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Review of Gender Issues in Northern Ireland

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This paper constitutes research material only and should not be considered legal advice or a replacement thereof.

This paper briefly summarises some of the on issues related to gender in Northern Ireland.

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Key Points

This paper briefly reviews the representation of women in positions of power in Northern Ireland and examines a selection of recent policy developments with regard to their impacts on women. Key points are as follows:

- Women are significantly under-represented in elected office, for example, women are 33% of MLAs, 27% of local councillors and 28% of MPs, although two of the three MEPs are women
- Women are significantly under-represented on public bodies, 42% of all public appointments being women, but only 28% of chairs of public bodies
- Twenty-two per cent of High Court judges and 33% of county court judges are women
- There is segregation in the workforce by gender, in some areas extremely segregated:
 - Horizontally certain occupations are overwhelmingly undertaken by men (such as skilled trades) or by women (such as caring, leisure and other service occupations)
 - Vertically women only comprise 37% of managers, directors and senior officials
 - By work pattern 82% of part time workers are women, but only 30% of self-employed are women
- There remains a lack of access to affordable quality childcare, which impacts primarily on women's access to employment
- Budget cuts due to the economic downturn have impacted differentially on women, as women are more likely to rely on welfare benefits than men
- Abortion remains a contentious issue in Northern Ireland
- The police recorded 3563 sexual offences in the last year, of which 1061 were rape; the first Sexual Assault Referral Centre in Northern Ireland opened in 2013
- While very few women are in prison, a greater proportion of these than men are not a danger to the public and therefore alternative remedies could be sought

Women are under-represented across all major positions of political, economic, social and judicial power. This demonstrates a gender-related systemic impediment to access to decision-making. Certain policy decisions, such as budget reductions, appear to differentially impact on women more than men.

Certain remedies have been suggested for increasing women's representation or for making decision-making more gender-sensitive:

- Quotas are a fast-track method of increasing women's representation and have been used elsewhere for political office and company boards, but could equally be applied to public appointments and areas of employment
- Programmes for women to increase participation in management or non-traditional occupations, for example, have been used on a limited, time-bound or project-related basis, but could be mainstreamed
- Organisational change processes have been used to imbed more inclusive practices or ethos into workplaces and could equally be applied to other bodies, such as legislatures
- Childcare provision is more accessible and affordable in other contexts and a major potential contributor to women's participation
- Education and career advice and guidance can potentially give girls and boys a greater range of options, rather than gender-specific determination

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1 Introduction

This paper updates the Review of Gender Issues research paper of 2014¹. This revised paper has been produced for International Women's Day 2019.

In general terms, 'sex' refers to the differentiation of women and men in biological terms, whereas 'gender' refers to the social construction of 'female' and 'male'². In Northern Ireland, most recent policy framework on gender issues, the Gender Equality Strategy 2006-2016, stated the following purpose³:

The Gender Equality Strategy provides an overarching strategic policy framework within which departments, their agencies and other relevant statutory authorities will channel their existing actions and initiate new actions to achieve an agreed vision, guided by a set of principles and objectives aimed at tackling gender inequalities and promoting gender equality across government's major policy areas for the benefit of both women and men generally.

'Gender Mainstreaming' is a term that has been defined in different ways. However, a group of specialists has offered the following definition on behalf of the Council of Europe⁴:

Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.

The examination of policy developments from a gender perspective looks at how policies affect women and men differently. A feminist perspective, while much debated, generally refers to a position that views society as having been constructed for the benefit of men and to the disadvantage of women, requiring fundamental readjustment in order for women and men to be equal⁵.

This paper briefly reviews some gender issues in Northern Ireland. The issues discussed in this paper are not intended to be exhaustive, but to outline some of the key aspects of women's lives in Northern Ireland.

¹ Research and Information Service Research Paper 15/14 *Review of Gender Issues in Northern Ireland*, 28 January 2014: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/ofmdfm/1514.pdf>.

² Jennifer Marchbank and Gayle Letherby (2007), *Introduction to Gender: Social Science Perspectives*, Harlow: Pearson Education, pp.4-5.

³ Office of the First Minister and deputy First Minister (2006), *Gender Equality Strategy: A Strategic Framework for Action to Promote Equality Between Women and Men 2006-2016*, Belfast: OFMdfM, p.10: <http://www.ofmdfmi.gov.uk/genderequalitystrategy2006-2016.pdf>.

⁴ Council of Europe (2004), *gender Mainstreaming: Conceptual framework, methodology and presentation of good practices*, Strasbourg: CoE, p.12: http://www.coe.int/t/dghl/standardsetting/equality/03themes/gender-mainstreaming/EG_S_MS_98_2_rev_en.pdf.

⁵ For example, Barabara Arneil (1999), *Politics and Feminism*, Oxford: Blackwell.

2 The Legislative, Human Rights and Policy Framework

This section briefly outlines the relevant sex equality legislation for Northern Ireland, human rights standards and the current policy framework of the Northern Ireland Executive⁶.

Legislation

Legislation for equality between women and men originates in the Equal Pay Act (Northern Ireland) 1970⁷ and the Sex Discrimination (Northern Ireland) Order 1976⁸.

The Equal Pay Act prohibits paying women and men differently for the same or equivalent work. The Act was amended by the Equal Pay Act 1970 (Amendment) Regulations (Northern Ireland) 2004⁹ and the Equal Pay Act 1970 (Amendment) Regulations (Northern Ireland) 2005¹⁰, which make changes to tribunal proceedings relating to equal pay in line with Council Directive 75/117/EEC¹¹.

The Sex Discrimination Order (SDO) prohibits discrimination and outlaws harassment on the basis of sex in the fields of employment, education and the provision of goods and services. This has been amended as follows:

Sex Discrimination (Northern Ireland) Order 1988¹², which removes certain exemptions and increases protection under certain contracts

Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999¹³, which extend protections in the SDO to gender re-assignment.

Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations (Northern Ireland) 2001¹⁴, which implements Directive 97/80/EC¹⁵ on the equal treatment of women and men.

⁶ For a review of equality and human rights legislation in Northern Ireland, see Research and Information Service Research Paper 75/11 *Equality and Human Rights Legislation in Northern Ireland: A Review* August 2011: <http://www.niassembly.gov.uk/Documents/RaISe/Publications/2011/OFMdfm/7511.pdf>.

⁷ Equal Pay Act (Northern Ireland) 1970: <http://www.legislation.gov.uk/apni/1970/32/contents>.

⁸ Sex Discrimination (Northern Ireland) Order 1976: <http://www.legislation.gov.uk/nisi/1976/1042/contents>.

⁹ Equal Pay Act 1970 (Amendment) Regulations (Northern Ireland) 2004: <http://www.legislation.gov.uk/nisr/2004/171/contents/made>.

¹⁰ Equal Pay Act 1970 (Amendment) Regulations (Northern Ireland) 2005: <http://www.legislation.gov.uk/nisr/2005/145/note/made>.

¹¹ Directive 75/117/EEC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31975L0117:EN:HTML>.

¹² Sex Discrimination (Northern Ireland) Order 1988: <http://www.legislation.gov.uk/nisi/1988/1303/contents/made>.

¹³ Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999: <http://www.legislation.gov.uk/nisr/1999/311/contents/made>.

¹⁴ Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations (Northern Ireland) 2001: <http://www.legislation.gov.uk/nisr/2001/282/contents/made>.

¹⁵ Directive 97/80/EC (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:014:0006:0008:EN:PDF>) was required to be implemented in the UK by Directive 98/52/EC (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:205:0066:0066:EN:PDF>).

Sex Discrimination (Northern Ireland) Order 1976 (Amendment) Regulations 2004¹⁶, which extend the prohibition on discrimination to circumstances when a relationship has ended

Employment Equality (Sex Discrimination) Regulations (Northern Ireland) 2005¹⁷, which, on the basis of EU Directive 2002/73/EC¹⁸, define harassment, indirect discrimination and genuine occupational requirements and extend sex discrimination to pregnancy and maternity

Sex Discrimination (Northern Ireland) Order 1976 (Amendment) Regulations 2008¹⁹, which more effectively implement Directive 2002/73/EC in terms of the definitions of harassment and discrimination on the grounds of pregnancy and maternity

Sex Discrimination (Amendment of Legislation) Regulations 2008²⁰, which extend the principle of equal treatment of women and men to access to goods and services, implementing EU Directive 2004/113/EC²¹

The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2011²², which amend provisions for indirect discrimination to include those who would be put at a disadvantage, as well as those who are actually put at a disadvantage, implementing EU Directive 2006/54/EC²³

In addition, the Maternity and Parental Leave etc. Regulations 1999²⁴ extend provisions for parental leave to implement EU Directive 96/34/EC²⁵ and unfulfilled elements of Directive 92/85/EEC²⁶, which impacts mainly on women's equality in employment. The Maternity and Parental Leave (Amendment) Regulations 2002²⁷ amend the 1999 Regulations by extending maternity leave to 26 weeks and the Employment (Northern Ireland) Order 2002²⁸ outlines statutory rights to parental leave and pay.

Section 75 of the Northern Ireland Act 1998²⁹ provides for a statutory duty on public authorities to have due regard to promote equality of opportunity between a number of groups, including 'between men and women generally' (s.75(1)(b)). Consequently, any

¹⁶ Sex Discrimination (Northern Ireland) Order 1976 (Amendment) Regulations 2004:

<http://www.legislation.gov.uk/nisr/2004/172/contents/made>.

¹⁷ Employment Equality (Sex Discrimination) Regulations (Northern Ireland) 2005:

<http://www.legislation.gov.uk/nisr/2005/426/contents/made>.

¹⁸ EU Directive 2002/73/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:269:0015:0020:EN:PDF>.

¹⁹ Sex Discrimination (Northern Ireland) Order 1976 (Amendment) Regulations 2008:

<http://www.legislation.gov.uk/nisr/2008/159/contents/made>.

²⁰ Sex Discrimination (Amendment of Legislation) Regulations 2008: <http://www.legislation.gov.uk/ukSI/2008/963/contents/made>.

²¹ Directive 2004/113/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:373:0037:0043:EN:PDF>.

²² The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2011:

<http://www.legislation.gov.uk/nisr/2011/156/made>.

²³ Directive 2006/54/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:01:EN:HTML>.

²⁴ Maternity and Parental Leave etc. Regulations 1999: <http://www.legislation.gov.uk/ukSI/1999/3312/contents/made>.

²⁵ EU Directive 96/34/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1996:145:0004:0009:EN:PDF>.

²⁶ Directive 92/85/EEC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0085:EN:HTML>.

²⁷ Maternity and Parental Leave (Amendment) Regulations 2002: <http://www.legislation.gov.uk/ukSI/2002/2789/contents/made>.

²⁸ Employment (Northern Ireland) Order 2002: <http://www.legislation.gov.uk/nisi/2002/2836/contents/made>.

²⁹ Northern Ireland Act 1998: <http://www.legislation.gov.uk/ukpga/1998/47/contents>.

policy should be reviewed to ascertain its impact on equality of opportunity between women and men³⁰.

Human Rights

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)³¹, adopted in 1979 and in force from 1981, is the primary UN treaty governing the treatment of women. The Committee on the Elimination of Discrimination Against Women³² last examined the UK in July 2013³³. The following action points with particular reference to Northern Ireland were included in the Concluding Observations³⁴:

- The Committee is concerned that the Equality Act of 2010³⁵ does not, on the whole, extend to Northern Ireland and, as a result, women in Northern Ireland do not have the same equality protections as their counterparts in England. The Committee is particularly concerned that the legislative framework in Northern Ireland does not provide for protection from multiple discrimination and that there is no prohibition against pay secrecy clauses. (Paragraph 18)
- While welcoming the establishment of the Historical Institutional Abuse Inquiry³⁶, which is mandated to investigate the abuse committed in residential institutions in Northern Ireland between 1922 and 1995 (the Magdalene laundries), the Committee regrets that the mandate of the Inquiry excludes women who were over 18 years of age when they entered the laundries. The Committee is concerned that this exclusion perpetuates a climate of impunity and leaves many women without a remedy. (Paragraph 24)
- The Committee is concerned about the replacement of the Women's National Commission, which was part of the former national machinery for women's equality that extended throughout the State party, with the Government Equalities Office³⁷, the mandate of which does not extend to Northern Ireland. The Committee recalls its previous concluding observations and remains

³⁰ See Equality Commission for Northern Ireland (2012), *Section 75 of the Northern Ireland Act 1998: A Guide for Public Authorities – An Outline Guide*, Belfast: ECNI: http://www.equalityni.org/sections/default.asp?cms=policy_section%2075%20-%20the%20statutory%20duties_public%20authority%20advice&cmsid=89_98_859&id=859&secid=6.

³¹ Text of CEDAW: <http://www2.ohchr.org/english/law/cedaw.htm>.

³² Committee website: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>.

³³ The Committee has since examined the UK in February 2019, but the concluding observations were not available in time for this paper.

³⁴ Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland 30 July 2013: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslidCrOIUTvLRFDjh6%2fx1pWB8bSIKfa34XmmIN3IG11hwWhjFqrEprJHQfoipZTwnVkhDALmzaR6gCkIPapM2exR07H3AU7RBUaRoaFuhkiNY>.

³⁵ The Equality Act 2010 drew together disparate pieces of equality legislation and updated some of the protections and terminology, but the substantive provisions do not extend to Northern Ireland: <http://www.legislation.gov.uk/ukpga/2010/15/contents>.

³⁶ Historical Institutional Abuse Inquiry website: <http://www.hiainquiry.org/>.

³⁷ Government Equalities Office web pages: <https://www.gov.uk/government/organisations/government-equalities-office>.

concerned at the lack of a unified national strategy for the implementation of the Convention. (Paragraph 28)

- While noting that in Northern Ireland it is an offence to pay for the sexual services of a child under 18 years of age, the Committee is concerned that, in the case of a child over the age of 13 years and under the age of 18 years, the prosecution is required to prove that the purchaser did not reasonably believe the child to be 18 years old or more³⁸. (Paragraph 40)
- The Committee further recalls its previous concluding observations and remains concerned at the low representation of women in the post-conflict process in Northern Ireland and the failure to fully implement Security Council resolution 1325 (2000)³⁹. (Paragraph 42)
- While acknowledging the consultation process on a revised set of guidelines on the limited circumstances for a lawful termination of pregnancy in Northern Ireland issued by the Northern Ireland Department for Health, Social Services and Public Safety in 2012, the Committee regrets that a public consultation on the possible abolition of laws criminalizing abortion, as called for by the Committee in its previous concluding observations, has not been undertaken. The Committee is concerned that abortion continues to be illegal in Northern Ireland in all cases except where continuance of the pregnancy threatens the life of the mother, thus making it necessary for women to seek abortions in other parts of the State party⁴⁰. (Paragraph 50)
- The Committee is concerned at reports that women with disabilities, older women, women seeking asylum and Traveller women face obstacles in gaining access to medical health care. The Committee is particularly concerned that women with disabilities face limited access to prenatal care and reproductive health services. The Committee is also concerned at legal impediments to gaining access to reproductive treatments faced by some groups of women in Northern Ireland. (Paragraph 52)

The Human Rights Act 1998⁴¹ brings the substantive articles of the European Convention on Human Rights⁴² into UK law. Article 14 of the Convention prohibits discrimination in the access to any of the rights contained therein:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language,

³⁸ The relevant legislation is Section 37 of the Sexual Offences (Northern Ireland) Order 2008: <http://www.legislation.gov.uk/nisi/2008/1769/contents>.

³⁹ UN Security Council Resolution 1325 sets out commitments regarding women, peace and security: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>.

⁴⁰ The Abortion Act 1967 does not extend to Northern Ireland: <http://www.legislation.gov.uk/ukpga/1967/87/contents>.

⁴¹ Human Rights Act 1998: <http://www.legislation.gov.uk/ukpga/1998/42/contents>.

⁴² Convention for the Protection of Human Rights and Fundamental Freedoms: http://www.echr.coe.int/Documents/Convention_ENG.pdf.

religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Consequently, all Convention rights are to be applied equally to women and men.

Policy Framework

The most recent ten year policy framework in the area of gender equality has been the Gender Equality Strategy 2006-2016⁴³. This has not to date been superseded. Key action areas in the strategy are as follows:

- childcare/caring as roles for both women and men;
- health and well being;
- representation in public life/decision making;
- education and life long learning;
- access to employment;
- gender pay gap;
- work-life balance;
- stereotypes and prejudices linked to men and women's gender;
- peace-building;
- poverty; and
- gender related violence

Cross-departmental gender equality action plans were set out for women and for men⁴⁴, indicating key areas of action for each government department. The action plans also cross-reference the Strategy with commitments under CEDAW and the Beijing Platform for Action⁴⁵. These commitments are reproduced at Appendix 1.

The Gender Equality Strategy and CEDAW are referred to as 'building blocks' to the Northern Ireland Executive Programme for Government⁴⁶, but otherwise there is no reference to gender issues.

⁴³ OFMdfM (2006), *Gender Equality Strategy 2006-2016*, Belfast: OFMdfM: <http://www.ofmdfmi.gov.uk/index/equality-and-strategy/equality-human-rights-social-change/gender-equality/gender-equality-strategy-2006-2016.htm>.

⁴⁴ Gender Equality Action Plans 2008-2011: http://www.ofmdfmi.gov.uk/implementation_of_the_ges_progress_report_2006-09_-_action_plan-3.pdf.

⁴⁵ The Beijing Platform for Action emerged from the fourth UN international conference on women in 1995 and outlined a number of key action areas with regard to women and girls: <http://www.un.org/womenwatch/daw/beijing/platform/>.

⁴⁶ Northern Ireland Executive (2011), *Programme for Government 2011-2015*, Belfast: NI Executive, p.37: <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf>.

3 Women and Public Office

When Kate Millett looked around herself in the 1970s, she noted that all the main positions of power were dominated by men⁴⁷. She referred to this as ‘patriarchy’, or the ‘rule of fathers’. This section briefly looks at women in public office, including elected representatives and senior public figures.

Elected Representatives

The Northern Ireland Assembly currently has 29 female Members out of a total of 90 (33%). The Northern Ireland Assembly has the lowest representation of women in the UK devolved legislatures, but this is higher than representation in the Houses of Parliament or the Houses of the Oireachtas.

A recent count shows that 27% of local councillors are women and four of the eleven councils have female mayors⁴⁸. Five of the 18 Members of Parliament are women (28%)⁴⁹ as are two of the three Members of the European Parliament (67%)⁵⁰.

Recent studies on the political representation of women have suggested various methods for increasing the number of women in legislatures, such as electoral system change, quotas, party practices, parliamentary procedures and support provisions for women⁵¹. However focused studies on the island of Ireland have concluded that *the key to women’s improved representation in both jurisdictions lies in reforming candidate selection processes within party organisations*⁵². The Sex Discrimination (Election Candidates) Act 2002⁵³ permits positive discrimination in the selection of candidates for election.

Public Appointments

The most recent published annual report on public appointments (for 2016/17) shows that 42% of public appointments are held by women but only 28% of chairs of public bodies are women⁵⁴. The Code of Practice for Ministerial Public Appointments refers to diversity and equality of opportunity in broad terms, but there is no reference to promoting gender balance⁵⁵.

⁴⁷ Kate Millett (1970), *Sexual Politics*, New York: Doubleday.

⁴⁸ Count from council websites 4 February 2019.

⁴⁹ Lady Sylvia Hermon, Emma Little Pengelly, Órfhlaith Begley, Michelle Gildernew and Elisha McCallion.

⁵⁰ Martina Anderson and Dianne Dodds.

⁵¹ See Section 4 of Research and Information Service Research Paper 108/13 *Women in the Northern Ireland Assembly*, 3 September 2013.

⁵² Claire McGing (2013), ‘The Single Transferable Vote and Women’s Representation in Ireland’ in *Irish Political Studies* 28 (3), p.323.

⁵³ Sex Discrimination (Election Candidates) Act 2002: <http://www.legislation.gov.uk/ukpga/2002/2/contents>.

⁵⁴ Executive Office (2018), *Public Appointments Annual Report 2016/17*, Belfast: Executive Office: <https://www.executiveoffice-ni.gov.uk/topics/public-appointments-reports>.

⁵⁵ Commissioner for Public Appointments (2016), *Code of Practice for Ministerial Public Appointments*, Belfast: CPANI: <https://www.publicappointmentsni.org/>.

4 Women and Paid Work

In 1978, Catherine Hakim observed that the labour market was segregated by gender in two dimensions: vertically, that is, women were located in the lower ranks of any particular area of employment, and horizontally, that women and men were often located in different occupations⁵⁶. More recently, it has been contended that horizontal segregation is in fact vertical in nature: that occupations which women undertake are less valued and less well paid⁵⁷. This section considers some of the dimensions of gender and paid employment.

Patterns of Employment

The following figures from the 2011 Census for Northern Ireland shows occupations differentiated by gender⁵⁸.

Occupation	Male	Female	% Female
<i>Managers, directors and senior officials</i>	40275	23625	37
<i>Professional occupations</i>	58086	78320	57
<i>Associate professional and technical occupations</i>	40086	28617	42
<i>Administrative and secretarial occupations</i>	32158	79683	71
<i>Skilled trades occupations</i>	99979	11523	10
<i>Caring, leisure and other service occupations</i>	10998	62839	85
<i>Sales and customer service occupations</i>	28082	51829	65
<i>Process, plant and machine operatives</i>	55534	7754	12
<i>Elementary occupations</i>	46932	38943	45

The figures indicate that women predominate in caring, leisure, other service, administrative and secretarial occupations, but are largely absent from skilled trades.

⁵⁶ Catherine Hakim (1978) *Sexual Divisions Within the Labour Force: Occupational Segregation*. Department of Employment Gazette, 86.

⁵⁷ Harriet Bradley (1999), *Gender and Power in the Workplace: Analysing the Impact of Economic Change*, Houndmills: MacMillan, p.61.

⁵⁸ Northern Ireland Statistics and Research Agency, 2011 Census Tables KS609NI and KS610NI: <http://www.ninis2.nisra.gov.uk/public/Theme.aspx>.

In addition, almost two thirds of managers, directors and senior officials are men. The figures mask segregation within occupational groups. For example, 'professional occupations'⁵⁹ includes teachers, which are 77% female in Northern Ireland⁶⁰.

However, as well as segregation by occupation and by seniority, there is also another form of labour market stratification in the patterns of work undertaken. The following table summarises economic activity by gender⁶¹.

<i>Economic activity</i>	<i>Percent Female</i>
<i>Employed</i>	48%
<i>Employed part time</i>	82%
<i>Self-employed</i>	30%

This indicates that less than a third of self-employed people in Northern Ireland are women and part time work is overwhelmingly undertaken by women. A 2015 survey of the board members of the top 100 companies in Northern Ireland found that 15% of them were female⁶².

These factors combine to have an impact on women's lifetime earnings and status in the workforce.

Some projects at community level have developed models to encourage more women into non-traditional employment. One such project led by Belfast City Council and co-funded by the EU Equal programme was designed to recruit women from disadvantaged backgrounds and facilitate their development through a range of capacity building, employment skills and non-traditional skills training to match recruitment processes in areas of work usually undertaken by men, such as bus driving, horticulture, boiler maintenance, cleansing, estate wardens, plumbing and caretaking. The Women into Non-Traditional Sectors (WINS) project⁶³ comprised a multi-sectoral partnership that developed a dynamic model for recruitment, training and mentoring, as illustrated below.

⁵⁹ Occupational groups taken from Office for National Statistics (2010), *Standard Occupational Classification 2010*, London: ONS.

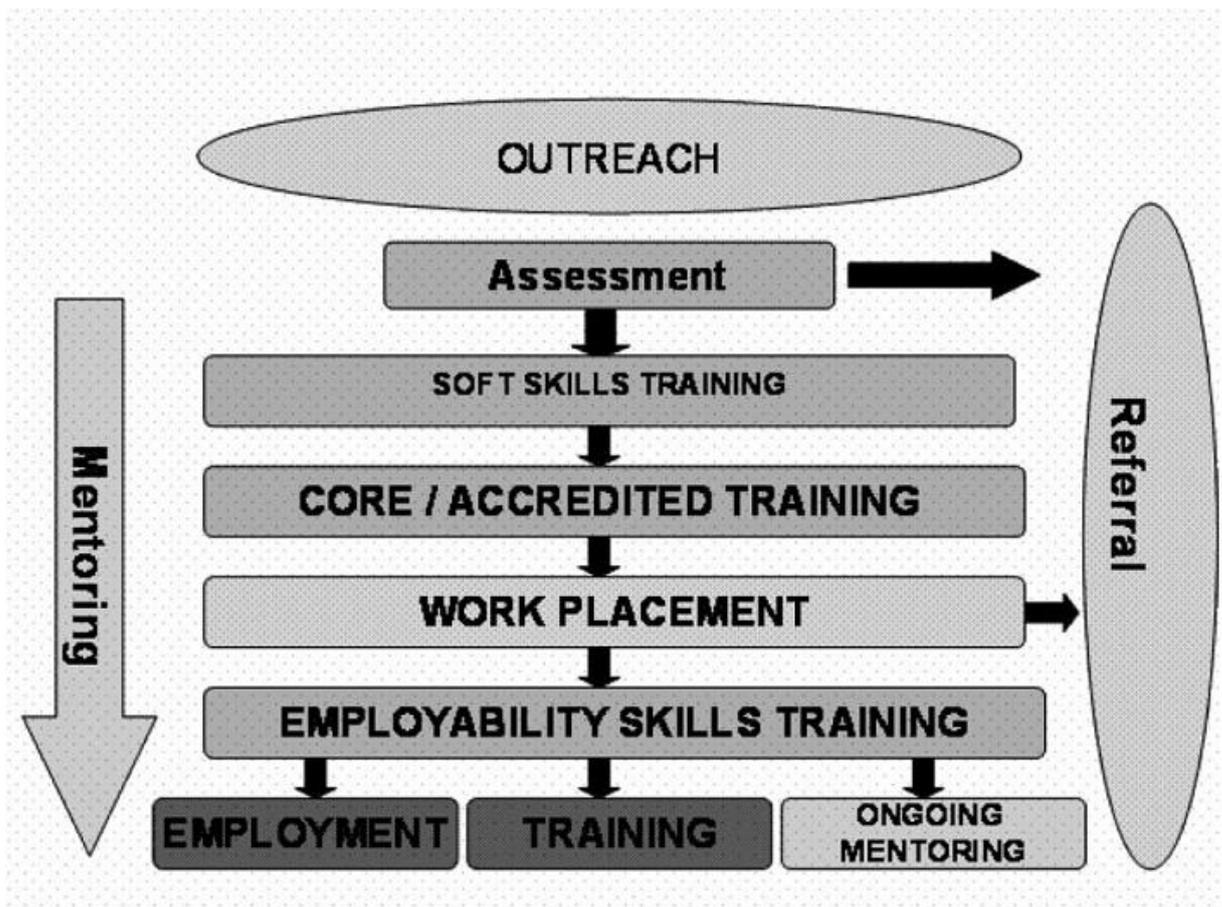
⁶⁰ Teacher Workforce Statistics 2017/18, Department of Education: 14 June 2018: <https://www.education-ni.gov.uk/publications/teacher-workforce-statistics-201718>.

⁶¹ Extracted from Northern Ireland Statistics and Research Agency, 2011 Census Tables KS602NI and KS603NI.

⁶² Research and Information Service Briefing Note 113/15 *Women on Boards of the Top 100 Companies in Northern Ireland*, 27 October 2015: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/eti/11315.pdf>.

⁶³ Women into Non-Traditional Sectors (WINS) information page, Equal website, accessed 29 November 2013: http://www.equalni.org/2nd_Call/2nd_WNTS.htm.

The WINS Model



While such models have been successful in encouraging individual women into non-traditional employment, it has been observed that the approach assumes women to be the problem, who have to be re-configured to enter 'male' environments⁶⁴. In fact, change mechanisms to transform workplaces to be more receptive to all identities have been suggested⁶⁵.

⁶⁴ Michael Potter and Myrtle Hill (2009), 'Women into Non-Traditional Sectors: Addressing Gender Segregation in the Northern Ireland Workforce' in *Journal of Vocational Education and Training*, 61(2) 133-150.

⁶⁵ For example Peter Senge, Art Kleiner, Charlotte Roberts, Richard Ross, George Roth and Bryan Smith (1999), *The Dance of Change: The Challenges to Sustaining Momentum in Learning Organisations*, New York: Doubleday.

5 Childcare

Childcare, strictly, should not be regarded as a gender issue. A means for caring for children allows parents of either sex to become more economically active. However, 89% of people who are economically active for reasons of family caring responsibilities are women, and 71% of these are looking after children⁶⁶. Child care is therefore gendered.

Across childcare provision and patterns, families in Northern Ireland spend on average 39% of household income on childcare⁶⁷. In addition, childcare is reported to be better supported in the rest of the UK or the Republic of Ireland, with a greater level of investment in other parts of the UK⁶⁸. Recognising that women's caring responsibilities are a barrier to women's economic participation in Northern Ireland, the Equality Commission commissioned research into childcare provision and set out the following recommendations⁶⁹:

1. *The need for a childcare strategy.* A strong message coming out of the research is that childcare policy lacks centralised strategic direction and integration, and leadership. Northern Ireland needs a childcare strategy that sets out what requires to be achieved, and assigns some responsibility for ensuring its implementation.
2. *An increase in the supply of childcare.* There is insufficient childcare to meet the needs of working parents; it is not sufficiently flexible (e.g. not covering the right hours to enable parents to take up employment opportunities, such as during holiday periods or illness); and especially due to its high cost relative to wages, may be too expensive.
3. *Greater equality of access to childcare.* Access to childcare is particularly limited for: rural families; parents with disabled children; families with more than two children; Traveller, migrant and minority ethnic families; those on low-incomes; and single parent families.
4. *Addressing barriers to employment.* Childcare issues related to employment should not be considered in isolation, but viewed as a part of a wider package that includes co-ordinated and holistic employment and employability support, welfare and family policies and institutional support for families in terms of childcare subsidies and flexible statutory work arrangements that support family-work

⁶⁶ Department of Employment (2013), *A STRATEGY TO TACKLE ECONOMIC INACTIVITY IN NORTHERN IRELAND: BASELINE STUDY*, Belfast: DEL, p.31: <http://www.delni.gov.uk/economic-inactivity-strategy-baseline-study.pdf>.

⁶⁷ Employers for Childcare (2018), *Northern Ireland Childcare Cost Survey 2017*, Lisburn: Employers for Childcare: <https://www.employersforchildcare.org/report/northern-ireland-childcare-cost-survey-2017/>.

⁶⁸ Liz Fawcett (2009), *Childcare Matters*, Research Update Number 59, Londonderry and Belfast: ARK, p.1: <http://www.ark.ac.uk/publications/updates/update59.pdf>.

⁶⁹ Ronald McQuaid, Helen graham and Marina Shapiro (2013), *Child Care: Maximising the Economic Participation of Women*, Edinburgh: Employment Research Institute: [http://www.equalityni.org/archive/pdf/ChildCareMainReport\(Web\).pdf](http://www.equalityni.org/archive/pdf/ChildCareMainReport(Web).pdf).

balance. Employers also have a part to play in accommodating working parents' greater need for flexibility and understanding.

5. *Changes in attitudes towards childcare and mothers' employment.* Attitudes towards mothers' roles as carers are crucial to why more mothers are not in work. The slowly changing division of paid work and care in the household is often gendered, with mothers assuming greater responsibility for care work and fathers for earning. There is also a lack of diversity and inequality in terms of low numbers of men working in childcare.

6 Abortion

Marie Stopes International, an organisation providing sexual and reproductive health services, opened a clinic in Belfast in October 2012⁷⁰. This sparked renewed debate around the issue of abortion, which is only allowed in Northern Ireland under specific circumstances. Already, cases of women travelling from Northern Ireland to England to have abortions have been raised in the media⁷¹.

Apart from the opening of the Belfast clinic, the debate over abortion in Northern Ireland has received new impetus following the death in 2012 from a pregnancy-related infection in University Hospital Galway of Savita Halappanvar. The Health Service Executive report on the incident included the following finding⁷²:

The investigation team considers that the situation was complicated by the difficulty associated with the application of the law in Ireland relating to the termination of a pregnancy. The investigation team is satisfied that concern about the law, whether clear or not, impacted on the exercise of clinical professional judgement.

In May 2018, a referendum led to an amendment of the Irish Constitution to allow for abortion in the Republic of Ireland, resulting in the Health (Regulation of Termination of Pregnancy) Act 2018⁷³.

Law regarding the termination of pregnancy in Northern Ireland consists of the following:

Offences Against the Person Act 1861 (Sections 58 and 59)⁷⁴

58 Administering drugs or using instruments to procure abortion.

Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

⁷⁰ 'Marie Stopes private abortion clinic to open in Belfast', BBC News, 11 October 2012: <http://www.bbc.co.uk/news/uk-northern-ireland-19902778>.

⁷¹ For example, 'Woman's abortion 'ordeal' considered by NI health officials', BBC News 9 October 2013: <http://www.bbc.co.uk/news/uk-northern-ireland-24458241>.

⁷² Health Service Executive (2013), *Investigation of Incident 50278 from time of patient's self referral to hospital on the 21st of October 2012 to the patient's death on the 28th of October, 2012*, Naas: HSE, p.76: <http://www.hse.ie/eng/services/news/nimtreport50278.pdf>.

⁷³ Health (Regulation of Termination of Pregnancy) Act 2018: <http://www.irishstatutebook.ie/eli/2018/act/31/section/11/enacted/en/html>.

⁷⁴ Offences Against the Person Act 1861: <http://www.legislation.gov.uk/ukpga/Vict/24-25/100/contents>.

59 Procuring drugs, &c. to cause abortion.

Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude

Criminal Justice (Northern Ireland) Act 1945 (Section 25)⁷⁵

25 Punishment for child destruction.

(1) Subject as hereafter in this sub-section provided, any person who, with intent to destroy the life of a child then capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude for life:

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(2) For the purposes of this and the next succeeding section, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be prima facie proof that she was at that time pregnant of a child then capable of being born alive.

The Department of Health has commented on the reference to 28 weeks in the legislation⁷⁶:

In relation to fetal viability, section 25 (2) of the Criminal Justice Act (NI) 1945 states that a fetus with a gestational age of 28 weeks is presumed to be capable of being born alive. Medical advances since this Act mean that a fetus can often survive earlier in gestation.

Viability in Great Britain is currently set in legislation at 24 weeks. While the relevant legislation has no force in Northern Ireland, the fact that a fetus may be viable at 24 weeks has implications for neonatal care and medical practice. Medical practitioners must consider whether a fetus is able to survive outside the womb when deciding upon the treatment that is most appropriate for a pregnant woman. This may include recommendation for a termination of pregnancy.

⁷⁵ Criminal Justice (Northern Ireland) Act 1945: <https://www.legislation.gov.uk/apni/1945/15/contents>.

⁷⁶ Department of Health (2016), Guidance for HSC professionals on termination of pregnancy in Northern Ireland, Belfast: Department of Health, p.7: <https://www.health-ni.gov.uk/publications/guidance-hsc-professionals-termination-pregnancy-northern-ireland>.

Human Medicines Regulations 2012 (Regulation 283)⁷⁷

Products for the purpose of inducing abortions

283. A person may not publish an advertisement that is likely to lead to the use of a medicinal product for the purpose of inducing an abortion.

The Abortion Act 1967⁷⁸ provides a defence for the termination of pregnancy up to 24 weeks under a number of conditions and provides for conscientious objection to the performance of terminations by medical practitioners. The 1967 Act does not extend to Northern Ireland.

Guidance is provided by the Department of Health, Social Services and Public Safety (DHSSPS) for health and social care professionals on the termination of pregnancy in Northern Ireland. This guidance states that it is lawful to provide a termination of pregnancy in the following circumstances⁷⁹:

- it is necessary to preserve the life of the woman, or
- there is a risk of real and serious adverse effect on her physical or mental health, which is either long term or permanent.

The Abortion (Fatal Foetal Abnormality) Bill⁸⁰ was introduced in the Northern Ireland Assembly on 6 December 2016. This sought to decriminalise medical termination of a pregnancy in those circumstances where the foetus is diagnosed with a fatal abnormality. The Bill fell when the mandate terminated in 2017.

In April 2018, the report of the Working Group on Fatal Fetal Abnormality was published. This report recommends⁸¹:

that a change is made to abortion law to provide for termination of pregnancy where the abnormality is of such a nature as to be likely to cause death either before birth, during birth or in the early period after birth.

In June 2018 the UK Supreme Court was divided with regard to an appeal brought by the Northern Ireland Human Rights Commission that the law in Northern Ireland is incompatible with Articles 3 and 8 of the European Convention on Human Rights insofar as it prohibits abortion in cases of rape, incest and fatal foetal abnormality. A majority of judges ruled that the Commission did not have the standing to bring the appeal and therefore the Court could not declare incompatibility. However, a majority of

⁷⁷ Human Medicines Regulations 2012: <http://www.legislation.gov.uk/ukSI/2012/1916/contents/made>.

⁷⁸ Abortion Act 1967: <https://www.legislation.gov.uk/ukpga/1967/87/contents>.

⁷⁹ Department of Health (2016), Guidance for HSC professionals on termination of pregnancy in Northern Ireland, Belfast: Department of Health, p.5: <https://www.health-ni.gov.uk/publications/guidance-hsc-professionals-termination-pregnancy-northern-ireland>.

⁸⁰ Abortion (Fatal Foetal Abnormality) Bill: <http://www.niassembly.gov.uk/assembly-business/legislation/2016-2017-mandate/non-executive-bill-proposals/abortion-ffa/>.

⁸¹ Working Group on Fatal Fetal Abnormality (2016) *Healthcare and the Law on Termination of Pregnancy for Fatal Fetal Abnormality*, Belfast: Department of Health, p.6: <https://www.health-ni.gov.uk/publications/report-working-group-fatal-fetal-abnormality>.

the Court gave the opinion that, had the Commission the standing, they would have declared incompatibility under those circumstances⁸².

⁸² [2018] UKSC 27 7 June 2018: <https://www.supremecourt.uk/cases/uksc-2017-0131.html>.

7 Gender-Based Violence

This section considers two aspects of gender-based violence: sexual violence and domestic abuse. These two areas often overlap and they come generally under the auspices of both the Department of Justice and the Department of Health. The joint strategy for tackling domestic and sexual violence is *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland A Seven Year Strategy*⁸³.

Sexual Violence

Police statistics record 3563 sexual offences⁸⁴ in Northern Ireland in the year ending October 2018, of which 1061 were reported rape⁸⁵. This is an increase of 6.1% for all sexual offences on the previous year.

The first Sexual Assault Referral Centre (SARC) in Northern Ireland, The Rowan⁸⁶, opened at Antrim General Hospital in the spring of 2013⁸⁷. A joint initiative between the Police Service of Northern Ireland and the Department of Health, Social Services and Public Safety, the centre was intended to provide 24 hour care and support to victims in the aftermath of sexual assault⁸⁸.

The first SARC in the UK was opened in 1986 at St Mary's hospital in Manchester. The rationale for the centre stemmed from the need for⁸⁹:

a single service that could conduct the forensic medical examination that the police required, but by a female doctor in specialised accommodation rather than a police station, and also provide the counselling and other care that the assault survivor required.

The equivalent to SARCs in the Republic Ireland are the Sexual Assault Treatment Units (SATUs), which pioneered the concept in 1985⁹⁰.

Criminal Justice Inspection Northern Ireland (CJINI) published an inspection report on the handling of sexual violence by the criminal justice system in November 2018⁹¹. This

⁸³ Departments of Justice and Health, Social Services and Public Safety (2016), *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland A Seven Year Strategy*, March 2016: <https://www.health-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-strategy>.

⁸⁴ The current legislation defining sexual offences in Northern Ireland is the Sexual Offences (Northern Ireland) Order 2008: <http://www.legislation.gov.uk/nisi/2008/1769/contents>.

⁸⁵ Police Service of Northern Ireland (2019), *Police Recorded Crime in Northern Ireland: Monthly Update to 31 December 2018*, Belfast: PSNI: https://www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/2018/december/crime-bulletin_-dec-18.pdf.

⁸⁶ The Rowan centre website: <http://therowan.net/>.

⁸⁷ The centre was the subject of an adjournment debate in the Northern Ireland Assembly on 23 April 2013: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/23-April-2013/#6>.

⁸⁸ Northern Health and Social Care Trust News Release 6 March 2013: <http://www.northerntrust.hscni.net/1814.htm>; see also AQW 13377/11-15 answered 2 July 2012 and AQW 16506/11-15 answered 21 November 2012.

⁸⁹ 'Our History', St Mary's Centre website, accessed 19 March 2013: <http://www.stmaryscentre.org/about-us/our-history/>.

⁹⁰ Sexual Assault Treatment Unit, Health Services Executive website, accessed 20 January 2014: <http://www.hse.ie/satu/>.

⁹¹ Criminal Justice Inspection Northern Ireland (2018), *A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*: <http://www.cjini.org/TheInspections/Inspection-Reports/2018/October-December/Sexual-Violence>.

calculated that 1.8% of reported rapes in Northern Ireland 2016-17 resulted in a conviction. Sir John Gillen has carried out a review of the law and procedures in relation to serious sexual offences in Northern Ireland. A preliminary report was published in November 2018⁹².

Domestic Violence

Criminal Justice Inspection Northern Ireland (CJINI) published an inspection report on the handling of domestic violence by the criminal justice system in 2010⁹³. The report had thirteen recommendations for strategic and operational implementation. A review in 2013 indicated that only one of the recommendations had been fully implemented to date and there would be another full inspection in 2015⁹⁴.

In the year ending 30 September 2018 there were 31,008 domestic abuse incidents and 15,404 domestic abuse crimes. This is an increase of 5.4% and 8.8% respectively on the previous year⁹⁵.

⁹² John Gillen (2018), *Preliminary report into the law and procedures in serious sexual offences in Northern Ireland*, November 2018: <https://gillenreview.org/preliminary-report-law-and-procedure-serious-sexual-offences-northern-ireland>.

⁹³ CJINI (2010), *Domestic Violence and Abuse: A thematic inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland*, Belfast: CJINI: <http://www.cjini.org/CJINI/files/1b/1b651b43-657b-471b-b320-101fca7c6930.PDF>.

⁹⁴ 'Chief Inspector concerned by limited progress on domestic violence and abuse inspection recommendation', CJINI press release 29 October 2013: <http://www.cjini.org/NewsAndEvents/Press-Releases/2013/October---December/Chief-Inspector-concerned-by-limited-progress-on-d.aspx>.

⁹⁵ PSNI (2018), *Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland Update to 30 September 2018*, 29 November 2018: <https://www.psnipolice.uk/inside-psni/Statistics/domestic-abuse-statistics/>.

8 Women and Justice

The section briefly looks at development with regard to gender aspects of the criminal justice system.

Women and Imprisonment

Studies have suggested that, while numbers of women in prison tend to be low, many women in that situation have encountered the criminal justice system due to aggravating circumstances and imprisonment is not appropriate⁹⁶:

Most of the solutions to women's offending lie outside prison walls in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt management, education, skills development and employment.

Indeed, a House of Commons Justice Committee report concluded⁹⁷:

Prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety. We revisited Baroness Corston's⁹⁸ suggestion that those women who have committed serious offences should be held in smaller, more dispersed, custodial units. Having considered this carefully we recommend a gradual reconfiguration of the female custodial estate, coupled with a significant increase in the use of residential alternatives to custody as well as the maintenance of the network of women's centres, as these are likely to be more effective, and cheaper in the long-run, than short custodial sentences.

The Department of Justice in Northern Ireland recognised the particular circumstances of female offending in a strategy to manage women offenders in 2010, setting out four strands for action⁹⁹:

1. Providing Alternatives to Prosecution and Custody
2. Reducing Offending
3. Gender-specific Community Supervision and Interventions

⁹⁶ Prison Reform Trust (2013), *Why focus on reducing women's imprisonment?* London: PRT: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/why%20women312131546.pdf>.

⁹⁷ House of Commons Justice Committee (2013), *Women offenders: after the Corston Report*, London: TSO, p.4: <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/92/92.pdf>.

⁹⁸ Baroness Jean Corston (2007), *A report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*, London: Home Office: <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>.

⁹⁹ Department of Justice (2010), *WOMEN'S OFFENDING BEHAVIOUR IN NORTHERN IRELAND: A STRATEGY TO MANAGE WOMEN OFFENDERS AND THOSE VULNERABLE TO OFFENDING BEHAVIOUR 2010-2013*, Belfast: DoJ: http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/community-safety/reviews-strategies-action-plans/final_draft_for_print_a_strategy_to_manage_women_offenders_and_those_vulnerable_to_offending_behaviour.pdf.

4. Developing a Gender-specific Approach to the Management of Women in Custody

Critiques of this strategy noted that the rhetoric often did not meet the practical reality of women's experience of imprisonment, leaving the system relatively unchanged¹⁰⁰. The second phase of the women offenders strategy, 'Reducing Offending Among Women', takes a 'gender-informed approach', with commitments to¹⁰¹:

- Focus on prevention and early intervention strategies that will improve outcomes for girls and women and reduce the risk of involvement in offending behaviour.
- Continue to put in place alternative measures to divert girls and women, particularly those who have some form of vulnerability, from prosecution and custody.
- Provide child-centred interventions for young female offenders being supervised in the community or held in custody.
- Roll out the Inspire model across Northern Ireland to provide community based interventions aimed at reducing reoffending among women.
- Establish a new, separate custodial facility and step-down accommodation specifically for women, with a prison culture focused on addressing the needs of women.
- Support women involved in prostitution to exit the trade.
- Ensure a continuing strategic focus on reducing offending among women that is supported by local research and awareness raising.

Ash House

Women prisoners in Northern Ireland are held at Ash House, a stand-alone unit located at Hydebank Wood Secure College. Criminal Justice Inspection Northern Ireland inspected the facility in May 2016, when there were 57 women in the prison. Among other recommendations, the report stated that Hydebank Wood is an inappropriate setting for a women's prison and a dedicated facility should be built¹⁰².

¹⁰⁰ Una Convery (2013), 'An offending strategy: The state's response to women within the criminal justice system in Northern Ireland' in Margaret Malloch and Gill McIvor (eds), *Women, Punishment and Social Justice: Human Rights and Penal Practices*, Abingdon: Routledge, 167-177.

¹⁰¹ Department of Justice (2013), *Reducing Offending Among Women 2013-2016*, Belfast: DoJ, p.5: <http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/community-safety/reducing-offending/reducing-offending-among-women-2013-2016.pdf>.

¹⁰² CJINI (2013), *Report on an unannounced inspection of Ash House Women's Prison Hydebank Wood 9-19 May 2016*, Belfast: CJINI, [http://www.cjini.org/TheInspections/Inspection-Reports/2016/October---December/Hydebank-Wood-Young-Offenders-\(1\)](http://www.cjini.org/TheInspections/Inspection-Reports/2016/October---December/Hydebank-Wood-Young-Offenders-(1)).

Women in the Judiciary and the Police

The Lord Chief Justice and the three Lord Justices of Appeal are men. Of the nine High Court judges in post, two are women (22%). Six of the eighteen County Court Judges are women (33%)¹⁰³.

The figures indicate that the more senior the position in the judiciary, the fewer women there are, to the extent that there are no women at the highest level of the judiciary. Research has shown that, firstly, women face significant barriers in progression in the judiciary, with negative attitudes towards women and difficulties in networking within the profession¹⁰⁴. Secondly, it is clear that a lack of female judges matters, both in terms of the image of the judiciary as 'male' and in increasing diversity in the process of decision-making¹⁰⁵.

Thirty per cent of the Police Service of Northern Ireland is female¹⁰⁶. The Chief and Deputy Chief Constable are male and one of the five Assistant Chief Constables is a woman.

¹⁰³ Judiciary of Northern Ireland, Judiciary NI, accessed 11 February 2019: <https://judiciaryni.uk/about-judiciary/judicial-members>.

¹⁰⁴ Philip Leith, Brice Dickson, John Morison, Sally Wheeler, Marie Lynch (2013), *Rewarding Merit in Judicial Appointments?*, Belfast: Queen's University: http://www.nijac.gov.uk/index/what-we-do/publications/qub_final_report_merit_2013.pdf.

¹⁰⁵ Dermot Feenan (2008), 'Women Judges: Gendering Judging, Justifying Diversity' in *Journal of Law and Society* 35(4) 490-519.

¹⁰⁶ Our Leadership Team, PSNI website, accessed 11 February 2019: <https://www.psnipolice.uk/inside-psni/our-leadership/>.

11 Overview

Taken individually, specific areas of policy may have an adverse impact on women, however slight. Yet, taken collectively, policy change can have a substantial cumulative impact on women. For example, the closure of rural shops and post offices¹⁰⁷, concerns around a reduction in rural transport¹⁰⁸ and the threat of closure of rural schools¹⁰⁹ may appear as individual measures of economic efficiency, however, if they are social spaces and services primarily used by women, there is a cumulative gender-related impact that is not immediately recognised if each area is taken in isolation.

Again, in terms of the representation of women in positions of power, a shortfall in numbers of women may be recognised as an area of concern and efforts made to encourage more women to participate may be made on a short-term or project-related basis. However, taken collectively, the absence of women in posts that wield significant social, economic, political or legal power in society indicate a much wider issue from an equality perspective, as the following table illustrates.

Position	Women
Members of the Legislative Assembly	33%
High Court Judges	22%
County Court Judges	33%
Public Appointments	42%
Chairs of Public Bodies	28%
Managers, Directors and Senior Officials	37%
Self-Employed	30%

Another key issue is the treatment of women in society. While the evidence suggests that there are significant official attempts to tackle issues such as domestic and sexual

¹⁰⁷ Northern Ireland Assembly Research and Information Service (2011), *Consider This... Research Reflections for a New Mandate*, Belfast: RaISe, p.79: http://www.niassembly.gov.uk/Documents/RaISe/consider_this.pdf.

¹⁰⁸ Research and Library Service Briefing Paper 30/11, *Rural Development Issues and Challenges in Northern Ireland, 23 November 2010*, p.8: <http://www.niassembly.gov.uk/researchandlibrary/2011/3011.pdf>.

¹⁰⁹ Research and Information Service Research Paper 27/13, *Rural Schools*, 7th February 2013: <http://www.niassembly.gov.uk/Documents/RaISe/Publications/2013/education/2713.pdf>.

violence, the scale of domestic and sexual abuse demonstrates a wider attitudinal issue.

Structural issues can impact differentially on women, leading to barriers to participation. For example, the availability of affordable childcare results in more women than men changing working patterns and costs are increasing, while the economic downturn is leaving many families with less disposable income.

In each area, certain mechanisms have been suggested to increase women's participation. Generally, this takes the form of programmes to encourage more women to become involved in a particular area, such as politics or a non-traditional area of employment, or specific training, development or mentoring processes to support and build the capacity of women to participate in 'male' environments. While this can have an impact, the change is slow and tends to treat women as the 'problem', when it is environments and practices that may need to change to be more receptive to women (and indeed other under-represented identities). Legislation has gone some way to establish standards of practice and organisational policies can have an impact, but the reality of transforming an environment may involve a more fundamental change process.

There are different models for organisational change to embed a different ethos, introduce different practices or to create a more inclusive environment. One example is the Equity, Diversity and Interdependence (EDI) framework¹¹⁰. This model is designed to imbed certain principles in an organisation to ensure equal opportunities for all sections of society, acknowledge and value differences in people and to recognise the importance of relationships in interaction. While not specific to gender relations, the model is one that can be adapted to bring about change in an organisational culture to facilitate women entering on an equal basis to men. The model presents a step-by-step approach from initial engagement to the implementation of new policies and practices in an organisation.

In some circumstances, change is considered of insufficient pace to make a significant difference to the balancing of gender and power and quotas have been introduced or suggested. In the political sphere, these have come in the form of statutory obligation for candidate lists (as in Belgium and some elections in France), voluntary with financial penalties for non-compliance (as in elections to Dáil Éireann) or voluntary (as in the UK)¹¹¹. Quotas are in place for company boards in Norway and EU legislation for

¹¹⁰ Karin Eyben, Duncan Morrow, Derick Wilson and Billy Robinson (2001), *The Equity, Diversity and Interdependence Framework: A Framework for Organisational Learning Change*, Coleraine: University of Ulster: http://eprints.ulster.ac.uk/3972/1/edi_report.pdf.

¹¹¹ See Research and Information Service Research Paper 108/13 *Women in the Northern Ireland Assembly*, 3 September 2013, pp.16-18.

aspirational quotas on boards was passed by the EU Parliament¹¹². In the UK, the Davies Review¹¹³ recommended companies set voluntary quotas.

Quotas are regarded as controversial, because, it is argued, they are less democratic, against equality of opportunity, imply women are there for their gender alone, women do not want to be in a post just because they are women and quotas create conflicts in organisations. On the other hand, it is contended that quotas compensate for barriers to women, they ensure the few women who manage to get into positions of power are not alone, women have a right to equal representation, women's experiences are needed in leadership, women are minimised in 'male' systems and conflicts caused by quotas are only temporary¹¹⁴.

Taking a broader view of gender impacts can also assist in the distribution of resources. Gender budgeting – the assessment of all expenditure for its differential impacts on women and men and appropriate amendments as necessary – is one way to establish more equitable public spending. Where there is a strong argument for specific facilities for women to meet a recognised need or standard – for example, a women's prison, a women's hospital to specialise in medical conditions specific to women or the recently opened sexual assault referral centre – these can be established to offset gender-specific issues in particular policy areas.

¹¹² 'Cracking Europe's Glass Ceiling: European Parliament backs Commission's Women on Boards proposal' European Commission press release 20 November 2013: http://europa.eu/rapid/press-release_IP-13-1118_en.htm?locale=en.

¹¹³ Lord Davies (2011), *Women on Boards*, London: HM Government: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31480/11-745-women-on-boards.pdf.

¹¹⁴ Drude Dahlerup (1999), 'Using Quotas to Increase Women's Political Representation' in Azza Karam (ed) *Women in Parliament: Beyond Numbers*, Stockholm: International IDEA, p.94.