

fpa welcomes the opportunity to comment on the update to the Bill of Rights process (2004). In its original submission (2001) **fpa** outlined the key issues relating to sexual and reproductive health rights. Unfortunately, the progress report gives considerable cause for concern that focus on sexual and reproductive health in particular and women's rights in general, has been significantly weakened. The whole area of gender is extremely important in this context and failure to give it adequate emphasis undermines the credibility and strength of the prospective Bill.

fpa particularly wishes to protest at the exclusion of the section devoted to the rights of women, in the 2004 update. The NIHRC rationale is that women's rights are 'mainstreamed' and will be highlighted throughout the document, where appropriate. The question was posed (2001) as to whether the rights of women were best dealt with in a separate chapter or mainstreamed throughout the BOR but response was pre-empted by floating the idea that dedicating a particular section might be interpreted as creating a 'hierarchy of rights'. In view of the actual changes to the update document, this suggestion clearly indicates an underlying prejudice in relation to women's rights and one can only presume this prejudice has been instrumental in the decision to scrap the section on women's rights entirely. The update fails to acknowledge and address the persistent and deeply embedded disadvantage which women experience in their homes, in employment, in accessing reproductive health services which meet their needs and in participating fully in public and political life in Northern Ireland.

In **fpa's** view, it is entirely irrational of the Commission to cut out the section on women's rights, claiming that their particular concerns have been mainstreamed. Although the Commission states that the dual approach (incorporating both mainstreaming and a dedicated section) appears to have had strong support from respondents to their own opinion survey, (February 2004) it proceeds to take the line of least resistance.

It is a matter of fact that women in Northern Ireland are denied control of their reproductive capacities, subject to a pay gap of some 18%, victims for the most part of domestic violence and chronically underrepresented in politics and public life. Put bluntly, women experience considerable disadvantage, which is directly attributable to their gender. Clearly the under-representation of women in decision making, in the Legislative Assembly and in the judiciary has huge consequences for women's rights in terms not only of bringing forward policy or legislation which addresses their specific needs but in giving them proper protection under the law. Of course the socio economic position of women is closely connected to the political and cultural climate which is decidedly conservative and male in character. These issues must be addressed and affirmative action measures need to be put in place in order to turn this significant disadvantage around.

Women's exclusion from political and public life needs much stronger emphasis- it forms one of the fundamental props to a social, economic and cultural status quo which discriminates against women and of policy- lag with respect to reproductive rights and health care provision which is fundamentally against the interests of women.

In section 1 (2), though it is stated that BoR is intended to ensure “delivery of rights to all people in NI , including those who have suffered during the conflict and those who are *most disadvantaged and marginalized*”, there is a very pronounced emphasis on parity of esteem along the axis of religious and political identity. For example victims are seen to be those arising directly from armed conflict, while victims of domestic violence which is predominantly perpetrated against women, is neutralised to the point of denying it as a manifestation of gender oppression. In fact the statement about putting in place appropriate measures to prevent and eliminate all forms of violence against women and girls has been entirely omitted on the pretext that it could not be justified without an equivalent measure for men and boys. Once again the very particular and specific needs of women in NI are denied because they is no immediate parallel with the needs of men.

In section 11 point (3) under Right to Family and Private life, which has for no stated reason has been reversed from ‘private and family’ life, 50% of the text is taken up with issues around data protection. Again, the emphasis is on the impact of so-called ‘intelligence gathering’ on the part of associates of paramilitaries and the exposure of individuals to threats. In this section no mention is made of women’s rights to privacy around reproductive health rights or access to services or to the ongoing harassment, by anti choice activists, of women seeking information and support at **fpa** and Brook. In the absence of any definition of ‘family’ a default to the nuclear family as the norm is likely and the complexities and full diversity of family arrangements will be lost. In NI most one parent families are headed by women and even within nuclear family structures they largely hold caring responsible for both dependent children and adults. Their needs are very specific and arise from their real life circumstances. Again the BoR must take a broad and inclusive approach which supports these women’s rights.

Access to reproductive health provision such as abortion is tightly constrained by legislation dating back to 1861 and further gripped by a significant chill exerted by, male dominated and highly conservative, decision and policy makers. Because of these particular circumstances pertaining in NI, women’s sexual and reproductive health is an issue of huge importance, and one which demands particular attention in BoR.

Though abortion is occasionally the centre of considerable controversy generated by groups campaigning against women’s right to choose, it is routinely treated by legislators and politicians as being a private, moral matter and one which can be adequately dealt with by individual women in the context of their families. Continued failure to protect women and to ensure that they can rely on equal treatment within the law with respect to reproductive health choices, fundamentally undermines their right to self determination. A society which supports, even by default, enforced motherhood is one which treats women as instruments of procreation rather than individuals with human rights. A BoR which remains ‘impartial’ in the face of abuse of human rights is complicit in that abuse.

If the BOR fails to tackle the assumptions around the traditional roles women have played within their families in Northern Ireland, it will aggravate an already massive injustice in relation to women and their right to equal protection and equal benefit

under the law and that of future generations. Clearly, women's control of their reproductive capacities has a huge impact on their ability to avail of other rights such as education, employment and decision making at all levels, so it must be an integral part of the process of transformation which a strong and inclusive BoR can bring about.

Although the update begins by acknowledging the difficulties in defining 'particular circumstances of NI', it appears to reinforce the narrowest interpretation at an early stage. Accordingly, it focuses on the accepted definition of traditional religious and political 'divide' almost to the exclusion of all else. The particular circumstances regarding the conservative, male domination of political and public life in Northern Ireland is neither acknowledged nor evaluated. Consequently it forms no part in redressing the deeply entrenched sexist patterns of engagement and the outcome in terms of policy deficiencies.

The impact of this power imbalance on the social and economic rights of women in Northern Ireland is immense and its implications reach into every area of women's lives. Their home lives, their standing in their communities, employment, education and participation in public and political life. Key rights around sexual and reproductive health have been denied and subsumed under the heading of 'family life' as though women's only status related to their position as support for traditional family structures. This is totally against the interests of women themselves.

fpa sees it as premature to talk of 'mainstreaming' women's rights without first tackling the deeply embedded disadvantage suffered by women. From **fpa** perspective, securing sexual and reproductive rights is a crucial component of any Bill of Rights which hopes to bring about real and meaningful transformation in the lives of women in NI.

All of these interconnected issues arise from a gender based power imbalance which works against the interests of women and which undermines their rights to self determination and social and economic independence. A narrow interpretation of the scope of the BoR will sustain an inherent gender inequality in the process. The alternative, a broad and inclusive BoR, has the capacity to become a ground breaking instrument of social, economic and cultural change in the interests of creating a society which is aware, confident and energetic in defence of the rights of all its citizens.

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September 2004