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Winner of the 1998 Council of Europe Human Rights Prize

CAJ submission to the

**United Nations Committee on the Elimination of
Discrimination Against Women**

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Table of Contents

Article One	-	page 3
Article Two	-	page 3
Article Three	-	page 7
Article Four	-	page 9
Article Five	-	page 11
Article Six	-	page 11
Article Seven	-	page 11
Article Eight	-	page 12
Article Nine	-	page 13
Article Ten	-	page 13
Article Eleven	-	page 16
Article Twelve	-	page 19
Article Thirteen	-	page 21
Article Fourteen	-	page 21
Article Fifteen	-	page 22
Article Sixteen	-	page 24

CAJ Submission to the United Nations' Committee on the Elimination of Discrimination Against Women

Executive Summary

The following submission covers each of the 16 articles of the Convention on the Elimination of Discrimination Against Women (CEDAW) as they relate to Northern Ireland. In the event that it might help the Committee in its examination of the UK government's report, we have proposed some questions that the Committee might want to ask (highlighted in bold at the end of each section).

Of particular note, we draw CEDAW's attention to three issues, all explored in more detail in the submission itself. It is particularly important that the State Party be questioned closely on these three areas.

1. Northern Ireland is now emerging from years of violent conflict. This political reality is rarely addressed in the UK report, and yet it is of vital importance, both in understanding people's needs, and in understanding the centrality of rights to securing a better and more peaceful future.
2. On the positive side, for example, we can record that Northern Ireland's conflict has taught us that equality issues must be mainstreamed into all aspects of government policy making, and this realisation is now encapsulated in law. Northern Ireland is ahead of other parts of the jurisdiction, and indeed many other countries, in having evolved a legal model for gender mainstreaming, which should ensure effective participation by those most affected. We are, of course, in the process of turning this legal advance into concrete practice on the ground, but CAJ is optimistic as to the ability of people in Northern Ireland to make this legal advance work to the benefit of the most disadvantaged in society.
3. On the negative side, Northern Ireland regularly surpasses other parts of the jurisdiction in levels of deprivation, lowest (as well as highest) educational qualifications, etc.

However, the UK government fails to highlight sufficiently the seriousness of this problem. For example, in several places in its report the UK government speaks highly of measures it is taking to combat social exclusion and inequality, but it fails to mention that these do not apply in Northern Ireland - see **Sure Start (page 13)**, the **European Union's Part Time Directive (page 17)** and **Fairness at Work (page 17)**. In other places the information provided is somewhat misleading - see references to the work of the **Rural Development Council (page 21)**, and to **school-leaving qualifications (page 14)**. Elsewhere, the government fails completely to mention important issues. Thus, no reference is made to **selective education which makes an important contribution to continuing inequalities (page 14)**, or the **unemployment differentials between Catholic and Protestant women (page 16)**, or the **very worrying trend of increasing domestic violence in Northern Ireland (page 7)**.

Submission to the United Nations' Committee on the Elimination of Discrimination Against Women

from the Committee on the Administration of Justice

Introduction

The Committee on the Administration of Justice (CAJ) was founded in 1981 to protect and promote human rights in Northern Ireland. CAJ, an affiliate of the International Federation of Human Rights and winner of the 1998 Council of Europe Human Rights Prize, is a cross community human rights group. Our remit is broad, encompassing civil, political, economic, social and cultural rights. Accordingly, we have published and campaigned extensively on issues such as policing, emergency legislation, as well as discrimination on grounds of disability, race and religion. Much of this work relates to women and men equally, but CAJ also works alongside many groups that work specifically to promote gender equality between men and women.

CAJ is convinced that international interest in, and scrutiny of, the UK's record with respect to human rights in Northern Ireland is always very influential. It was, for example, only through a combination of work by the UN (the Committee for the Elimination of Racial Discrimination), and local efforts, that the anti-race discrimination legislation which applied in Great Britain since 1976 was extended in 1997 to Northern Ireland. Pressure exerted by the UN's Committee Against Torture, the Human Rights Committee, the Economic Social and Cultural Rights Committee, and the Committee on the Rights of the Child, have all proved directly helpful in ensuring better human rights protection in this jurisdiction.

CAJ's experience in the past with CEDAW has been limited but we hope that the following submission will prove to be of use to the Committee's Experts in their deliberations. To try and encourage more NGO involvement in your work, we circulated the UK government's report and convened a briefing session in Belfast which was attended by a variety of interested constituencies - trade unions, women's groups, family planning activists, rape crisis workers, women politicians and others. We know that, as a result of this briefing session, our own submission has been enriched, and we hope that your Committee will also receive submissions directly from some of these groups, reflecting the particularities of the situation in Northern Ireland.

General background on Northern Ireland

CAJ welcomes the clear effort made by the UK government, in its report to CEDAW, to make reference where appropriate to the constituent parts of its jurisdiction - this has unfortunately not been a consistent feature of previous UK reports to UN treaty mechanisms. We feel, nevertheless, that some further background would be useful to the Experts.

Firstly, Northern Ireland has experienced one of the longest and most violent political conflicts in Western Europe since WW II. The conflict has had repercussions that

are difficult to assess even now in a period of relative peace. Little debate or research has yet taken place regarding the impact of the conflict on children, mental health, levels of violence within the home, etc.¹ At appropriate places in the process of its examination, ***CEDAW should ask the UK government to comment on the impact of the conflict in Northern Ireland and what it has done to try to minimise any damaging consequences, especially with regard to women.***

Secondly, despite ceasefires by all major paramilitary groupings in Northern Ireland, emergency legislation still prevails. Northern Ireland has never known a period without such emergency powers. It is well known that the protection and promotion of human rights is extremely difficult if not impossible in a situation of de facto permanent emergency powers. The UN has spoken out clearly on such issues in the past. Women, like men, suffer from the abuse that can and does flow from such powers and indeed often suffer some gender-specific consequences also (eg sexist harassment from the security forces). ***CEDAW should ask the UK government what practical measures are being taken to repeal emergency powers.***

Thirdly, Northern Ireland compares very badly with Great Britain² on all socio-economic indicators and has always done so. The region is, on average, consistently the worst off in the UK in terms of unemployment, school leavers without qualifications, poor health etc. Northern Ireland also suffers serious inequalities of wealth. These inequalities are apparent as between different income groups, but also in a cross cutting way as between men and women, and as between women themselves on grounds of their religious/political backgrounds, their ethnicity, their sexual orientation, their physical or mental disability, their age or other such status. In this submission, we draw attention to these disparities in some detail.

Fourthly, and much more positively, Northern Ireland is currently in a time of transition. The ceasefires have held by and large, and the political negotiations are continuing, despite many difficulties. Few people challenge the fact that women, both in their own families and by their work within local communities, have played an important role in bringing the transition about. Despite, or perhaps because of, the political vacuum that existed, a very vibrant civil society developed to ensure some form of social cohesion and a network of self-help groups. As in many other societies, women predominate in the community and voluntary sector, which is the organised expression of this vibrant civil society. Estimates put women's groups at several hundred, and this is only one small indication of the level of women's activism. At the same time, it should be noted that many believe that any 'return to normal politics' (leaving aside the debate as to what constitutes 'normal politics', or whether such a situation ever prevailed in Northern Ireland), will place power in the hands of socially conservative, male, party politicians.

The challenge for Northern Ireland will be to develop a renewed system of representative politics that draws upon, and complements, the participative politics that have evolved in the vacuum.

¹ Rare exceptions to this claim lie in the work done by Joan McKiernan, Monica McWilliams, and Lynda Spence on women and violence in 1993 and 1996, and, most recently, research entitled "NI's Troubles: the Human Cost" by Marie-Therese Fay, Mike Morrissey, and Marie Smyth, Pluto Press, 1999.

² Great Britain is the term used to describe England, Wales and Scotland. The term UK is used when referring to "the United Kingdom of Great Britain and Northern Ireland".

Article One - Elimination of Discrimination

Northern Ireland has similar anti-sex discrimination legislation to that applicable in Great Britain. In one regard, however, there is a difference - a positive one. In the Northern Ireland Act 1998 provision was made to place a statutory obligation on all public authorities to promote equality of opportunity.³ This is an extremely important advance that is commented on below in more detail. The provision exists because of successful advocacy on the part of many groups which insisted on placing human rights and equality concerns at the heart of the Good Friday Agreement. Experience has taught us in Northern Ireland that peace is not feasible without a strong foundation built upon a respect for rights, and a recognition that rights concern nationalists and unionists, but also Catholics and Protestants, blacks and whites, gays and straights, young and old, men and women.

Article Two - Legal Provisions

The statutory duty on public bodies to promote equality of opportunity which is referred to above is innovative in UK terms (it only applies in Northern Ireland) and, we believe, offers an interesting model for elsewhere. The Good Friday Agreement determined that equality should be mainstreamed in Northern Ireland governance, and that therefore equality impact assessments (involving close and effective consultation with those affected by policy decisions) should be a standard element within government policy. NGOs have been very active in lobbying government and political parties to this end and the new provisions offer in embryo the model for the "human rights impact assessment or impact statements" requested of the UK government by the UN Economic, Social and Cultural Rights Committee.⁴ Much work must be done to turn these legislative provisions into practical reality, but the legal framework is there at least. This framework is intended to ensure that women are directly involved in decisions affecting them, and that equality and non-discrimination concerns are considered carefully alongside other government disciplines eg value-for-money, financial probity etc.

The Committee should indicate its interest in the concept of mainstreaming equality and should ask to be kept apprised of developments in Northern Ireland. The government should be asked for details regarding the implementation of the statutory duty to promote equality of opportunity. In particular, the government should be asked what training and information about the new statutory duty is being provided to government departments and other public bodies.

There are also a number of specific areas in connection with this article of the Convention which are of particular importance. Taking them one by one:

³ Article 75, Northern Ireland Act 1998

⁴ See Concluding Observations of the (UN) Committee on Economic, Social and Cultural Rights to the Report submitted by the UK government, 12 December 1997, E/C.11./1 Add.19)

a. Minimum wage

Most commentators concerned to lessen serious economic differentials within society welcomed the introduction of a National Minimum Wage. Given the preponderance of women amongst the low paid and amongst part time workers, the setting of a National Minimum Wage is particularly beneficial to women in the workforce. Moreover, the fact that the wage was set at a single level across the UK was probably beneficial for Northern Ireland in that, in a generally low wage economy, and with a very high proportion of small businesses, there might have been a temptation to set a lower standard wage in Northern Ireland than elsewhere. Nevertheless, the wage set is very definitely too low. Moreover, the fact that different (lower) rates have been set for young employees appears unjustified (and may indeed be challengable under Northern Ireland law, given the statutory duty to promote equality of opportunity regardless of age, referred to earlier).

The UK government should be asked to explain how it will keep the minimum wage under review and what provision, if any, has been made to increase it, at least in line with the rate of inflation. How does the government justify its differential treatment of young employees in the setting of a minimum wage?

b. Industrial Tribunals

The report did not note the fact that in Northern Ireland there is legislation covering gender discrimination and separate legislation covering political and religious discrimination. The latter legislation is stronger than the sex discrimination provisions and this has led to a certain hierarchy in inequalities. Thus, a woman alleging discrimination on grounds of her religious or political opinion, as well as on grounds of gender, must seek a remedy on the first issue before pursuing her gender concerns. This standard prioritisation of the religious/political discrimination dimension, regardless of the particular circumstances of the case, suggests that one form of discrimination is intrinsically more important or worse than another. The Equal Opportunities Commission (NI) unsuccessfully recommended changes to this practice in a formal submission to government in 1997.⁵ Furthermore, the level of compensation payments in gender cases appears to be consistently lower than payments relating to findings of religious/political discrimination.⁶ Last but not least, the Equal Opportunities Commission, which pursues gender discrimination, has half as much financial resources at its disposal as its religious/political counterpart - ie £1.5 million versus £3 million.

Additional concerns relate to the complexity of some of the legislation (especially the Equal Pay legislation) making it extremely difficult to litigate effectively an equality claim without institutional support; the absence of a clear definition of sexual harassment; the lack of availability of legal aid, and the EOC's limited resources to assist individual litigants.

The UK government should be asked:

- ***to confirm what its intentions are regarding the harmonisation, upwards, of the different equality laws;***

⁵ See Recommendations for Change of the Sex Discrimination Legislation (EOC-NI, 1997)

⁶ See A Hegarty and C McKeown in Review of Employment Topics, vol 2. No.1 June 1994.

- ***how, in the new mechanisms being established in Northern Ireland (most specifically, the creation of a single Equality Commission⁷), it intends to ensure that sufficient resources will be deployed to ensure no hierarchy of discrimination is created;***
- ***what guarantees can they provide to ensure that gender equality gets appropriate resources allocated to this work;***
- ***and what steps are being taken to collate statistics disaggregated by gender, given the centrality of this to any gender mainstreaming measure.⁸***

c. Treatment of women offenders

Most of the recent concerns in this regard relate to women detained in Great Britain rather than in Northern Ireland. Thus, for example, in 1996/1997 there was the case of Roisin McAliskey who was detained for six months in prison and then a further six months in a hospital, awaiting possible extradition. Her treatment while in prison took little or no account of her pregnancy and ill-health, and she was the subject of extensive campaigning to ensure a more humanitarian regime. British based NGOs will presumably relate some of the examples of pregnant women prisoners being shackled during labour, whose cases, once they received nationwide publicity, secured some change in penal practice. An issue which has received less publicity is the imprisonment of young girls - some 300 girls between 15 and 17 are detained every year in adult prisons in England and Wales.⁹

In Northern Ireland, a similar problem exists in that insufficient provision exists for female juvenile offenders. In December 1997, CAJ wrote to the appropriate government minister to complain about the case of a fifteen year old girl who had been remanded on a five-week order to an adult prison (HMP Maghaberry). No provision existed then - nor does it exist now - to hold young female offenders separate from adult prisoners, though such provision is made for their male counterparts. This lack of provision is in violation of the non-discriminatory provisions of the European Convention on Human Rights, and of the UN Convention on the Rights of the Child which requires that children who are "deprived of their liberty shall be separated from adults, unless it is considered in the child's best interest not to do so" (article 37c).

The Committee should ask the government how it intends to ensure appropriate provision for juvenile female offenders. Reference is made in the UK report to a review of prison facilities for female offenders: it would be good if the Committee could clarify whether this review will cover the issue of juvenile offenders, and also whether it will deal with Northern Ireland.

d. Police harassment

In part because of the extensive powers accorded to the police under the emergency powers, allegations of police harassment have been very persistent and consistent.

⁷ This body will amalgamate the current four equality institutions - the Fair Employment Commission (dealing with religious and political discrimination), the Equal Opportunities Commission (gender), the Commission for Racial Equality, and the NI Disability Council.

⁸ CEDAW emphasised the need for such statistics in GC no.9 (8th session, 1989)

⁹ See study by the London-based Howard League for Penal Reform, 1998.

At particular risk are young people and CAJ published a report in 1994 indicating that, out of a survey of young people, more than one quarter reported some level of police harassment. Of particular relevance to CEDAW is the fact that 10% of female respondents to the survey reported that they had suffered sexist harassment, which is presumably in part explained by the militaristic and macho nature of policing in Northern Ireland.¹⁰

A very specific case of police harassment has come to the fore recently with the furore following on from the tragic death of human rights lawyer Rosemary Nelson. Ms Nelson was murdered by loyalist paramilitaries on 15 March 1999 but, prior to her death, had complained of intimidation and even death threats from police officers. The UN Special Rapporteur on the Independence of Judges and Lawyers¹¹ accused the Royal Ulster Constabulary of showing "complete indifference" to similar complaints brought to his attention by NGOs. Indeed the subsequent investigation of the threats against Ms Nelson proved so ineffective that, the unprecedented step was taken of calling in the London (Metropolitan) police. This case is being highlighted here, since many observers believe that her gender was a factor in the climate of hostility which had been built up around Ms Nelson. Whilst the primary reason for her death was her determination as a lawyer to defend even the most unpopular of cases, the fact that she practised law in a relatively isolated geographic area, and was a woman, made her high profile, and apparently particularly objectionable to some elements of society in Northern Ireland.

Women lawyers should not expect better treatment than male colleagues, but neither should they expect worse. In particular, they should be safeguarded against gender-specific abuses of whatever kind.

CEDAW should ask the government:

- ***what pro active measures are being taken to recruit and retain women into the police;***
- ***what measures are being encouraged for women going into non-traditional roles in the police;***
- ***what active steps have been taken to reduce the level of sexist harassment in the workplace and in relations between the police and the communities served;***
- ***and how it sees fundamental change taking place to police culture to allow it to be more gender-friendly.***
- ***The Committee should ask about the steps taken to respond to the UN Rapporteur's calls for greater protection for all lawyers.***

e. Domestic Violence:

Domestic violence could figure under a number of rubrics but it is placed here since CEDAW has defined domestic violence as a violation of article 2 (GC no.19 - 11th session 1992). The number of murders and very serious assaults in Northern Ireland has been growing steadily according to police statistics. We are unaware if

¹⁰ See "It's Part of Life Here", CAJ, 1994. Also, "The occupational culture of the RUC is heavily masculine" Brewer & Magee in "Inside the RUC", 1990.

¹¹ E/CN.4/1999/60, 13 January 1999, Commission on Human Rights, 55th Session

anyone has analysed this increase and how it compares to domestic violence statistics prior to 1996, when political violence would have been at a much higher level.

Description	1996	1997	1998	Jan-March 1999
Murders	2	8	10	3
Rapes	4	10	21	2
Very serious assaults (GBH)	26	51	60	27
Serious assaults (AOABH)	359	411	670	163

The Committee should ask government what legal, educational, financial and other provisions are made to counter domestic violence in Northern Ireland? How does government monitor the levels of assault against women, and what is their reaction to the increasing trend of serious violence? What action has the government taken on the guidelines prepared by the Special Rapporteur on Violence Against Women?

Article Three: Elimination of Discrimination

a. Race:

As the government report notes, race can, for many women, create a double disadvantage. In Northern Ireland, the small number of women from ethnic minority communities, and the diversity between the communities concerned (Travellers, Chinese, Afro-Caribbean, Filipino etc) creates particular difficulties. Most seriously of all, the small number of representatives from ethnic minorities was for many years used by the UK government to excuse the lack of anti-racism legislation in Northern Ireland. Now, however, this has changed. Unfortunately, however, the opportunity was not taken, when extending anti-race legislation to Northern Ireland, to introduce a fuller and more comprehensive package of measures. This would have taken into account the failings of the legislation already in force in Britain. For example, in materials submitted to the UN Committee for the Elimination of Racial Discrimination, ethnic minority organisations have argued the need for:

- more effective enforcement powers
- minority language provision, especially in the health and social services, but also in education in terms of language & other support for ethnic minority children

- more multicultural sensitivity and respect so that ethnic minority members are able to exercise their rights in terms of education, but also in areas such as housing, the criminal justice system, welfare rights, community development, and capacity building for the community
- mainstreaming race and gender issues

Obviously those issues affect both men and women, but arguably are all the more relevant for women from ethnic minorities who, more frequently than their male partners, are less involved in occupations outside the home and therefore less integrated into the wider society. Women in ethnic minority communities often face special problems of language, limited access to information, are not made aware of their rights, and have special problems of childcare etc. that are often not catered for effectively by government. Women from ethnic minority communities are often the people who have most need for government services, and sustained and long term funding for the sector is vital if we are to mainstream their concerns into all aspects of public sector provision.

The Committee may want to ask why the clearly expressed opinion of various minority ethnic groups was disregarded when the government decided to amalgamate the only very recently created Commission for Racial Equality (NI) into a broader Equality Commission. The government should also be asked how it intends to protect the rights of ethnic minority women in the new arrangements and what resources are to be made available to this sphere of activity?

b. Ex-prisoners

No specific reference is made to ex-prisoners in the government report, but in Northern Ireland many thousands of people have served prison sentences related to the conflict. Of these, it is estimated that some 5% of all republican prisoners are female, and while the figure is probably lower for loyalists, this amounts to a female ex-prisoner population of several hundred. Issues around the resourcing of ex-prisoner support groups, access to employment, and integration into the community all need to be addressed with sensitivity.

The Committee should ask government what provision is being made for female ex-prisoners in Northern Ireland?

c. Disability

Northern Ireland has a much higher rate of disability than GB at 17.4% of the population; women constitute 10% and men 7.4% of this figure.

Disability organisations feel that anti-discrimination legislation for people with disabilities is very weak. The definition of disability is very narrow and does not include any notion of perceived disability. It can be very difficult for individuals to prove that they are covered by the legislation. The employment provisions specifically exempt small employers with a workforce of less than fifteen staff, and charities. This impacts directly on women, as many work for such employers. The provisions of the DDA (Disability Discrimination Act) also focus on what is "less

favourable treatment" and "reasonable". Employers and service providers could well exploit these defences. The exclusion of education and transport from the legislation is particularly problematic on women. There is a need for a comprehensive review of the DDA and a well-resourced body to assist people with disabilities to take cases.

At the time of writing, news was received that twelve major disability organisations had resigned from the Government Disability Benefits Forum, because they believed that the views of major disability constituencies were not being taken into account in the Welfare Reform Bill. To quote from a press release from Disability Action: "*Even though there were over 300 detailed responses to the Government's Consultation Paper... the Disability Benefits Section of the Bill was almost identical to the Government's original proposal*".

The Committee should explore with the government:

- ***what enforcement mechanisms currently exist to counter discrimination on grounds of disability;***
- ***what measures it intends to introduce, and when, to meet the concerns of disability campaigners in this regard;***
- ***and how it intends to improve its consultative processes so that people with disabilities are reassured that their views are being taken into account by government?***

d. Rural women

Little information is provided with regard to rural dwellers, and yet this is a very excluded group, and the needs of rural women are rarely well catered for. They can be and/or become extremely isolated in comparison to their city counterparts, with differential access to education, medical provision, paid work, social activities etc. See comments under article fourteen.

Article Four: Temporary Special Measures

a. Positive Action:

The references in the UK government report suggest that they welcome the contribution positive action can make to securing greater equality. However, in reality, the UK government has often proved very reluctant to move energetically in this area. For example, in a White Paper, issued in March 1998, on the issue of equality, the government noted: "*Using public sector contracts to achieve particular social policy objectives is generally known as 'contract compliance'. It runs counter to the spirit of market liberalisation in public procurement which has been promoted by the EU and the UK government*".

However, in fact, European Union attitudes to the use of public procurement in the promotion of social objectives has been changing over recent years, and this has not apparently been recognised by the UK government. While paying lip service to positive action on occasion (including in the report they submitted to CEDAW), the UK government's attitude is generally hostile. Interestingly, even the limited provision

for positive action made in Northern Ireland's fair employment legislation, and race relations legislation, is not extended to gender.

The Committee should ask the government what positive action for women it actively promotes, and why it is often considered to respond negatively to concrete proposals for more moves in this direction?

b. Targets:

As to targets, for some unexplained reason, 50% has been set as the target for gender representation in public bodies in Great Britain (page 67), but 40% in NI (page 75). This disparity in approach in no sense reflects the proportion of women in the different jurisdictions.

The Committee may want to question the government on the targets set for more gender representation on public bodies in Northern Ireland and why they appear to have set lower targets than for Britain?

c. European Peace and Reconciliation Programme:

It was surprising that no explicit reference was made in the UK report to the fact that the European Peace and Reconciliation (P&R) Programme was (i) targeted at women (as one of a number of specifically mentioned socially excluded groups) and (ii) was intended to involve women in the decision making processes (see enclosed executive summary of an evaluation report on this topic). This omission may be due to the fact that the P&R monies being channelled through government departments have not been subjected to much scrutiny on these criteria, and indeed concerns have been expressed as to the extent to which monies distributed via government departments did in fact meet these criteria.

The Committee should ask government to explain (a) what proportion of the Peace and Reconciliation monies was distributed via government departments; (b) what proportion of this money was distributed to women's projects; (c) what proportion was put to use by women and involved women directly in the decision making process; (d) how the good experience of involving women in some aspects of the Programme (as beneficiaries and as decision-makers) will be built upon once the immediate funding runs out.

d. Merit Principle:

Frequent reference is made in public discourse, and is alluded to in the report, as to the importance to be accorded to the concept of 'merit' and appointment according to the criteria of 'whoever is best for the job'. An implicit assumption often appears to be that 'merit' is an uncontested principle. Merit is, however, a deeply contested concept. After all, merit has to date been largely defined by those already part of the power structure who are (in the UK) by and large white, heterosexual, and male. If 'merit' is to be insisted upon, it should be better defined, perhaps with the criteria of the 'best person for the job' taking into account broader social issues. See the note attached on four conceptions of merit - we think the fourth is the preferred option in

that it allows gender to be considered as a "plus" in policy making (appendix 1). Regardless of the definition that is agreed upon, it is vital that some definition is elaborated, since otherwise there is a suspicion that the concept is merely used to hide behind when unrepresentative bodies are accused of possibly discriminatory practices.

The Committee should ask the government to define 'merit'.

Article Five: Stereotyping and Prejudices

A major challenge to issues such as gender stereotyping, discriminatory behaviour, and even abuses such as domestic violence, can be developed in schools with early awareness of equality issues. There is in Northern Ireland a programme called Education for Mutual Understanding which is relevant to this debate. However, its emphasis is on communal differences of a religious or political type, and issues of race, gender, or rights generally are not dealt with in any fundamental way.

The Committee should ask the government for their assessment of the impact of the conflict and political violence in Northern Ireland on attitudes of and towards women and how this is being handled in schools and elsewhere.

Article Six: Exploitation of women

Reference is made in the report to the offence of kerb-crawling but it is not noted that this legislation has not been extended to Northern Ireland. Accordingly, in Northern Ireland, soliciting (an activity mainly engaged in by women) is an offence, but kerb-crawling (mainly engaged in by men) is not.

The Committee should ask the government for information regarding the exploitation of women in Northern Ireland, since the material provided in its report relates largely to England and Wales.

Article Seven: Women in Politics and Public Life

On the positive side, specific reference is made in the Good Friday Agreement to the importance of participation of women in public life. However, in reality, little has yet been achieved. Whereas the proportion of female Councillors is 28% in England, 22.2% in Scotland, and 20% in Wales, it is only 14% in Northern Ireland. There are no Northern Irish female Members of the European Parliament, and no female Members of Parliament in Westminster. In the Belfast-based Assembly of 108 members, 14 members (or 12.9%) are female.

It is not clear why the provisions made for good gender representation in the Scottish Parliament¹² were not replicated in the arrangements for the Northern Ireland Assembly. Instead, the electoral system that was negotiated was clearly recognised to penalise smaller parties - which included the Women's Coalition (a political party, only recently created with the specific purpose of improving the representation of women and women's perspectives in public life). Thus, an opportunity which could have been used to promote the representation of women was lost.

As to the experience of women in the few elected bodies that exist - there often appears to be little sympathy with issues they raised with regard to family friendly environments, childcare, and the nature of standing orders. Instead sexist attitudes have been all too prevalent. In a flyer put out by the Women's Coalition,¹³ references were made to some of the problems they faced from their male colleagues in the Forum which preceded the current Assembly:

- "At first many of them seemed uncomfortable calling us 'Women's Coalition' referring instead to 'the Ladies' Coalition'"
- "It was a hard place to be, with calls of 'sit down, you silly woman!'"
- Another (male) Forum member referred to the need for "the loyal women of Ulster to stand by their men".

These remarks were made - and went largely unchallenged - in the then highest political assembly for Northern Ireland.

There is no consistent pattern of a 'statement of welcome' for women in the public advertisements for positions on public bodies, and relatively little provision for issues such as childcare, which would assist women perform such public duties.

The Committee should ask government what steps it will take to ensure that the working practices of public bodies, local authorities, and the Assembly are made more "user friendly" to women eg improved working hours and childcare facilities; sexist harassment policies etc.

Article Eight: Women as international representatives

There are to our knowledge few Northern Ireland candidates representing the UK on international or regional delegations, and even fewer female ones. ***Perhaps the government could be asked for statistics as to the number of Northern Irish women representing the UK in international or regional fora?***

¹² The Independent, 13 May 1999, reporting on the first session of the Scottish Parliament notes: "There were plenty of female faces - 48 out of 129 MSPs - leaving only Sweden and Denmark with more women members of parliament. Their impact is already being felt: working hours from 9am to 5pm and a crèche".

¹³ Material taken from a bulletin of the Women's coalition - Common Cause - 1996

Article Nine: Nationality

A particular problem which has come to public attention recently is the limitation apparently imposed on the rights of non-UK passport holders to work in the public sector. It is unclear how wide this net can be cast and whether it applies only to people born outside of the UK, or also to people born in the UK but who choose not to hold a UK passport. Some uncertainty has arisen and it would be good if this matter could be clarified.

The problem is that if the latter interpretation were applied, it would pose grave employment restrictions on a number of people in Northern Ireland. Many in Northern Ireland, specifically many nationalists, prefer to hold passports from the Irish Republic than the UK and this "dual" status of many people living and working in Northern Ireland was fully respected until recently. Some carry UK passports, some Irish, but no discrimination attached to this choice in terms of public sector employment. Furthermore, public sector employment constitutes a large proportion of employment in Northern Ireland generally, and therefore denial of the opportunity to seek employment in the public sector on any grounds at all seriously reduces a person's employment prospects. It would therefore be very problematic if public sector employment - or significant parts of it - were denied to non-UK passport holders.

Even in a narrower interpretation, whereby the exclusion applied only to people born outside of the UK, it has already proved detrimental to a number of people. Several people, born in the Republic of Ireland, but living most of their adult lives in Northern Ireland, have found themselves precluded from certain types of employment. This is an unacceptable development particularly at a time when relations north and south of the border are being eased as a result of the Good Friday Agreement.

The Committee should ask the UK government to indicate what the exact rules are governing nationality and employment in the public sector, and to indicate if there are any particular problems in applying these rules to people living in Northern Ireland but holding Irish passports only?

Article Ten: Education

a. Sure Start

is an important family support programme and is properly extolled in the government report. However, for no obvious reason, the programme is not to be extended to Northern Ireland (a fact that is not explicitly mentioned in the government report). This is particularly strange given that Northern Ireland is recognised as the most consistently socio-economically deprived area of the UK, and the Sure Start programme is especially intended for areas in need. Women's groups have been told that the policy is not operating in Northern Ireland because there was insufficient interest expressed. However, we believe this is due to lack of knowledge of how to access resources, rather than a lack of interest. ***The government should be asked to reconsider its decision not to extend Sure Start to Northern Ireland.***

b. Pre-School Education:

Reference is made (page 97 of the UK report) to the fact that education is on offer in Northern Ireland to all children from four years old, whereas in Great Britain the school starting age is five. However, reference is not made to the fact that the wisdom of this policy has been challenged.¹⁴ Many commentators believe that children need more time in a more informal and less structured setting and should not be sent too young to formal schooling. Despite a major study on reducing inequalities in society, which looked in some detail at the contribution education might make, the government rejected (with no explanation) a recommendation by the statutory human rights organisation to raise the school starting age in Northern Ireland. Dismissing the research in a one-sentence response, it was decided that *"The government does not consider that there are any educational grounds for raising the current school starting age and does not accept SACHR's recommendation to this effect."*¹⁵ ***The government should be asked why it prefers that four year olds in Northern Ireland are obliged to attend formal schooling rather than pre-school facilities - and, in any event, why this should be the case in Northern Ireland only.***

c. Selective Education:

The selective system which still applies in Northern Ireland (though in few other places in the UK) is not referred to, but is considered by many to contribute in great measure to the fact that the region has both the highest and lowest qualifying school leavers' results. The statistic supplied in the UK report, that only 5% of girls leave school without any qualification, is slightly misleading. The report notes that 17% leave with a qualification which would be considered unsatisfactory by most employers and this is surely the more relevant statistic (page 98). On the basis of the statistics, there is no sense that girls suffer from this educational system more than boys. However, indirectly this system contributes to huge inequalities in society which feeds a continuing cycle of deprivation, and should be reviewed. Government has indicated that it intends to encourage public debate of the selective educational system. ***The Committee should ask when this debate about selective education is likely to take place.***

¹⁴ "Employment Equality: Building for the Future", June 1997, published by the Standing Advisory Commission on Human Rights (SACHR), noted: "Free nursery education for all who want it would remove the need for four year old children to enter primary education. Children at this age are too young to benefit from the formal curriculum offered at that stage" (page 35).

¹⁵ "Partnership for Equality" page 19, para 3.4; government White Paper responding to SACHR's review (see footnote above)

d. Status of teachers:

While true that women are well represented in the teaching profession, this is unfortunately due in part to the relatively low status accorded to the profession. This is particularly noticeable when one looks at primary school teaching.¹⁶ Only 12% of primary school teaching posts are held by men, and yet men hold more than 50% of principal posts, so the profession per se is not unattractive to males. However pay scales do appear to make basic teaching jobs unattractive to men.

Moreover, as the statistics show, despite their preponderance in both primary and secondary level education, women are in a minority at principal and vice principal levels. So it is difficult for women to achieve positions of influence and direct educational policy. This is reflected in the senior levels of administration and in the political realm also, so educational policies are largely made by men, and delivered by women.

The Committee should ask the government what steps it is taking to improve the status accorded to the teaching profession, to encourage more men to enter the profession, and to promote women into administrative and senior management levels of education.

e. Nature of testing:

In the context of research into religious and political discrimination, it was noted that there had been a marked worsening of the situation in the differentials between Catholic and Protestant pupils when the transfer tests¹⁷ were changed from a verbal reasoning format to a curriculum-oriented format. The statistics did not clearly distinguish between male and female pupils, so it is not clear if this change also had gender implications. ***The government should be asked for their response to these findings about community differentials in test results and whether the change in testing has had a differential gender impact also?***

d. Pay scales:

There are no publicly available statistics on pay scales and parity issues for women in higher and further education but the Committee of Experts may be interested in the attached article in The Guardian, 4 May 1999 (appendix 2). ***The government should be asked if gender-disaggregated statistics exist for employment in higher and further education?***

¹⁶ For more information on this issue, see research produced by the Equal Opportunities Commission for Northern Ireland - "Primary Concerns: Gender Factors in Choosing Primary School Teaching" (1998) and "Women in Teaching", produced by the Department of Education for Northern Ireland (1999).

¹⁷ Tests children take when moving from primary to secondary level education. For research on the nature of the tests see "Transfer Procedure Test Results (1989/90 - 1995/96)" SB 1/96, issued by the Department of Education for NI (June 1996).

Article Eleven: Employment, Health & Safety, Social Welfare

a. Pay ratios:

Despite over 25 years of pay equality legislation, the pay gap between men and women persists. The current statistics on the hourly pay gap are as follows:

Women's Average Hourly Earnings as a % of Men's¹⁸ (workers on adult rates whose pay was unaffected by absence)			
	Manual	Non-Manual	All
Full time	71.6	71.7	83.5
Part time	96.9	50.0	62.7
All	70.5	66.8	76.3

Statistics on the gross weekly pay differences indicate that for full time only, women earn only 75.5% of male wages, if overtime is included. If overtime is excluded, they earn 80.5% of the male weekly wage.

b. Unemployment rates:

■ **religious and political differentials:** No reference is made to the fact that in Northern Ireland, Catholic women are 1.8 times as likely as Protestant women to be unemployed. This is only slightly better than the male unemployment differential between the two communities (with Catholic men 2.2 times as likely as Protestant men to be unemployed). In addition, however, the economic situation of women is often dependant on, or at least influenced by, their male partner's income, and in that regard Catholic women are likely to suffer more than their Protestant counterparts.¹⁹

■ **ethnic minorities:** In Great Britain the unemployment rate for ethnic minority women as compared to white women is 18% rather than 8%. No figures are given for NI - *the Committee should ask if figures exist for unemployment of female members of ethnic minority communities living in Northern Ireland?*

■ **benefit system:** Often, families lose out economically (because of reductions to their family benefits) if the wife of an unemployed male secures anything other than well-paid work. Since well-paid jobs are not readily available for women, their employability is directly affected by the unemployed status of their partner and the benefit system. Moreover, an increasing number of government programmes that are aimed at the official unemployed, target benefit recipients. Since women tend not to be benefit recipients they are not able to access a number of large-scale employment programmes - eg the New Deal. The development of claimant-based

¹⁸ Statistics taken from New Earnings Survey (NI) 1998

¹⁹ For example, research by the Standing Advisory Commission on Human Rights into employment equality found that the female partners of long term unemployed men are less likely than other women to work, which makes the household more benefit-dependant. Although they constitute a smaller proportion of the overall population, Catholic males make up 64% of those who have been unemployed for more than a year (Employment Equality: Building for the Future, 1997)

programmes has had a detrimental impact on women's access to benefit and on their accessing programmes for the unemployed.

The Committee should ask the government what consideration was given to the detrimental impact on women of both the abolition of the ACE training scheme and its replacement with the New Deal?

c. Employment

No figures are given for part time workers in Northern Ireland. It is stated as a fact that the number of full time jobs has decreased, but no reference is made to the widespread perception that many of the part time jobs replacing full time work are less secure in tenure, less protected in legislation, and less amenable to trade union or other collective bargaining measures. Part time work seems to be being introduced in sectors where women work, and this, in combination with the fact that some women are interested in combining paid work with family care, means that women are disproportionately represented in insecure employment.

The attraction of part time work to women with family responsibilities is likely to be particularly marked in NI since we have the highest average family size in the UK, have the highest proportion of children under five years old, and a high level of single parents. However, it may also be that women who would like to find full time work are not finding it, and are willing to undertake part time work rather than be unemployed.

A very significant advance in terms of protecting part time workers is the European Union's Part Time Directive which is to be applied to Britain via the Employment Relations Bill, which is currently before parliament. However, this legislation, like others, will not be applied to Northern Ireland, and is dependant on securing the necessary attention and support from the yet-to-be-fully-operative Assembly (see (d) below).

The Committee should ask the government what measures are being taken to actively encourage the use of job-sharing and flexi-time working arrangements, and how they intend to protect the rights of part time workers, who are predominantly female?

d. Family friendly policies:

Much emphasis is placed in the report to CEDAW on the White Paper entitled "Fairness at Work". However, this policy is not to be extended to Northern Ireland. The reason given for this is that such issues should be left to the newly formed Assembly rather than policy makers at Westminster. This is problematic for two reasons.

Firstly, if a policy is not UK-wide, the State Party should presumably indicate this, so that the application of the Convention can be assessed fairly. It would be inappropriate if provisions in certain parts of the jurisdiction were used to argue compliance with the Convention when those provisions are denied to other parts of the jurisdiction. Secondly, the situation for NI is all the more critical, in that the

Assembly is not yet fully operational and indeed is facing serious political problems in this formative stage. It would be totally unacceptable if the UK government were to abdicate its responsibilities under the Convention by delegating responsibility to a body which clearly has not now, nor perhaps for some time to come, the powers nor the resources to act in lieu of the Westminster Parliament.

The Committee should ask why the government is not extending the proposals contained in their Fairness to Work policy paper to Northern Ireland. If they wish to involve the Assembly in the development of these policies, when does the government expect these issues to be debated by the Assembly, and what steps can be taken by the government if the Committee finds that the Convention is not being effectively applied throughout the jurisdiction of the State Party?

e. Childcare:

The provision of childcare in NI is the worst in the UK, which is in turn the worst in Western Europe. The Childhood Fund has been extremely important but is financed by short term programmes (the European Peace and Reconciliation Programme) rather than mainstream government funding. ***The Committee should ask what plans government has to sustain the excellent work started by the European Peace and Reconciliation injection of funding to this important work?***

f. Public sector training programmes:

Reference is surprisingly not made to the passage into law of the Northern Ireland Act.²⁰ The Act, which puts into law the Good Friday Agreement, imposes on all public bodies the duty "in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without".²¹ The Act specifically requires public bodies to draw up equality schemes which, amongst other things, shall state the authority's arrangements for training staff.²² The Training and Employment Agency, mentioned in the report, will be one of the many bodies that will require training in these new procedures, but no reference is made to this.

Again, the Committee should ask the UK government for more information on the statutory duty to promote equality of opportunity (see article 2). In particular the Committee should ask what progress has been made in developing guidance for public bodies in developing equality schemes, and how soon the whole initiative can be expected to be operational?

²⁰ The Northern Ireland Act, passed in November 1998, clearly pre-dates the government's report to CEDAW of January 1999

²¹ Article 75 (1) of the Northern Ireland Act 1998

²² Article 4(2)(e) of Schedule 9 of the Northern Ireland Act 1998

Article Twelve: Health

a. Teenage pregnancies:

Figures for teenage pregnancies in Northern Ireland are far from clear, and comparisons with England are uncertain. England, according to the government's report, has one of the highest rates of teenage pregnancy in the developed world. Leaving school young, and taking on parental responsibilities early, feeds the cycle of deprivation and, as noted, is both a cause and a symptom of social exclusion.

Furthermore, young people aged 16 and 17 are not eligible to claim unemployment related benefit.²³ Theoretically, everyone in this age group should be in education, training, or employment. Those 16 and 17 year olds who do not fit into any of these categories are known as "Status O". A 1997 report²⁴ found that approximately 5% of females of this age group had some experience of "status O" and that in fact more girls than boys experienced this "status O" for a longer period. This differential was largely attributed in the report to *"the fact that many of the young women in long term status were caring for a child during this period"*. This suggests that the experience of long term status O tends to be different as between the sexes and this has implications for the types of policy measures necessary to address the needs of this group.

The Committee should ask what steps are being taken in Northern Ireland to reduce the levels of teenage pregnancies. The government should also be asked how its benefit arrangements for young people under the age of 18 responds to the particular problem of teenage pregnancies.

b. Abortion in the UK:

As noted, the Abortion Act 1967 does not extend to Northern Ireland, and the legal situation is very unclear. Figures suggest²⁵ that at least 40 women leave NI every week to avail of the Abortion Act in Britain; since 1967, over 50,000 women from NI have had abortions in Britain, and six women have died from back-street abortions. It is noted that the government wishes to take a considered view before any decision on further action, but no indication is given as to a process of public debate/consultation. ***The Committee might want to ask questions about when and how this process of public debate around abortion will occur?***

c. Rural women's health:

The particular access problems of rural women will be returned to under article fourteen but here one can note the fairly consistent programme in recent years of centralising medical services in 'centres of excellence'. This move, understandable in terms of resource management and quality medical care, is having a detrimental impact on women living in more geographically isolated areas. Northern Ireland is a relatively small territory, but poor road provision, and even poorer public transport

²³ School attendance is compulsory until the age of 16, and 18 is the youngest age one can qualify for unemployment benefit.

²⁴ Status O: A Socio-Economic Study of Young People on the Margin, NIERC and TEA, 1997

²⁵ Office of National Statistics, quoted in flyer by Alliance for Choice, 1999.

provision outside of major towns, means that many rural women are encountering difficulties in accessing public health services. There is now no maternity provision at all in county Tyrone and the number of emergency and roadside deliveries has increased as a result. The major changes being experienced in the agricultural sector are causing immense distress and dislocation within the sector, and this clearly will also have an impact on the health needs of rural dwellers.

The Committee should ask what consideration is being given by government in its reorganisation of health services to the needs of geographically disparate populations, and the needs of rural women in particular. What plans are in place to tackle the increasing levels of depression and stress experienced by both men and women in the agricultural sector?

d. Traveller and other ethnic minority women:

An important health problem faced by ethnic minority women is the lack of sensitivity on the part of the majority population to their special cultural needs. Thus, it may be a lack of services or help in an accessible language for Chinese women, or an inflexibility of services ill-adapted to the needs of Traveller women. Interesting provisions appear to have been made by the Scottish Office for ethnic minority women. ***The Committee should ask the government whether the provisions made in Scotland for the health needs of ethnic minority women have been considered with regard to Northern Ireland.***

e. Mental health:

No allusion is made to the conflict in Northern Ireland, and yet this is bound to have had a traumatic impact on many women. Firstly, a number of women have been direct victims of the conflict (either as the bereaved, as the injured, or as prisoners). Other women have been able to escape direct physical suffering, but have served others who have experienced such suffering. Many women have been in jobs (policing, hospital care, community development, education) where the direct and indirect consequences of the violent conflict have taken their toll.

There is anecdotal evidence to suggest that, at the height of the armed conflict, anxiety and depression were somehow controlled or suppressed, whereas the improved political situation is now liberating people to explore their personal traumas. Thus, the apparent sudden spate of teenage suicides, an alleged increase in the use of anti-depressant pills, and the obvious increase in opportunities for more public displays of grief and anger, all suggest that the 'contained' trauma of many years is now being expressed as an important social phenomenon. In some cases, the problems are being expressed in high alcohol or other drug dependency.

The Committee should ask the UK government how it intends to cater to the health and medical needs of a society emerging from violent conflict?

Article Thirteen: Economic, Social and Cultural life

We are unclear of the policy of Northern Ireland's Industrial Development Board (IDB) with regard to gender. The IDB does not monitor the gender composition of workers in IDB-sponsored companies, and it is unclear whether they promote the special needs of women through childcare provision etc. ***The Committee should ask government when the IDB (as a public body covered by the Northern Ireland Act 1998 - referred to earlier) will begin gender proofing its policies and programmes?***

Article Fourteen: Rural women

Rural women are often doubly disadvantaged in that their needs are more difficult to cater for when they are not living in large communities with other women. We have discussed health provision earlier. Issues such as transport policy, social housing, domestic violence (with the absence of nearby refuges and the limited value of Protection and Exclusion Orders), marital breakdown and the problem of land rights, together with severe pockets of socio-economic deprivation, all cause different problems to those faced by women in urban settings.

Access to employment, or more particularly lack of access to employment, is also of great importance. Statistics show that female long-term unemployment in disadvantaged rural areas is higher than in Northern Ireland as a whole. The lower economic activity rate for women in disadvantaged rural areas is also quite marked (40% instead of an average of 45.2%) and this is likely to be due to factors already mentioned - less access to childcare, fewer job opportunities, transport difficulties etc.

Activists in the rural sector, when shown the UK report in this regard (pp 166-167), felt it to be entirely misleading. Firstly, they disputed the government's claim that "women play a prominent role in rural areas through the Rural Development Programme", arguing that the appointment of women to some leadership positions does not automatically ensure a gender perspective being brought to bear on the programme as a whole. For example, in Fermanagh (a very rural area of Northern Ireland) none of the twenty-two community based women's groups had received funding either through LEADER or ABSAG (the two programmes referred to by government). Secondly, reference is made to useful research carried out by the Rural Development Council (RDC), but this appears to have been a stand-alone project and does not impinge on the RDC's work. Indeed, there has been no obvious follow on work as a result of the research. Thirdly, initiatives like the "practitioners forum" and the "conference planning group" are both more-or-less defunct, and the RDC has not attended or been involved in the "planning group, post conference" which is attempting to progress work from the conference. Fourthly, and very importantly, the government wrongly claims that the RDC "enables voluntary community groups to play a role in the provision of mother and toddler groups and the formation of economic and social development groups led by women". This claim overlooks the change in strategy dating from 1995, whereby the RDC focuses on economic rather than community development. This change of strategy has meant that funding is not available for community-based women's groups, but for economic development, which means that the whole programme will

have a differential impact as between men and women unless very carefully targeted.

The Committee should ask in what way the government intends to ensure that the Rural Development Programme 2000-2006 (currently in its consultation stage) will ensure that development work for women in rural areas is resourced? Will the Rural Development Division be pro-active in targeting women under the Programme? Furthermore, to what extent is the Department of Agriculture identifying ways in which the implementation of reforms under the European Union's Common Agricultural Programme are gender proofed?

Article Fifteen: Equality before the law

The Good Friday Agreement set up a number of major reviews of relevance to this article of the Convention -

a. Criminal Justice Review

CAJ argued in its submission to government that the criminal justice system needs to be radically changed to reflect the changed political and security situation. Indeed, it is crucial to underpin positive constructive developments on the political front, that we evolve a criminal justice system which better respects human (including of course women's) rights. Of particular relevance to CEDAW were the following areas:

■ The need for more women judges (currently the county court and senior judiciary consists of 24 men and 1 woman - the latter a recent appointment) and for more transparency in the appointment process. Specifically, CAJ argued for affirmative action measures such as the express encouragement of applications from under-represented groups; the specifying of positions as available full, half or three-quarter time; and with improved procedures governing the promotion of judges

■ The training for judges - to be made compulsory on appointment and on an 'in service' basis - should cover, amongst other things, discrimination and equality issues, as well as human rights and international law.

■ A written Code of Conduct for judges should be included in the Court Service's "users charter" specifying various standards, such as the conduct of proceedings and treatment of parties.

■ More reliance should be placed on the selection and appointment of lay magistrates to ensure a broad panel of assessors sitting alongside resident magistrates

■ Care also needs to be shown with regard to vulnerable and/or intimidated witnesses. Initial study in this area determined that women, as a group, could be considered to fall into this category, but the Law Society - rightly in our view - saw a problem with such blanket categorisations. With a focus on the witness' individual needs and specific problems, CAJ argued for pre-trial visits to court, pre-trial meetings with the prosecution team, reductions in delay etc.

■ Last but not least, the criminal justice system needs to look at its ethos - which is very male dominated. While looking at a more inclusive, pluralist, approach which addresses the needs of nationalists and Catholics, the criminal justice system has also to think about the needs of ethnic minorities, people with disabilities, and - of most relevance here - women, who of course also fall into the other categories mentioned.

The Committee should ask what the government has done to ensure that the criminal justice review encompasses many of the concerns already raised in this submission regarding the need for research into domestic violence, better disaggregation of statistics on gender grounds, female-friendly policies etc.

b. Policing

The police in Northern Ireland (the Royal Ulster Constabulary - the RUC) has less than 10% of female staff and is very unrepresentative also in terms of Catholics, nationalists, ethnic minorities. CAJ in its submission to the Policing Commission (established under the Good Friday Agreement) recommended that women would benefit if:

■ Serious research were undertaken into the reasons why women, Catholics, nationalists and ethnic minorities were not willing to join the police

■ Official targets and timetables were set for greater representation of women and other under-represented groups

■ A public commitment were made to regularly review the selection criteria and training practices to ensure that no barriers are wittingly and unwittingly created ensuring the continued exclusion of women and other under-represented groups

■ Training were designed and delivered by people other than police officers so that the diversity of the community would be reflected in the training process itself. Emphasis should be placed in the training programme on challenging the current organisational culture that is macho and militaristic and hardly conducive to attracting female and other under-represented groups.

■ There should be positive promotion of an environment in which under-represented groups feel comfortable and in particular there must be management practices which deal effectively with all forms of abuse or harassment, including sexual harassment.

■ Women, at least in Northern Ireland, are very active at community level and they should be given increased opportunities to engage in local debates about how the police should effectively serve those communities and be accountable to them. Women, and women's perspectives, need to be represented both within the police, and within police accountability mechanisms.

The Committee should ask government how it will seek to ensure that concerns of relevance to women, such as those mentioned here, will be carefully considered in the current review of policing?

With regard to some other legal issues, it is worth noting that it is suggested by government (page 20) that women victims of violent crime will especially welcome the modifications of the law to allow inferences to be drawn from suspects choosing to remain silent. CAJ must note that it is unaware of any active women's lobby to this effect, and feels that it is invidious to suggest that women have been at the forefront of any move to undermine what is widely recognised as a key legal safeguard. On the contrary, many women have actively campaigned against this basic human rights violation.

As to the legal profession itself, a recent report by the Equal Opportunities Commission for Northern Ireland²⁶ indicated that whilst more and more women are going into the legal profession, they are paid less than men, are under-represented at senior levels, and one in three have experienced sexual harassment.

Article Sixteen: Marriage and family relations

Refugee provision

The treatment of women asylum seekers in Northern Ireland is a matter of grave concern. In particular, a number of women asylum seekers have been detained in prison for lengthy periods whilst their asylum claims are examined. They are currently held in Maghaberry Prison, which is entirely unsuited to the cultural, religious, and dietary needs of immigration detainees, many of whom have fled traumatic and distressing experiences. Where female asylum seekers have arrived as part of a family group, the male partner has on occasion been detained in Magilligan Prison, leaving the woman to cope in an unfamiliar environment without support. In one recent case, the husband of an Algerian Muslim woman who was eight months pregnant was detained after the couple arrived at Belfast airport and applied for asylum. He was released on bail only a short time before the baby was born. During the interim period, the woman, who spoke no English, and had never before even gone outside her home without another family member, was left to fend for herself, and managed to cope only through the generosity of the Muslim community and ethnic minority organisations.

Government proposals to amend the system of support for asylum seekers also provides grounds for considerable concern. The Asylum and Immigration Bill, which is currently being considered by the House of Commons, will withdraw financial support from asylum seekers, and replace the current provisions with a system of vouchers for food, clothing, and other essential items. A small residual cash payment will be made to cover, for example, bus fares to and from school. These proposals are likely to have a particular impact upon women with families, who will find it almost impossible to survive with dignity on the level of provision proposed.

The Committee should ask the UK government how its treatment of female asylum seekers, in Northern Ireland and in other parts of the jurisdiction, conforms to its responsibilities under international law. In this regard, it should be noted that one of the UK's remaining reservations to the Convention

²⁶ See EOC(NI) press release 21 April 1999

relates to the issue of asylum seekers - what plans, if any, does the UK government have to withdraw this reservation?

Final Note:

The Committee will presumably question the UK regarding its remaining reservations and declarations. We would also be interested to know what intentions, if any, the UK government expresses with regard to the new Optional Protocol to the Convention.



Appendix One: extract from SACHR Employment Equality Review, volume I, pp 35-36.

Four conceptions of merit

We can identify four radically different conceptions of merit.

Model one: merit as the absence of ...

The first conception of merit is where the term merit is used as a synonym for the absence of direct discrimination, cronyism, or political favouritism. In this sense, the merit principle is fulfilled if the process by which job allocation decisions are reached is not tainted by these factors. Merit is thus used in a negative sense, as the absence of something, rather than, as in the following three conceptions, in a positive sense. That is, in conceptions two to four, there is an attempt to state positively what merit is, rather than what it is not.

Model two: 'common sense' merit

The second conception of merit requires only general relatedness between means and ends. The relevance criterion is satisfied by there being a general connection between the end pursued and the means chosen to fulfil it. Merit, in this conception, is the 'possession of qualities that are thought to be of general value in the society and are reasonably likely to prove useful in carrying out a specific function' (Fallon, 1980, p. 826). This is probably the conception of merit closest to the everyday 'common sense' usage of employers and employees. The use of 'A level' grades in history and English literature as criteria for hiring trainee bank managers would be an example.

Model three: 'strict job relatedness'

The third conception of merit requires a much tighter fit between means and ends. In the employment context, the quality M must be one which is strictly job related, and validated in such a way as to demonstrate that it accurately predicts the ability to do a specific, and identifiable, feature of the job. Like the second model, it concentrates on the use of qualities, such as skills, intelligence, qualifications, etc. which are considered independently valuable. Merit becomes the 'possession of precisely those qualities of excellence needed to perform a functionally defined task' (Fallon, 1980, p. 826). In addition, the tightness of fit required between means and ends will usually result in a scepticism of a broad conception of what 'the job' involves, particularly its more social elements, partly because of the difficulty of measuring how someone performs those elements of the job better than others.

Model four: merit as the capacity to produce results

A fourth conception is different again. In this there is no necessary requirement of a quality which is generally admired, unlike in the second and third models discussed above. What is required is that there should be a feature of S which will be useful in the pursuit of M; the feature need not necessarily be something which we regard as independently valuable. If it is instrumentally valuable in achieving M, then it can legitimately count as an M. Merit becomes 'the capacity to produce valued results within a specific context, regardless of whether the capacity arises from qualities generally esteemed as socially useful' (Fallon, 1980, p. 827). The fourth model tends to take a much broader view of what 'the job' amounts to, and is much more sympathetic to a view which includes, within the idea of the job, those features which assist in carrying it out rather than just those which are necessary in order to carry it out (Edwards, 1987, p. 199).

OSOVO on Saturday in which Serb media said 39 people were killed. Local reporters said the latest bus to come under fire was on a regular trip between Pec and Montenegro when it was hit at about noon in the village of Savine Vode.

nomyrdin, Mr Clinton was due to see the Rev Jesse Jackson, who flew back to the United States last night after securing the release of three captured American servicemen from Yugoslavia at the weekend.

White House officials

But Nato officials in Brussels were quick to stress that Nato's conditions remained non-negotiable, particularly the demand for a clear Nato chain of command at the core of any international peacekeeping force in Kosovo.

Justified if they perished on the ascent or as they struggled to make their way down.

net site Mountainzone.com. Mallory's son, John, now 80, had instructed the team to bury his father if they found him and the team laid the body to rest after they had conclusively identified him.

whole idea of climbing Mount Everest". Sir Chris Bonington, the British mountaineer, said that whether they made it to the very summit or not, their achievement was "absolutely huge... Their equipment was inadequate; their food was in-

Universities underpay women

Shock report warns that cost of eliminating sex discrimination in salaries would be £400m a year

John Carvel
Education Editor

The government is bracing itself for the publication of a damning report on sex discrimination in universities, where women are being systematically underpaid at every level and for all types of academic, administrative and managerial work.

David Blunkett, the education and employment secretary, has been warned that it would cost about £400m a year to eliminate the injustices by raising the pay of universities' female staff to match that of men in comparable jobs.

Since he is responsible for the government's policy of securing equal opportunities at work as well as overall direction of the universities, he will be obliged to take the findings seriously in spite of costs that could play havoc with Tony Blair's plans to expand student numbers.

The evidence of discrimination is due to come later this month in the report from Sir Michael Bett, a senior civil servant who was recommended by the government to chair an

independent inquiry into academic pay and conditions.

The inquiry team, including vice-chancellors and union representatives, commissioned research from the Office of Manpower Economics to provide the first up-to-date statistics on earnings across all types of university employment.

It discovered that full-time male academics in the older universities were paid on average £4,259 a year more than their female counterparts.

The salary figures (excluding clinical academics who are paid at NHS rates) showed women were less likely to be promoted to senior grades.

But even within each grade women earned less than men. For example, a male lecturer on the bottom grade got £238 a year more on average than a female counterpart.

The gender gap for senior lecturers was £541 and for professors was £1,807. Women were also more likely to be on fixed-term contracts with less job security.

"In all institution types and all non-clinical academic grades, the average salary for

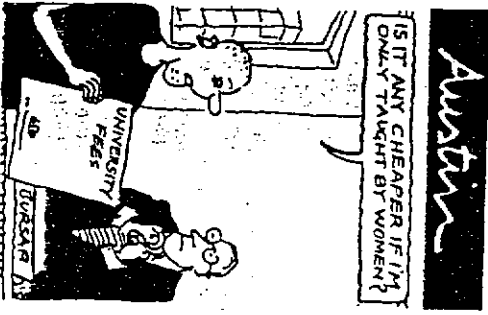
Gender gap

Pay differentials at the older universities

Men	Women
All academic posts	£27,859
Professor	£41,192
Senior lecturer	£32,430
Researcher	£19,480
Manual	£7,839

women was lower than that for men. Conversely, more men than women were bunched at the top of their respective pay scales," the OME report concluded.

It found that "average full-time salaries of female researchers over all grades lagged behind those of men by £900 in pre-1992 universities and £700 in post-1992 universities." The gender gap for technicians was almost £2,000, for administrative and



retary of the Association of University Teachers and a member of the Bett inquiry, said he could not comment on findings that were still confidential. "But we have known for years that there is a massive problem of institutional discrimination against women. Higher education has talked about it, but done nothing. This is the kind of scandal that cannot be hidden for ever.

That goal was due to become one of Labour's key pledges at the next election, but it could be thrown into question if resources have to be redirected into university pay bills.

professional staff just over £1,800, and for manual staff £250.

The figures are likely to shock vice-chancellors who thought their institutions were at the cutting edge of feminist studies. Although universities are private bodies, their revenue comes mostly from the government, which directs their conduct through the higher education funding councils.

Sir Michael is due to publish his report on university pay on May 21. It is expected to include a calculation that the cost of eliminating sex discrimination by raising women's average earnings to the male figure would add 4.5% to the costs of higher education - about £400m at today's prices.

The report is also likely to propose increased pay for all employees at the bottom and top of the university salary scale, including professors. Sir Michael is hoping the govern-

ment will implement his recommendations by 2002, but ministers have avoided committing themselves to honouring them.

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18

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