

Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls

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Introduction

This submission provides the perspective of civil society in Northern Ireland on the current provisions relating to ending violence against women and girls in Northern Ireland, including legislative provisions as well as policy and practice. The submission is intended to assist GREVIO in undertaking the baseline assessment of the UK and is produced in response to the UK state report, which it is noted includes reference to Northern Ireland.

The submission is a collaboration across the women's sector and civil society in Northern Ireland, and organisations across the sector would be delighted to share further detail on any of the issues raised in this submission. For clarification, the women's sector in Northern Ireland takes a rights based approach to all of its activities and celebrates the right of everyone to determine their own identity. This submission is therefore inclusive of all those who identify as women or girls, or as non binary.

This submission has been coordinated by [Women's Platform](#), a women's sector organisation acting as the link between the women's sector in Northern Ireland and the national and international levels. It draws significantly on evidence provided by [Women's Aid Federation Northern Ireland](#), the lead voluntary organisation in Northern Ireland addressing domestic abuse and providing services for women and children. The submission has been developed in collaboration with [Women's Policy Group](#), a group of policy experts and practitioners who advocate collectively for women and girls by promoting gender equality through an intersectional feminist lens, with additional key evidence by [HEReNI](#), the organisation for lesbian and bisexual women, [Northern Ireland Women's Rural Network](#) and [Women's Support Network](#), which supports a network of grassroots women's centres.

Key documents

This submission draws on primary research undertaken by women's sector organisations in recent years with women in Northern Ireland, which constitutes key evidence relevant to the baseline assessment. The key documents include:

- Women's Aid Federation Northern Ireland (October 2023) [Women's Aid Response to Ending Violence against Women and Girls strategic consultation](#)
- Women's Policy Group (April 2022). [Violence Against Women and Girls in Northern Ireland: NI Women's Policy Group Research Findings](#)
- Women's Policy Group (September 2023) [After Violence: Attitudes and Reporting VAWG: Key findings report](#)
- Women's Policy Group (July 2020) [COVID-19 Feminist Recovery Plan](#)
- Women's Regional Consortium (June 2023) [Women's Experiences of the Cost-of-Living Crisis in Northern Ireland](#)

Executive summary

This submission sets out an overview of the legislation, policy and practice in relation to violence against women and girls in Northern Ireland. It highlights deep, long standing concern over low priority given to gender equality, international human rights obligations and addressing violence against women and girls, which has resulted in gaps in protection related to other jurisdictions in the UK.

The submission highlights positive developments, including the Domestic Abuse and Family Proceedings Act 2021, the Protection from Stalking Act 2022 and the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 , which all prioritise compliance with the Convention. It also notes ongoing development of an Ending Violence against Women and Girls strategy, which will be the first of its kind in Northern Ireland and follows long campaigning by the women's and specialist services sectors. However, it also highlights significant gaps in implementation of legislation and in policy, in particular in relation to education, training of professionals, services for victims and survivors, and access to judicial remedies for victims and survivors. In particular, it highlights lengthy delays in judicial proceedings, shortcomings in engagement with victims and survivors, and in quality of investigations.

The submission draws on primary research with women and girls in Northern Ireland, as well as research, legislation and policy documents, and highlights women's voices throughout. A key issue for victims and survivors is that they do not feel heard, and addressing this is a key recommendation arising from this submission. Recommendations for action relevant to each Chapter of the Convention are also set out to assist GREVIO in its assessment.

Chapter I – Purposes, definitions, equality and non-discrimination, general obligations

Article 4 - Fundamental rights, equality and non discrimination

As a starting point for assessing the current situation in relation to violence against women and girls in Northern Ireland, it is important to set a wider political and decision making context. For three out of the last five years, Northern Ireland has lacked sitting political institutions^{1 2}. The Northern Ireland Executive and Assembly were in place January 2020 - January 2022, during a period dominated by the Covid-19 pandemic and EU withdrawal. However, the overall context is long standing low priority given to gender equality, violence against women and girls, and sexual and reproductive health and rights (SRHR). This has been underlined in successive shadow reports to CEDAW³, and is evidenced through gaps in legal protection from violence against women and girls⁴, no women's health strategy⁵ and lack of action on persistent gender gaps in employment and pay⁶, in addition to lack of progress on a Gender Equality Strategy (GES), an important aspect of gender equality infrastructure⁷. Of further concern is that the Department responsible for the new strategy has indicated that actions taken in order to live within budget mean no funding is available for the GES⁸.

A LGBTQIA+ strategy and a disability strategy is also being developed as part of a suite of social inclusion strategies⁹, but there is at present no detail available on the focus or priorities of these strategies, which are on hold in the absence of an Executive. A Racial Equality Strategy is in place, although it does not include a specific focus on gender¹⁰. A Rural Policy Framework for Northern Ireland is also in place, but does not focus on gender, although it recognises specific

¹ Heenan, D & Birrell, D (March 2021) [Exploring Responses to the Collapse of Devolution in Northern Ireland 2017–2020 through the Lens of Multi-Level Governance](#). In *Parliamentary Affairs*, Volume 75, Issue 3, July 2022, pages 596–615. Decision making has fallen either to the civil service (which has limited powers) and the Secretary of State for Northern Ireland, who has intervened on a small number of issues to have legislation for Northern Ireland passed in the Westminster parliament.

² Institute of Government (November 2022) [Northern Ireland: Functioning of government without ministers](#); this blog provides an overview of responsibilities following elections to the Northern Ireland Assembly in May 2022, which did not lead to an Executive taking office or the Assembly sitting

³ See eg. Northern Ireland Women's European Platform (2013); Northern Ireland Women's European Platform (2019); Northern Ireland Women's European Platform (2021) Northern Ireland shadow interim report to CEDAW

⁴ A strategy on violence against women and girls opened for consultation in July 2023, but with limited commitments (The Executive Office (July 2023) [Ending Violence against Women and Girls Strategic Framework and Action Plan](#)). The draft strategy on domestic and sexual abuse is gender neutral with no concrete commitments to action (Department of Justice (February 2023) [Draft domestic and sexual abuse strategy](#)). Non fatal strangulation only became an offence in June 2023 through the [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#).

⁵ See Hughes, S (2021) [Women's gynaecological health in Northern Ireland](#)
Belfast: Northern Ireland Assembly Research Matters for an overview of gynaecological health inequalities in Northern Ireland. In May 2023, the Department of Health in Northern Ireland confirmed that it had asked for a rapid review of gynaecology services provided by Health and Social Care Trusts, due to the 'appalling' waiting times for services, which typically are at least 110 weeks for a first appointment (BBC news 31 May 2023 '[Waiting lists: 'Appalling' gynaecology wait times under review'](#))

⁶ Northern Ireland Statistics and Research Agency (March 2022) [Women in Northern Ireland 2020/2021](#)

⁷ A gender equality strategy is currently in development, but on hold in the absence of an Executive and with no explicit action on addressing the stereotype of women as mothers. The strategy was developed with a co design group of civil society experts which made recommendations for action, significantly relating to access to care to enable women to make independent choices about balancing caring and labour market participation. An overview of the process is available on the Department for Communities [website](#), last accessed 8 August 2023.

⁸ Department for Communities (May 2023) [Equality Impact Assessment for the 2023/24 Budget](#). There is also no funding for any of the other social inclusion strategies such as the anti-poverty strategy and associated legislation; in addition, all of these strategies are on hold in the absence of a Minister to issue a public consultation and seek Executive approval.

⁹ See information on the social inclusion strategies on the Department for Communities [website](#), last accessed 23 November 2023

¹⁰ The Executive Office (2015) [Racial equality strategy for Northern Ireland 2015-2025](#)

entrepreneurship, care and training support needs of rural women¹¹. In addition, none of these strategies include specific funding; the Racial Equality Strategy did include a Minority Ethnic Development Fund (MEDF) designed to provide support for voluntary and community organisations working with minority ethnic people and groups to promote good relations between people of different ethnic backgrounds, but this fund closed to applications in 2022.

As an example of lack of commitment, a response by the Minister for Justice to a written Assembly Question as late as February 2021¹² states that it would not be appropriate to develop a strategy on violence against women, as this would suggest that the Executive is not taking violence against men seriously. Development of a strategy on violence against women and girls was, subsequently, initiated following a motion in the Northern Ireland Assembly on 23 March 2021¹³, which followed a series of highly publicised murders of women in both Great Britain and Northern Ireland that also elicited major public outcry¹⁴. It is notable that prior calls for a strategy by specialist organisations including Women's Aid Federation for Northern Ireland had gone unheeded, including a public campaign initiated in early March 2021¹⁵. This is symptomatic of a lack of commitment to addressing violence against women and girls, which is exacerbated by a limited understanding of existing equality duties within the public sector.

Under Section 75 of the Northern Ireland Act 1998¹⁶, Northern Ireland has extensive equality duties, which put obligations on statutory bodies to have regard to equality on the grounds of nine protected characteristics, which include 'men and women generally' as well as people with dependents. Among obligations is a duty to undertake Equality Impact Assessment on all policies and initiatives, with a view to identifying potential harms for each protected group and relevant mitigations¹⁷. However, practice indicates that most policies are screened out for an assessment, and there is poor understanding of the different principles of equality of opportunity, equality of outcome and equity. Poor understanding of duties has led to poor decision making in the past, as highlighted by the Equality Commission of Northern Ireland in relation to the Department of Finance¹⁸ and more recently in relation to the consultations on Budget 2023-24¹⁹.

The role of the Equality Commission for Northern Ireland is to monitor adherence to statutory equality and good relations duties which apply to public authorities, build capacity and assist individuals whose rights have been breached under equality legislation.²⁰

¹¹ Department for Agriculture, Environment and Rural Affairs (2022). [Rural Policy Framework for Northern Ireland](#)

¹² [AQW 13950/17-22](#), 11 February 2021

¹³ Northern Ireland Assembly Motion: [Violence Against Women and Girls Strategy](#), debated 23 March 2021

¹⁴ See Northern Ireland Assembly [Official report](#) of plenary 23 March 2021

¹⁵ See Women's Aid Federation Northern Ireland news 9 March 2021 '[Women's Aid Launch a Petition for a Violence Against Women & Girls Strategy in NI](#)'

¹⁶ [Northern Ireland Act 1998](#)

¹⁷ See an overview of duties on the Equality Commission for Northern Ireland [website](#), last accessed 5 October 2023

¹⁸ Equality Commission for Northern Ireland (September 2020). Investigation under Paragraph 11 of Schedule 9 of the Northern Ireland Act 1998 Department of Finance - in its preparation of the Budget for Northern Ireland 2019-20. [Investigation Report](#)

¹⁹ Equality Commission of Northern Ireland (September 2023) [Concerns regarding cumulative equality impacts of proposed Departmental Budget allocations for 2023-24](#)

²⁰ See eg. Equality Commission for Northern Ireland (March 2019) [Promoting Equality Challenging Discrimination: A short guide to the role and services of the Equality Commission](#)

In assisting individuals whose rights have been breached under equality legislation, the Equality Commission Northern Ireland derive power from and utilise a suite of anti-discrimination laws that provide protection against discrimination on grounds of age, disability, race, religion and political opinion, sex and sexual orientation. This body of law is characterised by its inconsistency and complexity, and no single piece of equality legislation has been developed in Northern Ireland²¹. A Single Equality Act has had effect in England, Wales, and Scotland since 2010²². Under the UK-EU Withdrawal Agreement and the Windsor Framework, the UK is required to ensure that ‘no diminution’ of rights and equality protections arises from the UK’s withdrawal from the EU and that equality law in Northern Ireland keeps pace with EU developments. The Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission now have new statutory duties to monitor, advise, report on, and enforce adherence to those requirements²³. This adds an additional layer of complexity to an already incoherent body of law in Northern Ireland. Where individual rights-holders do not have access to assistance by the ECNI when they have been discriminated against, accessing courts and tribunals to make this kind of complaint is known to be costly with little to no access to Legal Aid support in this area.

While enabled through CEDAW Article 4, special measures have never been put in place in any form in Northern Ireland. A review of the Northern Ireland Assembly into women in politics and the Assembly in 2015²⁴ was unable to agree on use of quotas, and referred the matter to individual parties, which have to date not adopted quotas. Recommendations from this review also included voting procedures that enable family friendly sittings, considering gender balance in delegations, procedures to address bullying, discrimination and sexual harassment and many others relating to candidate selection, media portrayals of women in politics, training and support for women in public and elected office, and women interested in public life. However, the only recommendation implemented to date is a cross party women’s caucus, which was set up in 2016. This caucus does not have formal powers, and is focused on capacity building on key issues of interest across parties; it was not re-established following elections in 2022.

Impact of Brexit

The impact of EU withdrawal remains a developing process at the time of writing. Under Article 2 of the Northern Ireland/Ireland Protocol to the Withdrawal Agreement, there is a commitment to ensure non diminution of rights in Northern Ireland, and gender equality is within scope of Article 2²⁵. However, there is no clear commitment to keeping pace on rights, and the operational implications of the Article 2 provisions remain evolving²⁶. Concretely, it is not clear at present

²¹ Equality Commission for Northern Ireland (October 2022) *The Need for a NI Single Equality Act: Policy Position Paper*

²² [Equality Act 2010](#)

²³ See Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission (2023) *Annual Report on the Implementation of Article 2 of the Windsor Framework*

²⁴ Northern Ireland Assembly, Assembly and Executive Review Committee (2015) [Review into women in politics and the Assembly](#)

²⁵ Equality Commission for Northern Ireland (December 2022) [Working Paper: The Scope of Article 2\(1\) of the Ireland/Northern Ireland Protocol](#)

²⁶ Craig, S, Deb, A, Frantziou, E, Horne, A, Murray, C, Rice, C and Rooney, J (December 2022) [European Union Developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland](#). Belfast: Equality Commission for Northern Ireland, Northern Ireland Commission for Human Rights and Irish Human Rights and Equality Commission.

whether any element of the forthcoming EU Directive on violence against women will apply in Northern Ireland.

In practical terms, Brexit involved the end to the European Protection Order²⁷, and therefore no formal protection is in place for women in Northern Ireland in this regard; however, Ireland has opted out of the European Protection Order. Collaboration between the Police Service of Northern Ireland (PSNI) and the An Garda Síochána in Ireland does continue; however, this is on an informal basis, and cannot for example include continuing pursuit of a suspect crossing the border.

Women's Aid has significant concerns regarding the impact of Brexit and protection for domestic abuse victims. In particular, Women's Aid are concerned that Brexit has impacted on the ability of women to access services, especially women in border areas. For many women, the nearest and most geographically and logistically accessible services are across the border. Domestic abuse survivors need access to a broad range of services: police, benefits, health, safety and refuge. There are already significant multiple barriers to them accessing support and Brexit has increased that barrier and border.

The ability of a woman to flee across the border and get a house and a job could be the difference between running to safety and staying in an abusive relationship. While women who are UK or Irish citizens, as well as EU nationals with settled status in the UK, can continue to freely cross the border with Ireland, this is not an option for third country citizens, including those with refugee status. Crossing the border to access support in Northern Ireland is also no longer an option for EU citizens living in Ireland, as they are considered third country nationals in UK legislation²⁸.

Cross-border cooperation is often necessary to keep victims safe. While cross-border cooperation regarding counter-terrorism and organised crime is highly sophisticated and organised, the same cannot yet be said for domestic abuse. The current situation in relation to post Brexit arrangements has involved significant uncertainty and has presented extra barriers to this kind of cooperation. Women's Aid are concerned about the loss of practical EU-based support mechanisms, like the European Protection Order, Europol, and pan-European inter-agency cooperation and information sharing to help keep victims safe.

As an example, Women's Aid received a call from a social worker. She was preparing to receive a vulnerable domestic abuse victim with learning disabilities, who was being transferred to a facility for safety and protection. The complicating factor was that the woman normally resided in the Republic of Ireland, and this is the jurisdiction in which protection orders had been put in place against her perpetrator. The concern was that if the perpetrator found out where she was, he would find her and she would go back to him, as she didn't have capacity to understand the level of danger she was in. Following multiple agencies collaborating, the woman was moved to a safe facility in Northern Ireland, and an application was made in a Northern Ireland court for a European Protection Order, an EU mechanism by which any non-molestation or protection orders served in one EU jurisdiction can easily be applied in another. This is no longer available.

It is also important to consider the potential return to conflict, as a consequence of the current political instability. Multiple studies show that women living in Northern Ireland during the Troubles were profoundly impacted by the Troubles^{29 30}; this can especially be said for women suffering

²⁷ Northern Ireland Human Rights Commission (October 2019) [Brexit and the Implications for Justice Co-operation](#)

²⁸ See eg. Committee on the Administration of Justice (September 2023) [CAJ briefing note: Electronic Travel Authorisation \(ETA\)](#)

²⁹ See eg Green, R ([The Impact of Conflict on Violence Against Women in Belfast](#), Belfast: The Senator George J Mitchell Institute for Global Peace, Security and Justice, Queen's University Belfast.

³⁰ Women's Resource and Development Agency (2008) [Women and the conflict: Talking about 'The Troubles' and planning for the future](#)

domestic violence. A return to conflict would be disastrous for domestic abuse victims; in border areas it would lead to increasing isolation, inability to access support networks, a return to security based policing, and a de-prioritisation of domestic violence as a public health and safety issue. McWilliams & Doyle's recent study comparing domestic abuse victims in 1992 and 2016, revealed the profound difference between women's experiences and ability to access support and safety³¹. We simply cannot allow Northern Ireland to return to those dark days for women.

Article 6 – Gender-sensitive policies

Gender sensitive policy making also has low priority in Northern Ireland. There is currently no Gender Equality Strategy in place; the previous strategy officially expired in 2016 but work on an updated Gender Equality Strategy only begun in September 2020³², as part of a suite of social inclusion strategies including an LGBT Strategy³³. Differences with Great Britain in equality law remain³⁴; this has been raised as a concern by the CEDAW Committee with a recommendation in the most recent Concluding Observations to put protections for women in Northern Ireland on an equal footing with protections in England, Scotland and Wales.³⁵

The process to develop the new Gender Equality Strategy was designed to include engagement with the women's sector³⁶. However, lack of transparency and willingness to engage with proposals from civil society made this process limited and has served to reduce the confidence of the women's sector in the strategy. Development of the strategy is currently suspended due to the lack of functioning institutions, with progress dependent on decision making by a future Minister.

Gender is absent from the New Decade, New Approach agreement that underpinned the return of devolved institutions in January 2020³⁷, and has similarly been absent in previous Programmes for Government. In addition, the disproportionate impact of Covid-19 on women was not reflected in any way in the Covid-19 response in Northern Ireland, and there is no reference to gender in the recovery plans prepared during the crisis³⁸. The women's sector produced a COVID-19 Feminist Recovery Plan³⁹, updated in July 2021⁴⁰, to address this. The response received from the Head of the Civil Service, with contributions from all but one Department, and later by Ministers, demonstrates the very poor policy framework and practice in respect of gender equality⁴¹. No concrete action to address was taken, although the Plan was referenced in a number of Assembly debates.

³¹ Doyle, J., & McWilliams, M. (2019). Transforming Responses to Domestic Violence in a Politically Contested Environment: The Case of Northern Ireland. *Feminists@law*, 9(1). <https://doi.org/10.22024/UniKent/03/fal.744>

³² The previous strategy officially expired in 2016

³³ '[Minister announces work is to commence on development of Social Inclusion Strategies](#)', Northern Ireland Executive press release 24 September 2020

³⁴ These include the absence of protection against discrimination and harassment by public bodies on grounds of sex when carrying out their public functions. Other legislative gaps potentially impact on women; for example, there is no protection on the ground of age beyond the workplace

³⁵ CEDAW Committee (2019) [Concluding Observations on the 8th periodic report of the United Kingdom](#)

³⁶ Ibidem

³⁷ [New Decade, New Approach agreement](#) 8 January 2020

³⁸ The Executive Office (August 2021) [Building Forward: Consolidated Covid-19 Recovery Plan](#)

³⁹ Women's Policy Group (July 2020) [COVID-19 Feminist Recovery Plan](#)

⁴⁰ Women's Policy Group (July 2021) [NI COVID-19 Feminist Recovery Plan: Relaunch - One Year On](#)

⁴¹ [Response](#) to Feminist Recovery Plan by Northern Ireland Departments, September 2021

A draft Ending Violence against Women and Girls strategy was published for consultation in July 2021⁴², following an initial Call for Views in 2022⁴³, followed by a co design process to develop the draft strategy. The women’s sector was closely involved in the co design process, which has been described as constructive, and the priorities within the strategy are aligned with the Istanbul Convention, as well as CEDAW and other human rights frameworks. It also builds on evidence from women’s sector and specialist organisations, such as HEReNI, which welcomed the strategy but would have liked to see further action on violence in same sex relationships, and sets out to address a number of the key issues identified throughout this submission. However, the strategy does not have long term funding and long term decisions depend on functioning institutions and decisions by a new Minister.

The approach to domestic and sexual abuse strategies in Northern Ireland has been and remains gender neutral⁴⁴. The latest draft strategy⁴⁵ was published for consultation in spring 2023, following a Call for Views in 2022 that was integrated into the Call for Views for a strategy on violence against women and girls⁴⁶. The Executive office then launched a public consultation on the draft Strategic Framework on Ending Violence Against Women and Girls in the summer of 2023 and responses were submitted from the women’s sector within Northern Ireland in October 2023. Without a restoration of government in Northern Ireland and without appropriate funding, the strategy will not be implemented and Northern Ireland will remain the only part of the UK and Ireland without a dedicated strategy to tackling violence against women and girls.⁴⁷

Despite the common evidence base with the Ending Violence against Women and Girls strategy, the commitments and actions in the draft Domestic and Sexual Abuse Strategy were very limited and do not recognise the gender based motivation of domestic or sexual abuse, while the strategy also lacks funding. The women’s sector, led by Women’s Aid Federation Northern Ireland (WAFNI) as the leading specialist organisation on domestic abuse, did not support the strategy and has urged for the Department of Justice to review the strategy to better align with the evidence on domestic and sexual abuse in Northern Ireland, including priorities identified by those with lived experience. Following extensive work with the Department of Health and Department of Justice, Women’s Aid Federation succeeded in getting the Departments to agree to include a Children’s Pillar with the new Domestic & Sexual Abuse Strategy which will be published early 2024. This strategy does not have any funding or resourcing behind it and it is being launched in a particularly difficult funding environment within Northern Ireland.

⁴² The Executive Office (July 2023) [Consultation on a Strategic Framework to End Violence Against Women and Girls and Foundational Action Plan](#)

⁴³ The Executive Office (January 2022) [Call for Views in relation to the development of the Strategy to Tackle Violence Against Women and Girls](#)

⁴⁴ See for example [introduction](#) to Call for views on domestic and sexual abuse consultation.

⁴⁵ Department of Justice (February 2023) [Draft Domestic and Sexual Abuse Strategy](#)

⁴⁶ The Executive Office (January 2022) [Call for Views in relation to the development of the Strategy to Tackle Violence Against Women and Girls](#)

⁴⁷ The Executive Office (February 2023) [Consultation on a Strategic Framework to End Violence Against Women and Girls and Foundational Action Plan. | The Executive Office \(executiveoffice-ni.gov.uk\)](#)

Chapter I recommendations

Recommendation 1: Mechanisms to ensure equitable policies on gender equality and protections for women against violence are in place across the UK should be explored

Recommendation 2: Gender equality needs to have greater priority in decision making at all levels in Northern Ireland, supported by clear tools to ensure gender lens in decision making

Recommendation 3: Use of Equality Impact Assessments in Northern Ireland needs to be reviewed and understanding of equality duties strengthened within public bodies, with clear requirements to undertake meaningful assessment set out in updated guidance

Chapter II – Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

The narrative above highlights the lack of comprehensive and coordinated policies on violence against women and girls in Northern Ireland. The Police Service for Northern Ireland (PSNI) launched its own action plan on violence against women and girls in September 2022; this plan recognises the need for integration and collaboration. PSNI also collaborates with education and social services through the Multi Agency Risk Assessment Conference (MARAC, discussed further under Article 51) and through Operation Encompass, which is a collaboration with the Safeguarding Board for Northern Ireland, the Education Authority and schools, and involves the PSNI contacting schools, where officers attend a domestic abuse call and children are present, to enable support to be put in place for children⁴⁸. However, the action plan does not link directly with other strategies, and action by the PSNI is largely independent from Departments, due to the separation of policing and political decision making in Northern Ireland⁴⁹.

There are also important gaps with other devolved jurisdictions in the UK, which was raised as a concern in the Concluding Observations of the examination of the UK under CEDAW in 2019. Limited action has been taken since 2019 to fill these gaps; for example, the Domestic Abuse and Family Proceedings Act 2021⁵⁰ does not criminalise coercive control in the same way as jurisdictions in Great Britain⁵¹ or Ireland⁵². Legislation on non fatal strangulation only came into effect in Northern Ireland in June 2023.⁵³ Although the sector welcome the introduction of new legislation, there has been a huge development within the legislative framework within the last three years with no money attached to the implementation of same. Legislation has come through the Domestic Abuse and Civil Proceedings Act 2021, the Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022⁵⁴ and the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022. Not all of the legislation has come fully into force, due to lack of resources within policing and Department of Justice.

Article 8 – Financial resources

Overall funding situation

Funding and resourcing of policies and programmes aiming to end violence against women and girls is very limited and insufficient to provide a service that meaningfully meets demand. As outlined above, both the draft strategy on domestic and sexual abuse and the Ending Violence against Women and Girls strategies currently have no associated financial resources, due to the lack of

⁴⁸ See further information on Operation Encompass on the PSNI [website](#), last accessed 29 November 2023

⁴⁹ The PSNI is strategically led and scrutinised by the [Northern Ireland Policing Board](#), which is independent from government institutions, but includes representatives of the main five political parties.

⁵⁰ [Domestic Abuse and Family Proceedings \(Northern Ireland\) Act](#) (2021)

⁵¹ [Women's Aid Federation Northern Ireland evidence to Justice Committee on Domestic Abuse and Family Proceedings Bill](#), presented 28 May 2020 to the Justice Committee of the Northern Ireland Assembly. In Scotland new legislation that criminalises psychological abuse and controlling behaviour came into force early in 2019 and in England and Wales, a new Domestic Abuse Act was passed in spring 2021 strengthening protections, although falling short of protecting migrant and minority ethnic women.

⁵² [Domestic Violence Act 2018](#) (Ireland); this Act criminalises coercive control as well as forced marriage.

⁵³ Department of Justice press release 26 June 2023 '[New non-fatal strangulation offence comes into force](#)'

⁵⁴ [Domestic Abuse \(Safe Leave\) Act \(Northern Ireland\) 2022](#)

sitting institutions that are needed to allocate resources. Previous strategies on domestic abuse have also lacked a dedicated budget.⁵⁵

Resourcing is particularly urgent at the time of writing, as the Department of Health funding to Women's Aid Federation was cut at the end of September⁵⁶, following a decision by the Department to cut core grant funding to community and voluntary sector organisations as a result of the 2023-24 budget, which imposes significant cuts across Departments⁵⁷. The role of the Women's Aid Federation⁵⁸ is to coordinate advocacy work on behalf of Women's Aid refuge and support services, and the cut significantly reduces the capacity of Women's Aid to advocate for victims and survivors of violence against women and girls, leaving the future of this function uncertain.

This cut also affected the leading disability organisation Disability Action, which lost resourcing of all its information and advice functions⁵⁹, significantly reducing advocacy capacity. Other organisations in the women's sector, including women's centres that provide training, information and support services to women in disadvantaged areas of Northern Ireland, have lost staff as a result of funding cuts, while funding for centres is provided on a three monthly basis only since April 2023⁶⁰. Women's centres have for many years been funded on a yearly basis only, with staff put on protective notice each January as funding often has been confirmed at the very end of the financial year in March. The Shared Prosperity Fund, introduced by the UK government to replace this funding at least in part, provided funding announced on 31 March to a number of organisations including two consortia in the women's sector; however, this funding is focused fully on addressing economic inactivity⁶¹, and where allocated to organisations previously in receipt of EU structural funds, was too late to prevent staff losses and project and programme closures.

These services are also concentrated in urban areas, and rural women have very limited specialist services locally. This creates barriers to seeking help, particularly for rural women who do not have access to a car; this affects in particular older women, and families with only one car, who typically are lower income families. Rural poverty is a considerable issue in Northern Ireland, but frequently masked, as it is typically not concentrated to specific neighbourhoods, as in urban areas. Only 3 per cent of funding to women's groups is targeted to rural women's groups.⁶² There are no specialist services for disabled women, LGBTQIA+ groups, or women from migrant, refugee and asylum seeking backgrounds, and there are challenges in ensuring appropriate provision for people in need of specialised support within general services. This is discussed further below, in relation to support services.

The women's sector is increasingly reliant on funding from private trusts and funds, while funding for reconciliation work is also sought through the Irish government's Reconciliation Fund, which

⁵⁵ See Department of Justice and Department of Health, Social Services and Public Safety (2016) [Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy](#), p.17

⁵⁶ View Digital 8 August 2023 '[Funding cut to Women's Aid Federation is 'absolutely indefensible' says SDLP MP Claire Hanna](#)'

⁵⁷ Northern Ireland Office (April 2023) [NI Finances 2023-24](#)

⁵⁸ For more information, see [website](#) of Women's Aid Federation Northern Ireland, last accessed 9 October 2023

⁵⁹ Disability Action website article (September 2023) [Political Crisis Ends Essential Services and Representation of Disabled People](#)

⁶⁰ *Irish News* 2 April 2023 '[Derry Women's Centre 'devastated' at job losses caused by EU funding cuts caused by Brexit](#)'

⁶¹ UK Government guidance (31 March 2023) [UK Shared Prosperity Fund: Northern Ireland list of successful economic inactivity projects](#)

⁶² Women's Resource and Development Agency (2020). [Gender Inequality in Northern Ireland: Where are we in 2020?](#)

includes work on gender equality and women's rights as a priority⁶³. The European Union was a funder for the sector in the past, through the PEACE funding scheme, but it is likely this funding source will become unavailable beyond 2027 following the exit of the UK from the EU⁶⁴. Recent PEACE schemes have also not prioritised women and girls.

Funding of specialist services

Funding to the specialist services sector has been stretched and uncertain for an extended period of time, with the majority of funding covering direct service provision, such as refuge, counselling and floating support to victims and survivors through the Supporting People fund; the level of refuge beds or services has remained stable regardless of demand over a significant period. Refuges for women and girls, all of which are provided by Women's Aid, are operating at capacity on a virtually permanent basis⁶⁵, and in many cases, women are forced to spend long periods in refuge due to lack of alternative housing provision (this is discussed further below under Article 20 on general support services). Safe refuge is not guaranteed for LGBTQIA+ individuals fleeing domestic abuse, and the funding cuts outlined above included loss of a specialist domestic abuse worker based within the LGBTQIA+ organisations HEReNI and Cara-Friend.

No recourse to public funds (NRPF) is a major barrier, which affects migrant, asylum seeking and refugee communities, including the majority of people who have leave to remain in the UK as a spouse, student or under family and private life rules⁶⁶. This barrier to support directly puts women at risk, as women are forced to remain in abusive relationships, since the majority do not have the resources to pay for support services, while immigration control rules also limit their ability to for example enter into rental contracts in their own right⁶⁷. Fear of deportation is a very real issue, frequently used as a mechanism of abuse. Refugee and asylum seeking communities as well as people with insecure immigration status in Northern Ireland are overall reluctant to deal with authorities, including the PSNI, for fear of being reported to the Home Office. Clarity on organisational practices in this regard is much needed to enable women to be safe with confidence. Meanwhile, anecdotal evidence highlights that NRPF also has consequences for service providers who do work with women without recourse, as organisations often absorb the cost from extremely limited resources. There is a limited, last resort fund to support such costs managed by the London based charity Southall Black Sisters⁶⁸, which some voluntary sector organisations in Northern Ireland have access to through a specific local arrangement, but this is insufficient to meet need.

Article 9 – Non-governmental organisations and civil society

⁶³ See information on this fund at [Reconciliation Fund - Department of Foreign Affairs \(dfa.ie\)](https://www.dfa.ie/reconciliation-fund)

⁶⁴ See information on PEACE funding programme through the [Special EU Programmes Body](https://www.eu-programmes.com)

⁶⁵ Women's Aid Federation Northern Ireland [Annual Report 2021-22](https://www.womensaid.org.uk)

⁶⁶ See an overview of immigration status, rights and entitlements on the No Recourse to Public Funds Network [website](https://www.nrpf.org.uk), last accessed 9 October 2023.

⁶⁷ Under UK law, landlords, and mortgage providers, are responsible for undertaking checks that a potential tenant or house owner is in the UK legally; anecdotally, there is evidence that many landlords turn away minoritised people as a result.

⁶⁸ Southall Black Sisters [No Recourse Fund](https://www.southallblack.org.uk); for more information see the Southall Black Sisters website, last accessed 25 September 2023.

The discussion above sets the clear context for how the state party engages with civil society in Northern Ireland. Public sector funding to the women's sector in Northern Ireland is limited and focuses primarily on funding specific service provision, including refuges and floating support. There is very limited public sector funding for advocacy and policy development, as well as rural and specialist services, and the majority of organisations with a policy function fund this through private foundations and trusts. Public sector funding has been cut year on year over an extended period, and is routinely confirmed very late in the financial year. In March 2023, a number of women's centres lost staff as access to EU structural funds ended with the end of the transition period following Brexit.⁶⁹

Statutory sector bodies in Northern Ireland typically demonstrate limited understanding of and adherence to good consultation and engagement practice, and this has become increasingly prevalent since Covid-19. While there has been increasing engagement with civil society, typically seeking evidence to support policy development, the timescale for response is short, sometimes limited to five weeks⁷⁰ and usually capped at eight weeks, rather than the recommended 12 weeks for consultation. This creates barriers to meaningful engagement and consultation with grassroots communities in particular, and also disadvantages small organisations with limited policy capacity, which include the majority of women's sector organisations. As outlined above, experiences of co design processes vary, highlighting a lack of understanding and clear codes of practice within statutory sector organisations.

Article 10 – Co-ordinating body

There is currently no clarity on which Northern Ireland statutory body may have been designated as coordinating body. No information has been shared with civil society either formally or informally.

There is no formal mechanism for civil society to engage with decision makers, at either Northern Ireland or UK level. Within the Northern Ireland Assembly, there is an All Party Group on Domestic and Sexual Violence⁷¹ and also an All Party Group on UNSCR 1325, Women, Peace and Security⁷², and both have worked to highlight violence against women as a priority in decision making. However, All Party Groups are primarily communities of interest for decision makers to build capacity and understanding on specific issues, and do not have formal powers.

Article 11 – Data collection and research

There is currently limited routinely collected, publicly available data on violence against women and girls in Northern Ireland. No survey sponsored by statutory bodies has been undertaken into the prevalence of violence against women and girls, and analysis relies on voluntary sector data and

⁶⁹ Hansard of UK House of Commons debate on [EU funding: Northern Ireland](#); Volume 727: debated on Wednesday 1 February 2023

⁷⁰ See eg. Equality Commission of Northern Ireland (September 2023) [Concerns regarding cumulative equality impacts of proposed Departmental Budget allocations for 2023-24](#). The series of consultations by Departments on the equality impacts of Budget 2023-24 added complexity by including two deadlines, one in most cases within four to five weeks and set in line with the timescale for final 2023-24 budget allocation decisions, and one 8-12 weeks later for equality impact assessment purposes.

⁷¹ See APG information on Northern Ireland Assembly [website](#), last accessed 22 November 2023

⁷² See APG information on Northern Ireland Assembly [website](#), last accessed 22 November 2023

anecdotal evidence. Research into the experiences of both adult women and girls aged 12-17 was undertaken to inform the development of the Ending Violence against Women and Girls^{73 74}, and highlights that virtually all women and over two thirds of teenage girls have experienced violence. However, while this is welcome, these studies constitute cross sectoral studies at one point in time, and cannot replace longitudinal monitoring through official statistics processes.

Routinely collected, publicly available data relevant to violence against women and girls tend to focus on police and crime data, which record domestic incidents attended by police, homicides and crime data. No gender lens or perspective is applied in this data collection, nor is the gender identity or sexual orientation of victims or perpetrators routinely collected. Therefore, for example data on domestic incidents do not provide information on the context, gender of aggressor or victim, or their relationship⁷⁵. Similarly, while homicide data do include the gender of the victim, data do not include information on the relationship between a murder victim and perpetrator, which makes it difficult to track femicide statistically.⁷⁶ Women's Aid Federation is also seeking data collection on women who die by suicide following abuse⁷⁷, as this information is not currently available except through anecdotal and qualitative evidence.

The issue of data collection in Northern Ireland is both concerning and ultimately affects current funding streams through government procurement and tendering processes. In addition to gaps in police recorded data, the Public Prosecution Service do not disaggregate Section 75 characteristics. Children's Services data in relation to families living with domestic abuse is also not easy to obtain and according to a recent Independent Review of Children's Social Care Services in NI by Professor Ray Jones, no one knows the amount of money being put into children's services in this country⁷⁸.

Within the health and social care services, including ambulance services, as well as police, prison service and associated organisations, no systems and databases talk to each other so it is very difficult to ascertain accurate data to adequately inform services and the funding of same. Better data is needed from different sources, as it can ultimately lead to an improved victim experience and an increase in reported abuse. Health and social care services together with criminal justice partners, all need their data to be better to ultimately give a clearer understanding of the criminal justice system's response to victims and perpetrators of domestic abuse.

Chapter II recommendations:

Recommendation 1: Sustainable and sufficient resourcing for strategies to tackle violence against women and girls needs to be put in place as a matter of urgency, to ensure meaningful progress

Recommendation 2: Data collection on the incidence and prevalence of violence against women and girls in all its forms needs to be strengthened

⁷³ Lagdon, S et al (September 2023) [Every Voice Matters! Violence Against Women in Northern Ireland](#). Belfast: The Executive Office.

⁷⁴ McAlister, S; Schubotz, S and Templeton, M (September 2023) ['It's Just What Happens'](#). Belfast: The Executive Office.

⁷⁵ See eg. PSNI (May 2023) [Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland: Update to 31st March 2023](#)

⁷⁶ See eg. Police Service of Northern Ireland (December 2022) [Police recorded crime Annual Trends 1998/99 to 2021/22](#)

⁷⁷ See BBC Northern Ireland news 29 November 2023 ['Domestic abuse: Mother says violence led to suicide attempt'](#)

⁷⁸ Jones, R (June 2023) Independent Review of Children's Social Care Services - [The NI Review of Children's Social Care Services.pdf \(cscsreviewni.net\)](#)

Chapter III – Prevention

Articles 12 – 14

The draft Ending Violence against Women and Girls strategy includes changed attitudes, behaviours and social norms as a priority outcome, and sets out a number of actions to initiate work towards this aim.⁷⁹ However, to date very limited action relevant to these Articles has been implemented in Northern Ireland. The Police Service of Northern Ireland provide the Domestic Violence and Abuse Disclosure Scheme, under which anyone entering a relationship can check if an individual has previous convictions for domestic abuse⁸⁰, and this is publicised through public information campaigns on a regular basis. In addition, a number of public information campaigns have been organised by statutory sector organisations highlighting the right of women and girls to be safe, as part of commitments on the Domestic Violence Strategies, but no evaluation of impacts is currently available.

Conversely, it can be noted that Northern Ireland institutions have actively resisted initiatives designed to eradicate prejudices. Most importantly this relates to age appropriate, comprehensive and mandatory relationship and sexuality education (RSE), which has not been put in place to date, although it is a key recommendation of the Inquiry into abortion legislation in Northern Ireland under the Optional Protocol to CEDAW⁸¹, and the Northern Ireland (Executive Formation etc) Act 2019 includes a legal obligation on the State Party to implement the recommendations of the Inquiry in full.⁸² The UN Committee on the Rights of the Child recently issued a recommendation to achieve this in its Concluding Observations for the UK following its examination under the UN Convention on the Rights of the Child.⁸³

Young people report that current RSE is ‘useless’ and ‘biased’, but feel school is the best place for RSE⁸⁴.

There was no progress on this recommendation while the Assembly was sitting in 2020-22^{85 86}, and subsequent Education Ministers held the view that the current position is sufficient^{87 88}. Under the Education (Curriculum Minimum Content) Order (NI) 2007⁸⁹, schools have control over what is taught in each school, with significant parental control over children’s participation in RSE, and topics limited and narrowly focused, including marriage and abstinence. Schools typically engage

⁷⁹ The Executive Office (July 2023) [Consultation on a Strategic Framework to End Violence Against Women and Girls and Foundational Action Plan](#)

⁸⁰ See information on the Domestic Violence and Abuse Disclosure Scheme on the PSNI [website](#).

⁸¹ CEDAW Committee (2018) [Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW](#)

⁸² [Northern Ireland \(Executive Formation etc\) Act 2019](#)

⁸³ UN Committee on the Rights of the Child (June 2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)

⁸⁴ Belfast Youth Forum, Common Youth and Queen’s University Belfast (2019) [Any Use?](#)

⁸⁵ See eg. [Letter](#) from the Northern Ireland Commissioner for Children and Young People to the Minister of Education, 23 June 2020

⁸⁶ Open [letter](#) from Raise Your Voice project on sexual harassment to the Minister of Education, 2020

⁸⁷ [Letter](#) from Education Minister to the Northern Ireland Commissioner for Children and Young People 2 July 2020

⁸⁸ BBC News 26 January 2022 [‘Minister Michelle McIlveen defends schools over sex education policy’](#)

⁸⁹ [Education \(Curriculum Minimum Content\) Order \(NI\) 2007](#)

external providers to teach sessions, as many teachers feel ill equipped to to teach RSE⁹⁰; however, there is no regulation of this and providers include those with a religious ethos.⁹¹

A recent study by the Northern Ireland Human Rights Commission stresses that RSE teaching does not meet human rights standards, due to gaps in the legal and policy framework, materials that are not comprehensive and inclusive and sometimes outdated, and uneven coverage of issues such as abortion, contraception, gender and sexual orientation. The study recommends updating the Education (Curriculum Minimum Content) Order (NI) 2007⁹² to meet CEDAW requirements, improving schools' capacity to teach RSE and monitoring of delivery⁹³. This reflects views by young people, who feel current teaching is 'useless', but believe that school is the right place for RSE.⁹⁴

In June 2023, the Secretary of State for Northern Ireland laid legislation at the UK House of Commons, which requires the Department of Education to ensure pupils in Key Stages 3 and 4 (secondary level, ages 11-16) receive RSE that includes prevention of pregnancy and abortion⁹⁵. The legislation continues to provide a mechanism for parents to withdraw young people from lessons on certain parts of the RSE curriculum; however, a vocal campaign arose over the summer indicating that parents are removed, and also focusing on RSE in primary schools and so called gender ideology, although these topics are outside the scope of the new Regulations. Subsequently, the Department of Education took the unusual step of publicly referring to these communications as 'misinformation' and contacted all schools to make them aware of the situation.⁹⁶

The Department of Education undertook consultation on parents' rights to withdraw children from RSE in September – November 2023⁹⁷. This consultation did not provide an opportunity to comment on the wider curriculum to be introduced, which is due to be in place by January 2024. However, a wide response was submitted by many civil society organisations, reflecting concerns outlined above, including the lack of a focus on consent and addressing the link between violence against women and girls.

Education on violence against women and girls

⁹⁰ Anecdotal evidence only exists for Northern Ireland; however, this has been highlighted elsewhere in the UK in a survey by the NSPCC children's charity and NASUWT teaching union. See NSPCC press release 28 September 2022 '[Half of secondary school teachers don't feel confident delivering sex and relationships education](#)'

⁹¹ See eg. the training provider [Love for Life](#), which according to its website provides sessions in over 75% of post primary schools in Northern Ireland (site last accessed 11 October 2023).

⁹² [Education \(Curriculum Minimum Content\) Order \(NI\) 2007](#)

⁹³ Northern Ireland Human Rights Commission (June 2023) [Relationships and Sexuality Education in Post Primary Schools in Northern Ireland: A Compelling Case for Reform](#)

⁹⁴ Belfast Youth Forum, Common Youth and Queen's University Belfast (2019) [Any Use?](#)

⁹⁵ Northern Ireland Office press release 6 June 2023 '[New requirements for Relationship and Sexuality Education curriculum in Northern Ireland](#)'

⁹⁶ BBC news 8 August 2023 '[Sex education: 'False information' being spread about lessons](#)'

⁹⁷ Department of Education (September 2023) [Relationships and Sexuality Education \(RSE\): Consultation on legislation which provides for a parent/carer to request to have their child excused from age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion.](#)

Within Northern Ireland, it is accepted that the general public and the wider sectors in society do not have an understanding of what violence against women and girls is, or what gender based violence actually is.

Women who took part in the Women's Federation Northern Ireland consultation response to the draft Ending Violence against Women and Girls strategy spoke about effective education and awareness on what violence against women and girls, and stressed that this constitutes a key component to tackling it, as there are a number of myths and misconceptions about what it actually looks like and how it manifests in different ways, including how bias creates more barriers such as victim blaming for women and girls trying to seek support for gender-based violence. One woman simply put it as violence against women and girls is "socially acceptable at the moment."

In 2022, the Women's Policy Group NI carried out pivotal research on Violence Against Women and Girls in Northern Ireland. One of the major themes that emerged throughout this research was the importance of education in tackling this issue⁹⁸. This was particularly the case when looking specifically at questions relating to culture, attitudes and beliefs around violence against women and girls.

In questions 15, 17 and 21, the survey asked respondents what they thought were the root causes of sexism, misogyny, victim blaming, rape myths and rape culture, why they thought there is stigma around issues relating to violence against women and girls what sort of measures they thought were necessary to change men and boys' actions.

For each of these questions, education was one of the most commonly cited responses. Specifically, a high level of respondents felt that:

- Sexism, misogyny, victim-blaming, rape myths and rape culture are caused by a lack of education.
- A lack of education on violence against women and girls has perpetuated the existence of stigma around issues relating to this violence.
- In order to change men and boys' actions and address men's violence, it is necessary to educate men and boys on issues relating to violence against women and girls.

Many respondents specified that this education should begin at a young age in schools and other learning environments. The importance of education was also a recurring theme when analysing the data from several quantitative questions.

For example, the survey asked respondents if they were aware of various forms of violence against women and girls. Only 54.3% were aware of all the forms of violence listed and, notably, less than 50% were aware of honour-based abuse (37.8%), systemic violence by the state (36.7%) and spiritual abuse (26%). These findings not only emphasise the importance of education in tackling violence, but suggest that this education must take an intersectional approach and cover specific forms of violence experienced by marginalised groups of women and the unique barriers they may face to reporting.

⁹⁸ Women's Policy Group NI (April 2022) [VAWG Research Report](#) p.26-27

Furthermore, a high proportion of respondents indicated that they were ‘unsure’ about the existence of various types of violence against women and girls, particularly in relation to culture, attitudes and beliefs. For example:

- 16.9% of respondents were unsure about whether Northern Ireland has a problem with rape myths and rape culture.
- 15.5% of respondents were unsure about whether there is stigma surrounding issues of violence against women and girls.
- 11% of respondents were unsure if Northern Ireland has a problem with victim-blaming.
- 9.5% of respondents were unsure if Northern Ireland has a problem with attitudes of sexism and misogyny.

This suggests that more education may be needed on these key concepts, such as rape myths, rape culture, stigma, victim-blaming, sexism and misogyny. This could be done through incorporating these topics into school curriculums or delivering a widespread public education campaign.

Talking to Men & Boys and Bystander Intervention

As reflected through Police and Public Prosecution Service (PPS) statistics, men are most likely to commit several crimes that disproportionately affect women and girls, including domestic abuse motivated crimes and sexual offences.

When talking with participants during the Women’s Aid Federation research for the Ending Violence against Women and Girls’ strategy, women overwhelmingly felt that talking to Northern Ireland’s men and boys about gender-based violence was essential to effectively tackle these issues. It needs to be done in an open, non-judgemental way; this was repeatedly expressed as a priority for men and boys to gain a meaningful understanding of violence against women and girls and to become allies to stop violence against women and girls.

Women’s Aid ran focus groups in the summer of 2023 to respond to the Executive Office Strategic Framework on Ending Violence Against Women and Girls⁹⁹. Some of the women reflected on the specific context we find ourselves in here in Northern Ireland and how women have been treated here in the past, and how women are treated now in the present.

Women expressed to Women’s Aid:

“We need to address the post conflict society that we live in Northern Ireland.”

“In NI we have normalised violence and there are still very traditional views.”

“In NI there is still a cultural and religious issue around domestic abuse.”

“Issues are different in rural communities including culturally and through use of religion and church still an issue.”

⁹⁹ The Executive Office (July 2023) [Consultation on a Strategic Framework to End Violence Against Women and Girls and Foundational Action Plan](#)

“Religion is still a big issue also new people coming to NI cultural issues including their leaders and gatekeepers needs to change.”

The women reflected that there is still a prevalent socially conservative culture in Northern Ireland that makes it difficult for some women and girls to feel safe coming forward and reporting violence they have experienced. Indeed, even in very recent history, the women who experienced violence allowed by the State had trouble when coming forward including shame, being seen as ‘sinful’ and shunned by the community.

It is important to engage men and boys, and must approach those from socially conservative backgrounds in a way in which is open and allows for conversations and training in a way that explains how best we can all work together in tackling VAWG through different social world views.

Women’s Aid has also highlighted the need to address the barriers in the way many women and girls who have experienced violence from a perpetrator with known paramilitary connections and how women and girls fear of speaking out. This can be seen as ‘informing’ on their community or speaking out against a man who is seen as having a ‘standing’ in that community. It is important to have frank conversations in our society that despite a world view you may have with a perpetrator, or if he seems like a nice guy in public, perpetrators of domestic abuse are still perpetrators despite whatever ‘respectable’ persona they have in a community, and it’s important when victims come forward, they are listened to, heard and believed without victim blaming from the community.

Article 15 – Training of professionals

Training of professionals is uneven and public information on provision is limited. The PSNI indicates training of officers as a priority in its action plan on violence against women and girls¹⁰⁰, and a review of progress in September 2023 states that new training on issues from domestic abuse to rape myths and stalking has been developed and is being delivered to officers. The progress report also states that work is progressing on updating training materials used with trainee officers in the Police College¹⁰¹. The judicial system, including the Public Prosecution Service and courts, also state that training is provided; however, evidence of this is more difficult to identify.

Women’s Aid took part in training with the PSNI in relation to coercive control following the implementation of the Domestic Abuse & Civil Proceedings (NI) Order 2021. This training was online as it happened during Covid and was written in conjunction with the PSNI Police Training College. Men’s Advisory Project, Rainbow and HereNi also contributed to the training. Women’s Aid continue to take part in new recruit training, although the length of time allocated to the sessions has been reduced considerably to 45 minutes. There should be more integration with voluntary partners for new recruit training.

Women’s Aid also trained 160 specialist prosecutors in relation to the Domestic Abuse & Civil Proceedings (NI) Order 2021. This is part of a three-year partnership involving training and development for both Women’s Aid and the PPS. This has involved joined training and development

¹⁰⁰ PSNI (September 2022) [Tackling Violence against Women and Girls Action Plan](#)

¹⁰¹ PSNI (September 2023) [Tackling Violence Against Women and Girls Action Plan - One Year On](#)

together with joint workshops. Training has also taken place in relation to Multi Agency Risk Assessment Conferences (MARAC) and risk assessment together with trauma informed justice.

There is no training budget for criminal justice agencies and PSNI has experienced severe budget constraints, which is currently holding back the introduction of Domestic Abuse Protection Orders and Notices. The current funding climate of no government is extremely detrimental to the provision of training. Training in relation to both domestic and sexual abuse cannot be a one off but needs to remain part of continued professional development for all professionals.

It is also not clear that the judiciary has an adequate understanding of the dynamics of domestic violence and gender based violence. In a recent court case in Northern Ireland, against a man with a long history of domestic abuse, the judge at sentencing suggested the defendant 'should get a wife'¹⁰². This led to significant concern, which led to the judiciary ensuring urgent training rolled out, but this highlights the vital role of appropriate and ongoing professional development across the judicial system. A judge in Northern Ireland, with extensive experience of domestic violence cases, has urged for domestic violence to be addressed within the school curriculum, with a focus on respectful relationships, stressing that domestic violence in his experience draws on a view of women as inferior to men¹⁰³.

Meanwhile, evidence from women across Northern Ireland indicates that the knowledge and behaviour of professionals is an issue. A survey undertaken by the Women's Policy Group with 1,000 women across Northern Ireland in 2022 shows that in total 83% of survey respondents reported that they had been affected by men's violence, but only 21% had reported it to police and out of those, 77% felt reporting was not useful. Key reasons for not reporting or not finding it useful included not being believed, as well as both experiences and fear of victim blaming behaviour by police and the courts.

Disabled women, LGBTQIA+ people and women from minority ethnic backgrounds were particularly likely to have experienced and been affected by male violence, but frequently were the least likely to report it, due to previous experiences of not being treated appropriately by service providers, or not being believed. Similar findings have been confirmed in a survey of young people aged 16, which showed that young people with disabilities were more likely to have experienced virtually all forms of violence, including physical assault, street harassment and online violence including requesting or sending intimate pictures without consent.¹⁰⁴ For LGBTQIA+ women, same sex violence is also an issue, but knowledge and understanding of this, and the specific dynamics of domestic abuse in same sex relationships, among professionals is limited.

Qualitative evidence collected as part of the survey highlights that many women experience repeated violence and abuse from men, including serious violence such as child sexual exploitation followed by domestic violence and rape. Others are subject to ongoing street and/or online

¹⁰² BBC news 14 October 2022 '[Northern Ireland judges given training and guidance after 'find a wife' remark](#)'

¹⁰³ BBC news 4 April 2023 '[Domestic abuse issues should be taught at school, says NI judge](#)'

¹⁰⁴ Northern Ireland Statistics and Research Agency and The Executive Office (2022). [Ending Violence Against Women and Girls: Experiences and Attitudes of 16 year olds in Northern Ireland](#)

harassment and feel this is so normalised that raising a complaint equates to 'being difficult'.¹⁰⁵ An updated survey, focused on women's experiences of reporting violence, indicates that only 27% of respondents who experienced violence reported it to police, while only 22% felt they would be comfortable doing so. More than half (54.5%) of those who had engaged with courts as a result of violence (32% of respondents) were not satisfied with the outcome¹⁰⁶. A significant number of respondents indicated a wariness about speaking to police based also on experience, including a wide variation in police responses. A UK wide Open University study confirms similar findings at UK level, and notes that while only six per cent of respondents reported online violence to police, almost three quarters (71%) were left dissatisfied with the outcome.¹⁰⁷

Evidence collated by Women's Aid Federation for Northern Ireland for the draft Ending Violence against Women and Girls survey reflects similar views from women who have experienced domestic abuse. This evidence highlights fear of social services in particular, as many women feel social workers hold women responsible for remaining in abusive relationships and may tell women they are 'failing to protect their children'. Women who have experienced domestic abuse also report that the family courts do not understand domestic abuse, and police frequently do not believe them. Evidence from women also confirms strong support for more education on violence against women and girls at all levels.¹⁰⁸

In relation to health professionals and first responders, they have received little or no training in relation to new legislative developments many of which are relevant to health response including non-fatal strangulation¹⁰⁹ which went live in June 2023. The first charge under this legislation occurred within 72 hours of the legislation coming into force, and there were 100 cases where a perpetrator was charged within the first month. No money or investment was put in place to train any professionals working within health and social care, highlighting significant potential barriers to appropriate care and support for women, and appropriate evidence gathering to support high quality investigations and successful prosecutions.

Article 16 – Preventive intervention and treatment programmes

There needs to be a focus on tackling serial perpetrators of domestic and sexual abuse.

Most perpetrators of domestic abuse and violence against women and girls are serial perpetrators, who move on to abuse future partners once their current victim has finally managed to break free from the relationship. It is important to look at the options in relation to domestic violence and abuse cases in relation to disposal. In Northern Ireland there are no Court mandated programmes for perpetrators of domestic violence and abuse but again there needs to be

¹⁰⁵ Women's Policy Group (April 2022). [Violence Against Women and Girls in Northern Ireland: NI Women's Policy Group Research Findings](#).

¹⁰⁶ Women's Policy Group (September 2023) [After Violence: Attitudes and Reporting VAWG](#): Key findings report

¹⁰⁷ Open University press release 7 September 2023 '[OU research reveals shocking level of online violence experienced by women and girls across the UK](#)'

¹⁰⁸ Women's Aid Federation NI (October 2023) [Ending violence against women and girls: The strategic framework – Consultation response by Women's Aid](#)

¹⁰⁹ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

investment and work in relation to the rehabilitation of abusers as there is such a rate of reoffending in domestic abuse cases.

Women's Aid were a partner organisation with Probation Board for Northern Ireland for over ten years rolling out the Women's Safety element of Court-mandated Perpetrator programmes. These programmes have not run for over 3-4 years, apart from a pilot programme in the Foyle area in 2018-19. During the ten year period these programmes were very active with up to 3 rolling programmes in Belfast, Armagh, Foyle and at least 1 running in Antrim and Omagh. Women's Aid Federation has confirmed it would question the non-referral to these programmes via Court process and would question this major gap in holding perpetrators to account, given the major increase in PSNI domestic abuse incidents year on year. The attrition rate in Northern Ireland is very low and Women's Aid believes this needs to be seriously addressed as does the entire PPS process in relation to domestic violence and holding perpetrators to account. If legal remedies for victims of domestic violence are not providing positive outcomes for women, they will be reluctant to go through what is a traumatic experience. Non-adjudicated Promoting Positive Relationships Programmes (PPRP) was piloted in the Foyle area in 2018-19 and then rolled out through five Health Trust areas over 2019-20 and these programmes during 2020-21 and to date in 2022-23. The aim of the PPRP intervention is to provide 60 men, alleged to have been abusive within their intimate relationships, with the opportunity to engage in an intervention programme aimed at developing knowledge and skills in which to develop healthy, non-abusive relationships. Women's Aid welcomed the introduction of these programmes supported through the Department of Justice with programmes delivered under the expertise of the PBNI. The role of Women's Aid as a partner is to take referrals of female partner/ex-partners and provide a Women's Safety process. Women's Aid would be calling for the continuation of these programmes as a positive response to addressing domestic abuse within Trust settings.

There needs to be quality assured perpetrator interventions which are consistently available – addressing risks from primary prevention (like bystander responses and awareness raising communication campaigns) to behaviour change group work, to specialist responses for the most dangerous and serial perpetrators.

It is also essential to establish a quality assurance system for perpetrator work (such as Respect Guidelines) which ensures that interventions funded by public sector agencies are always accredited, designed to keep survivors and their children safe, and delivered alongside support provided by specialist organisations and this is key to provide specialist services for women to ensure safety.

Article 17 – Participation of the private sector and the media

There is limited engagement between authorities in Northern Ireland and the media regarding reporting of violence against women and girls. Women's Aid Northern Ireland has developed guidance for media¹¹⁰ and offers ongoing support and training to media on how to report issues sensitively, and there is anecdotal evidence that some outlets are taking this guidance on board.

¹¹⁰ Women's Aid Federation (November 2020) [Responsible Reporting Matters](#)

However, this is not uniform, and misogynistic or sensationalist reporting in particular relating to sexual violence and femicide remains common.

Media in Northern Ireland are regulated as part of UK wide codes of practice, upheld by Ofcom¹¹¹ for broadcast media and the Independent Press Standards Organisation¹¹² for print media. These codes do not specifically highlight reporting of violence against women and girls.

In the Women's Policy Group's Feminist Recovery Plan¹¹³, issues around media reporting, specifically with regards to the perpetuation of rape myths, were covered under the cultural pillar, based partially on Raise Your Voice project's work in responding to IPSO's public consultation, recommending guidelines for the reporting of sexual violence.

In it, they argue that there are currently many myths about rape and these will become more widespread and take on new forms as society and technology evolve. Recently in the UK, a judge was widely criticised for espousing, from the bench, the view that a husband cannot rape his wife, despite the law on marital rape changing in 1991, and the person in question being trained on the law. The real danger of rape myths is their persistence. The above case shows how pernicious they can be, and research also shows that these myths pass down through generations, with college-aged men likely to espouse them when their father does, too¹¹⁴.

A 2018 YouGov survey in the UK showed a similar trend among Britons, with a quarter of those 4,000 surveyed believing that marital rape does not exist and many more expressing confusion regarding whether rape can occur where there is no violence¹¹⁵. In the Gillen Review, commissioned to research and publish recommendations for the conduct of trials into serious sexual offences in Northern Ireland, similar sentiments and concern about them were highlighted. The resulting report contains over 200 recommendations that are wide-ranging and overwhelmingly welcomed by the women's movement in Northern Ireland. One of the key recommendations is Recommendation Number 18:

That the press and media should be party to a voluntary protocol governing how serious sexual offences are reported.

This is especially true when reporting on rape myths¹¹⁶. Gillen writes:

Rape myths are a trial reality and can often form the basis of aggressive cross-examination and may attract the unreasonable thinking of jurors. Moreover, for all kinds of societal reasons, complainants often buy into these myths, blaming themselves. I regard them as potentially a major challenge to the concept of a fair trial.

¹¹¹ See information on the Ofcom Broadcasting Code on the Ofcom [website](#), last accessed 11 August 2023

¹¹² See information on the Editors' Code of Practice on the IPSO [website](#), last accessed 11 August 2023

¹¹³ Women's Policy Group NI (July 2020) [Feminist Recovery Plan](#), p.96-99

¹¹⁴ Edwards, K et al (2011) [Rape Myths: History, Individual and Institutional-Level Presence, and Implications for Change](#). In *Sex Roles* (2011) 65:761–773.

¹¹⁵ *The Week* 6 December 2018 '[When did marital rape become a crime?](#)

¹¹⁶ Department of Justice (May 2019) [Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland](#)

If these myths are a barrier to a trial, when the jurors are in receipt of careful legal instruction, they are certainly a barrier to tackling sexual violence in society as a whole.

Raise Your Voice¹¹⁷ made the following recommendations:

- Guidance must require reports to specify who they are quoting when quotations are used, particularly when they are quoting defence teams' characterisation of a complainant or complainant's behaviour.
- Guidance should encourage fact-based headlines, because merely using quotation marks around words does not necessarily convey to the reader that this is a person's opinion or a defence's argument.
- Guidance that encourages the centring of victims, particularly after a guilty verdict, as opposed to centring the wasted potential or the tribulations of the convicted sex offender.
- Guidelines requiring the clear identification of rape myths as rape myths, for example when a defence lawyer says "why didn't she shout or fight", a responsible publication will follow that reporting with the proviso that in fact that most rape victims do not shout or fight.
- The detailed reporting of the very few cases where somebody has been falsely accused of rape or sexual assault should always be balanced by accounting for how rare these cases actually are. Failure to do so fuels a dangerous and common myth that these kinds of false accusations are common.
- Endeavour to make clear the difference between a failure to prosecute or a failure to convict and a proven false accusation.
- In the case of online content, publications should actively and adequately monitor comments or close comment sections entirely. Publications have a responsibility with regards to the spreading of misinformation and the potential damage to the public as well as to the complainant in any given case.
- When reporting on sexual crimes and especially serious sexual crimes, helplines and helpful websites for victims and survivors should be included at the end of the piece.

Chapter III recommendations:

Recommendation 1: Training of professionals needs to be strengthened and include a focus on the dynamics of violence against women and girls, to increase confidence of victims and survivors to come forward

Recommendation 2: Implementation of the CEDAW Inquiry recommendation in full must be prioritised, with RSE teaching resources developed in consultation with women's sector experts on domestic and sexual violence

Recommendation 3: Evaluation of information and training initiatives needs to be undertaken, to ensure investment is focused on effective interventions

¹¹⁷ Raise Your Voice [submission](#) to IPSO, 2020

Chapter IV – Protection and support

Article 18 – General obligations

Northern Ireland has long lagged behind other parts of the UK in relation to legislation and policy on violence against women and girls. Legislation on stalking¹¹⁸ and non fatal strangulation¹¹⁹ was only enacted in 2022, with the non fatal strangulation offence coming into effect in June 2023¹²⁰. The Domestic Abuse and Civil Proceedings Act 2021¹²¹ makes improvements to the judicial process for victims of domestic abuse, for example by removing the right of defendants to cross examine complainants and strengthening rights to special measures in court, and creates a new domestic abuse offence, which is changing reporting and monitoring. Within this new legislation, coercive control is criminalised, and it also includes a Child Aggravator which was welcomed by the specialist services sector, and is detailed below. Children are not seen as victims in their own right but this does impact on sentencing and for the first time recognises that children are impacted by domestic abuse. It is important that this new legislation highlights the abuser’s behaviour as the source of harm and risk to children. This is paramount because at times professionals identify abused mothers “at fault” for choosing abusive partners and “failing to protect” or for remaining in that abusive relationship. The aggravator reinforces the impact of domestic abuse on a child – should be understood as a consequence of the abusers actions and choices rather than the non-abusing parents failure to protect

Aggravation where relevant child is involved

9.—(1) It may be specified as an allegation alongside a charge of the domestic abuse offence against a person (“A”) that the offence is aggravated by reason of involving a relevant child.

(2) For the purposes of subsection (1), the domestic abuse offence is aggravated by reason of involving a relevant child if (any or all)—

(a) at any time in the commission of the offence—

(i) A directed, or threatened to direct, behaviour at the child, or

(ii) A made use of the child in directing behaviour at B, or

(b) the child saw or heard, or was present during, an incident of behaviour which A directed at B as part of the course of behaviour, or

(c) a reasonable person would consider the course of behaviour, or an incident of A’s behaviour that forms part of the course of behaviour, to be likely to adversely affect the child.

¹¹⁸ [Protection from Stalking Act \(Northern Ireland\) 2022](#)

¹¹⁹ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

¹²⁰ See Public Prosecution Service [website](#) for detailed provisions; last accessed 11 August 2023

¹²¹ [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

Northern Ireland currently remains the only devolved administration in the UK without a strategy on violence against women and girls, although consultation on a strategy¹²² took place in early autumn 2023, and the strategy was developed using a co design model with the women's sector.

The Domestic Abuse and Civil Proceedings Act 2021, as well as the Protection from Stalking Act (Northern Ireland) 2022 and the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022¹²³ all include provisions on extraterritorial jurisdiction and address gaps that contributed to the delay in the UK ratifying the Istanbul Convention. The Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022¹²⁴ also creates the new offences of downblousing and upskirting, as the first law in the UK to do so. These provisions came into force on 27 November 2023 together with cyber flashing and Private sexual images: threatening to disclose¹²⁵.

Northern Ireland enacted the first legislation in the UK providing for paid leave for domestic abuse victims and survivors. The Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022¹²⁶, introduced through a Private Member's Bill by Rachel Woods MLA in 2021, provides for up to 10 days' paid leave for victims and survivors of domestic abuse as a day 1 right, and extends this right to workers as well as employees. However, the legislation requires detailed provision to be set out in Regulations, which have not been developed or passed due to the lack of sitting institutions. The commencement date is to be set by the Department for the Economy in due course. The legislation has been welcomed by victims and survivors, as well as specialist service providers, as an important step in supporting victims and survivors to access support services, with reduced fear of potential consequences at work, which is a key tool used in particular by perpetrators of domestic abuse to control victims.

In addition, Northern Ireland was the first devolved administration in the UK to legislate for safe access zones around abortion clinics. The Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023¹²⁷, secured through a Private Members' Bill^{128 129} by Clare Bailey MLA came into force in May 2023 and prohibits protestors from entering a zone of 150-200 metres around clinics, as well as from engaging with clinic users or staff within this zone. Health Trusts, which are the main public providers of abortion services, introduced safe access zones at the end of September 2023.¹³⁰ The Police Service of Northern Ireland has stated that it will use enforcement as a last resort¹³¹, but it reported the first arrests under the law in early October 2023¹³².

¹²² The Executive Office (July 2023) [Consultation on a Strategic Framework to End Violence Against Women and Girls and Foundational Action Plan](#)

¹²³ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

¹²⁴ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

¹²⁵ Department of Justice press release 27 November 2023 '[Major milestone for sexual offences legislation](#)'

¹²⁶ [Domestic Abuse \(Safe Leave\) Act \(Northern Ireland\) 2022](#)

¹²⁷ [Abortion Services \(Safe Access Zones\) Act \(Northern Ireland\) 2023](#)

¹²⁸ [Abortion Services \(Safe Access Zones\) Bill](#)

¹²⁹ The Bill passed final stage in the Northern Ireland Assembly with 55 votes to 29. Northern Ireland Assembly Official Report: [Thursday 24 March 2022](#)

¹³⁰ Department of Health (September 2023) '[Safe Access Zones now established in Northern Ireland](#)'

¹³¹ BBC News 7 May 2023 '[Abortion: Protest exclusion zones become enforceable by PSNI](#)'

¹³² BBC News 4 October 2023 '[Abortion: Two arrests under new protest buffer zone law](#)'

The Act was delayed due to a challenge by the Attorney General for Northern Ireland in the Supreme Court¹³³, which in December 2022¹³⁴ confirmed that the Bill is lawful. This provides a precedent relevant to other jurisdictions in the UK; however, the case demonstrates the challenges in implementing Inquiry recommendations.

Article 19 – Information

The state party provides limited information to the public on support services available to victims and survivors of violence against women and girls¹³⁵. Civil society currently carries the main responsibility for providing information to victims and survivors, with Women’s Aid services the main mechanism, and the Domestic Violence helpline providing information and signposting to additional services¹³⁶.

Article 20 – General support services

Limited specific support is available to victims and survivors of violence against women and girls through statutory service provision. There are no specific services supporting access to education or employment, and experience of violence does not constitute entitlement to any financial assistance. In Northern Ireland, Discretionary Grant payments are available to cover emergency expenses for people experiencing situations such as leaving an abusive relationship; however, these payments are needs and means tested, and only available to households with an income under £24,382.80.¹³⁷ Cuts to this grant are currently being prepared.¹³⁸

Access to support is particularly limited in rural areas, and lack of access to public transport limits rural women’s ability to access services elsewhere, while caring responsibilities limit many other women’s ability to access any external support. Disabled women experience similar challenges in accessing healthcare, and in addition often report that they are not taken seriously when they try to report violence and seek care.¹³⁹ The challenges for LGBTQIA+ are equally significant; separately, there are no specific healthcare services for this group, and the gender identity service has a waiting list of over five years¹⁴⁰. A review of gender identity services was initiated in 2019, but has not been concluded¹⁴¹, while any changes to the service are likely to require Ministerial approval.

¹³³ The Attorney General sought clarification as to ‘Is clause 5(2)(a) of the Abortion Services (Safe Access Zones) (Northern Ireland) Bill outside the legislative competence of the Northern Ireland Assembly because it disproportionately interferes with the rights of persons who wish to express their opposition to the provision of abortion treatment services in Northern Ireland?’

¹³⁴ Supreme Court judgment 7 December 2022 in [REFERENCE by the Attorney General for Northern Ireland - Abortion Services \(Safe Access Zones\) \(Northern Ireland\) Bill](#)

¹³⁵ An overview of current information provision is available on the NI Direct [website](#), last accessed 12 October 2023

¹³⁶ See Domestic and Sexual Abuse Helpline [website](#), last accessed 12 October 2023

¹³⁷ See overview of Discretionary Support Grant on the NI Direct [website](#), last accessed 12 October 2023

¹³⁸ Department for Communities (July 2023) [Consultation on changes to the Discretionary Support Scheme](#)

¹³⁹ Women’s Policy Group (April 2022). [Violence Against Women and Girls in Northern Ireland: NI Women’s Policy Group Research Findings](#).

¹⁴⁰ See information on the Brackenburn clinic [website](#), last accessed 23 November 2023

¹⁴¹ An overview of the review is available on the Health and Social Care NI [website](#), last accessed 23 November 2023

Healthcare

There are no specialist services for victims and survivors of violence against women and girls, beyond the Rowan Sexual Assault Referral Centre¹⁴², which provides medical services for victims of sexual violence, including forensic examinations, and can offer referral to counselling. Waiting times for counselling provided through the NHS are long¹⁴³, and the number of sessions typically limited.

Maternity care services undertake screening for domestic abuse, through a number of questions routinely asked all pregnant people who attend their first ante natal appointment. This screening, which is typically undertaken privately with the pregnant person and without an accompanying partner, is designed to provide a safe route for disclosing abuse and seeking help. Parents attending paediatric services, including emergency care, are asked similar questions, including engagement with a social worker. However, anecdotal evidence suggests that many parents find the latter approach intrusive, and in particular young and single parents may be reluctant to engage with healthcare due to concern about being suspected of abuse or not being taken seriously.

While abortion was decriminalised in 2019, access to abortion care has not been implemented in full, and women continue to be forced to travel to Great Britain for terminations beyond 12 weeks' gestation¹⁴⁴, although the Abortion Regulations (Northern Ireland) 2020 allow for abortion up to 24 weeks' gestation in cases of risk to physical or mental health to the pregnant person¹⁴⁵ and no gestational limit is set for in cases of immediate necessity, risk to life or grave permanent injury to the woman, or severe foetal impairment. Early medical abortion up to 12 weeks was made available across Northern Ireland in 2022-23, and surgical abortions were commenced in October-November 2023.¹⁴⁶ The requirement to travel for later term abortions can constitute a significant barrier for victims of domestic or sexual violence, who are more likely to present later in the pregnancy and less likely to be able to travel.

Housing

Violence against women and girls is a human rights issue which often directly impacts the right to a safe and stable home. For survivors of violence, home is often the most dangerous place to be, and domestic abuse continues to be the leading cause of homelessness amongst women. Housing insecurity and uncertainty is the primary barrier for women attempting to leave their abuser(s). It is a major concern for many women who are thinking of leaving or who have left abusive relationships. Deciding to leave an abusive relationship is difficult enough for victims, without being faced with the possibility of making yourself and your children homeless as a result. In some cases, it can be the difference between a woman ending an abusive relationship or staying. The current Domestic Abuse & Civil Proceedings Act had an opportunity to address this but omits mention of housing.

¹⁴² See information on the NI Direct [website](#), last accessed 12 October 2023

¹⁴³ See eg. BBC News 15 February 2023 '[Mental health services 'struggling' as waiting lists grow](#)'

¹⁴⁴ See a full overview eg. in Northern Ireland Human Rights Commission (August 2023) [Submission to UN CEDAW Committee's Follow-up to Inquiry Concerning the UK of Great Britain and NI](#)

¹⁴⁵ [Abortion Regulations \(Northern Ireland\) 2020](#)

¹⁴⁶ See Department of Health [online information on abortion](#), last accessed 22 November 2023

Women's Aid would argue that this ignores a fundamental issue faced by victims of domestic abuse. It is also an issue with gendered implications when we consider women's differential access to housing as a result of their disadvantaged position within the labour market. Similar legislation in England and Wales very clearly mentions housing and the government's duty pertaining to victims of domestic abuse. Ringfenced funding for refuge and secure tenancies for social housing are also required. Women's Aid Federation accept that Northern Ireland is a different jurisdiction with different laws, however, it should not be a postcode lottery with regard to safety and protection. In the financial year 2022-23¹⁴⁷, 518 women and 342 children stayed in a Women's Aid refuge in Northern Ireland. The demand for our emergency refuge accommodation is always high as women try to break free from the violence being perpetrated on them and our refuges are often operating at full capacity as a result.

The major issue of lack of housing in Northern Ireland is not new, but when talking about supporting women who have been victims of violence it's another major barrier to them rebuilding their lives and creating a new life free from gender-based violence, especially when the woman is trying to create a safe environment for her children. When Women's Aid discuss the need for quality frontline services, protections and provisions, the issue of housing is constantly mentioned by those we listened to. In this increasing economically hostile environment, it has never been more important to support women and girls who have been victims of abuse and are committed to helping them rebuild their lives.

Many women told Women's Aid Federation about trying to access affordable housing in the engagement for the draft Ending Violence against Women and Girls strategy. This was a major barrier for women who've experienced domestic abuse, many of whom are often prevented from accessing their finances by their perpetrators and may have bad credit scores as a result of economic abuse.

Women's Aid Focus Group : Women's Voices:

"There needs to be prioritising on social housing for victims of domestic abuse."

"The Housing Crisis is getting worse and women can't afford them and some are giving up their jobs in order to stay in social housing."

These women deserve to feel safe and to be able to rebuild their lives, but many cannot do so because of the major barriers such as lack of social housing as a priority for victims and survivors that means they are stuck in 'limbo' as a result of trying to break free from the violence perpetrated on them. We are calling for investment and a need to prioritise housing provision for victims and survivors of gender-based violence so that they can have the stability needed to help rebuild their lives and live safely. Women's Aid would also call for this prioritisation for women who live in Northern Ireland but are not native nationals and have experienced violence. There is a need for the review of the point system within the NIHE for all victims of domestic abuse in relation to intimidation points. Research has been undertaken by NIHE in relation to the issue of intimidation

¹⁴⁷ Women's Aid Federation Northern Ireland (November 2023) [Annual report 2022-23](#)

points and it could make such important changes in relation to homelessness and access to housing for those victims of domestic abuse.

The rental market in Northern Ireland is largely unregulated¹⁴⁸, and rents have been rising rapidly since the Covid-19 pandemic¹⁴⁹, reducing access to alternative housing for victims and survivors of violence. It is important to note that the current cost of living crisis is impacting disproportionately on women, and is likely to prevent many women from leaving abusive relationships, due to financial circumstances¹⁵⁰. Financial issues, and in particular difficulties in accessing affordable housing, are generally a significant reason why women find it difficult to leave abusive relationship, and perpetrators frequently use poverty and the risk of destitution as a threat against women¹⁵¹.

Meanwhile, social housing is in short supply with waiting lists measured in years in many parts of the region. While domestic abuse constitutes grounds for women and children to be defined as statutorily homeless¹⁵², and therefore prioritised on the housing waiting list through the so called 'points system', which highlights those vulnerable on a number of statutory grounds as being in 'housing stress'¹⁵³. However, the lack of available housing means that the practical impact of this is limited. As of June 2023, there were 45,292 applicants on the housing waiting list, of whom 33,130 were in 'housing stress', while there were 207 new social housing units completed in the April-June 2023 period. Over 4,000 households presented as homeless in the same period, of which around 7% were on the grounds of violence¹⁵⁴. Access to housing also varies across the region, with some low income urban neighbourhoods facing significant housing shortages in relation to demand, forcing potential tenants into waiting for an indefinite period, renting privately if they can afford it, or moving out of areas where they have a social support network.

Homeless women and families are frequently housed in accommodation that does not meet their needs, and are also overrepresented among the 'hidden homeless'. A recent report by the Northern Ireland Housing Executive found that assumptions and stereotypes about homeless women affect policy and decision making, and that support services do not necessarily meet needs.¹⁵⁵

Disabled women are particularly disadvantaged, as only a small proportion of housing in Northern Ireland is adapted eg. to people with physical disabilities. Many disabled women therefore feel unable to leave abusive relationships, and others are forced to live in unsuitable housing.¹⁵⁶ Anecdotally, there is general evidence that LGBTQIA+ individuals can find it difficult to secure tenancies, due to prejudice by landlords, and there is evidence that young LGBTQ+ people are

¹⁴⁸ Northern Ireland Assembly Research and Information Service (2017) [Is it appropriate 'to let' residential letting agents in Northern Ireland away with lighter touch regulation?](#)

¹⁴⁹ Office for National Statistics (November 2023) [Index of Private Housing Rental Prices, UK: October 2023](#)

¹⁵⁰ See eg. *Big Issue* 26 November 2022 ['The cost of living crisis is making it harder for domestic violence victims to leave their abusers'](#)

¹⁵¹ See eg. Women's Aid (August 2022) [The cost of living is preventing women from fleeing domestic abuse](#)

¹⁵² See an overview of the definitions on the Northern Ireland Housing Executive [website](#)

¹⁵³ See an overview of the points system employed in Northern Ireland on the Northern Ireland Housing Executive [website](#)

¹⁵⁴ Northern Ireland Statistics and Research Agency (July 2023) [Northern Ireland Housing Bulletin April-June 2023](#)

¹⁵⁵ Boyle, F (June 2021) [The impacts of chronic homelessness for women. Belfast: Northern Ireland housing Executive](#)

¹⁵⁶ Women's Policy Group (April 2022). [Violence Against Women and Girls in Northern Ireland: NI Women's Policy Group Research Findings.](#)

overrepresented among young homeless people in Northern Ireland, with violence and abuse often contributing to homelessness.¹⁵⁷

Women and the cost of living crisis

The social security system has a vital role to play in easing the impact of poverty on people and families. However, welfare reform and austerity measures have tended to limit the ability of the system to protect against poverty¹⁵⁸. Many of these changes have had more negative impacts on women than men. The House of Commons Library reported that 86% of the savings to the Treasury from the tax and benefit changes since 2010 will have come from women¹⁵⁹. Locally an analysis of the impact of the reforms by the Northern Ireland Human Rights Commission (NIHRC)¹⁶⁰ showed that across most income levels the overall cash impact of the reforms is more negative for women than for men.

Research by the Women's Regional Consortium on the impact of austerity¹⁶¹ and on the impact of Universal Credit¹⁶² for women shows the extent to which changes to the social security system have worsened their ability to provide for their children and families and made them more vulnerable to financial hardship and poverty. Poverty is one of the main risk factors for violence against women and girls and with the social security system increasingly not providing a reliable safety net, women's vulnerability to violence is heightened.

Debt and Paramilitary Lending

Low-income households are more likely to have to rely on high-cost credit as they are often unable to access cheaper forms of borrowing due to their low-income and/or other debts. Some of the most vulnerable borrowers are forced into using illegal lending or 'loan sharking' because of a more urgent need for money. In Northern Ireland illegal lending is often linked with perceived paramilitary activity¹⁶³. Information from the Police Service of Northern Ireland (PSNI) suggests that paramilitary groups (both Loyalist and Republican) continue to be involved in illegal money lending/loan sharking however it is rarely reported to the police¹⁶⁴. This is a hugely difficult area to gather statistics or evidence on as it is often a hidden form of borrowing due to the underlying fear and secrecy surrounding this type of credit.

Research by the Women's Regional Consortium¹⁶⁵ with local women in Northern Ireland showed a number of examples of borrowing through loan sharks including paramilitaries. It revealed that 6 per cent of the women who took part in the research had borrowed through illegal lenders such as

¹⁵⁷ Simon Community and Ulster University (2022) [Hidden homelessness in Northern Ireland](#)

¹⁵⁸ [Protecting dignity, fighting poverty and promoting social inclusion in devolved social security](#), Dr Mark Simpson, Ulster University, June 2018 http://www.niassembly.gov.uk/globalassets/documents/raise/knowledge_exchange/briefing_papers/series_7/simpson060618.pdf

¹⁵⁹ Cracknell, R & Keen, E (December 2017) [Estimating the gender impact of tax and benefit changes](#), Commons Briefing Papers SN06758

¹⁶⁰ Northern Ireland Human Rights Commission (November 2019) [Cumulative impact assessment of tax and social security reforms in Northern Ireland](#)

¹⁶¹ [Women's Regional Consortium \(March 2019\) Impact of Ongoing Austerity: Women's Perspectives](#)

¹⁶² [Women's Regional Consortium \(September 2020\) The Impact of Universal Credit on Women](#)

¹⁶³ Northern Ireland Council for Voluntary Action, [Centre for Economic Empowerment \(May 2013\) Expensive Lending in Northern Ireland](#)

¹⁶⁴ [Organised Crime Task Force \(February 2022\) Annual Report & Threat Assessment 2020/21](#)

¹⁶⁵ [Women's Regional Consortium \(February 2020\) Making Ends Meet: Women's Perspectives on Access to Lending](#)

loan sharks including paramilitaries. Women were more reluctant to talk about this type of lending as they understood it is a more dangerous form of borrowing and many were too afraid to discuss it at all. There was a general acceptance among the women that the consequences of this type of borrowing could be very scary.

Research¹⁶⁶ has noted that there is a continued reluctance within communities in Northern Ireland to speak to the authorities about this type of lending due to fears that they could be labelled an 'informer' and therefore invite reprisals. This was echoed in Women's Regional Consortium research¹⁶⁷ which also found that those who borrowed from these lenders were reluctant to be seen to be 'touts'.

Research by the University of Ulster found that Universal Credit was repeatedly described as a driver for illegal lending¹⁶⁸ particularly around the harm caused by the five-week wait and issues with short-term benefits loans that were repaid from future benefits.

Funding cuts across Departments as a result of a constrained Budget imposed by the Secretary of State has seen reductions in important areas of help including Discretionary Support. Discretionary Support provides help through the social security system for those with extreme, exceptional or crisis situations and it has essentially seen its funding cut in half from last year in the midst of a Cost-of-Living Crisis. Statistics show that 67% of those in receipt of Discretionary Support Grants are women.

Reducing access to this important source of crisis help for those on the lowest incomes will only serve to drive the most vulnerable households to expensive and sometimes dangerous forms of lending. While Discretionary Support alone cannot solve the problem of illegal lending it provides an important source of borrowing for those on the lowest incomes and can help to divert people from illegal lending such as paramilitaries.

There are a range of external factors which can drive people to use paramilitary lending as well as other forms of illegal lending including the impact of a constrained Budget for Northern Ireland, welfare reform/austerity policies and cost of living increases. The impact of all these issues coming together has helped to create a perfect storm where those on the lowest incomes are struggling to make ends meet and are therefore more likely to be driven towards this type of lending as they are unlikely to be able to source the money they need elsewhere.

The potential for harm is greater particularly for women who are generally on lower-incomes and who may need to access crisis help to make ends meet. This leaves them more vulnerable to abuse and violence particularly if they are forced into using illegal and paramilitary lenders.

Evidence from women involved in the Women's Regional Consortium research highlights that:

¹⁶⁶ [Ulster University and the Consumer Council \(March 2020\) *Illegal Money Lending and Debt Project, Research Report of Findings*](#)

¹⁶⁷ [Women's Regional Consortium \(February 2020\) *Making Ends Meet: Women's Perspectives on Access to Lending*](#)

¹⁶⁸ [Ulster University and the Consumer Council \(March 2020\) *Illegal Money Lending and Debt Project, Research Report of Findings*](#)

“I have heard of drug dealers lending money locally. They lend people they know are regular customers.”

“When you borrow money from these dodgy lenders you will never get it paid off – they know you are vulnerable.”

“My friend is a single mother and she was approached by an illegal money lender offering her a job. She was told to approach her friends and family and offer them loans. She offered me a loan but I said no. They will give you £500 and you have to give back £600 but it had to be repaid in a month. I warned her about this as she doesn’t know what will happen if they can’t pay it back. My nerves couldn’t take it.”

“I’ve been to a loan shark – it’s not good. The interest they put on. If you miss a payment they are at your door – you don’t miss those payments.”

“If you don’t pay back you get your windows put in first. I heard a local woman got her windows put in for not paying back a loan.”

“You get your knees done if you don’t repay – there are so many things they can do.”

“If you can’t get a bank loan, a Credit Union loan because you have to have savings, or payday loans then after that it’s paramilitaries.”

Women and the Cost-of-Living Crisis

Research by the Women’s Regional Consortium on the impact of the Cost-of-Living Crisis on women¹⁶⁹ has shown the following:

- 96% of women felt their financial situation was worse than it was the previous year;
- 91% of women reported difficulty paying their bills as a result of Cost-of-Living increases;
- 90% of the women felt that the Cost-of-Living Crisis had impacted on their physical or mental health or both;
- 78% of the women had felt cold or hungry or both as a result of cost of living increases;
- Just over half of the women reported being in debt (56%) and of these 82% reported they had to borrow as a result of Cost-of-Living increases;
- 41% had needed to use a foodbank/other charitable support due to increases in the cost of living.

Women are often described as the ‘shock absorbers’ of poverty in the home, going without food, clothes and warmth to protect their children and other family members when money is tight. This poverty and financial hardship is very often unseen yet limits women’s lives, their ability to contribute to society and to reach their full potential.

¹⁶⁹ [Women’s Regional Consortium \(June 2023\) *Women’s Experiences of the Cost-of-Living Crisis in Northern Ireland*](#)

The following quotes taken from the research illustrate the depth of the Cost-of-Living Crisis for women and how seriously their household budgets are being impacted by rising prices leaving them more vulnerable to poverty, financial hardship, abuse and violence.

“I am now scraping along to provide food and keep a roof over mine and my child’s heads. The cost to survive is atrocious.”

“It’s the everyday basics that you need to get yourself through. It’s essential to have toilet roll so you’ve no choice but to buy it. It’s not luxuries it’s the things people need to live and survive that are going up so much.”

“Heat, electricity and food, the things you need to survive are literally like luxuries now. You’re having to make decisions if my child wants to eat and be warm what am I going to have to do without?”

“I used to be able to save. I used to have a couple of hundred pounds in a tin upstairs for emergency or if the car broke down or if I needed to buy a new washing machine. I always liked to have £500 in the tin for an emergency. I can’t afford that anymore I just don’t have it.”

“Women are usually the ones who manage the finances. They have to make things stretch. I know things I used to get that were a wee treat - now those things are gone. You’re cutting back on every wee thing you can now.”

Article 21 – Assistance in individual/collective complaints

The State Party does not provide information on international mechanisms and making collective complaints, and limited information is available to the public on making individual complaints¹⁷⁰. Civil society currently carries the main responsibility for providing information to victims and survivors, with Women’s Aid services the main mechanism, and the Domestic Violence helpline providing information and signposting.

Women’s Platform acts as the link between the women’s sector in Northern Ireland and international human rights mechanisms, and builds capacity within Northern Ireland on using these mechanisms¹⁷¹. However, Women’s Platform currently does not have a remit or resourcing for providing information or assistance to individuals, although information sharing within the women’s sector is intended to assist service providers who work directly with women and girls.

Article 22 – Specialist support services

Women’s Aid is the lead provider of specialist support services for women and girls who experience domestic abuse. In addition, Women’s Aid also acts as lead for support services for women victims of

¹⁷⁰ An overview of current information provision is available on the NI Direct [website](#), last accessed 12 October 2023

¹⁷¹ See Women’s Platform [website](#)

human trafficking, which has increased significantly in Northern Ireland in recent years. In July 2023, Women's Aid supported 230 women, while the figure in 2021 was 47.¹⁷²

A particularly glaring gap in support services is the lack of a rape crisis centre. Northern Ireland is the only part of the UK and Ireland where such a service is not provided^{173 174}, and where clear service standards are not in place. The provision in Northern Ireland is limited to a volunteer led phone line open for a limited number of hours from Monday to Thursday, and this service is not publicly funded.¹⁷⁵ The Rowan sexual assault referral centre¹⁷⁶ is not a fully functional rape crisis centre, but rather an emergency health care provider, and is not easily accessible. While self referral is accepted, access is frequently through another service provider such as the police or another healthcare provider. SARCs elsewhere in the UK and Ireland are typically more localised, and operate on a self referral basis^{177 178}.

Northern Ireland also lacks comprehensive support services for minoritised women and girls who experience violence. As one example, no specialist services for Black and minority ethnic women and girls or LGBTQIA+ people are available; there is also no specific support for disabled women, despite the higher risk of violence. This is a clear gap to other parts of the UK and relevant to the recommendation in the 2019 CEDAW Concluding Observations that protections for women in Northern Ireland must be put on an equal footing with England, Scotland and Wales¹⁷⁹.

Article 23 – Shelters

Women's Aid is responsible for providing emergency accommodation, known in Northern Ireland as refuges, to women who experience domestic abuse. There are currently 14 refuges across Northern Ireland, which are distributed in both urban and rural areas to maximise accessibility. Where necessary, the cost of transport for women to travel to refuge can be covered by refuges; however, public sector resourcing of refuges is limited and focuses on core services. The service is provided by independent local Women's Aid organisations, which undertake ongoing fundraising to cover additional support, such as floating support and counselling.

In 2022-23, 543 women stayed in refuges in Northern Ireland, and 397 children stayed with their mum¹⁸⁰. In total 39 women and 29 children with no recourse to public funds stayed in refuges. As noted above, demand is significantly higher; however, limited resources and lack of alternative

¹⁷² BBC news 28 July 2023 '[Huge increase in human trafficking victims in Northern Ireland, charity says](#)'

¹⁷³ Services in England and Wales are provided by [Rape Crisis England and Wales](#), which operates 39 local centres across England and Wales. [Rape Crisis Scotland](#), which remains a voluntary sector organisation, runs 17 local centres across Scotland. Both services provide support, guidance and legal advice, although not emergency healthcare or forensic examinations.

¹⁷⁴ In Ireland, [Rape Crisis Network Ireland](#) provides support and legal advice, as well as advocacy on behalf of victims. [Sexual Assault Treatment Units](#) are part of the health service and accept self referrals, as well as referrals from Gardaí.

¹⁷⁵ See Rape Crisis Northern Ireland [website](#), last accessed 9 October 2023

¹⁷⁶ See information on the NI Direct [website](#), last accessed 12 October 2023

¹⁷⁷ See information on SARCs on the NHS England [website](#), last accessed 22 September 2023.

¹⁷⁸ See information on Sexual Assault Treatment Units on the Health and Safety Executive [website](#), last accessed 25 September 2023.

¹⁷⁹ CEDAW Committee (2019) [Concluding Observations on the 8th periodic report of the United Kingdom](#)

¹⁸⁰ Women's Aid Federation Northern Ireland [Annual Report 2021-22](#)

accommodation and support for women prevent more women accessing refuges, as well as expansion of services.

Article 24 – Telephone helplines

The Domestic and Sexual Abuse helpline provides information, advice and support to those affected by domestic and sexual Abuse across Northern Ireland. The service is free to users, and designed to signpost callers to relevant and appropriate support, in emergency as well as non emergency situations.¹⁸¹ This helpline is gender neutral and open to men and women, as a condition of its public sector funding. The Helpline is funded by the Department of Justice, Department of Health and Department for Communities. Since 2019, It is managed by Nexus, a charity that supports victims of sexual abuse¹⁸². Women’s Aid started the Helpline in 1995 as the Women’s Aid Helpline, which was run primarily on a volunteer basis, until government funding was made available and the helpline became the Domestic and Sexual Violence Helpline in 2014. The Helpline went out for tender in 2018 and Women’s Aid lost the tender process to Nexus who took over the Helpline service in April 2019. During the last year of Women’s Aid management of the Helpline services they received during the period 1st April 2017- 31st March 2018. During this year the service managed 26,457 calls and answered 16,988 calls.

The current helpline is gender neutral and open to men and women, as a condition of its public sector funding. The current helpline provider has men call handlers on the phone and at times there could be no women available to answer the calls. This is of grave concern, as many women who have experienced male violence are very reluctant to speak to men. Data on calls answered is not routinely published, but informally obtained data indicates that in 2020-21, 11,432 calls were answered and 3,384 outgoing calls made. In 2021-22, 8,338 calls were answered and 9,371 outgoing calls made. In the 2022-23 financial year, referrals from the helpline to Women’s Aid included .25% of all referrals into Women’s Aid outreach services and 12.68% of referrals into Women’s Aid refuge. In 2022-23, Women’s Aid received 10,377 calls into its services across Northern Ireland, which were triaged referrals.

Article 25 – Support for victims of sexual violence

The judicial system provides limited support for victims of sexual violence, with processing times for a case around 742 days in 2022-23, high attrition rates and very low conviction rates at less than 3% of cases that are prosecuted, which in themselves constitute less than half of recorded cases¹⁸³. This discussion will be developed further below under Article 49.

As noted above, the Rape Crisis Northern Ireland service is a volunteer led helpline, and Northern Ireland lacks a structured support service for victims of sexual violence. Nexus NI offers counselling

¹⁸¹ See Domestic and Sexual Abuse Helpline [website](#), last accessed 12 October 2023

¹⁸² See further information on the Nexus Northern Ireland [website](#), last accessed 12 October 2023

¹⁸³ Public Prosecution Service (December 2022) Statistical bulletin: [Cases involving sexual violence 2021-22](#)

to victims¹⁸⁴, and Victim Support NI provides legal advice and support¹⁸⁵. The latter has been identified as a key gap in Northern Ireland, as the judicial system treats victims of sexual violence as complainants, who primarily act as witnesses in the case and therefore are not entitled to legal representation. Findings from an official survey of victims and witnesses also indicates that victims and witnesses typically feel ill informed about both the court process and their own case; as an example, more than half were not informed directly that their case had been dropped.

Following a very high profile rape trial in 2018¹⁸⁶, a review (the Gillen review) of the handling of serious sexual violence cases was undertaken by Sir John Gillen, and reported with over 200 recommendations and a total of 16 key recommendations in 2019. This included improving support to complainants, and one outcome delivered to date is the Sexual Offence Legal Advisor (SOLAs) service. SOLAs are qualified lawyers who can offer legal advice and support to adult victims of a serious sexual offence, and can support complainants up to the start of a trial, and are focused on privacy rights and advocating on behalf of the victim with other agencies¹⁸⁷. The service, which is operated by Victim Support NI and the LGBTQIA+ advocacy organisation The Rainbow Project, has received very positive feedback from users; however, as the service was only initiated in 2021, no formal evaluation exists as yet.

ASSIST NI, are made up of a team made up of advocates, lead advocates and the Project Manager, supporting victims of domestic and sexual abuse, including through the criminal justice system. The ASSIST NI service was set up in 2021 by a partnership consisting of Belfast & Lisburn Women's Aid, Foyle Family Justice Centre and Men's Advisory Project. Since ASSIST NI's conception, the three partners have been working in unison to coordinate a community response where victims are our key focus. The service is funded through PSNI and Department of Justice. The service is completely free and is delivered across the region to provide trauma-informed support and vital information to victims of domestic and sexual abuse. They are a Northern Ireland-wide service with staff located in police stations across the region as well as the Rowan Sexual Assault Referral Centre. They cover every policing district in Northern Ireland, working closely with the police so that victims of domestic and sexual abuse using our service are supported. Due to the high levels of domestic and sexual abuse, there is a high demand for the service and it is mostly operating via telephone support service at this time of writing.¹⁸⁸

Women's Aid continues to support women who are victims of intimate partner sexual abuse.

The Gillen review of the handling of serious sexual violence cases took place in 2018-19, following a highly public rape trial involving well known international rugby players among defendants. The defendants were ultimately acquitted by the jury, but the case highlighted major issues, for example as the complainant's victim's identity and personal history had been the subject of intense public

¹⁸⁴ See further information on the Nexus Northern Ireland [website](#), last accessed 12 October 2023

¹⁸⁵ See further information on the Victim Support [website](#), last accessed 12 October 2023

¹⁸⁶ An overview of the entire case was published by *The Irish Times* in an article entitled '[Inside Court 12: the complete story of the Belfast rape trial](#)'.

¹⁸⁷ *ibidem*

¹⁸⁸ For more information, see ASSIST Northern Ireland [ASSIST NI – Domestic and Sexual Abuse Advocacy Service](#)

scrutiny^{189 190}. Other rape victims came forward to confirm that they had dropped their cases, as a result of the public nature of trial, and also due to the lack of legal support for complainants in criminal trials¹⁹¹.

The Gillen review¹⁹² engaged extensively with victims of sexual violence, as well as women's sector, victim's rights and human rights organisations, and made a total of 16 recommendations on issues from legal change to monitoring and training of the judiciary, including a recommendation that sexual violence cases are closed to the public and legal assistance to victims is improved. In September 2023, legislation on the anonymity of victims came into force; this provides for the anonymity of victims until 25 years after their death¹⁹³. The Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022¹⁹⁴ also makes provision for excluding the public from court, with exceptions for media representatives, which was identified as a major barrier for victims to come forward in the Gillen Review. Suspects are granted anonymity up to the point of charge, with anonymity extended for those not charged until 25 years after their death.

Article 26 – Protection and support for child witnesses

NSPCC in Northern Ireland continue to provide support for child witnesses¹⁹⁵.

The Young Witness Service provides support and assistance to children and young people under 18-years-old who have to attend court as prosecution witnesses in Northern Ireland. It's free, independent and confidential. NSPCC workers and volunteers provide information and advice to children and young people – as well as their family, friends and supporters – before, during and after the trial.

A new centre for remote evidence opened on 28th September, 2023¹⁹⁶. The Belfast Remote Evidence Centre enables vulnerable or intimidated victims and witnesses to provide their evidence to the court, using live link video technology. Remote Evidence Centres (REC) are intended to reduce the trauma that vulnerable witnesses can feel about participating in the criminal justice process. They were a key recommendation in Sir John Gillen's 2019 Report into the law and procedures in serious sexual offences in Northern Ireland.

Article 27 –28

Under Section 5 of the Criminal Law Act (Northern Ireland) 1967¹⁹⁷, it is an offence not to report a 'relevant offence' to police. This provides the legal context for anyone who is aware of violence

¹⁸⁹ See for example *Belfast Telegraph*, '[Hundreds protest at home of Ulster Rugby over the handling of Jackson and Olding](#)', 13 April 2018.

¹⁹⁰ See eg. *The Independent*, '[Thousands march 'in support of complainant' after Irish rugby players are cleared of rape](#)', 1 April 2018.

¹⁹¹ See eg. BBC news 13 September 2018 '[Máiría Cahill: PSNI failed women over IRA sex abuse claims](#)'

¹⁹² Department of Justice (May 2019) [Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland](#)

¹⁹³ Department of Justice Northern Ireland press release 28 September 2023 '[Sexual offences: changes in privacy and anonymity protections for victims and suspects](#)'

¹⁹⁴ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

¹⁹⁵ See further information on the NSPCC Young Witness Service on the NSPCC Northern Ireland [website](#), last accessed 29 November 2023.

¹⁹⁶ [Official opening of Belfast Remote Evidence Centre | Department of Justice \(justice-ni.gov.uk\)](#)

¹⁹⁷ [Criminal Law Act \(Northern Ireland\) 1967](#)

against women and girls to report it; however, the provision also creates challenges in that it creates barriers for victims and survivors to report violence, for fear of reporting without their consent. Recent guidance by the Northern Ireland Attorney General clarifies that in the majority of sexual violence cases, failure to report will not be considered an offence under Section 5 of the Criminal Law (Northern Ireland) Act 1967, as victims or someone they have confided in, including relevant professionals, are considered to have a reasonable excuse not to report¹⁹⁸. However, full clarity is needed in particular in relation to the Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022¹⁹⁹, under which victims and survivors will be expected to disclose violence to their employer, in order to avail of leave under this legislation. While this legislation is in place, guidance has not been provided to employers and as such, it is not as yet fully operational. The above guidance recognises that many victims and survivors are reluctant to report to police, for a variety of reasons, and in practice confidentiality is upheld by many professionals, where no immediate danger or threat is identified.

The exception to this is where there is a threat to a child aged under 18, as The Children (Northern Ireland) Order 1995²⁰⁰ states that anyone who is made aware of such a threat cannot maintain confidentiality, but is required to report concerns to relevant authorities, in practice social services. Transparency on this requirement is common practice across sectors in Northern Ireland, and is also a requirement for safeguarding policies in all organisations. These provisions are also directly related to fears of women who experience violence to engage with authorities, as the concern is that social services will use such disclosure to hold that a mother is failing to protect her children, as discussed above.

Chapter IV recommendations

Recommendation 1: Support services for victims and survivors of violence need to be strengthened and funding reviewed on an ongoing basis in order to provide adequate services in line with need

Recommendation 2: Specialist support services, including translation services, need to be put in place to meet the needs of the diverse population in Northern Ireland

Recommendation 3: Improved support for victims of sexual violence is needed, including full implementation of the recommendations in the Gillen review

¹⁹⁸ Attorney General for Northern Ireland (2020) [Guidance by the Attorney General for Northern Ireland pursuant to Section 8 of the Justice \(Northern Ireland\) Act 2004 No. 16](#) Human Rights Guidance for the Public Prosecution Service and the Police Service of Northern Ireland: The Application of Section 5 of the Criminal Law Act (Northern Ireland) 1967 to Victims of Serious Sexual Offences and Those to Whom They Make Disclosures

¹⁹⁹ [Domestic Abuse \(Safe Leave\) Act \(Northern Ireland\) 2022](#)

²⁰⁰ [The Children \(Northern Ireland\) Order 1995](#)

Chapter V – Substantive law

Article 29 – Civil lawsuits and remedies

Accessing legal remedies and justice for violence against women and girls is difficult and limited across the UK. Civil lawsuits are particularly difficult due to lack of legal aid support for complainants, as well as the lack of understanding of the dynamics of violence against women and girls, particularly in family courts. These issues are addressed below.

Addressing the legacy of the conflict in Northern Ireland

Violence against women and girls is a systemic and structural phenomenon, and the women's sector in Northern Ireland have consistently highlighted the need for action at all levels, both with regard to peace building and post conflict reconstruction and addressing violence against women and girls as a key manifestation of patriarchal culture and systems. However, Northern Ireland has no operational mechanism for identifying the historical discrimination experienced by women and addressing it through special measures in order to secure substantive equality.

Current approaches to exploring the history and impact of the conflict remain focused on active participants in the conflict, and to a lesser extent on victims, but without any specific reference to gender or the trauma experienced by women as family members, carers, community leaders and breadwinners. Recent research indicates that women experiencing domestic abuse have greater confidence in the police than in the past, while the reduced circulation of firearms has reduced this specific form of violence and threat frequently used against women by intimate partners during the conflict²⁰¹, but there has been no systematic attempt at addressing the trauma of violence experienced by women and girls during the conflict, including sexual violence that typically was covered up²⁰². The issue of gatekeepers in some communities also remains an issue, and recent research on women's access to lending indicates that paramilitary organisations are involved in illegal lending, demonstrating the continued hold of such organisations in many communities. The research by Women's Regional Consortium²⁰³ shows that many women resort to high cost and illegal lending as they are ineligible for mainstream lending, and that women and children bear the brunt of serving these debts, which can include violence and coercion.

Judicial review

Taking action against state authorities where it is deemed they have failed in their duty to take preventative and protective action is similarly difficult, as funding legal action is beyond the capacity of most individuals. This is developed below under Article 57 on Legal Aid.

²⁰¹ Doyle, J & McWilliams, M (2018). *Intimate partner violence in conflict and post conflict societies*. Transitional Justice Institute, Ulster University as part of the Political Settlements Programme Consortium.

²⁰² O'Rourke, Catherine and Aisling, Swaine (2017). Gender, violence and reparations in Northern Ireland: a story yet to be told. In *The International Journal of Human Rights*. 21, (9) pp. 1302-1319. doi: <http://dx.doi.org/10.1080/13642987.2017.1360029>.

²⁰³ Women's Regional Consortium (September 2022) [Women living with debt](#)

The remedy of judicial review is available, with the follow up provision of complaint to international institutions including the European Court of Human Rights, but typically such reviews are taken by organisations with the financial resources to do so. The Human Rights Commission for Northern Ireland has made a number of challenges to abortion legislation in Northern Ireland, including seeking a judicial review in the Supreme Court of the decision of Northern Ireland courts that extant law should remain. This review held that legislation in place at that time was in breach of the European Convention on Human Rights, and was dismissed in spring 2018 on the grounds that the Commission did not have standing.²⁰⁴

Judicial Reviews

There have been a number of Judicial Review challenges brought since the pandemic on the area of ex parte protection.

1. The first deals with the Court's power to extend ex parte non-molestation orders
2. The second deals with the hearing of non-molestation cases where there are linked criminal proceedings.
3. The third deals with bail and ex parte appeals in applications where an emergency order is refused.
4. There is a 4th Judicial Review, in which judgment is awaited.

JR118 – Extending emergency NMOs

In the first case - JR118²⁰⁵ - judgment was given by Mr Justice O'Hara. This case was brought by a victim of domestic abuse who claimed that the Court Service had acted unlawfully by refusing to extend the emergency non-molestation order (NMO) for her protection when the case was listed for the first inter partes hearing.

In a judgment delivered in July 2020, the High Court ruled that the District Judge's refusal to extend the Non-Molestation Order was wrong in law and declared that Article 24 of the Family Homes and Domestic Violence (NI) Order 1998 Order empowers a Court to vary a non molestation order by extending it.

This judgement has made it clear that the Court has the power to extend Non-Molestation Orders and when considering whether to do so, the Court must apply a two-strand test: -

1. The Court must consider what has happened in the period since the Non-Molestation Order was initially made.
2. The Court must consider what the overall context of the application is.

In this judgment, reference was made to coercive conduct over a long period of time being in itself "enough to persuade the Court to extend the order". Mr Justice O'Hara noted that the District Judge

²⁰⁴ See an overview of the case on the NI Human Rights Commission [website](#), last accessed 16 October 2023.

²⁰⁵ [Neutral Citation No: \[2020\] NIQB 54](#) - Judicial review 118

was concerned that applications for NMOs and particularly ex parte applications are made too casually and too often.

The judgment defers to the District Judge's experience in that regard, but later in the judgment Mr Justice O'Hara commented that the applicant was "a woman who needs protection. The law should be interpreted, as it can be, to allow the court to consider what if anything needs to be done to protect her rather than to say that the court cannot do anything unless a fresh application is presented to it."

Mr Justice O'Hara also commented on the difference between NMO and Occupation orders. He states that the test must be higher for an Occupation order as it interferes with the Respondent's legal entitlement to property. This he contrasts with a Non Molestation Order, as these do not interfere in any equivalent way with the rights of an individual – because an individual does not have a right to molest others. This clearly makes sense as when one looks at what a non-molestation order achieves: it is ordering a respondent not to do something which in reality they shouldn't be doing anyway – they shouldn't be molesting or harassing another person.

JR131 – Adjourning NMOs pending criminal trial

The next case is JR131²⁰⁶ in which Mr Justice Scofield gave judgment.

This case essentially dealt with whether a full hearing of a NMO application should be adjourned until after any criminal prosecution has been dealt with.

Ultimately, the Judge decided that it is open to a district judge to hold an inter partes hearing even though there is an ongoing criminal investigation and that civil proceedings should only be stayed where there is a real risk of serious prejudice to the defendant's right to a fair trial in related criminal proceedings which cannot be mitigated by the use of appropriate safeguards.

The Judge provided guidance for future cases finding that.

1. Only in rare cases should the applicant for a NMO have their right to seek that protection outweighed or restricted by the respondent seeking to keep their powder dry for the criminal investigations.
2. The purpose and intention of the 1998 order is to provide an effective remedy to those requiring the courts' protection and that there should be an on-notice hearing of an application for a NMO expeditiously. This should be the starting point for consideration of these issues.
3. The District Judge may be more relaxed about adjourning the case where there is adequate protection for the victim in the meantime. This would be where the respondent consents to the making of an interim order against them on a without prejudice basis or is prepared to

²⁰⁶ [Neutral Citation No: \[2021\] NIQB 2](#) - Judicial review 131

give a formal undertaking to the court in appropriate terms. In these circumstances the DJ would require good reason to press ahead with the hearing.

The judgment also notes that where there is bail prohibiting the Respondent from contacting the Applicant this may also suffice, as might a situation where the Respondent is remanded in custody and therefore has their opportunity to molest severely restricted.

The Court paid cognisance to the shortcomings of bail conditions for the protection of the victim: firstly there is no default procedure for alerting the victim that bail conditions have been amended or removed or that the respondent has been discharged from bail. Secondly breach of a police bail condition is not of itself a criminal offence.

The Court found that both in terms of purpose and effect there are differences between the protection provided by non-molestation orders and bail conditions. In some cases, an appropriately worded bail condition may provide reassurance to a district judge that a non-molestation order is unnecessary or at least unnecessary for some period of time. However, a judge is perfectly entitled to reach the view that protection by means of a bail condition is second best to the protection afforded by a non-molestation order enforceable at the instance of the beneficiary of the order.²⁰⁷

‘In the matter of an Application by Ashleigh McDade for Judicial Review and in the Matter of a Decision of the Belfast Domestic Proceedings Court’ (2022 NIKB), 3rd Judicial Review case

The third case is the Judicial Review by Ashleigh McDade²⁰⁸ in which judgment was handed down by Mr Justice Scofield on 21st October 2022. This case considered the appeal process available to victims of domestic abuse if they are not granted emergency protection by the Domestic Proceedings Court. In particular, the Court considered, whether an unsuccessful applicant for an ex parte Non-Molestation Order in the Domestic Proceedings Court can appeal that refusal to the County Court without having to give the Respondent notice of the appeal.

There are two main benefits for a victim being able to apply for a Non-Molestation Order ex parte: firstly, that there is no delay in protection being granted by having to notify the Respondent of the application. Secondly and importantly the Respondent would not be made aware of the application until they are served with the Order and protection is in place. Having the ability to apply for protection in this way acts as a safeguard for many victims who may not feel safe enough to apply for Orders against their perpetrator where they first have to put the perpetrator ‘on notice’.

In this particular case, the Applicant Ms McDade was refused an ex parte Non-Molestation Order against her ex-partner by the District Judge. Ms McDade wished to appeal this refusal to grant her an Order but argued that the Court rules meant that she could not appeal without notifying her ex-partner about the appeal which would leave her vulnerable against him as she did not have the protection of an Order.

Mr Justice Scofield concluded that an Applicant such as Ms McDade would be able to lodge an appeal to the County Court without having to give the Respondent notice of that appeal. It was

²⁰⁷ Claire Edgar speech to Bar Library Conference, 16th February, 2023.

²⁰⁸ [Neutral Citation No. \[2022\] NIKB 14](#)

accepted that there was a gap in the procedure of how such an appeal is brought and the Court has asked the Department of Justice (who were joined to the proceedings) to bring some clarity to the rules. So, this decision clarifies that victims can bring an ex parte appeal to the County Court against a refusal of an emergency protective order.

Mr Justice Scoffield also provided further clarity around the NMO versus bail conditions debate.

In Mrs McDade’s case, the District Judge’s refusal to grant her an ex parte Non Molestation Order was heavily influenced by the fact that the perpetrator was subject to police bail, including a condition precluding contact with her.

Mr Justice Scoffield reiterated his view from the decision in JR131 that there could be “no direct equivalence” between the protection afforded by a Non Molestation Order and that afforded by bail conditions, stating “I would not expect the fact that such a bail condition was in place to be taken as a matter of course as a reason not to grant an NMO either with or without notice to the respondent.” He added however that each case “must be addressed on its own merits” and was “a matter for assessment by the district judge considering the application”.

Sentencing of perpetrators and reoffending

In Northern Ireland, previous offending of a defendant may be taken into account at the sentencing stage of a court case. However, an individual’s history is not normally shared with juries, and therefore cannot influence jury verdicts. As only a small proportion of cases of violence against women and girls go to trial, it is difficult to assess how many men who have committed crimes against women and girls go on to commit more serious crimes. There is limited official data on this in Northern Ireland; reoffending data indicates that 10% of those previously convicted for a sexual offence reoffend, but current publicly available information does not include information on what subsequent offences are²⁰⁹. The Police Service of Northern Ireland also provide the Domestic Violence and Abuse Disclosure Scheme, under which anyone entering a relationship can check if an individual has previous convictions for domestic abuse²¹⁰, but this does not extend to providing information on how any pattern of abuse may escalate.

Article 30 – Compensation

Victims of violent crime can claim compensation for injuries sustained through a statutory compensation scheme²¹¹; no specific scheme exists for victims of violence against women and girls. Eligibility for this scheme does not require the perpetrator to be charged with a crime, but the process is long and complex with typically limited amounts paid out.

Courts have the discretion to award compensation in cases where a perpetrator is found guilty; however, this is not employed consistently and there are limited options for enforcing payments.

²⁰⁹ Department of Justice (November 2022) [Adult and Youth Reoffending in Northern Ireland \(2019/20 Cohort\)](#)

²¹⁰ See information on the Domestic Violence and Abuse Disclosure Scheme on the PSNI [website](#).

²¹¹ See information on the Criminal Injury Compensation Scheme on the NI Direct [website](#), last accessed 16 October 2023.

Article 31 – Custody, visitation rights and safety

Women’s Aid Federation Northern Ireland provides support to women with children during court processes. The view of Women’s Aid Federation is that legislation already exists within the jurisdiction to deal with child contact and the withholding of visitation. The Children (Northern Ireland) Order 1995²¹² is the overarching legislation governing the care of children in Northern Ireland, with Part III of the legislation outlining orders with respect to children in family proceedings. This legislation led to the publishing of Co-operating to Safeguard Children (2003, revised March 2016 and refreshed August 2017)²¹³, which provides policy guidance for child protection. Various other legislative provisions and policies already exist to support and safeguard children. The Children’s Services Co-Operation Act (Northern Ireland) 2015²¹⁴ aims to improve cooperation amongst departments and agencies and places a duty on children’s authorities as defined by the act to cooperate to deliver services aimed at improving the wellbeing of children and young people.

This Act required the NI Executive to develop and deliver a strategy to improve the wellbeing of children and young people in NI. This strategy, The Children and Young People’s Strategy 2020-2030²¹⁵ sets out eight parameters of wellbeing. Domestic abuse cuts across all these and in particular “living in safety and with stability”. The Safeguarding Board for Northern Ireland Procedures Manual²¹⁶ sets out clear direction in relation to safeguarding children and young people. Other government strategies include the new Family and Parenting Support Strategy²¹⁷, which will seek to build on the strengths of the existing ‘Families Matter’ strategy and to respond to the Draft Programme for Government commitment to give every child the best start in life. This is being developed by the Department of Health, with the support of other Government Departments.

The family courts continue to operate in isolation, being resolutely resistant to changes that would protect women and children from ongoing abuse. The area of private children’s law has been a particular focus for criticism, but the problems occur across the entire system. They are, perhaps, more acute in private children law, where women who expect the court to want to protect their children from abuse are horrified to find this is often not the case.

Women’s Aid believe contact should never be presumed to be in the best interests of the child and that the view of the child needs to be heard. Over the years support services have witnessed the physical and emotional distress of children before, during and after contact visits with many demonstrating behaviours such as bed-wetting, crying and other stress symptoms.

Many children and young people have told support services they do not want to have contact and do not feel safe attending contact visits but have been forced to do so through court proceedings.

²¹² [Children \(Northern Ireland\) Order 1995](#)

²¹³ Department of Health (2017) [Co-operating to Safeguard Children and Young People](#)

²¹⁴ [Children’s Services Co-Operation Act \(Northern Ireland\) 2015](#)

²¹⁵ Department of Education (December 2020) [Children and Young People’s Strategy 2020-2030](#)

²¹⁶ Safeguarding Board for Northern Ireland (2017) [Safeguarding Board for Northern Ireland Procedures Manual](#)

²¹⁷ See information on family policy on the Department of Health [website](#), last accessed 28 November 2023

The concept of parental alienation has also been raised in court processes. Women's Aid strongly believe that parental alienation is not a concept best placed to solve these contact issues, given its proven monopolisation by perpetrators of abuse and the potential of the concept to obscure these dynamics²¹⁸.

Women's Aid ran focus groups with women as part of consultation on the draft Ending Violence against Women and Girls strategy, and overwhelmingly women told their harrowing experiences that can be encapsulated by this sentiment: "Family Courts are used as an extension of the abuse."

Women's Aid in Northern Ireland, and indeed sister organisations in England, Scotland & Wales, have long called for a full review of the Family Courts and overlap with the Criminal Justice Courts when it comes to child custody arrangements. Every year in Northern Ireland, Women's Aid support thousands of women who have consistently and repeatedly told support services over many years that their perpetrator is using the Family Courts to continue their abuse by constantly bringing the woman to Court over child custody arrangements, despite these perpetrators often having criminal convictions due to their abuse of their child's mother, especially when these women also have protection orders against the perpetrator.

Some women outlined their experiences of the Family Court System:

"A judge told my barrister: "I am sick of hearing about domestic violence."

"I went to the police about domestic abuse and after this I had to personally take my children to him at his house by Court Order."

"Women are being brought to (Family) Court time and time again by the Perpetrator."

"Women are being told to be quiet about their abuse by their legal representation in Family Court."

"Mental ill-health because of the abuse is being used against women."

Women's Aid would also like to highlight the lack of **Re: L Hearings** in relation to contact cases where there is domestic abuse.

Fact Finding Hearings (Re L Hearings)

When there is a dispute and allegations of domestic violence/abuse the solicitor/court may view it necessary to hold a fact finding hearing. Sometimes these hearings are described as Re L Hearings. Re L is a case in law²¹⁹, which held that courts should consider the nature and effect of alleged violence at the earliest opportunity when determining contact arrangements.

The fact finding hearing will determine if violence/abuse occurred and will include a risk assessment to ascertain further risks of harm before making consent orders for contact. In effect, this will help

²¹⁸ Women's Aid Federation (June 2020) [Parental Alienation briefing](#)

²¹⁹ [Re L \(A Child\) \(Contact: Domestic Violence\) \[2001\] Fam 260](#)

ensure that safety is the paramount consideration when determining whether contact is in the child's best interest. It is important that the possibility of a fact finding hearing is considered by the victim and their legal representative at the initial stage of proceedings.

Further recommendations within Family Court made by Women's Aid to a range of consultations include:

- Introduce legislation that psychologists appointed to assess adults or children in the family court must be regulated by the Health and Care Professions Council
- Prohibit the use of parental alienation or related pseudo-concepts in family law cases and the use of so-called experts in parental alienation and related pseudo-concepts, in line with recommendations by the UN Special Rapporteur on VAWG. Every survivor of domestic abuse in the family courts should have access to specialist court support
- Fully implement the recommendations by Sir John Gillen into the Family Court, which include a new family court structure, fast-tracking of cases and greater use of technology which would enable police officers and social workers to give court updates via the internet.²²⁰

Article 32 – Civil consequences of forced marriages

Forced marriage is an offence under Section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.²²¹ However, there are no routinely published figures on forced marriages for Northern Ireland, which operates under different legislation to other devolved administrations in the UK. For example, marriage is legal from the age of 16 in Northern Ireland²²², while this has recently been increased to 18 in other jurisdictions in the UK; marriages of people under 18 in Northern Ireland are not recognised elsewhere in the UK. The UN Committee on the Rights of the Child has recommended²²³ for this to be aligned across the UK.

The Forced Marriage (Civil Protection) Act 2007 covers England, Scotland and Northern Ireland, and introduced Forced Marriage Protection Orders, which prohibit anyone involved in seeking to put in place a forced marriage from contacting the person who has sought the protection order.²²⁴ Under UK law, it is also possible to annul a marriage, if it can be proven that one party did not freely consent; however, this is a court application and associated with fees.

²²⁰ [Preliminary Family Justice Report published 4 Aug 16.pdf \(judiciaryni.uk\)](#)

²²¹ [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#)

²²² [The Marriage \(Northern Ireland\) Order 2003](#)

²²³ UN Committee on the Rights of the Child (June 2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)

²²⁴ [Forced Marriage \(Civil Protection\) Act 2007](#)

Article 33 – Psychological violence

The Domestic Abuse and Civil Proceedings Act 2021²²⁵ creates a new domestic abuse offence, which for the first time includes reference to psychological harm, and threatening behaviour causing fear, alarm and distress. This includes coercive control, which was criminalised elsewhere in the UK in 2015.

The Police Service of Northern Ireland reported that more than 170 people had been charged with coercive control by October 2022, just over six months after the legislation came into force in February 2022.²²⁶ However, routinely published data on domestic abuse offences do not differentiate in this way at the time of writing, which makes it difficult to assess the level of reporting of such offences. Evidence from women and girls experiencing domestic abuse indicates that coercive control is almost universally an element of abuse, and many report this as the most harmful form of abuse, although not all recognise this at all times.^{227 228}

Article 34 – Stalking

Stalking was criminalised in Northern Ireland in the Protection from Stalking Act (Northern Ireland) 2022²²⁹, as one of the pieces of legislation required for ratification of the Convention. This legislation makes stalking an offence with sanctions including imprisonment for up to 10 years on conviction by indictment, and includes in this an offence of threatening or abusive behaviour, punishable by imprisonment of up to five years on conviction by indictment, and up to 12 months on summary conviction. Up to 16 October 2023, there have been 97 stalking prosecutions in the region since the offences of stalking and threatening or abusive behaviour were introduced in May 2022.

The legislation includes behaviour undertaken outside Northern Ireland where the defendant is a UK national or habitually resident in Northern Ireland. It also introduces a stalking protection order, and introduces an offence for breaching such an order.

Stalking Protection Orders and Notices went live on 19 October 2023, as of time of writing no Orders have been issued by PSNI.²³⁰

²²⁵ [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

²²⁶ PSNI press release 3 October 2022 '[Police receive over 100 reports a month of coercive control since new legislation](#)'

²²⁷ Women's Aid Federation Northern Ireland (March 2022) [Hear her voice](#)

²²⁸ Women's Aid (October 2023)

²²⁹ [Protection from Stalking Act \(Northern Ireland\) 2022](#)

²³⁰ Department of Justice press release 19 October 2023 '[New Stalking Protection Orders will be a key tool for police | Department of Justice \(justice-ni.gov.uk\)](#)'

Article 35 – Physical violence

Official statistics show 8 women were murdered with a domestic abuse motivation in the period July 2021-June 2023²³¹; data by Women’s Aid indicate 39 women have died violently in Northern Ireland since 2017²³², with evidence indicating that Northern Ireland has one of the highest femicide rates in Europe.²³³

The Domestic Abuse and Civil Proceedings Act 2021²³⁴ creates a new domestic abuse offence, which includes all forms of physical violence and also introduces a domestic abuse aggravator that can be used alongside other legislation. In addition, the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022²³⁵ criminalises non-fatal strangulation, following a long campaign by organisations working with victims and survivors of violence against women and girls. The first charge for the offence of Non-Fatal Strangulation happened within 24 hours and 49 people have been arrested for reports of non-fatal strangulation offences since the law came into effect. Of these, 26 alleged perpetrators have been charged, police have said. Non-fatal strangulation or asphyxiation is now punishable by up to 14 years in prison. Strangulation is the second most common method of female murder in the UK, after a knife or sharp instrument.²³⁶

The Domestic Abuse and Civil Proceedings Act 2021 includes protection for children and young people under 18, in recognition that abuse can occur in young people’s relationships. However, Clause 11 of the Act specifically excludes protection for children who are under 6 and for whom a defendant has direct responsibility, thus reducing protection for children whose parents and carers are perpetrators of abuse. This reflects current child protection legislation in Northern Ireland, where for example physical punishment has not been prohibited in law.

PSNI statistics show that there were 32,875 domestic abuse incidents reported in the year 1 April 2022 – 31 March 2023, and in total 22,343 were recorded as crimes; over half involved violence, with almost 1,000 sexual offences and over 600 breaches of non molestation orders also recorded²³⁷. Overall, recorded crime data shows there were 4,120 sexual offences including 1,282 cases of rape reported to the PSNI during the year, along with 14,297 cases of stalking and harassment and 35,476 cases of violence, with or without injury²³⁸. The statistics show a growing trend in reported sexual and violent crime over the last two decades.

The Domestic Abuse and Civil Proceedings Act 2021²³⁹ creates a new domestic abuse offence, which includes all forms of physical violence and also introduces a domestic abuse aggravator that can be used alongside other legislation. In addition, the Justice (Sexual Offences and Trafficking Victims) Act

²³¹ Police Service of Northern Ireland (July 2023) [Police Recorded Crime Bulletin](#)

²³² BBC Northern Ireland 14 June 2023 ‘[Claire Hanna: MP highlights ‘devastating impact’ of attacks on women’](#)

²³³ Factcheck NI (November 2019) [Does Northern Ireland have the highest femicide rate in Western Europe?](#)

²³⁴ [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

²³⁵ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

²³⁶ BBC news 28 July 2023 ‘[Non-fatal strangulation: PSNI make 49 arrests in law’s first month - BBC News’](#)

²³⁷ PSNI (May 2023) [Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland: Update to 31st March 2023](#)

²³⁸ PSNI (July 2023) [Police recorded crime bulletin: Period ending 30 June 2023](#)

²³⁹ [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

(Northern Ireland) 2022²⁴⁰ criminalises non fatal strangulation, following a long campaign by organisations working with victims and survivors of violence against women and girls.

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Article 36 – Sexual violence, including rape

Almost 1,000 sexual offences were reported among domestic abuse incidents in 2022-23. Overall, recorded crime data for 2022-23 shows there were 4,120 sexual offences including 1,282 cases of rape reported to the PSNI. Reported cases have been increasing year on year; however, due to lack of further analysis, it is difficult to assess how much of this is due to increases in incidents, and how much relates to increased reporting. In Northern Ireland, as elsewhere, rape is one of the most underreported crimes, for the reasons outlined throughout this response. Low conviction rates and scrutiny of complainants’ sexual history remain among the key barriers. Extensive delays within the system and ongoing use of cross examination at court also discourage complainants from coming forward; ongoing campaigning by specialist services highlights that women feel the lack of support during the court process creates new trauma while retraumatising them as they are forced to repeat their stories and feeling they are not believed. The delays prolong trauma and prevent women from moving forward with their lives.²⁴¹

Sexual offences legislation in Northern Ireland criminalises ‘non consensual sexual offences’, which include rape, assault by penetration and sexual assault, which includes sexual touching. While the Sexual Offences (Northern Ireland) Order 2008²⁴² refers to consent as freely given choice, this is defined elsewhere in the legislation as applicable only where ‘B does not consent (Clauses 5.1.b, 61.b and 7.1.b) and A does not reasonably believe that B consents’(Clauses 5.1.c, 61.c and 7.1.c), leaving judgment of consent for assessment on a case by case basis. This legislation also criminalises sexual contact with young people under 16 as well as sexual contact with vulnerable persons, which applies regardless of age. Provisions for abuse of trust are included in this legislation for those providing services for children in the statutory sector, such as social care, education and health environments, but exclude for example sports bodies and clergy. The latter was addressed in the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022²⁴³, but this still excludes providers such as tutors, youth workers and a range of individuals in coaching and similar roles.

²⁴⁰ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022.](#)

²⁴¹ See eg. BBC news 23 November 2023 ‘[Sex offence victims 'lost in broken justice system'](#)’

²⁴² [Sexual Offences \(Northern Ireland\) Order 2008](#)

²⁴³ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022.](#)

The women's sector seeks updated rape legislation based on clear consent, and consent to be a focus of relationship and sexuality education in Northern Ireland. The women's sector is also seeking strengthened protections for women and girls from abuse of trust offences, which continue to create a risk in particular for young women and vulnerable persons.

Article 37 – Forced marriage

Forced marriage is an offence under Section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.²⁴⁴ This clause makes it an offence to use violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage without his or her free and full consent. This also covers threats against family members and includes extraterritorial jurisdiction where at least one of the partners is a UK national or habitually resident in Northern Ireland. The sanctions include both summary conviction with a fine as the maximum penalty and conviction by indictment, which carries a sentence of up to seven years' imprisonment.

Article 38 – Female genital mutilation

Female genital mutilation is criminalised in Northern Ireland under the Female Genital Mutilation Act 2003²⁴⁵, which covers England, Wales and Northern Ireland, and the Serious Crime Act 2015²⁴⁶, which extends extraterritorial protections. The legislation includes making it an offence to take or assist in taking a UK national or habitual resident abroad for the purpose of FGM, and also makes anyone responsible for a young person under 16 guilty of an offence where they fail to protect the young person from FGM.

Guidance for professionals working with young people is provided by the Safeguarding Board for Northern Ireland.²⁴⁷ This is focused on identifying young people at risk to prevent FGM, and also on identifying signs indicating that a young person has been subjected to FGM.

There is limited public debate on FGM in Northern Ireland, which is linked to the lack of resourcing for grassroots women's groups. A scoping study from 2018 concluded that estimating the prevalence of FGM in Northern Ireland with currently available data is not possible, and indicated that almost no cases have been reported in Northern Ireland, although a key recommendation is strengthening reporting practices and training for professionals, both in relation to recognising FGM and support adult women and girls who have undergone FGM before arriving in Northern Ireland.²⁴⁸ Anecdotally, it has been suggested several thousand women and girls across the island of Ireland may be at risk or

²⁴⁴ [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#)

²⁴⁵ [Female Genital Mutilation Act 2003](#)

²⁴⁶ [Serious Crime Act 2015](#)

²⁴⁷ See an overview on the Safeguarding Board for Northern Ireland [website](#), last accessed 17 October 2023

²⁴⁸ Mackle, D., Bloomer, F. K., Pierson, C., & MacNamara, N. (2018). [FGM Scoping Study Northern Ireland](#). Belfast: Ulster University

in need of support, based on the size of communities in Ireland with roots in countries where FGM is prevalent.

Article 39 – Forced abortion and forced sterilisation

Due to the continued lack of full access to legal abortion in Northern Ireland, there is very limited evidence of how forced abortion is used and how common this is. Anecdotal evidence indicates that women and girls in some cases are pressurised to have an abortion by their partner or family; this can occur in abusive relationships, as well as in situations where a relationship is not accepted by the pregnant person's family.

However, in the Northern Ireland context, pressure to continue a pregnancy is more commonplace due to social and religious norms. This is evidenced for example in documentation on the mother and baby homes, also known as Magdalene laundries, where unmarried pregnant women were sent as late as the 1980s. Further to a recommendation in the 2013 Concluding Observations of the examination of the UK under CEDAW²⁴⁹, a Truth Recovery Panel was appointed in April 2023 to prepare an inquiry into these institutions²⁵⁰, although lack of sitting institutions is preventing action beyond evidence gathering with women accommodated in these institutions. Research undertaken to prepare this work underlines that women sent to these institutions experienced life long trauma due to physical and psychological abuse, and most babies were taken away from their mothers at birth, in some cases to be adopted outside Northern Ireland²⁵¹.

There is limited evidence on forced sterilisation specifically focused on Northern Ireland.

Article 40 – Sexual harassment

Virtually all women in Northern Ireland report experiencing sexual harassment at some point in their lives; data collected for the draft Ending Violence against Women and Girls strategy shows that 98% of adult women have experienced harassment. A study focused specifically on girls aged 12-17 found that 73% of girls in this age group reported having experienced at least one form of violence in their lifetime. Girls in particular reported that violence such as unsolicited images, catcalling and street harassment are so normalised as to be considered part of their daily life. New research by Stranmillis University College on young people's experiences online also shows that girls aged 8-13 and 14-18 are more exposed than boys in the same age group to unwanted sexual content and approaches online, with up to 20% of respondents reporting experiencing something nasty or unpleasant online²⁵². This study also explored young people's attitudes to social media influences, and found that a significant proportion of young men have positive views of influencers such as

²⁴⁹ CEDAW (2013) [Concluding observations on the 7th periodic report of the United Kingdom of Great Britain and Northern Ireland : Committee on the Elimination of Discrimination against Women](#)

²⁵⁰ The Executive Office press release 27 April 2023 '[Appointment of Truth Recovery Independent Panel](#)'

²⁵¹ McCormick, O'Connell, S, Dee, O & Privilege, J (January 2021) [Mother and Baby Homes and Magdalene Laundries in Northern Ireland, 1922-1990](#). Belfast: Department of Health.

²⁵² Purdy, N., Ballentine, M., Lyle, H., Orr, K., Symington, E., Webster, D., York, L., (2023) [Growing Up Online: Children's online activities, harm and safety in Northern Ireland - an Evidence Report](#). Belfast: Centre for Research in Educational Underachievement (CREU), Stranmillis University College / Safeguarding Board for Northern Ireland.

Andrew Tate, while girls' views are universally negative. This highlights a key issue of views on gender equality and gender stereotypes, which traditionally have been strong and persistent in Northern Ireland, and anecdotally appear to be entrenching among young people.

Meanwhile, research into the experiences of women in public life in Northern Ireland indicate significant and increasing levels of harassment and violence, both online and in daily life. This includes women standing as candidates, some of whom waived anonymity and described significant attacks on their safety and integrity during the 2022 Assembly election campaigns, and elected representatives, who routinely experience online violence, and also report direct threats to the safety of themselves and their families, as well as stalking, being followed and threatened.²⁵³

Sexual harassment is made unlawful through the Sex Discrimination (Northern Ireland) Order 1976²⁵⁴, which provides a wide definition of sexual harassment as “unwanted conduct” that is sexual in nature and effectively violates the victim’s dignity or “creates an intimidating, hostile, degrading, humiliating or offensive environment.” It remains a major employment issue, and follows disability discrimination as the second most common issue brought by individuals to the Equality Commission for Northern Ireland²⁵⁵. As noted previously in this submission, the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022²⁵⁶ introduces the new offences of upskirting and downblousing, as well as cyberflashing and threatening to disclose private images, which came into force on 27 November 2023²⁵⁷. These offences were introduced following a number of court cases of such behaviour, where judges noted that gaps in legislation made the cases judicially difficult.

There is limited legislation to address online harassment, and the response by international social media platforms is frequently poor. A review of hate crime in Northern Ireland included a recommendation to include sex as a protected characteristic²⁵⁸, and subsequent consultation²⁵⁹ have also explored gender as a protected characteristic, or a potential gender aggravator. The women’s sector advocates misogyny as a stand alone offence, as a mechanism to begin addressing offending behaviour as well as cultural norms. Findings from the Women’s Policy Group survey After Violence²⁶⁰ indicates that many women find street harassment among the most intimidating forms of violence, which shapes their everyday lives and decisions around movements in public space, and believe that mechanisms to report incidents of harassment would be helpful.

Article 41 – Aiding or abetting and attempt

Legislation relating to Articles 33, 34, 35, 36, 37, 38.a and 39 differs in its treatment of aiding or abetting, and attempt. Aiding and abetting is specifically criminalised in relation to forced marriage (Article 37) and FGM (Article 39), but is not mentioned in legislation relating to domestic abuse,

²⁵³ Turner, C & Swayne, A (2021) [At the Nexus of Participation and Protection: Protection-Related Barriers to Women’s Participation in Northern Ireland](#)

²⁵⁴ [Sex Discrimination \(Northern Ireland\) Order 1976](#)

²⁵⁵ Article by Chief Commissioner Geraldine McGahey in *The News Letter* 3 August 2021 [‘The troubling face of sexual harassment in the workplace’](#)

²⁵⁶ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

²⁵⁷ Department of Justice press release 27 November 2023 [‘Major milestone for sexual offences legislation’](#)

²⁵⁸ Department of Justice (December 2020) [Hate crime legislation independent review](#)

²⁵⁹ Department of Justice (January 2022) [Consultation on Hate Crime Legislation in Northern Ireland](#)

²⁶⁰ Women’s Policy Group (September 2023) [After Violence: Attitudes and Reporting VAWG](#): Key findings report

sexual offences or stalking. Similarly, attempts are not clearly defined in legislation relating to any of these offences.

Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

There is no specific provision for these types of crimes in Northern Ireland. While also not specified in law, guidance by the Lord Chief Justice’s Sentencing Group underlines that so called honour is not an acceptable justification for any crime, but defendants will be sentenced in accordance with normal sentencing procedures.²⁶¹

Article 43 – Application of criminal offences

The Domestic Abuse and Family Proceedings Act 2021²⁶² defines the relationship between victim and perpetrator, for the purposes of the domestic abuse offence. This Act, as noted above, also excludes protection for children a perpetrator is directly responsible for, thus reducing protection within families. There are currently no other exceptions.

In addition, as noted above, the Sexual Offences (Northern Ireland) Order 2008²⁶³ and Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022²⁶⁴ exclude groups such as tutors from abuse of trust offences. This omission was subject to a consultation in late 2022²⁶⁵; however, due to lack of sitting institutions no action has been taken. It can be noted that this consultation also underlined the issue of age of consent, and expressed concern about criminalising sexual relationships of people age 16-17 as a potential reason for not widening such protections.

Article 44 – Jurisdiction

Extraterritorial jurisdiction was a significant cause of delay in ratification of the Convention, with omissions in Northern Ireland law a particular issue. This has now been addressed in new legislation, including the Domestic Abuse and Family Proceedings Act 2021, Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 and Protection from Stalking Act 2022, which include the relevant provisions that Northern Ireland courts have jurisdiction where either the defendant or the victim are habitually resident in Northern Ireland, regardless of where an offence took place. However, the Sexual Offences (Northern Ireland) Order 2008 does not make such provision.

²⁶¹ Lord Chief Justice’s Sentencing Group (undated) [Sentencing guidance note honour based crime](#)

²⁶² [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

²⁶³ [Sexual Offences \(Northern Ireland\) Order 2008](#)

²⁶⁴ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#).

²⁶⁵ Department of Justice (October 2022) [Abuse of Position of Trust Offences: Extension of the Law – A Call for Evidence](#)

Article 45 – Sanctions and measures

The legislation referred to above includes sanctions in the form of imprisonment and fines, for certain offences. There is limited reference to extradition or loss of parental rights in any of these pieces of legislation. In practice, family courts in particular typically focus on preserving parental rights regardless of the safety of the victim, as outlined above in relation to custody and visitation.

Article 46 – Aggravating circumstances

The Domestic Abuse and Family Proceedings Act 2021 creates a specific domestic abuse offence, which includes a number of the circumstances set out in this Article, including physical and psychological harm. This piece of legislation also creates a domestic abuse aggravator, which can be used in conjunction with other offences to increase sentencing where it is shown that domestic abuse was a factor in the offence. In addition, the legislation introduces a child aggravator, which can be employed when a child or children are witnesses to violence. However, violence against a child for whom the perpetrator is directly responsible is excluded, as Northern Ireland has not introduced legislation against physical punishment of children, despite repeated recommendations by experts as well as UN human rights institutions. Most recently, this was raised by the Committee on the Rights of the Child in its Concluding Observations to the UK in June 2023.²⁶⁶

Legislation relating to sexual offences, FGM and forced marriage does not specify aggravating circumstances. However, the Sexual Offences (Northern Ireland) Order 2008 and Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 specify sexual activity with a child and child sexual exploitation, as well as sexual activity with vulnerable persons, as specific offences carrying specific sanctions reflecting the seriousness of the offence.

Article 47 – Sentences passed by another Party

The issue of extraterritorial jurisdiction has been addressed in recent legislation in Northern Ireland, including the Domestic Abuse and Civil Proceedings Act 2021 and the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 and the Protection from Stalking Act 2022. There is currently limited publicly available data on how this is operating in relation to sentences passed by another Party.

²⁶⁶ UN Committee on the Rights of the Child (June 2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)

Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

Key Northern Ireland legislation relevant to violence against women and girls currently does not include mandatory alternative dispute resolution processes. However, this is also not explicitly prohibited in law, and such processes have been proposed in relation to some offences, such as some hate crime offences, as a mechanism for diverting from the courts, which have a very heavy workload that contributes to delay in processing cases.

Women who have experienced violence emphasise that alternative dispute resolution processes are inappropriate and can create significant additional fear and harm, as such mechanisms can be used to perpetuate further abuse.

Chapter V recommendations:

Recommendation 1: Delay within the judicial system must be addressed as an urgent priority; this includes addressing the quality of investigations and data collection systems

Recommendation 2: A review of prosecution thresholds and court proceedings for domestic abuse and sexual violence cases is needed to address low prosecution and conviction rates

Recommendation 3: Sufficient resources must be made available to the judicial system to effectively implement the new legislation on domestic abuse, stalking and other measures including those in the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022

Recommendation 4: Data collection on reoffending needs to be strengthened, to enable preventative measures to be put in place, appropriate action to be taken to protect women and girls and deal with perpetrators who have a consistent and/or escalating history of violence against women and girls.

Chapter VI – Investigation, prosecution, procedural law and protective measures

Articles 49 – 50

Delay is a significant factor in the judicial system in Northern Ireland, and many women withdraw their case due to the stress of the process. Awareness of long processing times is also a major factor why women are reluctant to report violence to police, or agree to prosecution of domestic abuse offences in particular.

Quality of investigations

The quality of investigations is also a major issue affecting cases of violence against women and girls. Across the UK, there is significant evidence that the quality of police investigations is varied, as

highlighted for example in the review of rape cases in England.²⁶⁷ In Northern Ireland, the Criminal Justice Inspection Northern Ireland earlier this year found that only half of police files met criteria for file build, while cases took too long to prepare for the Public Prosecution Service. The inspection urges the PSNI to focus on improving quality and speed of investigations at a strategic level, and improving supervision of and training for officers and staff to get the basics right²⁶⁸. This is critical for cases involving male violence against women and girls, as delay significantly affects victims and can also put other women and girls at risk.

In short, the police response is insufficient, and significantly, variable. This includes variation in individual as well as organisational attitudes, and the problems with this have been widely documented in the UK, in particular in the Casey report into the Metropolitan Police²⁶⁹. In Northern Ireland, the PSNI is monitored by the Policing Board²⁷⁰, which has a role in ensuring continuous improvement, but this body has to date not undertaken investigations beyond human rights reviews, and has not considered violence against women and girls in specific detail.

Prosecutions and convictions

Low prosecution rates for sexual violence are a specific issue in Northern Ireland, which point towards a need to review practices throughout the judicial system, including the evidential test in these cases, along with underlining the importance of training all professionals involved in recording, investigating, reviewing and trying sexual violence cases. These issues were explored and the need for improved capacity across the judicial system was highlighted in the Gillen Review, although its remit did not include addressing legal gaps²⁷¹. Civil society organisations, including LGBTQIA+ organisations such as HEReNI, has urged for implementation of a recommendation in the Review of improved individual data collection of all allegations of serious sexual offences against persons who are members of Black and minority ethnic groups, immigrant, LGBTQIA+ and Traveller communities, sex workers, older people and disabled people, including those with physical, sensory, learning disabilities or mental ill health.

In 2021-22, a total of 1,509 cases of sexual violence including 600 cases of rape were sent to PPS for assessment and prosecution, but only 36% (546 cases) met the test for prosecution (an increase from 28% in 2020-21). Out of these, only half of sexual violence (256 cases) went to trial, with 73% convicted. Only 72 defendants were tried for rape, and less than 30% (21 individuals, or 3.5% of all cases sent to PPS) were convicted for a rape offence²⁷². It should be noted that PSNI statistics show 1,247 cases of rape recorded in 2021-22²⁷³, which highlights that many cases are closed before any consideration of charges, alongside the extremely low prosecution rates. Decision making within the PSNI and training for officers making decisions on sending files to the PPS is equally as vital to examine and address as addressing issues within the PPS and the judicial system as a whole.

²⁶⁷ HM Government (December 2022) [Rape review progress update](#)

²⁶⁸ Criminal Justice Inspection Northern Ireland (June 2023) [File Quality, Disclosure and Case Progression and trial recovery from the COVID-19 pandemic](#)

²⁶⁹ Metropolitan Police (March 2023) [Baroness Casey Report](#)

²⁷⁰ See an overview of the Policing Board role and remit on the [Board's website](#)

²⁷¹ Department of Justice (May 2019) [Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland](#)

²⁷² Public Prosecution Service (December 2022) Statistical bulletin: [Cases involving sexual violence 2021-22](#)

²⁷³ PSNI (December 2022) [Police recorded crime Annual Trends 1998/99 to 2021/22](#)

The statistics raise important questions regarding rape prosecutions, in Northern Ireland as well as elsewhere. The PPS policy on prosecuting rape focuses on the evidential test, which emphasises the potential for a conviction in a court, within the principle of proving a case beyond reasonable doubt. While it is accepted that evidence must be impartial and withstand legal scrutiny, this nevertheless points to questions as to whether current practice is appropriate for the specific case of rape and sexual violence, where external evidence often cannot be obtained and where courts often are poorly equipped to deal with the complexities of evidence provided by those who have experienced a traumatising, deeply personal crime.

For many women and girls, the impact of the low prosecution and conviction rate is a perception that the judicial system does not believe victims and take them seriously, and this is a key deterrent to reporting incidents and crimes, which in themselves are deeply traumatic for the victim. This is explored at length in the Gillen review, which also highlights attrition rates of up to 40% in sexual violence cases, with victims/survivors citing all of the reasons discussed in this section as reasons for withdrawing from a case.²⁷⁴

Article 51 – Risk assessment and risk management

There are currently very limited risk assessment and risk management procedures in place within the statutory and judicial systems. As discussed below, no emergency barring orders are available in Northern Ireland, and police have limited powers to intervene in situations where attending officers deem a crime has not been committed. The new domestic abuse offence introduced in 2022 as part of the Domestic Abuse and Family Proceedings Act, which includes abusive and threatening behaviour, has strengthened this position, although training of officers is critical to ensure provisions are enforced in a uniform manner across Northern Ireland.

The Multi Agency Risk Assessment Conference (MARAC) approach is the main risk assessment system currently in use in Northern Ireland, and is in place across all policing districts in Northern Ireland. The MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors.

A review of the functionality of MARACs in 2017, carried out as an action in the 2016-2023 domestic violence strategy²⁷⁵ found that involved professionals valued them and found them broadly appropriate and helpful. Issues identified for development included proactive engagement of victims, information sharing, and engagement with a wider group of professionals including GPs and nurses. Capacity was also identified as an issue.²⁷⁶

²⁷⁴ Department of Justice (May 2019) [Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland](#)

²⁷⁵ See Department of Justice and Department of Health, Social Services and Public Safety (2016) [Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy](#)

²⁷⁶ Department of Justice (2017) [Review of MARAC 2017](#)

A further review of MARAC was recently commissioned by PSNI and undertaken by Leonard Consultancy; this review is currently under consideration by the PSNI. The numbers of MARAC referrals in Northern Ireland continue to remain low compared to other parts of the UK and the number of repeat cases also remain high. Current data shows :

- 130 cases were discussed at MARAC meetings in September 2023
- 36 of these were repeat cases (27.69%)
- 218 children were linked to households referred to MARAC

The biggest referrers into MARAC continues to be PSNI and Women's Aid. This is of concern together with the attendance around the table, which also continues to be PSNI and Women's Aid.

Article 52 – Emergency barring order

No emergency barring orders are available at present in Northern Ireland. The practical impact of this is to reduce protections available to women and girls, and in a significant proportion of cases, the victim is forced to leave their home to ensure their safety.

Proposals to introduce domestic abuse protection orders and notices, which can be issued by police and for example force perpetrators to leave a house for up to 48 hours, were subject to a public consultation in early 2021²⁷⁷. However, there was no progress on implementation before the Executive collapsed in January 2022, and lack of sitting institutions is preventing further action at the time of writing. Introduction of these measures has the support of specialist service providers and the wider women's sector, on the grounds that this would strengthen protection for victims and survivors, particularly in crisis and emergency situations. This would also close a gap with Great Britain, where domestic abuse protection orders and notices were introduced through the Domestic Abuse Act 2021.²⁷⁸

The main concern around the Orders is the cost impact of implementation of these orders, as the police have to go to Court and present the case on behalf of those to be protected, and this . A key advantage of these orders is that there is no cost to the victim. The PSNI will need additional resourcing as well as training in order to be able to carry out this duty efficiently and to maximise the impact.

Article 53 – Restraining or protection orders

The protection orders available in Northern Ireland include a non molestation order, which is designed to prevent further harm to the holder and their child/grandchild, and an occupation order,

²⁷⁷ Department of Justice (December 2020) [Enhancing Legal Protections for Victims of Domestic Abuse – A public consultation](#)

²⁷⁸ Home Office (July 2022) [Policy paper: Domestic Abuse Protection Notices / Orders factsheet](#)

which grants the holder the right to occupy a property²⁷⁹. Both constitute court applications, and eligibility is subject to specific conditions. Applicants are also required to cover costs associated with the order.

The law recognises the need to protect victims of domestic violence by the provision of financial assistance to those applying for a non-molestation order, but whose income or savings exceeds legal aid limits. Under the Financial Assessment Domestic Violence Scheme commenced in April 2015, there is a Legal Aid Waiver available in proceedings under the Family Homes and Domestic Violence (NI) Order 1998²⁸⁰. However, some individuals may have to pay a contribution. In circumstances where a person is above the financial eligibility threshold and, therefore, in need of a waiver, their required contribution could be significant and, dependent on the applicant's income and/or savings (capital), could amount to the entire cost of the proceedings.

Women's Aid have seen a decrease in the granting of Non-Molestation Orders and Occupations Orders from the start of 2021 and this is of great concern. The orders can be granted for up to 2 years at a time and are a protective measure and important part of the legal remedies available to women who need protection.

Victims and survivors of domestic abuse report significant concern in relation to both orders, relating in particular to the limited efficacy of orders; in many cases breaching an order leads to no action, despite constituting an offence. Women and girls also report that police are limited in their ability to respond to breaches²⁸¹, alongside a concern that breaches are not always taken seriously by police, which reduces confidence in them, as perpetrators may feel free to ignore such orders. The specific benefit identified in such orders is that they could be issued for threatening and abusive behaviour, which many women find more harmful than physical violence.

Article 54 – Investigations and evidence

The Criminal Evidence (Northern Ireland) Order 1999²⁸² provides specific criteria for when and how sexual history evidence can be used in trial proceedings in Northern Ireland. However, individual cases and anecdotal evidence indicate that such evidence is introduced by defence teams in different ways, with the aim of discrediting the complainant to the jury, which was at the forefront of the case that resulted in the Gillen review of the handling of serious sexual violence cases^{283 284}.

The Gillen review emphasises that public scrutiny of personal matters and especially sexual history is a major fear of complainants and a reason why victims withdraw from trial processes, as there is a

²⁷⁹ [Family Homes and Domestic Violence \(Northern Ireland\) Order 1998](#)

²⁸⁰ Department of Justice (April 2015) [Financial Assessment Domestic Violence Scheme](#)

²⁸¹ See eg. Women's Policy Group (2021) [WPG Response to the DOJ Public Consultation on Enhancing Legal Protections for Victims of Domestic Abuse](#)

²⁸² [The Criminal Evidence \(Northern Ireland\) Order 1999](#)

²⁸³ An overview of the entire case was published by *The Irish Times* in an article entitled ['Inside Court 12: the complete story of the Belfast rape trial'](#).

²⁸⁴ An example of the style of reporting is for example *Belfast Live*, ['Woman allegedly raped by Ulster rugby stars denies lying to protect reputation'](#), 7 February 2018.

perception that this is commonplace, and recommends separate legal representation for complainants to deal with this, as well as exclusion of the public from such trials²⁸⁵. As noted above, the latter provision came into force in September 2023; however, no legal representation is available for complainants, and there is no change regarding the position on sexual history evidence. In England, the Law Commission consulted in summer-autumn 2023 on proposals to clarify use of sexual history evidence in law, as well as proposals to provide complainants with independent legal representation for this specific issue²⁸⁶, potentially creating an additional gap for Northern Ireland.

Article 55 – Ex parte and ex officio proceedings

Legislation in Northern Ireland allows for proceedings to continue in certain specific circumstances, where the victim/survivors withdraws from the case²⁸⁷. However, in the majority of cases, the victim/survivor's decision to withdraw leads to the case being dropped. A specific example, where the victim waived anonymity, is that of Máiría Cahill, who was sexually abused by a member of the Irish Republican Army (IRA) as a 16 year old²⁸⁸. Preparation of the court case was long, as outlined in detail above, and handling of the case, which was highly public, eventually led to Ms Cahill withdrawing, and the trial collapsed.²⁸⁹

Article 56 – Measures of protection

Protection for victims and survivors of violence against women and girls in Northern Ireland is limited, and the impact of these gaps on women and girls is highlighted in the survey undertaken by the Women's Policy Group in 2022, which outlines how lack of support, fear of reprisals and concern about future safety all create barriers preventing women from being and feeling safe in their everyday lives²⁹⁰. A follow up survey in 2023 identifies a call for mechanisms to report ongoing misogynistic abuse, which does not meet the criteria of crime but has significant impacts on women's movements and behaviour in public spaces, as a potential way to initiate public debate on the issue, as well as enable recording of such incidents as a mechanism for informing future action.²⁹¹

²⁸⁵ Department of Justice (May 2019) [Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland](#)

²⁸⁶ Law Commission press release 23 May 2023 [Views sought on proposals to counter effects of rape myths in sexual offence trials'](#)

²⁸⁷ See Public Prosecution Service overview of prosecution of domestic violence on the PPS [e](#), last accessed 5 October 2023

²⁸⁸ See eg. *Irish News* 25 September 2023 ['Máiría Cahill memoir details fear of IRA interrogations and anger with Gerry Adams'](#)

²⁸⁹ See eg. BBC news 13 September 2018 ['Máiría Cahill: PSNI failed women over IRA sex abuse claims'](#)

²⁹⁰ Women's Policy Group (April 2022). [Violence Against Women and Girls in Northern Ireland: NI Women's Policy Group Research Findings](#)

²⁹¹ Women's Policy Group (September 2023) [After Violence: Attitudes and Reporting VAWG](#): Key findings report

Perceptions of victims and witnesses

The Women's Policy Group survey from 2022²⁹² confirms findings from elsewhere in the UK²⁹³ that long delays in the justice system deter women from coming forward to report crimes. Evidence from this survey, as well as from other work with victims and survivors, shows that many women find the lengthy delays traumatising, and also experience retraumatisation during the process, as they are asked to repeat their story often multiple times. Lack of access to information about their case adds to stress, and many women choose to withdraw their case as a result. In 2021-22 in Northern Ireland, the average time for a case to be dealt with, across all courts, was 226 days. For sexual violence cases, this rose to 742 days.²⁹⁴ The Gillen review further corroborates these findings²⁹⁵.

Evidence from the Northern Ireland Victim and Witness survey also highlights issues in relation to court proceedings. Only just over half (56%) of respondents reported being well informed about their case, while (58%) of respondents whose case had been dropped had received confirmation from the PSNI or PPS to explain why. Many respondents (18% overall and 24% of victims) also reported that they had not been clear about the court proceedings, and only two thirds were satisfied with the experience; as one example, the majority of witnesses (80%) had not been told they might not be required on the day of the trial, and the majority were not called to give evidence. Perhaps most tellingly, less than half of those who ultimately gave evidence in court said that they would do it again. In addition, only 80% of respondents knew the outcome of their case and only 57% of victims knew the sentence, while less than half felt that the sentence was fair²⁹⁶. No breakdowns by gender, or by crime type are provided, which limits further analysis of the data.

Protection during court proceedings

The Domestic Abuse and Family Proceedings Act 2021²⁹⁷ prohibits for the first time defendants cross examining victims and survivors, which previously was a commonly utilised approach by defence teams. This legislation also introduces an automatic right for victims and survivors to access special measures at court, which can include giving evidence in private, via videolink or behind a screen, and accessing court premises through entrances and exits not available to defendants. While the provision has been in place only since February 2022, anecdotal evidence gathered by IDVAs and other support staff indicates that it has increased victims' and survivors' confidence, and is reducing stress associated with attending court. However, as outlined elsewhere in this response, the lack of understanding of the dynamics of violence against women and girls continues to act as a major barrier for women to engage with court proceedings, in particular in family courts.

²⁹² Women's Policy Group (April 2022). [Violence Against Women and Girls in Northern Ireland: NI Women's Policy Group Research Findings](#)

Women's Policy Group (September 2023) [After Violence: Attitudes and Reporting VAWG](#)

²⁹³ See eg. BBC Scotland news 17 March 2022 '[Women asking to drop domestic abuse cases over delays](#)'

²⁹⁴ Department of Justice (September 2022) [Case Processing Time for Criminal Cases dealt with at Courts in Northern Ireland 2021-22](#)

²⁹⁵ Department of Justice (May 2019) [Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland](#)

²⁹⁶ Department of Justice (August 2023) [Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings – 2022/23](#)

²⁹⁷ [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

The Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022²⁹⁸ includes the right for complainants in sexual violence cases to anonymity, and provisions for excluding the public from court in order to protect complainants. This provision came into force in September 2023 and it is therefore too early to assess its efficacy; however, this was a key recommendation in the Gillen review, and implementation has been welcomed by victims and survivors, as well as specialist service providers and the wider women's sector.

Protection orders

In addition to the range of protection orders outlined above, courts may also impose Sexual Offences Protection Orders on defendants convicted of sexual violence, where it is deemed that this is necessary to protect others. The orders can prohibit the defendant from doing something specified in the order, or require them to do something specific, such as disclose previous convictions to any future partner.²⁹⁹ However, as noted above, enforcement of orders is uneven and varies in effectiveness, thus limiting the impact of such orders.

Article 57 – Legal aid

Lack of access to Legal Aid for domestic violence cases is an issue, as many women and girls cannot afford to fund a case privately. Anecdotal evidence indicates that many women remain in abusive relationships, as they cannot afford either the legal process or the cost of accommodation on their own.³⁰⁰

There is a Legal Aid waiver in relation to the application for Non Molestation and Occupation Orders as per the Family Homes and Domestic Violence (NI) Order 1998 and noted above in relation to Article 53.

In Northern Ireland, a domestic violence waiver for the Legal Aid financial eligibility test is in place since 2022³⁰¹. This Legal Aid waiver³⁰² is in relation to Article 9 proceedings within the family court. This was an amendment to the Domestic Abuse and Civil Proceedings Act (2021) at the Justice Committee stage and campaigned for by Women's Aid. From implementation of this Legal Aid waiver the numbers are very low; the waiver was applied only eight times within the first year. There needs to be much work done to raise awareness within the law profession, advocates, victims and survivors. The Department for Justice commissioned a piece of research about the waiver, but at time of writing it has not been published.

A key issue is that the waiver remains discretionary, and therefore dependent on the understanding of domestic violence of individual application handlers. In addition, the understanding of legal

²⁹⁸ [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

²⁹⁹ [Sexual Offences Act 2003](#)

³⁰⁰ Women's Aid Federation Northern Ireland (March 2022) [Hear her voice](#)

³⁰¹ Department of Justice (February 2022) [Guidance on the Domestic Abuse Waiver in Legal Aid applications](#)

³⁰² [Legal Aid Waiver available \(lawsoc-ni.org\)](#)

professionals, including solicitors and barristers, is a key element when seek. As noted above, there is currently significant variation in this, as violence against women and girls is not featured specifically in training for legal professionals, and services are primarily provided by practitioners with a specific interest, creating uneven provision across Northern Ireland. Anecdotal evidence indicates that finding a solicitor with the appropriate skills and understanding can be difficult for women and girls who have experienced male violence, even when resources are not an issue.

Article 58 – Statute of limitation

As a general rule, there is no statute of limitation on offences relevant to violence against women and girls in Northern Ireland. Claims for personal injury have a statute of limitations of three years, except where the claimant was under 18 at the time of the injury, in which case the three year period is counted from when the claimant turned 18.³⁰³ However, this does not apply to claims for damages brought under the Protection from Harassment (Northern Ireland) Order 1997³⁰⁴.

Chapter VI recommendations:

Recommendation 1: Investigations of complaints, decisions on prosecution and court processes need to be more timely and comprehensive to improve confidence in the judicial system and ensure women’s right to justice is upheld

Recommendation 2: Domestic abuse protection orders need to be put in place as a matter of urgency, to strengthen protection for women and girls

Recommendation 3: Provision for *ex parte* and *ex officio* proceedings needs to be strengthened through clear legislation, which takes account of the dynamics of violence against women and girls and sets out clear criteria for continuing proceedings under public prosecution.

Chapter VII – Migration and asylum

Articles 59 – 61

Migration is a reserved matter for the Home Office and therefore not within the competence of Northern Ireland authorities. The draft Refugee Integration Strategy 2022-27 for Northern Ireland and a review of the Race Relations (Northern Ireland) Order 1997³⁰⁵ also make no reference to

³⁰³ [The Limitation \(Northern Ireland\) Order 1989](#)

³⁰⁴ [The Protection from Harassment \(Northern Ireland\) Order 1997](#)

³⁰⁵ The Executive Office (March 2023) [Review of the Race Relations \(NI\) Order 1997](#)

gender, beyond a general reference to the equality duties of public sector organisations under S75 of the Northern Ireland Act 1998.³⁰⁶

There is significant concern regarding the hostile environment to migrants introduced in the UK over the last decade, which has gained momentum in recent years, resulting in the Illegal Migration Act 2023³⁰⁷ that severely limits rights of individuals arriving in the UK through irregular routes and mandates immediate deportation. This concern has been shared by the UN, which has underlined that the Act is in breach of core human rights provisions³⁰⁸. Most recently, this was raised in September³⁰⁹ following a speech by the then Home Secretary Suella Braverman³¹⁰, in which LGBTQIA+ groups seeking asylum on grounds of gender persecution were identified as a group without a valid claim. The UN has underlined that this law is likely to breach non-refoulement obligations, with similar concerns raised regarding present asylum practice that does not prioritise any of the obligations highlighted in the Convention.

It should be noted that the UK recognises UN Security Council Resolution 1325 on women, peace and security, and in its National Action Plan on women, peace and security 2023-27 focuses on violence against women and girls as an overarching priority, noting that the UK approach to tackling violence is 'world leading'³¹¹. This NAP also introduces a domestic element for the first time, focused on creating policy coherence and sharing the UK approach on violence against women and girls internationally. However, the NAP includes no reference to supporting women arriving from conflict areas, and women are currently housed alongside men in both initial accommodation and detention centres, in some cases in close proximity with individuals from countries in conflict with each other.

Residence status is a major barrier to seeking help for women and girls whose immigration status depends on a spouse or other sponsor, and fear of deportation is frequently used as part of intimidation and violence. A survey undertaken by Migrant Centre NI also shows that many women also report being unclear on what healthcare they are entitled to with their immigration status³¹², while access to translators is frequently an issue, sometimes leaving women dependent on their abuser for engagement with public services, and often leaving women reluctant to seek help.

Under rule 289A of the Immigration Rules³¹³, victims and survivors of domestic abuse whose status is based on a spousal visa can claim indefinite leave to remain in their own right, provided certain conditions are met, and Home Office guidance³¹⁴ also states that victims and survivors should be moved to alternative safe accommodation immediately. The latter provisions also apply to asylum seekers; however, practice indicates that the system is beset by delays, and many asylum seekers

³⁰⁶ The Executive Office (2021) [Draft Refugee Integration Strategy 2022-27](#)

³⁰⁷ [Illegal Migration Act 2023](#)

³⁰⁸ UN Office of the High Commissioner for Human Rights press release 18 July 2023 '[UK Illegal Migration Bill: UN Refugee Agency and UN Human Rights Office warn of profound impact on human rights and international refugee protection system](#)'

³⁰⁹ UN Refugee Agency press release 26 September 2023 '[UNHCR News Comment on the importance of the International Refugee Convention](#)'

³¹⁰ Home Secretary Braverman [speech](#) to American Enterprise Institute 26 September 2023

³¹¹ UK Government (February 2023) [UK women, peace and security national action plan 2023 to 2027](#)

³¹² [Written evidence](#) submitted by Migrant Centre NI (MEM0019) to the UK Parliament Northern Ireland Affairs Committee's Call for Evidence on "The Experience of Minority Ethnic and Migrant People in Northern Ireland"

³¹³ [Rule 289A of the Immigration Rules](#)

³¹⁴ Home Office (2016, updated October 2023) [Immigration rules, part 8 rules for family members](#)

are extremely reluctant to report any adverse situations for fear of further delaying or impacting their asylum application. Anecdotal evidence indicates that some authorities report any such instances to the Home Office, which corroborates the fear reported by migrants and asylum seekers, and organisations representing migrant communities^{315 316}.

In March 2023, there were 3,030 asylum seekers who received asylum support in Northern Ireland.³¹⁷ Asylum seekers have very limited control over their situation, including accommodation type or location. While many are housed in individual flats or dwellings, a significant proportion of asylum seekers in the UK are accommodated in hotels, which offer basic services such as three meals per day, but provide no flexibility and no independent cooking facilities or play spaces for children. Residents report repetitive meals that do not reflect their food customs or traditions, and concern about the health and wellbeing of children unable to socialise and play freely. Many women express fear of violence, as security arrangements vary and residents typically are unaware of the identity or background of others accommodated on the same floor or in the same hotel. Women also report a lack of dignity in the asylum seeking process as a whole, as well as concerns about having to relive traumatic experiences repeatedly and an experience of not being believed in the asylum interview and subsequent process. The lengthy wait for decisions, which can last several years, leaves women in limbo, unable to work, with limited opportunities to study and provide for children.³¹⁸

Survivors of domestic abuse, sexual violence and other crimes are wary of reporting these crimes to the PSNI³¹⁹ and to other police services because of the UK-wide policy of sharing data with the Home Office, which could initiate deportation or “removal” processes. In practice this means that a survivor who is unsure of their immigration status faces additional barriers to getting help to escape abuse, as well as disbelief or doubt when they do report. A migrant who knows that their status is uncertain is actively incentivised not to report. In a 2020 letter, which later elicited an apology but not a reversal of approach, the PSNI speculated that this approach was necessary because migrants may make false reports of Domestic Abuse in order to add credence to their claim for asylum. In England and Wales and in Scotland, where the same policies apply³²⁰, the policy has been shown to facilitate abuse by police officers who are eager to use their position to abuse vulnerable women, such as David Carrick, a former Metropolitan Police officer who admitted to committing over 85 offences, primarily rape, and who used victims’ insecure status to threaten them with deportation should they speak out.

³¹⁵ *The Detail*.tv article 14 February 2023 ‘[Migrants risk being deported after reporting crimes to PSNI](#)’

³¹⁶ [Written evidence](#) submitted by Migrant Centre NI (MEM0019) to the UK Parliament Northern Ireland Affairs Committee’s Call for Evidence on “The Experience of Minority Ethnic and Migrant People in Northern Ireland”, June 2021

³¹⁷ Home Office, ‘Asylum and resettlement datasets’ year ending March 2023. Available on the Home Office [website](#), last accessed 28 November 2023

³¹⁸ British Red Cross and VOICES Network (2022) [We want to be strong, but we don’t have the chance Women’s experiences of seeking asylum in the UK](#)

³¹⁹ *The Detail*, March 2023, PSNI Apologises for claiming migrants might make fake domestic abuse claims. Last accessed 30/11/23 <https://www.thedetail.tv/articles/psni-apologises-for-claiming-migrants-might-make-fake-domestic-abuse-claims-to-avoid-deportation>

³²⁰ *The Guardian*, November 2023, UK police report domestic abuse victims to immigration, shows data. Last accessed 30/11/23 <https://www.theguardian.com/society/2023/nov/09/police-report-domestic-abuse-victims-immigration-officers-when-they-ask-for-help-data>

Asylum seekers accommodated in hotels that provide food are entitled to £9.58 per week asylum support for expenses, while those accommodated in other types of housing are entitled to £47.39 per week to cover all costs beyond housing³²¹. Destitution is a major concern for migrants and asylum seekers, in particular those who are appealing a refused asylum application. Minoritised women including migrants and asylum seekers are overrepresented among the lowest income groups, and this increases the risk of exploitation and abuse, including so called sex for rent arrangements, which are proposed to be made illegal in England, but not as yet elsewhere in the UK³²². While data on this is difficult to obtain, anecdotal evidence indicates that such arrangements are on the increase, as rents increase and properties reduce. Landlords are required to undertake checks that tenants have the right to remain in the UK, which puts women with insecure immigration status at specific risk, and specifically increases barriers to leaving abusive relationships.

Women with NRPF

Women with (NRPF) often experience additional barriers as they do not have the same entitlements to benefits and amenities, even when they experienced horrific violence at the hands of a perpetrator. Women's Aid access a specific pot of funding made available to us through the Home Office to help cover the cost of supporting a woman in refuge with NRPF, however this pot is limited and often local Women's Aid Services swallow the cost to ensure a particular woman is safe and supported. Long term, however, these women often aren't entitled to social housing due to their immigration status and can wait years before their immigration status is resolved and they can finally access social housing. However, for women with NRPF who are victims of abuse, this wait sees them stuck in a never ending 'limbo' situation in which they cannot move on with their lives.

One woman whom Women's Aid Federation Northern Ireland spoke to as part of engagement on the draft Ending Violence against Women and Girls strategy shared her incredibly difficult experience. She is not from the British Isles or an EU Country. She met her husband and then moved to Northern Ireland to be with him, and they had a child together. He was abusive, and after many years of abuse she came forward to report what had been happening and sought specialist support from Women's Aid.

She has the right to work in the United Kingdom but doesn't have the right to access Social Housing and doesn't earn enough to be able to privately rent an apartment on her own at present. She also does not want to leave Northern Ireland as this is her daughter's home and her daughter is an UK national. She has been in refuge with her daughter for over a year and finds it incredibly difficult to see women come in and move on when she is stuck in a housing 'limbo' with her pre-teen child and just wants to be able to create a safe life for her child. She is not entitled to housing benefit due to her insecure immigration status, despite being a recognised victim of violence. She emotionally told us:

"I did not come to the country to be abused, and now I'm stuck."

³²¹ No Recourse to Public Funds Network [website](#) information on asylum support, last accessed 19 October 2023

³²² Home Office press release 21 April 2023 '[Home Secretary considers new 'sex for rent' law](#)'

Support for Women with Insecure Immigration Status

Victims of human trafficking in Northern Ireland are supported by Belfast & Lisburn Women's Aid, who manage the Human Trafficking Project funded through the Department of Justice. The women engaged in these services have been victims of abuse, including sexual abuse and exploitation, domestic servitude and domestic abuse who have insecure immigration status.

Some of the women are currently being housed in hotels by the Home Office for those with Asylum Seeker Status. The women living in these hotels are all recognised victims of human trafficking and the abuse they've experienced was horrific and deeply traumatising. These women require specialised support following this trauma and abuse.

Women within the Trafficking Project at Belfast & Lisburn Women's Aid have also shared their experiences with Women's Aid Federation Northern Ireland. They emphasise the difficult conditions they experience living in these hotels and as victims and survivors of gender-based violence, they have major concerns about the conditions for those women and girls living there who are incredibly traumatised, vulnerable, and alone. They highlighted several issues including that they do not feel safe with hotel staff as there have been several incidents of hotel rooms being searched and personal items going missing from their rooms. There are no support workers for many traumatised women and hotel staff do not have any understanding what these women have been through and are certainly not trauma informed.

One woman told Women's Aid Federation NI that:

"It came to light one of the night security men was going up the rooms of vulnerable women and it was only when another woman saw it and she was very concerned that she voiced her concerns to Women's Aid workers that we were able to tell the authorities and they moved him on to another hotel... She was afraid to speak in case she got in trouble."

Another woman told Women's Aid that as a victim of violence, she was placed in a hotel and was unable to leave her room due to a serious injury that prevented her from walking, so she was essentially left alone in a hotel room for 4 months without support despite what she had experienced. She didn't realise she could get support until a chance conversation with another woman housed in the Hotel who told her that she could speak to Women's Aid and she was then able to get the support she needed. No official advised her at any point that support was available to her and there was no language barrier.

If there is a true ambition to tackle violence against women and girls in Northern Ireland through provision and protections, it is important to remember that not all women and girls in Northern Ireland have the same right of access to support from the State and that is a major barrier for women and girls coming forward for help and getting the appropriate specialised support they need. Women's Aid Federation Northern Ireland stress it is appreciated that whilst immigration is a reserved matter for the UK Government, the provision of health and social care, as well as housing, is a devolved matter, and we need to create local mitigations to help support vulnerable women and girls who've been brutalised and traumatised due to gender based violence. As a society we know

they deserve the compassion and dignity to be supported like every other woman in Northern Ireland with secure immigration status.

Human trafficking and prostitution

Following The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 the then Department for Health, Social Services and Public Safety created a 'Leaving Prostitution Strategy'³²³, which was to develop a strategy and accompanying programme of assistance and support for those wishing to exit the industry. This was mandated by section 19 of the 2015 Act.

This strategy did not fulfil the requirement and emphasised the financial constraints on the Government at the time; it was little more than a signposting document. The strategy listed services already provided by the state such as job centres, by community and voluntary sector organisations for example those offering counselling, domestic abuse support and the existing Belfast Drop-in Service for Commercial Sex Workers at Bryson House. No programme of assistance and support was developed.

The situation has not improved with time. The review of the criminalisation of paying for Sexual Services³²⁴ in 2019 found that there is currently no specific targeted support for exiting in Northern Ireland and that support and exiting facilities are underdeveloped in Northern Ireland. Additionally, no agency has been given responsibility for managing or operationalising it. It emerged in 2021 that the so-called exit scheme amounted to an 18-page leaflet listing contact information for statutory services.³²⁵ There is also an NI Direct webpage with similar information. When checked on 2 September 2021, the link to an external support organisation was incorrect, this was reported and later corrected.³²⁶ Given the previous failing of the Department to deliver on commitments to support those choosing to exit, including consensual sex workers, it is difficult to envision services that would be adequate to support those trafficked into the sex work.

While it is important not to conflate all selling of sexual services, those who are trafficked must have targeted support and all those who choose to exit should have the access to the programme of assistance and support promised in 2015. Any support services must be adequately resourced, communicated and evaluated.

It should, finally, be noted that on a global level, the UN reports that many trafficking victims are forced to commit crimes, or act as fronts for criminal activity³²⁷. Such activity can include running brothels, forcing others to engage in prostitution, drug trafficking and other offences, and victims are often convicted with no consideration given to the forced nature of the activity; the European Court of Human Rights issued a judgement against the UK in such a case in 2021³²⁸.

³²³ Department of Health (December 2015) [Leaving Prostitution: a Strategy for help and support](#)

³²⁴ Department of Justice (September 2019) [A Review of the criminalisation of paying for sexual services in Northern Ireland](#)

³²⁵ *News Letter* 9 June 2021 '[Assembly's plan for £1.3m exit scheme for sex workers ended up as 'a helpline leaflet'](#)

³²⁶ See information on Paying for Sexual Services on the NI Direct [website](#), last accessed 29 November 2023

³²⁷ [Report](#) of the UN Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally (July 21)

³²⁸ Thomson Reuters 16 February 2021 '[Europe's rights court orders UK to compensate human trafficking victims](#)'

It would be helpful if consideration could be given to this issue of victims of trafficking being prosecuted for crimes they were *forced* to commit, ideally through an amendment to the Justice (Sexual Offences and Human Trafficking) Act 2022, clarifying the need to investigate cases comprehensively and institute appropriate mitigations, to ensure that victims of trafficking are not victimised a second time without due consideration of all relevant issues of the case.

Chapter VII recommendations:

Recommendation 1: Gender sensitive immigration services are urgently needed to provide protection to women from migrant, asylum seeking and refugee background

Recommendation 2: Asylum seeking women and those with insecure immigration status experiencing violence need reassurance that seeking help will not endanger their application or initiate deportation proceedings

Recommendation 3: Specialist services, including access to translators with appropriate skills, are required in Northern Ireland to support the growing community of women from migrant, asylum seeking and refugee background