

Equality Commission

FOR NORTHERN IRELAND

EQUALITY COMMISSION FOR NORTHERN IRELAND
Input for UN Special Rapporteur on Violence Against Women and
Girls' Country Visit to the UK

February 2024

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1 Input to the UN Special Rapporteur on VAWG visit to the UK

- 1.1 The Equality Commission for Northern Ireland ('the Commission') is an independent public body established under the Northern Ireland Act 1998. Further information on our role and remit is available in Annex A.
- 1.2 The Commission has produced a range of relevant policy positions, consultation responses, and research. However, given the word-limit, the below comments are necessarily high-level, and focused on issues we understand are of particular interest to the Special Rapporteur¹, and where the Commission has established key policy positions or advice.
- 1.3 Annex B provides an overview and links to relevant documents, which may also be of assistance to the Special Rapporteur.

Overarching comments

- 1.4 The Commission has called for action to eradicate gender-based violence, and made related recommendations² for specific actions, including:
 - steps, including through the delivery of effective strategies, to tackle the nature and specific impact of gender-based violence on women and men and due to a person's gender identity; to tackle cultural and stereotypical attitudes, including through education, aimed at raising awareness of, and tackling, gender-based violence; and to ensure effective resources and services for those who are subject to gender-based violence;
 - a gender specific (non-gender neutral) approach to tackling the specific nature and impact of domestic violence on women and men, including issues faced by those with specific multiple identities;
 - action to improve the prevention and detection of transphobic hate crime; to support victims of transphobic hate crime and to encourage the reporting of transphobic hate crime; and
 - 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 tackling the objectification and degradation of women, and the sexualisation of childhood.

¹ Special Rapporteur on Violence Against Women and Girls (2024) [Call for inputs: country visit to the United Kingdom of Great Britain and Northern Ireland](#) (accessed 08/02/24).

² ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), paras 5.12, and 10.1-10.17.

Article 2 of the Windsor Framework

- 1.5 Under Article 2(1) of the Windsor Framework) the UK committed to the non-diminution of certain rights and equalities contained in the Northern Ireland (NI) peace agreement (Belfast/Good Friday Agreement) that were underpinned by EU law in force prior to 1st January 2021.³ In 2022, the Commission along with NIHRC published a working paper that sets out the EU law which the Commissions have identified to date as falling within the scope of Windsor Framework Article 2.⁴
- 1.6 For example, the EU Victims Directive⁵ underpins the rights of victims outlined in the relevant section of the Belfast/Good Friday Agreement.⁶ As such, the Commission emphasises the continued relevance of the Victims' Directive in relation to Violence Against Women and Girls (VAWG) policy in NI, including in the recent development of the NI Executive Office draft strategic framework to end VAWG. The Commission considers that the EU Trafficking Directive, and the EU Child Sexual Exploitation Directive also engage this commitment and require continued consideration in relation to VAWG policy to ensure no diminution of rights occurs, contrary to WF Article 2.
- 1.7 Under the Withdrawal Agreement, the UK also guaranteed that NI would continue to align or 'keep pace' with a certain number of EU directives. These include the EU Gender Equality Directives⁷ which are relevant to addressing sexual harassment. Therefore, any changes made by the EU which amend or replace the relevant provisions in the Gender Equality Directives, so as to enhance protections, will have implications for gender equality rights in NI.

The needs of specific equality groups

- 1.8 The Commission considers that there is a need for action to tackle the nature and specific impact of gender-based violence on women and men and due to a person's gender identity. In the context of tackling violence against women and girls, women with multiple identities can face particular barriers. Actions should be targeted appropriately to meet the specific needs and address barriers across the range of equality grounds.

³ Further information can be found at www.equalityni.org/Brexit.

⁴ ECNI and NIHRC (2022) [Working Paper: The Scope of Article 2\(1\) of the Ireland/Northern Ireland Protocol](#).

⁵ [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. The Directive establishes a legal standard for victim services, and obligations include the provision of specialist services and support for victims of domestic abuse and other forms of violence against women.

⁶ ECNI and NIHRC (2022) [Working Paper: The Scope of Article 2\(1\) of the Ireland/Northern Ireland Protocol](#), Appendix 1.

⁷ Gender Directives relevant to sexual harassment are [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 (Article 4(3)); [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) (Article 26); [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 (Article 4(2)).

- 1.9 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^{8 9}.
- 1.10 In our recent responses to the consultation on the Domestic and Sexual Abuse Strategy¹⁰, and the Violence Against Women and Girls Strategic Framework¹¹, the Commission highlighted some of the particular issues faced by different equality groups. Given the word limit, we are unable to repeat this detail here, but the Special Rapporteur may find it useful to refer to these responses. Annex B also provides examples of relevant research undertaken by the Commission, including in relation to specific groups of women and girls.

Strategic Frameworks

- 1.11 There are currently several relevant strategies under development by Departments in Northern Ireland, including the Domestic and Sexual Abuse Strategy, the Ending Violence Against Women and Girls Strategy and the Gender Equality Strategy.
- 1.12 We understand that these Strategies will not duplicate work¹² and have highlighted that clarity as to how they interact would be helpful. Further development and implementation of these Strategies has been delayed due to the lack of a NI Executive (which was restored in February 2024).
- 1.13 The Commission has recommended that such Strategies involve stakeholders from across the equality categories – not only in co-design, but in delivery, and in the rolling monitoring and review of impacts. The Strategies should be accompanied by SMART, time-bound and resourced action plans to ensure effective, on-time and prioritised delivery.
- 1.14 We have highlighted that these Strategies should take a gender-specific approach, considering the needs of different equality groups such as women and girls, and the particular barriers they may face, including the specific needs of those with multiple identities.

Law reform

- 1.15 Northern Ireland currently has a patchwork of equality legislation in place. We are of the view that single equality law¹³ in Northern Ireland would harmonise and simplify the protections available for everyone, including women and girls, both now and in the future.

⁸ ECNI (2020) [Hate Crime in Northern Ireland Policy Recommendations](#), para 3.3

⁹ 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.

¹⁰ ECNI (2023) [Response: DOJ/ DOH Domestic and Sexual Abuse draft Strategy](#) pp. 8-14.

¹¹ ECNI (2023) [Response: TEO Strategic Framework to End Violence Against Women and Girls](#), paras 3.3-3.10.

¹² ECNI (2023) [Response: TEO Strategic Framework to End Violence Against Women and Girls](#), paras 2.10-2.13.

¹³ See www.equalityni.org/SingleEqualityAct

- 1.16 However, in the absence of single equality legislation, we highlighted¹⁴ the urgent need to address significant gaps and weaknesses in the sex equality legislation, which provides protection against discrimination, including in relation to employment and service provision.
- 1.17 As a priority, discrimination by public bodies, such as the police or immigration services, or prison authorities, when exercising their public functions, or by private bodies acting on behalf of a public authority, should be prohibited. Unlike in Great Britain, the sex equality legislation in Northern Ireland does not prohibit discrimination by public authorities on the grounds of sex in the exercise of their public functions; this is a significant gap in protections in Northern Ireland.
- 1.18 We have also recommended reform to ensure greater protection for employees against harassment on grounds of sex by a third party such as a customer or client.
- 1.19 We have recommended the introduction of legal protection for individuals who experience discrimination or harassment because of a combination of equality grounds, including on the grounds of sex. This will remove unjustifiable legal barriers that individuals face when trying to prove discrimination on multiple and intersectional equality grounds. It will provide legal certainty and is in line with the recommendations of international human rights monitoring bodies, for example, the UN CEDAW Committee¹⁵.
- 1.20 In relation to hate crimes, the Commission has recommended¹⁶ the strengthening of hate crime legislation, through a statutory aggravation model, extended to include the protected grounds of gender, gender identity and intersex, as well as age.

Employment

- 1.21 Women frequently experience sex discrimination and harassment in the workplace, including in relation to pregnancy and maternity, and unequal pay¹⁷. Some forms of harassment may be classed as sex discrimination¹⁸.
- 1.22 The Commission receives a substantial number of enquiries from individuals who believe they had been discriminated against on the grounds of their sex, including a significant proportion of cases relating to workplace sexual harassment. In 2022/23, 20.8% (596) of discrimination enquiries related to sex discrimination. 87.8% (498) of these enquiries related to employment, with 23.8% of these relating to harassment (118).

¹⁴ ECNI (2016) [Gender Law Reform: Policy Priorities and Recommendations](#)

¹⁵ CEDAW Committee (2019) [Concluding Observations on the 8th Periodic Report of UK](#), para 16.

¹⁶ See www.equalityni.org/HateCrimePolicy

¹⁷ ECNI (2016) [Expecting Equality: Summary Report](#)

¹⁸ Article 6A [Sex Discrimination \(Northern Ireland\) Order 1976](#)

Online abuse

- 1.23 We consider that there is a clear need for greater action to tackle online hate speech and abuse experienced by a range of equality groups, including women and girls, in Northern Ireland.
- 1.24 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 abuse¹⁹. 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.

Participation in Public Life

- 1.25 The Commission has previously highlighted that stereotypes and prejudice impact on participation in public life²⁰, and has recommended²¹ action by the Executive, Assembly and political parties, to proactively promote and support the participation of women in political life and to address the key barriers facing women in relation to entering into politics.

Data

- 1.26 The Commission has consistently recommended²² that public authorities collect detailed equality information / equality disaggregated data to inform public policy making and service delivery, so that equality considerations are at the heart of public policy making and are informed by the specific needs of those experiencing inequalities.
- 1.27 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. Such data collection across the equality grounds will assist in identifying how interventions are assisting different groups. For example, the PSNI does not publish data on the levels of domestic abuse incidents/crimes by disability, sexual orientation or gender identity²³.
- 1.28 We recommend a systemic approach to produce disaggregated data on violence against women and girls which not only meets the specific needs of Northern Ireland but, where possible, is comparable with common international frameworks, including at EU level.

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¹⁹ ECNI (2020) [Hate Crime in Northern Ireland: Policy Recommendations](#), paras 3.80-3.87.

²⁰ ECNI (2019) [Equality in Participation in Public Life: Full Report](#), paras 8.67-8.75.

²¹ ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), paras 9.1- 9.30

²² ECNI (2020) [Briefing Note on need for Equality Data](#)

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

2 Annex A: The Role and Remit of the Equality Commission for Northern Ireland

- 2.1 The Equality Commission for Northern Ireland ('the Commission') is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible²⁴ for implementing the legislation on age, fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998, and the disability duties under the Disability Discrimination Act 1995.
- 2.2 The Commission has been designated to act as an 'independent mechanism' jointly with the Northern Ireland Human Rights Commission, to promote awareness of, and monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities with regard to Government's obligations in relation to Northern Ireland
- 2.3 Further, the EU (Withdrawal Agreement) Act 2020 empowers the Commission, along with the Northern Ireland Human Rights Commission, to monitor, advise and report on, and enforce the UK Government's adherence to its commitment as set out under Article 2 of the Windsor Framework (formerly the Ireland/Northern Ireland Protocol)²⁵. 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.
- 2.4 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; and
 - oversee the effectiveness of statutory equality duties on public authorities.

²⁴ For further information see [Promoting Equality, Challenging Discrimination: A short guide to the role and services of the Equality Commission](#)

²⁵ [Article 2 \(1\)](#) of the Windsor Framework states that "the United Kingdom shall 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 its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms."

3 **Annex B: Additional Materials**

3.1 In addition to this response, it may also be helpful to consider the Commission's policy position papers, research and recent consultation responses.

ECNI policy positions

3.2 The Commission has undertaken a range of related policy work. These weblinks may be of particular relevance:

- www.equalityni.org/Gender
- www.equalityni.org/GenderLawReform
- www.equalityni.org/HateCrimePolicy
- www.equalityni.org/Employment/Policy
- www.equalityni.org/equalitydata
- www.equalityni.org/Brexit

ECNI research

3.3 The below highlights a selection of research undertaken by the Commission, along with an example of some of the relevant findings:

- ECNI (2020) [A Welcoming and Inclusive Workplace: Employee Information Gathering Exercise](#) found that 21% of respondents had personally experienced unwanted behaviour in the previous 12 months, and 25% had witnessed unwanted behaviour towards others. 27% of respondents who had experienced unwanted behaviours had experienced them on the grounds of sex. Just over half of respondents who experienced any form of unwanted behaviour (52%) did not raise the issue at all, citing reasons such as management practice, fear of victimisation, and prejudice, stigma and bias.
- Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), (commissioned by ECNI) found²⁶ has found 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. It also found²⁷ 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

²⁶ Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, p. 32.

²⁷ Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, p. 167.

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).

- Pivotal (2023) [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#) (commissioned by ECNI) highlighted²⁸ the experiences of some migrant women including cases whereby all household documentation was in a male partner's name. This could be particularly problematic for women experiencing domestic abuse who may not have access to documents and therefore lack the ability to submit their own immigration applications.

Recent consultation responses

- The Executive Office's 2023 [consultation on the VAWG Strategic Framework and Action Plan](#);
- Department of Justice and Department of Health's 2023 [consultation on the Domestic and Sexual Abuse Strategy](#);
- the 2022 [joint call for views on Domestic and Sexual Abuse Strategy and Equally Safe Strategy](#); and
- Justice Committee's 2020 consultation on the [Domestic Abuse and Family Proceedings Bill](#).

²⁸ Pivotal (2023) [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), commissioned by ECNI p.72.