

## Introduction

The Good Friday/Belfast Agreement provided some optimism for the prospect of greater gender equality in Northern Ireland. The Northern Ireland Women's Coalition had ensured inclusion in the Agreement of a list of rights encompassing a right to equal opportunity and including 'the right of women to full and equal political participation'. Potential for transforming gender relations was also seen in new equality legislation, in particular Section 75 of the NI Act, lauded as a progressive and far-reaching equality duty that could deliver equality for women and other sectoral groups. This paper reflects on the state of gender equality in Northern Ireland twenty five years after the signing of the Agreement through examining social and public policy priorities and outcomes. It considers how the concept of equality is understood and operationalised in policy making, where there has been progress and the factors that have inhibited progress towards gender equality. It concludes by suggesting what needs to happen to ensure that a more gender equal society becomes a reality in the next 25 years.

Concerns about fairness and justice were a recurring theme in the Agreement due in large part to the Northern Ireland Women's Coalition (NIWC) which had brought a perspective to the process which was not just concerned with gender but with the broader equality and human rights agenda. In February 1996, the British and Irish governments had issued a Joint Communique announcing the convening of All Party Talks and invited advice as to the method of election or selection of participants to those Talks. One of NI's leading NGOs, the Northern Ireland Women's European Platform (NIWEP), responded with a paper on how the proposed Talks could be gender-proofed (NIWEP, 1996). Fearon and McWilliams (1999) discuss how the themes laid out in the NIWEP document were constantly raised by the NIWC in the following two years including equality of opportunity and treatment and outcome in political structures and substance and note that the NIWEP paper struck the template for the as yet unformed NIWC. The basis of the actions taken by the NIWEP was in the strong tradition of women's community activism demonstrated throughout the conflict (Sales, 1997). When 110 people were elected to take part in the All Party Talks 15 were women. Rouse (2016) identifies how the participation of women in the initial phases of the peace process in NI was distinct from the majority of international peace processes and that the impact of this was instrumental to the inclusion of (potentially far-reaching) equality and human rights commitments.

## Gender equality and the Good Friday/Belfast Agreement

Included within a list of rights in the Agreement was a clause affirming 'the right of women to full and equal political participation'. The agreement also contained provisions for a more regulatory approach to equality through the introduction of a new statutory obligation on public authorities to carry out all their functions with due regard to the need to promote equality of opportunity (in relation to religion and political opinion, gender, race, disability, age, marital status, dependants, and sexual orientation). This new duty had been preceded by the then innovative Policy Appraisal and Fair Treatment (PAFT) guidelines introduced in NI in the early 1990s, which required all new public policies and public services to be assessed for their impact on nine social categories but did not place a requirement for the policy to be changed. The Section 75 statutory equality duty, as set out in the Northern Ireland Act (1998) has been described as 'the single most extensive positive duty imposed in the UK' (O'Cinneide, 2003). It requires public sector agencies to mainstream equality and was singular in both its broad

scope and its strong regulatory and monitoring mechanisms such as policy appraisals, public access to information, consultation, impact assessments, monitoring, and timetables. There was perhaps an early indication of the challenges to come with regard to the implementation of the statutory duty. Mageean and O'Brien (1999) note that the draft legislation imposed no clear obligation on public authorities to establish schemes to promote equality of opportunity and there was no reference to the question of impact assessments, a situation remedied by intensive lobbying and the support of a broad coalition of politicians from across the political divide in Northern Ireland and in Britain.

### Where women figured in NI in 1998

A common claim for scholars was that NI was conservative relative to other regions in terms of gender and family arrangements (Roulston, 1989) which impacted on women's rates of employment and participation in public life (Davies and Downey, 1993). The first Northern Ireland Life and Times (NILT) Survey conducted in 1998, just as NI was on the brink of devolution, did indeed indicate that gender stereotypes were extraordinarily enduring. However, there were signs that attitudes were on the move. Men were demonstrating more positive attitudes towards working mothers than had been in the case in earlier social attitude surveys (Dowds et al, 1999). In 2002 the NILT survey explored attitudes to family and gender roles which showed some further liberalisation of attitudes. For example, 66% of women and over 59% of men thought that 'having a job was the best way for a woman to be an independent person' and 64% of respondents overall thought that men ought to take more responsibility for childcare - but it was a mixed picture as Table 1 illustrates.

**Table 1: NILT findings on family and gender roles in 1998 and 2002**

	2002		1998	
	Women (%)	Men (%)	Women (%)	Men (%)
<i>Having a job is the best way for a woman to be an independent person</i>	66	59	59	52
<i>A job is all right but what woman really want is a home and children</i>	36	36	34	32
<i>A woman should stay at home if a child is under school age</i>	42	48	46	49
<i>A pre-school child is likely to suffer his/her mother works</i>	34	35	34	42

Employment statistics indicate women's marginal position in the labour market. In 1999 the employment rate of women of working age was 61.4% compared to an employment rate for men of 72% and they were heavily concentrated in part-time jobs with 50% of all female jobs part-time. Even by 2005 women's employment rate had only risen to 63.7% (Department for Enterprise, Trade and Industry (DETI), 2006). Their employment patterns, though changing, still reflected traditional roles with women concentrated in a small number of (usually) lower paid occupations and occupational segregation was stark. Of all women employed in 1999, over 88% were in the service industries. This figure had increased to 91% by 2005 compared to 63% of male employees (DETI, 2006).

Women's political representation at every level in 1998 was poor. Out of eighteen Members of Parliament for NI elected to Westminster, none were women; of three representatives returned to the European Parliament, none were women and 14% of local government representatives were women. In the first elections to the NI Assembly, 13% of those elected were women – compared to 37% of those elected to the Scottish Parliament and 40% to the first Welsh Assembly (Galligan, 2013).

### **Progress or Procrastination on Gender Equality?**

It has been established that the peace process and Agreement had been informed by women's perspectives but the commitment to women's full participation was not replicated in subsequent agreements, argued by Gilmartin (2018) to be reflective of an indifference to gender equality. In the Stormont House Agreement the only time women are mentioned in its fourteen pages is in relation to 'outstanding commitments' where there is a nod towards the Bill of Rights and other equality issues, including the 'advancement of women in public life'. There is a similar lack of visibility in the Fresh Start Agreement and The New Decade, New Approach Agreement, which restored the Northern Ireland Executive in January 2020, makes no specific mention of gender other than a reference to the Gender Strategy named as one of a number of Social Inclusion Strategies to be developed.

Challenges with regard to the achievement of the full and equal participation of women were quick to present themselves as women were excluded or under represented in initiatives set up to support the transition from conflict (Ward, 2006). Donaghy and Meehan's (2002) assessment of the first Programme for Government found notable absences, particularly no mention of problems of domestic abuse and no mention of developing childcare or family friendly policies. Most political parties made known their opposition to reform of abortion law in NI. When the issue was debated in the NI Assembly in 2000 and 2007 there was overwhelming opposition to reform of the abortion law, despite the fact that it was at that time a reserved responsibility. There has undoubtedly been progress in some areas – in educational opportunities and outcomes for girls and young women, participation in paid employment and political and public life and in changing social attitudes. There is however continuing evidence of the persistence of deeply embedded gender inequalities and a failure of social policy to address substantive structural inequalities (Gray et al, 2021).

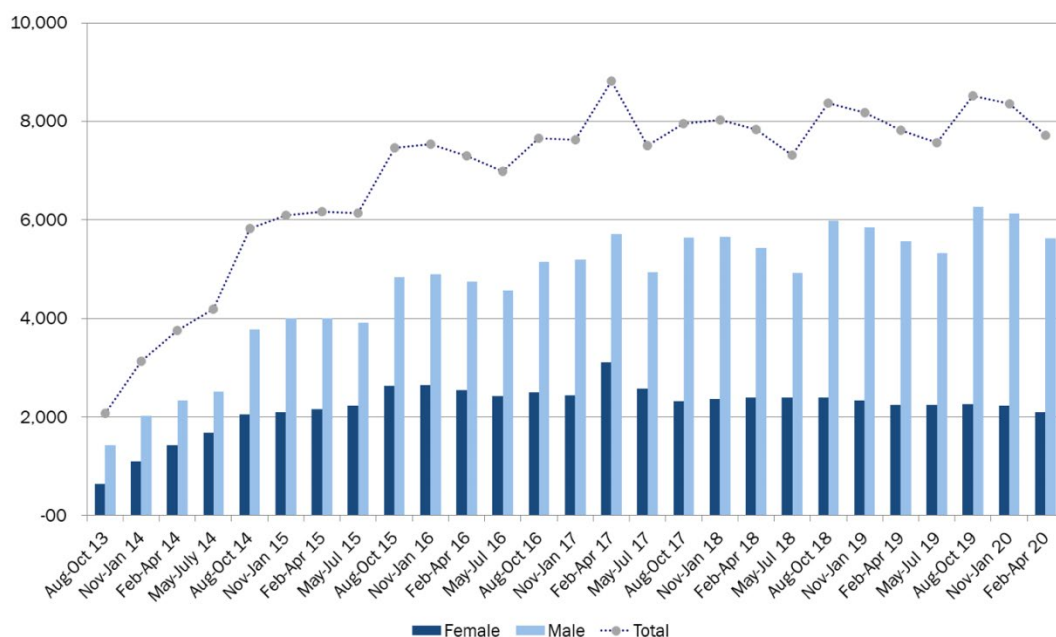
A differential between the employment rate for men and women persists at 75.6% for men and 68.5 for women (March 2023 figures). The proportion of women working full time increased in the ten years up to 2021 but only by 2.1 percentage points to 64.3% and it is still well below the male rate of 89.3% (NISRA, 2021). For the past thirty years NI has had the highest rate of economic inactivity in the UK which stands at 26.1 compared to a UK rate of

21 (NISRA, 2023). Women's economic inactivity rates have been consistently higher than those for men; of those aged 16-64 who are categorised as economically inactive, 30.4% are women and 21.8% are men. The use of the term 'economic inactivity' seems increasingly inappropriate because of the number of people, mainly women, disproportionately left out of the labour market due to home and caring commitments. Arguably, this is a large proportion of women that could access the labour market if adequate childcare provisions and adult social care supports were in place. Nor is it the case that unpaid care work has no economic value; the Office of National Statistics estimates unpaid care as equivalent to 56% of GDP for the UK (ONS, 2016).

There has been something of a good news story with regard to the gender pay gap with NI the only area of the UK where women working *full time* earn more per hour on average than men working full time. However, if all employees are considered, regardless of working pattern, women earn 8.4% less than men (NISRA, 2023). There are long standing differences in the gender pay gap in the private and public sectors. In 2022 women earned 78p less than males in the public sector while women working in the private sector earned £2.05 less than men. The largest gender pay gap across all age groups is in the 50 to 59 age group, where men earn almost £2.50 more per hour than women - equivalent to a 16.0% pay gap. Women earn less than men in eight out of nine occupation groups with the pay gap widest for the 'skilled trades occupations' group where 90% of employees are male.

A particularly concerning feature of employment policy in NI is the degree of inequality seen in apprenticeship programmes in NI (Ballantine et al, 2021). Apprenticeships are recognised as an important tool for social mobility and workforce upskilling, offering improved employment prospects, higher earnings over their lifetime and greater occupational mobility. However, analysis of apprenticeship data suggests that in NI apprenticeship policy establishes career paths and trajectories which may serve to consolidate and reinforce gendered inequalities. The majority of participants on Apprenticeships NI programmes since 2013/14 have been men with their representation increasing year on year; the number of women participants over the same period has fallen (Figure 1). Men have also dominated the newer Higher-Level Apprenticeships (HLAs) - their participation is double that of women. Apprenticeships and HLAs have continually privileged traditionally male sectors but have been under-responsive to a well identified skills shortage in the social care sector, an area which would benefit women who constitute a significant majority of the workforce. Whilst ostensibly neutral, apprenticeship policy and expenditure in NI are, in fact, highly gendered in operation.

Figure 1: Participation in Apprenticeships NI Programmes by Gender



Source: Data in Apprenticeships NI Statistical Bulletin 2019/20

Women’s participation in and experience of the labour market is strongly associated with the number of dependant children they have and particularly the age of the youngest child. A 2019 report by NIC/ICTU found that having one or more children reduced a woman’s likelihood of being in a permanent full-time job by nearly a third and by 40% for women with one or more children. Childcare is essential social infrastructure, with investment reaping long-term benefits for the economy and society. Yet, NI is the only part of the UK without a childcare strategy. A long awaited early years and childcare draft strategy cannot be published for consultation without Executive agreement. Regardless of more recent reasons for the delay, the more important question is why childcare has not been a higher priority for policy makers in NI, particularly in light of increasingly expanded entitlements in other UK jurisdictions.

Women’s participation in formal politics has increased. In the last elections to the NI Assembly in 2022 thirty-two women were elected, up from 27 elected in 2017. Women now make up 35.5% of those elected to the NI Assembly, higher than in the UK Parliament (34.6%) although this still lags behind the Welsh Assembly (43% women) and the Scottish Parliament (45% women). In the 2023 local council elections 30% of those returned were women, up from 26% in 2019. Women account for 42% of public appointments in NI although only 28% of chairs are women.

There have been significant advances in policy making in the past twenty five years with regard to domestic abuse in NI. However, persistently high and increasing rates of abuse suggest that a much more transformative policy agenda is required (Doyle and McWilliams,



2018). In recent months there has been a stronger policy focus including new legislation on coercive control in the form of the Domestic Abuse and Civil Proceedings Act (2021) which means that domestic abuse offences in Northern Ireland will no longer be limited to acts of physical violence and makes coercive control an offence. Before the most recent collapse of the NI institutions in 2022 the Executive agreed to bring forward a strategy to tackle the root causes of violence against women and girls which is to be intersectional and focus on all forms of violence, with a particular emphasis on behavioural and attitudinal change.

There has also been progress on the issue of reproductive rights, though through legislation passed by the Westminster government rather than the Assembly. The NI (Executive Formation) Act 2019 decriminalised abortion in NI. Westminster had been previously resistant to the idea that it should exercise powers to legislate for these issues, repeatedly arguing that they were devolved matters. However, it gave way due to a combination of pressure from a UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) Inquiry report (2018) which found that the UK government was violating women's human rights by restricting access to abortion in Northern Ireland, very effective lobbying by NGOs in NI, legal cases and evidence of strong public support for reform of abortion law (Gray and Wellings, 2020).

### **What accounts for the limited progress overall with regard to addressing gender equality?**

Section 75 of the NI Act was intended to be transformative; to change the practices of government and public authorities so that equality of opportunity and good relations are central to policy making and implementation. Challenges with regard to implementation emerged early and have been persistent and analyses have found *procedural or 'thin' compliance* (Chaney and Rees, 2004). A report in 2000 suggested that Section 75 was unable to address the substance of inequality, that it was an administrative-bureaucratic instrument, rather than being policy-driven, and considerations of effectiveness and efficiency had hardly figured in its elaboration (Osborne et al, 2000). Almost a decade later an examination of equality mainstreaming concluded that Section 75 was still primarily procedural in nature with little evidence showing that it produced much in the way of substantive results (Smith and McLaughlin, 2009).

Scholars working on policy analysis argue that gender remains a blind spot for policy makers, the result of a combination of factors which include lack of appreciation of substantive equality, inadequate understanding of how policy outcomes affect the lives of women and men differently, a lack of gender disaggregated data (O'Hagan, 2020) and organisational culture (Ballantine et al., 2016; Rouse, 2018). What has also been absent in NI is the visibility of gender in overarching policy documents as shown by Ballantine et al's (2023) gender audit of the NI Draft Programme for Government. The PfG reflects the NI Executive's strategic policy priorities. It articulates the NI Executive's vision for society and is the overarching framework underpinning the budget. Therefore, how gender equality is situated and understood in this document establishes the parameters for policy and resource allocation.

In examining the positioning of gender within the NI Executive's Draft PfG and its associated equality assessments and delivery plans, the authors conclude that a gender neutral approach is taken to equality impact assessment. The term 'gender' is largely absent from the

associated equality documentation, where one would reasonably expect to find an exposition of gender differentiated impact. The screening document does not engage meaningfully with differences in the experiences and needs of men and women across any of the screening questions. For example, in response to the question ‘are there opportunities to better promote equality of opportunity between men and women’, the document states that this is ‘not applicable, [since] the PfG framework has no differential impact on this Section 75 group’ (The Executive Office (TEO, 2016)). This response is firmly grounded in the view that gender neutral policy will deliver gender equal outcomes but of course where there are pre-existing inequalities neutral policy will do nothing to ameliorate those inequalities and can serve to compound them. This is all the more concerning given that the accompanying EQIA document contains a range of data demonstrating persistent inequalities between women and men. Despite identifying rhetorical commitments to addressing existing inequalities, there was a focus on the avoidance of adverse impact with no proactive consideration of how policy might be adapted to deliver benefits for disadvantaged groups.

The authors do reference some positive signs of change in the Draft Outcomes Framework Consultation of 2021 (TEO, 2021a). Comparing the 2021 screening questionnaire with the one produced in 2016 it appears to be based on a very different understanding of pre-existing inequality. Whereas in 2016 equality impacts were deemed not applicable, in the 2021 Draft Outcomes Framework Consultation they are recorded as ‘major’ due to the potential for improving outcomes for disadvantaged groups. The EQIA, states that: ‘In aspiring to achieve the aim of “wellbeing for all” it is important to recognise that not all citizens are starting from the same position - that inequalities exist and persist’ (TEO, 2021b c:26). However, there remains a concerning assumption that an Outcomes Based Accountability approach to policy making requires gender neutrality at the whole population level, subordinating this cross-cutting driver of inequality in our society to the level of performance accountability, where women are dealt with as a client population to be monitored (Orme, 2021). There also appears to be an over-reliance on subsidiary departmental strategies such as the (yet to be published) gender equality strategy to deliver high level policy aims.

We have yet to see an approach to gender equality which is grounded in principles of human rights and substantive equality. Gender equality has not been a policy priority for NI and the promise of the ‘full and equal participation of women’ has yet to be achieved. Feminist research emphasises the difficulties that consociational democracies face in attempting to accommodate other forms of difference (Pierson and Thompson, 2018; Ashe, 2022). However, what has changed in the past twenty five years is that gender discrimination and inequality is increasingly challenged.

There is also growing consensus that addressing gender inequality means transforming public service budgeting. If, as McCrudden (2004) argues, redistribution is essentially the end product of an effective mainstreaming process, then the process has been fatally circumscribed by the failure to attach a budgetary component to the process of impact assessment. Through adopting a critical review of how budgetary allocations there is the potential to affect the economic and social opportunities of women and men, as exemplified by the discussion of apprenticeships in this paper. Gender budgeting practice is now evident in the public policy of many countries. For example, an International Monetary Fund (IMF) study found that more than 80 countries had implemented it in some form (Stotsky, 2016) although the operationalisation of it is less established with diverse approaches and varying

levels of commitment and depth. Evidence from research in NI suggests that policy makers want to know ‘*how to do*’ gender budgeting but the ‘*how*’ by necessity includes a conceptual understanding of inequality and equality – *how it arises and what to do about it*.

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