

Women's Policy Group NI

1. Introduction

The Women's Policy Group (WPG) is a group of policy experts and practitioners who advocate collectively for women and girls by promoting gender equality through an intersectional feminist lens. We challenge systemic injustice and discrimination affecting women and girls by informing society and influencing policy and law. Our work is informed by women and girls' lived experiences and rooted in international human rights law.

The WPG is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBTQ+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals. Over the years this important network has ensured there is good communication between politicians, policy makers and women's organisations on the ground. The WPG is endorsed as a coalition of expert voices that advocates for women in Northern Ireland on a policy level.

If you have any questions or queries about this response, or would like to discuss this evidence further with the WPG, please contact Elaine Crory, Women's Sector Lobbyist at elaine.croory@wrda.net

Please note that this response also includes evidence from other WPG work, compiled by a range of WPG members, and not all member organisations have specific policy positions on all the areas covered in this response.

2. General Comments

This response will primarily include information relating to the work of the Women's Policy Group NI (WPG) on the impact of the pandemic on women, the efforts to recover from it, and the existing structures that pertained in Northern Ireland at the time. With that said, the WPG incorporates members operating beyond the traditional women's sector, and as such it will include information relating to matters beyond the impact on women to include other groups.

During the pandemic, the WPG published several documents, both collectively as WPG and individually as organisations, and this response will use both sets of sources to answer the questions. The largest piece of collective work produced was the WPG Covid-19 Feminist Recovery Plan¹, from which the following remarks are drawn:

“It is essential that all levels of government representing Northern Ireland are fully aware of the unique challenges in Northern Ireland; particularly as the UK government is the duty bearer for human rights in NI. Women in Northern Ireland have suffered immensely due to a decade of Austerity, and over a year of the ongoing pandemic, and any COVID-19 recovery cannot come to the detriment of women’s equality and economic wellbeing.

The ongoing COVID-19 pandemic has created an unprecedented challenge across the UK. It has put in sharp focus the value and importance of care work, paid and unpaid, and highlighted the essential nature of often precarious and almost always low paid retail work. Women undertake the majority of this work, and women will bear a particular brunt of this crisis; economically, socially and in terms of health. The WPG is calling on decisionmakers across the UK to take action to ensure a gender-sensitive crisis response as we transition from crisis response to recovery.

The ongoing crisis affects men and women differently, and in many cases deepens the inequalities women experience on an everyday basis². These inequalities, along with key solutions, were highlighted in a Women’s Manifesto issued by the WPG in preparation for the general election in December 2019³. These solutions remain central for a long-term response, but the developing crisis has put a number of issues in sharp focus for urgent emergency action.

Not only does this crisis have a disproportionate impact on women, but that impact is worsened for women from particular backgrounds: for instance, black and minority ethnic women, disabled women, women with caring responsibilities, and LGBTQI+ women. The emergency action required, and any recovery programme put in place, must meaningfully take into consideration the institutionalised inequalities

¹ Women’s Policy Group, Covid-19 Feminist Recovery Plan Relaunch, 2021, Available at: <https://wrda.net/wp-content/uploads/2021/07/WPG-COVID-19-Feminist-Recovery-Plan-Relaunch-One-Year-On.pdf>

² See Women’s Resource and Development Agency Reports on Gender Inequality in NI in 2020 <https://bit.ly/3zS2WE>; Brexit and the Impact on Women in NI 2019 <https://bit.ly/3gWjO5>; Disabled Women and Discrimination 2019 <https://bit.ly/3gktuK>; Childcare: A Women’s Issue <https://bit.ly/3j2tnlz>

³ Women’s Policy Group NI Election Manifesto 2019: <https://bit.ly/3zOuCe3>

that exist within Northern Ireland, and must co-develop a roadmap forward with the communities affected.”⁴

Our stance is and has always been that the Covid-19 pandemic impacted men and women differently due to a range of factors, for example, because of the kinds of paid work and the burden of unpaid work that women are more likely to do, and that this was compounded by the sometimes contradictory, sometimes confusing and most often unhelpfully gender-blind government responses, both from Westminster and Stormont.

3. Question Responses

In terms of the questions asked by the Commission, however, we will focus on the following areas:

- The issues with existing legislative approaches compounded by a public health emergency
- The creation of new offences and enforcement powers, which were used in an uneven and heavy-handed manner, and
- Divergences throughout the UK

Q1. Existing legislative options during a public health emergency

One of the major concerns that the WPG has with regards to the handling of the pandemic was the gender-blind approach taken to certain issues that led to a disproportionate impact on women. This approach was justified and excused by government officials on the basis of it being an “emergency” approach that required a fast response. This was the case in the response of the UK Government, the Northern Ireland Government, and with the UK Government’s lack of consideration for the particular impacts of Covid-19 on Northern Ireland.

Initial Government recovery plans did not refer to women in any way, assuming, apparently, that any recovery would impact all parts of society equally – something that we know to be untrue. It also did not acknowledge the ways that the closure of schools and the advent of home-schooling impacted disproportionately on women, who are more likely to carry the burden of these responsibilities. At the same time, women were more likely to be front line workers, either in health and social care or in the educational settings that remained open to serve the children of key workers. Women are also disproportionately represented in the retail and hospitality sectors which meant that when they shut down, many women were furloughed and had their

⁴ Women’s Policy Group, Covid-19 Feminist Recovery Plan Relaunch, 2021, Available at: <https://wrda.net/wp-content/uploads/2021/07/WPG-COVID-19-Feminist-Recovery-Plan-Relaunch-One-Year-On.pdf> p.9 - 10

wages reduced. This reduced amount was often insufficient for minimum wage workers to survive on.

Furloughed workers in receipt of Statutory Maternity Pay (SMP) initially received only 80% of their reduced salary, before this was amended, which meant that many recipients of SMP saw their furloughed rate of pay dip below the minimum weekly amount and become Maternity Allowance. This meant that their income was treated as “unearned income” and reduced pound for pound from their Universal Credit. Overall, the way this was approached demonstrated that the impact of the furlough scheme on women was an afterthought, and while the situation was amended, it should never have arisen in the first place.

During the pandemic, rates of domestic abuse rose significantly, and this increase could be seen almost immediately when the pandemic hit and restrictions came in. In all parts of the UK, domestic abuse refuge services were stretched. While there was a welcome investment of £22 million in June 2020, in Northern Ireland, where femicide is at its highest per capita in the UK, and where Women’s Aid shelters were already at capacity before the first restrictions were announced, any money received via Barnett Consequentials did not make their way to these services.

Paramilitary activity in Northern Ireland is reported to have used certain support systems that existed during the pandemic as a way to increase its reach, with former Justice Minister Naomi Long telling BBC Spotlight in January 2023 that paramilitary loan sharks used local Council administered schemes designed to deliver food parcels to identify vulnerable people in need of cash, offering them illegal loans. While this is not necessarily directly tied to Government action, it points to unique circumstances that exist in Northern Ireland and that were not considered by either the UK Government or by the Northern Ireland Executive in the operation of the various schemes here. This activity thrives when poverty is rife, and in many parts of Northern Ireland poverty is rife, even more so at times of crisis.

There are undoubtedly further examples that illustrate the blinkered approach to different impacts that could have been foreseen with due care and attention. Instead, organisations like the WPG who lobbied to have these issues taken into consideration were repeatedly met with reluctance and resistance. Circumstances in which the issues identified in this response were considered and changes were made, for example, with regards to Statutory Maternity Pay, were an exception rather than the rule. Overwhelmingly, measures to address the disproportionate impact of the pandemic on women were either late or non-existent.

The WPG COVID-19 Feminist Recovery Plan provided a clear roadmap for how governments could help us recover from the impacts of the pandemic in a way that

took into consideration the disproportionate impacts of the pandemic on women and yet these recommendations were largely ignored.

Q3. The creation of offences and enforcement powers

One of the most controversial issues regarding the creation of offences and enforcement powers was the creation of offences quite clearly in anticipation of upcoming gatherings, followed by the uneven and occasionally heavy-handed enforcement of these offences.

Most notably, authorities granted police new powers to disrupt outdoor gatherings the night before anticipated and advertised Black Lives Matter protests in Belfast and Derry/Londonderry. Observers at the protest in Belfast reported that police were handing out flyers and had even placed a large screen in the area that displayed the warning that individuals were breaking the restrictions on gatherings. Police took the details of protest stewards for “aiding and abetting a breach,” despite organisers anticipating police responses and ensuring social distancing was respected by marking out squares in the public, outdoor space where the protests were due to happen.

The Police Service Northern Ireland (PSNI) tweeted that some protestors, including the organisers, “will now be reported to the Public Prosecution Service with a view to prosecution.” Many were turned away before they could reach the protests, with Police East Belfast tweeting that they were “conducting checks on roads and transport hubs (...) ahead of planned protests.” PSNI reported that between 60 to 70 fines had been issued to protesters. Reginald Clarke, a speaker at the Belfast event, was given a fine whilst walking alone to the protest. He criticised the unfair nature of the fine asking, “Are you telling me I can't walk through that area because there might be a gathering? Either you give the ticket to everybody there or you don't give it to anyone.” A petition to rescind fines issued to protesters gained thousands of signatures. Patrick Corrigan, Amnesty International’s Northern Ireland Programme Director, said:

“A choice has been made to use quite significant policing resources to make penalties and threats of prosecution against people involved in a socially distant protest – but not used in other circumstance.” Brian Gormally, Director of the Committee for the Administration of Justice, similarly criticised PSNI’s response and noted the “Regulations here do not address the right to protest and instead the PSNI is relying on powers designed to restrict social gatherings that only became enforceable the night before the protest.”

PSNI also received criticism for taking a different approach to protesters gathered around statues at Belfast City Hall in order to 'protect' them, around the same time that the Black Lives Matter protest took place. In this case, no fines were issued, nor were any arrests made. John Blair, a Policing Board member, told the BBC's Good Morning Ulster programme: "The PSNI needs to apply a consistent approach to all sections of society and to all occasions and incidents at which they are present. Any deviance from that approach risks community confidence in policing and on this occasion particularly of ethnic minority members of our society."

An investigation by the Police Ombudsman into how PSNI policed protests has been launched in light of this uneven enforcement. This report was damning⁵; its human rights adviser John Wadham said the approach: "sent the wrong message to protesters and damaged the reputation of the PSNI and the confidence of some members of the public"...whatever the rights and wrongs of going ahead with the protests and the difficulty of social distancing given the transmission rates for the virus at the time, this approach was not lawful."

The view of the WPG is that it was neither necessary nor proportionate for police to intimidate, fine and arrest those peacefully protesting in a socially distanced manner, nor to try to dissuade members of the public from attending by handing out pre-emptive fines. These excessive and unequal police measures risk further damaging trust in communities and individuals who already experience discriminatory policing. Everyone must be free to exercise their right to protest, regardless of the cause.

Q4. Divergences throughout the UK

The WPG's view is that the experiences of women were not sufficiently considered in both the UK Government and Northern Ireland Government emergency responses to Covid-19. Both responses were highly flawed but, in particular, the Northern Ireland response was both flawed and delayed, as it lagged significantly behind that of the UK Government.

We would like to highlight two examples to illustrate this. Firstly, emergency funding for women fleeing domestic abuse was allocated to service providers across the UK, these funds reached NI in the form of Barnett Consequential, but none of it was allocated to the local service providers such as Women's Aid. Secondly, the move made by the UK Government to allow Telemedicine for abortion services to minimise the need for attending doctors did not apply in Northern Ireland. Not only did this not apply to Northern Ireland, but at that time, no services were commissioned in Northern Ireland at all, and many people who needed abortions had to travel to receive care. We have heard several examples of women who had to travel by freight

⁵ Irish News, 2020, Policing Board Criticises PSNI handling of BLM protests. Available at: <https://www.irishnews.com/news/northernirelandnews/2020/11/12/news/policing-board-criticises-psni-handling-of-blm-protests-2127303/>

ferries to an unfamiliar, locked down city, where they had nowhere to go either side of their medical appointment, as all hospitality services were shut. The then Secretary of State for Northern Ireland defended this situation early in the pandemic⁶ by underlining with unmistakable clarity that women in Northern Ireland are should expect to receive less support and consideration than their sisters in Britain.

The Executive Office (TEO) which led the Northern Ireland response to Covid-19, began consulting on their COVID-19 Recovery Plan in June 2021. At this time, a limited number of organisations were invited to respond and were given an extremely short time period to do so. The Women's Resource and Development Agency (WRDA) was invited to provide views on the TEO COVID Recovery Plan on Friday 25th June 2021, with a deadline of Friday 2nd July 2021. This gave WRDA five working days to respond to the Consultation. The WPG responded to this initial consultation by sending TEO a copy of the relaunched WPG NI COVID-19 Feminist Recovery Plan, outlining the disproportionate impact of the pandemic on women and recommendations for how to address this disproportionate impact.

At the time, WRDA raised concerns with TEO that this was an inadequate timeframe to allow for meaningful engagement with the women's sector. For reference, the minimum amount of time for public consultations is 12 weeks, in accordance with best practice guidelines laid out by the NI Equality Commission. WRDA, along with the Committee on the Administration of Justice (CAJ) and the Women's Budget Group (WBG) also made a complaint to TEO about the lack of equality screening on their COVID Recovery Plan.

From the perspective of the women's sector, the TEO Recovery Plan resembled a de facto Programme for Government. As noted by TEO, the aim of their Recovery Plan was "to inform our priorities to accelerate recovery over a 24-month period through focused, collaborative working." This was concerning to the WPG as there was no budget attached to the Plan, there was no formal consultation or stakeholder engagement sessions, and it is unclear how the Plan will be progressed over the next two years. As it is not an official Programme for Government, everything within the TEO Recovery Plan is subject to Executive veto, including the Social Inclusion Strategies that it makes reference to. Given the significance of this plan in terms of informing public policy over the next two years, civil society groups such as WRDA, CAJ and WBG argued that the Plan should be subject to a full Equality Impact Assessment.

⁶ Belfast Telegraph, 2020, Foster & O'Neill clash over prospect of NI telemedicine abortions. Available at: <https://www.belfasttelegraph.co.uk/news/northern-ireland/foster-and-oneill-clash-over-prospect-of-ni-telemedicine-abortions/39105889.html>

TEO then published an Equality Screening of their Recovery Plan in November 2021 and invited WRDA to provide views on this document. This request was received on 24th November 2021 with a deadline for submitting views on Monday 29th November. WRDA has since sent a letter¹⁸ to the TEO COVID Recovery Team explaining that this short deadline of three working days meant that WRDA was not in a position to respond to the Consultation. This sentiment was shared among several women's sector groups who were also not in a position to respond to the Consultation due to the three-day deadline. WRDA's concerns regarding this timeline of engagement were outlined and published in a briefing that can be found on our website.⁷

In terms of learning from this experience, the WPG would like to stress that, in the future, any kind of emergency planning must include women and reflect the lived experiences of women, by engaging meaningfully with stakeholders representing issues that impact women disproportionately, such as childcare and domestic abuse. If women are not included in the planning, it is clear that their needs and concerns will not be considered. In the longer term, adopting and mainstreaming the practice of gender budgeting would help to address some of these issues, as it would apply in all circumstances and be extended to emergency circumstances.

Overall, a more gender-equal society will result in a more equitable approach to emergency situations and to any support that comes from this, for example, schemes like furlough or policy decisions such as Telemedicine. Northern Ireland, in particular, has a long way to go to achieve circumstances where gender equality is achieved.

Q10. International comparisons

The sixth section of the WPG COVID-19 Feminist Recovery Plan⁸ is titled 'International Best Practice Pillar' and in this section we highlight and analyse approaches taken in other countries to address the issues we identified throughout the Plan. We included this Pillar as a way to assist our policy-makers in making best use of lessons learned in other countries and to contextualise our arguments in international human rights discourse.

It is also worth noting that the WPG COVID-19 Feminist Recovery Plan was inspired by similar work done by the Hawai'i State Commission on the Status of Women who also

⁷ WRDA (2021) 'WRDA Briefing on TEO Engagement with the Women's Sector and the TEO COVID-19 Recovery Plan' Available at: <https://wrda.net/wp-content/uploads/2021/12/WRDA-Briefing-on-TEO-Engagement-with-Womens-Sector.pdf>

⁸ Women's Policy Group, Covid-19 Feminist Recovery Plan Relaunch, 2021, Available at: <https://wrda.net/wp-content/uploads/2021/07/WPG-COVID-19-Feminist-Recovery-Plan-Relaunch-One-Year-On.pdf>

published a Feminist Recovery Plan titled 'Building Bridges, Not Walking on Backs.'⁹ Similarly, activists in Canada developed a Feminist Recovery Plan titled 'A Feminist Economic Recovery Plan for Canada.'¹⁰ Although these Plans made similar recommendations to our Feminist Recovery Plan for Northern Ireland, there was a stark difference in terms of how governments responded to recommendations from the Plans.

In Hawai'i and Canada, several recommendations were implemented and positive measures were put in place to mitigate against the gendered impacts of the pandemic. For example, in July 2021, the Canadian government announced funding for 237 projects under the \$100 million Feminist Response and Recovery Fund. In contrast, despite preparing bespoke Departmental briefings, summary reports and conducting a webinar series looking at several issues highlighted in the Plan, government engagement with the WPG on the Feminist Recovery Plan was extremely poor and limited, as highlighted above.

Ends

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⁹ Hawai'i State Commission on the Status of Women Department of Human Services State of Hawai'i (2020) 'Building Bridges, Not Walking on Backs: Hawai'i State Commission on the Status of Women Department of Human Services State of Hawai'i A Feminist Economic Recovery Plan for COVID-19.' Available at: <https://humanservices.hawaii.gov/wp-content/uploads/2020/04/4.13.20-Final-Cover-D2-Feminist-Economic-Recovery-D1.pdf>

¹⁰ YWCA Canada (2021) 'A Feminist Economic Recovery Plan for Canada: MAKING THE ECONOMY WORK FOR EVERYONE' Available at: <https://static1.squarespace.com/static/5f0cd2090f50a31a91b37ff7/t/5f205a15b1b7191d12282bf5/159595574/6613/Feminist+Economy+Recovery+Plan+for+Canada.pdf>