



Northern Ireland
Women's European Platform

Submission to Universal Periodic Review of the United Kingdom

Draft February 2022

Introduction

This submission provides evidence from the women's sector in Northern Ireland to assist assessment of the United Kingdom Universal Periodic Review. It has been coordinated by Northern Ireland Women's European Platform (NIWEP), with members and partners.

Gender equality and human rights

No meaningful action has been taken on gender equality and CEDAW recommendations are marginalised. Gender is absent from the New Decade, New Approach agreementⁱ and from Covid-19 recovery plans.ⁱⁱ A failure to respond to extensive Feminist Recovery Plans^{iii,iv} has highlighted political and administrative ignorance of equality duties, failure to integrate a gender perspective and failure to meaningfully engage civil society^v. The latter has been raised by the CEDAW Committee as non implementation, in a response to the UK interim report to CEDAW^{vi}.

The women's sector is also concerned at the failure to agree a Bill of Rights for Northern Ireland. A Bill of Rights would secure women's rights, and would provide a mechanism for integrating the state's existing international obligations into domestic legislation and policy making^{vii,viii}. The sector's stance emphasises securing a rights based society, which remains remote.

Marriage equality was achieved in October 2020^{ix,x}, but assisted conception remains an issue for lesbian and bisexual (LB) women in same sex relationships^{xi}. A commitment to three cycles of IVF has not yet been implemented for any couples, prolonging a differential to Great Britain.

Trans healthcare is in crisis. The adult Gender Identity Service has not accepted new patients since the first quarter of 2018, while the review of these services has been severely delayed^{xii}, leading to deteriorating community health.

A hate crime review recommended gender as a new protected characteristic, but rejected a stand alone misogyny offence.^{xiii} Many people experiencing homophobic or transphobic incidents and crime also feel unsupported by the judicial system^{xiv}; this is now being explored further^{xv}. None of the 16 main recommendations in the Gillen Review^{xvi} on handling serious sexual violence cases have been implemented.

Crucially, Northern Ireland remains the only part of the UK without a strategy on violence against women and girls. A strategy was initiated in late 2021^{xvii} following an increase in violence against women and girls, including femicide^{xviii,xix}, during the pandemic^{xx}. The Domestic Abuse and Civil Proceedings Act 2021^{xxi} updates some protections, but falls short of fully criminalising coercive control, unlike Great Britain^{xxii} or Ireland^{xxiii}. However, gaps that have in part prevented the UK from ratifying the Istanbul Convention^{xxiv,xxv} are addressed in this Act and in a Protection from Stalking Bill^{xxvi}.

There are no specialist services for migrant and minority ethnic victims of domestic abuse^{xxvii}, No Recourse to Public Funds (NRPF) is a major barrier to accessing support and safety.

Gender pay gap and women's economic position

Gender pay gap reporting regulations^{xxviii} remain outstanding in Northern Ireland. The gender pay gap for all employees is between six^{xxix} and 10 per cent^{xxx}; however, almost half of women work part time, experiencing significantly greater gaps^{xxxi}. Caring responsibilities are the principal reason why women do not participate in the labour market^{xxxii}; but no childcare strategy exists^{xxxiii} and reviews of adult social care have not been implemented^{xxxiv,xxxv}. Investment in education prioritises STEM subjects with^{xxxvi} no attention to wider societal needs^{xxxvii, xxxviii, xxxix}.

Austerity measures have left many women in poverty and often debt^{xl}, Universal Credit conditionality increasing pressure^{xli,xlii}. This leads to significant physical and mental health harms, with wider family and societal impacts.

Universal Credit claims almost doubled pre pandemic to February 2021^{xliii}, but the only change to the system, a £20 per week increase, was cut from October 2021^{xliiv,xliv}. There is a culture of mistrust regarding migrants within the benefits system; claims and appeals can be delayed and advisors may suggest applicants are lying about UK work history. The benefit system also penalises disabled people who get married.^{xlvi}

Abortion rights

Abortion was decriminalised in October 2019^{xlvii}, building on an Inquiry under the CEDAW Optional Protocol through legislation at Westminster. However, the Abortion (Northern Ireland) Regulations 2020^{xlviii,xlix} have not been implementedⁱ, and no action has followedⁱⁱ legislation introduced at Westminster to force implementation in July 2021^{lii,liii}.

In late 2021, a Private Member's Bill on Severe Foetal Impairment^{liv} intended to outlaw abortion in cases of fatal foetal abnormality was only narrowly defeated in the Northern Ireland Assembly^{lv}, although it was in conflict with the Northern Ireland (Executive Formation etc) Act 2019 and non human rights compliant.

The CEDAW Inquiry recommendation to implement standardised, age-appropriate relationships and sexuality education (RSE) has been ignored, again widening the gap with Great Britain^{lvi}. Schools decide individually, without systematic guidance^{lvii}, and require parental consent^{lviii}. The curriculum excludes the experiences of LGBTQI+ pupils, and pupils with disabilities may be withdrawn from lessons^{lix}.

Impact of Brexit

No impact assessment of the withdrawal of the UK from the EU has been undertaken^{lx,lxi lxii lxiii}.

The Northern Ireland Protocol to the Agreement commits to non diminution of existing rights set out in the Belfast/Good Friday Agreement^{lxiv}. The human rights institutions^{lxv} monitor this commitment via a dedicated mechanism, which includes gender equality and can address issues of individuals and inform policy making^{lxvi}.

There remains concern over undocumented EU/EEA nationals, who will become subject to non recourse to public funds (NRPF)^{lxvii}; those with pending applications are ineligible for public benefits and may face difficulties in seeking employment, housing and services including healthcare^{lxviii}. Anecdotally, there is evidence of poor information and digital exclusion leading to delay, alongside language barriers. Lack of information is also creating difficulties for those requiring a Frontier Worker Permit, who include EU citizens living in Ireland and working in Northern Ireland.^{lxix}

ⁱ [New Decade, New Approach agreement](#) 8 January 2020

ⁱⁱ Northern Ireland Executive (August 2021) [Building Forward – Consolidated Covid Recovery Plan](#)

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

^{iv} Women’s Policy Group (July 2021) [NI COVID-19 Feminist Recovery Plan: Relaunch - One Year On](#)

^v [Response](#) to Feminist Recovery Plan by Northern Ireland Departments, September 2021

^{vi} CEDAW Committee [letter to UK government](#), 25 November 2021 following review of United Kingdom interim report under CEDAW follow up procedure

^{vii} See eg. [Submission by Northern Ireland Women’s European Platform to Ad hoc Committee on a Bill of Rights for Northern Ireland](#), February 2021

^{viii} Northern Ireland Assembly Ad hoc Committee on a Bill of Rights (2021) [Ad Hoc Committee on a Bill of Rights Summary of Findings from Committee Stakeholder Events](#)

^{ix} Northern Ireland (Executive Formation etc) Act 2019 secured marriage for previously unmarried people of the same sex

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

^{xi} [Fertility Network | NHS Funding in Northern Ireland | Fertility Network \(fertilitynetworkuk.org\)](#), website, last accessed 20 February 2022. Regulations for Donor Intrauterine Insemination (IUI) have been introduced, but without adequate resources. LB women must also have completed a number of self funded/ self sourced IUI which have huge cost and legal risks respectively. The Regional Fertility Clinic is not enforcing this requirement, but this is on the basis of good will only.

^{xii} Health and Social Care Board for Northern Ireland website information on the [Review of the Gender Service Identity pathway](#), last accessed 27 July 2021. The review has failed to adequately consult with the groups primarily affected, and has reinforced existing power dynamics. There have been no interim measures to support trans communities. Consequently, community health has rapidly deteriorated.

^{xiii} Department of Justice (December 2020) [Final Report into Hate Crime legislation in Northern Ireland Independent Review](#); in consultation responses, the Equality Commission for Northern Ireland and Human Rights Commission advocated for hate crimes against men and women equally, as an example of gender blind policy making.

^{xiv} See eg Victim Support NI (April 2020) [Hate crime review consultation response](#)

^{xv} Department of Justice (January 2022) [Consultation on Hate Crime Legislation in Northern Ireland](#)

^{xvi} The Gillen Review (2019) [Report into the law and procedures in serious sexual offences in NI](#); recommendations focused on ensuring sensitive treatment of victims, appropriate court proceedings and addressing rape myths

^{xvii} The Executive Office (January 2022) [Call for Views – Domestic and Sexual Abuse Strategy and Violence Against Women and Girls Strategy](#)

^{xviii} Three of the women were murdered during the first lockdown in March and April 2020, two women in August and a further three in January-March 2021. Two women were murdered in one locality in spring-summer 2021, the first in April 2021 and the final victim in July 2021.

^{xix} [Belfast Telegraph](#) 13 July 2021 ‘[10 women murdered in Northern Ireland during pandemic after Limavady stabbing](#)’

^{xx} Police Service of Northern Ireland (February 2021) [Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland](#); An increase in harassment, including malicious communications, has emerged as a specific issue. Data collection remains limited with no breakdown of relationship of perpetrator to victim by gender, and there is no official systematic recording of violence against women and girls, including femicide.

^{xxi} [Domestic Abuse and Family Proceedings \(Northern Ireland\) Act](#) (2021)

^{xxii} [Women’s Aid Federation Northern Ireland evidence to Justice Committee on Domestic Abuse and Family Proceedings Bill](#), presented 28 May 2020 to the Justice Committee of the Northern Ireland

Assembly. In Scotland new legislation that criminalises psychological abuse and controlling behaviour came into force early in 2019 and in England and Wales, a new Domestic Abuse Act was passed in spring 2021 strengthening protections, although falling short of protecting migrant and minority ethnic women.

xxiii [Domestic Violence Act 2018](#) (Ireland); this Act criminalises coercive control as well as forced marriage.

xxiv [Protection from Stalking Bill 2021](#):

xxv A consultation on non fatal strangulation legislation launched in July proposes a stand alone offence for this. Department of Justice (July 2021). [Consultation on non fatal strangulation](#)

xxvi [Protection from Stalking Bill 2021](#)

xxvii Specific issues for migrant and ethnic minority women include threats related to immigration status and deportation, and spiritual abuse

xxviii [Employment Act \(Northern Ireland\) 2016](#) includes a provision for this, as well as a gender pay gap strategy, but Regulations were not passed before the institutions stopped sitting in 2017. No legislation was brought in the 2017-22 mandate.

xxix NISRA (2021) [Employee earnings in Northern Ireland 2021](#)

xxx (Wilson, L. (2020) [How Unequal? The unadjusted gender pay gap in earnings in Northern Ireland and the Republic of Ireland](#), NERI Working Paper Series, NERI WP 2020/No. 69, Belfast: NERI and NISRA (November 2020) [Northern Ireland Annual Survey of Hours and Earnings publication](#))

xxxi NISRA (2021) [Employee earnings in Northern Ireland 2021](#)

xxxii NISRA (2020) [Women in Northern Ireland 2020](#)

xxxiii Employers for Childcare news 23 September 2021 [‘Education Minister addresses All Party Group on Early Education and Childcare on progress towards a new Childcare Strategy’](#)

xxxiv Chapman, A (2021) [Person-centred care in Northern Ireland: learning from the experiences of adult social care users](#). In *Journal of Integrated Care* vol 29, issue 3, pp. 242-253.

xxxv Department of Health (January 2022) [Consultation on the reform of adult social care](#): the government has recognised the failures in the system, but proposals remain limited

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

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

xxxix Department for the Economy (July 2021) [A Skills Strategy for Northern Ireland – Skills for a 10x economy](#)

xl Women’s Regional Consortium (February 2020) [Making ends meet: Women’s perspectives on access to lending](#)

xli Women’s Regional Consortium (2019) [Impact of ongoing austerity: Women’s perspectives:](#)

xlii Women’s Regional Consortium (April 2020) [Women’s Regional Consortium Response to Work & Pensions Committee Inquiry into Universal Credit Five Week Wait for First Payment](#)

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

xliiv *The Guardian* 7 July 2021 [‘Universal credit £20 top-up will end this autumn, MPs are told’](#)

xlv The two child cap and benefit cap have not been removed and a [Supreme Court ruling](#) in July 2021 states that the two child cap is not discriminatory (R (on the application of SC, CB and 8 children) (Appellants) v Secretary of State for Work and Pensions and others (Respondents), and split payments remain the exception. Conditionality (A condition for benefit payment that requires claimants to work or look for work a specific number of hours per week) and the five week wait (for impacts see eg create challenges including debt and poor mental health omen’s Regional Consortium (February 2020) [Making ends meet: Women’s perspectives on access to lending](#)).

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

xlvii The Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW directly contributed to the decriminalisation of abortion through an amendment to the [Northern Ireland \(Executive Formation etc\) Act 2019](#) passed by the Westminster Parliament in July 2021

xlviii [Abortion \(Northern Ireland\) Regulations 2020](#)

xlix The Regulations provide for abortions up to 12 weeks’ gestation without a specific reason, and beyond this time period in specific circumstances including fatal foetal abnormality

¹ Early medical abortions are only performed until 9 weeks’ 6 days gestation, surgical abortions are in practice not provided and travel remains necessary, which has led to at least two suicide attempts

(see Kirk, S (January 2021) [Current abortion provision in Northern Ireland](#). British Medical Journal Sexual and Reproductive Health blog 13 January 2021). No provision is available in one healthcare Trust area (See Informing Choices NI [website](#) on abortion provision). Telemedicine is not permitted, unlike in England and Wales, Scotland and Ireland. No public information campaign has been undertaken or planned.

^{li} For further information see eg. Alliance for Choice (21 October 2020) [Open Letter to Robin Swann, Health Minister for Northern Ireland](#); Funding is not available as abortion has been added to the existing sexual and reproductive health service, with no uplift due to the lack of Departmental Commissioning. Some Health and Social Care Trusts are consequently not performing abortions due to concern regarding long term sustainability of all sexual and reproductive health services.

^{lii} [The Abortion \(Northern Ireland\) Regulations 2021](#);

^{liii} House of Commons (22 July 2021) [Statement by the Secretary of State for Northern Ireland made on 22 July 2021: The Abortion Services Directions 2021](#)

^{liv} [Severe Fetal Impairment Abortion \(Amendment\) Bill](#)

^{lv} *Irish Times* 14 December 2021 '[Stormont rejects DUP bill to stop terminations for non-fatal disabilities](#)'

^{lvi} CEDAW Committee (2018) [Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW](#)

^{lvii} Council for Curriculum, Examinations and Assessment (2019) [Relationships and Sexuality Education Guidance: Post-Primary](#); Teachers report feeling ill-equipped to deliver RSE.

^{lviii} Lessons are often based on religious concepts, the charity [Love for Life](#) reports that as many as 70 per cent of post primary schools engage its services

^{lix} In particular LGBTQI+ pupils report poor experiences with bullying and harassment in school, including lack of expertise handling issues. New legislation comes into force in autumn 2021, providing a legal definition of bullying and strengthening duties of schools (Department of Education press release 4 March 2021 '[Weir announces new legislation to address bullying in schools](#)'). Legislation on issues such as upskirting is not yet in place Department of Justice press release 5 July 2021 '[Long introduces legislation to strengthen law on sexual offences and trafficking](#)').

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

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

^{lxii} Written Parliamentary Question [UIN 129151](#)

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

^{lxiv} The European Charter of Fundamental Rights was not incorporated in UK domestic law, creating the basis for diversion with regard to human rights and equality legislation (Sturgeon, K (August 2020) [Rights after Brexit: What will change?](#) London: Brexit Civil Society Alliance).

^{lxv} [Northern Ireland Protocol](#) to the [Withdrawal Agreement and Political Declaration](#) (October 2019)

^{lxvi} See a detailed outline of the mechanism on the Northern Ireland Human Rights Commission [website](#), last accessed 19 February 2022.

^{lxvii} EU Settlement Scheme [application portal](#), last accessed 19 February 2022

^{lxviii} See eg. *The Guardian* 26 September 2020 '[Brexit: EU citizens in UK could be shut out of vital services](#)'

^{lxix} For further detail see eg. HM Government, December 2020, [Frontier worker permit for EU citizens guidance](#)