



EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to consultation:

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

May 2023

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1 Introduction

- 1.1 The Commission welcomes the opportunity to respond to the Domestic and Sexual Abuse draft Strategy consultation and the engagement undertaken to date by the Departments of Health and Justice with the Commission and other stakeholders.
- 1.2 The Domestic and Sexual Abuse Strategy provides a significant opportunity to maximise equality of opportunity and good relations. It should be designed to effectively tackle key inequalities experienced by people within Section 75 equality groups that remain persistent and hard to address, with targeted actions to meet the needs of specific equality groups, including men and women.
- 1.3 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](#), the 2014 consultation on '[Stopping Domestic and Sexual Violence and Abuse in Northern Ireland 2013-2020](#)', and most recently the 2022 [joint call for views on Domestic and Sexual Abuse Strategy and Equally Safe Strategy](#).

2 Overarching comments

- 2.1 We welcome that the Strategy includes objectives focusing on prevention and early intervention on domestic and sexual abuse.
- 2.2 It is difficult to comment on the likely effectiveness of the Strategy without further information on specific actions and interventions, although we note that there will be more detail in the annual action plans. Likewise, without the indicators, which will be developed in the Strategic Performance Framework, it is difficult to assess how performance will be measured.
- 2.3 Further, although the draft Strategy notes additional barriers for specific groups, including women and men as raised in the Call for Views, there is a lack of detail as to how the Departments assesses these barriers, or how these barriers will be addressed. Consideration for the needs of those with multiple identities and the barriers they face should be mainstreamed throughout the Strategy's four pillars and resulting actions.
- 2.4 Actions taken through the Strategy should address the needs of individuals from across the equality groups. Departments should 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.
- 2.5 We emphasise that effective data collection of domestic and sexual abuse across the equality grounds may improve and strengthen service provision and support. Our general advice is that all key measures should not only be tracked in aggregate, but also for the impact on individuals from each of the equality grounds.
- 2.6 We recommend that the Strategy place lived experience at the heart of delivery; and ensures the meaningful involvement of individuals and their representative organisations in the design, delivery and review of policies and programmes affecting them.

Section 75 of the Northern Ireland Act

- 2.7 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.
- 2.8 These duties require more than the avoidance of discrimination¹. 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.
- 2.9 We have commented below, in Section 7, on the draft Strategy's EQIA.

Article 2 of the Windsor Framework

- 2.10 Under Article 2(1) of the Windsor Framework (formerly the Ireland/Northern Ireland Protocol) 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 keep pace with any changes the EU may make to amend or replace the EU equality laws, set out in Annex 1 to the Windsor Framework.^{2,3}

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

² Ireland/Northern Ireland Windsor Framework 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.

³ In addition, UK courts when considering the interpretation of any of the equality directives listed in Annex 1, including the Gender Directives, 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.

- 2.11 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 proceedings⁴.
- 2.12 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 Windsor Framework.
- 2.13 In taking forward actions, pursuant to this Strategy, we recommend that the Northern Ireland Executive and relevant Departments, particularly the Department of Health and the Department of Justice, 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, Windsor Framework Article 2 obligations.
- 2.14 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.
- 2.15 The Commission and the NIHRC have recently published a joint working paper which sets their initial assessment on Windsor Framework Article 2, which we hope will provide additional guidance on how the non-diminution commitment is applied and interpreted and what rights, safeguards and equality of opportunity protections fall within its scope. Appendix 1 to the working paper sets out the EU law which the Commissions have identified as at that date as falling within the scope of Windsor Framework Article 2⁵.

⁴ Section 6 (2)(ca) of the Northern Ireland Act 1998⁴ as amended by Schedule 3 to the European Union (Withdrawal Agreement) Act 2020⁴, makes clear that legislation created by the Northern Ireland Assembly in contradiction to the Article 2 obligations would be outside its legislative competence

⁵ Equality Commission for NI and NI Human Rights Commission, [Working Paper: The Scope of Article 2\(1\) of the Ireland/Northern Ireland Protocol - December 2022 \(equalityni.org\)](https://www.equalityni.org/Working-Paper-The-Scope-of-Article-2(1)-of-the-Ireland-Northern-Ireland-Protocol-December-2022)

- 2.16 Both the EU Victims Directive⁶ and the EU Child Sexual Exploitation Directive⁷ have been identified as falling within the scope of the Windsor Framework Article 2 commitment. The EU Trafficking Directive⁸ may have also relevance although we note that the Department of Justice has consulted on a separate Modern Slavery and Human Trafficking Strategy⁹ which the Commission has responded to.¹⁰
- 2.17 The Commission would like to highlight the relevance of the Victims Directive and Child Sexual Exploitation Directive particularly in relation to Pillar 2 on prevention, Pillar 3 on support, and Pillar 4 on justice of the draft Strategy. The Commission welcomes that the Department has stated that the draft Strategy will involve “transposition of the Victims Directive” and will take account of a number of international conventions and obligations.
- 2.18 Therefore, the Department of Justice and Department of Health should ensure that any legislative developments progressed under this Strategy do not reduce the rights of victims under the Victims Directive or the Child Sexual Exploitation Directive in a manner that is contrary to the UK Government commitment under Windsor Framework Article 2.
- 2.19 The Commission would also like to highlight the importance of the proposed EU Directive on combating violence against women and domestic violence (2022)¹¹ within the context of this response, and its importance in relation to the formulation of the new strategy under consultation here.
- 2.20 We note that some EU Directives relevant to the proposed EU Directive continue to have relevance for Northern Ireland, as they fall within the scope of the non-diminution commitment

⁶ [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

⁷ [Directive 2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA

⁸ [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (europa.eu)

⁹ [Modern Slavery and Human Trafficking Strategy 2022 | Department of Justice \(justice-ni.gov.uk\)](#)

¹⁰ [Department of Justice's consultation on slavery and human trafficking strategy 2022 \(equalityni.org\)](#)

¹¹ European Commission (2022) [Proposal for a Directive on combating violence against women and domestic violence](#)

under Windsor Framework Article 2 including the Victims' Directive and Anti-Trafficking Directive.¹²

- 2.21 In addition, the proposed EU Directive complements the EU Gender Equality Directives¹³ “by setting minimum standards on support and access to justice of victims of such harassment”.¹⁴ As a result of the keeping pace commitment under Article 2 of the Windsor Framework, any changes by the EU which amend or replace the provisions of the Annex 1 Directives, including the Gender Directives, so as to enhance protections, will have implications for gender equality rights in Northern Ireland.¹⁵
- 2.22 The Department of Justice and Department of Health should ensure that to the extent that provisions of the proposed EU Directive on combating violence against women and domestic violence, if introduced, amends or replaces any of the Gender Equality Directives in Annex 1, the law in NI is amended to keep pace with EU developments that enhance protections.

¹² [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

¹³ 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); 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); 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)

¹⁴ 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

¹⁵ Article 13 (3) of the [UK-EU Withdrawal Agreement 2020](#).

3 Purpose, vision and scope

- 3.1 We recommend that the vision and aim explicitly make commitment to tackle key inequalities.
- 3.2 In our response to the Call for Views¹⁶, we had previously welcomed the proposed inclusion of a workstream in the Domestic and Sexual Abuse Strategy which takes account of the needs of specific groups of victims.
- 3.3 We also noted that such work should be mainstreamed across the Strategy, and the intersectional and specific needs of different victims, should be considered throughout.
- 3.4 We note that the Strategy aims to take ‘an inclusive response’, and refers to a range of equality groups. However, it is not clear in the current draft what such an approach entails, and what specific actions will be taken under such an approach to meet the particular needs of these groups.
- 3.5 Similarly, it is welcome that there will be a focus on ‘providing support for those affected by domestic and sexual abuse, informed by their experience and the needs of particular groups’¹⁷. However, the high-level pillars do not refer to the needs of different groups, although the outcomes and key priority areas do make some reference, in particular areas.
- 3.6 We acknowledge that there will likely be further expansion on these issues in the actions plans, but would welcome further specific reference to meeting the specific needs of different equality groups, including men and women, at this high-level. This will likely assist in ensuring actions reflect needs.
- 3.7 We have previously recommended 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.
- 3.8 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.

¹⁶ ECNI (2022) [Response to call for views: The Departments for Justice and Health – Domestic and Sexual Abuse Strategy, and The Executive Office – Equally Safe Strategy](#), para 3.62.

¹⁷ DOH and DOJ (2023) [Domestic and Sexual Abuse Draft Strategy](#), p. 9

- 3.9 Likewise, it is important that actions are targeted appropriately to meet the specific needs and address barriers across the range of equality grounds. It is important to note that the experience of a person facing multiple inequalities is different from those facing inequality on a single ground.
- 3.10 It is welcome that the Strategy will links with other key areas of work, such as the forthcoming Ending VAWG Strategy, the Gillen Review, and the Social Inclusion Strategies.

4 Understanding Domestic and Sexual Abuse

- 4.1 We welcome that there is recognition that many people have multiple needs and barriers, and that there is commitment to breaking down these barriers.
- 4.2 We note that you have outlined evidence from the Call for Views in relation to additional barriers for different groups. However, this is presented as a summary of evidence from the Call for Views, rather than detail on how the Strategy intends to address these barriers.
- 4.3 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, any experienced barriers and how these may be addressed.
- 4.4 We have previously highlighted evidence on the particular issues and barriers faced by those who experience domestic and sexual abuse, associated with specific multiple identities / equality categories, in our 2022 Call for Views, including that set out below.
- 4.5 While recognising that there will be future action plans, further detail on how the Strategy will address the barriers and meet the needs of different equality groups and those with multiple identities would assist in making comment on the draft Strategy.

Gender

- 4.6 As highlighted in the Commission's *Gender Equality Policy Priorities and Recommendations* (2016)¹⁸ domestic violence can be a form of gender-based violence and there is a need to address the increasing levels in Northern Ireland.
- 4.7 Levels of reported domestic violence against women¹⁹ in Northern Ireland continue to increase and domestic violence affects women disproportionately²⁰. Further, evidence in Great Britain highlights that women are much more likely than men to be the victims of high risk or severe domestic abuse²¹.
- 4.8 The Istanbul Convention²² 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.
- 4.9 There are increasing levels of reported domestic abuse experienced by men in Northern Ireland²³. 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 anyone²⁴ of the abuse and can experience significantly reduced access to services.
- 4.10 The need for a targeted approach to tackling domestic violence that takes into account the differential impacts of domestic violence on women and men was also highlighted in the Criminal Justice Inspectorate (CJINI) report (2019)²⁵. In

¹⁸ ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), paras 10.1-10.17.

¹⁹ Where women have experienced domestic and sexual violence, examples of some of their experience can be found at e.g. WPG (2022) [Violence Against Women and Girls in Northern Ireland: NI Women's Policy Group Research Findings](#)

²⁰ PSNI (2022) [Domestic abuse Annual Trends 2004/05 to 2021/22](#). 68% of domestic abuse crime victims in Northern Ireland are female. There were 14 229 female victims of domestic abuse crimes reported to PSNI in NI in 2021/22. This compares to 6 301 female victims in 2004/5

²¹ See Safe Lives (2015), [Insights Idva National Dataset 2013-14](#).

²² The Council of Europe Convention on preventing and combating violence against women and domestic violence ([The Istanbul convention](#), 2011).

²³ PSNI (2022) [Domestic abuse Annual Trends 2004/05 to 2021/22](#). The percentage of male victims of domestic abuse crimes has increased from 25 % in 2004/05 to 32% in 2021/22. There were 6 590 male victims of domestic abuse crimes reported to PSNI in NI in 2021/22. This compares to 2,103 male victims in 2004/5.

²⁴ 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.

²⁵ Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

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'²⁶.

4.11 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 women²⁷.

4.12 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 abuse²⁸.

LGBT+ people

4.13 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-binary²⁹.

4.14 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.

4.15 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 UK³⁰.

²⁶ 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.

²⁷ CEDAW (1992) [Recommendation 19 on Violence Against Women](#), para 4

²⁸ Scottish Transgender Alliance (2013) [Transgender People's Experience of Domestic Abuse](#)

²⁹ Safe Lives (2018), [Free to be safe, LGBT+ people experiencing domestic abuse](#)

³⁰ 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

- 4.16 Research³¹ (2022) commissioned by the Commission on the implementation of the UNCRPD in Northern Ireland found that there does not appear to have been a specific focus on domestic violence against d/Deaf and disabled people in Northern Ireland. The report stated that generic programmes and policies which include d/Deaf and disabled people, but which are not designed with them explicitly in mind are unlikely to satisfy the UNCRPD Committee as being compliant with Article 16 (UNCRPD Freedom from exploitation, violence, and abuse).
- 4.17 This research³² 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. For example, d/Deaf and disabled people who have communication challenges may experience barriers in accessing helpline support.
- 4.18 It also found³³ that d/Deaf and disabled people 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. d/Deaf and disabled people also encounter differing dynamics of domestic abuse, which may include more severe coercion, control, or abuse from carers.
- 4.19 UKIM's³⁴ 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 person³⁵.

³¹ Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, p. 167.

³² Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, pp. 165-166.

³³ Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, p. 166.

³⁴ UK Independent Mechanism, which includes the Equality Commission

³⁵ UKIM (2017), [Submission to the UNCRPD Committee](#)

- 4.20 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 barrier³⁶. 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.
- 4.21 In 2017, the IMNI, in its NI 'Parallel' Jurisdictional Report - IMNI Working Paper³⁷ raised concerns about the lack of disability-specific programmes in the Domestic and Sexual Violence and Abuse Strategy.
- 4.22 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.
- 4.23 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'³⁸.
- 4.24 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'³⁹.
- 4.25 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'⁴⁰.

Minority Ethnic Communities

- 4.26 Research (2013) has shown that minority ethnic women in Northern Ireland experiencing domestic violence face particular

³⁶ UKIM (2017), [Submission to the UNCRPD Committee](#)

³⁷ IMNI (2017), [NI 'Parallel' Jurisdictional Report - IMNI Working Paper](#)

³⁸ UNCRPD Committee (2017), [Concluding Observations on the UK](#)

³⁹ UNCRPD Committee (2017), [Concluding Observations on the UK](#)

⁴⁰ UN CEDAW Committee (2019), [Concluding Observations on UK](#)

barriers which prevent them from seeking help⁴¹, 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'⁴².

- 4.27 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 barriers⁴³.
- 4.28 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.
- 4.29 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.
- 4.30 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 trafficker⁴⁴.
- 4.31 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 protection and support services without fear of having their immigration status reported to authorities'⁴⁵.

Older people and children

- 4.32 Research⁴⁶ 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

⁴¹ McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)

⁴² McWilliams, M. Yarnel, P. (2013): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (NICEM)

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

⁴⁵ UN CEDAW Committee (2019), [Concluding Observations on UK](#)

⁴⁶ Devaney, J. (2010) [Older Women's Lifelong Experience of Domestic Violence in Northern Ireland](#)

majority of women revealed significant difficulty with coping and seeking help.

- 4.33 A report by Safe Lives (2016)⁴⁷ 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.
- 4.34 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 control⁴⁸.

5 Framework for Action

- 5.1 We note that the outline eight outcomes do not refer to equality groups, apart from in relation to age (children, young people and adults).
- 5.2 We note that there has already been learning from challenges presented during the COVID-19 pandemic and adapting to new ways of working⁴⁹. It will be important to carry this learning forward throughout the Strategy and to take action to identifying and addressing key emerging or exacerbated inequalities due
- 5.3 Organisations across the UK working with victims of domestic violence, including charities supporting women subjected to domestic violence, have also reported an increase in requests for assistance over the period⁵⁰.
- 5.4 The UN High Commissioner for Human Rights has highlighted⁵¹ 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

⁴⁷ Safe Lives (2016), [Safe Later Lives Older People and Domestic Abuse](#)

⁴⁸ Criminal Justice Inspectorate NI Report (2019), [Thematic Inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI](#)

⁴⁹ DOH and DOJ (2023) [Domestic and Sexual Abuse Draft Strategy](#), p. 8

⁵⁰ 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](#)

⁵¹ UNHR Office of High Commissioner, (2020), [COVID-19 and the Human Rights of LGBTI people](#) [accessed 24 January 2022].

can increase their exposure to violence, as well as their anxiety and depression’.

- 5.5 Research undertaken by Disability Action, commissioned by ECNI, highlighted that the COVID-19 crisis has been connected to an increased risk of domestic violence against d/Deaf and disabled people⁵².
- 5.6 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 sectors⁵³.

Pillar 1: Partnership

- 5.7 We note the commitment to driving change through joint commitment, leadership and partnership working.
- 5.8 We note reference to government Departments, and statutory, voluntary and community and faith organisations; reference to local government may also be helpful. As above, we welcome that there will be clear connections with other related strategies.
- 5.9 As discussed in further detail below in relation to ‘Delivering the Strategy’ we welcome the prioritisation of effective governance structures, which should include input from across the equality grounds.
- 5.10 We welcome the planned work in relation to improving data, although further detail on proposed actions would be helpful. We have consistently highlighted the importance of gathering data, and have emphasised that the necessity of disaggregated data across the equality grounds.
- 5.11 The absence of comprehensive equality data means that it is difficult to assess the nature and extent of key inequalities, as well as to identify effective policy responses and track progress in achieving equality outcomes.

⁵² Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, p.

⁵³ 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.

- 5.12 We would reiterate that effective data collection of domestic and sexual abuse may improve and strengthen service provision and support.
- 5.13 For example, we have previously highlighted that the PSNI does not publish data on the levels of domestic abuse incidents/crimes by disability, sexual orientation or gender identity⁵⁴, despite publishing equality-related statistics in relation to hate crime⁵⁵. 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.
- 5.14 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.
- 5.15 We welcome the intention for increasing opportunities for victims' voices to be heard. The Strategy should place lived experience at the heart of its delivery, and ensure the meaningful involvement of individuals from across the equality categories, and their representative organisations in the design, delivery and review of policies and programmes affecting them.
- 5.16 Likewise, we welcome that it is a priority area to ensure the Strategy's delivery is underpinned by intersectionality. However, it is unclear how this will be achieved and measured.
- 5.17 As discussed in more detail below, in relation to 'Delivering the Strategy', when assessing whether the Strategy has made a difference, it will be important to ensure that outcome measures and indicators consider a range of equality groups. For example, it will be important that, when referring to victims and key stakeholders, that the victims and key stakeholders from across the equality groups are considered.

⁵⁴ PSNI (2018), [User Guide to Police Recorded Crime Statistics in Northern Ireland](#) para 5.7.1.

⁵⁵ 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](#).

Pillar 2: Prevention

- 5.18 We note the commitment to challenging the attitudes and behaviours that foster domestic and sexual abuse, and the accompanying outcomes.
- 5.19 Specific action is needed 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, work⁵⁶, and the media and social media, including advertising and marketing.
- 5.20 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 stages⁵⁷. Prejudice can also lead to harassment, aggression, and violence⁵⁸.
- 5.21 To counter stereotypes and prejudicial attitudes, the Commission recommends⁵⁹ 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 Sexuality Education (RSE)⁶⁰;
 - 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.

⁵⁶ 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.

⁵⁷ 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”

⁵⁸ ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), para 5.5

⁵⁹ ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), paras 5.2 – 5.12

⁶⁰ ECNI (2020) [Hate Crime Policy Priorities and Recommendations](#), paras 3.52 – 5.53

- 5.22 We further recommend measures to counter stereotypes and prejudicial attitudes towards LGB+ people.
- 5.23 We have previously highlighted that policy responses to tackling gender-based violence should take account of the status of Northern Ireland as a post conflict society^{61 62}.
- 5.24 We note that it is a priority to support employers to make workplaces safer by raising awareness of domestic and sexual abuse and promoting workplace policies with effective measures to support staff.
- 5.25 Women frequently experience sex discrimination and harassment in the workplace, including discrimination due to pregnancy and maternity, and as regards unequal pay⁶³. Some forms of harassment may be classed as sex discrimination⁶⁴.
- 5.26 The Commission receives a high number of enquiries / applications for assistance from individuals who believe they had been discriminated against on the grounds of their sex⁶⁵, including a significant proportion of cases relating to sexual harassment in the workplace.
- 5.27 A 2020 survey⁶⁶ 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

⁶¹ ECNI (2020) [Hate Crime in Northern Ireland Policy Recommendations and Supporting Rationales](#), para 3.3

⁶² 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.

⁶³ 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](#)

⁶⁴ Article 6A [Sex Discrimination \(Northern Ireland\) Order 1976](#)

⁶⁵ 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.

⁶⁶ ECNI (2020) [Welcoming and Inclusive Workplaces – Employee Experiences](#)

of management practice, fear of victimisation, and prejudice, stigma and bias.

Pillar 3: Support

- 5.28 We note the commitment to ensure that all victims of domestic and sexual abuse, including children can access services. It would be welcome if there was explicit reference to ensuring access across the range of equality groups.
- 5.29 It is important that support providers are aware of how barriers to leaving an abusive relationship and seeking support can affect individuals from different equality groups, including men and woman, and those with multiple identities, to ensure individuals get the support they need.
- 5.30 Work to enable services to better understand the intersectional needs of individuals to ensure victims get the responses and support they need should be mainstreamed across the Strategy.
- 5.31 We note the intention to ensure all victims of domestic abuse can access safe accommodation-based services. Such work should consider the needs of different equality groups, including those with multiple identities. Research commissioned by ECNI in 2016 identified that there is an evidence gap in the area of men’s experience of domestic violence and associated housing needs⁶⁷.
- 5.32 It may be beneficial to amend the reference to ‘all victims and their children’⁶⁸ to ‘all victims, including children, and any other dependents’ in line with language elsewhere in the draft Strategy, to reflect both that children can be victims, and that they, or other dependents, may move with an adult victim.

Pillar 4: Justice

- 5.33 We note the commitment to hold individuals who are abusive to account and ensure effective justice responses, and the associated outcomes.

⁶⁷ Wallace A, University of York, (2016) [Key Inequalities in Housing and Communities](#), commissioned by ECNI

⁶⁸ DOH and DOJ (2023) [Domestic and Sexual Abuse Draft Strategy](#), p. 27.

- 5.34 We reiterate that the experience of a person facing multiple inequalities is different from those facing inequality on a single ground.
- 5.35 The need for specific measures, including support, for particular equality groups was recognised by the CJINI⁶⁹. 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’⁷⁰.
- 5.36 For instance, when considering how best to ensure that victims feel confident to report domestic and sexual abuse, barriers to participating in the justice system are reduced and justice responses are effective, it will be important to consider the specific barriers and any reasons for current lack of confidence, faced by different individuals and equality groups.

6 Delivering the Strategy

Governance structures

- 6.1 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.
- 6.2 It is welcome that the Department is engaging on how to ensure victims can be supported to share their lived experience to support the Strategy. It is important the needs of victims from across the equality groups are considered, for example, those with specific cultural or language requirements.
- 6.3 It is important that the expertise and advice used, including via the Expert Reference Group, reflects the needs of different

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

⁷⁰ 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.

equality groups. We note that the mid-year review of the previous Strategy found that the membership of the Stakeholder Assurance Group needed to reflect the diversity of services providers/ users⁷¹, and also highlighted concerns that a lack of minority ethnic voices was reflected in the strategy and actions⁷².

- 6.4 We note that Task and Finish groups will take forward specific actions under the strategy, including how best to meet the needs of those with protected characteristics. It is important that, if this approach is taken, these actions are mainstreamed across the Strategy. Such considerations should not be ‘one-offs’, but actively considered throughout the lifetime of the Strategy.

Annual action plans

- 6.5 We note that there will be forthcoming annual action plans, which will provide more detail on specific actions, responsibilities and timescales. It is welcome that these will be developed in conjunction with the Expert Reference Group, but it is important that their input and work in assisting in the development of the action plans is meaningful. Stakeholder engagement will be vital for the design, delivery and evaluation of the annual delivery plans.
- 6.6 The action plans should be SMART, time-bound and resourced to ensure effective, on-time and prioritised delivery.
- 6.7 As below, annual reports on performance will rely on disaggregated data to accurately reflect how the Strategy is affecting different groups. In turn, this will assist in effectively targeting actions to meet objective needs, and to mitigate against any negative impacts.

Monitoring progress and measuring success

- 6.8 Our general advice is that all key measures should not only be tracked in aggregate, but also for the impact on individuals from each of the equality grounds.

⁷¹ SIB (2020) [Mid-Term Review of the Stopping Domestic and Sexual Violence and Abuse Strategy](#), prepared for DOJ, p. 4.

⁷² SIB (2020) [Mid-Term Review of the Stopping Domestic and Sexual Violence and Abuse Strategy](#), prepared for DOJ, p. 28.

- 6.9 In relation to both ongoing monitoring and the mid-term review, the data used for headline measures should be broken down to consider which equality groups are benefitting less than others on those key measures. Actions can then be targeted to those particular groups and their related barriers and enablers. This will benefit not only the members of those equality groups, but also the relevant overall headline measures and the overall success of the Strategy itself.
- 6.10 In order to assess the equality impacts and monitor any adverse impacts of policies, public authorities need information to ensure that decisions and equality assessments are evidence based and appropriate.
- 6.11 In this context, we recommend that the Strategy, and associated budget, includes provision to ensure the targeting, monitoring and reporting of actions, incorporating disaggregated equality data, to better advance equality of opportunity and address key inequalities.
- 6.12 We note the intention to develop a Strategic Performance Framework in year one, which will include a range of indicators. These indicators will help understanding of how the outcomes and key priority areas will be measured and achieved, which is currently unclear in some areas of the current draft Strategy. It is important that indicators take account of the needs of a range of different equality groups, and multiple identities.

7 EQIA

- 7.1 We would make the below comments in relation to the EQIA.

Mitigating actions / alternative policies

- 7.2 There should be more information added on how positive action can take account of and respond to the way in which different groups may be impacted by domestic and sexual abuse. What would the positive action entail?
- 7.3 How will the Departments take account of issues and barriers faced from those associated with multiple identities/Section 75 categories?

- 7.4 Under Partnerships there could be more emphasis on establishing customer input to service design or challenging accepted practice and comparing policies with other authorities as this will allow for more creativity in seeking better policy decisions.
- 7.5 We welcome that the Departments have highlighted the need to improve data collection and analysis across Section 75 groups in terms of the key statistics that are publicly available. The Commission would be happy to be involved in discussions as to how this will happen.
- 7.6 Under Prevention it would be helpful to add in additional information on how the Departments can deal with under-reporting of domestic and sexual abuse.
- 7.7 What are the costs associated with implementing the suggested options?

Consultation

- 7.8 Consideration should be given to which methods of consultation are most appropriate.
- 7.9 The Departments can engage with affected groups to help identify how best to consult or engage with stakeholders.
- 7.10 It should be highlighted whether consideration was given to accessibility of the language and format of information to ensure that there were no barriers to the consultation process.
- 7.11 Will there be ongoing, less formal engagement with relevant consultees at key stages throughout the EQIA?

Decision making and publication of EQIA report

- 7.12 Clear evidence of the consideration of mitigations of impacts must be apparent, and details of mitigation and plans for its implementation must be included in the final recommendations presented during decision-making.
- 7.13 Justifications must be given if these alternatives have not been accepted.

- 7.14 All available information should be combined in a decision or decisions, together with the rationale for the decision. Decision-making documentation must show how the impact of alternative policies and mitigation, and the implications for other policies associated with the EQIA were considered.
- 7.15 Those involved in decision-making should have the necessary authority to ensure that any decisions that are made will be implemented.
- 7.16 It is important to record the decision-making process in case a challenge is made. The Commission's Practical Guidance on Equality Impact Assessments⁷³ may be of assistance, as there are several helpful questions which may help guide those managing the decision.

Next steps and monitoring

- 7.17 The results of ongoing monitoring must be reviewed on an annual basis and the Departments are required to publish the results of this monitoring.

8 Conclusion

- 8.1 The Domestic and Sexual Abuse Strategy has the potential to advance equality of opportunity and good relations.
- 8.2 We have set out a range of recommendations in relation to the draft Strategy. In particular, we have recommended that the Strategy should include gender-specific actions in order to address the nature and impact of domestic and sexual abuse. The Strategy should also take specific action to meet the needs of, and tackle barriers faced by, those from across the equality groups, including those with multiple identities.
- 8.3 We have also raised a number of issues for consideration by the Departments in relation to the EQIA.

⁷³ ECNI (2005) [Section 75 of the Northern Ireland Act 1998: Practical Guidance on Equality Impact Assessment](#), pp 47-48.

8.4 We trust that the proposals and recommendations set out in this response are of assistance. If further discussion would be useful, please do not hesitate to contact us.

ECNI
May 2023