



EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to consultation:

**European Commission – Combatting Violence
Against Women and Domestic Violence Directive.**

May 2022

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1 Introduction

- 1.1 The Equality Commission for NI (the Commission) welcomes the opportunity to respond to the European Commission’s consultation on the proposed Directive on combatting violence against women and domestic violence¹.
- 1.2 The Commission is an independent public body established under the Northern Ireland Act 1998.
- 1.3 The Commission has particular duties under the sex equality legislation², including to work to eliminate unlawful sex discrimination and harassment, to promote equality of opportunity between men and women, to keep the working of the legislation under review, as well as to make recommendations for change, where necessary. The Commission also has the duty to promote equality of opportunity for transgender people³.
- 1.4 Further information on our role and remit is outlined in Annex A.
- 1.5 Following the UK’s exit from the EU, the UK Government has committed under Article 2 of the Ireland/Northern Ireland Protocol (‘the 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 Commission, 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 met⁴.
- 1.6 In responding to this consultation, the Commission has set out views relevant to our remit, including under Article 2 of the Protocol.

¹ European Commission (2022) [Proposal for a Directive on combating violence against women and domestic violence](#)

² [Sex Discrimination \(Northern Ireland\) Order 1976](#) as amended, and the [Equal Pay Act 1970](#) as amended.

³ Namely under the [Sex Discrimination \(Northern Ireland\) Order 1976](#) as amended, a duty to promote equality of opportunity for persons who intend to undergo, are undergoing or have undergone gender reassignment.

⁴ 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.

2 Overarching comments

- 2.1 The Equality Commission welcomes and supports the European Commission's commitment to effectively combat violence against women and domestic violence throughout the EU.
- 2.2 The Equality Commission identifies a clear need for, and **recommends**, a targeted approach to tackling the specific nature and impact of violence against women and domestic violence 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.
- 2.3 We note this Directive will be the first act specifically addressing this type of violence against women and domestic violence. As noted in the proposal⁵, such violence endangers the principles of equality between women and men and non-discrimination⁶, and can violate fundamental rights laid out in the Charter of Fundamental Rights of the EU⁷.
- 2.4 We **recommend** that action to address violence against women and domestic violence places lived experience at the heart of its delivery, and ensures the meaningful involvement of individuals and their representative organisations in the design, delivery and review of policies and programmes affecting them.
- 2.5 We **recommend** effective equality data collection and monitoring of the impact of violence against women and domestic abuse on equality groups, and reviewing action taken in response to the impact of COVID-19 on those groups.
- 2.6 The Commission notes this proposal follows the initial consultation⁸ and prior announcement in the EU Gender Equality Strategy 2020-2025⁹ which commits to provide uniform

⁵ European Commission (2022) [Proposal for a Directive on combating violence against women and domestic violence](#), paras 2-3

⁶ [Treaty on the European Union](#) Art. 2

⁷ [Charter of Fundamental Rights of the European Union](#) Arts 1- 4, 7-8, 24. Including the right to human dignity, life and integrity, prohibition of inhuman or degrading treatment or punishment, respect for private and family life, personal data protection, and rights of the child

⁸ [EU Combating gender-based violence – protecting victims and punishing offenders Public Consultation February 2021 – May 2021](#)

⁹ [EU Gender Equality Strategy 2020-2025](#)

standards for preventing violence against women and domestic violence, protecting victims, and punishing offenders. We also note the European Pillar of Social Rights Action Plan¹⁰ which reiterates the commitment to combat gender-based violence and propose legislation to this effect.

- 2.7 We note this proposal aims to introduce measures related to criminalisation of and sanctions for relevant offences; protection of victims and access to justice; victim support; prevention; co-ordination and cooperation.
- 2.8 We note the proposal aims to achieve the objectives of the Istanbul Convention¹¹, and that the need for action applies both to those Member States that have and have not ratified the Istanbul Convention. We also note this proposal extends upon the Istanbul Convention in relation to cyber violence against women which is not included in that Convention.
- 2.9 We note there is no current specific EU legislation which comprehensively addresses violence against women and domestic violence and that this Directive will be the first act specifically addressing this type of violence. We note the targeted measures on criminal offence and victims' rights which lay down minimum rules that enable the Member States to set higher standards and leave flexibility for Members states to take into account country-specific situations.
- 2.10 We note that some of the relevant Directives as outlined in the proposal, continue to have relevance for Northern Ireland, as they fall within the scope of the non-diminution commitment under Article 2 of the Protocol (as explained in Section 4 of this submission). This includes the Victims' Rights Directive¹², which establishes minimum standards on the rights, support and protection of victims of crime, including access to justice, which will be complemented by this proposal in relation to the specific needs of victims of violence against women and domestic violence.
- 2.11 Further, this includes the Anti-Trafficking Directive¹³, which is the fundamental EU legislative act addressing trafficking in

¹⁰ [EU Pillar of Rights Action Plan 2021](#)

¹¹ Council of Europe (Istanbul) [Convention on preventing and combating violence against women and domestic violence](#) (2014)

¹² [Directive 2012/29/EU \(the 'Victims' Rights Directive'\)](#)

¹³ [Directive 2011/36/EU \('the Anti-Trafficking Directive'\)](#)

human beings, establishing minimum rules concerning: the definition of criminal offences and sanctions; common provisions to strengthen victim's protection, assistance and support, as well as prevention; and key actors to fight against the crime.

- 2.12 These Directives also include the Gender Directives¹⁴. These Directives implement the principle of equality in three areas: equal treatment between men and women in the access to and supply of goods and services; equal opportunities and equal treatment of men and women in matters of employment and occupation; and, equal treatment between men and women engaged in an activity in a self-employed capacity.
- 2.13 Under Article 2 of the Protocol the UK Government has also committed to ensuring that some of Northern Ireland's equality laws will keep pace with any changes the EU may make to amend or replace the EU equality Directives, set out in Annex 1 to the Protocol^{15 16}. This includes the Gender Equality Directives.
- 2.14 We note that Chapter 3 of this proposal provides that equality bodies are competent to assist and give advice to victims of violence against women and domestic violence – both severe forms of discrimination against women, and that such bodies are also granted legal standing to act on behalf of victims in criminal proceedings where they deem so appropriate.

¹⁴ Council Directive [2004/113/EC](#) of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Directive [2006/54/EC](#) of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast); Directive [2010/41/EU](#) of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

¹⁵ 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.

¹⁶ 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

- 2.15 The Commission has not formed a view on this proposal. As above, we have previously called for a targeted approach in tackling Violence Against Women and Girls and Domestic Violence. Our current remit, as outlined in annex A, does not include criminal law.
- 2.16 It may be of use to consider the Commission’s [Gender Equality Policy Priorities and Recommendations](#), and our responses to the NI Assembly Justice Committee’s 2020 consultation on the [Domestic Abuse and Family Proceedings Bill](#). See also our 2022 response to The Executive Office and Departments of Justice and Health joint call for views on the [Violence Against Women and Girls Strategy and Domestic and Sexual Abuse Strategy](#).

3 Article 2 of the Ireland/Northern Ireland Protocol

- 3.1 Following the UK’s exit from the EU, the UK Government has committed under Article 2 of the Ireland/Northern Ireland Protocol (‘the 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 (NIHRC), 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 met¹⁷.
- 3.2 Under Article 2(1) the UK Government has committed to ensuring there is no diminution of the rights, safeguards and equality of opportunity protections as set out in the relevant part of the Belfast (Good Friday) Agreement as a result of Brexit¹⁸.
- 3.3 There is also a commitment by the UK Government to ensure that some of Northern Ireland’s equality laws will keep pace with any changes the EU may make to amend or replace the

¹⁷ 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.

¹⁸ ECNI (2021) [Equality and Human Rights after Brexit – A Short Guide](#)

EU equality Directives, set out in Annex 1 to the Protocol¹⁹²⁰. This includes the Gender Equality Directives.

- 3.4 The Commission welcomes that the proposal on combatting gender-based violence complements the Gender Directives²¹ “by setting minimum standards on support and access to justice of victims of such harassment.”²² As noted above, as a result of the Article 2 keeping pace commitment in the Protocol, any changes by the EU which amend or replace the provisions in Annex 1 Directives, including the Gender Directives, so as to enhance protections, will have implications for gender equality rights in Northern Ireland²³.
- 3.5 The Commission would also like to highlight, as set out above that it considers that the Victim’s Directive²⁴ and the Anti-Trafficking Directive both fall within the scope of the UK Government’s Article 2 non-diminution commitment.

¹⁹ 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.

²⁰ 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

²¹ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, (OJ L 373, 21.12.2004, p. 37–43); Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ L204, 26.7.2006, p. 23–36); Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, (OJ L 180, 15.7.2010, p. 1–6)

²² European Commission, Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, Strasbourg, COM(2022) 105 final, 8 March 2022, Page 6

²³ 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). 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.

²⁴ As stated by the Northern Ireland Office, in its [2020 Explainer Document](#)

4 Violence Against Women and Girls and Domestic Violence

4.1 We have made a range of recommendations related to gender equality, violence against women and girls and domestic and sexual abuse. Several of these recommendations may be of use when seeking feedback on the proposed Violence Against Women and Domestic Violence Directive:

- **Gender specific** action and service provision;
- **Action to tackle root causes of violence** against women and girls and domestic violence;
- **Taking an intersectional approach** to combatting violence against women and girls and domestic violence;
- Action to tackle a wide range of **unwanted behaviour or actions** including bullying, in employment, and online abuse;
- Reform of **domestic equality law**;
- **Disaggregated data collection and monitoring** in relation to violence against women and domestic violence.

Gender specific actions

4.2 We **recommend** a targeted approach to tackling the specific nature and impact of violence against women and domestic violence. We have previously^{25 26 27} called for action to tackle gender-based violence and domestic violence in gender specific contexts.

4.3 The nature and impact of domestic and sexual violence and abuse on women and men should be addressed in a gender specific, not gender neutral, context, with gender specific actions.

²⁵ ECNI (2019) [CEDAW Shadow Report](#)

²⁶ ECNI (2022) [Response to call for views: The Departments for Justice and Health – Domestic and Sexual Abuse Strategy & The Executive Office – Equally Safe Strategy](#) p.6

²⁷ ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#) p.42

- 4.4 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.
- 4.5 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 sectors²⁸.
- 4.6 Domestically in Northern Ireland, [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.
- 4.7 These duties require more than the avoidance of discrimination²⁹. 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.
- 4.8 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 women³⁰.
- 4.9 We have previously raised concerns about women and girls facing harassment when accessing health services in Northern Ireland³¹. We **recommend** 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

²⁸ 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.

²⁹ See advice set out in ECNI (2010) [S75 A Guide for Public Authorities](#)

³⁰ CEDAW (1992) [Recommendation 19 on Violence Against Women](#), para 4

³¹ ECNI (2020), [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paras. 3.88-3.91.

such measures should be compliant with human rights legislation.

Prevention and Early Intervention

- 4.10 We **recommend** 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, work³², and the media and social media, including advertising and marketing.
- 4.11 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 stages³³. Prejudice can also lead to harassment, aggression, and violence³⁴.
- 4.12 To counter stereotypes and prejudicial attitudes, the Commission **recommends** 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)³⁵;
 - 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.

³² 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.

³³ 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, mind sets and attitudes that shape their behaviours for the rest of their lives”

³⁴ ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), para 5.5

³⁵ ECNI (2020) [Hate Crime Policy Priorities and Recommendations](#), paras 3.52 – 5.53

- 4.13 We further note than in Northern Ireland, policy responses to tackling gender-based violence and domestic violence should take account of the status of Northern Ireland as a post conflict society^{36 37}.
- 4.14 We have also **recommended** action to tackle online hate speech and abuse³⁸, 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.

Intersectionality

- 4.15 We **recommend** a targeted approach to tackling the specific nature and impact of domestic violence taking account of issues³⁹ associated with specific multiple identities / equality categories.
- 4.16 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 identities⁴⁰.
- 4.17 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.
- 4.18 In addition, whilst socio-economic disadvantage is not a separate ground under the domestic equality legislation, the barriers experienced by women can be exacerbated by poverty and social deprivation. For example, women living in

³⁶ ECNI (2020) ECNI (2020) [Hate Crime in Northern Ireland Policy Recommendations and Supporting Rationales](#), para 3.3

³⁷ 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.

³⁸ ECNI (2020) [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paras 3.80-3.87.

³⁹ ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#) paras 13.1 – 13.11

⁴⁰ Council of Europe (2007) [Recommendation 17](#)

disadvantaged areas, as well as rural women, can experience marginalisation, poverty and exclusion⁴¹.

- 4.19 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 age⁴².
- 4.20 Effective engagement with equality groups, victims and survivors of domestic violence, and representative organisations, will assist with improving understanding of the nature and extent of abuse experienced, its impact and any experienced barriers.
- 4.21 Specific measures have been identified for particular equality groups in Northern Ireland which consider the additional difficulties and the need for extra support during the criminal justice process for victims from particular groups, for example, older victims, children, male victims, LGBT victims, Black and Ethnic Minority victims and victims with disabilities⁴³. There is also a need for tailored support for individuals from particular groups to ensure barriers to reporting are reduced is clear⁴⁴.
- 4.22 The experience of a person facing multiple inequalities is different from those facing inequality on a single ground. 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 and we **reiterate the need for gender-specific actions**.

Women, Men, Trans people

- 4.23 Levels of reported domestic violence against women in Northern Ireland continue to increase and domestic violence affects women disproportionately⁴⁵. Further, evidence in Great

⁴¹ Department for Social Development, Department of Agriculture and Rural Development (2012) [Joint Policy Statement, Programme for Regional Support for Women in Disadvantaged Rural Areas](#)

⁴² Committee on Women's Rights and Gender Equality, European Parliament (2012) [Report on eliminating Gender Stereotypes in the EU](#)

⁴³ Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

⁴⁴ 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.

⁴⁵ 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.

Britain highlights that women are much more likely than men to be the victims of high risk or severe domestic abuse⁴⁶.

- 4.24 The Istanbul Convention⁴⁷ 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.
- 4.25 There are increasing levels of reported domestic abuse experienced by men in Northern Ireland⁴⁸. 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 anyone⁴⁹ of the abuse and can experience significantly reduced access to services.
- 4.26 We have emphasised previously that a gender-neutral approach does not assist the response to domestic and sexual violence and abuse against men and boys and we **recommend** measures to address the nature and impact of domestic and sexual violence and abuse in a gender specific, not gender neutral, context⁵⁰.
- 4.27 As women are disproportionately affected by domestic violence, particular measures for women may often be required to achieve practical equality between men and women in this context⁵¹.
- 4.28 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

This compares to 6,301 female victims in 2004/5 .Source: [PSNI Trends in Domestic Abuse Incidents and Crimes 2004/5-2018/19](#) .

⁴⁶ See Safe Lives (2015), [Insights Idva National Dataset 2013-14](#).

⁴⁷ The Council of Europe Convention on preventing and combating violence against women and domestic violence ([The Istanbul convention](#), 2011).

⁴⁸ 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](#) .

⁴⁹ 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.

⁵⁰ ECNI (2022) [Response to call for views: The Departments for Justice and Health – Domestic and Sexual Abuse Strategy & The Executive Office – Equally Safe Strategy](#) p.11

⁵¹ 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.

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 abuse⁵².

LGB people

- 4.29 Limited available research in Great Britain suggests that some LGBT+ people experience domestic abuse at a higher rate than non-LGBT+ people, and this appears to be particularly the case for bisexual women and those who identify as trans or non-binary⁵³. Those who identify as LGBT+ face additional barriers to accessing support that are unique to their sexual orientation and/or gender identity, and evidence suggests that LGBT+ victims and survivors are not accessing services at the same rate as others in the population⁵⁴.
- 4.30 Research in Great Britain (GB) noted that evidence suggested 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 UK⁵⁵.

Disabled people

- 4.31 Research⁵⁶ (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 settings⁵⁷ and high levels of abuse and violence.
- 4.32 It 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 oppressions⁵⁸.

⁵² Scottish Transgender Alliance (2013) [Transgender People's Experience of Domestic Abuse](#)

⁵³ Safe Lives (2018), [Free to be safe. LGBT+ people experiencing domestic abuse](#)

⁵⁴ Safe Lives (2018), [Free to be safe. LGBT+ people experiencing domestic abuse](#)

⁵⁵ 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](#)

⁵⁶ ECNI and Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#)

⁵⁷ Department for Communities (2020): [Disability Strategy Expert Advisory Panel: Report and Recommendations](#), pp.49-54

⁵⁸ ECNI and Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#) p.160

- 4.33 There is a lack of specialist services in Northern Ireland for d/Deaf and disabled people experiencing domestic violence and many services are inaccessible⁵⁹.
- 4.34 People with disabilities experience domestic abuse at a higher rate and face greater barriers accessing support than those without disabilities⁶⁰. Disabled victims of domestic abuse in England and Wales suffer more severe and frequent abuse over longer periods of time than non-disabled victims⁶¹.
- 4.35 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 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’⁶².

- 4.36 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.
- 4.37 It set out a series of steps that could be taken to address this including: by closing knowledge gaps, by improving

⁵⁹ Department for Communities (2020) [Disability Strategy and Expert Advisory Panel: Report and Recommendations](#), p.118.

⁶⁰ Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#).

⁶¹ 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%).

⁶² Public Health England (2015), [Disability and domestic abuse . Risk, impacts and response](#)

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.

- 4.38 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.
- 4.39 The UK Independent Mechanism (IMNI)⁶³ 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 person⁶⁴.
- 4.40 This report highlighted that disabled women who experience domestic violence face additional barriers to accessing appropriate support and that insufficient funding remained a major barrier⁶⁵. 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 to assist disabled victims, including adequately funded support services and sufficient legal protection.
- 4.41 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.
- 4.42 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'⁶⁶.
- 4.43 It also recommended measures to: 'Develop and implement capacity building programmes among the judiciary and law

⁶³ UK Independent Mechanism, which includes the Equality Commission

⁶⁴ UKIM (2017), [Submission to the UNCRPD Committee](#)

⁶⁵ UKIM (2017), [Submission to the UNCRPD Committee](#)

⁶⁶ UNCRPD Committee (2017), [Concluding Observations on the UK](#)

enforcement personnel, including judges, prosecutors, police officers and prison staff, about the rights of persons with disabilities'⁶⁷.

- 4.44 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'⁶⁸.

Minority Ethnic Communities

- 4.45 Research (2013) has shown that minority ethnic women in Northern Ireland experiencing domestic violence face particular barriers which prevent them from seeking help⁶⁹, highlighting 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'⁷⁰.
- 4.46 Those who are subject to immigration control can experience difficulties accessing public funds on leaving a relationship and language barriers⁷¹.
- 4.47 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.
- 4.48 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.
- 4.49 Therefore, victims of domestic and sexual violence, including minority ethnic women, can be left financially dependent on

⁶⁷ UNCRPD Committee (2017), [Concluding Observations on the UK](#)

⁶⁸ UN CEDAW Committee (2019), [Concluding Observations on UK](#)

⁶⁹ McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)

⁷⁰ McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)

⁷¹ Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

their abuser, whether partner, other family member, employer or trafficker⁷².

- 4.50 The CEDAW Committee (2019) recommended that the UK Government ‘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’⁷³.

Older people and children

- 4.51 Research⁷⁴ 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.
- 4.52 A 2016 report⁷⁵ 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.
- 4.53 Children in Northern Ireland are specifically impacted by domestic abuse and research with children suggests the experience of living with domestic abuse warranted children’s recognition as direct victims of abusive control⁷⁶.

Unwanted behaviour or actions towards women

- 4.54 We consider that action is needed to tackle wider instances of unwanted behaviour or actions towards women.

Education

- 4.55 Our [Equality in Education: Policy Recommendations](#) 2018, recognises tackling prejudice based bullying and challenging

⁷² Joint Committee on HR, (2015) [Violence Against Women and Girls](#), 6th Report of Session 2014/15

⁷³ UN CEDAW Committee (2019), [Concluding Observations on UK](#)

⁷⁴ Devaney, J. (2010) [Older Women’s Lifelong Experience of Domestic Violence in Northern Ireland](#)

⁷⁵ Safe Lives (2016), [Safe Later Lives Older People and Domestic Abuse](#)

⁷⁶ Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

stereotypes as a priority area for intervention, and we have made a range of related **recommendations**⁷⁷ 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 Education⁷⁸;
- improving the monitoring of bullying incidents by education providers across the equality grounds⁷⁹;
- strong and visible leadership from the school Principal, senior management team and board of governors to promote an anti-bullying culture within every school⁸⁰.

4.56 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.

4.57 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**⁸¹ 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 in Northern Ireland.

4.58 Recommendation (2002)5 of the Council of Europe⁸² 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

⁷⁷ ECNI (2018) [Equality in Education](#), paras 6.1-6.60.

⁷⁸ ECNI (2018) [Equality in Education](#), paras 6.6-6.11

⁷⁹ ECNI (2018) [Equality in Education](#), paras 6.12-6.16.

⁸⁰ ECNI (2018) [Equality in Education](#), paras 6.27-6.32

⁸¹ ECNI (2013) [Promoting Sexual Orientation Equality: Priorities and Recommendations](#)

⁸² [Recommendation \(2002\) 5 of the Council of Europe](#)

programmes that give special importance to gender equality and mutual respect”

- 4.59 The UK 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 violence⁸³. 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 education⁸⁴.
- 4.60 We **recommend** action 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.
- 4.61 Evidence from the Northern Ireland 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 meaning⁸⁵. 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 21s⁸⁶.

Employment

- 4.62 We **recommend** action to address the unwanted behaviour experienced by women and girls in relation to employment.

⁸³ Joint Committee on Human Rights (2015) [Sixth Report on Violence Against Women and Girls](#)

⁸⁴ Council of Europe (2011) Convention on Preventing and Combating Violence Against Women and Domestic Violence (the [Istanbul Convention](#)) Art. 14

⁸⁵ 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](#)

⁸⁶ 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 LGBQ 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. LGBQ 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.

- 4.63 Women frequently experience sex discrimination and harassment in the workplace, including discrimination due to pregnancy and maternity, and as regards unequal pay⁸⁷. Some forms of harassment may be classed as sex discrimination⁸⁸.
- 4.64 We receive a high number of enquiries / applications for assistance from individuals who believe they had been discriminated against on the grounds of their sex⁸⁹, including a significant proportion of cases relating to sexual harassment in the workplace, as well as pregnancy/ maternity⁹⁰ issues.
- 4.65 A 2016 investigation⁹¹ 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.
- 4.66 A 2020 survey⁹² 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.

⁸⁷ 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](#)

⁸⁸ Article 6A [Sex Discrimination \(Northern Ireland\) Order 1976](#)

⁸⁹ 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.

⁹⁰ ECNI (2019) [Pregnancy and maternity discrimination remains an issue for working mothers](#) [accessed January 2022]

⁹¹ ECNI (2016) [Expecting Equality-Summary Report A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces](#)

⁹² ECNI (2020) [Welcoming and Inclusive Workplaces – Employee Experiences](#)

Online abuse

- 4.67 We have **recommended**⁹³ 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, and therefore we **welcome** the inclusion of ‘cyber violence’ in this proposal.
- 4.68 A 2017 review by the UK Committee on Standards in Public Life⁹⁴ 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.*’
- 4.69 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 abuse⁹⁵. 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.

Domestic Law Reform

- 4.70 Having effective and robust national equality laws can help to combat prejudices and stereotypes against protected groups. The Commission has stressed⁹⁶ the urgent need to address significant gaps and weaknesses in the Northern Ireland sex equality legislation.
- 4.71 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.
- 4.72 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

⁹³ ECNI (2022) [Response to call for views: The Departments for Justice and Health – Domestic and Sexual Abuse Strategy & The Executive Office – Equally Safe Strategy](#) p.24

⁹⁴ Committee on Standards in Public Life (2017) [Intimidation in Public Life: A Review by the Committee on Standards in Public Life](#) (Cm9543)

⁹⁵ ECNI (2020) [Response to consultation: Hate Crime Legislation in Northern Ireland. Independent Review](#), para 9.6.

⁹⁶ ECNI (2016) [Gender Law Reform: Policy Priorities and Recommendations](#)

legislation, we **recommend** a clear timetabled commitment to strengthen equality law in Northern Ireland in key areas, including sex equality law.

- 4.73 We have also **recommended** the extension of hate crime legislation in Northern Ireland to include the protected characteristic of gender⁹⁷.

Data Collection and Monitoring

- 4.74 The Commission **recommends** the **collection, monitoring and evaluation of appropriate disaggregated data** to ensure effective policy / service development and delivery to tackle violence against women and domestic violence.
- 4.75 Action must be taken to ensure effective equality data collection and monitoring of the impact of domestic abuse on equality groups, and reviewing action taken in response to the impact of COVID-19 on those groups.
- 4.76 The CEDAW Committee (2019) has recommended the systematic collection and publication of disaggregated data in Northern Ireland, in particular with regard to intersectional discrimination, to identify areas where women lack substantive equality with men, to inform policy-making and assess the impact of measures taken⁹⁸.
- 4.77 We note Article 44 of the proposal includes measures on data collection and the development of a common methodology across Member States, including analysis and dissemination of results⁹⁹. Measures to improve the collection of data on violence against women and domestic violence would be welcomed.

⁹⁷ ECNI (2020) [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paragraphs 4.72- 4.89.

⁹⁸ United Nations Committee on the Elimination of All Forms of Discrimination Against Women (2019): [Concluding observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland](#), paragraphs 25 - 26, page 6

⁹⁹ European Commission [Combating gender-based violence – protecting victims and punishing offenders - Proposal for a Directive](#) p.19

5 Conclusion

- 5.1 We welcome the opportunity to provide feedback on this proposal for a Violence Against Women and Domestic Violence Directive.
- 5.2 We trust that the proposals and recommendations set out in this response, as relevant to our remit, including under Article 2 of the Ireland/Northern Ireland Protocol, are of assistance. If further discussion would be useful, please do not hesitate to contact us.

Annex A: Role and Remit of the Equality Commission NI

- 6.1 The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998.
- 6.2 In general terms, our statutory remit provides that we are to:
- promote equality of opportunity and affirmative action
 - work towards the elimination of unlawful discrimination and harassment
 - keep relevant legislation under review
 - promote good relations between persons of different racial groups and good disability practice
 - oversee the effectiveness of statutory equality duties on public authorities.
- 6.3 Our powers and duties derive from a number of statutes. These provide protection against discrimination in employment and in the provision of goods, facilities and services on grounds of disability, race, religion and political opinion, sex and sexual orientation. On the grounds of age, protection against discrimination is available only in respect of employment.
- 6.4 We also have responsibilities arising from the Northern Ireland Act 1998 and Disability Discrimination Act 1995 in respect of overseeing the statutory equality and good relations duties on public authorities on the promotion of equality of opportunity and good relations.
- 6.5 The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the Rights of Disabled Persons (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of UNCRPD in Northern Ireland.
- 6.6 The European Union (Withdrawal Agreement) Act 2020 gave new duties and powers to the Commission, and to the Northern Ireland Human Rights Commission (NIHRC), effective from 1 January 2021. These enable the Commission to monitor, advise and report on, and enforce the UK Government’s adherence to its commitment set out in Article 2 (1) of the

Ireland/Northern Ireland Protocol to the Withdrawal Agreement. This commitment is to ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from the UK's withdrawal from the Union, including in the area of protection against discrimination.