.2 There is a need to address barriers, particularly experienced by women and the minority ethnic community, in accessing social protection. The Commission has previously set out its position on welfare reform believing that *“it has the potential to impact severely on some of the most vulnerable members of society”*<sup>274</sup>.

### ***Mitigating adverse gender impacts of welfare reform***

- 13.3 As women depend more on non-employment income than men, cuts to welfare benefit have had a disproportionate impact on them and on children. In addition, the proposed changes mean that many previously separate benefits will now be paid in the single benefit, Universal Credit, to the man, a significant regression in women’s financial independence.
- 13.4 Specifically, in 2011, we expressed concern that the negative impact on women had not been identified nor acted upon. We recommended that the Department consider the matter of payment to the primary carer, usually the mother<sup>275</sup>.

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<sup>274</sup> ECNI (2011) [ECNI policy position on welfare reform](#) and ECNI (2011) [Response to EQIA on Welfare Reform](#) : In the reply to the Welfare Reform EQIA consultation we stated: *“The Commission welcomes the aim of the reform to simplify the benefits system. However, we are concerned that the equality impact assessment has not identified the negative impact on women. Paying the new Universal Credit to the main earner following joint claim and joint assessment will, in many instances, leave women without income. Payment of benefit to women in their ‘caring for dependents role’ was an important social security reform introduced in the 1970’s. It was considered necessary to allow certain benefits, including Child Benefit, to be paid to women, recognising that women more readily spend on children and the household essentials. We expect the Department to consider this matter”*.

<sup>275</sup> Ibid. As quoted in House of Commons 2015 [Briefing Paper](#), *A Fresh Start: the Stormont Agreement and Implementation Plan and the Northern Ireland (Welfare Reform) Bill 2015-16 [Bill 99]*, Nov 2015.

- 13.5 In addition, we set out our concern that some conditions<sup>276</sup> of payment are unrealistic for lone parents, usually women, without access to appropriate affordable childcare<sup>277</sup>.

***Ensure access to social protection for those (mainly minority ethnic women) subjected to domestic violence with no recourse to public funds***

- 13.6 Some minority ethnic people who are not from the UK and with insecure immigration status have 'no recourse to public funds' that is they cannot claim benefit or use services paid for by public funds<sup>278</sup>.
- 13.7 This means that victims of domestic and sexual violence, mainly minority ethnic women, can be left financially dependent on their abuser, whether partner, other family member, employer or trafficker. It can also mean that minority ethnic men, women and children are unable to access health, social care and education services<sup>279</sup>.

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<sup>276</sup> Conditions relate to being available for work and to spending time actively seeking work.

<sup>277</sup> See recommendations highlighted in ECNI (2011) [ECNI policy position on welfare reform](#). It will be noted that in 2014 the Minister for Social Development, Mervyn Storey, outlined his proposals as regards split universal credit payment. He indicated that rather than the default position that couples living in the same household will make a joint claim for benefit, with Universal Credit normally paid in full into one bank account per household, he proposed that a range of options would be available; including a split payment on the basis of the main carer and children to be determined by the Department and paid into separate bank accounts. He also proposed, as regards concerns raised on lone parents flexibility, that existing protections be carried forward under the Welfare Reform Bill; "whereby the lack of available childcare provision constitutes good reason and therefore the claimant will not be sanctioned". (As quoted in House of Commons November 2015 [Briefing Paper A Fresh Start: the Stormont Agreement and Implementation Plan and the Northern Ireland \(Welfare Reform\) Bill 2015-16 \[Bill 99\]](#), Nov 2015, at p21). It will also be noted that a subsequent report on welfare reform mitigation sets out a strategy designed to mitigate the impact of welfare reform proposals. The report recommendations, which have been accepted by the Executive, include some mitigating actions for carers and lone parents who are predominately women taking account of the cost of childcare. See Evason E, (2016) [Welfare reform working group mitigations Report](#). The Welfare Reform Act (NI) 2015 was passed in November 2015.

<sup>278</sup> The UK Government has acknowledged this by supporting a project that provided financial assistance to women who entered the UK on a spousal visa and experienced domestic violence. A Crisis Fund has been piloted to provide some assistance with the expectation of benefitting vulnerable migrants, refugees and asylum seekers. Issues related to domestic violence were the second highest cause of payments (14%) from the Crisis Fund. ([Scope-August2015](#)). The CEDAW Committee has recommended the UK Government provide increased support under the 'no recourse to public funds policy' to all women subjected to gender based violence. CEDAW 2013 [Concluding Observations on UK, CEDAW Committee](#).

<sup>279</sup> The Joint Committee on Human Rights has raised concerns about service provision for victims of domestic violence with insecure immigration status, asylum seekers or refugees. See Joint Committee on HR, (2015) [Violence Against Women and Girls](#), 6<sup>th</sup> Report of Session 2014/15

***Protect women with smaller pension provision arising from time spent caring or in traditionally lower paying roles.***

- 13.8 Older women, are less likely to have occupational and private pensions and, if they do have them, to receive lower payments than men because of broken careers for caring duties<sup>280</sup>.
- 13.9 Research has also highlighted that women in low-paid, temporary work lose out most because they often cannot afford to make pension contributions<sup>281</sup>.
- 13.10 In addition, some women will be worse off following the introduction of the flat rate pension throughout their pension life<sup>282</sup>.

Recommendations

- 13.11 The Commission recommends action:
- in the context of welfare legislation, to mitigate against the identified adverse impact of welfare reform proposals on women;
  - to improve access to social protection, including for those (mainly minority ethnic women) subjected to domestic violence with no recourse to public funds;
  - to protect women with smaller pension provision.

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<sup>280</sup> See, for example, report by European Network of Legal Experts in the Field of Gender Equality (2010) [Direct and Indirect Gender Discrimination in Old Age Pensions in 33 European Countries](#) which highlighted that in the UK the very low level of the state pension and the ensuing dependency of pensioners on occupational and/or private pensions disproportionately disadvantages women, whose coverage by occupational and private pensions is significantly lower than men. Further, the gender gap in pensions in UK in 2012 was 40% – EIGE (2015) [Gender Gap in Pensions in the EU](#).

<sup>281</sup> See Duvvury et al (2012) as cited in OFMDFM commissioned research, CARDI (2014) [Understanding Socio-economic Inequalities Affecting Older People](#)

<sup>282</sup> The new flat rate State Pension was introduced by the UK Government in April 2016. While the UK Government has indicated that over 75% of females and 70% of males stand to notionally gain from the new State Pension over the first 15 years (see DWP (2016) [Impact of new state pension age](#)) concerns have been raised about the impact of the reforms on some women. See concerns raised by Fawcett Society (2016) in [Effect of new State Pension age Debate Briefing 7](#) as well as in Hinds, B (2011) [The NI Economy: Women on the Edge?](#). Concerns have also been raised that some women born in the 1950s have been particularly negatively impacted as a result of the State Pension age increases. See House of Commons Briefing paper, March 2016, [State Pension Age Increases for Women Born in the 1950s](#).

## **14 LAW REFORM: Reform sex equality and equal pay law to address gaps; and to harmonise, simplify and clarify the law.**

14.1 Action is required to address the significant gaps in protection against sex discrimination and harassment; harmonise, simplify and clarify the law; and strengthen the Commission's enforcement powers, as well as the remedies available.

### ***Address gaps in sex equality and equal pay law***

14.2 Pursuant to its duty under the sex equality legislation to keep the sex equality legislation under review and to make recommendations for change, where necessary, the Commission has identified a number of significant gaps and weaknesses in sex equality law that urgently need addressed.

14.3 Some key recommended changes include, for example, prohibiting unlawful sex discrimination or harassment:

- by private clubs/ associations, including golf clubs and political parties;
- by public bodies when carrying out their public functions;
- by schools as regards their treatment of trans pupils.

14.4 In Northern Ireland men and women have less protection against sex discrimination and harassment than in other parts of the UK. In particular, the introduction of the Equality Act 2010 in Great Britain in October 2010 strengthened protection against sex discrimination across a range of areas, including areas highlighted in a number of our recommendations.

14.5 More recently, the gap in legal protections between Great Britain and Northern Ireland has been criticised by the CEDAW Committee, which expressed concern that women in Northern Ireland did not have the same remit of equality protections as compared to their counterparts in other parts of the UK<sup>283</sup>.

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<sup>283</sup> CEDAW (2013) [Concluding Observations on UK, CEDAW Committee](#). The Committee also expressed concern that certain provisions of the Equality Act 2010 had not come into force. The CEDAW Committee was particularly concerned that the legislative framework in Northern Ireland did not provide for protection from multiple discrimination and that there was no prohibition against pay secrecy clauses.

## ***Wider benefits of reform***

14.6 We consider that there is a robust case for strengthening the sex equality legislation. In particular, the recommended changes:

- will strengthen protection for men and women against sex discrimination and harassment and ensure that sex equality legislation keeps pace with legislative developments that improved protection in other parts of the UK;
- help address key gender inequalities, including those experienced by men and women;
- harmonise, simplify and clarify the sex equality legislation and thereby make it easier to understand;
- ensure unjustifiable inconsistencies are removed; ensure greater consistency with existing levels of protection on other equality grounds;
- provide legal certainty in areas where the scope of the legislation is unclear;
- are in keeping with the current overarching aims and objectives of the Executive's Gender Equality Strategy 2006-2016; where there is a commitment to "*improving protection against discrimination by improving legislative measures and keeping their effectiveness under review*"<sup>284</sup>;
- ensure that the sex equality legislation is in line with the UK Government's international obligations under CEDAW and the recommendations of the CEDAW Committee.

### Recommendations

14.7 We recommend that there is a timetabled commitment to reform the sex equality and/or equal pay legislation aligned to our proposals summarised below. For ease of reference, proposals which have been already implemented in Great Britain (or will be implemented in the near future) are marked with an asterisk.

#### *Forms of discrimination*

- \*prohibit unlawful discrimination and harassment by public bodies on the grounds of sex in the exercise of their public functions. We have made it clear that this is a priority area for reform;<sup>285</sup>

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<sup>284</sup> See OFMDFM 2006 [Gender Equality Strategy 2006-2016](#) page 15.

<sup>285</sup> See ECNI (2009) [ECNI Proposals for Legislative Reform](#)



- permit hypothetical comparators<sup>286</sup> in equal pay cases and introduce mandatory equal pay audits;<sup>287</sup>
- introduce new protection against intersectional multiple discrimination<sup>288</sup>;
- provide greater protection for employees against harassment on grounds of sex by a third party such as a customer or client<sup>289</sup>;
- introduce changes designed to clarify and strengthen *direct* discrimination; including:
  - clarification that direct discrimination on grounds of pregnancy is also direct discrimination on grounds of sex<sup>290</sup>; and
  - \* strengthen protection against direct sex discrimination by allowing sex discrimination claims to be brought based on a hypothetical comparator, where there is evidence of direct sex discrimination in relation to contractual pay;
- \* strengthen protection against discrimination or harassment by private clubs/ associations on the grounds of sex , including pregnancy and maternity and gender reassignment;
- \* new protection for employees against pay secrecy clauses, aimed at prohibiting employers from preventing or restricting their employees from having discussions about their pay, where such discussions are aimed at establishing whether or not there is pay discrimination;
- amend the definition of ‘gender reassignment’ so as to remove the requirement that a person undergoing gender reassignment must be under medical supervision\*; and give consideration to prohibiting discrimination on the wider ground of ‘gender identity’, rather than the narrower ground of ‘gender reassignment’;
- \* new protection for trans people in the field of education in schools and by qualifications bodies;

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<sup>286</sup> Please refer to the Commission’s guidance for [an explanation of hypothetical comparators](#).

<sup>287</sup> See ECNI (2013) [ECNI CEDAW Shadow Report 2013](#) and ECNI (2009) [ECNI response to Discrimination Law Review](#)

<sup>288</sup> See ECNI (2014) [ECNI Race law reform proposals](#) (full report)

<sup>289</sup> See ECNI (2014) [ECNI Race law reform proposals](#). In particular, our recommendation is that employers are liable if they know that the employee has been subjected to third party harassment on one previous occasion, or in circumstances that they ought to have been reasonably aware of the risk of third party harassment.

<sup>290</sup> See ECNI response to the OFMDFM consultation on a NI Single Equality Bill (2004) [Response to OFMDFM Consultation paper ‘A Single Equality Bill for Northern Ireland](#)

- \* new protection for trans people against indirect discrimination across all areas<sup>291</sup>;

#### *Enforcement and remedies*

- \* require tribunals to order a respondent who has been found by the tribunal to have committed an equal pay breach to carry out an equal pay audit;
- grant a power to tribunals to make wide recommendations that benefit the whole workforce<sup>292</sup>;
- strengthen Commission enforcement powers across the sex equality legislation;
- \* introduce Regulations requiring large private and voluntary sector employers to publish information about the differences of pay between their male and female employees<sup>293</sup>.

## **15 INSTITUTIONAL MECHANISMS: Ensure Executive action to strengthen institutional mechanisms for gender equality.**

- 15.1 Action is required to ensure a high level commitment to gender equality; to ensure gender mainstreaming and take positive action where appropriate; to improve gender data collection and disaggregation; and to develop and implement an effective Gender Equality Strategy.

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<sup>291</sup> Legislation recently introduced provides protection against indirect discrimination for transgender people in the areas of employment and vocational training only and not across all areas. [The Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2016](#) See ECNI (2016) [response](#) to OFMDFM consultation on changes to the Sex Discrimination Order.

<sup>292</sup> See ECNI (2014) [ECNI Race law reform proposals](#) (full report). In our recommendations for race law reform the Commission has highlighted that whilst a number of our recommendations call for specific changes to the race equality legislation, some of our recommendations **apply equally to other equality grounds** including on grounds of sex.

<sup>293</sup> It will be noted that the [Employment Act \(NI\) 2016](#) sets out a framework that requires employers to publish information showing whether gender pay disparities exist between employees and, where they do, to publish an action plan to eliminate them. Regulations due to come into force in Northern Ireland in 2017 will determine which employers are to be subject to these requirements to collect and publish gender pay information. Also, OFMDFM was required to publish, by October 2017, a strategy including an action plan, on eliminating differences in the pay of male and female employees. Responsibility for these have now passed to the Department for Communities. Regulations requiring large private and voluntary employers to publish gender pay information are due to come into force in Great Britain in early 2017.

## ***Strengthen institutional mechanisms for gender equality***

- 15.2 We recommend that the Executive demonstrates clear, visible and ongoing commitment and leadership to gender equality at the highest level and ensures that national machineries are allocated sufficient resources and powers to fulfil their roles and obligations.
- 15.3 Strong institutional mechanisms are necessary in order to advance gender equality in Northern Ireland. A European Institute for Gender Equality research report has stressed that *“institutional mechanisms for gender equality, including gender mainstreaming, are not a luxury but a necessary precondition for the pursuit of equality between women and men”*<sup>294</sup>.
- 15.4 The European Union has set out a strategy<sup>295</sup> for equality between women and men and other relevant strategies, including the Europe 2020 Strategy<sup>296</sup>, to inform gender equality policy. The Council of Europe has made a recommendation relating to standards for equality between women and men<sup>297</sup>.
- 15.5 Taking action to promote gender equality is also consistent with UK Government’s commitments under international obligations including the Convention for the Elimination of Discrimination Against Women (CEDAW)<sup>298</sup> the UN Convention on the Rights of People with Disabilities (UNCRPD); the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD); and EC Strategies including the Europe 2020 Strategy<sup>299</sup>.
- 15.6 The *Beijing Platform for Action* is clear that national mechanisms for gender equality must be located at the highest possible level of Government, allocated sufficient resources, have the possibility of influencing development of all government policies and have mechanisms that facilitate planning, implementation

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<sup>294</sup> EIGE (2014) [Effectiveness of Institutional Mechanisms for the Advancement of Gender Equality](#)

<sup>295</sup> European Commission (2010) [EU Strategy for Equality between women and men 2010-2015](#)

<sup>296</sup> European Commission (2010) [Europe 2020](#)

<sup>297</sup> CoE (2007) [Council of Europe Recommendation CM/Rec\(2007\)17](#)

<sup>298</sup> The CEDAW Committee in its Concluding Observations in both 2008 and 2013 expressed concerns about the implementation of the Convention across the UK. CEDAW (2013) [Concluding Observations on UK, CEDAW Committee](#)

<sup>299</sup> European Commission (2010) [Europe 2020](#)

and monitoring, as well involving NGOs and community organisations<sup>300</sup>.

- 15.7 Action to promote gender equality by public bodies is consistent with Departments' and other designated public authorities duties under Section 75 of the Northern Ireland Act 1998. In particular, designated public bodies must have due regard to the need to promote equality of opportunity between nine equality categories, including between men and women and between those with dependants and those without.

### ***Ensure gender mainstreaming and impact assessment***

- 15.8 The Section 75 duties make equality and good relations central to the whole range of public policy decision-making, an approach known as 'mainstreaming'.
- 15.9 These duties require public bodies to do more than merely avoid discrimination, including avoiding sex discrimination.
- 15.10 Public bodies should actively seek ways to encourage greater equality, including gender equality – for example, through the use of positive action where the impact of the policy will affect women and men in a different way<sup>301</sup>.

### ***Develop and implement an effective Gender Equality Strategy***

- 15.11 It is also clear that a number of challenges lie ahead in order to ensure the effective delivery of a Gender Equality Strategy (GES).
- 15.12 We note that a midterm review<sup>302</sup> of the current GES published in 2014 highlighted that although the Strategy and its elements, such as its strategic objectives, vision and key action areas,

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<sup>300</sup> The strategic objectives in the [Beijing Platform for Action](#) (1995) identified three inter-related areas for attention with regard to institutional structures and strategies to promote action on all the priorities in the *Platform for Action*; Create or strengthen national machineries and other governmental bodies; Integrate gender perspectives in legislation, public policies, programmes and projects and generate and disseminate gender-disaggregated data and information for planning and evaluation.

<sup>301</sup> See advice set out in ECNI (2010) [S75 A Guide for Public Authorities](#)

<sup>302</sup> OFMDFM (2013) [Review of GES 2006-2016](#)

were still considered relevant in their current form, there were a number of areas for improvement.

- 15.13 These include the need for: SMART outcome focused action plans; a more robust and formalised monitoring framework; and more clearly defined roles for mechanisms put in place to assist with the development, monitoring, reviewing and evaluating of the GES.

### ***Improve disaggregation of data and address data gaps***

- 15.14 In addition, there is a need for improved collection and dissemination of gender disaggregated data. It is clear that the availability of high-quality statistics disaggregated by sex is “a *major precondition for effective gender equality policies and legislation*”<sup>303</sup>.
- 15.15 There is also limited data and research in certain areas of gender equality. For example, there is a lack of data on the nature and extent of inequalities experienced by men and women with multiple identities; particularly as regards the experiences of trans people in education, health and social care, housing<sup>304</sup> and employment<sup>305 306</sup>.

### Recommendations

- 15.16 We recommend that the Executive:
- **Commits to gender equality:** demonstrates clear, visible and ongoing commitment and leadership to gender equality at the highest level, including through a commitment to gender

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<sup>303</sup> EIGE (2014) [Gender equality and Institutional Mechanisms](#)

<sup>304</sup> For example, the ECNI's draft [Statement of Key Inequalities in Housing and Communities](#) (2016) has identified that there is an absence of data in the area of gender equality and housing, including an absence of data regarding the housing circumstances of transgender people in Northern Ireland. See [www.equalityni.org/Communities](http://www.equalityni.org/Communities).

<sup>305</sup> As highlighted for example, in McBride, R-S. (2013), Institute for Conflict Research [Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland](#)

<sup>306</sup> Research into the socio-economic inequalities affecting older people has also highlighted the need for robust and regular data collection; particularly at a time of deep cuts in public expenditure that can impact on different groups. See OFMDFM commissioned research, CARDI (2014) [Understanding Socio-economic Inequalities Affecting Older People](#)

mainstreaming<sup>307</sup> throughout public policy making and delivery, and through advancing gender equality through the PfG and Budget;

- **Strengthens institutional mechanisms:** ensures that national machineries for gender equality are allocated sufficient resources and powers to fulfil their roles, and obligations (including those under CEDAW, UNCRPD, UNCERD, UNCRC etc<sup>308</sup>); and ensures engagement with stakeholders and the sustained resourcing / capacity building of representative organisations<sup>309</sup>;
- **Ensures mainstreaming and positive action:** ensures gender mainstreaming, including using the tools of gender budgeting<sup>310</sup> and impact assessment<sup>311</sup>; and to promote gender equality through the use of positive action<sup>312</sup> and temporary special measures where appropriate;
- **Improves data collection and disaggregation**<sup>313</sup>: addresses the significant gaps in gender equality data, including as regards the experiences of trans people across many areas of their lives, and improves the collection, analysis and dissemination of robust gender disaggregated data; including by multiple identities.
- **Develops / implements the Gender Equality Strategy (GES):** The Executive should additionally use the GES to give effect to / reinforce the above and:

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<sup>307</sup> *Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and all stages, by the actors involved in policy making.* [Council of Europe definition of gender mainstreaming](#)

<sup>308</sup> CEDAW – Convention on the Elimination of All Forms of Discrimination against Women; UNCRPD – UN Convention on the Rights of People with Disabilities; UNCERD – UN Convention on the Elimination of All Forms of Racial Discrimination; UNCRC – UN Convention on the Rights of the Child.

<sup>309</sup> It will be noted that initial results of a [survey](#) of voluntary/community sector organisations in Northern Ireland undertaken by NICVA in 2015 has shown that voluntary/community sector organisations working for women have been impacted by cuts in funding (based on responses from 115 organisations).

<sup>310</sup> Including measures in procurement. See ECNI, DFP (2008) [Equality of Opportunity and Sustainable Development in Public Sector Procurement](#), ECNI guidance (2015) [Section 75 and Budgets: a short guide for public authorities](#) and Quinn S (2013) [Equality Responsive Budgeting](#), Expert paper, commissioned by ECNI.

<sup>311</sup> Equality scheme arrangements and tools - i.e. screening and equality impact assessment (EQIA) - provide a means for public authorities to assess the likely impacts of policy proposals on gender equality.

<sup>312</sup> As regards the taking of positive action, the Commission has highlighted that public authorities should give particular consideration to positive action where the impact of a policy will affect different people in a different way, for example, the impact of a policy on women. It also has highlighted that mainstreaming may also require the taking of positive action. See ECNI (2010) [S75 Guide for Public Authorities, 2010](#), p 9. Positive action can be taken to promote gender equality both inside and outside employment. For further information on taking positive action in employment see ECNI (2016) [Guide on Outreach Positive Action](#)

<sup>313</sup> ECNI (2010) [S75 Guide for Public Authorities, 2010](#)



- ensure the strategy addresses the key inequalities experienced by women and men; including trans men and women<sup>314</sup> and those with multiple identities and promotes equality of opportunity between women and men;
- ensure the inclusion in the GES of a clear commitment to compliance with Section 75 commitments including those under Equality Schemes, as well as compliance with the sex equality and equal pay legislation;
- ensure that any updated GES vision, aims, objectives, or action plans take account of: relevant UN treaty obligations and Concluding Observations (specifically CEDAW, but also UNCPRD, UNCERD, UNCRC etc); priority action areas identified in the Beijing Platform; and the UN Sustainable Development Goals;
- ensure that the GES is underpinned by clear strategic objectives; a strong vision statement<sup>315</sup>; and key action areas and SMART targets and actions; meaningful outcomes and focused action plans; a robust and formalised monitoring framework, including baseline data; and more clearly defined roles for the Gender Advisory Panel;
- advance mainstreaming by ensuring synergy between the GES and the work / strategies of Departments generally, including other key Department for Communities' equality strategies and action plans and delivery plans aligned to the PfG;
- ensure effective cross departmental cooperation and working to promote gender equality;
- ensure the engagement of men and boys as advocates and stakeholders in working for the achievement of gender equality<sup>316</sup>;
- ensure opportunities to promote gender equality are considered in all public procurement, including through the use of social clauses, and encourage Departments and other public authorities to adopt good practice in

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<sup>314</sup> Consideration should be given to developing an additional supplementary and nested strategy which address the unique and additional issues experienced by transgender people. This should nest within, or be considered a sub-set of, the overarching (mainstreaming) GES.

<sup>315</sup> In particular, we recommend a vision *'of a society in which women and men are respected and valued as individuals, regardless of gender or gender identity, where we can enjoy and share equality of opportunity, rights and responsibilities in all aspects of our lives'*.

<sup>316</sup> EAC (2015) [European Advisory Committee - opinion on gender equality in the EU 2015](#)

terms of embedding equality of opportunity and good relations in public sector procurement practice;<sup>317</sup>

- ensure a high level of ministerial engagement in mechanisms established to oversee implementation of the GES, and additional steps to mainstream the GES within each Department - for example, through high level leadership that champions gender equality; implementing effective gender equality training; and setting business plan objectives and actions which are aligned to overarching GES goals/targets;
- encourage public bodies through their Section 75 action plans to implement gender equality action measures, and set performance indicators, goals (intended impacts) and outcomes<sup>318</sup>.

## 16 Conclusion

16.1 To advance gender equality, we recommend that the Executive, Departments and other key stakeholders act to address the following policy priorities, including via the Programme for Government and Budget, and the Gender Equality Strategy:

- **Attitudes:** Tackle gender stereotypes; the objectification of women; and prejudicial attitudes towards trans people.
- **Education:** Ensure gender mainstreaming via the curriculum, careers advice, teacher training and key policies; address the under-attainment of boys; and tackle bullying.
- **Employment:** Advance gender equality in access to, and progression within, employment, and ensure women's economic independence.
- **Caring:** Address the negative consequences for those who fulfil caring roles and ensure access to appropriate, accessible and affordable childcare.
- **Public Life:** Increase the participation of women and trans people in political and public life and decision making.

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<sup>317</sup> Good practice as set out in ECNI & DFP (CPD) (2008) [Equality of Opportunity and Sustainable Development in Public Sector Procurement](#). For example the guide refers to the good practice example of 'all Government estate management contracts could include provisions requiring on-site crèche facilities for working parents', and that this 'would support the Government's aim to promote family friendly and flexible working and assist single parents.' See page 41 thereof.

<sup>318</sup> As recommended by ECNI (2010) [S75 Guide for Public Authorities, 2010](#) and ECNI (2012) [ECNI guidance on audits of inequalities](#)

- **Violence:** Eradicate gender based violence and transphobic hate crime.
- **Healthcare:** Provide gender appropriate health and social care to address the particular needs of women and men, trans people, and those with multiple identities
- **Sport:** Increase women's participation in sport, and the governance of sport; and tackle barriers to the participation of trans people.
- **Social Protection:** Mitigate against the adverse impacts of welfare reform; and ensure gender equality in access to social protection and pension provision.
- **Law Reform:** Reform sex equality and equal pay law to address gaps; and to harmonise, simplify and clarify the law.
- **Institutional Mechanisms:** Ensure Executive action to strengthen institutional mechanisms for gender equality.

## Appendix 1: Definitions of terms:

### *'Gender reassignment'*

The Sex Discrimination (Gender reassignment) Regulations (Northern Ireland) 1999 includes the following definition of 'gender reassignment':

“Gender reassignment” means a process which is undertaken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex and includes any part of such a process”.

### *'Trans People or Transgender People'*

These are umbrella terms used to describe a range of people whose gender identity or gender expression differ in some way from the gender assumptions made about them when they are born.<sup>319</sup>

### *'Gender identity'*

This is an individual’s internal self perception of their own gender.<sup>320</sup> It is the way in which an individual self-identifies with a gender category, which can be at odds with their sex appearance and gender role; may be neutral, non-gendered; may involve a transition from one gender to another; or may have aspects of both man and woman<sup>321</sup>.

### *'Androgyne people or polygender people'*

These are terms used to describe people who find that they do not feel comfortable thinking of themselves as simply either men or women. Instead they feel that their gender identity is more complicated to describe and non-binary<sup>322</sup>. Some may identify their gender as being a form of combination between a man and a woman, or alternatively being neither. Like transsexual people, some androgyne people and polygender people can

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<sup>319</sup> Scottish Government (2008) [Challenging Prejudice: Changing Attitudes Towards LGBT people in Scotland](#).

<sup>320</sup> Ibid

<sup>321</sup> EHRC (2012) [Measuring Gender Equality](#)

<sup>322</sup> “Non- binary” is an umbrella term used to describe people who do not feel male or female. They may feel that they embody elements of both, that they are somewhere in between or that they are something different. Trans Media Watch [Understanding non-binary people](#).

experience gender dysphoria and may sometimes at least partially transition socially and may take hormones or occasionally have some surgery done.

*'Gender expression'*

This is an individual's external gender -related appearance and behaviour.<sup>323</sup>

*'Transsexual people'*

This is a term used to describe people who consistently self-identify as the opposite gender from the gender they were labelled at birth based on their physical body.<sup>324</sup>

*'Intersex people'*

This is a term used to describe people born with external genitals, internal reproductive systems or chromosomes that are in-between what is considered clearly male or female. There are many intersex conditions<sup>325</sup>.

## November 2016

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<sup>323</sup> From Scottish Government (2008) [Challenging Prejudice: Changing Attitudes Towards LGBT people in Scotland, 2008](#).

<sup>324</sup> Ibid

<sup>325</sup> Ibid