



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**NIHRC Response to Call for Views: Domestic Abuse Strategy and Equally Safe Strategy – A Strategy to Tackle Violence against Women and Girls**

**March 2022**

# Table of Contents

<b>Summary of Recommendations .....</b>	<b>3</b>
<b>1.0 Introduction .....</b>	<b>4</b>
<b>2.0 Human Rights Standards.....</b>	<b>5</b>
European Convention on Human Rights .....	6
International Human Rights Standards .....	7
Istanbul Convention .....	8
Protocol Article 2 and the Victims' Directive .....	9
<b>3.0 General comments on the development of the strategies.....</b>	<b>11</b>

## Summary of Recommendations

The Northern Ireland Human Rights Commission (the Commission) recommends:

- 2.23 that the NI Executive and Departments consider and take into account the Victims' Directive and Protocol Article 2 during the development and implementation of both Strategies.
- 3.3 that the NI Executive and Departments reference specifically the relevant human rights standards.
- 3.5 the NI Executive and relevant Departments ensure that both strategies have dedicated ring-fenced funding that lasts the lifetime of each strategy.
- 3.11 reconsideration of a gender-neutral approach to the Domestic and Sexual Abuse Strategy and ensure the strategy includes specialised, gender-sensitive accessible support and actions for victims of domestic and sexual abuse.
- 3.15 that the NI Executive develop the Equally Safe Strategy to specifically address violence against women and girls perpetrated by men without further delay.
- 3.18 that the NI Executive and Departments ensure that both strategies address online gender-based violence, and are adaptable to take account of such developments.
- 3.22 the NI Executive and Departments ensure both strategies include measures to target marginalised and vulnerable women and girls.
- 3.24 the strategies include measures to improve the collection of disaggregated data on domestic and sexual abuse and gender-based violence.

## 1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (the Commission), pursuant to Section 69(1) the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights. The Commission pursuant to section 69(3) of the Northern Ireland Act 1998 shall advise the Executive Committee of the Assembly of legislative and other measures which ought to be taken to protect human rights. Further, the NIHRC, pursuant to section 78A(5) of the Northern Ireland Act, must advise the Executive Committee of the Assembly of legislative and other measures which ought to be taken to implement Article 2(1) of the Protocol on Ireland/Northern Ireland (Protocol Article 2) in the EU Withdrawal Agreement (rights of individuals).
- 1.2 The Commission bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, and the United Nations (UN) system and treaty obligations of the Council of Europe (CoE) and United Nations (UN). The relevant regional and international treaties in this context include:
- European Convention on Human Rights (ECHR);<sup>1</sup>
  - CoE Convention on Preventing and Combating Violence against Women (Istanbul Convention);<sup>2</sup>
  - UN Convention on Civil and Political Rights (UN ICCPR);<sup>3</sup>
  - UN Convention on Elimination of Discrimination against Women (UN CEDAW);<sup>4</sup>
  - UN Convention against Torture (UN CAT);<sup>5</sup>
- 1.3 In addition to these treaty standards, there exists a body of 'soft law' developed by the human rights bodies of the CoE and UN. These declarations and principles are non-binding, but provide further guidance in respect of specific areas. The relevant standards in this context include:

---

<sup>1</sup> Ratified by the UK 1951. Further guidance is also taken from the body of case law from the European Court of Human Rights (ECtHR).

<sup>2</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), 11 April 2011.

<sup>3</sup> Ratified by the UK 1966.

<sup>4</sup> Ratified by the UK 1986.

<sup>5</sup> Ratified by the UK 1988.

- UN CAT Committee Concluding Observations 2019;<sup>6</sup>
- UN CEDAW Committee Concluding Observations 2019;<sup>7</sup>
- UN Human Rights Committee General Comment 32;<sup>8</sup> and
- UN Declaration on the Elimination of Violence against Women.<sup>9</sup>

1.4 The Commission further advises on the UK Government commitment in Protocol Article 2(1) to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the EU. This is given effect in UK law by section 7A of the EU (Withdrawal) Act 2018. In addition, Section 6 of the Northern Ireland Act 1998 provides that the NI Assembly is prohibited from making any law which is incompatible with Protocol Article 2. Section 24 of the 1998 Act also provides that all acts of the Department should be compatible with Protocol Article 2.

1.5 The Commission welcomes the Call for Views to inform the development of a new "Domestic and Sexual Abuse Strategy" and an "Equally Safe Strategy – A Strategy to tackle Violence against Women and Girls". This submission outlines relevant human rights standards that the Department of Health, the Department of Justice and Executive should consider to help inform the content, actions and overall direction of the two strategies. The Commission understands the final draft strategies will also be subject to a full public consultation and welcomes the opportunity to provide further detail and advice on the content of the strategies at that stage.

## 2.0 Human Rights Standards

2.1 International human rights law places a number of specific positive obligations on the Northern Ireland (NI) Executive to safeguard the rights of individuals who have been victims of domestic and/or sexual abuse and/or gender-based violence. There is also a positive obligation to ensure that an appropriate legal framework is in place to protect individuals from human rights abuses and violations. Domestic and sexual abuse and gender-based violence violate a number of human rights. The primary standards are set out below.

---

<sup>6</sup> CAT/C/GBR/CO/6, 'UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 7 June 2019.

<sup>7</sup> CEDAW/C/GBR/CO/8, 'UN CEDAW Committee Concluding Observations on the UK Eighth Periodic Report', 8 March 2019.

<sup>8</sup> CCPR/C/GC/32, 'UN Human Rights Committee General Comment No 32: Article 14 on the Right to Equality Before the Courts and Tribunals and to a Fair Trial', 23 August 2007, at para 29.

<sup>9</sup> UN General Assembly, 'Declaration on the Elimination of Violence against Women', 20 December 1993.

## European Convention on Human Rights

- 2.2 Domestic and sexual abuse and gender-based violence engage a number of rights under the European Convention of Human Rights (ECHR). These include Article 2 (the right to life); Article 3 (freedom from torture, inhuman and degrading treatment); Article 8 (right to a private and family life, including bodily integrity; and, Article 14 (freedom from discrimination in the enjoyment of other ECHR rights).
- 2.3 The European Court of Human Rights (ECtHR) has held that the State has a responsibility to protect individuals from violence by third parties. This has been particularly true in cases involving victims of domestic and sexual abuse and gender-based violence. There are positive obligations under Article 2 ECHR to take appropriate steps to safeguard the lives of people, in the context of any activity, whether public or not, in which the right to life may be at stake.<sup>10</sup> The duty is to take reasonable steps where there are real and immediate threats to life, including by a third party.<sup>11</sup>
- 2.4 Article 3 ECHR is an absolute right, from which no interference can be justified.<sup>12</sup> If measures designed to protect victims of violence are not used in an individual case, the State can be held responsible for the breach.<sup>13</sup>
- 2.5 Article 8 ECHR protects against arbitrary interference with the right to respect for private and family life, home and correspondence. The ECtHR has held that the scope of Article 8 includes the physical and psychological integrity of the individual.<sup>14</sup> The obligation extends to protecting citizens from violence by others, including private individuals.<sup>15</sup> There must be in place effective and accessible means of protecting the right.<sup>16</sup> There is a positive obligation to develop, maintain and apply in practice an adequate legal framework affording protection against acts of violence by private individuals.<sup>17</sup> That includes the duty to ensure that efficient criminal law provisions are in place.<sup>18</sup>

---

<sup>10</sup> *Case of Centre for Legal Resources on Behalf of Valentin Campeanu v Romania* (2014) ECHR 14.

<sup>11</sup> *Osman v the United Kingdom* (1998) ECHR 101, at para 116.

<sup>12</sup> *Chahal v the United Kingdom* (1996) ECHR 413.

<sup>13</sup> For example, *Levchuk v. Ukraine*, Application no. 17496/19, 3 September 2020; *Bevacqua and S. v. Bulgaria*, Application no. 71127/01 & *A. v. Croatia*, Application no. 55164/08, 14 January 2011.

<sup>14</sup> *X and Y v the Netherlands*, Application no. 8978/80, 26 March 1985, at para 22.

<sup>15</sup> For example, *Miličević v. Montenegro*, Application no. 27821/16, 6 November 2018; *Nitecki v. Poland* (2002) ECHR ECHR 21 & *Sentges v. the Netherlands*, Application no. 27677/02, 8 July 2003.

<sup>16</sup> For example, *Airey v Ireland* (1979) 2 EHRR 305; *McGinley and Egan v United Kingdom* (1998) ECHR 51; *Roche v The United Kingdom* (2005) ECHR 19.

<sup>17</sup> For example, *Sandra Jankovic v. Croatia*, Application no. 38478/05, 14 September 2009.

<sup>18</sup> For example, *E. S. and Others v. Slovakia*, Application no. 8227/04, 15 December 2009.

2.6 Article 14 ECHR protects against discrimination in the enjoyment of another ECHR right on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Domestic and sexual abuse and gender-based violence affect women and girls disproportionately.<sup>19</sup> Therefore, in respect of the enjoyment of Article 2, 3 and 8 rights, Article 14 will also be engaged. That means the State is obligated to identify and address the disproportionate, discriminatory impact of domestic and sexual abuse and gender-based violence.<sup>20</sup>

## **International Human Rights Standards**

2.7 The relevant international human rights standards are the UN Convention on Elimination and Discrimination against Women (UN CEDAW) and the UN Convention against Torture (UN CAT). Article 2 of the UN CEDAW provides that states must condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women. Article 16 of the UN CAT provides that the state shall prevent under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.

2.8 The UN CAT Committee and UN CEDAW Committee have highlighted domestic and sexual abuse and gender-based violence as a persistent issue in NI.<sup>21</sup> Both UN Committees have highlighted the disproportionate impact on women and girls and the need for gender sensitive policies to provide protection, prosecution and redress.<sup>22</sup>

2.9 The UN CAT Committee, in its 2019 Concluding Observations on the UK, raised concerns about sexual and gender-based violence, recording increasing numbers of domestic abuse crimes and sexual offences, mainly against women, while also recording low prosecution and conviction

---

<sup>19</sup> CAT/C/GBR/CO/6, 'UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 7 June 2019, at para 56; CEDAW/C/GBR/CO/8, 'UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI', 14 March 2019, at para 29.

<sup>20</sup> For example, *Opuz v. Turkey*, Application no. 33401/02, 9 September 2009.

<sup>21</sup> CAT/C/GBR/CO/6, 'UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 7 June 2019, at para 56; CEDAW/C/GBR/CO/8, 'UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI', 14 March 2019, at para 29.

<sup>22</sup> Ibid.

rates.<sup>23</sup> The UN CAT Committee recommended “that all domestic violence cases, in all United Kingdom (UK) territories and dependencies, are thoroughly investigated, that perpetrators are prosecuted and, if they are convicted, are punished with appropriate sanctions”.<sup>24</sup> Furthermore, that “victims have access to effective remedies and means of protection, including strong police protection”.<sup>25</sup>

- 2.10 The UN CEDAW Committee, in its 2019 Concluding Observations on the UK, noted “with particular concern the inadequacy of laws and policies to protect women in Northern Ireland (from gender-based violence)” and recommended that the UK ratify the Istanbul Convention.<sup>26</sup> The Commission agrees that the Convention should be ratified.
- 2.11 The UN CEDAW General Recommendation No.35 on gender-based violence against women recommends that States parties take the following measures in the areas of prevention, protection, prosecution, punishment and redress; data collection and monitoring and international cooperation to accelerate elimination of gender-based violence against women. All these measures should be implemented with a victim/survivor centred approach, acknowledging women as subjects of rights and promoting their agency and autonomy, including the evolving capacity of girls, from childhood to adolescence.<sup>27</sup> The Commission advises the Departments and Executive use General Recommendation No.35 as a guide to the development of both strategies.

## **Istanbul Convention**

- 2.12 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) provides a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence. It can also be used as an indicator of best practice and provide guidance on how to develop legislation in relation to sexual offences.

---

<sup>23</sup> CAT/C/GBR/CO/6, ‘UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI’, 7 June 2019, at para 56.

<sup>24</sup> CAT/C/GBR/CO/6, ‘UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI’, 7 June 2019, at para 57.

<sup>25</sup> CAT/C/GBR/CO/6, ‘UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI’, 7 June 2019, at para 57.

<sup>26</sup> CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI’, 14 March 2019, at para 29.

<sup>27</sup> CEDAW/C/GC/35, ‘Committee on the Elimination of Discrimination against Women General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19’, 14 July 2017.



- 2.13 Article 7 of the Istanbul Convention provides that states must have comprehensive and co-ordinated policies and take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women. Article 12 of the Convention further provides that states shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of the Convention by any natural or legal person.
- 2.14 Though signed, the UK has not yet ratified the Istanbul Convention. However, the UK Government has made it clear that it intends to ratify the Istanbul Convention and is currently in the process of addressing existing areas of non-compliance within its domestic legal frameworks.<sup>28</sup> Therefore, the Commission would highlight that the Department must be cognisant of the Istanbul Convention and use it as guide when developing both strategies.

### **Protocol Article 2 and the Victims' Directive**

- 2.15 Protocol Article 2 requires the UK Government and the NI Executive to ensure that no diminution of rights, safeguards and equality of opportunities contained in the relevant part of the Belfast (Good Friday) Agreement 1998 occurs as a result of the UK's withdrawal from the EU. This includes an obligation to "keep pace" with any changes made by the six Annex 1 Equality Directives which improve the minimum levels of protection available, after 1 January 2021.<sup>29</sup>
- 2.16 For other EU obligations which underpin the rights, safeguards and equality of opportunity in Article 2, the UK Government commitment to ensure 'no diminution' is measured by the relevant EU standards on 31 December 2020.<sup>30</sup>

---

<sup>28</sup> Preventing and Combating Violence against Women and Domestic Violence (Ratification of Convention) Act 2017; Home Office, 'Ratification of the CoE Convention on Combating Violence against Women and Girls and Domestic Violence (Istanbul Convention) – 2020 Report on Progress' (HO, 2020), at Annex A.

<sup>29</sup> UK Government, 'UK Government commitment to no-diminution of rights, safeguards and equality of opportunity in Northern Ireland', (NIO, 2020), at 13.

<sup>30</sup> UK Government, 'UK Government commitment to no-diminution of rights, safeguards and equality of opportunity in Northern Ireland', (NIO, 2020), at para 13.

- 2.17 The rights, safeguards and equality of opportunity in the relevant part of the Belfast (Good Friday) Agreement include “the rights of victims to remember as well as to contribute to a changed society”.<sup>31</sup> The UK Government has recognised a non-exhaustive list of relevant measures which fall within scope of the commitment in Protocol Article 2, which include the Victims’ Directive.<sup>32</sup>
- 2.18 The Victims’ Directive reinforces existing national laws and EU minimum standards on victims’ rights and support and protection for victims of crime.<sup>33</sup> The Directive recognises that where physical, sexual, psychological or economic violence is committed in a close relationship, this can cause psychological and physical trauma and such victims are therefore in need of special protection measures.<sup>34</sup> Moreover, the Directive acknowledges that women are disproportionately impacted by this harm.<sup>35</sup>
- 2.19 The Victims’ Directive identifies that gender-based violence is directed at a person because of their gender, gender identity or gender expression, noting:
- Gender-based violence is understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called ‘honour crimes’.<sup>36</sup>
- 2.20 The Directive states that women victims and their children require specialist support and protection due to the high risk of repeat and secondary victimisation, intimidation or retaliation associated with this type of violence.<sup>37</sup>
- 2.21 The Victims’ Directive notes that States should ensure appropriate training to identify victims and their specific needs is provided to police services,

---

<sup>31</sup> Belfast (Good Friday) Agreement, 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity.

<sup>32</sup> Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>33</sup> Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>34</sup> Recital 18, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>35</sup> Ibid.

<sup>36</sup> Recital 18, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>37</sup> Ibid. See also; Recital 57, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

court staff, lawyers, prosecutors and judges, as well as providing gender sensitive specialist support services where relevant.<sup>38</sup> Article 9 of the Directive provides for specialist support for victims with specific needs including “victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling”.<sup>39</sup>

2.22 Article 22 of the Victims’ Directive requires States to ensure victims receive a timely and individual assessment to identify protection needs. Article 22(3) requires states to pay particular attention to victims who have suffered a crime with a biased or discriminatory motive and victims whose relationship with the offender makes them particularly vulnerable, including victims of gender-based violence or violence within a close relationship.<sup>40</sup> Article 23 of the Directive provides for the right to protection for victims during criminal proceedings where a victim has been assessed as requiring special support and protection under Article 22.<sup>41</sup>

**2.23 The Commission recommends that the NI Executive and Departments consider and take into account the Victims’ Directive and Protocol Article 2 during the development and implementation of both Strategies.**

### **3.0 General comments on the development of the strategies**

3.1 The Commission welcomes the strategies as a step towards the positive realisation of the rights of women and girls, as protected by the international human rights framework. The Commission also notes that these strategies provide an opportunity to address the particular recommendations and guidance of the UN CAT and UN CEDAW Committees. Taking a human rights-based approach will ensure that human rights are put at the centre of policies and practice. In doing so, explicit reference should be made to the relevant human rights standards which should be used to guide substantive content.

3.2 The PANEL principles should be used as a guide to developing a human rights-based approach in practice. PANEL stands for Participation,

---

<sup>38</sup> Recital 61, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>39</sup> Article 9, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>40</sup> Article 22, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>41</sup> Article 23, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

Accountability, Non-Discrimination and Equality, Empowerment and Legality. Participation provides that people should be involved in decisions that affect their rights. Accountability provides that there should be monitoring of how people's rights are being affected, as well as remedies when things go wrong. Non-Discrimination and Equality ensures that all forms of discrimination must be prohibited, prevented and eliminated and that people who face the biggest barriers to realising their rights should be prioritised. Empowerment provides that everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives. Legality provides that approaches should be grounded in the legal rights that are set out in domestic and international laws.<sup>42</sup>

**3.3 The Commission recommends that the NI Executive and Departments reference specifically the relevant human rights standards.**

3.4 The Commission reminds that Article 8 of the Istanbul Convention states:

parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

**3.5 The Commission recommends the NI Executive and relevant Departments ensure that both strategies have dedicated ring-fenced funding that lasts the lifetime of each strategy.**

3.6 The Commission welcomes the objectives and work streams of the Domestic and Sexual Abuse Strategy including: driving change together; prevention and early intervention; responsive services; supporting different needs and; protection and justice. However, the Commission is concerned that the strategy will take a gender-neutral approach to address domestic and sexual abuse.

3.7 The Commission understands that domestic and sexual abuse affects people of all genders and that the strategy will ensure measures to assist all victims but statistics establish that domestic and sexual abuse disproportionately affect women and girls. Therefore, the proposed measures and objectives should specifically recognise and address that disproportionate impact.

3.8 The UN CEDAW Committee recommended that UK Government and NI Assembly ensure that the policy of commissioning services does not

---

<sup>42</sup> ENNHRI, 'Human Rights Based Approach'. Available at: <https://ennhri.org/about-nhris/human-rights-based-approach/>

undermine the provision of specialised services for women who are victims of gender-based violence.<sup>43</sup>

- 3.9 The EU Victims' Directive recognises that women are disproportionately affected by violence in a close relationship and that women victims require specialised support and protection because of a high risk of secondary and repeat victimisation.<sup>44</sup> The Directive contains specific provisions to deal with gender-based violence, including identifying specific protection needs and accessing special measures during criminal proceedings.<sup>45</sup>
- 3.10 Furthermore, Article 6 of the Istanbul Convention refers to the need for gender-sensitive policies providing that parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of the Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.
- 3.11 **The Commission recommends reconsideration of a gender-neutral approach to the Domestic and Sexual Abuse Strategy and ensure the strategy includes specialised, gender-sensitive accessible support and actions for victims of domestic and sexual abuse.**
- 3.12 The Commission welcomes the development of the Equally Safe Strategy to tackle violence against women and girls as an Executive priority and that the Executive recognises there is work to be done to understand the nature, scope and extent of the violence and unwanted behaviour women and girls face, in both the physical world and online.
- 3.13 The Commission highlight that NI remains significantly behind the rest of the UK jurisdictions in developing a strategy to tackle violence against women and girls. The UK Government's 'Violence against Women and Girls Strategy' includes actions addressing domestic abuse, 'honour-based' abuse, stalking and sexual violence, and the attitudes and behaviours that discriminate against women and girls.<sup>46</sup> The UK Government published a refreshed Strategy for England and Wales in 2019.<sup>47</sup> The Scottish Government have also published the Equally Safe: Scotland's strategy to eradicate violence against women in 2018.<sup>48</sup>

---

<sup>43</sup> CEDAW/C/GBR/CO/8, 'UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI', 14 March 2019, at para 29.

<sup>44</sup> Recitals 17 and 18, Directive 2012/29/EU, 'Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.

<sup>45</sup> Articles 22 and 23, Directive 2012/29/EU, 'Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.

<sup>46</sup> Home Office, 'Policy paper: Tackling violence against women and girls strategy', July 2021. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1033934/Tackling\\_Violence\\_Against\\_Women\\_and\\_Girls\\_Strategy\\_-\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033934/Tackling_Violence_Against_Women_and_Girls_Strategy_-_July_2021.pdf)

<sup>47</sup> Ibid.

<sup>48</sup> Available at: <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/documents/>

- 3.14 The Commission notes that the Executive is “inclined” to think the Equally Safe Strategy should focus on women and girls but is concerned this means the strategy could be diluted to address violence more generally. As highlighted above, a gender-neutral approach is not recommended to address gender-based violence.
- 3.15 **The Commission recommends that the NI Executive develop the Equally Safe Strategy to specifically address violence against women and girls perpetrated by men without further delay.**
- 3.16 The Commission welcomes the inclusion of violence and abuse online. Cyberviolence is an increasing problem worldwide and is often gender-based, targeting women and girls. Such violence takes many forms including: cyberharassment; revenge porn; and, threats of rape, sexual assault or murder. States must address cyberviolence as much as any other form of violence against women.<sup>49</sup> The European Court of Human Rights in *Buturugă v. Romania*, emphasised the need to comprehensively address the phenomenon of domestic violence in all its forms. In that case, the authorities were wrong to dismiss the link between cyberbullying and domestic violence which the victim had already reported to them. The authorities failed to take into consideration the various forms that domestic violence could take and in so doing violated Article 8 ECHR.
- 3.17 The Commission also highlights the fact that new forms of cyberviolence and gender-based violence using technology are emerging and developing rapidly. The strategies should recognise and be sufficiently flexible to adapt to this ever-changing landscape. For example, there have been increasing reports of the use of cyber ‘stalkerware’. Stalkerware are highly intrusive spy applications that monitor someone’s activities and communications without their knowledge or consent.<sup>50</sup>
- 3.18 **The Commission recommends that the NI Executive and Departments ensure that both strategies address online gender-based violence, and are adaptable to take account of such developments.**
- 3.19 The Commission highlights that the strategies should include measures to recognise intersectionality and ensure the needs of groups with particular vulnerabilities are addressed.
- 3.20 The Victims’ Directive requires all victims of crime be recognised and treated in a respectful and sensitive manner, without discrimination of any kind based on any ground including, but not limited to, race, membership of a national minority, residence status and disability.<sup>51</sup>

---

<sup>49</sup> Council of Europe, ‘Cyberviolence against women’. Available at:

<https://www.coe.int/en/web/cyberviolence/cyberviolence-against-women>

<sup>50</sup> European Parliamentary Research Service, ‘Combating gender-based violence: Cyber violence’, March 2021.

<sup>51</sup> Recital 9, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

- 3.21 The UN CEDAW Committee has expressed concerns in regards to asylum-seeking women, migrants and women with insecure immigration status who experience gender-based violence, including domestic violence and rape, refrain from seeking protection and support services for fear of having their immigration status reported to authorities. As well as women with disabilities face challenges in gaining access to justice and seeking protection for gender-based violence, in particular when violence is perpetrated by their caregivers.<sup>52</sup>
- 3.22 **The Commission recommends the NI Executive and Departments ensure both strategies include measures to target marginalised and vulnerable women and girls.**
- 3.23 The Commission recommends that both strategies include provision for the collection of disaggregated data. The UN CEDAW Committee, in its 2019 concluding observations on the UK, recommended that the UK Government and NI Executive “systematically collect and publish data, disaggregated by sex, gender, ethnicity, disability and age, throughout the whole of its territory to inform policymaking and assess the impact of measures taken”.<sup>53</sup> Article 11 of the Istanbul Convention also highlights the importance of data collection and research, which must be disaggregated if it is to be helpful. Furthermore, Recital 64 of the Victims’ Directive highlights systematic and adequate statistical data collection as an essential component of effective policymaking in the field of rights set out in the Directive.<sup>54</sup>
- 3.24 **The Commission recommends the strategies include measures to improve the collection of disaggregated data on domestic and sexual abuse and gender-based violence.**
- 3.25 The Commission welcomes the fact that the two strategies will be informed by evidence of people’s lived experience and that there will be engagement with relevant stakeholders, including a number of focus groups throughout the development of the strategies. The Commission stresses that engagement with those with lived experience must be conducted with appropriate support and in a sensitive and appropriate manner so as not to re-traumatise victims. Recital 57 of the Victims’ Directive makes specific reference to victims of violence in close relationships, sexual violence or exploitation, gender-based violence tend to experience a high rate of secondary and repeat victimisation, of intimidation and of retaliation and that therefore particular care should be taken when assessing whether such victims are at risk and will benefit from special protection measures.<sup>55</sup>

---

<sup>52</sup> CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI’, 14 March 2019, at para 29.

<sup>53</sup> CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI’, 14 March 2019, at para 26(d).

<sup>54</sup> Recital 64, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

<sup>55</sup> Recital 57, Directive 2012/29/EU, ‘Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime’, 25 October 2012.

3.26 The Commission appreciates the significant progress that is being made in legislative and policy developments. However, there remains a number of areas which require further action. This includes full implementation of the Gillen Review recommendations and measures.



## Contact us

**Rhyannon Blythe – Director of Legal, Policy, Research and Investigations**

**[Rhyannon.blythe@nihrc.org](mailto:Rhyannon.blythe@nihrc.org)**

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987  
4<sup>th</sup> Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

