



**EQUALITY COMMISSION FOR NORTHERN IRELAND**

**Submission to Committee for Justice on Domestic Abuse and  
Family Proceedings Bill**

June 2020

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# EQUALITY COMMISSION FOR NORTHERN IRELAND

## Submission to Committee for Justice on Domestic Abuse and Family Proceedings Bill

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### 1 Executive Summary

#### *Introduction*

- 1.1 We have set out below a number of recommendations relating to the question raised by the Committee for Justice ('the Committee') on the Domestic Abuse and Family Proceedings Bill ('the Bill'), in which it sought views on **'any other legislative or non-legislative approaches to tackle domestic abuse not currently in place that should be taken forward either in this Bill or in another piece of legislation or by other means'**.

#### *Our recommendations*

- We recommend a targeted approach to tackling the specific nature and impact of domestic violence taking account of issues associated with specific multiple identities / equality categories.
- We recommend action to tackle all forms of gender-based violence.
- We recommend that the UK Government takes all necessary measures, including in Northern Ireland, to comply with the Istanbul Convention, so as to enable it's prompt ratification.
- We recommend steps are taken to ensure effective equality data collection and monitoring of the impact of domestic violence on Section 75 equality groups.
- We recommend action to ensure effective engagement with Section 75 equality groups.
- We recommend Government action to improve access to social protection, including for those (mainly minority ethnic women) subjected to domestic violence with no recourse to public funds.

- We recommend action by Government, including through their relevant Departments, to identify, mitigate and monitor any adverse impacts of welfare reform on women, for example, any associated with the household payment of universal credit.

## 2 Introduction

- 2.1 The Equality Commission for Northern Ireland (‘the Commission’) welcomes the opportunity to submit evidence to the Committee for Justice (‘the Committee’) on the Domestic Abuse and Family Proceedings Bill (‘the Bill’).
- 2.2 Further information on the role and remit of the Commission is set out in Annex A.
- 2.3 The focus of our response relates to the question raised by the Committee in which it sought views on **‘any other legislative or non-legislative approaches to tackle domestic abuse not currently in place that should be taken forward either in this Bill or in another piece of legislation or by other means’**.
- 2.4 Our recommendations relating to this question are set out below.

### 3 Our recommendations

***We recommend a targeted approach to tackling the specific nature and impact of domestic violence taking account of issues associated with specific multiple identities / equality categories.***

- 3.1 Action should include addressing the increasing levels of domestic violence, with actions targeted to take account of issues associated with specific multiple identities / equality categories. There is also a need to identify and mitigate any particular exacerbating impact of COVID-19 on domestic violence.

#### Supporting rationale

- 3.2 There is a clear need for a targeted approach to tackling domestic violence that takes account of issues associated with specific multiple identities / equality categories.
- 3.3 The need for specific measures, including support, for particular equality groups was recognised in a report (2019) by the Criminal Justice Inspectorate NI ('CJINI') into domestic violence in Northern Ireland<sup>1</sup>. It found that 'additional difficulties and the need for extra support during the criminal justice process were also identified for victims from particular groups, for example, older victims, children, male victims, LGBT victims, Black and Ethnic Minority victims and victims with disabilities'. It also highlighted that 'the need for tailored support for individuals from particular groups to ensure barriers to reporting are reduced is clear'<sup>2</sup>.
- 3.4 Further details on the particular issues and barriers faced by those who experience domestic violence, associated with specific multiple identities / equality categories, are set out below.

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<sup>1</sup> See Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

<sup>2</sup> Ibid, page 11.

### *Women, Men, Trans people*

- 3.5 As highlighted in the Commission's *Gender Equality Policy Priorities and Recommendations*' (2016)<sup>3</sup> there is a need to address the increasing levels of domestic violence in Northern Ireland<sup>4</sup>.
- 3.6 Levels of domestic violence against women in Northern Ireland continue to increase and domestic violence affects women disproportionately<sup>5</sup>. Further, evidence in Great Britain highlights that women are much more likely than men to be the victims of high risk or severe domestic abuse<sup>6</sup>.
- 3.7 The Istanbul Convention<sup>7</sup> highlights that domestic violence affects women disproportionately. It also notes that men (as well as children who may witness domestic violence and other family members such as elders, siblings and children) may be victims of domestic violence.
- 3.8 There are increasing levels of domestic abuse experienced by men in Northern Ireland<sup>8</sup>. Evidence from Great Britain suggests that men experiencing domestic violence face additional stigma and stereotyping, and that they are three times less likely than female victims to tell anyone<sup>9</sup> of the abuse and can experience significantly reduced access to services.
- 3.9 Further, there is a need to ensure that a gender specific (non-gender neutral) approach to tackling the specific nature and impact of domestic violence on women and men is adopted.

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<sup>3</sup> ECNI (2016), [Gender Equality Policy Priorities and Recommendations' \(2016\)](#). For a summary of the Commission's priorities and recommendations on gender, see [www.equalityni.org/gender](http://www.equalityni.org/gender).

<sup>4</sup> There are increasing level of domestic abuse incidents and crimes in NI. For example, from 1 January 2019 to 31 December 2019, there were 31,705 domestic abuse incidents; an increase of 1.3 % on the previous 12 months and one of the highest 12 month periods recorded. See [Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland: Update to 31 December 2019](#).

<sup>5</sup> During 2018/19, 69% of all domestic abuse crime victims were female compared to 31% who were male. There were 10,582 female victims of domestic abuse crimes reported to PSNI in NI in 2018/19. This compares to 6,301 female victims in 2004/5 .Source: [PSNI Trends in Domestic Abuse Incidents and Crimes 2004/5-2018/19](#).

<sup>6</sup> See Safe Lives (2015), [Insights Idva National Dataset 2013-14](#).

<sup>7</sup> The Council of Europe Convention on preventing and combating violence against women and domestic violence ([The Istanbul convention](#), 2011).

<sup>8</sup> The percentage of male victims of domestic abuse crimes has increased from 25 % in 2004/05 to 31% in 2018/19. There were 4,779 male victims of domestic abuse crimes reported to PSNI in NI in 2018/19. This compares to 2,103 male victims in 2004/5 Source: [PSNI Trends in Domestic Abuse Incidents and Crimes 2004/5-2018/19](#) .

<sup>9</sup> Mankind Initiative, (2020), [Male victims of domestic abuse and partner abuse: 50 key facts](#). It found that 49% of men tell no one as opposed to 19% women.

Women and men's experience of domestic violence may be different, and the necessary action to meet needs may also be different.

- 3.10 As highlighted in the Commission's *Gender Equality Policy Priorities and Recommendations*' (2016) there is the need to ensure that the DHSSPS / DoJ (2016) *Stopping Domestic and Sexual Violence and Abuse Strategy in Northern Ireland*<sup>10</sup> ('*Domestic and Sexual Violence and Abuse Strategy*') and underpinning actions effectively address domestic and sexual violence and abuse in a gender specific, not gender neutral context<sup>11 12</sup>.
- 3.11 We made clear our concern in relation to the gender neutral approach taken with regards to the draft integrated domestic and sexual violence and abuse strategy; and advised that such an approach would limit the effectiveness of the strategy in each strand of its development. Specifically, we highlighted that any strategy should recognise that a gender neutral approach does not assist the response to domestic and sexual violence and abuse against men. We recommended that the strategy addresses the nature and impact of domestic and sexual violence and abuse in a gender specific, not gender neutral, context.
- 3.12 We note that the subsequent *Domestic and Sexual Violence and Abuse Strategy* has made clearer the incidence and prevalence of domestic and sexual violence experienced by women and men; as well as highlighting patterns and factors affecting LGB individuals and minority ethnic women who are subjected to domestic violence.
- 3.13 We await the outcome of the actions taken that are designed to deliver this Strategy and, in particular, that they effectively address domestic and sexual violence in a gender specific manner. We also await the planned mid-year review of this Strategy; which should consider the degree to which the

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<sup>10</sup> See DHSSPS / DoJ (2016) [Stopping Domestic and Sexual Violence and Abuse Strategy and action plans](#)

<sup>11</sup> The UK Government has indicated that draft provisions for a Domestic Abuse Bill have been developed and is to be considered by an incoming NI Executive. See CEDAW (2018) [Replies of the UK of Great Britain and Northern Ireland. List of issues and questions in relation to the eighth periodic report of the UK of Great Britain and Northern Ireland.](#)

<sup>12</sup> Research (2018) has recommended further action to tackle domestic violence in Northern Ireland. See J. Doyle, M. McWilliams, TJI, UU (2018) [Intimate Partner Violence in Conflict and Post-Conflict Societies: Insights and Lessons from Northern Ireland.](#)

Strategy addresses the nature and impact of domestic and sexual violence and abuse in a gender specific context.

- 3.14 The need for a targeted approach to tackling domestic violence that takes into account the differential impacts of domestic violence on women and men was also highlighted in the CJINI report (2019)<sup>13</sup>. In particular, the report referred to the fact that as women were disproportionately affected by domestic violence, ‘particular measures for women may often be required to achieve practical equality between men and women in this context’<sup>14</sup>.
- 3.15 Further, a survey carried out by Scottish Transgender Alliance, in Scotland (2013) sheds lights on trans people’s experiences of domestic abuse. In particular, it found that that 80% of respondents stated that they had experienced emotionally, sexually, or physically abusive behaviour by a partner or ex-partner, and that almost a quarter of respondents did not contact anyone about the abuse<sup>15</sup>.

#### *LGB people*

- 3.16 A report by Safe Lives (2018) in Great Britain has indicated that the limited available research suggests that some LGBT+ people experience domestic abuse at a higher rate than non-LGBT+ people, and that this appears to be particularly the case for bisexual women and those who identify as Trans or non-binary<sup>16</sup>.
- 3.17 It also indicates that those who identify as LGBT+ face additional barriers to accessing support that are unique to their sexual orientation and/or gender identity, and that evidence suggests that LGBT+ victims and survivors are not accessing services at the same rate as others in the population.
- 3.18 Research in Great Britain (2016) has also noted that evidence suggested that domestic violence amongst same-sex couples continues to be largely under-reported. It also noted that

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<sup>13</sup> See Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

<sup>14</sup> Ibid, at paragraph 1.6.

<sup>15</sup> [https://www.scottishtrans.org/wp-content/uploads/2013/03/trans\\_domestic\\_abuse.pdf](https://www.scottishtrans.org/wp-content/uploads/2013/03/trans_domestic_abuse.pdf)

<sup>16</sup> Safe Lives (2018), [Free to be safe, LGBT+ people experiencing domestic abuse](#)

LGB&T people experienced specific barriers when accessing domestic and sexual violence services in the UK.<sup>17</sup>

### *Disabled people*

3.19 A CJINI report (2019) into domestic violence in Northern Ireland found that people with disabilities experience domestic abuse at a higher rate and face greater barriers accessing support than those without disabilities<sup>18</sup>.

3.20 Evidence from Great Britain also suggests that women and men with disabilities are disproportionately more likely to experience domestic abuse than non-disabled people.

3.21 For example, a report from Public Health England (2015) found that disabled people:

*‘experience disproportionately higher rates of domestic abuse. They also experience domestic abuse for longer periods of time, and more severe and frequent abuse than non-disabled people. They may also experience domestic abuse in wider contexts and by greater numbers of significant others, including intimate partners, family members, personal care assistants and health care professionals. Disabled people also encounter differing dynamics of domestic abuse, which may include more severe coercion, control or abuse from carers’<sup>19</sup>.*

3.22 Further, it indicated that domestic violence against persons with disabilities was likely under-reported, and it found that disabled people ‘experience more barriers to accessing support, such as health and social care services and domestic abuse services’<sup>20</sup>  
<sup>21</sup>.

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<sup>17</sup> Nathan Hudson-Sharp and Hilary Metcalf, National Institute of Economic and Social Research, [Inequality among lesbian, gay bisexual and transgender groups in the UK: a review of evidence](#) (2016).

<sup>18</sup> See Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#).

<sup>19</sup> Public Health England (2015), [Disability and domestic abuse, Risk, impacts and response](#)

<sup>20</sup> It set out a series of steps that could be taken to address this including: by closing knowledge gaps, by improving accessibility and identification and by providing more opportunities for disclosure and support; training health and social care professionals and staff in domestic abuse services, by improving integration of services; and by engaging directly with disabled people.

<sup>21</sup> Ibid. The research suggested that this may be attributed to a number of factors, either through poor commissioning, lack of awareness or understanding in practice, social stereotyping of victims of domestic abuse or services being inaccessible. For instance, some services may offer only telephone support, which excludes those who cannot communicate on the phone.

- 3.23 It will also be noted that UKIM's<sup>22</sup> report (2017) to the UNCRPD Committee highlighted that the NI Executive should ensure that the criminal law framework is sufficiently robust to address circumstances in which an individual, in particular a carer, mistreats or wilfully neglects a disabled person<sup>23</sup>.
- 3.24 Further, a report by Safe Lives (2017) found that disabled victims of domestic abuse in England and Wales suffer more severe and frequent abuse over longer periods of time than non-disabled victims<sup>2425</sup>.
- 3.25 It will be noted that UKIM's<sup>26</sup> report (2017) to the UNCRPD Committee highlighted that disabled women who experience domestic violence face additional barriers to accessing appropriate support and that insufficient funding remained a major barrier<sup>27</sup>. It recommended that the UK and devolved governments took all necessary steps to ensure initiatives to address domestic and sexual violence and forced marriage effectively assist disabled victims, including adequately funded support services and sufficient legal protection.
- 3.26 Further, in 2017, the IMNI<sup>28</sup>, in its *NI 'Parallel' Jurisdictional Report - IMNI Working Paper*<sup>29</sup> raised concerns about the lack of disability-specific programmes in the *Domestic and Sexual Violence and Abuse Strategy*.
- 3.27 Introducing steps to protect and support disabled people who are the victims of domestic violence will assist the UK meet its obligations under international human rights conventions.

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<sup>22</sup> UK Independent Mechanism, which includes the Equality Commission.

<sup>23</sup> UKIM (2017), [Submission to the UNCRPD Committee](#)

<sup>24</sup> Women and men with a long standing illness or disability are more than twice as likely to experience some form of domestic abuse than women and men with no long standing illness or disability, and approximately 40% of high-risk victims of domestic abuse report mental health difficulties. See Safe Lives, (2017), [Disabled Survivors Too: Disabled people and domestic abuse](#)

<sup>25</sup> Ibid. The report revealed that disabled victims typically endure abuse for an average of 3.3 years before accessing support, compared to 2.3 years for non-disabled victims. Even after receiving support, disabled victims were 8% more likely than non-disabled victims to continue to experience abuse. For one in five (20%) this ongoing abuse was physical and for 7% it was sexual. Disabled people who are experiencing domestic abuse are twice as likely to have previously planned or attempted suicide (22% vs 11%). Disabled victims are more likely to report abuse from multiple perpetrators: one in five (19%) compared with one in twenty (6%).

<sup>26</sup> UK Independent Mechanism, which includes the Equality Commission.

<sup>27</sup> UKIM (2017), [Submission to the UNCRPD Committee](#)

<sup>28</sup> Independent Mechanism NI (UNCRPD).

<sup>29</sup> IMNI (2017), [NI 'Parallel' Jurisdictional Report - IMNI Working Paper](#)

- 3.28 For example, the UNCRPD Committee (2017) called on the UK Government to: ‘Establish measures to ensure equal access to justice and to safeguard persons with disabilities, particularly women, children, intersex people and elderly persons with disabilities from abuse, ill-treatment, sexual violence and/or exploitation’<sup>30</sup>.
- 3.29 It also recommended measures to: ‘Develop and implement capacity building programmes among the judiciary and law enforcement personnel, including judges, prosecutors, police officers and prison staff, about the rights of persons with disabilities’<sup>31</sup>.
- 3.30 Further, the UN CEDAW Committee (2019) recommended that the UK Government: ‘Ensure that its laws and policies effectively protect women with disabilities from all forms of gender-based violence, and in particular violence perpetrated by their caregivers’<sup>32</sup>.
- 3.31 It will be noted that research (2014) commissioned by the Commission on the implementation of the UNCRPD in Northern Ireland, commented in relation to Article 16 (Freedom from violence, exploitation and abuse), that: ‘The absence of comment on Article 16 issues displayed in the stakeholder input is itself perhaps a sign of a lack of government emphasis on what are difficult issues which many voluntary sector organisations are reluctant to engage’<sup>33</sup>.

### *Minority ethnic people*

- 3.32 Research (2013) has shown that minority ethnic women in Northern Ireland experiencing domestic violence face particular barriers which prevent them from seeking help<sup>34</sup>. For example, the research highlighted that ‘structural issues regarding immigration and access to public funds serve to reinforce minority ethnic women’s economic dependency on their partner thereby reducing the women’s potential to leave’<sup>35</sup>.

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<sup>30</sup> See UNCRPD Committee (2017), [Concluding Observations on the UK](#)

<sup>31</sup> Ibid.

<sup>32</sup> UN CEDAW Committee (March 2019), [Concluding Observations on UK](#)

<sup>33</sup> Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): [UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD](#), page 100 (Equality Commission for Northern Ireland)

<sup>34</sup> McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)

<sup>35</sup> Ibid.

3.33 A CJINI report (2019) into domestic violence in Northern Ireland also found those who are subject to immigration control can experience difficulties accessing public funds on leaving a relationship and language barriers<sup>36</sup>.

*Older people and children*

3.34 Research<sup>37</sup> carried out by Queens University Belfast (2010) into the experiences of domestic violence of older women in Northern Ireland found that older women were less likely to seek help due to social expectations, as well as a lack of specialist services for older victims. It also highlighted that the majority of women revealed significant difficulty with coping and seeking help.

3.35 A report by Safe Lives (2016)<sup>38</sup> into the experiences of domestic abuse by older people in Great Britain, found that an estimated 120,000 women over 65 had experienced at least one form of abuse.

3.36 Further, a CJINI report (2019) into domestic violence highlighted that children were also specifically impacted by domestic abuse and that research with children suggested the experience of living with domestic abuse warranted children's recognition as direct victims of abusive control<sup>39</sup>.

*Identify and mitigate any particular exacerbating impact of COVID-19 on domestic violence.*

3.37 Whilst we note recent action to tackle domestic violence<sup>40</sup> in Northern Ireland, there is a need for further action to mitigate the impact of COVID-19 on the occurrence of domestic violence.

3.38 Emerging evidence indicates increasing levels of domestic violence in Northern Ireland since the COVID-19 lockdown began. For example, the PSNI has reported a 10% increase in

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<sup>36</sup> See Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

<sup>37</sup> lifelong experience of domestic violence

<sup>38</sup> Safe Lives (2016), [Safe Later Lives Older People and Domestic Abuse](#)

<sup>39</sup> See Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

<sup>40</sup> For example, we note that the PSNI has recently re-launched their 'Behind Closed Doors' campaign.

domestic abuse calls (approximately 2000 calls) received during the first three weeks of April 2020, and there have been three domestic killings in Northern Ireland since the start of the lockdown<sup>41</sup>. Further, PSNI statistics (27 May 2020) show that the weekly number of domestic abuse calls received has been higher than the weekly average since week beginning 1st April 2020<sup>42</sup>.

- 3.39 Organisations across the UK working with victims of domestic violence, including charities supporting women subjected to domestic violence, have also reported an increase in requests for assistance over the recent period<sup>43</sup>.
- 3.40 We note that concerns have been raised about the lack of support services, including for refuges, for victims of domestic violence, particularly in light of reduced income from charities that support those organisations as a result of COVID-19<sup>44</sup><sup>45</sup>.
- 3.41 We note that additional significant funding for domestic abuse refugees and for organisations that support victims of domestic abuse announced by the UK Government in England and Wales on 2 May 2020 does *not* extend to Northern Ireland<sup>46</sup>.
- 3.42 There are also concerns that the COVID-19 outbreak has curtailed access to support services for victims of domestic

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<sup>41</sup> PSNI has indicated that from 1 to 21 April 2020, it received 1,919 domestic abuse calls - a 10% increase on about 570 usually received each week. As reported by BBC in [Article](#) dated 28 April 2020 [accessed 5 June 2020].

<sup>42</sup> PSNI (2020), [Domestic Abuse Calls Received by Police in Northern Ireland. Weekly management information on domestic abuse calls received by PSNI since Covid-19 lockdown measures were introduced on 23 March 2020](#), dated 27 May 2020 [accessed 5 June 2020].

<sup>43</sup> See. Women's Aid, (2020), [Statement](#) on Covid-19, Northern Ireland, England, Scotland and Wales, dated 20 March 2020. The charity Refuge has reported that the National Domestic Abuse helpline has seen a 25% increase in calls and online requests for help since the lockdown, as reported in [BBC news article](#) of 6 April 2020 [accessed 5 June 2020]. Men's Advisory Project in NI has indicated that it has experienced a large increase in reports of domestic violence since the lockdown. See Men's Advisory Project [twitter](#) feed on 16 April 2020 [accessed 5 June 2020].

<sup>44</sup> See for example, concerns raised by cross party Parliamentary Group, Compassion in Politics, as reported in the Independent newspaper, [Article](#) of 27 March 2020 [accessed 5 June 2020].

<sup>45</sup> It will be noted that in 2010, the Men's Action Project (MAP) highlighted gaps in provision of, and access to, services for male victims: See, MAP (2010) [Towards Gender Equality: Exploratory evidence of the attitudes towards and the needs of male victims of domestic violence and abuse in Northern Ireland with recommendations for change](#).

<sup>46</sup> In a [statement](#) on 2 May 2020, the Communities Secretary announced £76 million extra funding to support survivors of domestic abuse, sexual violence and vulnerable children and their families and victims of modern slavery. This included £10 million for safe accommodation services in England, and funding in England and Wales of £25 million to help victims of domestic abuse and sexual violence in the community access support services during the coronavirus outbreak, and a further £3 million per annum investment in Independent Sexual Violence Advisers until 2022 [accessed 5 June 2020].

abuse, particularly in the health, social care, police and justice sectors<sup>47</sup>.

- 3.43 Further, we note that the PSNI has recognised that some ‘traditionally under-reported’ crimes, such as domestic violence and hate crime, may be ‘less visible’ due to lockdown restrictions<sup>48</sup>. Evidence indicates that there is under-reporting of domestic violence by a number of equality groups in Northern Ireland<sup>49</sup>.
- 3.44 In terms of the impact of COVID-19 and domestic violence and abuse experienced by Lesbian, Gay, Bisexual, Trans people and Intersex people, the UN (2020) has highlighted that due to COVID-19 lockdown restrictions, many ‘LGBTI youth are confined in hostile environments with unsupportive family members or co-habitants’, and that ‘this can increase their exposure to violence, as well as their anxiety and depression’<sup>50</sup>.

***We recommend action to tackle all forms of gender-based violence.***

**Supporting rationale**

- 3.45 As highlighted in the Commission’s *Gender Equality Policy Priorities and Recommendations*’ (2016)<sup>51</sup> domestic violence can be a form of gender-based violence.
- 3.46 There is a need for steps to be taken, including through the delivery of effective strategies, to tackle the nature and specific impact of gender based violence on women and men and due to a person’s gender identity.
- 3.47 The European Commission has highlighted that women and girls, of all ages and backgrounds, are most affected by

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<sup>47</sup> As reported in GB in Social Care, Institute for Excellence, (2020), [Domestic violence and abuse: Safeguarding during the COVID-19 crisis](#), dated 22 April 2020 [accessed 5 June 2020].

<sup>48</sup> As reported by [BBC](#) on 20 April 2020 [accessed 5 June 2020].

<sup>49</sup> See Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#), which refers to have high levels of under-reporting, for example, by LGBT victims, male victims, victims from minority ethnic groups etc... See also Mankind Initiative, (2020), [Male victims of domestic abuse and partner abuse: 50 key facts](#)

<sup>50</sup> UNHR Office of High Commissioner, (2020), [COVID-19 and the Human Rights of LGBTI people](#) [accessed 5 June 2020].

<sup>51</sup> ECNI (2016), [Gender Equality Policy Priorities and Recommendations](#)’ (2016). For a summary of the Commission’s priorities and recommendations on gender, see [www.equalityni.org/gender](http://www.equalityni.org/gender).

gender-based violence<sup>52</sup>. A report by the British Council (2016) has highlighted that violence against women and girls *‘remains one of the most serious and widespread inequalities in the UK’*<sup>53</sup>.

- 3.48 There is a need to challenge gender stereotypes, and in relation to education, work, the media, and wider society, and to tackle cultural and stereotypical attitudes, including through education; and to raise awareness of all forms of gender-based violence.
- 3.49 Recommendation (2002) 5 of the Council of Europe<sup>54</sup> on the protection of women against violence makes it clear that Member States should *“introduce or reinforce a gender perspective in human rights education programmes and reinforce sex education programmes that give special importance to gender equality and mutual respect”*<sup>55</sup>.
- 3.50 There is also the need to ensure effective resources and services for those who are subject to gender-based violence.
- 3.51 It will be noted that the UN CEDAW Committee’s (2019) recommends that the UK Government continue to engage with the media to eliminate stereotypical imaging and the objectification of women in the media, and take further measures to eliminate negative gender stereotypes and to promote positive and diverse gender portrayals, including in schools and through public campaigns<sup>56</sup>.
- 3.52 We also draw the Committee’s attention to the recommendation of the UN CEDAW Committee (2019) which recommended the adoption of policy measures to protect women from gender based violence, including in Northern Ireland<sup>57</sup>.

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<sup>52</sup> See, for example, European Commission (2020), [Article](#) on Gender based violence [accessed 30 April 2020].

<sup>53</sup> British Council (2016) [Gender Equality and Empowerment of Women and Girls in the UK: Meeting the challenge of the SDGs](#)

<sup>54</sup> [CoE Rec \(2002\) 5](#), Recommendation (2002) 5 of the Council of Europe

<sup>55</sup> The Joint Committee on Human Rights also recommended that schools play a greater role in tackling cultural attitudes through teaching on issues surrounding gender equality and violence. This recommendation is in line with Article 14 of the Istanbul Convention that specifies that teaching material on issues of violence against women and girls and non-stereotyped gender roles are included in formal curricula at all levels of education. [JCHR, 6<sup>th</sup> Report, 2015](#)

<sup>56</sup> UN CEDAW Committee (2019), [Concluding Observations on UK](#)

<sup>57</sup> *Ibid.*

***We recommend that the UK Government takes all necessary measures, including in Northern Ireland, to comply with the Istanbul Convention, so as to enable it's prompt ratification.***

### Supporting rationale

- 3.53 To date the UK Government has signed, but not ratified<sup>58</sup>, the Istanbul Convention<sup>59</sup>.
- 3.54 The UK Government has indicated that there remain outstanding issues which must be addressed before the UK can be considered to be compliant with the Convention<sup>60</sup>, and that it is engaging with the Devolved Administrations, including in Northern Ireland, to ensure compliance on these issues.
- 3.55 We draw the Committee's attention to the recommendation of the UN CEDAW Committee (2019) which recommended the ratification of the Istanbul Convention by the UK Government and the adoption of policy measures to protect women from gender based violence, including in Northern Ireland<sup>61</sup>.

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<sup>58</sup> By ratifying the Convention, the treaty's obligations would become binding on the UK; including to exercise due diligence to prevent/protect against violence against women, to prosecute perpetrators and provide reparations for victims. See Joint Committee on Human Rights (2015) [Report on violence against women](#).

<sup>59</sup> The Council of Europe Convention on preventing and combating violence against women and domestic violence ([The Istanbul convention](#), 2011) is based on the understanding that violence against women is a form of gender-based violence that is committed against women because they are women.

<sup>60</sup> The UK Government has indicated that these outstanding issues include in relation to extra-territorial jurisdiction (ETJ); namely the ability to prosecute certain offences that occur outside national borders, and there are some offences where ETJ does not apply, and this requires primary legislation across the UK. It has stated that the Devolved Administrations are considering what legislative or other changes are necessary for compliance with the Convention in their territories. See Home Office (2017) [Ratification of the Istanbul Convention –Report on Progress](#). See UK (2017), [8<sup>th</sup> Periodic report on CEDAW](#).

<sup>61</sup> UN CEDAW Committee ( 2019), [Concluding Observations on UK](#)

***We recommend steps are taken to ensure effective equality data collection and monitoring of the impact of domestic violence on Section 75 equality groups.***

Supporting rationale

- 3.56 In order to effectively monitor, and identify trends, and assess the impact of domestic violence on Section 75 equality groups, there is a need to ensure the collection of reliable, up to date, disaggregated equality data.
- 3.57 This should include monitoring and reviewing action taken in response to the impact of the COVID 19 on domestic violence experienced by Section 75 equality groups.
- 3.58 We note that the PSNI does not publish data on the levels of domestic abuse incidents/crimes by *disability, sexual orientation or gender identity*<sup>62</sup>.
- 3.59 The collection and publication of the levels of domestic violence experienced, for example, by disabled people in Northern Ireland would assist in monitoring trends in disability domestic violence incidents and crimes, provided such publication does not breach data confidentiality.
- 3.60 Appropriate steps should be taken to ensure data sizes allow for robust analysis (e.g. aggregation over time if necessary) and that publication does not result in a breach of data confidentiality. The PSNI has in relation to other areas, such as hate crime, published equality- related statistics in areas where there have been low numbers of incidents/crimes reported, and we consider that this has helped with monitoring the levels of, and trends associated with, these crimes<sup>63</sup>.
- 3.61 It will be noted that UKIM's report (2017) to the UNCRPD Committee highlighted the need by UK and devolved governments to address under-reporting of disability-motivated

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<sup>62</sup> The PSNI only publishes data on victims of domestic violence in NI on age, gender, ethnicity/nationality and not disability, or other grounds such as sexual orientation or gender identity. PSNI (2018), [User Guide to Police Recorded Crime Statistics in Northern Ireland: Last updated January 2018](#).

<sup>63</sup> See for example, PSNI statistics on hate crime experienced by trans individuals report on low numbers of incidents/crimes; for example, PSNI indicate that transphobic incidents increased from 32 to 60 and crimes increased from 10 to 30. PSNI (2020), [Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland](#).

hate crime, and to ensure that the police and other statutory agencies evaluate their reporting and recording processes, in consultation with disabled people, and take steps to simplify them<sup>64</sup>.

- 3.62 It will be noted that research in Great Britain (2016) has highlighted that domestic violence amongst LGB and Trans people is a significantly under-researched area.
- 3.63 Steps to improve disaggregated equality data is consistent, for example, with recommendations of international human rights monitoring bodies and the UN Sustainable Development Goals (SDGs).
- 3.64 For example, the UNCRPD Committee's recommendation (2017) that the UK Government, in line with Goal 17 of the SDGs, increase significantly the availability of high-quality, timely and reliable data disaggregated related to disability, including by a range of factors including disability, age and gender and race<sup>65</sup>.

***We recommend action to ensure effective engagement with Section 75 equality groups.***

- 3.65 When considering and implementing measures, both legislative and non-legislative, to address domestic violence experienced by Section 75 equality groups, there is a need to ensure effective engagement with Section 75 equality groups, including those who are victims of domestic violence and their representative organisations.
- 3.66 This will assist with improving understanding of the nature and extent of abuse experienced, the particular impact it has, and any barriers they experience. This engagement also aligns with the Section 75 equality duties on designated public bodies<sup>66</sup>.

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<sup>64</sup> UKIM (2017), [Submission to the UNCRPD Committee](#)

<sup>65</sup> The UNCRPD Committee recommended that the UK Government, in line with targets set out in the UN Sustainable Development Goals, adopt inclusive and targeted measures, including disaggregated data, to prevent multiple and intersectional discrimination of women and girls with disabilities, in particular those with intellectual and/or psychosocial disabilities, in violence and access to justice. See UNCRPD Committee (2017), [Concluding Observations on the UK](#)

<sup>66</sup> Section 75 of the Northern Ireland Act 1998

***We recommend Government action to improve access to social protection, including for those (mainly minority ethnic women) subjected to domestic violence with no recourse to public funds.***

**Supporting rationale**

- 3.67 There is also the need to ensure access to social protection for those (mainly minority ethnic women) subjected to domestic violence with no recourse to public funds.
- 3.68 Some minority ethnic people who are not from the UK and with insecure immigration status have ‘no recourse to public funds’; namely they cannot claim benefit or use services paid for by public funds.
- 3.69 Therefore, victims of domestic and sexual violence, mainly minority ethnic women, can be left financially dependent on their abuser, whether partner, other family member, employer or trafficker<sup>67</sup>.
- 3.70 Consideration should also be given to the outworkings of the recent decision of the Divisional Court in Great Britain (2020) which considered the human rights implications of the Government’s ‘no recourse to public funds’ policy in the context of those people who were not yet destitute, but would imminently suffer inhuman or degrading treatment without recourse to public funds<sup>68</sup>.
- 3.71 We also draw the Committee’s attention to the UN CEDAW Committee’s (2019) recommendation that called on the UK Government to: ‘Ensure that asylum-seeking women, migrants and women with insecure immigration status are able to seek effective protection and support services without fear of having their immigration status reported to authorities’<sup>69</sup>.

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<sup>67</sup> The Joint Committee on Human Rights has raised concerns about service provision for victims of domestic violence with insecure immigration status, asylum seekers or refugees. See Joint Committee on HR, (2015) [Violence Against Women and Girls](#), 6<sup>th</sup> Report of Session 2014/15

<sup>68</sup> See *R (W, a child) v Secretary of State for the Home Department, Project 17 intervening* [2020] EWHC 1299.

<sup>69</sup> UN CEDAW Committee (2019), [Concluding Observations on UK](#)

***We recommend action by Government, including through their relevant Departments, to identify, mitigate and monitor any adverse impacts of welfare reform on women, for example, any associated with the household payment of universal credit.***

Supporting rationale

- 3.72 As highlighted in our Shadow Report<sup>70</sup> (2019) to the UN CEDAW Committee, we remain concerned that the payment arrangements for Universal Credit will negatively impact on women’s financial independence.
- 3.73 We note the option within Universal Credit for Alternative Payment Arrangements, whereby in ‘*very exceptional circumstances*’ payments of Universal Credit can be “*split into 2 bank accounts instead of one (couples only)*”<sup>71</sup>.
- 3.74 However, we remain concerned that following any joint claim and assessment, paying Universal Credit by default into a *single* bank account chosen by the claimant(s), may in some instances leave women without direct income and family members potentially without access to funds, until evidence of any ‘very exceptional circumstances’ has been produced, assessed and proven<sup>72</sup>. Further consideration should be given to the default payment of Universal Credit to the primary carer, usually the mother; a recommendation echoed by a 2018 UK Work and Pensions Committee Inquiry<sup>73</sup><sup>74</sup>.
- 3.75 It will be noted that the UN CEDAW Committee’s (2019) expressed concern that the payment of Universal Credit into a single bank account under the Universal Credit system risked depriving women in abusive relationships access to necessary funds and trapping them in situations of poverty and violence. It recommended the UK Government: ‘Ensure that women in

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<sup>70</sup> ECNI (2018), [Women in Northern Ireland: CEDAW Shadow Report](#)

<sup>71</sup> DWP (2018) [Personal Budgeting Support and Alternative Payment Arrangements: Guidance](#)

<sup>72</sup> See DWP (2018) [Personal Budgeting Support and Alternative Payment Arrangements: Guidance](#)

<sup>73</sup> The Work and Pensions Committee Inquiry (2018) recommended that where claimants have dependent children, the entire Universal Credit payment should be made to the main carer by default. See, House of Commons Work and Pensions Committee (2018) Inquiry, [Universal credit and domestic abuse: Government response to the Committee’s Seventeenth Report](#)

<sup>74</sup> The UK Government has indicated its commitment to ensuring that household payments under Universal Credit go directly to the main carer. See [speech](#) by Amber Rudd MP, Work and Pensions Secretary, on 11 January 2019 (accessed on 5 June 2020).

abusive situations are able to independently access payments under the Universal Credit system<sup>75</sup>.

**Equality Commission**  
**5 June 2020**

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<sup>75</sup> UN CEDAW Committee (March 2019), [Concluding Observations on UK](#)

## 4 **Annex A: Role and Remit of The Equality Commission for Northern Ireland**

- 4.1 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 and disability. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998<sup>76</sup>.
- 4.2 The Equality Commission and the Northern Ireland Human Rights Commission are jointly designated as the 'independent mechanism' to promote, protect and monitor implementation of United Nations Convention on the Rights of People with Disabilities (UNCRPD).

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<sup>76</sup> 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 public authorities;
- and
- keeping the legislation under review.