

Minority *Rights Now*

CEDAW

The hero women deserve



ARTWORK: ENGENDER SCOTLAND

Intersectionality:

Providing a safeguard against multiple discrimination

Anti-trafficking:

a platform for action

Participation

The need for more minority women in elected politics

Our Editorial Board

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From the Editor

In July 2013, the United Kingdom was examined by the Committee for the Convention on the Elimination of Discrimination Against Women (CEDAW), against its obligations to protect and promote the rights of women in its jurisdiction – including ethnic minority and migrant women in each of the UK's regions.

In Northern Ireland, minority women still face a uphill battle towards equal rights and equal treatment. Victims of domestic violence are still let down on a daily basis by a system that rarely caters for their complex needs. Women with university degrees from other countries are forced to work in low-paid jobs because their hard-won qualifications are not recognized. Many women cannot afford childcare, stifling their chances at education and employment, and many more have little to no access to fundamental health care provision. Further 'reforms' to legal aid will leave many women in abusive situations, many deported, because they can no longer afford a solicitor – can no longer afford to access justice.

Each of these issues, and many more, are highlighted in the following pages.

In its Concluding Observations, the CEDAW Committee made a number of robust recommendations to better the lives of minority women in the UK and Northern Ireland. NICEM will continue to work tirelessly on the issues, in partnership with communities, to ensure women's voices are heard and respected.

This edition is dedicated to all the women we have worked with throughout the CEDAW process, and to their passionate and committed activism on behalf of their communities.

Elizabeth Nelson, Editor

“... heed the voices of all women and girls demanding with ever stronger insistence and urgency their human rights. This is now urgent for implementing their rights. We are simply the echo of their voices.”

Committee on the Elimination of Discrimination Against Women, International Women's Day, 8 March 2013

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Next Issue:

Austerity and the recession are hitting millions of families across the UK and Ireland. But what impact are they having on minority communities? The next edition of MRN will look at how ethnic minority communities are experiencing the recession, how they are responding, and whether politics and policy are getting it right.

News

Segregation in Switzerland

Swiss authorities are experiencing an international backlash from rights activists and the UN refugee centre UNHCR for its policies restricting access of asylum seekers from schools and sports facilities in certain towns.

The policy guidelines were issued as a response to anger from local residents at the opening of new asylum facilities (adapted from old military bunkers) in the mountain town Alpnach and Bremgarten, outside of Zurich. There are also plans to subject asylum seekers to a curfew.

Both the mayor of Bremgarten and an Alpnach-based member of the Swiss People's party (SVP), an anti-immigration part, were quoted in the Guardian (26 August 2013) as citing 'security concerns' for the restriction of movement of asylum seekers.

Switzerland receives approximately 48,000 asylum seekers each year, according to the Guardian, twice as much as the European average.

But rights activists say that not only do the new laws form a sort of apartheid, in likely contravention of international law, but they will also be difficult to enforce under Swiss constitutional law, which protects the right to freedom of movement.

There are also potential consequences for the mental health and well-being of asylum seekers. Azizi Abed, an asylum seeker and rights-activist, told the Guardian that he feels like asylum seekers are now treated worse than animals in Switzerland, and that he sometimes wonders if the boredom, disenfranchisement and isolation he is subjected to is nearly as bad as the persecution that drove him to leave Iran. Hijabi Monologues in Belfast
Date for your diaries! The British Council, in partnership with The Immigrant Council of Ireland and axis: Ballymun will be presenting 'The Hijabi Monologues Ireland' as part of the Queen's Festival on 23 October. The show is free, and will take place in The Cube at the Crescent Arts Centre. A good crowd is expected, so reserve your tickets early!

Racist attacks in East Belfast

The home of two Nigerian men was attacked and vandalized in August. The house, off the Castlereagh Road in East Belfast, was daubed with graffiti that read "No Blacks". Several windows were smashed in with a hammer as well.

"Go home"?

The Home Office has come under fire for a pilot scheme involving a van in Greater London, now popularly known as the 'racist van,' which has been driving around primarily minority or multicultural neighborhoods. The van's billboard targets 'illegal' immigrants, telling them to 'go home or face arrest.'

It has sparked outrage and public backlash, including a dueling van from Liberty, whose billboard reads: "Stirring up tension and division in the UK illegally? Home Office, think

again." Liberty has stated that the Home Office's van is deeply offensive, and likely to be in breach of the Equality Act.

They're not the only ones who think the 'racist van' is poor taste at best, and possibly illegal at worst. Criticism has come from senior Liberal Democrats, and even UKIP's Nigel Farage has said the language on the vans is 'unpleasant.' And, after several public complaints, the Advertising Standards Authority (ASA) launched an investigation into the 'racist van'.

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Eric Pickles and Traveller sites

Communities Secretary Eric Pickles has been the latest to wade into what the Gypsy Council has termed "open season on ethnic minorities". Pickles' Department of Communities and Local Development has issued new guidance for councils on how to clear unwanted or illegal Traveller sites. The original press statement called unauthorized sites a 'blight; this was amended after uproar from the Traveller rights movement, though the most recent government statement stands by the Department's use of the term, according to the Huffington Post.

The new guidance outlines the legal powers that councils and landowners have to remove unauthorized sites, as well as to

protest Traveller camps and sites, according to Channel 4 News. The statement says that councils need to be 'willing to uphold the law,' and should be prepared to stop illegal sites from even developing.

The Gypsy Council Chairman, Joseph Jones, has likened Pickles' statement to other recent inflammatory incidents against minorities, such as the 'Go Home' campaign by the Home office (detailed above) and UKIP MEP Godfrey Bloom's description of countries in receipt of UK foreign aid as 'bongo bongo land'.

"At the moment it seems like a theme," Jones said.

Racist bullying – the same as all bullying?

There have been over 1,300 documented racist incidents in Scottish schools over the last two years, based on figures obtained by the Liberal Democrats.

According to the BBC, "the party submitted Freedom of Information (FOI) requests to local councils and received responses from three-quarters of them.

The findings, for 2011 and 2012, showed 730 racist incidents reported in primary schools and 544 in secondaries." The figures are a stark reminder of the level

of racist sentiment that can still exist in schools, and of the consequences of this going unchecked. One of NICEM's key recommendations in its 2011 research report into black and minority ethnic pupils in Northern Ireland schools was that there should be dedicated measures to address racist bullying specifically, as separate from other forms of bullying, due to the significant detrimental effect it has on victims. This was a recommendation we reiterated to the CEDAW committee in July 2013.



Believe in Childcare?

Investigating childcare experiences of BME families

Donna Kernaghan, Research and Policy Officer, Barnardo's NI

NICEM Mid-Ulster and Down and Barnardo's NI are working together with community members to carry out action research investigating childcare needs of ethnic minority communities in the Southern Health and Social Care Trust Area. Researcher Donna Kernaghan explains more...

Recently, childcare has become the focus of increased public attention due to the decisions made by UK Coalition Government to reduce childcare tax credit from providing 80 per cent of the childcare cost to 70 per cent, and to cut child benefits for some earners. It has been well documented that childcare costs in Northern Ireland are high while local provision is low. Furthermore, the lack of progress on the development of a Childcare Strategy in Northern Ireland has resulted in little centralised direction for this issue. Research has found that low wage earners, parents with more than one child, lone parent families, parents with a disabled child and those in rural areas may find it particularly difficult to make childcare arrangements that meets their needs (Dennison and Smith, 2012¹; Wallace, McAreavey and Atkin, 2013²). Parents from ethnic minority communities may also face these difficulties with additional pressures such as a language barrier, non-traditional shift work pattern, and unfamiliarity in accessing services in Northern Ireland. Little research has been carried out to explore the childcare experiences of ethnic minority communities in Northern Ireland, resulting in limited understanding of their needs.

¹ Dennison, R. and Smith, N. (2012) Northern Ireland Childcare Cost Survey 2012, Employers for Childcare Charitable Group

² Wallace, A., McAreavey, R. and Atkin, K. (2013) Poverty and Ethnicity in Northern Ireland: An Evidence Review, York, Joseph Rowntree Foundation. NICEM is working in partnership with

Barnardo's NI to address this lack of understanding by conducting a research project, 'Believe in Childcare?' investigating the childcare needs of ethnic minority families. The research is being conducted in the Southern Health and Social Care Trust amongst families from an ethnic minority background with children aged 0 – 12 years old living in Northern Ireland. This piece of action research seeks to identify the childcare needs of ethnic minority families by exploring their experiences of childcare, their typical childcare arrangements, and their awareness of ways to access information about childcare provision. The research will be conducted in three phases:

Phase 1: Questionnaire

An anonymous questionnaire will be available online from www.nicem.org.uk from August through October 2013 in ten different languages. The questionnaire is also available on paper format on request. Issues explored by the questionnaire include family background, employment information, experiences of childcare and awareness of help available. Participants can also enter a prize draw for taking part in the survey with the first prize of £50 of gift vouchers. Prizes for second and third place are £30 and £20 of gift vouchers respectively.

Phase 2: Adult Focus Groups

Participants of the survey will be given the opportunity to volunteer to take part in a focus group in November to December 2013. Focus group participants will be randomly selected from this number. The purpose of the focus groups is to gain further insight into the experiences of BME parents which would not be feasible through using only a questionnaire. Participants will receive a

£10 gift voucher to thank them for their time.

Phase 3: Children's Focus Groups

Most research conducted on childcare tends to concentrate entirely on adults' experiences, which has resulted in the voices of children being absent from the narratives of childcare to date. In order to address this and capture the views and experiences of BME children about childcare, children's focus groups will also be conducted. This provides an opportunity for the voices of those receiving the childcare to be heard and to explore if the children have additional needs from childcare providers that are not currently being met.

Further Information

An Advisory Group consisting of parents from ethnic minority community backgrounds and employees from the Southern Health and Social Care Trust is overseeing the 'Believe in Childcare?' project. Findings from the research will be available in early 2014 and will be used to raise awareness of childcare experiences of ethnic minority families with policy makers and service providers.

For more information on this research project, please contact Donna Kernaghan, Barnardo's NI Research and Policy Officer on

02890672366 or donna.kernaghan@barnardo.org.uk and NICEM Development Officer, Mark Caffrey, on 07730 747 865 or mark@nicem.org.uk

To complete the questionnaire in one of ten languages, please visit <http://tiny.cc/believeinchildcare> or go to www.nicem.org.uk

Meet the Panel

The Believe in Childcare? Advisory Group includes representation from parents whose role it is to support the research using their expertise and knowledge of their communities. We hear from some of them below:

Trudi: 'Given the diversity and multicultural nature of today's society, it is essential that childcare provision reflects that. Research will allow us to provide for children in a way that is sensitive to their cultural and societal needs.'

John: 'I have two children, a girl and a boy, both under three years old. There are two

main issues that affect my ability to access childcare and they are the high cost of childcare, and difficulty in finding a trusted and qualified childminder. As the parent taking care of our children, I have the experience and personal account of how difficult childcare is. Hopefully, this research will be fruitful and can help the vast majority of families in need especially during this economically challenging times.'

Ana: 'I was born and raised in Portugal. My father is Portuguese and my mother is from Angola, therefore I was brought up with influences of both cultures. I moved to Northern Ireland where my sister was already living with her family, and I am passionate about issues that affect migrant families. I got married to a local man 5 years

ago and we have a 4 year old daughter, who is the light of our lives.'

Joanna: 'I am from Poland and I came to Ireland in 2005. I am working with different communities and at this moment I am working as a Family Support Worker, so childcare is one of the issues that I deal with every day. I am also mother of an (almost) three year old boy so I know from my own experience how important childcare is and a relative problems comes with it e.g. cost, opening hours, access to childcare, excellent staff care. I am hoping that through my involvement in the research that we have a good chance to change a lot to get a better service for all families in need.'

Intersectionality: Providing a safeguard against multiple discrimination

Karen McLaughlin, *Legal Policy Officer, NICEM*

Policymakers often receive much - sometimes warranted - criticism about working in policy silos and not joining the dots between one high-level Executive strategy and another Departmental policy development. This often leads to the needs of some of the most disadvantaged and vulnerable groups not being met as these groups fall between two stools when it comes to the development of policies. Crucially, the experiences of persons with multiple identities are not adequately considered and this is often due to a misunderstanding of the concept of intersectionality.

Most people are familiar with the terms 'racism' (negative treatment of someone based on their race or ethnicity), 'sexism' (negative treatment of someone based on their sex), and 'ableism' (negative treatment of someone based on their disability), as well as further discriminations based on sexuality, age and nationality. Each of these refers to discrimination or negative attitudes based on one particular characteristic - race, sex, sexuality, age, disability, gender, etc.

Broadly speaking, the terms 'intersectionality' and 'multiple discrimination' describe situations in which a person might experience adverse or negative treatment because of a combination of characteristics; for example, a gay person with a disability, or an older woman. Sometimes it is difficult for the victim even to identify on which grounds they are being discriminated. When a young black woman gets jeered at crossing the street, is it because she is black, because she is a woman, or because she is specifically a black woman? The combination of those characteristics has an impact on her day-to-day lived experiences. This is what is meant by multiple discrimination and intersectionality.

Given the focus of this edition of *Minority Rights Now* on the experiences of black and minority ethnic (BME) women in Northern Ireland (NI), it seems like an opportune time to explore the extent to which intersectionality plays a role in the development of policy in NI.

According to the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee), as set out in their General Recommendation No. 28, "intersectionality is a basic concept for understanding the scope of the general obligations of the States parties" and that "States parties must legally recognise such intersecting forms of discrimination and their compounded negative impact on the women concerned".



In 2010, the European Parliament also called on Member States to "ensure the protection of victims of multiple discrimination, among whom ethnic minority women represent a big group, by adding explicit clauses and binding regulations on multiple discrimination to the legal system".

Furthermore, the Beijing Platform for Action recognises that "some groups of women, such as ... refugee women, women migrants, including women migrant workers ... destitute women, women in institutions ... are particularly vulnerable to violence". However, in NI, the Office of the First Minister and deputy First Minister (OFMDFM) has developed separate strategies for the protection of various vulnerable groups, notably the Racial Equality Strategy 2005-2010 (RES) and the Gender Equality Strategy 2006-2016 (GES). These strategies lack both a correlation with each other as well as an understanding of multiple discrimination. This points to ineffectiveness, since vulnerable groups such as BME communities are often not adequately covered by such isolated policies. This clearly fails to discharge the NI Government's obligations under Article 2 of CEDAW, since the Committee has stated that such a policy "must identify women within the jurisdiction of the State party (including non-citizen, migrant, refugee, asylum-seeking and stateless women) as the rights-bearers, with particular emphasis on

the groups of women who are most marginalised and who may suffer from various forms of intersectional discrimination".

In Great Britain, section 14 of the Equality Act 2010 contains a provision - not yet in force - to cover direct discrimination on up to two combined grounds, e.g. disability and gender, or disability and race. This is often known as 'dual discrimination'. While this would be a step forward in terms of protection, there are of course instances in which people may experience discrimination based on more than two grounds, in which case this provision would be of little assistance.

The Equality Act 2010 also currently does not apply in Northern Ireland. In its Concluding Observations from the examination of the UK's seventh Periodic Report in Geneva in July 2013, the CEDAW Committee recommended that "the State part should revise its legislation in Northern Ireland to ensure that it affords protection to women on an equal footing with other women in the State parties' administrations. The State party should, therefore, recognise multiple discrimination" (para. 19). Recognition of multiple discrimination and the mindful incorporation of intersectionality into policy development in NI would mean that BME women - and others with multiple identities - would no longer simply fall between two stools, but could perhaps find a softer landing.



Know Your Rights: CEDAW by numbers

Article 1: *Definition of Discrimination against Women*

The Convention defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

Articles 2-3: *National framework*

The Convention requires States parties (countries that have signed and ratified the Convention) to put in place legislation and policies to eliminate discrimination against women and ensuring full equality with men.

Article 4: *Temporary Special Measures*

The Convention envisages the possibility of States parties undertaking initiatives to accelerate equality between women and men (known as temporary special measures). This could include things like gender quotas.

Article 5: *Stereotypes*

The Convention requires States parties to take action to combat stereotypes, particularly with regard to traditional roles.

Article 6: *Prostitution and Trafficking*

States are required to “suppress” all forms of exploitation of women, including prostitution and trafficking.

Articles 7-8: *Participation*

Article 7 places obligations on the State to both eliminate discrimination against women in political and public life as well as to take positive measures to facilitate the participation of women in the development of public policy. Article 8 requires the State to facilitate the participation of women at the international level.

Article 9: *Nationality*

This provision requires States to consider a woman’s immigration status as distinct from her partner.

Article 10: *Education and Skills*

The State is required to eliminate discrimination against women in the field of education, particularly with regard to the following:

- (a) The same conditions for career and vocational guidance;
- (b) Access to the same curricula, examinations, etc.;
- (c) The elimination of any stereotyped concept of the roles of men and women;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of adult and functional literacy programmes;
- (f) The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11: *Employment*

The State is required to eliminate discrimination against women in the field of employment, particularly with regard to marriage and maternity. In addition, the Convention requires the State to respect and protect the following rights:

- (a) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (b) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (c) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (d) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (e) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

Article 12: *Healthcare*

States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Article 13: *Economic and Social Benefits*

States Parties must ensure that women have equal access to the following rights:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14: *Rural Women*

States parties are required to take particular steps to address the issues faced by rural women.

Article 15: *Equality before the Law*

States parties shall accord to women equality with men before the law.

Article 16: *Marriage and Family Law*

States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure this on a basis of equality of men and women.

The Committee also issues general recommendations, which expand on certain provisions in the Convention. General Recommendation No. 19 deals with the topic of violence against women and the Committee highlights how gender-based violence is relevant to a number of rights set out in the Convention (Articles 2, 3, 6, 11, 12, 14, 16) and is vital to NICEM’s work.

Also of particular relevance to NICEM’s work is General Recommendation No. 26, which sets out the scope of States Parties’ obligations in relation to the rights of migrant women workers.

The Experiences of Minority Ethnic Women in Northern Ireland

Sarah Isal Williamson

It is increasingly recognised that black and minority ethnic (BME) women experience discrimination and exclusion that are specifically linked to their dual status as ethnic minorities or migrants, and as women. However, whilst there is emerging research highlighting and documenting these experiences in Great Britain, very little is known of the situation in Northern Ireland. The examination of the UK government's compliance to the Committee on the Elimination of Discrimination Against Women (CEDAW) was therefore a good opportunity to start gaining a better understanding of the issues faced by ethnic minority women in Northern Ireland. This article highlights the main findings of a piece of exploratory research that was carried out in the context of NICEM's preparations for the examination of the UK by CEDAW. The research is based on the analysis of 450 questionnaires that were filled out by BME women living in Northern Ireland.

As there is limited existing research available on the situation of BME women in Northern Ireland, the first section of the report provides a short review of existing literature in Britain to set out the context. This allowed us to uncover some of the issues affecting BME women across a broad range of areas. The following section focused on the responses to the survey questionnaires.

Who responded to the questionnaire? Thanks to the efforts of NICEM staff members who disseminated the questionnaires widely across their networks, 450 women responded to the survey, which represents a significant number. This high response rate was also no doubt facilitated by the fact that the questionnaire was translated in eight languages.

In terms of nationality, just under half of the respondents were nationals from the EU A8 and A2 countries (Eastern European countries and Baltic countries that joined the EU in 2004 and 2007, respectively); they therefore represented a very significant part

of the sample. The largest nationality group represented in the sample was the Polish group (just over a third of all respondents). This is consistent with the fact that A8/A2 migrants constitute the largest group to have migrated to Northern Ireland in the last eight years and that the Polish minority is now estimated to be the largest ethnic minority group in Northern Ireland. Thirteen percent of respondents came from South East Asia, 10 per cent came from the EU (excluding A8 and A2 countries), 9.2 per cent stated they were British and 8 per cent Irish. There were also smaller groups of respondents from America (both North and South), the Middle East, North Africa and sub-Saharan Africa.

When looking at why women moved to Northern Ireland, economic and financial reasons were the main drivers for just under half of all respondents. The second most commonly given reason was family and marriage (one third of respondents).

Main findings

As the articles of CEDAW deal with all areas of social, political and economic life (see Know Your Rights in this edition), the survey questionnaire aimed to cover this broad range of areas and asked questions around education, employment, racist violence, political participation, family life, health and the economy. It also included an open-ended question asking women to list their main concerns.

One of the key findings emerging from the research is that the overwhelming majority of BME women (85 per cent) arrive with qualifications gained abroad, and of these, half have qualifications equivalent to university degrees. However, worryingly, over half of the women stated that their job did not match their qualifications. The survey also found that most women who were unemployed actually had qualifications gained abroad, pointing to the difficulty of finding a job without UK qualifications and the lack of recognition of foreign qualifications. There is therefore evidence of a significant waste of talent that can be observed, something which has been raised

The biggest worries are financial anxieties and the fear of losing their job. In fact, job and financial insecurities were mentioned more than any other concerns by the women surveyed in the open-ended question. In some of the comments, women expressed real worries about not being able to cover the most basic costs, such as providing food for their children, or paying the electricity or gas bills.

as a source of great concern by many respondents in the open-ended question, especially those coming from A8 and A2 countries who are coming to Northern Ireland for work purposes but often are either unemployed or employed in jobs for which they are overqualified.

Nearly half of the women who responded to the survey were unemployed. It is difficult to determine through the questionnaire what proportion of unemployed women was actually seeking work. However, we did ask them the reasons for not being in work and over a third of respondents listed childcare responsibilities as the main reason. It is therefore perhaps unsurprising that only half of women surveyed put their children in childcare. One in five women rely on a family member to look after their children. When asked why they did not put their children in childcare, the main reason given was cost, although a significant number stated they were reluctant to leave their children with strangers, pointing to a potential lack of cultural accommodation for women to feel comfortable enough to leave their children with a childminder or in a nursery.



Feature



Interestingly, less than a third of women knew about the 15 hours of pre-school funding available to three year-olds, thus highlighting the need for better information on childcare provision to BME mothers and more culturally sensitive childcare. In addition, given that BME women are overrepresented in jobs that require working outside of traditional working hours, including evenings and weekends, it is important for childcare provision to be more flexible if it is going to cater for the needs of BME women and increase the take-up of childcare by BME families.

The survey brings out a clear anxiety around the recession on the part of BME women, with 76 per cent answering that they are worried about the economic downturn. The biggest worries are financial anxieties and the fear of losing their job. In fact, job and financial insecurities were mentioned more than any other concerns by the women surveyed in the open-ended question. In some of the comments, women expressed real worries about not being able to cover the most basic costs, such as providing food for their children, or paying the electricity or gas bills.

In relation to political participation, although the majority of women reported they could vote, nearly three quarters stated they did not vote at the last election. Predictably, only 2.6 per cent belong to a political party and an overwhelming majority (90 per cent) never considered standing for elections. There were notably no comments under the open-ended question on political participation, highlighting that this is not an issue of concern for most respondents and that this topic is not a priority for BME women compared to more urgent financial or job-related concerns. Another interpretation could be that BME women do not see the link between being politically active and how this could change their lives, especially on the issues that they are concerned about. With only one BME female member in the Northern Ireland Assembly, there is clearly a need to address this under-representation of BME women in political life. This should be done through articulating a clear message about the relevance of political participation to their lives and the impact that voting can actually have on addressing some of their concerns.

Conclusion

This research has helped to provide a better picture of the issues affecting BME women in Northern Ireland throughout different aspects of their lives. It has also served as a useful basis to influence the CEDAW Concluding Observations and put pressure on the government to implement policies that address some of the very specific issues faced by BME women, as a result of both their ethnic background and their gender. Beyond this, it is hoped that this research will help empower women and encourage them to use the findings to advocate for change both at local, national and UN levels.

Violence against women

As part of its submission to the UK's examination at CEDAW in July 2013, NICEM commissioned research specifically examining the situation of black and minority ethnic (BME) women experiencing domestic violence. Undertaken as a scoping study by Professor Monica McWilliams and Priyamvada Yarnell from the University of Ulster at Jordanstown, the report, entitled *The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland*, was submitted as part of NICEM's alternative report to CEDAW.

Northern Ireland has experienced an increase in migration, particularly from the European Economic Area, with the most recent census showing an increase in the 'non-national' population over the past ten years - from one point eight per cent (1.8%) (2001) to four point five per cent (4.5%) (2011). This figure, although increasing, is an under-representation of the proportion of those residing in Northern Ireland who form part of the BME population as it does not include those who hold British or Irish nationality.

The findings of the research reveal the challenges faced by BME women, such as isolation, language barriers, unfamiliarity with laws and services, and institutional racism. These factors act as barriers in the help-seeking process and increase women's vulnerability to domestic violence. Some of the most compelling findings are the ways in which immigration law and policy and the benefits system fail to address the needs of immigrant women who experience domestic violence in Northern Ireland.

The clear need arising from the research is for specialist services for BME women and girls experiencing domestic violence, and for proper data collection and monitoring by statutory agencies. Proper data is essential to effective policy development, and the existence of specialist services would greatly enhance the protection of the rights of BME women and girls, particularly victim-survivors of domestic violence. Equality monitoring

As the research points out, "it is widely acknowledged that BME victims of domestic violence are particularly vulnerable," (pg 6) and therefore special protection must be

Many challenges face BME women and girls who find themselves in domestic violence situations, often due to cultural and religious pressures from their communities, as well as from institutional sources like lack of adequate language provision due to poor budget planning and institutionalised racism.

afforded to them, so that they feel safe in disclosing details about an abusive partner. It is for this reason there needs to be far more robust data collection and monitoring mechanisms for BME victims engaging with the criminal justice system, "so that the various agencies know the extent to which they need to direct their resources towards those who are particularly vulnerable" (pg 6).

The research found that, unlike in England and Wales, some bodies (like the Public Prosecution Service) were not collecting statistics on religious or ethnic background, as they are not obliged to under the Northern Ireland Act. The PPS' stated reason for this was a worry that collection of such data would lead to questions around whether more Protestants or Catholics were prosecuted. However, this also means that there are no statistics available for domestic violence committed by BME individuals.

Significantly, "the absence of comparative analysis not only obscures issues of equality, it has several other consequences, such as a lack of attention to offences related to domestic and sexual violence committed by BME individuals and a dearth of knowledge on the current needs of their victims. Addressing these gaps should become a priority for the service" (pg 7). It would also go a long way to ensuring that the types of services required by BME victims of domestic violence are actually available and accessible, and restore some confidence in the criminal justice system. Barriers to accessing current services

Many challenges face BME women and girls who find themselves in domestic violence situations, often due to cultural and religious pressures from their communities, as well as from institutional sources like lack of adequate language provision due to poor budget planning and institutionalised racism. The No Recourse to Public Funds (NRPF) rule further endangers vulnerable women, particularly migrants and asylum-seekers, from fleeing situations of domestic violence.

Feelings of isolation were frequently reported during the research process. Most of the practitioners commented on the fact that "BME women were often living in a foreign country having left their relatives and social networks, had little English, and that often the only person they knew in Northern Ireland was the abuser himself" (pg 9). Very often, regardless of whether the husband or partner of the woman was a UK/Irish national or not, many BME women felt they were 'tied into these relationships' and felt particularly alone as a consequence. The inability to access specialist, culturally sensitive services would only enhance these feelings of isolation, helplessness and loneliness.

Language barriers

BME women coming forward regarding domestic violence often face language barriers when accessing frontline services in health, social security and criminal justice, among others. Under the Race Relations (Northern Ireland) Order 1997, state bodies are obliged to provide services without discrimination on the grounds of race or ethnicity, and this also applies to the provision of interpreters to ensure that services are available to individuals in need who do not speak English. The relevant state bodies, such as Health and Social Care Trusts, the criminal justice system (PSNI and PPS), the Housing Executive and the Social Security Agency (SSA) have access to interpreters in Northern Ireland. However, our research shows that on many occasions interpreters were not provided when asked for, or inappropriate interpretation was provided. It is essential that funding for interpretation be ring fenced, and that statutory agencies plan their budgets accordingly, to ensure BME women who need these services are able to access them.





As the research points out, there is a clear cost of failed communication between statutory agencies and BME women experiencing domestic violence, particularly concerning a lack of provision of interpreting services when necessary. There is an example in the research in which “a BME woman experiencing domestic violence was advised by the SSA to claim child benefits as a single claimant in her own name. After following this advice, the woman was charged with making a fraudulent claim for £14,000 by HMRC, since the partner was still registered as living at the same address” (pg 16). The respondent believes this miscommunication would not have occurred had the SSA used an interpreter when corresponding with the woman.

Concerns were also raised regarding whether interpreters working with particular government agencies received adequate training on the nuances of abusive relationships; “the lack of training also arises where the interpreter may be unaware of his/her identification with specific normative/customary values

relating to women’s role in the house or her status in a marital relationship” (pg 11). Specialist services available in the language of the women seeking help, or with access to interpreters specially trained in the sensitivities of domestic violence, are key to supporting BME women escaping domestic violence.

Institutional racism

As defined in the Macpherson Report, institutional racism is “a collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen to be detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance and racist stereotyping which disadvantage minority ethnic people” (Macpherson Report as quoted on pg 14 in research report). Despite the Northern Ireland Executive publishing its programme for Cohesion, Sharing and Integration in July 2010, which aimed to address sectarianism and racism and promote a shared society, many women in NICEM’s research reported encountering racism from frontline staff in particular when accessing services in the

wake of a domestic violence incident. This can range from staff being dismissive of concerns, to offering plane tickets home instead of support, to taking a cultural relativist approach to the violence, blaming the violence on ‘culture’ rather than locating it within the continuum of violence against women.

In another case, an advisor on migrant rights quoted responses from statutory bodies on several occasions reflecting the stereotype that “they’re not from here so they don’t really know any better” or “that’s just part of their culture”. As the research points out, this “raises concerns about the type of normative values held by staff working for public bodies in Northern Ireland and again highlights the need for diversity training, as well as training on domestic violence, so as to challenge prejudicial attitudes about BME cases of domestic violence as well as the judgmental opinions held by staff” (pg 14).

In one case, a vulnerable woman was a victim of sexual assault and subsequently

evicted from her public housing accommodation. The advice worker supporting the woman reported “a staff member, working in the local Housing Executive office, had expressed disappointment and surprise that the woman had not accepted an offer of the purchase of an airline ticket to facilitate her return ‘home’ to Eastern Europe. This case highlights the racism, and possible sexism, inherent in such a response” (pg 14).

These attitudes can keep women from coming forward in the first place. The experiences of the Southall Black Sisters in London has shown that BME women tend to turn to community groups for support when experiencing domestic violence. However, in many communities, women feel they can’t come forward; “as individuals, there’s far too much pressure, they don’t want to be ostracised, stigmatised, and rejected from their communities.”

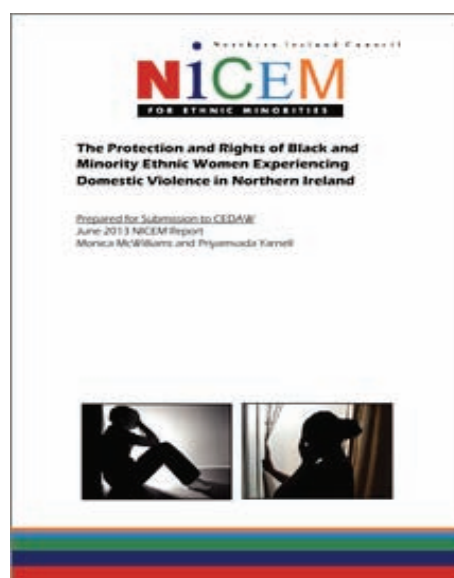
It has been recognised in both literature and testimonials from victim-survivors that there is a need for bespoke support services for BME women. Such specialist services incorporate language, culture, religion and immigration needs at a local level, and are designed to address the barriers outlined above. There are no specialist services for BME women in NI.

‘No recourse to public funds’ (NRPF)

Spouses or partners of settled people, spouses of students or temporary workers, people seeking asylum with their spouse or partner, those who have overstayed their visas or those who entered the UK with valid permission, cannot access publicly-funded methods of support – ‘no recourse to public funds.’ This puts women with insecure immigration status, NRPF and experiencing domestic violence in an impossible situation: leave and face almost certain destitution and likely deportation, or stay in an abusive and exploitative relationship (pg 19-20).

There is little support that can be offered to these women even outside of government provisions. Because those with NRPF are denied access to housing benefits, places like Women’s Aid will not receive any public funds to house the women in a shelter. Though Women’s Aid may want to help a woman with NRPF, it puts them in a strenuous place financially, and ultimately they are often unable to house women with NRPF. As the research details, there have been various ‘crisis funds’ set-up to try and assist women (and others) facing destitution, these have not been durable; the research echoes the CEDAW Committee’s calls for “crisis funds to be maintained, and where possible mainstreamed, by state parties.”

In 2002, the Domestic Violence Rule became law under paragraph 298a of the Immigration Rules. It allows BME women



who have experienced domestic violence while resident in the UK with their male partner to remain in the UK. However, as the research report points out, “it is applicable only to married women or women in a durable relationship with a British national or ‘settled’ man living in the UK. It is also dependent on the woman not having ‘over-stayed’ her visa requirement. Women who are victims of domestic violence as the partner of asylum-seekers; spouses, partners or fiancées of students or temporary workers in the UK, durable partners of EEA nationals, or women who have entered without permission are not protected under this rule” (pg 21).

Even those who are protected are often unsuccessful in their applications for Indefinite Leave to Remain (ILR) under the rule. It has been suggested that this is due to unreasonable proof requirements and the high cost of application (currently £1051). There is also a fee for each child dependent. The fee can only be waived if the woman can demonstrate that she is destitute; this means that those who are in ‘reasonable’ employment (defined by the rules as employment which pays above minimum wage) may spend months saving for the fee, all the while remaining in an abusive household.

CEDAW Concluding Observations and the current policy context

In its response to the Committee, the NI government referred to the upcoming publication of a draft Domestic and Sexual Violence and Abuse Strategy for Northern Ireland, 2013 – 2020. However, at the time of writing there was still no established time line for its publication and subsequent public consultation or implementation.

It is vital that the explicit international obligations contained in CEDAW are referenced in the Strategy, including General Recommendations 12 and 19. Any Strategy must also recognize the particular vulnerabilities of women with multiple identities, and include targeted initiatives for BME women who face multiple barriers in accessing services.

The previous Strategy had no specific section or mention of BME women specifically or women with multiple identities generally. This runs contrary to the Committee Concluding Observations from the 2013 hearing, and it is hoped that this deficiency will be remedied in the upcoming Strategy. However, as detailed above, this would need to be coupled with robust data collection and monitoring, so as to better understand the prevalence and nature of violence against BME women, and therefore the resources needed to support victim-survivors.

Conclusion: A human rights-based framework and the need for specialist services

BME women victim-survivors of domestic violence are particularly vulnerable, and this is exacerbated by the barriers they face in accessing services, and the lack of adequate data captured by the government in order to develop legislation and policies that would recognize the intersectional nature of BME women’s identities and experiences.

A human rights-based approach, explicitly recognizing the human rights obligations placed on government by CEDAW, would provide a more holistic response to tackling domestic violence against BME women and the other issues raised in the research. It would also provide not only for an intersectional understanding of how BME victim-survivors of domestic violence experience it within the systems in Northern Ireland, but it would also provide for the kind of special measures, currently missing, which are needed to correspond to these additional barriers and risks. Specifically, this means the collection and collation of desegregated data relating to ethnicity and domestic violence, and the establishment of specialist services for BME victim-survivors of domestic violence.



Using the international mechanism of CEDAW to address the rollback on women's socio economic rights in Northern Ireland.

Emma Patterson-Bennett, Equalities Coordinator, CAJ

Welfare reform, cuts to public services, and general austerity measures are currently the most pressing equality issues for the women of Northern Ireland. All of these will have a direct and adverse impact on women in all of their multiple identities, including lone parents, disabled women, black/ minority/ ethnic women and older women.

This article aims to explore how, through the use of the international human rights treaty (the Convention on the Elimination of Discrimination Against Women, or CEDAW), issues such as this can be highlighted on a much wider scale with positive results. The article will explore how the issue of socio economic rights was brought to the United Nations CEDAW Committee, the Committee's discussion on the topic, and how the Concluding Observations can help to safeguard the women of Northern Ireland going forward.

The Committee on the Administration of Justice (CAJ) has been working on the impact of welfare reform and challenging the cuts and austerity since 2011. CAJ is also currently working with the members of the Equality Coalition (co-convened by CAJ and UNISON) to support campaigns, lobbying politicians, and statutory bodies on the impacts that the new welfare reforms will have on society. The aim is to urge the Government and public authorities to take an equality and human rights-based approach by using the equality laws to safeguard those who are most vulnerable. CAJ is also part of the wider Northern Ireland Welfare Reform Group coordinated by the Law Centre. For these reasons, CAJ believed that welfare reform and the socio-economic rights of women in Northern Ireland was a key point to take to the CEDAW Committee in July 2013 and as such included it as a key point in their shadow report to the Committee.

The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty. There are a number of bodies overseeing core human rights treaties, each composed of independent experts of recognised competence in human rights. The UK Government reported to the CEDAW Committee in their seventh periodic report on the topic of welfare reform that:



"The Northern Ireland Executive introduced parity measures, as well as key developments in its own jurisdiction, which will make a real contribution to the social and economic well-being of women in Northern Ireland such as: reforming the pensions system in Northern Ireland, introducing new provisions to simplify the child maintenance process, and the publication of the Northern Ireland Child Poverty Strategy."

Notwithstanding, the above CAJ and other NI NGOs believe there are significant concerns about the regressive impact of welfare reform on women. These reforms will also have a more adverse effect in Northern Ireland due to the post-conflict situation. A study by Trades Union Congress (TUC) on the gender impact of the cuts has shown that women across the UK have paid 72% of the net cost of the tax and benefit changes since the UK Government's June 2010 emergency budget.

The effect of the new proposed welfare regime on the women of Northern Ireland has been analysed by the Institute of Fiscal Studies, which stated that "Northern Ireland

has the second highest loss as a percentage of incomes within the regions and constituent nations of the UK" as a result of welfare reform. The Equality Commission for Northern Ireland has even stated that, "the proportion of lone parents in employment in Northern Ireland is well below the average for the United Kingdom, with female lone parents at the highest risk of poverty. Only one in seven lone parents in Northern Ireland is currently working. This is a smaller proportion of lone parents than for any other region within the United Kingdom."

The benefits overhaul does not even start to take into account those in work poverty, especially those women who take on low paid, high risk, part time jobs. Also, women account for two thirds of the Northern Ireland public sector workforce, and therefore public sector cuts will likely have a significantly greater impact on women than on men. Furthermore, we currently have no childcare strategy in Northern Ireland; the Equality Commission has stated that lack of access to affordable childcare is a significant barrier to work for women from all walks of life when trying to access paid work, and is a

Feature



“primary barrier to women’s equality and participation.”

The welfare reforms are taking place in the absence of a Northern Ireland Bill of Rights (as committed to in the Belfast/Good Friday Agreement) or a Single Equality Bill, both of which are currently outstanding, and CAJ are continuing to lobby for both of these in partnership with the Human Rights Consortium and the Equality Coalition. Both of these mechanisms could have provided the extra safeguards to protect women and the most vulnerable in relation to welfare and austerity.

In light of all of this CAJ made the following recommendation to the CEDAW Committee:

The Committee may wish to ask the UK to review and mitigate against the gender impacts of the welfare reform and public sector cuts in Northern Ireland, and implement single equality legislation and the Northern Ireland Bill of Rights.

CAJ were privileged enough to attend the CEDAW hearing in Geneva (along with NICEM and NIWEP), and were able to feed into oral evidence to the Committee on this topic. CAJ then met informally with individual Committee members to discuss discreet issues. This face-to-face meeting with Committee members was particularly important in order to get a clear reflection of how the reforms would affect the devolved regions and understand the discreet issues affecting Northern Ireland. Committee member Niklas Brun was

particularly interested in discussing the equality duty with the Northern Ireland representatives and how this could safeguard against the impact on women, as well as how it could be better implemented. An example for this was more rigorous data collection, which was a major factor in the equality impact assessment of the NI Welfare Reform Bill and the subsequent debate around it.

During the hearing itself the Committee members asked about the welfare reform measures and the UK responded that they felt it was hard to assess the impact of the changes on women but that they would work with the sector. The Chair of the CEDAW Committee, Nicole Ameline, urged the UK to strengthen their dialogue with women and to be particularly mindful of vulnerable women. A member of the CEDAW Committee described welfare reform as the ‘disempowerment of women,’ and CAJ agrees with this statement and the line of questioning taken by the CEDAW Committee during the official examination of the UK Government on 17 July 2013.

The concluding observations have been made available and they have not disappointed: the themes of austerity and welfare reform run throughout.

The Committee urged the State party to:

- Mitigate the impact of austerity measures on women and services provided to women, particularly women with disabilities and older women. It should also ensure that

Spending Reviews continuously focus on measuring and balancing the impact of austerity measures on women’s rights. It should further review the policy of commissioning services wherever this may undermine the provision of specialised women’s services.

- Provide affordable childcare, and mitigate the impact of the proposed reforms of the welfare system on the costs of childcare for low income families and the increased burden for care on women.
- Adopt preventive measures against potential exploitation of the Universal Credit system by an abusive male spouse.

These concluding observations will frame some of the lobbying work done on welfare reform by CAJ, the Equality Coalition and wider NGO groups before it comes back to debate in the Northern Ireland Assembly in the autumn of 2013. The women’s sector alongside other NGOs will also be working to highlight the recommendations to Government officials, politicians and statutory bodies. We will continue to collectively urge the Government to robustly monitor and report on the impact of welfare reform on those who will be most affected and provide alternative arrangements so as not to roll back on the equality of women and the human rights of the most vulnerable.



The need for more minority women in elected politics

Anna Lo,
Member of Legislative Assembly

A bit of history was made at my first election in 2007 when I became the first China-born person elected to a legislature in Europe, and I don't think too many have followed me in the intervening period – definitely not in Northern Ireland!

Northern Ireland is behind the rest of the UK – at Westminster, devolved administration and local council level – in terms of the number of women elected, never mind black and minority ethnic women. In 2007 I was one of only 18 women elected out of 108, and in 2011 women made up only 17 per cent of candidates. It's clear that we not only have a problem getting women elected, but also getting women selected to be candidates.

Ideas such as quotas or other affirmative action steps are not popular and often dismissed as unfair, or demeaning to women. There is much we can learn from international examples of where the use of quotas or other measures has been successful. We should learn from the example of others: see what has worked and what has not, and what alternative options are available. It is important to remember that measures such as quotas do not have to be forever, they can be temporary until such times as a critical mass of elected women has been achieved.

However, it is not just through formal measures such as quotas that we can encourage more women, and black and minority ethnic women, to seek elected office. There is a range of other measures, which individual parties can take too.

First of all, parties need to examine their stance regarding gender issues. Have they put into their manifesto support for child care, equal pay, discrimination, action to eliminate violence against women and policies that directly affect women and their families, which are of interest to women? How well have they worked with women's organisations and groups on the ground to articulate their party's concerns and willingness to consult women to promote policies, and resources to address these issues? Have they a good track record of listening to and acting upon women's views?

Internally, parties must be more proactive in encouraging women to join and once they have joined giving further encouragement and the necessary support to become candidates. It is important that support such as this is carried on once a candidate has been elected and they are not simply left to find



their own way in electoral office, which can be a very daunting prospect indeed.

In addition, parties could, and perhaps should, consider introducing a policy for members with details of how they can progress from being a member to becoming a candidate, and the other options in between, such as joining Party Committees and Executives. Having more women within formal party structures provides role models and can perhaps make the party more welcoming for other women coming through, who may then go on to elected office.

Where women are given the opportunity to stand, this must be done in a meaningful way and not be tokenistic – they should be given the chance to stand in areas where they have a fair chance of being elected. It would be easy for parties to stand more women and place them in seats where there is little or no chance of electoral success, however this will do nothing to increase the under-representation of women in elected office in Northern Ireland.

Politics in Northern Ireland also needs to focus on practical issues to attract a wider pool of candidates. The tribalism and adversarial nature of politics turns many people, especially women, off our political system here. This change of mentality and attitudes will encourage people to become involved.

I truly believe the lack of women elected to the Assembly leads to a deficit in the policy and legislative work we do. Women bring a different perspective and experience to issues than men. This is something we cannot overlook, and the more perspectives we

bring to policy the better it is. A variety of experience will enable us to comprehensively challenge and develop policy. It is also important to remember it is not just so-called “women's issues” that women can contribute to – input from both sexes is necessary to make fully-rounded decisions on any matter.

Institutions such as the NI Assembly, local councils or Westminster can make efforts themselves to make elected office more appealing to women through practical steps like supporting childcare or the introduction of family-friendly working hours.

We have a particular problem in the Assembly with the mechanism to co-opt in alternative members when an MLA stands down – between 2007 and 2011, three female MLAs stood down from the Assembly, and were all replaced by men. So whilst 17 female MLAs were elected in 2007, by the end of the mandate in 2011 we were down to 14 female MLAs. I would like to see some protection given to seats won by women: if they were won by a woman they should be replaced by a woman.

We have made some progress in terms of getting more women into elected office in Northern Ireland – three more women were elected in 2011 than in 2007, but it will take quite some time before we reach anything near equality. I am still the only minority ethnic MLA and I believe parties must look at this situation and see what steps they can take to encourage others to stand.



CEDAW: “The superhero you’ve never heard of”

Helena Macormac, *Strategic Advocacy Project Manager, NICEM*

CEDAW is the super hero you’ve never heard of, according to an excellent YouTube cartoon created by the Scottish Rights Group, Engender. NICEM firmly recognizes that the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW) is indeed a superhero and can make a difference to ethnic minority women in Northern Ireland. Reflecting back over the past five years NICEM’s work has significantly raised awareness of CEDAW’s existence, but there is still a long way to go in the advancement of ethnic minority women’s rights in Northern Ireland. In this brief article I am going to provide some context to NICEM’s CEDAW work in respect of where we have come from and what we have done, but more importantly, where we are going, what happens next and how YOU can get involved.

Back in 2007 NICEM obtained a small amount of funding to run a workshop with ethnic minority women looking specifically at CEDAW, and as a result of that work we produced our first shadow report on the convention. I was privileged enough to be able to attend the hearing at the UN in 2008, which was a massive learning curve and a hugely beneficial experience. In the intervening period from 2007 to 2013 we were fortunate to secure funding from both Atlantic Philanthropies and the Office of the First Minister and deputy First Minister (OFMDFM) which has enabled a variety of initiatives to take place in relation to human rights awareness raising in general and the CEDAW convention in particular. This included two pieces of research (referenced below) and enabled a delegation of minority ethnic women to attend the hearing in

Geneva this year and lobby on many important issues.

Establishing evidence of discrimination

An issue that was highlighted from the very start of NICEM’s engagement with CEDAW was that much of the evidence in our submission was anecdotal. The comprehensive evidence - including statistics and research - to back up our work was very patchy. In order to develop a strategy for policy change we knew evidence was essential and once funding was secured we commissioned two pieces of research.

The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland. The first piece of research was a scoping study looking at domestic violence against black and minority ethnic (BME) women in Northern Ireland. Advice work undertaken by NICEM had identified worrying trends that government policy was failing to address, and we saw a need to develop research to highlight this. Given the particular vulnerability of ethnic minority women experiencing violence, the specific issues impacting upon their lives were rarely acknowledged in a wider context. This piece of research was overseen by Professor Monica McWilliams and was informed by existing statistics and case studies from our advice and community development work, in addition to 19 interviews undertaken by the researcher. Following the launch and further discussions with Professor McWilliams it was clearly identified that a more in-depth piece of work, including

interviews with victims, was required. Future funding will be sought to enable this and meetings will be arranged with key agencies including the Northern Ireland Department of Justice (DOJ) and the Department of Health, Social Services and Public Safety (DHSSPS) as well as the Junior Ministers to highlight findings.

The Experiences of Ethnic Minority Women in Northern Ireland

This piece of research was focused more broadly on all of the articles of CEDAW in order to build a holistic picture of the experiences and needs of ethnic minority women in Northern Ireland. It was informed by questionnaire-based research disseminated across Northern Ireland, in which 450 BME women participated.

The two pieces of research, alongside NICEM’s CEDAW submission and the accompanying executive summary with details of the delegation, were launched at an event in the Long Gallery at Stormont at the beginning of July. Those present included politicians, policy makers and an extensive, diverse contingent of ethnic minority women. Attendees emphasised the importance of this work, and in particular the need for its continuation.

Empowerment of BME women through participation

The CEDAW Committee is made up of international experts in the field of women’s rights who consider evidence from the UK government, including that produced by





officials from the Northern Ireland government in respect of their compliance with the rights laid out in the CEDAW convention. They also consider evidence from NGOs and Human Rights institutions in order to assess how well the UK is doing in terms of eliminating discrimination against women. As a result of these considerations the Committee produce what are known as 'Concluding Observations'. These observations include recommendations for improvements and changes to law, policy and practice in the UK. NICEM will use these recommendations to inform our policy and development work in order to empower ethnic minority women through facilitating a better understanding of issues impacting upon their lives.

As an ethnic minority-led organisation, participation at the grassroots level is at the heart of all the work that we do. General Recommendation No. 3 of the CEDAW Committee urges State parties to "adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women". Our research and CEDAW-related work has served to highlight the under-representation and lack of participation of BME women in public and political life in Northern Ireland. NICEM firmly believes that raising awareness of human rights standards in general and the CEDAW convention in particular will build the capacity of ethnic minority women to know what their rights and entitlements are, thus increasing their participation in all aspects of public life.

Back in 2007 during the initial workshop which we ran on CEDAW, no one in the room had heard of the Convention, or knew that it placed obligations on the government in respect of eliminating discrimination - which many of the women present that day

had experienced so blatantly in their every day lives. Today we have built upon that work: we have had over 16 CEDAW focus groups, over 450 ethnic minority women responded to our CEDAW questionnaire, over 70 women participated in a conference looking at violence against women and how CEDAW standards applied, and we had over 90 people register to attend the launch event of our shadow report.

The Geneva experience

Participating in the hearing enables community members to directly lobby the CEDAW committee on the issues that are most important to them. The NICEM 2013 CEDAW delegation consisted of a group five ethnic minority women from a range of diverse backgrounds, including a member of the Traveller community, a member of the Muslim community and a refugee. These women participated in a variety of training sessions prior to travelling to Geneva, looking at human rights and how the CEDAW convention impacts upon their lives, who the Committee members are, and techniques for targeted lobbying. Participants were also supported to develop a personal statement on issues that they would like the Committee to address. The group worked closely together during the hearing, attending the open and closed NGO hearings; an informal meeting with the UK Rapporteur; fringe events in connection with CEDAW, including an issue briefing with the committee and an exhibition launch; and the full-day hearing itself. They also developed supplementary questions and contributed to the Northern Ireland NGO follow up document for the Committee after the hearing. They also participated in direct 'corridor lobbying' with Committee members and wrote blog posts and took video footage of the proceedings.

Where to next? The creation of a rights based ethnic minority women's network

In late July, following the hearing, the CEDAW committee published their Concluding Observations, which featured many of the issues raised by the delegation. In August a follow-up planning meeting with the NICEM delegation was held, and it was decided that a network of BME women should be created to monitor the implementation of the CEDAW observations, but also to develop a programme of work with grassroots leaders to raise awareness of issues of ethnic minority women's human rights.

This need echoed a core recommendation which came out of a conference which NICEM jointly chaired with Mimi Unamoyo, Secretary of the Northern Ireland Community of Refugee and Asylum Seekers, back in February 2013. This was a women only event which looked at the issues of violence against ethnic minority women in Northern Ireland. An expert from an ethnic minority women-led support organisation in Great Britain highlighted the fact that ethnic minority women are more likely to seek support from women's groups from similar minority ethnicities, particularly as regards situations of violence, as they are more likely to understand the often complex linguistic and cultural needs and nuances of such situations. In light of these discussions a recommendation for the need for further research and further support mechanisms were made.

The CEDAW delegation participants felt it was important not to lose the momentum generated by the CEDAW process. As a result of this collective body of work a BME women's network will be established in Northern Ireland, the objective of which will be to develop the capacity of ethnic minority women so that they can assist and support their communities in accessing services, furthering their human rights and developing sustainable community-based leadership.

Get involved

We want to build further upon our CEDAW work, so by the time the next hearing comes along we'll have an established rights-based network of BME women who are very much aware of CEDAW - the superhero. If you are interested in getting involved please follow us on Facebook/ Twitter for more information, and please do engage with our CEDAW blog as well. You can also contact any of our Development Officers for related events and initiatives in your areas.

Belfast and North East: Sophie Romantsoff,
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Mid-Ulster and Down: Mark Caffrey,
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North West: Max Petrushkin, max@nicem.org.uk



On the ground *in Geneva*

In July 2013, NICEM sent a delegation of seven to the CEDAW Committee's examination of the UK's seventh periodic report in Geneva; five of them were activists from local minority communities.

These delegates lobbied the Committee members to ensure that the Concluding Observations held the UK and Northern Ireland governments to account. Their goal was to make the voices of their communities heard, and to work for real and lasting change for ethnic minority women in Northern Ireland.

The following section contains articles adapted from the personal statements prepared by the five delegates to deliver to the Committee on an issue related to CEDAW

that was having an impact on their communities, and sometimes on their own lives as well.

Barbara Purcell is a community activist and an Irish Traveller community member. She has extensive experience in working with Irish Travellers.

Maneka Tohani is completing a PhD thesis on how the Roma community can access their rights to education, healthcare and welfare in Northern Ireland. She works for a community group in North Belfast.

Mimi Unamoyo is the Secretary of the Northern Ireland Community of Refugees and Asylum Seekers (NICRAS) and is a founding

member of the Congo Support Project in Northern Ireland.

Karolina Winiecka-Morgan is the Black and Minority Ethnic Family Support Worker with Barnardo's Tuar Ceatha Project, where she co-ordinates a variety of ethnic minority mother and toddler groups.

Yasmin Malik is a former policy intern with NICEM, now completing a law degree at Queen's University Belfast. She is an active member of the Northern Ireland Muslim Family Association (NIMFA).



Cultural services

Karolina Winiecka-Morgan of Barnardo's NI was part of NICEM's delegation to the CEDAW hearing in Geneva in July 2013. This article is adapted from the statement she delivered to the Committee.

I would like to address two issues that highlight the multiple forms of discrimination faced by black and minority ethnic (BME) women in Northern Ireland. Firstly, I will explain how the lack of appropriate childcare provision and recognition of qualifications act as a barrier to accessing employment, educational opportunities and full participation in society. Secondly, I will comment on the lack of intercultural-competent health and social services for BME women in Northern Ireland, and the impact of this on their mental health. Being a migrant woman myself, with over six years experience working with an ethnically diverse group of mothers and children gives me a dual perspective on the position of BME women in Northern Ireland.

Childcare as a barrier to the enjoyment of women's right to education, employment and participation

BME women are often the main and sometimes only provider of everyday essential care - practical, emotional and developmental - for their children. In many cases, migrant women are very often culturally dependant on their husbands. A common pattern is that the father is the first person to access English language classes, further education, and, as a result of this, employment. The women are then left in the house with the children as a consequence of lack of accessible childcare provision, unable to access the same opportunities as their husbands or partners. The effect of this is that the women face isolation, which can lead to mental health problems, such as depression, if it persists on a long-term basis.

Case Study

A dual Sudanese and British citizen and mother of two obtained her medical diploma in Sudan, which is not recognised in Northern Ireland. When I got involved with the family, her husband was still in Sudan so she didn't have any additional financial or family support to allow her to take up childcare for her children. This prevented her from undertaking any further study, for which she would have had to travel to London, in order to engage medical practice in Northern Ireland. She was willing to undertake some other jobs in medical field "...just not to lose contact with my profession..." but she was unable to do this



even part-time, as her younger child was only offered three hours one day a week in the nursery. This woman started experiencing very low moods due to her situation.

Recommendations: The NI Government should ensure migrant workers' skills are recognised and that BME women are supported through positive measures to actively participate at all levels of the labour market and to gain essential skills to do so.

The NI government should develop an action plan setting out how it will address the measures set out in CEDAW General Recommendation No. 26 on women migrant workers.

The UK Government should ratify the UN Convention on the Rights of Migrant Workers and take steps to implement it in the national law.

Lack of intercultural competences in state services

I have also come across a large number of mothers who don't know anything about the Northern Ireland social services system, and who fear that their children will be taken away from them because of small accidents or lack of understanding cultural differences, which sometimes is viewed by state officials as neglect.

Case Study

A Health Visitor had an issue with a Polish mother giving her baby herbal tea to drink, while in Poland it is a common practice. The mother was already under the pressure of the possibility of her children been taken away as a result of incident of domestic violence between her and her partner. A lack of English language skills and lack of knowledge of the local services put the

family under a significant level of stress, anxiety and uncertainty about their future. In addition, the mother suffers from the trauma as a result of a previous experience; she also has learning difficulties. For a long time none of these issues were taken into consideration. The mother was unaware about how social services operate, and what she can face as a result of social services involvement.

Recommendation: Northern Ireland should learn from best practice in the rest of the UK to ensure that bespoke mental health and other medical and social services are provided for BME communities.

Language barriers and the impact on participation of BME women

Based on a needs assessment, my organisation established that English classes with childcare provision are the most urgent need for the BME women. This remains unrecognised by State-provided English classes, which often have a higher uptake from men specifically due to lack of childcare (as mentioned above). Due to limited resources my organisation can only provide a limited number of women with already good levels of English with information about local life, local services and education.

One need expressed very strongly and very clearly is a need for information about volunteering opportunities. However, as this was explored, it emerged that volunteering opportunities where there is a crèche provision for children almost don't exist - with a few exceptions. Most of the organisations that run volunteer schemes require an induction in order to start volunteering. Very often, the induction is provided in English on a computer, assuming that every candidate have this skills. However, as mentioned above, lack of the childcare provision almost automatically prevents many BME women from obtaining these basic skills.

Recommendations/Questions:

When finalising the new Childcare Strategy, the Office of the First Minister and deputy First Minister (OFMDFM) should ensure that childcare will be provided for all children regardless of their mother's immigration status in order to ensure that BME women will have the opportunity to participate in the labour market.

Refugees *and* asylum-seekers

Mimi Unamoyo was one of NICEM's delegates to the CEDAW hearing in Geneva. This article is adapted from her personal statement to the Committee.

As a woman who has gone through the asylum process and as a board member of the Northern Ireland Community of Refugees and Asylum Seekers (NICRAS), I speak with first-hand experience regarding the lack of gender sensitivity within the asylum system. I will outline some particular issues of discrimination facing asylum seeking and refugee women in Northern Ireland. Drawing on my personal experiences, I will speak briefly about four issues: the asylum process, the prohibition on working, destitution and mental health.

1. Asylum process in UK

Asylum seekers are among the most vulnerable people in our society. The asylum process itself creates many difficulties. Many asylum seekers face considerable delays while waiting for a final decision. For example, I waited almost four years for a decision on my application. This period of waiting and the uncertainty is extremely stressful. Asylum seekers also face numerous restrictions, for example on working or where they are able to live, which makes it extremely difficult for people to live a normal life. Women are particularly affected, as the asylum process does not take gender-specific issues into consideration.

Recommendation: The UK government should urgently review its asylum and immigration policies to ensure it is in compliance with international human rights obligations, particularly in relation to the right to family life and the right to an adequate standard of living.

2. No right to work for asylum seekers

Asylum seekers do not have the right to work in the UK. This, along with other factors, means that some destitute women are forced to find other means of survival. They may enter into, or remain in, an exploitative or abusive relationship or may even resort to prostitution. Article 6 requires States to take “all measures to stop all forms of trafficking and the exploitation of prostitution of women”; this must include ensuring that asylum seekers with no right to work are not vulnerable to this type of abuse and exploitation.

Recommendation: Priority should be given to developing appropriate safeguards to ensure that asylum-seeking women are not forced into living arrangements that make



them vulnerable to sexual violence and exploitation.

3. Destitution

Not only are asylum seekers prohibited from working, but they are also subject to the “no recourse to public funds” rule. This means that asylum seekers do not have access to usual social security or services. Refused asylum seekers may not have any entitlement to support and are denied access to most healthcare. As a result, destitution is a reality for many asylum-seeking women in NI. The UK system exposes women to unacceptable risk of violence, and forces them into exploitation situations in order to survive. This was recognized by the Committee in its Concluding Observations (paragraphs 56-7), where it reiterated its concerns that under the ‘no recourse to public funds’ policy, “women with insecure immigration still have no access to state support”, and specifically recommended that the UK “provide access to justice and healthcare to all women with insecure immigration status”.

Recommendation: The UK government should address the specific impact of destitution on asylum seeking women and should take action to prevent it.

4. Mental health

Most asylum-seeking women have experienced trauma in their home country. But the trauma does not end there. The asylum process itself impacts further upon mental health.

When I was first allocated accommodation, it was in a shared room with six men and no women. The accommodation was filthy and I did not feel safe living with men who were complete strangers. However, I was told I

had no choice. I lived there for two months. I suffered from depression, severe headaches and the inability to sleep.

The UK Government doesn't recognise the impact this and other gender-insensitive approaches to asylum have on women's mental health. For example, I had to pay a psychiatrist £250 for a letter to confirm my mental health problems. I was destitute and was completely reliant on charity for assistance. It was a difficult time. The mental health problems did not end when I became a refugee and indeed I still suffer.

When an asylum seeker gets refugee status, they immediately face homelessness and destitution. This is because the support to which they are entitled changes with their change in status, and it can take a long time to navigate the complicated administrative procedures to obtain state support. It is also difficult to obtain employment, as many qualifications gained abroad are not recognised.

Case study:

A single Arab mother with 3 children came to NI in 2011 to seek asylum. She finds it very hard to support her family and pay for school transport because the Government support is completely inadequate. Although her oldest son is doing well in school and wants to go to university, he cannot because he is an asylum seeker. His mother worries a lot about her children's future and suffers from depression. The process is impacting on this woman's family life. This is an example of how the UK system fails to recognise or remedy the impact on mental health and family life.

Recommendation: The UK Government should ensure that provision is in place for mental health care for asylum-seeking and refugee women. It should ensure that the transition from asylum-seeking to refugee status does not result in homelessness and destitution.

Those seeking asylum come to the UK and Northern Ireland looking for safety, protection and the chance for a new life. They should be treated with dignity and respect, and care should be taken to provide for particular needs. Women asylum-seekers should expect a gender-sensitive approach from immigration officials, and should not fall into destitution or mental health issues because of a broken system. I welcome the CEDAW Committee's specific Concluding Observations on asylum seekers and refugees, and will continue to press the UK and NI governments to enact these changes.

Access to *healthcare*

Maneka Tohani was part of NICEM's delegation to the CEDAW hearing in Geneva in July 2013. The following article is adapted from the personal statement she delivered to the Committee.

My PhD research centres on the barriers to accessing health, education and employment for the Roma community in Northern Ireland. Access to healthcare is a fundamental human right. Unfortunately, black and minority ethnic (BME) women, particularly Roma women, faced many barriers when it comes to accessing healthcare in Northern Ireland, which will be explored below.

1. Barriers to Accessing Healthcare – Restrictions

When Romania and Bulgaria joined the European Union (EU), they were known as A2 – or Accession 2 – countries. The UK introduced restrictions on access to the job market in the UK for A2 nationals, which has left many Roma vulnerable to exploitative labour practices. The restrictions also carried into healthcare.

In addition, regulations exist in Northern Ireland, departing from the approach in the rest of the UK, which requires certain non-nationals or those without residency to pay for access to healthcare in Northern Ireland. These restrictions also apply to A2 nationals. The stated policy intent is to ensure that persons from the Republic of Ireland would not be accessing care to which they are not entitled, even though there is inadequate evidence to substantiate this claim that this is occurring.

The Northern Ireland Human Rights Commission (NIHRC) recently published an in-depth research paper outlining the difficulties experienced by BME communities in accessing publicly funded medical care. Significantly, the NIHRC found the impact of the residence test to be so great that the policy link between health care access and ordinary residence should be revoked for primary care. NICEM is concerned that the proposed changes will have a devastating impact on BME communities' access to healthcare, both primary and secondary care.

1.1. Access to primary care

Many members of black and minority ethnic communities experience difficulties when trying to register with a general practitioner (GP). This can be due to administrative errors, language barriers and an inaccurate understanding of laws and policies. In my experience, the Roma community face



particular difficulties when seeking access to primary care.

1.2. Access to secondary care

I also found that when the Roma had a health complaint they used the emergency services, which not only meant they could not receive adequate treatment for chronic diseases such as asthma and heart disease, but that emergency services were subsequently put under strain.

Case Study

A young girl with extreme toothache was not able to register with a dentist and went to emergency in a bid for treatment.

Recommendations:

The Department of Health, Social Security and Public Safety (DHSSPS) should remove the link between nationality and access to primary health care in order to ensure that health needs are catered for.

The NI Government (DHSSPS) should draw up an action plan on addressing the barriers BME women experience when accessing healthcare.

2. Access to maternity services

The Department of Health, Social Security

and Public Safety (DHSSPS)'s Equality Action Plan (version 1.1. of April 2012) identifies BME women's access to maternity services as a key inequality. However, whilst conducting my research in the Roma community I discovered that pregnant women were receiving no pre-natal care and usually went home to Romania to give birth. This is completely unacceptable and puts not only the mother but the child also at risk.

Question: What do the NI authorities intend to do to address the issues faced by BME women when accessing maternity services and ensure services are provided to the most vulnerable, particularly Roma women?

3. Impact of barriers

The existence of such barriers is not good for the community and puts further pressures on existing services.

Question: Will the NI Government commit to carrying out a full review of the restrictions which exist in law, policy and practice when it comes to accessing healthcare for BME women?

Bullying and Education

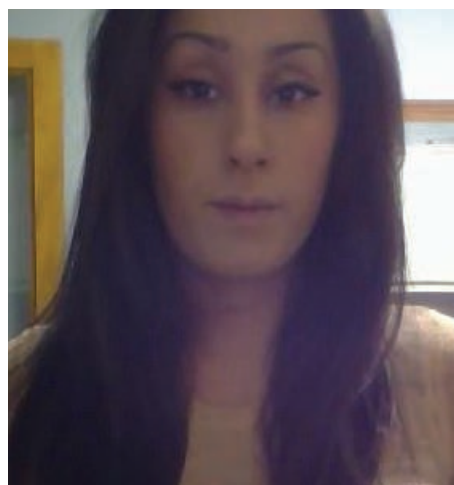
Yasmin Malik was a NICEM delegate to the CEDAW hearing in July 2013. This article is adapted from the oral statement she gave to the Committee.

Being a Muslim woman in Northern Ireland As an active member of the Muslim community in Northern Ireland I have heard and witnessed many concerning stories and incidents. I have made a personal choice to not wear the hijab (head scarf). As the fundamental way to distinguish and identify a Muslim woman from a non-Muslim woman, I have found the simple task of wearing one extremely daunting causing anxiety mainly due to people's perceptions of me. I have already experienced racial abuse for the colour of my skin (which I cannot change), and I do not want to draw more attention to myself. Many of my friends have had people pulling their scarves off, or they have chosen not to wear their scarf in certain areas or at work due to people's perception. The Islamic dress code is very modest, especially for women and in places of work, where a uniform is required, it can often be difficult to attain an Islamically acceptable work uniform.

Recent statistics have found that 58 per cent of reported attacks against Muslims were perpetrated against women. The majority of these attacks were towards women who wore traditional Islamic dress – or were identifiable as Muslims. Now that we know that the majority of reported anti-Muslim attacks are against women, we must ensure that any responses by police or the government are sensitive to the specific needs of minority and Muslim women. The availability of data is crucial for developing appropriate policy responses, which is why the collection of ethnic monitoring data by police – as done in England and Wales, but not in Northern Ireland – is key to tackling hate crime.

Incidents of racism in Northern Ireland are further complicated by the interplay between racism and sectarianism, and community and statutory responses to racial equality have in some instances become shaped by the legacy of sectarian conflict. During workshops facilitated by NICEM, participants stated that racist bullying is a problem in schools and that the divided education system in Northern Ireland perpetuates this prejudice. The Department of Education (DENI), however, adopts the stance that any form of bullying is negative, thus failing to address the particular impact of racist bullying on BME young people, particularly on girls.

My family has had far too much experience dealing with racist bullying in schools, and with racism in society in general. My father



raised us as Muslims, but during secondary school I lost that identity. I was different enough already, without having a separate set of beliefs. My sister encountered bullying on a daily basis and outside of school. My sisters had to move school three times, eventually settling in my school.

My sister was excluded from her peers, ignored on a daily basis. In her secondary school years she was a pupil in a Catholic faith school, an integrated school and finally a Protestant Grammar school. None of these schools provided any help. They would reprimand specific people, but the year group as a whole ostracised her. No attempt to educate or run any workshops with the children was ever made, there was no effort made to educate the year group as a whole to break this severe ignorance. Clearly a deficiency exists within the curriculum, my mother had absolutely no success communicating with the different Head Masters. Ultimately, my sister dropped out of school, with no qualifications. This was after being beaten twice, her nose broken at least once, and attempting suicide. She is now a nail technician.

Whilst I didn't suffer that level of hatred and bullying, I quickly learnt to hide in the background, to not attract attention to myself, and now, I am generally a very shy person. I try never to ever be in the spotlight. School and society has taught me this: not to excel and be proud of who I am, but rather stay in the shadows and not draw unwanted attention to myself.

Impact of racist bullying: education attainment of BME girls

It comes as little surprise that, given DENI's position on racist bullying (as mentioned above), recent statistics published by the Northern Ireland Statistics and Research Agency (NISRA) reveal ethnic minority school leavers have lower levels of educational attainment across the board, and in one instance there is a 10 per cent differ-

tial between ethnic minority groups and the white category (At least five GCSE's A*-C in English and Maths). Seven point eight per cent of ethnic minority school leavers leave without any formal qualifications, in contrast to one point four per cent of the white population. In addition, when compared to the white population, 3% less of the BME school leaver population have gained jobs and over 4% more are unemployed. However, the white category does not provide any breakdown, in terms of European migrants, such as the Polish population, and so the data does not offer a holistic look at minority pupils in schools from the standpoint of ethnicity and nationality.

While the availability of these statistics is positive, how they are collected and disaggregated must be reviewed, since a gender breakdown is not provided for within the race category, meaning that we can examine the attainment levels of ethnic minority pupils, or female pupils, but not of female BME pupils. Gender breakdown is provided for Free School Meal Entitlement (FSM), but this does not necessarily reflect whether the child is from an ethnic minority background. Research carried out by NICEM in 2011 revealed that "language barriers, culturally unsuitable school dinners, and a lack of knowledge of how to apply or cultural aversion to welfare are possible factors for the relatively low proportion of some BME groups receiving FSM". In 2009 the Department of Education "recognised that there are gaps in statistical evidence on the achievements of newcomer pupils and is working to rectify this". Despite recommendations for change from NICEM in 2011, nothing has changed at the time of writing.

The CEDAW Committee expressed its concern "at reports of bullying, expressions of racist sentiments and harassment of girls in schools." In its Concluding Observations, at paragraph 45 the Committee "recommends that the State party should... enhance measures to prevent, punish and eradicate all forms of violence against women and girls, including bullying and expressions of racist sentiments, in educational institutions."

Conclusion

Muslim women in Northern Ireland have particular experiences that are often different to those of Muslim men. These different experiences must be recognized and appropriate policy responses developed, in order to ensure the rights of Muslim women and girls and to protect them from attacks and bullying, particularly within schools. This was echoed by the CEDAW Committee's Concluding Observations, and the Northern Ireland government should do everything in its power to ensure the Committee's recommendations are enacted.



CEDAW *and devolution*

Women's European Platform On 17th July 2013 the United Nations Committee on the Elimination of Discrimination Against Women (the Committee) examined the UK Government on the progress it had made in implementing the Convention on the Elimination of Discrimination Against Women (CEDAW). The Convention was ratified by the UK in 1986. Often referred to as a Bill of Rights for Women, it outlines a comprehensive set of rights for women covering civil, political, economic, social and cultural issues. It also targets culture and tradition as influential forces shaping discrimination against women. By signing up to the Convention, state parties commit to ending all forms of discrimination against women.

The implementation of the Convention is monitored by a Committee of 23 independent experts on women's issues. Governments are required to report on progress every four years. They do this by submitting a report to the Committee in advance of a 'constructive dialogue' or hearing with the Committee. After the hearing takes place the Committee issues a set of Concluding Observations, recommending actions to be taken by the Government.¹

NGOs play a vital part in the process. In preparation for the hearing they produce shadow reports to that of Government's, that provide evidence on the continuing areas of discrimination against women. NGOs can also apply to speak at a formal session prior to the Committee's dialogue with the Government. This is an opportunity to raise key concerns with the Committee and respond to some of the questions members may have. Being present in the run up to and during the examination provides NGOs with a unique opportunity to influence the line of questioning in the Committee's formal examination of the Government. Through formal and informal interactions with the Committee, NGOs can make members aware of gaps in the Government's report, provide additional evidence to the Committee, give them practical examples of how Government policies are impacting on women, lobby committee members to raise particular issues and provide the Committee with text which we would want to see included in the Committee's Concluding Observations. At the July 2013 examination NGO representatives from the Northern Ireland Council for Ethnic Minorities (NICEM), the Northern Ireland Women's European Platform (NIWEP) and the Committee on the Administration of Justice (CAJ) attended.



In addition to the UK Government delegation present in Geneva there was also a video link with Government officials in London. The delegation was not headed by a Minister as it had been in 2008, but by Helen Reardon-Bond, Director of Policy, Government Equalities Office. The devolved regions were represented on the Government delegation. This time, the CEDAW Committee was much less complimentary about progress made in the UK than it had been in 2008 and during six hours of examination the Committee at times seemed exasperated with the Government's responses. Committee members went through each of the Articles in the Convention, often drawing on the evidence provided by NGOs in Shadow Reports, our formal statements to the Committee and the additional briefings NGOs provided to Committee members throughout the session. Some issues attracted particular attention and Government was repeatedly questioned on the failure to fully incorporate the convention into domestic law, the operation of equality legislation and how it was actually impacting on women (including differences in equality legislation between Britain and Northern Ireland), the lack of progress on increasing the number of women elected to political office and appointed to public bodies, changes to the legal aid entitlement system, provision for victims of violence, asylum seekers, black and minority ethnic (BME) women, and women of limited means and the impact on women of austerity measures and welfare reform.

Devolution

One of the long standing problems of the UK Government reports, and in the Government's response to many of the questions asked by the Committee, is a lack of clarity about differences in policies and

outcomes between the four nations. While the UK is the State Party with responsibility for implementing and upholding the Convention, devolution means that relevant social policy is, in most cases, devolved to the regions (Northern Ireland, Scotland and Wales). Our task, as NGOs reporting to and attending CEDAW is to make sure that these national differences are highlighted and that Northern Ireland-specific issues are on the Committee's agenda.

It was clear from the Committee's questioning of the Government that it did not see devolution as a legitimate reason for differing standards for women in each of the four nations. For Northern Ireland, the Committee called the Government to account for the deficiencies in the equality protections in Northern Ireland, the exclusion from the Historical Abuse Inquiry of women entered into the Magdalene Laundries, the low representation of women in the post conflict process and institutions in Northern Ireland, and the failure of the UK Government to implement United Nations Resolution 1325.² As expected the Committee questioned the Government about its lack of response to previous Committee recommendations regarding reform of anti-abortion law in Northern Ireland. It also focused heavily on the demands of intersectionality and multiple discrimination, which has been missing in Northern Ireland policy formulation.

Key Issues for Northern Ireland Equality Legislation

The strong focus throughout the examination on the inadequacy of equality legislation arose from concerns about the replacement of the Gender Duty in Britain with the 2010 Equality Act and ongoing concern about the effectiveness of Equality Impact Assessments. Shadow reports from

CEDAW in Focus – special section

Northern Ireland had provided evidence of the problems with EQIAs, including the experience with regard to the EQIA for the welfare reform proposals. In this case, for example, race had not been included in the EQIA process meaning that the impacts on BME women were not taken into consideration. The Committee was also clearly convinced of arguments put forward by NGOs and the Equality Commission for Northern Ireland in relation to the Sex Discrimination Order (Northern Ireland) 1976 not prohibiting unlawful discrimination by public authorities on the grounds of sex in the exercise of their public functions. This was reflected in their questions and in a Concluding Observation (para.18) stating that women in Northern Ireland should not have weaker protection in equality law than women elsewhere in the UK.

The Committee was persistent in its questioning about why the Government had not introduced positive actions or temporary special measures, citing the lack of progress with regard to public appointments in NI as an example of why such measures are necessary. The government response, including its explanation of why it did not approve of quotas, failed to impress the Committee and in paragraph 31 of the Concluding Observations it asked for temporary special measures to be introduced.

Women in Conflict

Northern Ireland NGOs in their Shadow reports and lobbying efforts had called upon the UK Government to be asked about its failure to implement the UN Security Council Resolution 1325. The response, provided by the Head of the Delegation, that the “position of the United Kingdom Government on Resolution 1325, as agreed by the First Minister and the DUP [Democratic Unionist Party], but not agreed by the Deputy First Minister and Sinn Féin, was that the Northern Ireland situation did not constitute an armed conflict as defined under international law” denies the reality of people's lives here. NIWEP's view is that it is hard to see Government resistance to UN Resolution 1325 as anything other than declining to recognize the gendered experiences of conflict of women and girls, and refusing to implement gendered approaches in conflict, transition from conflict and post-conflict in Northern Ireland. The Committee, unconvinced by the Government's arguments, has stated that it remains concerned by the failure to “fully implement Security Resolution 1325” (para. 42 Concluding Observations) and has recommended that the State Party “ensures the participation of women in the post-conflict process in NI, in line with Security Resolution 1325” (para. 43, Concluding Observations).

Abortion

When pressed by the Committee on its failure to amend anti-abortion legislation in Northern Ireland, the Government representative stated that there is no

intention to change the law. The Committee's frustration at the lack of progress on this issue - despite recommendations in 1999 and in 2008 –is perhaps evident in its decision to ask the UK Government to report to the Committee in one year (rather than at the next reporting period in four years) on progress made with regard to the Committee's recommendation that “the State Party should expedite the amendment of the anti-abortion law in NI with a view to decriminalise abortion’ and that legal abortion covers a wider range of circumstances” (para. 51, Concluding Observations).

Intersectionality and Multiple Discrimination

In answer to a range of questions from the Committee, Government responses highlighted how the impact of policies upon women of multiple identity was not a consideration, and nor were equality policies addressing multiple discrimination. NICEM in its shadow report to the Committee and during the examination highlighted the issues facing BME and Traveller women in Northern Ireland and suggested ways in which the Committee could ask Government to address these issues. The fact that there is no single Equality Act in Northern Ireland means that women experiencing intersectional discrimination face significant barriers in accessing justice.

During the examination the Government was questioned about the differential treatment of female BME victims of domestic violence in Northern Ireland. The Government response pointing to the regional strategy group on domestic violence, the crisis fund in place to assist BME people in emergency situations, the core funding for BME groups and the continuing work in the racial equality strategy did not acknowledge the limitations of these initiatives:

- a) The draft domestic and sexual violence strategy does not include a BME focus, which particularly worrying given the lack of ethnically desegregated data on domestic violence collected by the justice system in Northern Ireland. Despite the Race Equality Strategy expiring in 2010, a new strategy has not been published.
- b) The current status and availability of the crisis fund is unknown. Huge delays (nine to twelve months) in EU citizens accessing benefits to which they are entitled has left many ethnic minority women destitute.
- c) In respect of BME women in NI there is no dedicated policy that addresses the issue of intersectionality with regard to all aspects of CEDAW.

The above issues, raised by NGOs with the Committee, are reflected in the Committee's recommendations. The need to provide for

intersectionality and multiple discrimination was specifically recognised by the Committee in paragraph 18 of its Concluding Observations. This was accompanied by a number of strong recommendations aimed at improving the situation of BME women in general and Traveller women specifically. In its recommendations to the Government on violence against women the Committee called on Government to increase the protection of BME women (para. 35), improve access to health care for asylum seeking and Traveller women (para. 53) and provide access to justice and health care to all women with insecure immigration status (para 57). It also said that Government should intensify its efforts to eliminate discrimination against ethnic minority and Traveller women and provide adequate sites designated for use by Traveller women and members of their families (para 60).

What next?

In recent years there has been growing awareness of CEDAW in Northern Ireland and of the potential to use it to secure greater equality for women. The CEDAW Committee's Concluding Observations provide a framework for groups to monitor policy development, implementation and outcomes and to hold Government to account.

There are of course challenges. The UK Government is the State Party responsible for the implementation of the Convention across the UK, yet devolution means that most social policies are the responsibility of the devolved administrations. It is clear from the questions asked of the Government during the examination and from the Concluding Observations that the Committee does not see devolution as any reason for differing standards or entitlements for women. Effective implementation of the Convention requires co-ordinated working at Governmental and NGO level across the jurisdictions of the UK. The need for a UK CEDAW National Action Plan was re-iterated by the Committee in its Concluding Observations and Government commitment to developing a plan with clear and measurable outcomes would be a welcome first step in implementing the Committee's recommendations. In Northern Ireland there is an early opportunity with the revision of the Gender Equality Strategy to ensure that the obligations of the Convention are incorporated and that the recent Concluding Observations form the basis of action plans.

1 Concluding Observations can be found at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_COC_GBR_14761_E.doc

2 UN RES 1325 reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.



Anti-trafficking: *a platform for action*

Elizabeth Nelson, *Parliamentary and Campaigns Officer, NICEM*



The devastating issue of human trafficking has been gaining both public and political attention of late. Writing in the Guardian recently, Holly Baxter explored how trafficking is a “largely female injustice,” and that figures from Eurostat estimate that 90 per cent of trafficking victims are women. Thus, it is not surprising that the issue of human trafficking was picked up quite strongly by the Committee on the Elimination of Discrimination Against Women (CEDAW) at its examination of the UK in Geneva this July.

The Committee had a lot to say about trafficking and how the UK should address it, much of which was in line with NICEM’s own recommendations. The Committee’s guidance is particularly timely, given that Lord Morrow’s Private Member’s Bill, (Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill) is at the second stage in the Assembly. Given the Committee’s interest in trafficking provisions in the UK, it is vital that the Assembly adheres to international human rights obligations whilst considering the Bill. NICEM’s advice on trafficking

NICEM has been working on the issue of trafficking for quite some time. In October 2012, we published a brief paper, ‘Analysis of Current Responses to

Human Trafficking in Northern Ireland,’ prepared by Professor Tom Obokata of Keele University. In it we made nine recommendations for the Northern Ireland Assembly as well as Westminster, in order to comprehensively tackle the scourge of human trafficking. In preparing our submission to CEDAW, we focused on several issues arising from the UK’s periodic report.

Consolidated legislation on trafficking As the law currently stands, there are several different statutes under which an offence may be prosecuted (though to date there has only been one ‘trafficking’ conviction in Northern Ireland). Given the complex and often piecemeal nature of anti-trafficking laws in the UK as a whole and Northern Ireland in particular, we recommended that the Northern Ireland Executive develop one single consolidated piece of legislation, including a definition of human trafficking, to deal with the complex nature of the crime. This is in-line with international human rights standards. It is also vital that this legislation is mindful of the particular nature of multiple discrimination. Harnessing the expertise of NGOs – the National Referral Mechanism The function of the National Referral Mechanism (NRM) is to refer potential victims of trafficking to the Competent Authorities, which are empowered to make decisions on victim status. However, while there have been some

improvements, there are still problems with how this operates in Northern Ireland

In its Periodic Report, the UK government stated that Migrant Helpline and its sub-contractors Women’s Aid Federation Northern Ireland are offering support to victims of trafficking in this jurisdiction. However, Migrant Helpline (which only supports male victims) is part of the NRM, while Women’s Aid is not. Therefore, we recommended an examination of Women’s Aid lack of status in order to better protect female victims of human trafficking.

Outstanding Obligations While NICEM welcomes the UK’s ratification of the Council of Europe Convention against Trafficking in Human Beings in December 2008, we are still a long way off full implementation (evidenced by the first examination of the UK’s performance by the Group of Experts on Action against Trafficking in Human Beings (GRETA) published in September 2012), particularly when it comes to victim rehabilitation and support. Likewise, while the European Union Directive on Human Trafficking is binding on the UK, the deadline has passed for the Directive’s full transposition into domestic legislation, which is very disappointing. The

Directive offers a strong enforcement mechanism in terms of implementation. There is also a serious lack of a joined-up approach between agencies, and a lack of independent oversight of the Inter-Ministerial Group on Trafficking. To remedy this, we specifically recommended to the Committee that the UK appoint an independent anti-trafficking coordinator, something which was also strongly highlighted in Professor Obokata's briefing paper, and contained within the EU Directive. Human Trafficking Action Plan Finally, NICEM welcomed the NI Department of Justice's Action Plan on Human Trafficking, but stressed to the CEDAW Committee to ensure that not only is the Action Plan fully implemented, but that it also needs to be monitored, to ensure effectiveness.

CEDAW Concluding Observations: Building a "comprehensive national framework"

39. The Committee urges the State party to:

(a) Adopt a comprehensive national framework to combat trafficking in women and girls;

This mirrors NICEM's own recommendation that a comprehensive single piece of legislation be enacted to deal with trafficking. However, it also has the potential to be much broader in scope and encompass a number of different measures. For example, Northern Ireland still lacks official guidelines on the prosecution of trafficking, despite a consultation from the Public Prosecution Service (PPS) in September 2012 (to which NICEM responded). At the time of writing, the PPS indicated that the guidelines would be published in early autumn 2013, a delay of a year.

As outlined above, one of NICEM's key recommendations was the lack of independent oversight of anti-trafficking efforts in the UK in general and in NI in particular. The Department of Justice NI (DOJNI) has indicated that it believes the inter-ministerial group on trafficking (UK-wide) and the NGO engagement group in Northern Ireland are sufficient to provide this oversight. There are two obvious problems with this, however; the Inter-Ministerial Group is contained within government,

and the NGO Engagement Group is facilitated by the DOJNI and therefore lacks oversight and enforcement mechanisms. A single, independent rapporteur would be better placed to facilitate effective, joined-up working across the three Ps: prevention, protection and prosecution.

Finally, there are substantial regional differences in the UK when it comes to anti-trafficking efforts and the protection of victims of trafficking. The DOJNI action plan on human trafficking does not include access to health care or access to appropriate accommodation. Unlike other parts of the UK, there are no dedicated holistic services addressing the highly complex linguistic, psychological, cultural and physical needs of victims of human trafficking in NI. In addition, in 2012, 94 victims of human trafficking were recovered in NI but no compensation has been paid to any victim. Victims also experience lengthy delays in accessing courts and the judicial process. It is our view that ensuring that NI does not have a lower standard of protection from the three jurisdictions of the UK, and that it is in-line with international standards, would be a vital component of a "comprehensive national framework."

(b) Identify any weaknesses in the National Referral Mechanism and ensure that victims of trafficking are properly identified and adequately supported and protected.

As mentioned above, there are several issues with the National Referral Mechanism as it currently stands, including the lack of designation of Women's Aid as a first responder. In addition, there are serious tensions around the fact that the only Competent Authority empowered to make decisions on victim status is the UK Border Agency (UKBA), now within the Home Office. The UKBA also has primary responsibility for immigration matters, which could be considered a conflict of interest when it comes to the objective determination of whether someone is a victim of trafficking, entitled to support, rehabilitation and protection from deportation; there is a worry that too much of the UKBA's and now the Home Office's decision-making on this issue could be unduly influenced by immigration concerns.

In our briefing paper NICEM called for the "provision of a reflection period and temporary residence permit, [and] a right of appeal against the decision of the Competent Authority." The focus should be placed on the rights of the victim, on their exploitation rather than their immigration status. This is indeed a "weakness" of the NRM and should be urgently addressed.

55. ... the Committee urges the State party to:

(e) Ensure that authorities, including prison staff, are able to recognize women who may have been trafficked to avoid their criminalisation, and to provide adequate services for their integration into society.

Currently the PPS does not offer immunity from prosecution, but does have discretion not to prosecute under the 'public interest test'. NICEM's briefing paper on trafficking indicated that the principle of non-criminalisation of trafficking victims should be on a legal footing, to avoid re-traumatising victims who have been wrongfully charged and convicted with crimes they may have committed whilst being trafficked; such protection would also be more in line with Article 8 (Non-Prosecution or Non-Application of Penalties to the Victims) of the EU Directive. We would argue that it would also be more in line with the CEDAW Committee's recommendations above. The DOJNI has suggested they are concerned that any legal provision of this sort could be exploited, but it is our belief that the welfare of victims must be paramount in consideration of any legislation, and that protection of this kind would establish clear obligations and accountability.

Conclusion

NICEM welcomes the CEDAW Committee's strong stance on the current state of anti-trafficking efforts in the UK and Northern Ireland. We call for both the UK Parliament and Northern Ireland's devolved institutions to implement the Concluding Observations to their full spirit, which is the holistic protection of victims, prosecution of offenders and efforts to prevent the crime of human trafficking.



Migrant and minority women *and the justice gap*

Elizabeth Nelson, *Parliamentary and Campaigns Officer, NICEM*



One of the functions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and other human rights treaties, is to hold Governments to account and ensure that governments' laws are in line with accepted human rights standards. Where human rights have been abused, States are expected to provide effective remedies, which are often adjudicated upon in a courtroom. While justice for human rights abused may be reached through the legal system, the question arises as to who may access justice?

The ability to access justice often requires legal assistance and this depends on a person's financial capacity. In the past, state assistance, in the form of legal aid, was relatively easily accessible to assist persons with limited financial resources. However, legal aid is being curtailed and cut through the Legal Aid, Punishment and Sentencing of Offenders Act 2012 (LAPSO). This is having a drastic impact on women's access to justice in particular, leaving one of the most marginalised sections of our society – black and minority ethnic women – even more vulnerable to abuse with less possibility of redress.

Nevertheless, the most worrying prospect is that the UK Government has extended its attacks on legal aid beyond LAPSO. For example, while the changes introduced by LAPSO contained special provision to protect victim-survivors of domestic violence, the new proposals, issued in 2013, contain no such protection. In fact, the current proposals would drastically disadvantage minority and migrant women, particularly victim-survivors of domestic violence and trafficking, and migrant domestic workers, forcing them to make impossible choices, often between continued abuse and deportation. At the UK's examination by the CEDAW in July 2013, the Committee expressed concern at the proposals and their effects on minority women. In fact, the Committee was so concerned about the row-back of legal aid that in its Concluding Observations it requested the UK to report back on the state of legal aid within two years – two years before the next reporting period – signalling the level of seriousness with which they are approaching the issue. Indeed the Committee's interest in this area was apparent earlier this year when it held a day of general discussion on access to justice.

While these proposed changes will not apply to Northern Ireland, it is possible, even likely, that the Northern Ireland Department of Justice (DOJNI) will seek to implement many of the same changes in the future – as it is already in a process of 'reforming' legal aid. In 2011 Justice Minister David Ford said there would be no reduction in scope for legal aid in Northern Ireland; however this is being kept under review. If the current reforms, which have so far largely affected the way legal aid is paid to lawyers, don't achieve the desired cost-cutting effects, the Access to Justice Review (DOJNI August 2011) includes a 'Plan B', which would include a reduction in scope. There was also a recent consultation on reform of Financial Eligibility for legal aid (June 2013). Thus while LAPSO will not affect Northern Ireland in the short term, its introduction is a worrying harbinger of what may be coming. The reforms and their impact

The proposed legal aid cuts will have a huge impact on nearly all areas of BME women's lives, because it will directly impact their ability to get justice; for example they may not be able to challenge welfare benefits and housing decisions, family law issues, and

immigration decisions, because they may no longer be able to afford a solicitor ('Legal aid cuts will deny vulnerable women justice,' The Guardian, June 2013; see also the Alliance for Legal Aid). Detailed below are some of the ways in which it may specifically impact upon migrant and minority ethnic women.

No legal aid for prison law issues

The proposals would severely restrict access to criminal legal aid for those already in prison. According to the Southall Black Sisters (SBS), a leading organisation on minority women's rights issues based in London with expertise in immigration and violence against women, this will adversely impact foreign national women, "whose vulnerability is heightened by their isolation, lack of English and awareness of the system", according to the (SBS Response to Ministry for Justice consultation on 'Transforming Legal Aid,' June 2013). There is also a danger that this could include victims of trafficking, who have been (wrongly) convicted of crimes they were forced to commit while trafficked (Guardian, June 2013), and, as SBS case files show, women who are victim-survivors of domestic violence. In their legal aid consultation SBS use the case of Zoora Shah, a Pakistani woman who murdered her long-term partner after prolonged economic and sexual abuse. Though her appeal was unsuccessful, it did lead to a shortening of her sentence. However, while in prison the authorities failed to provide Shah with rehabilitation services, greatly undercutting her chances at parole. Over a number of years, with access to legal aid representation and advice, Shah was eventually rehabilitated and paroled. As SBS details, "under the current proposal women like Zoora Shah will not be able to utilize effectively the prison complaints or ombudsman system to challenge unfair treatment."

The residence test

There are two important aspects to the proposed residence test. In order to be eligible for legal aid at the time of application, the applicant must:

- 1) Be 'lawfully resident' in the UK. This means that those who aren't, like overstayers or failed asylum seekers, could not apply. It also means that you must be in the UK in order to apply;
- 2) Have resided lawfully in the UK for at least 12 months continuously at some point in their life.

It is easy to see how the residency test would have a discriminatory impact on thousands of vulnerable people, including minority and migrant women. It also has the potential to have a disproportionate impact on victim-survivors of domestic violence, victim-survivors of trafficking, and migrant



Many women also become 'overstayers' through no fault of their own; SBS explains that in many domestic abuse scenarios the abusers deliberately keep women's documents from them, preventing them from regularizing their immigration statuses as an element of control.

domestic workers. At the time of writing, there is no proposed exemption for victims of trafficking (who may or may not be claiming asylum), of domestic violence or of forced marriage. Also, as mentioned above, access to legal aid cuts across a number of issues, including domestic violence, community care, family law, access to benefits and immigration issues.

While there is not scope here to go into great detail, a few examples illustrate the potential dangers for minority and migrant women if the proposed residence test goes ahead.

According to SBS, many women who come to the UK as the spouses or durable partners of British nationals or settled persons experience domestic violence within the first 12 months of their arrival (87 per cent according to SBS files over the last three

years). However, under the proposed reforms, these women would not have access to legal aid to help them gain protective orders or initiate wardship or divorce proceedings, and would have to shoulder the cost of these themselves. For many, one aspect of domestic abuse is financial, and thus the ability of these women to shoulder the cost of their own legal representation is unlikely. Many women also become 'overstayers' through no fault of their own; SBS explains that in many domestic abuse scenarios the abusers deliberately keep women's documents from them, preventing them from regularizing their immigration statuses as an element of control. As overstayers, "they would not be able to make applications under the Domestic Violence Rule, seek protection orders from the family courts or challenge the police where there is a failure to protect them as victims of domestic violence" (SBS 2013). These women as well would have extremely limited ability to seek justice under the residence test, while perpetrators will be able to act with impunity, knowing their victims have little opportunity of escape or redress.

Undermining the DV and the DDV
In 2002, the 'Domestic Violence Rule' (DV) was introduced to the Immigration Rules. It allowed for overseas spouses who wished to leave their relationship due to domestic violence, before the end of the 12-month probationary period, to remain and settle in the UK. However, pending an application under the DV, many women fell into destitution and homelessness due to a lack

of access to public funds. In 2012, the Destitution and Domestic Violence Concession (DDV) was enacted, allowing access to benefits and housing to victims of domestic violence who have an insecure immigration status, pending their application for settlement under the DV. This has been a lifeline for many women. However, under the proposed residence test, many women who are eligible may be unable to get the legal advice and guidance needed to make an application under the DV, and may once again have to remain in abusive relationships.

Migrant domestic workers and trafficking cases

It is not uncommon for migrant domestic workers to find themselves in a similar situation to other abused women with regards to overstaying their visa. One method of control and exploitation that employers sometimes exert over migrant domestic workers is to confiscate their passports and documents, refusing to regularize their immigration status.

Trafficking victims who do not claim asylum will also be unable to access legal aid (there is an exception in the proposals for victim-survivors of trafficking who seek asylum), for example to challenge a decision by the National Referral Mechanism (NRM). Moreover, as SBS explains, the residence test will have negative consequences for trafficking women “contrary to the UK’s obligations under articles 12 and 15 of the Council of Europe Convention on Action against Trafficking in Human Beings, which requires states to provide legal advice and information to victims and free legal aid to enable them to seek redress for the harm they have experienced” (SBS 2013). Destitution unchallenged

In each of these scenarios, the women face a nearly impossible choice: stay in an abusive or exploitative situation until (and if) they become eligible for legal aid, or leave, and risk destitution and deportation.

Furthermore, the ability to challenge decisions of public authorities, such as those granting welfare benefits or housing, or immigration officials, would also be greatly limited in these circumstances, particularly for women with no recourse to public funds.

NICEM’s research into violence against BME women in Northern Ireland uncovered several incidents of statutory agencies either greatly delaying decisions for benefits for BME women, or failing to deal with them at all. In one example, a family with three children had been purchased one-way plane tickets to their country of origin, instead of housing, which is what they required. The mother in this case had been a victim of domestic violence by a former partner in the country of origin and did not wish to return. It was noted in this case that the value of the plane tickets could have placed the family in emergency accommodation until suitable

“violence against BME women is frequently defined in ‘cultural’ terms so that their experiences are segregated from wider responses to gender-based violence.” It is this approach that often abandons BME victim-survivors of domestic violence to ‘community’ justice, seeing the experience as ‘cultural,’ rather than locating it on the continuum of violence against women and providing for proper redress and protection through the legal system

long-term housing was found.

Likewise, SBS’ cases show that it is often not until judicial proceedings are threatened or commenced that statutory bodies are forced to overturn wrong decisions. The Law Centre of Northern Ireland (LCNI) also indicated that notification of an intent to seek judicial review, or a Pre Action Letter, would be fairly typical legal practice, and that the issuing of these letters is often enough to reverse a bad decision. The Law Centre notes that, to be effective, it is essential that such action has a strong legal basis and that follow-up legal action is viable (i.e. that judicial review proceedings will be taken). Under the new proposals, there will be no legal aid for judicial review, or for cases that do not have at least a 50 per cent chance of success (SBS 2013). This will severely impact upon women with insecure immigration status’ ability to challenge wrongful decisions by public authorities. Community and faith-based justice

As illustrated in NICEM’s research, a culturally relativist approach to violence experienced by BME women is common, both for government and for statutory agencies. Sharon Smee, writing in Rehman et al (2013) explains that “violence against BME women is frequently defined in ‘cultural’ terms so that their experiences are segregated from wider responses to gender-based violence.” It is this approach that often abandons BME victim-survivors of domestic violence to ‘community’ justice, seeing the experience as ‘cultural,’ rather than locating it on the continuum of violence against women and providing for proper redress and protection through the legal system. One of the CEDAW Committee’s specific

concerns around the new legal aid proposals was that ethnic minority women would be pushed “into informal community arbitration systems, including faith-based tribunals, which are often not in conformity with the Convention”.

Pragna Patel, in Rehman et al (2013), details some of these community- and faith-based systems, and their development in a context that justifies and excuses violence against women. Because they are arbitrating based on religious law, their processes and judgments may be in breach of international human rights standards, and unlawful, and yet will never be scrutinised by the courts (pg 54). States can still be held accountable for breaches of human rights that are ‘adjudicated’ through these community or religious forums; it is precisely this that CEDAW Committee is concerned about and reminds the UK of in its Concluding Observations.

Conclusion: Who can access justice?

It was quite clear to the CEDAW Committee, given the number of times their raised concerns during the hearing, that the impending legal aid reforms will have a significant negative impact upon minority women’s access to justice, if passed in their current form. Campaigns against the cuts and reforms have sprung from many quarters, from lawyers groups to civil liberties campaigners to advice providers, from prisoners’ rights groups to women’s rights organisations.

What is striking about these, and perhaps best illustrates the often-unnoticed problem of the intersectionality facing minority women, was highlighted by Kate Blagojevic of Detention Action writing in OpenDemocracy in July 2013. She noted that “many campaigners and NGOs have been wary about campaigning for the rights of migrants to access legal aid and have simply left them out of their lobbying efforts. They are undoubtedly worried about being sullied with the vitriol and ‘unwinnability’ factor that comes with standing up for ‘illegal immigrants.’ She points to the success of an online petition against the legal aid reforms, which reads: “The MOJ should not proceed with their plans to reduce access to justice by depriving citizens of legal aid or the right to representation by the solicitor of their choice” (emphasis added).

It is likely that this was not intentional, but with all the difficulties around the residence test detailed above, it is vital that migrants are not left out of efforts to stem the tide of legal aid cuts, and that their access justice is preserved as well. Without it, the lives of already vulnerable minority and migrant women will become that much harder, and will have a little less prospect of challenging injustices visited upon them.

Concluding Observations of the CEDAW Committee 2013 –

what did they say and how is it relevant for NICEM?

Karen McLaughlin, Legal Policy Officer, NICEM

In July 2013 a NICEM delegation of two staff and five community volunteers presented their concerns about the protection and advancement of black and minority ethnic women's rights in Northern Ireland to the CEDAW Committee in Geneva. The NICEM delegation was part of a larger group of NGOs from across the UK who came together to lobby the CEDAW Committee on issues of concern for all women in the UK. Having held two special meetings with NGOs and listened to the responses of the UK Government, the Committee produced a list of concerns and recommendations (known as 'concluding observations') for the UK Government to address before they report back to the Committee again in around five years time. Many of the concerns of the NICEM delegation were also shared by the Committee and it is our intention to use their recommendations to lobby our local decision-makers and politicians in Northern Ireland. Some of the key issues raised which will inform NICEM's policy work in the coming months are summarised below.

Legal framework for the elimination of discrimination against women

The Committee recognised that Northern Ireland does not have the same equality protections as the rest of the UK since the Equality Act 2010 only applies to Great Britain. In particular, the Committee noted that there is no legal provision for recognition of multiple discrimination (para. 18-19). With regard to the latter, NICEM strongly believes it is essential for decision-makers to have a thorough understanding of the concept of multiple discrimination in order to be able to adequately provide for the needs of black and minority ethnic women in Northern Ireland.

Legal aid and access to justice

The Committee was gravely concerned about the cuts to legal aid and one of the consequences being that black and minority ethnic women would be pushed to faith-based tribunals (para. 22-23). In fact, the Committee was so concerned about this issue that it requested for the UK Government to provide more written information on this within 2 years (para. 68). The issue

of access to justice was raised particularly by NICEM in relation to violence against women and we are concerned that the devastating cuts to legal aid, which have already taken place in Great Britain, will soon be replicated in Northern Ireland.

Violence against women

The Committee was particularly concerned at the continued reports of violence against black and minority ethnic women, and called for an increase in efforts in the protection of black and minority ethnic women (para. 34-35). A study carried out by Professor Monica McWilliams and Priyamvada Yarnell, commissioned by NICEM, provided a number of recommendations on these increased efforts, which are necessary in Northern Ireland to both tackle the issues of violence against BME women and provide adequate support for victims. Moreover, the Committee called on the UK Government to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which is an issue on which NICEM intends to lobby as well.

Human Trafficking

The Committee called for a more comprehensive framework to address human trafficking and stated that the UK should rectify any weaknesses in the National Referral Mechanism, which do not provide adequate support for victims (para. 38-40). In 2012 NICEM commissioned a paper by Professor Tom Obokata to analyse the current approaches to human trafficking in Northern Ireland and those issues, amongst others, were identified in that paper. Therefore, NICEM will use the Committee's recommendations to push this work forward in the coming months.

Participation

The Committee particularly called for more targeted measures for the participation of black and minority ethnic women in parliament and the judiciary (para. 43). In our shadow report, NICEM highlighted that Northern Ireland ranks at the bottom of the leader board in this area and that we will work closely with communities to build capacity for greater participation of BME

women in political, public, and community life.

Education & Employment

Looking specifically at issues affecting disadvantaged groups of women, the Committee was concerned about the low levels of participation of BME women in the labour market and their subsequent high concentration in low-paid jobs for which they are over-qualified (para. 58-59). This issue came across very strongly in survey research conducted by NICEM in the lead up to the hearing as well as in a recent study on Poverty and Ethnicity in Northern Ireland carried out by the Joseph Rowntree Foundation. Therefore, this recommendation will be particularly useful in addressing this concern, as it affects many of the women that NICEM works with.

In addition, the Committee called on the UK Government to adopt measures to prevent, punish and eradicate racist bullying, given the long-lasting negative impact this may have on a young woman's life (para. 45). NICEM has continually called for a zero tolerance approach to racist bullying, and highlighted this issue in research carried out on the experiences of BME students in post-primary education in Northern Ireland in 2011.

Health

In addressing the topic of healthcare, the Committee was particularly concerned about the 'obstacles' faced by asylum-seeking and Traveller women (para. 52-53). As a result the Committee called for stronger implementation of programmes and policies aimed at asylum-seeking and Traveller women. Given the shocking statistics revealed by the All Ireland Traveller Health Study in 2010 that Traveller women have a life-expectancy of over 10 years less than their counterparts in the settled population, NICEM will work to ensure that this recommendation is fully implemented.

Disadvantaged groups of women

In general terms, it seems that the Committee was not impressed with the UK Government's performance in relation to the advancement of BME women's rights since the last examination in 2008. This is evident



because the Committee recalled its previous concluding observations of 2008 and reiterated its concerns in relation to poor outcomes being registered by BME women in education, health, and employment (para. 60-61).

Furthermore, the Committee recalled its 2008 recommendations in relation to the 'no recourse to public funds' policy and the impact on women with insecure immigration status (para. 56-57). This was noted to have a further impact on access to justice and healthcare (para. 57). In particular, the Committee called for women who have been subjected to gender-based violence to have access to those services. In addition, the Committee raised concerns at reports of a lack of a gender sensitive approach by immigration authorities (para. 58-59).

Lastly, the Committee again reiterated its 2008 recommendation in relation to the lack of adequate designated sites for Traveller women and their families and called on the UK to make provision in this area (para. 60-61).

Conclusion

The concluding observations shine the spotlight on a number of areas where both the UK and NI authorities are failing to advance the rights of BME women. NICEM will use these recommendations in our work going forward to lobby decision-makers and politicians to make positive, tangible changes to improve the lives of BME women living in NI.

NEWS FROM THE HILL



The All Party Group on Ethnic Minority Communities

The All Party Group on Ethnic Minority Communities (APG on EMC) has not met since the last MRN publication. However, that doesn't mean everything's been quiet!

New Chair

In June there was a handover meeting between outgoing Chair Danny Kinahan (UUP) and the incoming Chair, Colum Eastwood (SDLP). Mr. Eastwood will Chair the APG from September – January.

Questions that Matter

The final regional Questions that Matter is being organized for Wednesday 18th September in Ballymena. The Secretariat has been working with local communities over the summer in conjunction with partners in Ballymena and local MLAs. A report will be published after the event. Forthcoming Meetings

The next meetings of the APG on EMC are:

Tuesday 15 October (3:30pm)

Tuesday 19 November (3:30pm)

No December meeting – Holiday recess

Tuesday 21 January (3:30pm)

A Bird's Eye View of... Stormont



Transforming Your Care

The Health Minister, Edwin Poots (DUP), gave evidence before the Committee for Health, Social Services and Public Safety (July 2013).

Legal Aid

The Committee for Justice considered evidence for the Review of the Legal Aid in Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 as amended - Draft Consultation Document (June 2013). For more on legal aid, see 'Access to Justice' in this edition.

Human Trafficking Private Member's Bill
In its first sitting in the new Assembly

term, the Committee for Justice will hear evidence from Lord Morrow and the Department of Justice on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Private Member's Bill.

The Haas Talks

Veteran U.S. Diplomat Richard Haas will be in Northern Ireland at the end of September to chair all-party talks at Stormont as a result of the crisis of violence over the last year. The all-party group will work to bring forward a set of recommendations to deal with divisive issues like flags, symbols, parades and protests.

A Bird's Eye View of... Westminster



Transparency in Lobbying, Non Party Campaigning and Trade Union Administration

This Bill had its first reading on 17 July and second reading on 3 September. It will go to the Political and Constitutional Reform Committee after the deadline. There are a lot of concerns with the Bill, which would require charities and community organizations to register with the Electoral Commission if they will be carrying out activities "in connection with" the UK General Election, or activities that would have an impact on elections. This would have a potentially negative impact on individuals' and organizations' ability to come together on important issues and get support from MLAs and MPs. It has been criticized by a diverse group of MPs, MLAs, charity and campaigning groups, and trade unions.

Syrian Intervention

After a heated debate, Parliament voted in late August not to intervene in the escalating civil war in Syria. This was after they were recalled to Parliament before the end of recess. At the time of writing there was speculation as to whether a second vote would be held.

Asylum Seekers

A Bill (Asylum Seekers (Return to Nearest Safe Country) Bill 2013-14) to return asylum-seekers to a safe country near to their country of origin had its first reading on 24 June and is scheduled to have its second reading on 25 October. This is a Private Member's Bill put forward by Phillip Hollobone, Conservative MP for Kettering.



Promoting racial equality and human rights in Northern Ireland.

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