



# **EQUALITY COMMISSION FOR NORTHERN IRELAND**

**Response to call for views:**

**The Departments for Justice and Health –  
Domestic and Sexual Abuse Strategy**

**The Executive Office – Equally Safe Strategy**

**March 2022**

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# 1 Introduction

- 1.1 The Commission welcomes the opportunity to respond to the Domestic and Sexual Abuse Strategy and Equally Safe Strategy joint Call for Evidence, and the engagement undertaken with the Commission and other stakeholders to date.
- 1.2 As noted in the call for evidence, domestic and sexual abuse, and violence against women and girls are recognised as priority areas for the Executive.
- 1.3 The Domestic and Sexual Abuse Strategy and the Equally Safe Strategy provide a significant opportunity to maximise equality of opportunity and good relations. The Strategies should be designed to effectively tackle key inequalities experienced by people within Section 75 equality groups that remain persistent and hard to address, and any emergent issues as a result of the COVID-19 pandemic.
- 1.4 It may be of use to consider the Commission's [Gender Equality Policy Priorities and Recommendations](#), and our responses to the Justice Committee's 2020 consultation on the [Domestic Abuse and Family Proceedings Bill](#), and the 2014 consultation on '[Stopping Domestic and Sexual Violence and Abuse in Northern Ireland 2013-2020](#)'.

# 2 Overarching comments

- 2.1 The Commission welcomes the development of a new Domestic and Sexual Abuse Strategy and a Violence Against Women and Girls Strategy.
- 2.2 The Commission identifies a clear need for, and **recommends**, a targeted approach to tackling the specific nature and impact of domestic and sexual abuse taking account of issues associated with specific multiple identities / equality categories. Action should include identifying and addressing key emerging

or exacerbated inequalities due to COVID-19 and the policy response to it.

### ***Vision and objectives***

- 2.3 We **recommend** that the vision, objectives and any proposals within both strategies explicitly make commitments to tackle key inequalities, so as to mainstream equality and good relations.
- 2.4 We **recommend** that both Strategies place lived experience at the heart of their delivery; and ensure the meaningful involvement of individuals and their representative organisations in the design, delivery and review of policies and programmes affecting them.

### ***Monitoring***

- 2.5 We **recommend** that both Strategies have accountable and transparent monitoring and reporting arrangements. In general, such an approach has the potential to be transformative and to deliver tangible outcomes, including for people from Section 75 groups. We **recommend** that all relevant measures are tracked not only in aggregate but also for the impact on individuals from each of the Section 75 grounds.
- 2.6 Action must be taken to ensure effective equality data collection and monitoring of the impact of domestic abuse on Section 75 equality groups, and reviewing action taken in response to the impact of COVID-19 on those groups.
- 2.7 We further **recommend** that both the Domestic and Sexual Abuse Strategy and the Equally Safe Strategy should set out the specific mechanisms by which they will ensure that they take account of, and give full effect to, each other and other relevant work and Strategies. This includes, for example, the social inclusion Strategies; the Childcare Strategy; and developments relating to the planned Hate Crime Bill.

### ***Section 75 of the Northern Ireland Act***

- 2.8 As you will be aware [Section 75 of the Northern Ireland Act 1998](#) obliges designated public authorities, when carrying-out their functions, to have due regard to the need to promote

equality of opportunity for the nine equality groups, which includes between men and women generally.

- 2.9 These duties require more than the avoidance of discrimination<sup>1</sup>. Public authorities should actively seek ways to ensure considerations of greater equality of opportunity and good relations are embedded in their policy development. Treating everyone in the same way is unlikely to promote equality of opportunity for people who may have particular needs. Therefore, giving consideration to taking positive action, where anti-discrimination law permits, is wholly consistent with Section 75. The evidence base should shape the development and focus of the policy.
- 2.10 As you will also be aware, it is important that equality screening and EQIA, (where the policy is highly relevant to the promotion of equality of opportunity), **should be conducted at the earliest opportunity** in the policy development process. This is so that it happens while the policy itself is still being formulated and there is an opportunity to influence it - equality and good relations considerations can be built in and mitigations or alternative policy proposals can be given realistic consideration.

### ***Article 2 of the Ireland/Northern Ireland Protocol***

- 2.11 Following the UK's exit from the EU, the UK Government has committed under Article 2 of the Ireland/Northern Ireland Protocol to ensuring that certain equality and human rights in Northern Ireland will continue to be upheld after Brexit. Since 1 January 2021, the Equality Commission, together with the Northern Ireland Human Rights Committee, has been given additional powers and responsibilities, as the 'dedicated mechanism', to ensure that the UK Government's commitment under Article 2 of the Protocol is met<sup>2</sup>.
- 2.12 Under Article 2(1) the UK Government has committed to ensuring there is no diminution of rights, safeguards and equality of opportunity as set out in the relevant part of the Belfast (Good Friday) Agreement. There is also a commitment to ensuring that some of Northern Ireland's equality laws will

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<sup>1</sup> See advice set out in ECNI (2010) [S75 A Guide for Public Authorities](#)

<sup>2</sup> Schedule 3 of the European Union (Withdrawal Agreement) Act 2020 amended the Northern Ireland Act 1998 to confer these additional powers on the Commission – to monitor, advise, report on and enforce the UK's adherence to its commitment.

keep pace with any changes the EU may make to amend or replace the EU equality laws, set out in Annex 1 to the Protocol<sup>34</sup>.

- 2.13 In addition, UK courts when considering the interpretation of any of the equality directives listed in Annex 1, must do so in conformity with any relevant case law of the Court of Justice of the EU (CJEU)<sup>5</sup>.
- 2.14 It should be noted that neither the Northern Ireland Assembly, nor the Northern Ireland Executive, can act in a way that is incompatible with the UK Government's commitment. If they do, those actions can be challenged in courts, by way of judicial review proceedings.
- 2.15 This commitment therefore has significant implications for the work of the NI Assembly, Executive Ministers and departments, including the Department of Health, Department of Justice and Executive Office, as they develop, consult on, and introduce new legislation. They must ensure that this legislation complies with the UK Government's commitment under the Protocol.
- 2.16 Section 6 (2)(ca) of the Northern Ireland Act 1998<sup>6</sup> as amended by Schedule 3 to the European Union (Withdrawal Agreement) Act 2020<sup>7</sup>, makes clear that legislation created by the Northern Ireland Assembly in contradiction to the Article 2 obligations would be outside its legislative competence.
- 2.17 In taking forward actions, pursuant to this Strategy, we recommend that the Northern Ireland Executive and relevant

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<sup>3</sup> Ireland/Northern Ireland Protocol Annex 1 Directives: [Gender Goods and Services Directive \(Gender\)](#): Directive 2004/113/EC of 13 December 2004, [Recast Directive \(Gender\)](#): Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006, [Race Equality Directive \(Race\)](#): Directive 2000/43/EC of 29 June 2000, [Framework Directive \(religion and belief; age; sexual orientation; and disability\)](#): Directive 2000/78/EC of 27 November 2000, [Equal Treatment Directive: Self-employment \(Gender\)](#): Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010, [Equal Treatment Directive: Social security \(Gender\)](#): Directive 79/7/EEC of 19 December 1978.

<sup>4</sup> In addition, UK courts when considering the interpretation of any of the equality directives listed in Annex 1, including the Race Directive, must do so in conformity with any relevant case law of the Court of Justice of the EU (CJEU). UK Government, [Explainer Document](#): UK Government commitment to "no diminution of rights, safeguards and equality of opportunity" in Northern Ireland, 7 August 2020

<sup>5</sup> The Northern Ireland Office has, in its 2020 Explainer Document, stated that when a UK Court is considering the interpretation of any of the directives listed in Annex 1, this will be done in conformity with any relevant case law of the CJEU

<sup>6</sup> [Northern Ireland Act 1998](#)

<sup>7</sup> [European Union \(Withdrawal Agreement\) Act 2020](#)

departments ensure that, in the context of any potential future legislative developments and/or law reform in the area of domestic and sexual abuse, violence against women and girls and gender equality, that there is consideration of, and compliance with, Article 2 obligations. We further recommend that any future draft legislation, arising from the strategies, should also make clear in its Explanatory Memorandum what consideration has been given to Article 2 considerations.

- 2.18 The Commission would like to highlight the relevance of the EU Victims' Directive<sup>8</sup> in relation to the development of the strategies, particularly in relation to protection and justice (work stream 5 of the Domestic and Sexual Abuse Strategy). The Victims' Directive establishes minimum standards and obligations on the rights, support and protection of victims of crime. The Directive establishes a new legal standard for victim services, and obligations include the provision of specialist services and support for victims of domestic abuse and other forms of violence against women.
- 2.19 The Northern Ireland Office, in its 2020 Explainer Document<sup>9</sup> makes it clear that the Victims' Directive falls within the scope of the Protocol's Article 2 non-diminution principle. Therefore, it is the responsibility of the Northern Ireland Executive and departments to ensure that any legislative developments progressed under this Strategy do not reduce the rights of victims under the Victims Directive in a manner that is contrary to the UK Government commitment under Article 2 of the Protocol.
- 2.20 We set out below our specific comments and recommendations in relation to some of the issues raised in the Call for Evidence and in support of, first, the Domestic and Sexual Abuse Strategy, and second, the Equally Safe Strategy on Violence Against Women and Girls. Where we have not made specific comment, it is not to detract from the importance of mainstreaming equality throughout all workstreams and objectives in these strategies.

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<sup>8</sup> [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

<sup>9</sup> UK Government, [Explainer Document](#): UK Government commitment to "no diminution of rights, safeguards and equality of opportunity" in Northern Ireland, 7 August 2020

### 3 Domestic and Sexual Abuse Strategy

- 3.1 The Commission welcomes that work is ongoing to ensure there is a new Strategic Framework following the current Stopping Domestic and Sexual Violence and Abuse Strategy and notes the intent to ensure appropriate connectivity throughout the development of this Strategy with ongoing work currently undertaken related to sexual abuse as part of the Gillen Review implementation<sup>10</sup>.
- 3.2 The Commission notes that, despite acknowledging in the call for views<sup>11</sup> ‘that women and girls are disproportionately affected by domestic and sexual abuse’, that the Strategy will be gender neutral.
- 3.3 The Commission **recommends** that the Departments ensure that the Strategy addresses the nature and impact of domestic and sexual violence and abuse on women and men in a gender specific, not gender neutral, context, with gender specific actions.

#### ***The scope, scale and prevalence of Domestic and Sexual Abuse in Northern Ireland (Q1)***

- 3.4 As highlighted in the Commission’s *Gender Equality Policy Priorities and Recommendations (2016)*<sup>12</sup> domestic violence can be a form of gender-based violence and there is a need to address the increasing levels in Northern Ireland.
- 3.5 Emerging evidence indicates increasing levels of domestic violence in Northern Ireland since the COVID-19 lockdown began. For example, the PSNI reported a 12% increase in domestic abuse calls (1956 calls) between December 14th 2021 and January 1st 2022<sup>13</sup>.
- 3.6 Organisations across the UK working with victims of domestic violence, including charities supporting women subjected to

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<sup>10</sup> The Executive Office, Department of Health, Department of Justice (2022) [Call for Views, Domestic and Sexual Abuse, Violence Against Women and Girls](#) p.14

<sup>11</sup> The Executive Office, Department of Health, Department of Justice (2022) [Call for Views, Domestic and Sexual Abuse, Violence Against Women and Girls](#) p.14

<sup>12</sup> ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), paras 10.1-10.17.

<sup>13</sup> See BBC [Article](#) dates 12 January 2022 [accessed 28 January 2022]

domestic violence, have also reported an increase in requests for assistance over the period<sup>14</sup>.

- 3.7 Further, 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>15</sup>. Evidence indicates that there is under-reporting of domestic violence by a number of equality groups in Northern Ireland<sup>16</sup>  
<sup>17</sup>.
- 3.8 The UN High Commissioner for Human Rights has highlighted<sup>18</sup> 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’.

### ***Service provision and support (Q2)***

- 3.9 We **recommend**<sup>19</sup> the necessity of a gender specific approach to this Strategy and that actions flowing from it around service provision and support should address the nature and impact of domestic abuse on women and men in a gender specific, not gender neutral, context.
- 3.10 Women and men’s experience of domestic violence and abuse may be different, and the necessary action, services and support to meet needs may also be different.
- 3.11 The Men’s Advisory Project 2010 study on male victims of domestic violence and abuse highlighted gaps in provision of, and access to, services for male victims<sup>20</sup>. Research has also identified that there is a clear evidence gap in the area of men’s

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<sup>14</sup> Women’s Aid England, Imkaan, Women’s Aid Federation Northern Ireland, End Violence Against Women, Welsh Women’s Aid & Scottish Women’s Aid (2021) [Covid-19: One Year On](#)

<sup>15</sup> As reported by [BBC](#) on 20 April 2020 [accessed 28 January 2022].

<sup>16</sup> 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>17</sup> Mankind Initiative, (2020), [Male victims of domestic abuse and partner abuse: 50 key facts](#)

<sup>18</sup> UNHR Office of High Commissioner, (2020), [COVID-19 and the Human Rights of LGBTI people](#) [accessed 24 January 2022].

<sup>19</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#) para 10.15.

<sup>20</sup> 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](#)

experience of domestic violence and associated housing needs<sup>21</sup>.

- 3.12 There are also concerns that the COVID-19 outbreak has curtailed access to support services for victims of domestic abuse, particularly in the health, social care, policing and justice sectors<sup>22</sup>.
- 3.13 Furthermore, effective data collection of domestic and sexual abuse may improve and strengthen service provision and support.
- 3.14 The PSNI does not publish data on the levels of domestic abuse incidents/crimes by disability, sexual orientation or gender identity<sup>23</sup>. 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.
- 3.15 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>24</sup>.

### ***Prevention and early intervention (Q3)***

- 3.16 To aid prevention of domestic and sexual abuse, the Commission **recommends** specific action to institute coordinated, comprehensive and coherent measures to counter gender-based stereotypes and prejudicial attitudes from an early age and across all areas of life, including in all stages of

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<sup>21</sup> Wallace A, University of York, (2016) [Key Inequalities in Housing and Communities commissioned by ECNI](#)

<sup>22</sup> As reported in GB in Social Care, Institute for Excellence, (2020), [Domestic violence and abuse: Safeguarding during the COVID-19 crisis](#), [updated 3 February 2022], accessed 21 March 2022.

<sup>23</sup> PSNI (2018), [User Guide to Police Recorded Crime Statistics in Northern Ireland](#), para 5.7.1.

<sup>24</sup> For example, PSNI indicate that transphobic incidents decreased from 68 to 63 and crimes increased from 34 to 37. PSNI (2021) [Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland.](#)

education and vocational training, work<sup>25</sup>, and the media and social media, including advertising and marketing.

3.17 It is essential to challenge gender stereotypes and prejudicial attitudes from an early age, as gender-based stereotyping can begin in childhood and continue throughout life stages<sup>26</sup>. Prejudice can also lead to harassment, aggression, and violence<sup>27</sup>.

3.18 To counter stereotypes and prejudicial attitudes, the Commission **recommends**<sup>28</sup> measures including:

- challenging stereotypes in relation to women’s and men’s gender roles at school, work and in the family, communities and wider society; through career advice, and choices, and by embedding equality in the curriculum through inclusion of comprehensive Relationship and Sex Education (RSE)<sup>29</sup>;
- tackling gender stereotypes in the media and social media, including advertising and marketing, for example the objectification and degradation of women, and the sexualisation of childhood; and stereotypical notions of masculinity which can have a negative impact on individuals and others;
- tackling the high levels of prejudicial attitudes towards trans people, and raising societal awareness and understanding of the barriers they experience.

3.19 We further note that policy responses to tackling gender-based violence should take account of the status of Northern Ireland as a post conflict society<sup>30 31</sup>.

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<sup>25</sup> The ECNI [Winter 2021 Public Opinions Survey](#) (page 4) found that 23% of participants had witnessed a situation in which others were not treated with dignity or respect in the workplace.

<sup>26</sup> NI Executive (2013) [Together: Building a United Community Strategy](#) which notes: “We recognise that the early years in a child’s life are the most formative and it is at this early stage that children can establish opinions, mindsets and attitudes that shape their behaviours for the rest of their lives”

<sup>27</sup> ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), para 5.5

<sup>28</sup> ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), paras 5.2 – 5.12

<sup>29</sup> ECNI (2020) [Hate Crime Policy Priorities and Recommendations](#), paras 3.52 – 5.53

<sup>30</sup> ECNI (2020) [ECNI \(2020\) Hate Crime in Northern Ireland Policy Recommendations and Supporting Rationales](#), para 3.3

<sup>31</sup> For example, ‘research shows that the conflict/post-conflict environment in Northern Ireland shapes domestic violence’ As cited in Doyle, J., and McWilliams, M. (2019) [Transforming responses to domestic violence in a politically contested environment: The case of Northern Ireland](#) , feminists@law, Vol 9, No 1.

3.20 For further information on the Commission’s recommendations on early prevention see below paragraphs 4.28 – 4.40.

### ***Taking account of differing needs (Q4)***

3.21 We **recommend** a targeted approach to tackling the specific nature and impact of domestic violence taking account of issues<sup>32</sup> associated with specific multiple identities / equality categories.

3.22 The Strategy should ensure effective engagement with equality groups, as well as those people who are victims of domestic abuse and their representative organisations. This will assist with improving understanding of the nature and extent of abuse experienced, its particular impact and any experienced barriers.

3.23 The need for specific measures, including support, for particular equality groups was recognised by the CJINI<sup>33</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>34</sup>.

3.24 The experience of a person facing multiple inequalities is different from those facing inequality on a single ground.

3.25 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.

### **Women, Men, Trans people**

3.26 We reiterate that the Strategy should include gender-specific actions.

3.27 Levels of reported domestic violence against women in Northern Ireland continue to increase and domestic violence

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<sup>32</sup> ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#) paras 13.1 – 13.11

<sup>33</sup> 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>34</sup> Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#), page 11.

affects women disproportionately<sup>35</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>36</sup>.

- 3.28 The Istanbul Convention<sup>37</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.
- 3.29 There are increasing levels of reported domestic abuse experienced by men in Northern Ireland<sup>38</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>39</sup> of the abuse and can experience significantly reduced access to services.
- 3.30 We have previously<sup>40</sup> made clear our concern in relation to the gender-neutral approach taken with regards to the previous 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. 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 and boys. 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.
- 3.31 The need for a targeted approach to tackling domestic violence that takes into account the differential impacts of domestic

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<sup>35</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>36</sup> See Safe Lives (2015), [Insights Idva National Dataset 2013-14](#).

<sup>37</sup> The Council of Europe Convention on preventing and combating violence against women and domestic violence ([The Istanbul convention](#), 2011).

<sup>38</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>39</sup> Mankind Initiative, (2020), [Male victims of domestic abuse and partner abuse: 50 key facts](#). It found that 49% of men tell no one compared to 19% women.

<sup>40</sup> ECNI (2014) [Response To Consultation On 'Stopping Domestic And Sexual Violence And Abuse In Northern Ireland 2013-2020'](#)

violence on women and men was also highlighted in the Criminal Justice Inspectorate (CJINI) report (2019)<sup>41</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>42</sup>.

- 3.32 A survey carried out by Scottish Transgender Alliance, in Scotland (2013), sheds lights on trans people’s experiences of domestic abuse. It found that 80% of respondents stated 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>43</sup>.

### LGB people

- 3.33 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>44</sup>.
- 3.34 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.
- 3.35 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 LGB&T people experienced specific barriers when accessing domestic and sexual violence services in the UK<sup>45</sup>.

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<sup>41</sup> 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>42</sup> Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#), para 1.6.

<sup>43</sup> Scottish Transgender Alliance (2013) [Transgender People’s Experience of Domestic Abuse](#)

<sup>44</sup> Safe Lives (2018), [Free to be safe. LGBT+ people experiencing domestic abuse](#)

<sup>45</sup> Hudson-Sharp, N. and Metcalf, H., National Institute of Economic and Social Research (2016), [Inequality among lesbian, gay bisexual and transgender groups in the UK: a review of evidence](#)

## Disabled people

- 3.36 Research<sup>46</sup> (2022) commissioned by the Commission on the implementation of the UNCRPD in Northern Ireland, found current non-compliance with the UNCRPD through evidence of abuse and degrading treatment within institutional, residential and community settings<sup>47</sup> and high levels of abuse and violence.
- 3.37 This research<sup>48</sup> also found that d/Deaf and disabled women are two times more likely to suffer physical abuse from an intimate partner than non-disabled women and those who experience abuse face compound oppressions. There is a lack of specialist services for d/Deaf and disabled people experiencing domestic violence and many services are inaccessible<sup>49</sup>.
- 3.38 The CJINI<sup>50</sup> have found that people with disabilities experience domestic abuse at a higher rate and face greater barriers accessing support than those without disabilities.
- 3.39 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>51</sup>.
- 3.40 Evidence from GB also suggests that women and men with disabilities are disproportionately more likely to experience domestic abuse than non-disabled people. 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*

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<sup>46</sup> ECNI and Disability Action (2022) Draft Report - Progress Towards the Implementation of the UNCRPD in Northern Ireland.

<sup>47</sup> DfC (2020): [Disability Strategy Expert Advisory Panel: Report and Recommendations](#), pp.49-54

<sup>48</sup> ECNI and Disability Action (2022) Draft Report - Progress Towards the Implementation of the UNCRPD in Northern Ireland.

<sup>49</sup> DfC (2020) [Disability Strategy and Expert Advisory Panel: Report and Recommendations](#). p.118.

<sup>50</sup> 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>51</sup> Safe Lives, (2017), [Disabled Survivors Too: Disabled people and domestic abuse.](#) 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. 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 victims are more likely to report abuse from multiple perpetrators: one in five (19%) compared with one in twenty (6%).

*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>52</sup>.*

- 3.41 Further, it indicated that domestic violence against persons with disabilities was likely under-reported, and that disabled people 'experience more barriers to accessing support, such as health and social care services and domestic abuse services'.
- 3.42 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.
- 3.43 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.
- 3.44 UKIM's<sup>53</sup> report (2017) to the CRPD 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>54</sup>.
- 3.45 The UKIM report highlighted that disabled women who experience domestic violence face additional barriers to accessing appropriate support and that insufficient funding remained a major barrier<sup>55</sup>. It recommended that the UK and devolved governments took all necessary steps to ensure initiatives to address domestic and sexual violence and forced

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<sup>52</sup> Public Health England (2015), [Disability and domestic abuse . Risk, impacts and response](#)

<sup>53</sup> UK Independent Mechanism, which includes the Equality Commission

<sup>54</sup> UKIM (2017), [Submission to the UNCRPD Committee](#)

<sup>55</sup> UKIM (2017), [Submission to the UNCRPD Committee](#)

marriage effectively to assist disabled victims, including adequately funded support services and sufficient legal protection.

- 3.46 In 2017, the IMNI, in its *NI 'Parallel' Jurisdictional Report - IMNI Working Paper*<sup>56</sup> raised concerns about the lack of disability-specific programmes in the *Domestic and Sexual Violence and Abuse Strategy*.
- 3.47 Introducing steps to protect and support disabled people who are the victims of domestic violence will assist the UK to meet its obligations under international human rights conventions.
- 3.48 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>57</sup>.
- 3.49 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>58</sup>.
- 3.50 Further, the 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>59</sup>.

### Minority Ethnic Communities

- 3.51 Research (2013) has shown that minority ethnic women in Northern Ireland experiencing domestic violence face particular barriers which prevent them from seeking help<sup>60</sup>, highlighting that 'structural issues regarding immigration and access to public funds serve to reinforce minority ethnic women's

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<sup>56</sup> IMNI (2017), [NI 'Parallel' Jurisdictional Report - IMNI Working Paper](#)

<sup>57</sup> UNCRPD Committee (2017), [Concluding Observations on the UK](#)

<sup>58</sup> UNCRPD Committee (2017), [Concluding Observations on the UK](#)

<sup>59</sup> UN CEDAW Committee (2019), [Concluding Observations on UK](#)

<sup>60</sup> McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)

economic dependency on their partner thereby reducing the women's potential to leave'<sup>61</sup>.

- 3.52 The CJINI found in 2019 that those who are subject to immigration control can experience difficulties accessing public funds on leaving a relationship and language barriers<sup>62</sup>.
- 3.53 Action is needed to ensure access to social protection for those (mainly minority ethnic women) subjected to domestic violence with no recourse to public funds.
- 3.54 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.
- 3.55 Therefore, victims of domestic and sexual violence, including minority ethnic women, can be left financially dependent on their abuser, whether partner, other family member, employer or trafficker<sup>63</sup>.
- 3.56 Consideration should also be given decision to the outworking 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>64 65</sup>.
- 3.57 We would also highlight the 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

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<sup>61</sup> McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)

<sup>62</sup> 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>63</sup> Joint Committee on HR, (2015) [Violence Against Women and Girls](#), 6<sup>th</sup> Report of Session 2014/15

<sup>64</sup> See *R (W, a child) v Secretary of State for the Home Department, Project 17 intervening* [2020] EWHC 1299.

<sup>65</sup> See *ST & Anor v Secretary of State for the Home Department* [2021] EWHC 1085, in which the High Court found that the NRPF policy was unlawful as it failed to comply with the Government's statutory duty to safeguard and promote the welfare of children. In November 2021, the Home Office published new guidance updating policy setting out when access to public funds must be granted, in consideration of impact of imposing NRPF on children and on those at imminent risk of destitution. See NRPF Network website (November 2021) article [Home Office updates policy setting out when access to public funds must be granted](#) [accessed 4 February 2022]

protection and support services without fear of having their immigration status reported to authorities'<sup>66</sup>.

### Older people and children

- 3.58 Research<sup>67</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.
- 3.59 A report by Safe Lives (2016)<sup>68</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.
- 3.60 Further, the CJNI report (2019) 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>69</sup>.

### ***Proposed workstreams (Q7)***

- 3.61 We **recommend** that the vision, workstreams and any proposals explicitly make commitments to tackle key inequalities, so as to mainstream equality and good relations.
- 3.62 We welcome the proposed inclusion of a workstream in the Domestic and Sexual Abuse Strategy which takes account of the needs of specific groups of victims. However, we would emphasise that such work should be mainstreamed across the Strategy, and the intersectional and specific needs of different victims, and women and girls respectively, should be considered throughout.

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<sup>66</sup> UN CEDAW Committee (2019), [Concluding Observations on UK](#)

<sup>67</sup> Devaney, J. (2010) [Older Women's Lifelong Experience of Domestic Violence in Northern Ireland](#)

<sup>68</sup> Safe Lives (2016), [Safe Later Lives Older People and Domestic Abuse](#)

<sup>69</sup> Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

3.63 We welcome that the Strategy includes objectives focusing on prevention and early intervention on domestic and sexual abuse, and violence against women and girls.

3.64 We further welcome the proposed ‘whole system’ approach to the Domestic and Sexual Abuse Strategy, working across government in partnership with the statutory, voluntary and community sector to deliver joined up solutions<sup>70</sup>.

### Monitoring

3.65 We **recommend** that the Strategy have accountable and transparent monitoring and reporting arrangements. In general, such an approach has the potential to be transformative and to deliver tangible outcomes, including for people from Section 75 groups. We **recommend** that all relevant measures are tracked not only in aggregate but also for the impact on individuals from each of the Section 75 grounds.

3.66 Action must be taken to ensure effective equality data collection and monitoring of the impact of domestic abuse on Section 75 equality groups, and reviewing action taken in response to the impact of COVID-19 on those groups.

### ***Engaging with those affected (Q9)***

3.67 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 and sexual abuse and their representative organisations.

3.68 We **recommend** that the Strategy place lived experience at the heart of their delivery; and ensure the meaningful involvement of individuals and their representative organisations in the design, delivery and review of policies and programmes affecting them.

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<sup>70</sup> The Executive Office, Department of Health, Department of Justice (2022) [Call for Views. Domestic and Sexual Abuse. Violence Against Women and Girls](#) p.15

## 4 Equally Safe Strategy

4.1 The Commission welcomes the development of an Equally Safe Strategy to tackle the root causes of Violence Against Women and Girls that is intersectional, and which focuses on all forms of violence.

4.2 We would also draw your attention to our **recommendation**<sup>71</sup> to extend hate crime legislation to include the protected characteristic of gender. As noted above, the Equally Safe Strategy should consider the planned reform of hate crime legislation.

### ***Focus on women and girls (Q1)***

4.3 The Commission welcomes the proposed gender specific focus of the new Equally Safe Strategy. We have previously<sup>72</sup> called for action to tackle gender-based violence and domestic violence in gender specific contexts.

4.4 The Commission considers that there is a need for effective strategies that tackle the nature and specific impact of gender-based violence on women and men, as well as gender-based violence due to a person's gender identity. Such strategies should include actions to tackle cultural and stereotypical attitudes, and raise awareness of gender-based violence.

4.5 As above, [Section 75 of the Northern Ireland Act 1998](#) obliges designated public authorities, when carrying-out their functions, to have due regard to the need to promote equality of opportunity for the nine equality groups, which includes between men and women generally.

4.6 These duties require more than the avoidance of discrimination<sup>73</sup>. Public authorities should actively seek ways to ensure considerations of greater equality of opportunity and good relations are embedded in their policy development. Treating everyone in the same way is unlikely to promote equality of opportunity for people who may have particular needs. Therefore, giving consideration to taking positive action, where anti-discrimination law permits, is wholly consistent with

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<sup>71</sup> ECNI (2020) [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paras 4.72-.4.89.

<sup>72</sup> ECNI (2019) [CEDAW Shadow Report](#)

<sup>73</sup> See advice set out in ECNI (2010) [S75 A Guide for Public Authorities](#)

Section 75. The evidence base should shape the development and focus of the policy.

- 4.7 We note that CEDAW Recommendation 19 on violence against women underlines that the Convention requires States to take positive measures to eliminate all forms of violence against women<sup>74</sup>.

### ***Vision and objectives (Q2-3)***

- 4.8 We **recommend** that the vision, objectives and any proposals explicitly make commitments to tackle key inequalities, so as to mainstream equality and good relations. We would emphasise that such should be mainstreamed and the intersectional and specific needs of different victims, and women and girls respectively, be considered throughout.
- 4.9 We welcome the inclusion of an objective focusing on prevention and early intervention of violence against women and girls.
- 4.10 The objective of co-design in the Equally Safe Strategy is also welcome. 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 and sexual abuse and their representative organisations.
- 4.11 We **recommend** that the Equally Safe Strategy place lived experience at the heart of their delivery; and ensure the meaningful involvement of individuals and their representative organisations in the design, delivery and review of policies and programmes affecting them.
- 4.12 We note the inclusion of a ‘whole system’ approach to the Domestic and Sexual Abuse Strategy, working across government in partnership with the statutory, voluntary and community sector to deliver joined up solutions<sup>75</sup>. We would suggest that the Equally Safe Strategy make a similar commitment to work in partnership.

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<sup>74</sup> CEDAW (1992) [Recommendation 19 on Violence Against Women](#), para 4

<sup>75</sup> The Executive Office, Department of Health, Department of Justice (2022) [Call for Views. Domestic and Sexual Abuse. Violence Against Women and Girls](#) p.15

## Monitoring

- 4.13 We **recommend** that the Strategy should have accountable and transparent monitoring and reporting arrangements. In general, such an approach has the potential to be transformative and to deliver tangible outcomes, including for people from Section 75 groups. We **recommend** that all relevant measures are tracked not only in aggregate but also for the impact on individuals from each of the Section 75 grounds.
- 4.14 Action must be taken to ensure effective equality data collection and monitoring of the impact of domestic abuse on Section 75 equality groups, and reviewing action taken in response to the impact of COVID-19 on those groups.

## ***The scope, scale and prevalence of gender-based violence (Q4)***

- 4.15 It may be useful to refer to the above section on the scope, scale and prevalence of domestic and sexual abuse in Northern Ireland (paras 3.4 – 3.8).
- 4.16 Furthermore, the Commission has previously raised concerns about women and girls facing harassment when accessing health services<sup>76</sup>. Action is needed to ensure that women, including women with multiple identities, are able to access all health services, including sexual and reproductive health services, free from discrimination or harassment and that such measures should be compliant with human rights legislation.

## ***Unwanted behaviour or actions towards women and girls (Q5)***

### Bullying

- 4.17 The Commission **recommends** there is a need to tackle gender-based bullying, including transphobic bullying and bullying of a sexual nature across all areas of education, including in schools and institutions of further and higher education.

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<sup>76</sup> ECNI (2020), [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paras. 3.88-3.91.

- 4.18 A 2017 study<sup>77</sup> on sexism in schools in England and Wales found that sexual harassment is highly prevalent. It also found that the harassment was gendered, with the use of misogynist language commonplace and gender stereotyping a typical feature of school culture, often reinforced through mundane, everyday actions.
- 4.19 Evidence from the Department of Education's research into the Nature and Extent of Bullying in Schools (2011) reveals that boys and girls frequently experience bullying with a sexual meaning<sup>78</sup>. The 2021 Girlguiding Girls Attitude survey found that 19% of girls aged 11 to 16 had been sent unwanted sexual images, which increased to 33% for 17- to 21-year-olds. 9% of 13 to 16s had felt pressure to share images of themselves that they were not comfortable with, which increased to 19% of 17 to 21s<sup>79</sup>.

### Employment

- 4.20 We note that women and girls experience unwanted behaviour and actions in relation to employment.
- 4.21 Women frequently experience sex discrimination and harassment in the workplace, including discrimination due to pregnancy and maternity, and as regards unequal pay<sup>80</sup>. Some forms of harassment may be classed as sex discrimination<sup>81</sup>.
- 4.22 The Commission receives a high number of enquiries / applications for assistance from individuals who believe they

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<sup>77</sup> National Education Union/UK Feminista (2017) [It's just everywhere: A study on sexism in schools and how we tackle it.](#)

<sup>78</sup> Results from the Year 9 pupil survey show that: 'I was bullied with mean names, comments or rude gestures with a sexual meaning' was the sixth most common form of bullying experienced by around 14% of pupils (about 16% of boys and 12% of girls). This was also the fifth most common type of bullying perpetrated by 6% of Year 9 pupils (9% of boys and 3% of girls). RSM McClure Watters (2011) [The Nature and Extent of Pupil Bullying in Schools in the North of Ireland report](#)

<sup>79</sup> Girlguiding (2021) [Girls Attitudes Survey](#): 11% girls and young women aged 11 to 21 say they've experienced cyberstalking in the last year. 29% girls aged 7 to 10 have received mean comments while online in the last year. 18% aged 11 to 16, and a 24% aged 17 to 21 say they've been bullied online in the last year. This is slightly higher for LGBTQ girls and young women with 29% aged 11 to 21 saying so compared to 20% who are straight. 43% girls aged 11 to 16 have seen sexist comments or 'jokes' in the last year, increasing to 57% aged 17 to 21. LGBTQ girls and young women aged 11 to 21 are more likely to have experienced this at 72% compared to 44% of those who identify as straight.

<sup>80</sup> A 2016 investigation carried out by ECNI has highlighted experiences of unfair treatment of pregnant workers and mothers in the workplace. In particular, it found that a significant percentage (36%) of women participating in this investigation believed that they had been treated unfairly or disadvantaged at work as a result of their pregnancy or having taken maternity leave. See ECNI (2016) [Expecting Equality-Summary Report A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces](#)

<sup>81</sup> Article 6A [Sex Discrimination \(Northern Ireland\) Order 1976](#)

had been discriminated against on the grounds of their sex<sup>82</sup>, including a significant proportion of cases relating to sexual harassment in the workplace, as well as pregnancy/ maternity<sup>83</sup> issues.

- 4.23 A 2016 investigation<sup>84</sup> carried out by ECNI has highlighted experiences of unfair treatment of pregnant workers and mothers in the workplace. In particular, it found that a significant percentage (36%) of women participating in this investigation believed that they had been treated unfairly or disadvantaged at work as a result of their pregnancy or having taken maternity leave.
- 4.24 A 2020 survey<sup>85</sup> undertaken by ECNI into employee experiences of welcoming and inclusive workplaces found that 12% of respondents had personally experienced unwanted behaviour in the previous 12 months, and 25% had witnessed unwanted behaviour towards others. 27% of those unwanted behaviours were experienced on the grounds of sex. Just over half of those (52%) did not raise the issue at all, due to reasons of management practice, fear of victimisation, and prejudice, stigma and bias.

### Online abuse

- 4.25 We consider that there is a clear need for greater action to tackle online hate speech and abuse experienced by a range of equality groups, including women and girls, in Northern Ireland.
- 4.26 A 2017 review by the Committee on Standards in Public Life<sup>86</sup> highlighted that social media was changing the way election campaigns were conducted and that '*online intimidation was now a persistent characteristic of election campaigns for a large number of Parliamentary candidates, who can be subject to intimidatory messages 24 hours a day.*'

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<sup>82</sup> In 2020/21 just under a quarter (24.15% (711)) of ECNI discrimination enquiries related to sex discrimination. 87.2% (620) of these enquiries related to employment. 30% (215) related to pregnancy and maternity. Of those 620 employment related sex discrimination queries, a third (33.26% (206)) related to pregnancy and maternity, and 67 (10.8%) related to sexual harassment in the workplace.

<sup>83</sup> ECNI (2019) [Pregnancy and maternity discrimination remains an issue for working mothers](#) [accessed January 2022]

<sup>84</sup> ECNI (2016) [Expecting Equality-Summary Report A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces](#)

<sup>85</sup> ECNI (2020) [Welcoming and Inclusive Workplaces – Employee Experiences](#)

<sup>86</sup> Committee on Standards in Public Life (2017) [Intimidation in Public Life: A Review by the Committee on Standards in Public Life](#) (Cm9543)

4.27 When considering action to tackle online hate speech it is important to recognise the distinct features of online abuse that make it different to offline abuse<sup>87</sup>. These distinct features include the public element of online hate speech, the potential for reputational damage and public humiliation, and the potentially permanent nature of hate speech, which can mean that online hate speech can remain even if a perpetrator is caught.

### ***Root causes of VAWG and promotion of behavioural and attitudinal change (Q6)***

4.28 Gender stereotyping and prejudicial attitudes affect women and men throughout their lives and limit the options that are open to them and the choices that they can make in public, economic, social and family life. Prejudice can also lead to harassment, aggression and violence.

4.29 The Commission has previously called for specific action to institute coordinated, comprehensive and coherent measures to counter gender-based stereotypes and prejudicial attitudes from an early age and across all areas of life, including in all stages of education and vocational training, work, and the media and social media, including advertising and marketing.

4.30 These measures should include:

- challenging stereotypes in relation to women's and men's gender roles at school, work and in the family, communities and wider society
- tackling gender stereotypes in the media and social media, including advertising and marketing, for example the objectification and degradation of women, and the sexualisation of childhood; and stereotypical notions of masculinity which can have a negative impact on individuals and others
- tackling the high levels of prejudicial attitudes towards trans people, and raising societal awareness and understanding of the barriers they experience.

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<sup>87</sup> ECNI (2020) [Response to consultation: Hate Crime Legislation in Northern Ireland. Independent Review](#), para 9.6.

- 4.31 We have also **recommended** action to tackle online hate speech and abuse<sup>88</sup>, including by increasing awareness and understanding of the scale, nature and specific impact of online hate speech and abuse, and placing greater responsibility on Social Media Companies to remove online hate speech.

### Education

- 4.32 Our [Equality in Education: Policy Recommendations](#) 2018, recognises tackling prejudice based bullying and challenging stereotypes as a priority area for intervention, and we have made a range of related recommendations<sup>89</sup> that the Strategy should seek to progress to promote behavioural and attitudinal change. These include ensuring actions to tackle one-off incidents and unintentional acts of prejudice-based bullying, which may not be covered by the statutory definition of bullying, are adequately dealt with in guidance from the Department of Education<sup>90</sup>; improving the monitoring of bullying incidents by education providers across the equality grounds<sup>91</sup>; and strong and visible leadership from the school Principal, senior management team and board of governors to promote an anti-bullying culture within every school<sup>92</sup>.
- 4.33 To promote change, such as achieving an anti-bullying culture, it is important that schools recognise the range of factors to be considered as part of a whole school approach.
- 4.34 These include creating an inclusive culture and environment; ensuring the participation of learners and their parents / carers; staff training; and using curriculum opportunities to cover controversial topics. Research also points to the need to challenge gender roles, including across the curriculum generally, and within RSE specifically. The Commission has further **recommended**<sup>93</sup> that steps are taken to ensure that schools are supported to deal with issues in a sensitive, non-discriminatory way, including when delivering RSE to pupils.

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<sup>88</sup> ECNI (2020) [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paras 3.80-3.87.

<sup>89</sup> ECNI (2018) [Equality in Education](#), paras 6.1-6.60.

<sup>90</sup> ECNI (2018) [Equality in Education](#), paras 6.6-6.11

<sup>91</sup> ECNI (2018) [Equality in Education](#), paras 6.12-6.16.

<sup>92</sup> ECNI (2018) [Equality in Education](#), paras 6.27-6.32

<sup>93</sup> ECNI (2013) [Promoting Sexual Orientation Equality: Priorities and Recommendations](#)

- 4.35 We note that RSE is compulsory in England, and Department for Education guidance<sup>94</sup> for schools on how to comply with this new duty makes clear that post primary schools should cover a number of issues relating to the promotion of equality. These include, for example, knowledge of the legal rights and responsibilities regarding equality, and how stereotypes impact on different equality groups. It also states that pupils should be made aware of the relevant legal provisions when relevant topics are being taught, including, for example, hate crime.
- 4.36 Recommendation (2002) 5 of the Council of Europe<sup>95</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”*
- 4.37 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<sup>96</sup>. 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<sup>97</sup>.

### Law Reform

- 4.38 Having effective and robust equality laws can help to combat prejudices and stereotypes against protected groups. The Commission has stressed<sup>98</sup> the urgent need to address significant gaps and weaknesses in the sex equality legislation.
- 4.39 For instance, we have **recommended** greater protection for employees against harassment on grounds of sex by a third party such as a customer or client.

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<sup>94</sup> Department for Education (2019) [Relationships education, RSE and Health Education. Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers.](#)

<sup>95</sup> [Recommendation \(2002\) 5 of the Council of Europe](#)

<sup>96</sup> Joint Committee on Human Rights (2015) [Sixth Report on Violence Against Women and Girls](#)

<sup>97</sup> Council of Europe (2011) Convention on Preventing and Combating Violence Against Women and Domestic Violence (the [Istanbul Convention](#)) Art. 14

<sup>98</sup> ECNI (2016) [Gender Law Reform: Policy Priorities and Recommendations](#)

4.40 We are of the view that the introduction of single equality legislation would best harmonise and simplify the protections available in Northern Ireland. In the absence of single equality legislation, we **recommend** a clear timetabled commitment to strengthen equality law in Northern Ireland in key areas, including sex equality law.

### ***Experiences of particular groups of women and girls (Q 7, 10)***

4.41 The Council of Europe, in its Recommendation on gender equality standards and mechanisms, has set out how certain groups of women are in an especially vulnerable position and recommended that Governments pay special attention to the specific needs of women with multiple identities<sup>99</sup>.

4.42 Women with multiple identities, such as disabled women, minority ethnic women, rural women, lesbian and bisexual women as well as lone parents and women living in disadvantaged communities, can face particular barriers.

4.43 In addition, whilst socio-economic disadvantage is not a separate ground under the equality legislation, the barriers experienced by women can be exacerbated by poverty and social deprivation. For example, women living in disadvantaged areas, as well as rural women, can experience marginalisation, poverty and exclusion<sup>100</sup>.

4.44 Gender stereotyping can also have a particular impact on women with multiple identities; for example, gender stereotypes are often combined with other stereotypes experienced by disabled women, minority ethnic women as well as stereotypes due to age<sup>101</sup>.

4.45 We also refer you to our above response to the relation to 'Taking account of differing needs', Domestic and Sexual Abuse Strategy (paras 3.21 - 3.60)

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<sup>99</sup> Council of Europe (2007) [Recommendation 17](#)

<sup>100</sup> Department for Social Development, Department of Agriculture and Rural Development (2012) [Joint Policy Statement, Programme for Regional Support for Women in Disadvantaged Rural Areas](#)

<sup>101</sup> Committee on Women's Rights and Gender Equality, European Parliament (2012) [Report on eliminating Gender Stereotypes in the EU](#)

## 5 Conclusion

- 5.1 We welcome the development of a Domestic and Sexual Abuse Strategy and a Violence Against Women and Girls Strategy as having the potential to advance equality of opportunity and good relations.
- 5.2 We **recommend** that both Strategies must include gender-specific actions in order to address the nature and impact of both Domestic and Sexual Violence and Abuse, and of Violence Against Women and Girls.
- 5.3 We **recommend** that the vision, objectives and any proposals addressed in the Strategies explicitly make commitments to tackle key inequalities, so as to mainstream equality and good relations considerations.
- 5.4 We **recommend** that any equality impacts of potential changes to legislation, policies, processes or procedures are carefully considered, and any negative effects mitigated throughout both the Domestic and Sexual Abuse Strategy and the Equally Safe Strategy.
- 5.5 We **recommend** that both the Strategies should have accountable and transparent monitoring and reporting arrangements. We further **recommend** that all relevant measures are not only tracked in aggregate but also for the impact on individuals from each of the Section 75 grounds.
- 5.6 We trust that the proposals and recommendations set out in this response are of assistance. We recognise that these are the Calls for Evidence and look forward to further engagement on these Strategies. If further discussion would be useful, please do not hesitate to contact us.