

A Visible Force for Change



**Women's Resource and Development Agency
Response to the Ad Hoc Committee on a Bill of Rights Consultation
February 2021**

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Introduction:

The Women's Resource and Development Agency ([WRDA](#)) is a membership organisation that supports women's groups and networks across Northern Ireland. Our members are a key part of WRDA, they keep us relevant and ensure we are working on the issues which really matter to grass roots women. We keep our members up to date with the latest developments in the wider women's sector and provide them with opportunities to publicise their own work.

We also act as an information hub for the women's sector, while also striving to raise the profile of women's issues in the wider media. WRDA carries out regular policy work and lobbies decision makers on behalf of women. We work to enhance how the women's sector and women on the ground are communicating with all levels of government, ensuring women have their rightful say in the policies affecting them, including the development of a Bill of Rights for Northern Ireland.

As part of our vision to make women a visible force for change in Northern Ireland, we are actively lobbying and campaigning on issues that affect women. Despite almost 50 years of equality legislation, women continue to face barriers, we are disadvantaged in economic, political and social life and we are not properly protected from gender-based violence and misogyny. In addition, almost 23 years on from the Belfast/Good Friday Agreement we still do not have a Bill of Rights for Northern Ireland.

We work with politicians, policy makers and influencers to advocate for law and policy that promotes women's rights and equality and for services that meet women's needs. We take a participative, grassroots approach to this work – all women have the right to be involved in decision-making and we aim to amplify the voices of the women who engage with the women's sector. We also work on a range of initiatives relating to health, including breast, cervical and bowel screening awareness and the Maternal Advocacy and Support project. We will be incorporating our areas of expertise in relation to policy, advocacy and the right to health throughout this response.

WRDA are submitting a response to the Ad Hoc public survey on a Bill of Rights for Northern Ireland as we have worked extensively for many years on campaigning to enhance the rights of women and for the implementation of a Bill of Rights. We work with women's organisations, LGBT+ organisations, trade unions, the human rights sector, individual women and the broader voluntary and community sector to ensure that women are a visible force for change.

We also provide the secretariat for the [Women's Policy Group](#) which is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. WRDA were involved in the development of the [WPG COVID-19 Feminist Recovery Plan](#), which was launched in July 2020 and provided a comprehensive overview of the impact of the pandemic on women in Northern Ireland and their civil, political, economic and social human rights. WRDA were also involved in the development of the WPG [General Election Women's Manifesto in 2019](#). In both of these publications, we advocated for the urgent implementation of a Bill of Rights for Northern Ireland.

We welcome this consultation on a Bill of Rights for Northern Ireland, as the women's sector has long campaigned for the introduction of a Bill of Rights as recommended in the Good Friday Agreement in 1998. However, we do have concerns about the consultation itself, particularly in relation to the short time frame to complete responses as highlighted in the WPG letter to the committee on 10th November 2020. We are also concerned about the content of this consultation, given the prior knowledge and understanding of human rights needed for the public to accessibly respond. The WPG submitted a request on 17th December 2020 to present our evidence in more detail to the committee after we submit our formal response and would welcome the opportunity to do this. WRDA will be contributing to this evidence presentation.

We will, therefore, be submitting both a WRDA response and a Women's Policy Group response to this survey. Any questions or queries relating to these responses can be directed to Rachel Powell, Women's Sector Lobbyist,

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In addition, WRDA are members of the Human Rights Consortium and a part of the recently launched 'Make Our Future Fair' campaign. We are strong advocates for the implementation of a robust Bill of Rights for Northern Ireland and believe this must be implemented as a matter of urgency. Any development of a Bill of Rights must include the needs of women and afford much greater protections to all human rights of women.

WRDA are also one of the partners in the Women's Regional Consortium and we would also like to fully endorse their submission to the Ad Hoc Committee.

General Comments:

The women's sector in Northern Ireland has been a part of the wider voluntary and community sector campaigning for a Bill of Rights (BOR) for many decades. In recent years, WRDA has endorsed and been involved in several calls from the WPG for a BOR to be urgently implemented in Northern Ireland. This is of particular importance now in the context of Brexit, where many of women's hard-fought rights are now at risk. An overview of this work will be outlined below:

I. WPG Women's Manifesto 2019¹

In the Women's Policy Group General Election Women's Manifesto 2019 made several calls for a Bill of Rights for Northern Ireland. In particular, this was highlighted through the Equality Pillar, through recommendations under Legislative Frameworks:

Equality Pillar

Legislative Framework:

The UK Government is the duty bearer for international human rights obligations. In addition to this, there is a responsibility to abide by the human rights and equality principles set out in the Northern Ireland Act 1998 and the Human Rights Act 1998.

We call upon elected representatives to:

- Incorporate the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) into domestic law and policies, ensuring these are implemented effectively to strengthen protection for women in Northern Ireland.
- Incorporate the full spirit and intention of the UN Security Council resolutions on Women, Peace and Security to address the impact of conflict on women and drive forward the pivotal role of women in conflict resolution and all aspects of building sustainable peace.
- Amend the Section 75 Public Sector Equality Duty to address intersecting forms of discrimination; and consider all international human rights conventions when making policy decisions in order to protect women in all their multiple identities; such as Black, Asian and Minority Ethnic women, older women, disabled women, asylum-seeking and refugee women, lesbian, bisexual, transgender and intersex women; as recommended by CEDAW.

¹ See Women's Policy Group (2019), 'Northern Ireland Women's Manifesto', <http://www.womensregionalconsortiumni.org.uk/sites/default/files/Women%27sManifesto2019.pdf>

- Introduce a Northern Ireland Single Equality Act to strengthen, simplify and harmonise equality law and address gaps in protection between Northern Ireland and the rest of the UK.
- **Introduce a Bill of Rights for Northern Ireland**; and ensure that there is no diminution in rights if the UK exits the EU by retaining the EU Charter of Fundamental Rights and strengthening the constitutional status of the UK Human Rights Act 1998.

Further Comments on Women's Human Rights in the Women's Manifesto:

It is deeply concerning that no guarantees have been made to protect, or enhance, the rights of women mentioned above post-Brexit; particularly as the European Human Rights Framework is much more robust than the UK Human Rights Framework. Based on previous comments from the UK government; alongside election manifestos and public pledges, there are some worrying insights into the future of women's rights in Northern Ireland. As the political climate has been increasingly divided over Brexit, and the Northern Ireland Assembly is still not functioning, we need women's rights to be put on the agenda again.

We call on elected representatives to:

- Continue to adhere to the EU Charter of Fundamental Rights, particularly Article 20 on the right to equality before law; Article 21 which prohibits discrimination; Article 23 on the right to equality between men and women; Article 34 on the right to social security (which is significant in cases of maternity pay) and Article 35 on the right to healthcare.
- Uphold existing EU case law established through the Court of Justice of the European Union post-Brexit.
- Protect and enhance the Human Rights Act 1998 and **implement a Bill of Rights for Northern Ireland** in line with the commitments outlined in the Good Friday Agreement 1998.
- Uphold any EU protections relating to women's rights in Northern Ireland, such as legislation on violence against women or child maintenance payments, to ensure that there is no divergence on human rights on either side of the border.
- Ensure all intersectional human rights frameworks and anti-discrimination legislation are maintained to protect the rights of migrants, LGBT+ people, disabled people, refugees, asylum seekers and all groups mentioned in this manifesto.

II. COVID-19 Feminist Recovery Plan 2020²:

The Women's Policy Group NI COVID-19 Feminist Recovery Plan was published in July 2020 and WRDA was heavily involved in the development of this work. Within this, the evidence of the gendered impact of COVID-19 was outlined alongside comprehensive recommendations on the need for a Bill of Rights to not only mitigate against the impact of COVID-19 on women, but to enhance women's rights further. A summary of the recommendations relating to the Good Friday Agreement, New Decade, New Approach and a Bill of Rights can be seen below:

Good Friday Agreement and New Decade. New Approach:

A series of agreements in Northern Ireland in recent years³ have made mention of the Bill of Rights without making any actual progress towards delivering a meaningful set of rights.

Indeed, in the New Decade New Approach document, beyond provision for new languages legislation, there is little evidence of positive progress in advancing the legal protection of rights formally. The New Decade New Approach document strays from previous agreements in recent years in that it provides for the (now functioning) Ad Hoc Committee on a Bill of Rights. However, with no agreed process for delivery of a meaningful set of rights outcomes when the Committee concludes its work, there is concern that the Committee could simply become the latest delaying tactic in this long running process.

Provision for a Bill of Rights for Northern Ireland, which was to build upon the rights contained within the European Convention of Human Rights (ECHR) by including supplementary rights influenced by International Standards and our local circumstances, was provided for in the Belfast/Good Friday Agreement and voted for by an overwhelming majority of people in Northern Ireland through referendum. This commitment to establishing a framework of human rights that was to run throughout the Agreement and the government institutions it established was to be an important confidence building measure in a society that had just experienced decades of conflict.

The Northern Ireland Human Rights Commission (NIHRC), created and tasked by this Agreement with providing advice on the content of a Bill of Rights for Northern Ireland, fulfilled that duty in 2008. The NIHRC advice called for the inclusion of additional

² Women's Policy Group (2020) 'COVID-19 Feminist Recovery Plan', <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020.pdf>

³ New Decade New Approach, A Fresh Start, Stormont House Agreement

economic, social and cultural rights such as: the right to health (including access to gender-sensitive and appropriate healthcare services and information), the right to an adequate standard of living, the right to work (including fair wages and equal remuneration for work of equal value without distinction of any kind), environmental rights, social security rights and children's rights (including play and leisure). It also added to and strengthened many of the civil and political rights contained within the ECHR, for example by suggesting a freestanding right to equality; the prohibition of discrimination; the facilitation of the full and equal participation of women in political and public life; and the right of everyone to be free from violence, exploitation and harassment (including domestic violence or harassment, sexual violence or harassment and gender-related violence and harassment).⁴

A Bill of Rights for NI based on a model advised by the NIHRC would have provided a practical mechanism for the realisation of many of the rights contained within international treaties of which the UK is a signatory. The advice was based on extensive participatory consultation with thousands of people across NI over the course of 8 years, and therefore represents a clear articulation of public opinion in this regard.

In December 2009, the UK government produced a consultation document, which rejected the majority of the advice provided by the Northern Ireland Human Rights Commission. In their reasoning for failing to include the extensive advice of the NIHRC, the government stated that they did not see these additional rights as falling within the test of being particular to Northern Ireland or of not being the most appropriate method to realise the particular rights. Within the consultation document this view was expressed as follows: "It is the Government's view that the introduction of such rights in Northern Ireland would either be unworkable in practice, or could give rise to unjustified inequalities across the UK."⁵

Since the 1998 peace agreement there has been a consistent need for a Bill of Rights for NI, given its potential to build confidence within communities that abuses of the past will not be repeated, and that those abuses which did occur will be rectified. However, given the current time of uncertainty created by the UK exit from the EU, the potential repeal of the Human Rights Act, the impact of years of austerity and those of coronavirus, (each of which impact differently on women than on the rest of society, as already explored in this paper), a Bill of Rights for Northern Ireland is even more valuable as it could provide assurance and stability that whatever the future of Northern Ireland, the rights of all will be protected, respected and fulfilled.

⁴ The NIHRC Advice can be accessed here: <http://www.nihrc.org/uploads/publications/bill-of-rights-for-northern-ireland-advice-to-secretary-state-2008.pdf>

⁵ Northern Ireland Office Consultation Paper, 'A Bill of Rights for Northern Ireland: Next Steps', November 2009, pp 3.15

Northern Ireland Bill of Rights:

As noted above, the Bill of Rights for Northern Ireland, as provided for in the Belfast/Good Friday Agreement, was to build upon the rights contained within the European Convention of Human Rights (ECHR) by including supplementary rights influenced by International Standards and our local circumstances. The NIHRC advice in 2009 drew upon these international instruments in order to advise a number of rights, also noted above, that would particularly help to increase women's equality.

Since the 2009 advice there have been a number of additional developments which merit consideration for inclusion in a Bill of Rights for Northern Ireland.

The Human Rights Act 1998 (HRA) gave further effect to rights from the European Convention of Human Rights (ECHR) in domestic legislation across the UK and allowed access to UK courts for violations of Convention rights. The development of this legislation was also a key provision of the Belfast/Good Friday Agreement and took on special significance in Northern Ireland where it acted as one of the key safeguards to prevent against inequalities or abuse of human rights in the exercise of power by the new Stormont Government.

The Conservative government would like to repeal the HRA and replace it with a British Bill of Rights, although some within the party would also like a withdrawal of the United Kingdom from the European Convention on Human Rights. Recent statements include:

- "If we want to reform human rights laws in this country, it isn't the EU we should leave but the ECHR and the jurisdiction of its Court." Theresa May (then Home Secretary) April 2016
- "The Government is committed to scrapping the Human Rights Act and introducing a British Bill of Rights." Elizabeth Truss, (then) Lord Chancellor and Secretary of State for Justice, September 2016
- "We will not repeal or replace the Human Rights Act while the process of Brexit is underway but we will consider our human rights legal framework when the process of leaving the EU concludes." Conservative Party Manifesto 2017
- "There is a discussion to be had around how essential the Human Rights Act is to protecting rights. But with Brexit, now is not the right time to have that discussion." David Gauke, Lord Chancellor and Secretary of State for Justice, May 2018
- "We will update the Human Rights Act and administrative law to ensure that there is a proper balance between the rights of individuals, our vital national security and effective government." Conservative Party Manifesto 2019

The Human Rights Act has been important to the peace here and must be defended. However, it does not represent the full protection of the ECHR. For example, there is no free-standing right to prohibition of discrimination (this is included in Article 1 of Protocol No. 12 of the ECHR, which the UK has not ratified). In order to protect enjoyment of the full range of ECHR rights, they should be fully incorporated into a Bill of Rights for Northern Ireland.

As already explored in this paper, the UK exit from the EU represents a unique threat to rights in the UK. The most obvious loss will be the EU Charter of Rights when the transition period ends. Continued protection of the rights contained within the EU Charter could be achieved by incorporation into a Northern Ireland Bill of Rights.

The two other devolved nations of the United Kingdom, Scotland and Wales, have both made strides to incorporate international standards into domestic decision making. The United Kingdom is a signatory to seven of the nine UN Human Rights Treaties, meaning it has agreed to be bound by them. However, because of the dualist system of the UK, these rights are not automatically enforceable once the UK becomes a signatory. Scotland and Wales, therefore, have used powers within their own devolved competencies in order to give further effect to the rights in these treaties which represent international obligations to which the UK has agreed to be bound.

The Rights of Children and Young Persons (Wales) Measure 2011 requires that Welsh Ministers, in exercising any of their functions, have due regard to Part 1 of the Convention on the Rights of the Child and also select articles from the first and second optional protocols.⁶ Similarly, Part 1 of the Children and Young People (Scotland) Act 2014 imposes duties on Scottish Ministers and other public bodies to comply with UNCRC.⁷ At the very minimum, the Northern Ireland Assembly could follow similar steps in order to give further effect to treaties such as CEDAW, ICESCR, CRC, ICERD, ICCPR, CRPD and CAT.⁸ This would be possible within its own devolved competencies.

⁶ For more information, see this briefing to the Ad Hoc Committee on a Bill of Rights by Professor Simon Hoffman, <http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/ad-hoc-committee-on-a-bill-of-rights/written-briefings/simon-hoffman-swansea-university/>

⁷ For more information, see this briefing to the Ad Hoc Committee on a Bill of Rights by Professor Tobias Lock <http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/ad-hoc-committee-on-a-bill-of-rights/written-briefings/tobias-lock-professor-of-law-at-maynooth-university/>

⁸ Convention on the Elimination of All Forms of Discrimination against Women, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, Convention on the Rights of Persons with Disabilities and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

However, unlike Scotland and Wales, provision was made for a Bill of Rights for Northern Ireland in the Belfast/Good Friday Agreement, and this Bill of Rights was to be enacted through Westminster legislation. There is no such limit to the powers of Westminster to legislate as there is for the devolved institutions, therefore complete incorporation of these UN treaties would be possible through a Northern Ireland Bill of Rights.

Recommendations:

- Urgently bring forward a Bill of Rights for Northern Ireland.
- Complete incorporation of the ECHR.
- Incorporation of the rights contained within the EU Charter of Rights.
- Complete incorporation of CEDAW, ICESCR, CRC, ICERD, ICCPR, CRPD and CAT (including those rights recommended by the NIHRC in their 2009 advice).
- Give further effect to CEDAW, ICESCR, CRC, ICERD, ICCPR, CRPD and CAT through use of devolved powers

III. Brexit: Women's Rights at Risk⁹:

WRDA has worked extensively on Brexit in recent years, and published a briefing on the specific impacts of Brexit on women in Northern Ireland. In addition, the WPG COVID-19 Feminist Recovery Plan goes into extensive detail on a range of areas of evidence relating to economic justice, health, social justice and human rights. It is important to raise the concerns from the WRDA and the WPG on the impact of Brexit on women's rights, to highlight how a NI Bill of Rights could potentially protect and enhance the rights gained through EU membership.

Women in Northern Ireland are greatly underrepresented in public and political life. This was clearly evident in the lead up to the Brexit referendum and remains a worrying issue in the current Brexit negotiations. Underrepresentation in political negotiations and decision-making, alongside several other areas lacking in gender parity, such as access to education, training, work, affordable childcare and more, highlight the profoundly negative impact Brexit is set to have on women in Northern Ireland. This is compounded with the political instability creating several barriers to women having their voices heard, and the shifts in focus by governments in dealing with the COVID-19 pandemic. Nonetheless, there are strict deadlines for Brexit negotiations and it is vital that the needs of women in Northern Ireland are represented throughout.

⁹ WRDA (2019), 'Brexit and the Impact on Women in Northern Ireland', <https://wrda.net/2019/10/18/brexit-and-the-impact-on-women-in-northern-ireland/>

Many areas of women's human rights have yet to be achieved, and Brexit has added a new threat to existing, hard-fought rights women currently have. Northern Ireland faces unique constitutional complexities meaning Brexit presents a unique threat to this region¹⁰. With women's voices being largely absent from negotiations, at a local, national and EU level, it is necessary to analyse the unique and disproportionate impact Brexit will have on the women of Northern Ireland.

Women's Rights Achieved Through EU Membership

Many of the rights we enjoy today have come through membership of the EU over the past four decades; particularly in areas of economic activity and employment law. For women, there are great concerns that Brexit will erode many of these protections. Some of these protections include:

- Equality between men and women¹¹,
- The right to equal pay for equal work¹²,
- Protection against discrimination on the ground of pregnancy and maternity¹³,
- Introducing measures to provide specific advantages to the underrepresented gender¹⁴,
- Prohibition of discriminations on the grounds of sex¹⁵,
- Introduction of paid holidays¹⁶.

Furthermore, the EU recognises the need for wide-spread structural change to deal with systematic gender discrimination through their commitment to Gender Mainstreaming and the Gender Recast Directive 2006. The Gender Recast Directive covers a range of areas including access to employment, promotion, vocational training schemes and working conditions to ensure the rights of women are considered central to decision making. The Gender Mainstreaming approach involves five main priority areas:

1. Increase women's participation in the labour market,
2. Reduce the gender pay gap, pension gap and levels of poverty women face,

¹⁰ Human Rights Consortium (2018), 'Brexit and Northern Ireland: Rights at Risk Report', (available online): <http://www.humanrightsconsortium.org/wp-content/uploads/2018/01/RIGHTS-AT-RISK-Final.pdf> [accessed 29.06.20], p.32.

¹¹ The EU Charter of Fundamental Rights.

¹² Article 119 Treaty establishing the European Economic Community.

¹³ This is still an issue in Northern Ireland today: ECNI, Expecting Equality: A Formal Investigation into the Treatment of Pregnant Workers and mothers in Northern Ireland workplaces 2016.

¹⁴ EU Charter of Fundamental Rights.

¹⁵ Sex and other grounds for discrimination are covered in Article 21, EU Charter of Fundamental Rights

¹⁶ According to the NIRWN, Rural Voices Report 2018, p.30: 'Many of the two million workers who had no paid holiday before the Working Time Directive, were part-time working women'; Human Rights Consortium Rights at Risk Report, p.75.

3. Address gender disparity in decision making and promote greater representation of women in public life across a range of sectors,
4. Combat gender-based violence and support victims,
5. Combat gender equality beyond the EU and advocate for women's rights across the world¹⁷.

Other areas of EU legislation, representation and funding that are relevant to the protection and enhancement of women's rights and participation include the European Protection order, which is significant in recognising women's rights as they cross the border; the Rural Development Programme, which NIRWN highlight as significant given historic government underinvestment in rural women¹⁸; the European Social Fund, which is important to increasing women's access to the workforce; and the European Parliamentary Committee on Women's Rights and Gender Equality, alongside various EU funding streams that support the voluntary and community sector in Northern Ireland.

What Next for Women's Rights Post-Brexit?

It is deeply concerning that no guarantees have been made to protect, or enhance, the rights mentioned above post-Brexit. Based on previous comments from the UK government, alongside election manifestos and public pledges, there are some worrying insights into the future of women's rights in Northern Ireland.

EU Charter of Fundamental Rights

One of the most concerning pledges of the UK government has been to remove the EU Charter of Fundamental Rights from all applications in UK law and judiciary systems. Whilst the UK government would still be required to abide by the European Convention of Human Rights, the removal of the EU Charter is deeply worrying as it has a much broader level of protection for human rights¹⁹. Articles relevant to women in Northern Ireland include, but are not limited to, Article 20 on the right to equality before law; Article 21 which prohibits discrimination; Article 23 on the right to equality between men and women; Article 34 on the right to social security (which is significant in cases of maternity pay); and Article 35 on the right to healthcare.

¹⁷ Ibid, (n119) p.75

¹⁸ NIRWN (2018), 'Rural Voices Report: Action Research and Policy Priorities for Rural Women 2018', (available online): <http://www.nirwn.org/wp-content/uploads/2018/03/NIRWN-Rural-Voices-Research-Report-March-2018.pdf> [accessed 29.06.20], p.5.

¹⁹ A comparison of the breadth of the EU Charter and the ECHR can be found in the Human Rights Consortium Rights at Risk Report, p.26-27

Existing EU Law – Court of Justice of the European Union

Future case law of the Court of Justice of the European Union (CJEU) will no longer be binding in UK courts post-Brexit. Any existing CJEU laws from before Brexit will still be binding, however, these can now be overturned in future cases in UK courts and a departure from current jurisprudence may lead to a divergence on human rights standards on either side of the border in Northern Ireland. As EU human rights instruments will be seen as invalid post-Brexit, it will be difficult to enforce human rights through the courts or hold UK government failures to account in courts outside of the UK.

Human Rights Act 1998

In the lead up to the Brexit referendum, many calls were made to repeal or replace the UK Human Rights Act post-Brexit. Since the 2016 referendum, the UK Government has failed to provide commitments that it will not repeal or replace the Human Rights Act. Many are deeply concerned with the impact this, and the removal of the EU Charter, will have on human rights. The EU human rights framework is much more robust than the UK Human Rights Act, however, the removal of both the Human Rights Act and the EU Charter will make it much more difficult for people to access their rights through the courts, as the ECHR is nowhere near as broad or strong as a standalone human rights framework.

Good Friday Agreement

There have been worrying reinterpretations of the Belfast/Good Friday Agreement by the former Prime Minister Theresa May and current Prime Minister Boris Johnson, in a vastly different approach to previous UK Governments, with EU officials accusing Prime Minister Johnson of reneging on pledges to uphold the agreement²⁰. With Northern Ireland still the crux of disagreements on how the UK should leave the EU, and ongoing political instability growing as a concern, it is essential to point out the importance of avoiding a divergence of rights on either side of the border. For example, areas of protections such as violence against women, or child maintenance payments, rely on EU wide measures to ensure the legal systems on the island of Ireland are coordinated to protect vulnerable people through the criminal justice and family law systems²¹. This is essential to ensure that

²⁰ See: Rankin, J., (September 2019), 'Johnson has reneged on Good Friday Agreement Vows Says EU', *The Guardian*, (available online): <https://www.theguardian.com/politics/2019/sep/08/johnson-has-reneged-on-good-friday-agreement-vows-says-eu>, [accessed 29.06.20]; see also: Brendan Hughes (May 2020), 'Brexit: Good Friday Agreement Cannot Slip Through The Cracks in US Trade Deal Talks', *Irish News*, (available online): <https://www.irishnews.com/news/brexit/2020/05/08/news/brexit-good-friday-agreement-cannot-slip-through-cracks-in-us-trade-deal-talks-1930539/> [accessed 29.06.20].

²¹ *Ibid*, (n119) p.122.

people cannot avoid the repercussions of violence against women, or refusing to pay child maintenance, by simply crossing the border. All aspects of the Belfast/Good Friday Agreement need to be protected and implemented; including a Bill of Rights for Northern Ireland where specific focus can be given to the rights of women.

Missed Opportunities: Current EU Work on Rights

There are many missed future opportunities for the enhancement of rights that would benefit the lives of women in Northern Ireland. For example, as highlighted by the Human Rights Consortium, the EU has also sought to extend parental rights to leave²² and encourage better childcare support for families²³ with the strategic aim of reducing the gender pay gap and advancing women's rights more generally. Furthermore, as NIRWN have highlighted²⁴, there is a new, ongoing consultation of trade unions and employers launched at EU level focusing on a new package of rights to improve work-life balance, including proposals for carers' leave, flexible working and stronger protections from dismissal for new mothers²⁵. It is worth noting that the EU did not recognise caring work as an economic activity, which meant carers did not have the same equal status of those who were workers, self-employed or seeking residency under the freedom of movement within EU member states. As women undertake the majority of caring responsibilities in Northern Ireland, they were disproportionately impacted by this, arguably discriminatory, approach. With uncertainty of what will happen to the customs union and the freedom of movement across the EU, it is unlikely caring responsibilities, and the rights associated with them, will be improved or advocated for post-Brexit.

It is evident that women in Northern Ireland are in line to face the brunt of the impact of Brexit. The UK Women's Budget Group maintains that women will be adversely impacted by the economic impacts of Brexit²⁶. This can only get worse for the women of Northern Ireland, who have greatly suffered from the past decade of austerity and are deeply

²² Directive 2010/18/EU implementing the revised Framework Agreement on parental leave (8 March 2010)

²³ European Platform for Investing in Children - <https://ec.europa.eu/social/main.jsp?catId=1246&langId=> [accessed 29.06.20].

²⁴ Ibid, (n127), p.30.

²⁵ TUC, 'Women workers' rights and the risks of brexit', (available online): https://www.tuc.org.uk/sites/default/files/Women_workers_and_the_EU.pdf [accessed 29.06.20].

²⁶ UK Women's Budget Group (2017), 'Economic Impact of Brexit on Women', (available online): <https://wbg.org.uk/wp-content/uploads/2017/11/brexit-pre-budget-nov-2017-final.pdf> [accessed 29.06.20].

concerned about the impact of welfare reform²⁷ and future austerity on gender equality²⁸. The economic consequences of Brexit are set to have disproportionately negative impacts on rural women, disabled women, LGBTQ+ women, women of colour, women living on the border, migrant women and more as they lose many human rights protections and funding streams supporting their participation and empowerment.

Women in Northern Ireland are already facing great barriers due to political instability, an arguably failed peace process, catching up on legislation after three years of a collapsed Assembly, the lack of implementation of the UNSCR 1325, an outdated Northern Ireland Gender Strategy, unprecedented levels of poverty and having limited representation in Brexit negotiations. With the implications that have arisen due to the COVID-19 pandemic, the rights at risk highlighted above are due to worsen as pre-existing inequalities are exacerbated. With all the hard fought women's rights protections won at an EU level now at risk, and many human rights still failing to have been implemented at all, there are many reasons to be deeply concerned about the impact of Brexit on the women in Northern Ireland.

Recommendation:

- We are calling for a gendered approach to policy making relating to Brexit; for equal representation of women in negotiations; and for the hard-won rights for women to be protected and enhanced in Northern Ireland. These rights could be protected and enhanced through a Northern Ireland Bill of Rights.

IV. WRDA: Putting Women at the Heart of Public Consultations:

In the current political climate, there has been unprecedented numbers of public consultations, surveys to support private members bills and calls for evidence submissions to a range of committees in relation to various forms of legislation with extremely short deadlines to respond. The Women's Sector has faced funding challenges for many years, alongside additional challenges in working to support women throughout the COVID-19 pandemic.

WRDA produced a guide for public authorities on 'Putting Women at the Heart of Public Consultations', and we would like to take this opportunity to share this resource again and some of the key recommendations. These guidelines are intended to provide advice for

²⁷ Siobhán HARDING, (2019), 'Impact of Ongoing Austerity: Women's Perspectives', *Women's Regional Consortium*, (available online):

<http://www.womensregionalconsortiumni.org.uk/sites/default/files/Impact%20of%20Ongoing%20Austerity%20Women%27s%20Perspectives.pdf> [accessed 29.06.20].

²⁸ NIWEP (2018), 'Women and gender equality in a changing Europe: A roundtable to explore women's priorities in Brexit'.

all those engaged in promoting women's participation in public consultations and surveys. Some extracts from these guidelines can be found below, as this will be relevant for future work of the Ad Hoc Committee on engaging with various stakeholder groups:

“The case for proactively working to increase the participation of women in public decision making has been established by a number of international bodies that place obligations on the government and public authorities. For example, the Convention on the Elimination of all forms of Discrimination against Women requires the State to take action to ‘ensure to women, on equal terms with men, the right to participate in the formulation of government policy’. (CEDAW, Art. 7) The UN's Commission on the Status of Women, the Council of Europe and the UN Security Council have all made similar recommendations.

Domestic commitments were made in the Good Friday/Belfast Agreement which includes a provision to fulfil ‘the right of women to full and equal political participation’ and ‘the advancement of women in public life’. Whilst the St Andrew's Agreement failed to mention women at all, the Stormont House and Fresh Start Agreements have both committed to addressing the participation of women in community development and ‘the advancement of women in public life.’

However, even with these high level policy commitments, on a day to day basis it can be hard to recognise why it is necessary to proactively make space for women's voices. If you don't work in the field of gender equality it can be easy to assume that the equality of opportunity that is now embedded into our society through anti-discrimination law means there should be no difference in how women and men experience the world. Gender neutral policy making is very common because we can forget that equality of opportunity is not the same thing as equality of outcome. As you read this guide it might help to keep the following reminders handy to return to if you find yourself questioning whether or not a person's gender would be relevant.”

Why ask women?

- Women have only had access to public life for a tiny proportion of recent history and are still vastly underrepresented in all arenas of public power and decision making,
- Sexism is real and affects all women - experiences of sexism and traditional social expectations that women and girls grow up with can restrict ability to participate in public life,
- Caring responsibilities have a much greater impact on women's lives than on men's lives, particularly for childcare (an area that has disproportionately impacted women throughout the pandemic and many women are unable to

participate in public life due to homeschooling commitments), but also caring for older, sick or disabled relatives. Further, 92% of single parents in Northern Ireland are women and women undertake the majority of unpaid caring work.

- The symptoms of gender inequality in our society affect different women differently. Some women bear the brunt of gender inequality due to other intersecting barriers connected to poverty, disability, race or sexual orientation. If we can understand the way to address gender inequality for the most marginalised women then this will benefit all women.

Above are just some of the domestic and international commitments to ensuring the participation of women in public life, and some of the additional barriers that women face in doing so. These factors, alongside the additional evidence outlined in this response, emphasise the need for meaningful engagement with women on an issue as crucial as a Northern Ireland Bill of Rights. Further comments from our guidelines include:

“Women’s participation is a priority for the women’s movement in Northern Ireland:

We’re not interested in simply having women’s perspectives included as an afterthought. We’re here to make sure women get the chance to change things. The inclusion of women in decision making should upset the status quo. It should put their stories and experiences at the centre of public policy and not on the edges.

We have produced this guide to demonstrate that women have the power to change the way society works and how services are shaped. It happens when they are supported to step into the process with the confidence to tell their stories and demand action from those who make decisions. In order to reimagine how women’s participation can make a real difference, we need to raise expectations on both sides of the conversation. What do we do about the fact that women’s organisations feel ‘over-consulted’, with the same people turning up to make the same demands but very little action taken? How can we improve the practice of statutory agencies whose community engagement activities can exclude many women because they fail to address the barriers women face? We hope that this guide can help us work towards improving participation practice with disadvantaged or marginalised women.

Public bodies have made significant improvements in consultation practice in recent years, both at Executive and Local Government level. However, this progress can always be reversed, such as the reduction in the time periods allocated to Executive consultations from 12 to 8 weeks as outlined under the Fresh Start Agreement. There are also some persistent barriers to best practice, particularly when it comes to how women are able to access the consultation process.”

This guide is relating to public consultations, and although the Ad Hoc Committee have stated that this is a public survey rather than a public consultation, many of these principles still apply. These tips are particularly important for ongoing engagement outreach by the Ad Hoc Committee in future work relating to a Northern Ireland Bill of Rights.

Our key recommendations/tips for public bodies on including women in public consultation [or survey] include:

1. Work together:

- Reach out to community based women's groups, seek their help and approach them as equal partners in the process. Listen to their suggestions on how your consultation process could be improved as they are more aware of the barriers at a local level and can help you get the best out of the process in the long term, even if it means making some changes.
- Be honest about the limitations as you plan the process together. For example, one of the biggest barriers to effective and meaningful consultation is cost. It's important to work out what you can achieve together with the resources available. There will also be limitations around how progressed the policy or strategy is and how much is likely to change in response to the feedback women share. Most 'consultation fatigue' in the women's sector comes from the experience of being contacted too late in the process to have a meaningful impact on the outcomes and seeing very little change as a result.
- Consider working with already established groups – women's confidence can be enhanced if the setting is familiar and the other participants are not strangers. Remember there is a very great likelihood that some women will have never given their views in a group before and would not feel comfortable coming to an open, public consultation session.

2. Make time for accessible face to face engagement

- Design and plan engagement opportunities that are responsive to women's needs and the practical and social barriers they face. It always helps to talk to women's organisations to help identify the best way to do this. Different demographics of women will face different barriers and there will be a range of possible solutions that you can try.
- Childcare is always a key priority in addressing barriers to women's participation. Increasing access for women with childcare responsibilities may include choosing a time for the engagement session during which children are at school or childcare support is available. Providing crèche facilities would be ideal – bear in mind that women's centres make an

excellent venue because most have childcare facilities on site and crèche places can be made available if booked in advance.

- Set the tone of the engagement in a way that deals with the legacy of women's lack of access to formal decision making processes. The atmosphere should be as informal and non-intimidating as possible. Facilitate conversation in a way that is non-judgemental and makes it safe for women to talk about their experiences without feeling dismissed. The use of women facilitators with experience in community facilitation can help with this. A familiar, community based venue is most likely to feel like a safe, accessible space.
- Even if you plan a session with lots of thought put into how to be responsive to women's needs, if they don't know about it they won't come. Review how your sessions are advertised and think about how accessible they appear to women from disadvantaged communities. Is the style and content of the invitation or flyer overly formal? Have you approached network organisations with access to community based women's groups to ask them to include the invitation in their own newsletters? Have you made any statement about how you will provide for children, even if it's just a line to say 'child-friendly' or 'childcare available on request'?

3. Keep your language accessible and relevant

- It's difficult to avoid jargon entirely in policy documents as you try to work out the best approaches and solutions to difficult public policy issues, based on evidence and expert advice. While you may have to reflect this terminology in the end product, it's vital that what is presented for consultation is easy for the public to understand. Being open to hearing a different way of articulating the issues can only increase the potential for your policy to have a positive impact in the community.
- There's nothing like a consultation workshop with a group of women who aren't used to participating in formal decision making to put the substance of your proposals to the test! If what you've written isn't backed up by details about what will actually be put in place and how this will be achieved, then you can expect them to pull you up on that. Whatever your policy is aiming to achieve, make it meaningful and relevant if you want to get women's views on how it might affect them.

4. Listen to the stories

There is a barrier to participation in conventional consultation exercises that can often be overlooked and it is the intimidation some people feel when asked for their opinion on a topic that they don't feel well informed about.

- The most open approach when attending a storytelling session is to take a back seat and demonstrate that you're there to listen to whatever the

women want to share. The opposite of this would be to attempt to direct the conversation and seek approval for plans or ideas that you're already hoping to pursue. Obviously the reality for any conversation has to be somewhere in the middle – you know what information is going to be the most useful to inform your work and the thinking of those decision makers further up the chain. It's OK to try to draw that out, as long as you remember not to knock people's confidence by appearing to dismiss something they've shared.

- Binary options (do you agree or disagree, support this proposal or not etc.) are key features of many consultation documents but in a storytelling session they are often useless. If a proposal sounds good on paper, of course it can be easy for any consultee to say they support it, but that only scratches the surface of what that person can contribute. Storytelling with women's groups can access the untapped expertise of a group of people who have seen many similar proposals come and go, understand what made them succeed or fail, felt the frustration of watching the good ideas lose funding or had to pick up the pieces at a community level when statutory agencies fail to deliver. Consultations that do not make space for listening to women's stories are missed opportunities to get the best results.

5. Make women visible in the product as well as the process

- Don't be afraid to highlight the gendered nature of an issue being addressed by public policy. Gender neutral policy is ineffective - we don't make policy in a social vacuum and you should aim to promote equality, not just recreate the same patterns of inequality that existed before. At the very least policies and strategies should take the inequalities and differences between men and women into account and make them visible.
- Statutory duties that address equality issues mainly deal with consideration of any adverse impacts that a policy might produce. On this basis alone many policies get screened out of equality impact assessment processes and opportunities are therefore missed to use policy as a vehicle for creating a more equal society. Other statutory duties, such as the duty under the Human Rights Act to ensure that everyone has equal access to their rights, can provide a framework for introducing policy that takes a more proactive approach.
- Remember that you should be planning to follow up any consultation exercise with feedback on how the consultee's views had an impact and so you will need to prepare information to take back to women's groups on how women's experiences and gender inequality will be dealt with in the final product.

Women in Northern Ireland have been disproportionately impacted by the COVID-19 pandemic; financially, socially and in terms of health. It is crucial that legislative processes on issues relating to women are accessible and open, as women's lived experience is crucial to creating more robust human rights protections.

The full guidelines can be read [here](#).

V. WPG Key Briefings: Bill of Rights - 2021

WRDA are the secretariat for the Women's Policy Group and we have also prepared a key briefing on a Bill of Rights for Northern Ireland based on the content of our Feminist Recovery Plan and past publications from the WPG regarding a Bill of Rights. This full briefing can be read [here](#).

Given the context of the current lockdown, and the difficulty this has created in meaningfully engaging with women across NI on their views on a Bill of Rights, we have hosted some additional online events relating to a Bill of Rights. We hosted a Feminist Recovery Plan Webinar with women looking at Brexit, a Bill of Rights and International Mechanisms which can be viewed [here](#).

We also have a summary briefing on this webinar which can be read [here](#).

VI. Make Our Future Fair Campaign

WRDA are also members of the Human Rights Consortium and are involved in the Make Our Future Fair Campaign²⁹. An overview of this campaign from the Human Rights Consortium can be seen below:

"Make Our Future Fair is a campaign by the Human Rights Consortium, it's 165 members and other supporters from across society to deliver a Bill of Rights for Northern Ireland. We are all a part of this campaign because we believe that Northern Ireland needs a strong and inclusive Bill of Rights as one of the essential tools to enable the government to properly protect us all.

²⁹ Make Our Future Fair Campaign - Human Rights Consortium:

<http://www.humanrightsconsortium.org/make-future-our-fair/#:~:text=Make%20Our%20Future%20Fair%20is,of%20Rights%20for%20Northern%20Ireland.>

A Bill of Rights is a text that lays down the rights that everyone in a society should be able to rely on. It provides a safety net for everyone so that when things go wrong, we know that we have this set of rules to depend upon, by guaranteeing basic rights to things like accommodation, an adequate standard of living, education, health, and much more.

Rights are about ensuring that people can lead lives of dignity and autonomy, are able to choose how they live their lives and make decisions for themselves. They apply to all people in all circumstances and can protect us from racism, xenophobia and all forms of prejudice and discrimination.

Proper human rights protections need to be a core part of how we continue to improve this society. We want people to stay here, to raise their families here and to keep making this place better. We've come so far together, let's keep moving forward towards the Northern Ireland we all deserve."

We would like to acknowledge the extremely valuable outreach work undertaken by the Human Rights Consortium to educate people on the Ad Hoc Committee's public survey on a Bill of Rights. The Consortium held a number of online events to explain a Bill of Rights and human rights protections, including a very valuable session with the Women's Regional Consortium, and spoke to over 200 people in recent months. These events were crucial in creating an opportunity to understand and discuss the questions in the consultation document and public survey.

VIII. History of Women's Sector Campaigning on a Bill of Rights

As stated throughout this response, the women's sector has been involved in campaigning for a Northern Ireland Bill of Rights for many years. This response covers just some of that campaigning in recent years and we would like to emphasise that this does not cover all of the women's sector involvement on the issue.

This response does emphasise the need for a Northern Ireland Bill of Rights in the current political climate, with women being disproportionately impacted by more than a decade of harsh austerity, the COVID-19 pandemic and the many human rights protections at risk due to Brexit. WRDA would like to stress that many lessons can be learned from past campaigning on a Bill of Rights, and that the Ad Hoc Committee should also consider the significant amount of work undertaken by the women's sector over the past two decades.

IX. Endorsement of Women's Regional Consortium Position

WRDA are one of the seven established members of the Women's Regional Consortium that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion.

WRDA would like to take the opportunity to endorse the comprehensive response to the Bill of Rights Survey being submitted by the Women's Regional Consortium. The Consortium response provides more detailed information on the history of the women's sector engagement with the Bill of Rights campaigning alongside concerns about the time frame and content of this public survey which is also reflective of the views of WRDA. In addition, the Consortium response incorporates the views of several women members who attended online workshops and events organised relating to this public survey which should be considered by the Ad Hoc Committee on a Bill of Rights.

Bill of Rights Consultation Questions:

Have your say: Human Rights in Northern Ireland

Consultation on the creation of a Bill of Rights for Northern Ireland

This consultation was set up by the Northern Ireland Assembly's Ad Hoc Committee on a Bill of Rights. The Committee wants to hear your views and understand how you feel about the creation of a Bill of Rights in Northern Ireland.

Why was the Ad Hoc Committee on a Bill of Rights set up?

The Ad Hoc Committee on a Bill of Rights was set up following the New Decade, New Approach Agreement in early 2020. The Committee is tasked with considering the creation of a Bill of Rights for Northern Ireland. That includes looking at the implications of a Bill of Rights here and what rights it might include. The Committee has discussed and received briefings from a wide range of stakeholders and experts in human rights in recent months, but a crucial part of its evidence-gathering is listening to those who are directly affected – you.

What is the consultation about?

This consultation is about the Committee getting your views, listening to what you think and taking on board how you feel about the creation of a Bill of Rights in Northern Ireland. The results of the consultation will provide valuable information to the Committee and help inform its forward work programme. The survey is completely anonymous and confidential. If you choose to provide contact details, so you are kept informed of the Committee's work, these details will not be linked to your responses.

Why should I get involved?

This is your chance to say what you think and how you feel. Your views and opinions are as important as anyone's. To get an understanding of what people who live here think about the creation of a Bill of Rights for Northern Ireland, we need to hear from lots of different people. By getting involved you'll help to ensure that the Committee's report is reflective of society across Northern Ireland.

How do I get involved?

You can complete the consultation survey attached.

Complete our survey

This short survey should take less than ten minutes to complete. The results will provide valuable information to the Committee.

The survey is completely anonymous and confidential. If you choose to provide contact details they will not be linked to your responses.

1. Views on Human Rights

This first set of questions looks at your general view on human rights.

a. To what extent do you agree that everyone in Northern Ireland today enjoys the same basic human rights?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

b. Why do you feel this way?

Due to the wording of this question, WRDA strongly disagrees with this statement. Without an explanation of the terms 'enjoys' or what is included in 'basic human rights', this could lead to different interpretations of what this question actually means.

Do these 'basic human rights' include the human rights referenced in international human rights treaties such as CEDAW, ICESCR, CRC, ICERD, ICCPR, CRPD and CAT? Or, do 'basic human rights' refer to those referenced in the UK Human Rights Act, or those referenced throughout the European Human Rights Framework?

Clarity is essential, particularly as the UK Human Rights Act is currently under threat by the UK government, as highlighted in the general comments of this response, and it already is not as robust at the European Human Rights Framework. Whilst the Human Rights Act has been important to the peace in Northern Ireland and must be defended, it does not represent the full protection of the ECHR. Thus, further highlighting the need for a robust Northern Ireland Bill of Rights.

For example, there is no free-standing right to prohibition of discrimination (this is included in Article 1 of Protocol No. 12 of the ECHR, which the UK has not ratified). In order to

protect enjoyment of the full range of ECHR rights, they should be fully incorporated into a Bill of Rights for Northern Ireland.

For the purpose of answering this question in more detail, we interpret the phrase ‘enjoys’ as meaning that everyone can realise the rights they are entitled to, which is not the case in Northern Ireland. In relation to ‘basic human rights’, we would like to stress that the mere existence of human rights does not mean that they are fully realised for people to ‘enjoy’. The existence of human rights does not guarantee full enjoyment, or realisation, or these rights. We will now provide some examples of how the existence of different human rights have not been fully realised by women in Northern Ireland. These examples will specifically focus on a range of international human rights mechanisms and how they relate to women.

Economic and Social Rights:

For example, women have the same right to work as men under the International Covenant of Economic and Social Rights (ICESCR), but in reality, there are a wide range of barriers that prevent women from being able to realise or enjoy this right. Throughout the WPG COVID-19 Feminist Recovery Plan, there are significant amounts of evidence on barriers to women’s economic wellbeing and participation in the paid labour market, including unaffordable childcare and other unpaid caring responsibilities. Over 30% of women in Northern Ireland are considered “economically inactive” or “voluntarily unemployed” in official government statistics³⁰. The most common reason for women being “economically inactive” was attributed to “family and home commitments”, which was the least common reason given by men. Clearly, the unequal distribution of caring responsibilities, and the unaffordability of childcare, is having a vast impact on women’s ability to enjoy their right to work in the way that men can.

CEDAW and UK Human Rights Protections Divergence Across Devolved Nations:

In addition, the Convention for the Elimination of Discrimination Against Women (CEDAW) was ratified by the UK in 1986, which means the UK is committed to all articles, rights and procedures within the convention. This should mean that State Parties, such as the UK, are required to undertake legal obligations to respect, protect and fulfil women’s human rights. Despite this, progress on the implementation of CEDAW has been poor, as the UK government has consistently used devolution to justify the unequal protections of women’s rights in Northern Ireland compared to Great Britain³¹.

³⁰ NISRA (2020), ‘Labour Market Survey - Women in Northern Ireland in 2020’, https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Women%20in%20NI%202020_0.pdf

³¹ See the Northern Ireland Women’s European Platform (NIWEP) Shadow report for the examination of the UK by the Committee on CEDAW, January 2019: <https://blog.niwep.org/un-convention-elimination-discrimination-against-women-cedaw>

The most recent Concluding Observations from the CEDAW Committee inquiry into the UK stated:

'Recalling its previous concluding observations, the Committee recommends that the State party incorporate all the provisions of the Convention into its legislation without further delay to ensure that the rights of women are guaranteed systematically and on an equal footing throughout all territories under its jurisdiction, including Northern Ireland.³²'

'The Committee notes that the Equality Act of 2010 prohibits both direct and indirect discrimination on the basis of sex. It reiterates its previous concern, however, that the applicability of the Equality Act does not extend to Northern Ireland (CEDAW/C/GBR/CO/7, para. 18), and regrets that the State party, invoking the principle of devolution, has not taken any measures to ensure that women in Northern Ireland have at least the same protections with regard to equality as do their counterparts in the other administrations of the State party, notwithstanding the lack of a functioning government in Northern Ireland. The Committee remains concerned about the limitations of the public sector equality duty under the Equality Act to effectively protect women from discrimination, including intersecting forms of discrimination, and regrets the lack of progress made to bring into force the provisions of the Act relating to the public sector duty regarding socioeconomic inequalities (sections 1 to 3 of the Act) and the recognition of "combined discrimination" (section 14 of the Act).³³'

'The Committee recommends that the State party:

(a) Revise its legislation in Northern Ireland to ensure that it affords protection to women there on an equal basis with women in other administrations of the State party;³⁴'

CEDAW and the Istanbul Convention - Violence Against Women and Girls:

Another example can be seen through the Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (also known as the Istanbul Convention). The UK government has signed, but not yet ratified, this convention. However, Northern Ireland remains the only part of the UK or Ireland without a specific strategy on combatting violence against women and girls, despite recent progress made in the Northern Ireland Assembly Domestic Abuse and Family Proceedings Bill.

³² Concluding Observations (2019) CEDAW/C/GBR/CO/8, para 14.

³³ Concluding Observations (2019) CEDAW/C/GBR/CO/8, para 15.

³⁴ Concluding Observations (2019) CEDAW/C/GBR/CO/8, para 16.

Further, when referencing gender-based violence against women and girls, the Concluding Observations also noted that:

'The Committee remains concerned about the lack of uniform protection of women and girls from all forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of laws and policies to protect women in Northern Ireland.³⁵'

'With reference to its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recalling its previous recommendation to the State party, the Committee recommends that the State party:

(a) Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence³⁶;

(b) Adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party's jurisdiction, including Northern Ireland;

(c) Ensure that asylum-seeking and migrant women and women with insecure immigration status are able to seek effective protection and support services without fear of having their immigration status reported to authorities;

(d) Ensure that its laws and policies effectively protect women with disabilities from all forms of gender-based violence, in particular violence perpetrated by their caregivers;

(e) Ensure that the policy of commissioning services does not undermine the provision of specialized services for women who are victims of gender-based violence.³⁷'

³⁵ Concluding Observations (2019) CEDAW/C/GBR/CO/8, para 29.

³⁶ Council of Europe, The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, November 2014, ISBN 978-92-871-7990-6, available at: <https://www.refworld.org/docid/548165c94.html>

³⁷ Concluding Observations (2019) CEDAW/C/GBR/CO/8, para 30.

CEDAW and Civil and Political Rights:

Further comments from the CEDAW Committee in their Concluding Observations further exemplify how the mere existence of human rights, such as those in the International Covenant for Civil and Political Rights (ICCPR), do not equate to the full realisation or enjoyment of those rights, as seen in women's participation in political and public life:

*'The Committee welcomes the increasing number of women who are represented in Parliament, the judiciary and the police force. Nevertheless, the Committee remains concerned about the underrepresentation of women in political and public life, in particular in Northern Ireland, and the low representation of "Black, Asian and Minority Ethnic" women and women with disabilities in political life.'*³⁸

This observation led to the following recommendation, which has still not been fulfilled by the UK government:

*'The Committee recommends that the State party take specific targeted measures, including temporary special measures, to improve the representation of women, including "Black, Asian and Minority Ethnic" women and women with disabilities, in Parliament, the judiciary and decision-making positions in the foreign service and its diplomatic missions. It calls upon the State party to take measures to address the low representation of women in political and public life in Northern Ireland, including by ensuring the implementation of section 43 A of the Sex Discrimination (Northern Ireland) Order 1976 enabling the use of gender quotas.'*³⁹

CEDAW and UN Security Council Resolution 1325 on Women, Peace and Security⁴⁰

Further examples of how the existence of "basic human rights" does not equate the realisation of these rights can be seen through the following comments from the CEDAW Committee in relation to the UN Security Council Resolution 1325 on Women, Peace and Security (passed in 2000):

'The Committee welcomes the adoption in January 2018 of the State party's fourth national action plan on women and peace and security, for the period from 2018 to 2022, which provides a framework for ensuring that the provisions of Security Council resolution 1325 (2000) and related resolutions are incorporated into the State party's defence, diplomacy and development work abroad. The Committee reiterates its previous concern,

³⁸ Concluding Observations (2019) CEDAW/C/GBR/CO/8, para 37.

³⁹ Concluding Observations (2019) CEDAW/C/GBR/CO/8, para 38.

⁴⁰ UN Security Council, *Security Council resolution 1325 (2000) [on women and peace and security]*, 31 October 2000, S/RES/1325 (2000), available at: <https://www.refworld.org/docid/3b00f4672e.html>

however, regarding the lack of measures taken by the State party to implement resolution 1325 (2000) in Northern Ireland, where women continue to face intimidation by paramilitary groups and are underrepresented in post-conflict reconstruction and peacebuilding processes.

With reference to the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party take concrete measures to ensure the effective participation of women in post-conflict reconstruction and peacebuilding processes in Northern Ireland, in line with Security Council resolution 1325 (2000), including by:

(a) Addressing the obstacles to their participation, including intimidation by paramilitary groups, as noted in the report on the inquiry conducted in 2014 by the Northern Ireland Assembly All Party Group on Women, Peace and Security and the Westminster Associate Parliamentary Group on Security Council resolution 1325 (2000) on women and peace and security;

(b) Guaranteeing the participation of women in the context of the transitional justice mechanisms envisaged in the Northern Ireland (Stormont House Agreement) Bill.⁴¹

The exclusion of Northern Ireland from the UK government's National Action Plan on UNSCR 1325 is deeply concerning to WRDA, and further exemplifies how the existence of "basic human rights" and international treaties and resolutions does not necessarily mean that everyone can realise these rights.

CEDAW - Employment and Economic Empowerment

Further comments from the CEDAW Committee which support our concerns relating to barriers for women in having the full realisation of economic and social rights include:

'The Committee welcomes the measures taken by the State party to expand the childcare entitlement for working parents in England, Scotland and Wales. However, the Committee is concerned that childcare costs remain excessive, in particular in Northern Ireland, which constitutes an obstacle for women in entering into and progressing in the workplace. In addition, while welcoming the introduction of flexible working arrangements in 2014, the Committee regrets that it can only be exercised after 26 weeks of

⁴¹ Concluding Observations (2019) CEDAW/C/GBR/CO/8, paras 39-40.

employment. It also regrets that, notwithstanding the introduction of shared parental leave in 2014, uptake among men has been low.

The Committee recommends that the State party:

(a) Ensure the availability of affordable and accessible childcare facilities and/or arrangements throughout the State party, in particular in Northern Ireland;⁴²

CEDAW - Health

Further comments from the CEDAW Committee which support our concerns relating to devolution being used as a justification for the delays in progress the implementation of CEDAW to overcome the unequal protections of women's rights in Northern Ireland compared to Great Britain include:

'The Committee welcomes the introduction, in June 2017, of a scheme to enable women from Northern Ireland to obtain access to abortion services in England with coverage by the National Health Service. The Committee deeply regrets, however, the continued failure of the State party to implement the Committee's previous recommendations and the recommendations contained in the report of the Committee on the inquiry under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/GBR/1), in which the Committee found that the State party was responsible for grave and systematic violations of women's rights under the Convention in Northern Ireland, to ensure access for women to abortion services, including by decriminalizing abortion, on the grounds that abortion is a matter for the authorities in Northern Ireland to consider (CEDAW/C/OP.8/GBR/2 and CEDAW/C/GBR/Q/8/Add.1).

With reference to paragraph 8 of the present concluding observations, and noting article 33 of the Belfast Agreement (or Good Friday Agreement) of 1998, which provides that the Westminster Parliament shall legislate as necessary to ensure that the international obligations of the United Kingdom are met with respect to Northern Ireland, the Committee urges the State party to implement, without further delay, the recommendations contained in the report of the Committee on the inquiry under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/GBR/1)⁴³.

⁴² Concluding Observations (2019) CEDAW/C/GBR/CO/8, paras 45-46.

⁴³ Concluding Observations (2019) CEDAW/C/GBR/CO/8, paras 47-48.

These are just some of the examples that can be applied to women in Northern Ireland, where the human rights that have been ratified or applied to the rest of the UK or Ireland have not led to the same level of human rights protections for women in Northern Ireland.

There are many more examples of where this could be expanded on, for instance when looking specifically at perinatal mental health support in Northern Ireland compared to elsewhere, the relationship between poverty and poor health outcomes, how women from different intersectional identities face greater barriers to healthcare that is technically available to all (such as cancer screening), the lack of an abortion provision in Northern Ireland and more.

WRDA has consistently called for women in Northern Ireland to be given the same level of human rights protections as afforded to women elsewhere, whether this is in relation to economic and social rights, civil and political rights, in protections against gender-based violence, in accessing essential healthcare such as perinatal mental health support services or accessing abortion.

Clearly, women in Northern Ireland do not 'enjoy' the same 'basic human rights'. Therefore, we strongly disagree with this statement.

2. Protections

In your view, do people in Northern Ireland need more protection for their human rights in relation to any of the following areas?

Choose as many as you like.

- | | |
|------------------------------|--------------------------|
| A. Age | X |
| B. Caring responsibilities | X |
| C. Community background | <input type="checkbox"/> |
| D. Criminal record | X |
| E. Cultural background | X |
| F. Disability | X |
| G. Economic status or income | X |
| H. Ethnic group | X |
| I. Family or civil status | X |
| J. Gender | X |

K. Health status	X
L. Language	X
M. National identity	X
N. Political or other opinion	X
O. Pregnancy and maternity	X
P. Property	X
Q. Religion or belief	X
R. Sexual orientation	X
S. Don't know	<input type="checkbox"/>
T. None of the above	<input type="checkbox"/>
U. Other	X

If you selected 'Other', please let us know what other areas you think should be included:

Some of the areas mentioned above have some protection in domestic law inter articles of the European Convention on Human Rights already incorporated in the Human Rights Act 1998. The mandate under the Good Friday Agreement was to incorporate these rights into a Bill of Rights for Northern Ireland alongside supplementary rights, such as those mentioned in the context provided at the beginning of this response as explained in the Feminist Recovery Plan. These additional rights should be 'taken together with the ECHR - to constitute a Bill of Rights'. The starting point should be, therefore, to incorporate ECHR rights within a local Bill of Rights for Northern Ireland. By doing so, there would be an enhanced layer of protection created for many of the rights above.

In addition, there are numerous areas of rights, mentioned both at the beginning of this response and in the list above, which are detailed in existing international standards. This includes the core international human rights instruments of CEDAW, ICESCR, CRC, ICERD, ICCPR, CRPD and CAT. The protections in these instruments correlates with many of the areas listed above, and various others, but are yet to be adopted into domestic law and therefore the people in Northern Ireland are unable to access these provisions directly.

WRDA believes that their incorporation within a Bill of Rights for Northern Ireland is necessary to provide protections for many of the areas listed above and give access and effect to international standards in these areas. This is of particular importance in the current climate in Northern Ireland whereby many are facing the disproportionate impacts of the COVID-19 pandemic and the risk to rights that were won through EU membership.

We have not clicked the community background box for this question as it is not clear what the definition of the term is in this context, while all other areas can be related to existing human rights standards.

We have a few more examples of how the rights of each of the following need greater protections for their human rights:

Gender:

In relation to gender, and almost every area of protection highlighted in this question, WRDA have already outlined in detail how current human rights frameworks have not been fully applied to women in Northern Ireland and how many of the existing human rights frameworks are also under threat. We strongly believe that women need further protection and enhancement of their human rights, particularly due to the worsening of inequalities that women faced due to a decade of harsh austerity, the disproportionate impact of the pandemic and the ongoing risks of Brexit.

Women have been largely excluded from decision making in relation to austerity, responding to the pandemic and in Brexit negotiations; despite women being worst impacted by all of these issues. WRDA have outlined some worrying statistics on where we stand in relation to gender inequality in Northern Ireland in [this](#) briefing. The WPG has also provided significant evidence of the disproportionate impact of the COVID-19 pandemic on women economically, socially, in terms of health and in relation to human rights protections in their COVID-19 Feminist Recovery Plan.

Caring Responsibility:

Within the Feminist Recovery Plan, there is significant evidence of how carers need much greater protections than they currently have. Women account for 68% of all carers in Northern Ireland, and they have been hardly hit by the global pandemic and this has exposed the urgent need for greater protections for carers⁴⁴:

‘With the rapid increase in the numbers of women with caring responsibilities across the UK due to COVID-19, urgent action is needed to address the mental health concerns of carers. As the majority of carers are also in paid employment, if action is not taken to support this group, it is likely to have long-term detrimental impacts on workforces. Some statistics on impact of increased caring responsibilities during COVID-19 from the Carers Week report includes:

The top three most frequently chosen challenges by all unpaid carers:

- *managing the stress and responsibility (71%)*

⁴⁴ WPG Feminist Recovery Plan (2020), pp.71-72.

- *the negative impacts on their physical and mental health (70%)*
- *not being able to take time away from caring (66%)*

These results closely matched what the public, who had never been unpaid carers, thought the challenges that unpaid carers face were:

- *not being able to take time away from caring (72%)*
- *managing the stress and responsibility (70%)*
- *the negative impacts on their physical and mental health (69%).*

There were other important challenges that were frequently chosen by unpaid carers:

- *the impact it has on other personal relationships (eg with family, friends, partners etc.) (63%)*
- *the negative impact it has on their ability to do paid work (55%)*
- *the financial impact of the additional care costs (eg specialist care equipment, home adaptations (53%)*
- *not having anyone to talk to about the challenges of caring (50%).*

The general public, who don't have a caring role, were asked what worries they would have if they took on an unpaid caring role. Their top three worries were:

- *The negative impact on their own physical and mental health (56%)*
- *Not being able to cope financially, not being able to afford care services or equipment required (50%)*
- *Not knowing or understanding what help is available to carers (49%).*

For too long, women and unpaid carers have provided social support that upholds the health and wellbeing of society whilst propping up the NI economy to the value of £4.6 billion per year. Earlier in the Feminist Recovery Plan, statistics were given of the economic benefits of investing in care for both gender equality and in addressing climate change. The needs of carers' health should be a priority in any recovery planning in Northern Ireland.'

The Women's Regional Consortium response to this public survey also goes into significant detail on the opinions of women in relation to caring responsibilities, and the

urgent need for greater protections for those with caring responsibilities in Northern Ireland.

Disability:

Again, the WPG Feminist Recovery Plan goes into detail about the need for greater protections for disabled women in Northern Ireland. This is an area of particular importance as the Disability Discrimination Act 1995⁴⁵ is over 25 years old and has not been updated in Northern Ireland (whereas greater protections are afforded to disabled people in Great Britain through the Equality Act 2010). Further, disabled women in particular have been amongst the hardest hit by austerity in the UK. Some information from a WRDA blog on the matter includes⁴⁶:

'For context, in the UK as a whole, 14 million people have a disability. Roughly 20% of those people are men and 23% are women. Out of those 14 million people, only 7% are employed – often in low-paying jobs. This is where things start to become even more alarming.

- *Disabled women earn 22.1% less than able-bodied men, and 11.8% less than disabled men.*
- *26% of households with a disabled person are in poverty, compared to 22% of the overall households across the UK. Although this is likely an underestimation, as it does not take into account the estimated £570 per month of additional costs associated with a disability.*
- *The scope of disability benefits have been drastically reduced in the UK, with one of the biggest changes being the replacement of Disability Living Allowance (DLA) with Personal Independence Payment (PIP).*
- *Women make up 55% of claimants for disability benefits and have been disproportionately impacted by the narrowing of scope in disability support entitlements. As a result, benefit sanctions, degrading PIP assessments, lost income and the removal of any independence has been a reality for many disabled women.*
- *Disabled people, in general, have been disproportionately impacted by austerity cuts since 2010. Disabled women are set to lose 13% of their annual income by 2021 due to austerity and cumulative tax-benefit changes.*
- *Disabled single mothers are losing out the most from these tax and benefit changes since 2010. By 2021, they will have lost 21% of their net income if they do not have a disabled child and 32% if they do have a disabled child too. 1/3 of this loss is due to a shift to Universal Credit.*

⁴⁵ Disability Discrimination Act 1995: <https://www.legislation.gov.uk/ukpga/1995/50/contents>

⁴⁶ WRDA (2019), 'Disabled Women and Discrimination: The Facts we Need You to Know', <https://wrda.net/2019/11/18/disabled-women-and-discrimination-facts-we-need-you-to-know/>

- *Disabled people experience domestic violence at TWICE the rate of non-disabled people. ONE IN TWO disabled women experience it and face many additional barriers in seeking support.*
- *Spending cuts to adult social care and housing support has also disproportionately impacted them.'*

Further, the finding of the Second Independent Review of Personal Independence Payments should also be considered, particularly the evidence submitted by the Women's Regional Consortium on the impact of PIP on women. The welfare reform system has hit disabled women's wellbeing significantly, and greater protections are urgently needed.

Economic Status:

Again, WRDA has provided evidence throughout this response of the need for greater economic protections in Northern Ireland, particularly given the disproportionate economic impact of austerity and the COVID-19 pandemic on women in Northern Ireland. The pandemic has exposed the cracks in our support systems as the economic impact has been hard hit with families falling into deeper poverty and struggling to afford essentials. The response from the Women's Regional Consortium to this public survey goes into detail on their research covering the the ongoing impacts of austerity and universal credit on women, and these findings should be considered by the Ad Hoc Committee⁴⁷.

Pregnancy and Maternity:

Sex discrimination in the workplace continues to be a shockingly common occurrence. The Equality Commission for Northern Ireland estimates that around 25% of the queries they get to their legal helpline relate to potential sex discrimination at work. Of these, they estimate that 21.5% are to do with pregnancy or maternity⁴⁸. The issues raised are not confined to any particular sector and it is happening regardless of the level, type or grade of job held by women.

This is despite the fact that it is unlawful to discriminate against a person or treat them unfairly due to pregnancy or maternity. There is significant research available across the UK through groups such as 'Pregnant then Screwed' to support the need for greater protections which the Ad Hoc Committee should consult. In addition, the existing leave

⁴⁷ See Impact of Ongoing Austerity: Women's Perspectives, Women's Regional Consortium, March 2019
<http://www.womensregionalconsortiumni.org.uk/sites/default/files/Impact%20of%20Ongoing%20Austerity%20Women%27s%20Perspectives.pdf>; See The Impact of Universal Credit on Women, Women's Regional Consortium, September 2020
<http://www.womensregionalconsortiumni.org.uk/sites/default/files/The%20Impact%20of%20Universal%20Credit%20on%20WomenRevised.pdf>

⁴⁸ CNI (2019), 'Pregnancy and Maternity Discrimination Remains an Issue for Working Mothers', Equality Commission NI, (available online): <https://www.equalityni.org/Blog/Articles/August-2019/Pregnancy-and-maternity-discrimination-remains-an>

entitlements for maternity, paternity and shared parental leave in Northern Ireland are much lower than elsewhere, further supporting the need for greater protection.

Intersectionality:

In general, WRDA believes that there is a need to enhance human rights protections across a range of characteristics, and for the importance of intersectional experiences to be recognised in any Bill of Rights. In relation to women, it is acknowledged that women from varying identities face various levels of discrimination or barriers to fully enjoying their human rights due to their intersecting identities.

American lawyer and scholar, Kimberlé Williams Crenshaw, introduced the theory of Intersectionality in 1989 and coined the term in 1993⁴⁹. This extremely influential theory explains how overlapping identities relate to systems and structures of oppression, domination or discrimination. The main argument behind this was that the experience of a black woman cannot be understood in terms of being black and of being a woman considered independently, but must include the interactions between the two, which frequently reinforce each other.

Crenshaw explains:

*'Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It's not simply that there's a race problem here, a gender problem here, and a class or LGBTQ problem there. Many times that framework erases what happens to people who are subject to all of these things.'*⁵⁰

We believe that the above theory of intersectionality is crucial to human rights protections, and that a wide range of groups from various intersecting identities and protected characteristics in Northern Ireland should be consulted in more detail on a Bill of Rights.

⁴⁹ Crenshaw, Kimberlé, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of Chicago Legal Forum: Vol. 1989: Iss. 1, Article 8. Available at: <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>

⁵⁰ Crenshaw, Kimberle, (2017), 'Kimberlé Crenshaw on Intersectionality: More than Two Decades Later', Columbia Law School, <https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later>

3. Values

In your view, which of the following values, if any, would make appropriate foundations for rights in Northern Ireland?

Choose as many as you like.

- | | |
|--|--------------------------|
| A. Community | X |
| B. Human dignity (everyone deserves respect) | X |
| C. Fairness | X |
| D. Freedom and democracy | X |
| E. Justice | X |
| F. Mutual respect (respect for each other) | X |
| G. Parity of esteem (valuing all traditions equally) | X |
| H. Respect for culture, identity, traditions and aspirations | X |
| I. Peace and reconciliation | X |
| J. Don't know | <input type="checkbox"/> |
| K. Other | X |

If you selected 'Other', please let us know what other foundations you think should be included:

WRDA believes that there are many values that should help form the foundation of a Bill of Rights for Northern Ireland. At the core of any Bill of Rights, it must respect international human rights standards and the universality of human rights.

It is also important to recognise that there is a fundamental difference between establishing the values that would be at the core of a Bill of Rights, and the specifics of the rights themselves and how they should be implemented. Values are likely to be outlined within a preamble of a Bill of Rights and would state the broad principles and aspirations of the document while the main text of the document should state the fundamental rights which would be protected by law. This question rightly highlights that values are the foundation of rights. However, it is crucial to note that values are not replacements for the rights themselves. This distinction is crucial as there would be no

practical value in a Bill of Rights that was purely aspirational - it must be more robust and applicable than this.

The list outlined in this question includes some important values, however, we believe that some of the bracketed explanations are in danger of misinterpreting or minimising the scope of such values. For example, the concept of dignity is not simply limited to the idea of everyone deserving respect. Rather, it is also inclusive of rights that would allow someone to live their life with dignity. For instance, an elderly person may be respected but could not lead a life of dignity in certain circumstances if, for example, rights to an adequate standard of living, health or accommodation were unavailable to them. The same could be applied for a family living in extreme poverty, a disabled person without the adequate social services needed, a single parent living in extreme poverty and so on.

Likewise, Parity of Esteem may well become meaningless as a value if certain rights, which would underpin it, are not enacted, such as the right to identify as British, Irish or both. For this reason, we feel the framing of section 4b below is problematic. Given the history of political discussions surrounding a Bill of Rights, committing to the concept of an 'aspirational' vision could lead to the interpretation of a Bill of Rights being merely declaratory without enforcement. A Bill of Rights without adequate enforcement mechanisms is unlikely to fully protect or enhance the human rights of anyone in Northern Ireland and WRDA would be extremely opposed to this.

4. Bill of Rights

Human rights are freedoms and protections belonging to everyone. A bill of rights contains human rights protections for everyone - it is a list of the laws a country agrees to make to protect all the people who live there.

a. How important, if at all, do you think a bill of rights is for Northern Ireland?

- A. Very Important
- B. Important
- C. Moderately important
- D. Slightly important
- E. Not important at all
- F. Don't know

b. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should set out an aspirational vision based on guiding or foundational values?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

Note: The reason why we have answered 'strongly disagree' is explained in response to Q3.

c. Civil and political rights can include freedom from discrimination; the right to privacy; freedom of expression, assembly, religion and movement; and the right to a fair trial. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should include civil and political rights?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

d. What, if any, political and civil rights would you like to see in a bill of rights for Northern Ireland?

As outlined in our response to question 1b, WRDA believes that the commitment to replicate the ECHR rights within a Northern Ireland Bill of Rights should be implemented. ECHR rights are largely civil and political in nature and have formed the cornerstone of such protections in Northern Ireland. Given the threats that currently exist to how these rights are applied locally through the Human Rights Act (as explained in the context section of this response), the inclusion of these rights in a Northern Ireland Bill of Rights would serve as a mechanism of ring fencing these protections in a local context.

Further, we have also already outlined that the current International Standards should be incorporated domestically in a Northern Ireland Bill of Rights. This includes additional civil and political rights standards that might be outlined in the International Covenant on Civil and Political Rights (ICCPR) or other relevant covenants.

e. Social and economic and cultural rights can include rights around standards of living, health, social security, victims, education and language. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should include social, economic and cultural rights?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree

E. Strongly disagree

F. Don't know

f. What, if any, social, economic and cultural rights would you like to see in a bill of rights for Northern Ireland?

As stated throughout this response, WRDA firmly believes that current International Standards should be incorporated domestically in a Northern Ireland Bill of Rights. That includes economic and social rights protections outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international covenants that clearly have ESCR contents such as CERD, CEDAW, CRC, CRPD and others.

Given the remit of the Ad Hoc Committee on a bill of Rights to look at the role that a NI Bill of Rights may play in potentially replacing rights that could be lost as a direct result of Brexit, such as those outlined in the context section of this response, we would strongly recommend that the provisions of the Charter of Fundamental Rights (many of which are social and economic rights protections) which will no longer applicable in Northern Ireland are incorporated into a Bill of Rights.

Given the disproportionate economic impact of the COVID-19 pandemic on women in Northern Ireland highlighted throughout the WPG COVID-19 Feminist Recovery Plan, it is clear that much stronger protections of social, economic and cultural rights are needed urgently. This is of particular importance as the economic and social impact of COVID-19 is likely to last for many years to come.

We would also like to highlight our concerns about the inaccessibility of this public consultation, particularly as members of the public would not be able to list such rights or points of reference from international standards despite their support generally for the strong protection of economic and social rights. This is particularly concerning as it could be argued that those who urgently need and would most benefit most from stronger economic and social rights, particularly women, have not been given an adequate opportunity to engage with this consultation. We would, therefore, encourage a strong note of caution around the ability of the public to engage in providing detailed answers to this or similarly worded questions.

We would recommend that the Committee takes on board the guidelines set out in the Women's Resource and Development Agency's 'Putting Women at the Heart of Public Consultations: Guidelines for Public Bodies' [report](#) in order to make consultations and public engagement on a Bill of Rights much more accessible for the public. This involves the need to create meaningful engagement with the public and wider community sector representing different cohorts of society, which cannot be said to be the case through this consultation, whereby a short time frame was given over the Christmas period and little consideration seems to have been given to the context of the current pandemic, where it

is extremely difficult to engage with women's centres and focus groups of women due to ongoing restrictions.

g. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should include the right to a healthy environment?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

h. Do you have any other comments?

The right to a safe, clean, healthy and sustainable environment is a right that has been given legal effect by over 150 nations across the world and there is ongoing work to develop this as a right recognised at a United National level. Many rights, particularly social and economic rights, are clearly dependent upon the right to a healthy environment. This is already recognised in Article 12(2) of ICESCR which cites environmental measures as essential in the realisation of the rights to the enjoyment of the highest standard of physical and mental health.

In the current climate where our response to the ongoing climate emergency is a challenge that will cross into all spheres of human life, it is crucial to protect the rights to a safe, clean, healthy and sustainable environment in a Bill of Rights for Northern Ireland.

In the WPG COVID-19 Feminist Recovery Plan, we have made recommendations for a Feminist Green Economy whereby a Climate Change Bill could create a Feminist Green New Deal. Within these recommendations, we have made the care for care work to be placed at the core of our work towards creating a green economy. This would have significant benefits for not only the environment, but for the economic and social rights of many people within Northern Ireland society.

5. About You - Section 75

N/A answering on behalf of the Women's Resource and Development Agency which has a membership of various organisations and individuals representing women across Northern Ireland.

Are you willing to be contacted again (for example, to take part in further consultation)?

Y. YES

N. NO

If 'Yes', please enter your email below. We will only use your email to contact you in relation to the work of the Ad Hoc Committee on a Bill of Rights.

Rachel Powell - Women's Sector Lobbyist - Women's Resource and Development Agency - [REDACTED]

ENDS