



RESPONSE TO CONSULTATION ON 'STOPPING DOMESTIC AND SEXUAL VIOLENCE AND ABUSE IN NORTHERN IRELAND 2013-2020'

April 2014

Executive summary

1. The Equality Commission welcomes the opportunity to respond to the consultation 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland 2013-2020', developed by the Department of Justice and the Department of Health, Social Services and Public Safety.
2. While we recognise the considerable and important progress made and good practice effected in respect of domestic and sexual violence and abuse in departments and other public authorities, the Commission is concerned that the Departments are bringing forward a strategy which is not drawn from the evidence that there are different needs of men and women who are victims in this context. Better equality analysis would enable the Departments to identify those needs and therefore the proposals to best achieve the outcomes sought.
3. Specifically, the Commission is concerned that, in screening the Strategy, the Departments assert that the Strategy is gender neutral and also fail to demonstrate that they have considered the equality impact in relation to other equality grounds in order to eradicate domestic and sexual violence and abuse and meet the needs of those who experience these forms of violence.

4. We consider that a gender neutral approach which is also blind to other equality grounds will limit the effectiveness of the strategy in each strand of its delivery.
5. We recommend that the two Departments, in line with their equality scheme commitments to carry out equality impact assessment (EQIA) on policies which have a major potential impact to promote equality of opportunity, undertake a joint EQIA on this policy.

Introduction

6. The Equality Commission¹ welcomes the Departments' progress in bringing forward a unified strategy for stopping domestic and sexual violence and abuse and the opportunity to respond.
7. In our Shadow Report² to the Committee on the Elimination of Discrimination against Women (CEDAW) in 2013 we noted the progress on tackling violence against women reported in the UK Government's 7th Periodic Report³ and response to the list of issues⁴. We also noted the development of the integrated strategy and our expectation that it, with cross cutting strategies including the Gender Equality Strategy⁵ would support continued development of work on violence against women, including trafficking. Specifically, we set out our expectation that the Gender Equality Strategy would be explicit in its protection of resources and services related to violence against women, including legal aid.

¹ The Equality Commission's role and remit is set out in Annex 1, page 15

² Shadow Report to the Committee on the Elimination of Discrimination against Women, ECNI, June 2013, page 2 – http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/CEDAW_2013.pdf

³ UK 7th Periodic Report to CEDAW, June 2011 –

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85456/7th-cedaw-report.pdf

⁴ UK reply to CEDAW list of issues, February 2013 –

<http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add.1.pdf>

⁵ Gender Equality Strategy 2006-2011 – <http://www.ofmdfmi.gov.uk/gender-equality-strategy-2006-2016-2nd-edition-large-print.pdf>

Gender neutral policy making

8. Overall, the Commission is concerned that, despite acknowledging in the draft strategy that domestic and sexual violence and abuse more often affects women than men, when considering the draft Strategy for its impact on equality of opportunity, the Departments assert that the strategy is gender neutral⁶.
9. The Commission understands gender neutral in public policy terms to apply to policies designed to eliminate gender distinction for example to allow equal access to services or to adopt language in job titles which reduces sex discrimination in employment. We do not see that as the object of this strategy. While there is no explanation for or description of the different experiences of women and men, the strategy itself states⁷ that the prevalence of domestic and sexual violence and abuse is gendered.
10. The UN Special Rapporteur on Violence against Women, Rashida Manjoo, addressed the increasing shift from gender specificity to gender neutrality in responses to violence against women following her mission to the UK in March and April 2014 stating that *'it is crucial to recognise that violence against women is rooted in multiple and intersecting forms of discrimination and inequalities, and strongly linked to the social and economic situation of women. Therefore the intersections between gender based discrimination and other forms of discrimination that contributes to and exacerbates violence against women should also be taken into consideration when designing and implementing the State's response'*⁸. It is expected that the Special Rapporteur's full report will be published in June.

⁶ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, DOJ screening form, page12 – <http://www.dhsspsni.gov.uk/dsva-equality-screening.pdf>

⁷ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, pages 6, 13, 26 – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

⁸ UN SR VAW press release, London, 15 April 2014 – http://gallery.mailchimp.com/6d6f0f3015d0d24a616ee4c72/files/Final_press_statment_UK_15_Apr_VAW.pdf

11. The draft Strategy⁹ further obscures the issues by suggesting that the greater prevalence of domestic and sexual violence and abuse against women is an inevitable sex related outcome: *'there is more potential for women to be victims of domestic or sexual violence by virtue of their gender.'*
12. Any strategy should recognise, too, that a gender neutral approach does not assist the response to domestic and sexual violence and abuse against men. However, as the draft Strategy puts forward no information on the extent and nature of domestic and sexual violence and abuse against men, it is difficult to understand what the appropriate public policy response should be¹⁰. In addition, such an approach, without analysis and assessment, could also obscure the differently gendered nature of other forms of violence not covered by this draft Strategy.
13. The Commission recommends that the Departments consider the gender issues and ensure that the Strategy addresses the nature and impact of domestic and sexual violence and abuse in a gender specific, not gender neutral, context.

International obligations

14. The draft Strategy outlines some international obligations¹¹ and refers to the activity of the United Nations, World Health Organisation

⁹ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, page 13 – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

¹⁰ A number of organisations, in general members of OFMDFM's gender Advisory Panel (Men's Action Network, Man Matters, Cancer Forum Northern Ireland, YouthAction, Men's Health Forum in Ireland) have developed a paper setting out expectations of actions to support the Gender Equality Strategy including improved data and analysis of men's experience. An earlier paper by The Men's Project, YouthAction and Men's Action Network sets out proposed actions in line with the GES priorities. These papers are unpublished but have been submitted to OFMDFM in the course of its review of the GES and would be available from the drafting organisations. The website of the Men's Health Forum in Ireland also provides information on men's issues in Northern Ireland – <http://www.mhfi.org/resources/research-policies-and-reports.html>

¹¹ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, Appendix 1, page 79 – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

and the European Union in terms of strategic context¹² for the draft strategy. The draft Strategy states¹³ that these organisations ‘*take a keen interest in*’ the elimination of these crimes. In fact, all three of these bodies make eradicating violence against women a priority and deal with it as a discrete public policy imperative and challenge.

15. The Commission recommends that this strategic context and the Departments’ obligations therein are considered further. The UN Secretary General, for example, in his 2006 report¹⁴ stated ‘*All of humanity would benefit from an end to this violence*’. The EU identifies the eradication of gender based violence as necessary for the full enjoyment of fundamental rights¹⁵.

16. The CEDAW General Recommendation 19 on violence against women¹⁶ sets out the human rights and fundamental freedoms which can be impaired or nullified by gender-based violence. These include: the right to life; the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; the right to equal protection according to humanitarian norms in time of international or internal armed conflict; the right to liberty and security of person; the right to equal protection under the law; the right to equality in the family; the right to the highest standard attainable of physical or mental health; the right to just and favourable conditions of work.

17. Given these international standards, the Commission, while noting the Departments’ recognition that stopping domestic and sexual violence and abuse is a long term objective¹⁷, considers that

¹² Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, page 15 – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

¹³ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, page 15 – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

¹⁴ UN SG – <http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-exeE-use.pdf>

¹⁵ http://ec.europa.eu/commission_2010-2014/president/news/documents/pdf/20100305_1_en.pdf

¹⁶ <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

¹⁷ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, page 6 – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

the draft Strategy's vision that '*domestic and sexual violence and abuse is not tolerated in our society*' could be strengthened.

18. Recognising the envisioned long term nature of the task can risk lowering aims and objectives and intended actions. For example, in changing attitudes the Departments set out measures relating only to 'creating baselines' and exploring formats¹⁸. Domestic and sexual violence and abuse can be eradicated and identifying people with the 'potential'¹⁹ to be more at risk by gender or on any additional ground should not be the ultimate goal.
19. The European Charter²⁰ prepared by the European Commission to mark the 15th anniversary of the Beijing Platform for Action and the 30th anniversary of CEDAW goes further in making the commitment to eradicate gender-based violence. It states that '*Europe does not tolerate gender-based violence. We will step up efforts to eradicate all forms of violence and to provide support for those affected. We will put in place a comprehensive and effective policy framework to combat gender-based violence.*'
20. The Departments could also usefully refer to the Council of Europe's Istanbul Convention²¹, signed but not yet ratified by the UK, in this section which is reflected in Strand 5 of the draft Strategy in distinguishing between violent behaviours that require a criminal or other response.
21. The Commission would also recommend that the links to CEDAW in the draft Strategy document itself be updated to the current site –

¹⁸ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020 REF – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

¹⁹ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020 REF - <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

²⁰ http://ec.europa.eu/commission_2010-2014/president/news/documents/pdf/20100305_1_en.pdf

²¹ Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) – http://www.coe.int/t/dghl/standardsetting/convention-violence/about_en.asp

<http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx> . This will allow users of the Strategy to access the CEDAW Committee’s Concluding Observations from the 2008 and 2013 hearings as well as seeing the progress reported on by Government in those years.

Civil society contribution

22. The international commitments above require participation of civil society. While the draft Strategy refers to partners including NGOs providing refuge, outreach, support and advocacy services the draft Strategy does not make clear how civil society has contributed to the development of policy and services on domestic and sexual violence and abuse.
23. NGOs can also make discrete or unique contributions. For example, the Commission notes that the draft Strategy and accompanying screening document refer to information gaps yet appear almost entirely dependent on official statistics, often crime related. We understand that NGOs, such as the Women’s Aid Federation of Northern Ireland hold data on some of the complex issues in domestic and sexual violence and abuse through their monitoring systems for the Domestic Violence Helpline and their management systems for refuge and support services²².
24. Men’s organisations have identified areas for further consideration of data on prevalence and needs relating to domestic and sexual violence when men are the victims based on their engagement and studies²³.
25. The draft Strategy records that it is important to understand and respond to multiple identity issues but offers little information on what

²² The Departments should note that the Istanbul Convention requires the collection of disaggregated data on equality grounds, form of violence etc

²³ See footnote 11

the various needs might be. The Commission recommends that the Departments place a closer lens on information that has been made available. Some examples include:

- NGO studies including NICEM's shadow report for CEDAW in 2013²⁴;
- academic research such as that undertaken at QUB leading to the pilot on older women at Belfast and Lisburn Women's Aid²⁵;
- work done by trade unions with employers on the impact and response to domestic violence in the workplace²⁶;
- the Commission's policy positions such as those on race²⁷ and disability²⁸ as well as our Shadow Report to CEDAW²⁹ in 2013.

26. Engagement with NGOs can also alert decision makers to gaps in information. In our engagement with groups and organisations working on sexual orientation the Commission has heard that there is a gap in information relating to domestic and sexual violence and abuse in same sex relationships. This gap was also highlighted in the LASI publication *A Mighty Silence*³⁰.

27. In addition, as the UN Special Rapporteur noted in her press release³¹, it is important to recognise the impact of the conflict. The Special Rapporteur calls for the increased participation of women at all levels of decision making. There has been little attention to what can be learned from the experience of conflict and as McWilliams and

²⁴ http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_NGO_GBR_13477_E.pdf

²⁵ <http://www.vawpreventionscotland.org.uk/sites/default/files/Older%20Women's%20Lifelong%20Experience%20of%20Domestic%20Violence%20in%20Northern%20Ireland.pdf>

²⁶ Policy on Domestic violence and abuse – <http://minutes.belfastcity.gov.uk/documents/s64951/Policy%20on%20Domestic%20Violence%20and%20Abuse%20in%20the%20Workplace.pdf>

²⁷ Race Policy Positions, ECNI, August 2013 – <http://www.equalityni.org/Home>

²⁸ Disability Policy Positions, ECNI, 2014 – <http://www.equalityni.org/Home>

²⁹ Shadow Report to CEDAW, ECNI, 2013 – http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/CEDAW_2013.pdf

³⁰ http://hereni.org/wp-content/uploads/2012/09/a_mighty_silence.pdf

³¹ http://gallery.mailchimp.com/6d6f0f3015d0d24a616ee4c72/files/Final_press_statment_UK_15_Apr_VAW.pdf

Ni Aolain³² point out, need for a '*denser and integrated analysis of violence against women in conflicted societies*' including Northern Ireland.

28. The Departments should also note that the Westminster Joint Committee on Human Rights is undertaking a UK-wide Inquiry into violence against women and girls which is considering international obligations and a wider policy context than that presented in this consultation. Ratification of the Istanbul Convention and response to the obligations that will be imposed by the Convention in respect of standards and human dignity, Government's response to CEDAW recommendations, cross-Government working, the impact of wider Government policies, and the implementation of UN Security Council Resolution 1325 on women peace and security in Northern Ireland are amongst the areas on which submissions have been invited. The Committee is taking evidence until June and, depending on the evidence received, may conduct a further inquiry into one or more of the areas the current inquiry is examining.

Substance of the draft Strategy

29. The Commission's comments at this time are intended to address some broad public policy making and equality issues. However, we would note some matters on the priority themes as set out in draft Strategy itself:

- We welcome the draft Strategy's commitment to cross departmental working and strategising and expect that through further equality considerations, in order to meet the requirements of Section 75 of the Northern Ireland Act 1998, the Strategy will recognise and deal with the gendered nature of domestic and sexual violence and abuse. For example, in considering housing and the necessary response of housing agencies, refuge is

³² http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2305345

- considered along with some limited reference to homelessness policy. The Commission is unclear whether the Departments which own the draft Strategy or the Department and public bodies responsible for housing have considered what the appropriate or suitable response for women or men who are victims of domestic and sexual violence and abuse and how different responses will meet their needs.
- We note the Departments' outline of how the 'Hagemann White' model may be of use and welcome that it shows how inequalities, discrimination and stereotypes must all be eradicated in combating domestic and sexual violence and abuse at all levels in the social order and in daily life. However, we are not clear how it is envisaged the high level strategising and action which is part of the Hagemann White model will be actioned across departments and public bodies or how it is reflected in the use of the 'Toxic 3' model of analysis. Also, given there is no evidence provided by the Departments or other explanation given, we do not understand how this model, designed in relation to violence against women and girls, is relevant to situations where men are the victims. The Departments seem to suggest that, because the model addresses key factors '*at societal level*'³³ that the response can be transposed. This is not the case. We would urge the Departments to revisit the policy implications set out in Hagemann White as an initial indication as to policy responses for women such as value women and address unequal power relationships:
 - achieving formal and substantive equality;
 - regulating the sexualisation of women in the media;
 - eliminating discrimination against women;
 - challenging myths and providing education on violence against women.

³³ Stopping Domestic and Sexual Violence and Abuse – NI 2013-2020, page 37 – <http://www.dhsspsni.gov.uk/dsva-strategy.pdf>

- We welcome the intention to develop action plans for delivery of the Strategy. Equality screening and equality impact assessment where required will assist in completing the Strategy and developing action plans. The Commission's view is that given the evidence considered by the Departments in the process to date and referred to in the draft Strategy and screening document that there are different needs for women and men in the matters this strategy seeks to address and also there is limited evidence in respect of decisions for some other equality groups. Consequently the Commission questions the Department's decision to screen the policy out and not conduct an EQIA (see paragraph 30). The Departments should maximise the use of available data and information, both quantitative and qualitative, and work to address the information gaps in developing the strategy and action plans. This will assist in accurate analysis and the identification of necessary responses for both women and men and in relation to the impact on other equality grounds. Further, continuing analysis will then be available to inform the assessments that will be undertaken through the action planning and implementation. For example, the resources on separated fathers developed by ManMatters³⁴ show the need for a more timely and family friendly response from the court system; the information gaps cited by LASI / HERe NI and the Commission's engagement, highlight the lack of recognition of the nature and degree of sexual violence and abuse in same sex relationships, particularly as experienced by lesbian women. This will also assist the Departments in monitoring and evaluation.

- It will be important that action plans are harmonised with key related cross departmental plans such as those associated with the Gender Equality Strategy, with strategies relating to public policy on other equality grounds including age, sexual orientation, race and disability and with Section 75 action plans in general.

³⁴ ManMatters resources can be found here – <http://www.manmatters.org/index.php/resources>

- We welcome the Departments' work in identifying the costs of domestic and sexual violence and abuse on the model developed by Sylvia Walby in relation to GB and any planned development of such analysis.

Equality Screening

30. The Commission's guidance³⁵ recommends circumstances for conducting an EQIA, which are also commitments in the Departments' approved schemes. Given these recommendations, the Commission questions the Department's decision to screen the policy out and not conduct an EQIA for the following reasons:

- Some equality impacts are presented in some parts of the screening form; the screening template states in the evidence and needs sections that there are equality impacts. However this contradicts the answers given to the screening questions; the level of impact is 'none' and the screening decision is that the policy is screened out for EQIA.
- The Commission further notes that the answer 'none' is explained because either the policy is seeking to promote equality of opportunity or all the potential mitigating measures and alternatives have been addressed. The Commission's advice is that such information should be presented in the screening / EQIA. The assessment of the equality impacts is central to understanding how the Departments are fulfilling their duties to pay due regard to the need to promote equality of opportunity and regard to the

³⁵ Section 75 of the Northern Ireland Act 1998, A Guide for Public Authorities, ECNI, April 2010, pages 64-65 – <http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>

desirability of promoting good relations when bringing forward these proposals.

- Additionally the Commission has set out a number of areas where the Public Consultation Document does not set out known evidence on these matters (see paragraph 28); this evidence provides further illustration of the potential equality impacts.
- The statement on page 12 of the screening form is unclear: *'This is a **gender neutral** Strategy, while the Strategy will apply to either gender'*. The screening form is to identify how relevant the policy is to the promotion of equality of opportunity and good relations, assist the authority to identify where there might be equality impacts and answer the screening questions. The overall purpose is to ensure that the required 'regard' to the equality matters can be paid when decisions are taken about the final strategy; the assessment being available to inform decisions. It is the Commission's view, given the evidence referred to, that there are different needs for men and women that this strategy is seeking to address.
- The Department asserts in the screening form that there is limited evidence for some groups. The Commission advises this is a reason in itself for screening the strategy in and conducting an EQIA.

31. Should the Departments undertake an EQIA on receipt of the Commission's advice, the analysis should ensure coherence with and reflection of the equality implications of international obligations.

32. Such analysis will be gendered and identify the potential impacts, both where there is scope to further promote equality of opportunity and where there may be differential impacts between groups. It will be based on evidence gathered, both qualitative and

quantitative and will in turn determine monitoring arrangements to be established.

Recommendations

33. The Commission recommends that the two departments, in line with their equality scheme commitments to carry out equality impact assessment on policies which have a major potential impact to promote equality of opportunity, undertake a joint EQIA on this policy.
34. The Commission recommends that the Departments then reflect further on the equality impacts identified and the findings of the assessment and how the results should be better reflected in the strategy to achieve the outcomes set out and shape the actions to achieve them. This will ensure the Strategy addresses the nature and impact of domestic and sexual violence and abuse in a gender specific, not gender neutral, context.
35. In addition, the Commission recommends that the Departments consider the vision as set out in the draft Strategy. The vision may be weakened qualifying it so immediately with the reference to the long term nature of the task.
36. The Commission recommends that the links to CEDAW in the draft Strategy document itself be updated to the current site³⁶ to allow users to access the CEDAW Committee's Concluding Observations from the 2008 and 2013 hearings as well as seeing the progress reported on in those years.

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³⁶ CEDAW – <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>

Annex 1: The Equality Commission for Northern Ireland

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on the Department to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on relevant the Department;
 - keeping the legislation under review;
 - promoting good relations between people of different religious belief and / or political opinion.
4. The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the Convention in Northern Ireland.